



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 8 SEPTEMBER 2020
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest

Council Officials Present:

Mrs M Patterson, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Mr T Reid, Head of Infrastructure
Mr D Proudfoot, Head of Development
Ms L Brown, Head of Education
Mr C Grilli, Service Manager – Legal
Ms Z Rathe, Team Manager – Information Governance
Mr S Cooper, Team Manager – Communications
Ms L Gillingwater, Team Manager – Democratic Services

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 10 MARCH 2020

The minutes of the meeting of the Cabinet of 10 March 2020 were approved.

2. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 – COMPLIANCE STATISTICS IN 2019

A report was submitted by the Depute Chief Executive (Resources and People Services) on the Council's compliance with a) the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and b) the one month timescale laid down by the Data Protection Act 2018 (GDPR), both for the calendar year 2019 (i.e.: from 1 January 2019 to 31 December 2019).

Zarya Rathe, Team Manager for Information Governance, presented the report. She gave details of the total number of Freedom of Information (FOI) requests in 2019, a decrease from the previous year. She drew attention to the tables at paragraphs 3.5 and 3.6, which provided a breakdown of response timescales, highlighting the improved performance. She informed Members that the improved performance was the result of a significant effort from all Service areas to improve response times, the full backing of the Council Management Team, and new measures introduced by the Feedback Team Leader.

Councillor Goodfellow asked about the cost of responding to FOI requests and whether monitoring indicated costs were escalating. Ms Rathe advised that there was an upper limit of £600, beyond which the Council did not need to respond to requests. She clarified that the costs of each FOI were not tracked but she would discuss this with the Team Leader for Customer Feedback and FOI to see if this was possible. She stated that charging had been introduced for environmental requests as permitted under the legislation.

Responding to a query from Councillor McMillan regarding persistent FOI enquirers, Ms Rathe advised that every request was allocated a case reference number along with the enquirer's name; persistent enquirers for the last 3 years could be identified. She added that the Council had not had to refuse any requests due to their vexatious nature.

The Convener asked if Councillors, MPs and MSPs made a FOI request if this came under the 'General Public' category. Ms Rathe thought this was the case but said she would check and confirm to Members.

Councillor McMillan praised the officers for the totally confidential way in which these requests were handled.

Decision

The Cabinet agreed to note the report.

Post Meeting Note

Ms Rathe confirmed that requests from Councillors, MPs and MSPs were categorised under 'General Public' for the purposes of reporting. These enquiries were not currently tracked as a distinct group.

3. SCOTTISH GOVERNMENT TOWN CENTRE FUND 2019–20

A report was submitted by the Head of Development seeking approval to amend the project list that would receive Scottish Government Town Centre Fund 19/20 support in the context

of COVID-19 and the prospect that no further flexibility would be forthcoming in respect of grant criteria, most specifically when the grant monies required to be fully spent by.

Douglas Proudfoot, Head of Development, presented the report. He took Members through the background to the current position, highlighting the Scottish Government's grant allocation and criteria and the projects originally planned. The Scottish Government had since extended legal commitment and spent by dates by one year but had indicated that these dates would not be extended any further. He stated that the extension of the grant criteria was welcomed however with a realignment of priorities due to COVID-19 the Whittingehame Drive project could not be completed within the extended timeframe. Officers had therefore re-visited the original options appraisal in the context of the now tighter deadline and reviewed the readiness of potential projects against grant criteria most notably the overall funding deadline to identify a replacement project. He outlined the details of the replacement Prestonpans project, drawing attention to its aim, context and impact. He also referred to the financial implications and to stipulations of the Scottish Government grant.

Referring to the Prestonpans works Councillor O'Donnell asked if the September 2021 deadline would be met given the specialist nature of the work and also queried, after restoration, who would be responsible for maintenance. Mr Proudfoot stated it would be a challenge; it would have been better if there had been flexibility at the outset. The Council would continue to engage with Scottish Government officers. He reiterated that the Scottish Government required confirmation in March 2021 of the funds committed and of the full spend by September 2021. Officers, across many departments of the Council, were working closely together and working with external appointed contractors and the local community. Tom Reid, Head of Infrastructure, added that a detailed study had been commissioned by the PSG Area Partnership on the scope of works required which placed the Council in a good position as regards procurement works. He was sure the work could be done within the timeframe. Regarding maintenance, this would remain with the Council's Engineering Team who would work with the National Trust regarding ongoing protection of the asset.

Responding to Councillor McMillan's queries, referring to sections 3.13/3.14 of the report, Mr Proudfoot reiterated his earlier comments. He added a caveat, stressing that the Council had to continue to meet Scottish Government guidelines and criteria and needed to work with, and engage with, the community. This needed to be a transformative project for the town.

Councillor Bruce asked how this project would be used to help people in the community get new skills. Mr Reid outlined some potential opportunities. He indicated that there were a number of organisations across the area that would be involved and that PSG Area Partnership involvement would be pivotal.

Opening the debate Councillor O'Donnell thanked officers and stated that the local community, Prestonpans Community Council, PSG Area Partnership, and Heritage Groups all had a desire to see this project through. She stressed that tackling inequalities was not just about welfare but about giving a sense of hope for the future. Other areas had seen the benefits of investing in heritage; this was great news for the local community as this area had a rich heritage. This project would provide young people with opportunities. It would encourage visitors to the area. Prestonpans was a great place to live, learn and work.

Councillor McMillan drew attention to the investment in Haddington over recent years including works to the Corn Exchange and the upcoming modernisation works to the Town House. He made reference to the need to realign priorities due to COVID-19. He highlighted the *Stay Safe and Love East Lothian* campaign. Regarding parking, more provision was still needed in Haddington; consultation and community engagement were currently taking place.

Councillor Akhtar welcomed the paper. She stressed the importance of having full flexibility from the Scottish Government as without this the Council could not engage as required with local communities to take this process forward.

The Convener also welcomed this paper; the proposals would be hugely beneficial.

Decision

The Cabinet agreed (unanimously by roll call vote):

- i. to approve the change of proposal for inclusion in the Scottish Government Town Centre Fund from the project *Haddington Town Centre: New facilities at Whittingehame Drive to increase public parking availability in support of Town Centre improvements* with a project to re-generate Preston Tower, Doocot and enclosure walls at Prestonpans; and
- ii. to note the following (revised) key deadlines associated with the Town Centre Fund:
 - Progress including notification of any underspend to be reported to Scottish Government by November 2020,
 - Funds must be legally committed by end March 2021, and;
 - Funds must be spent by September 2021.

Signed

Councillor Norman Hampshire
Depute Council Leader and Depute Convener of the Cabinet