



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 15 DECEMBER 2020
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)	Councillor C Hoy
Councillor S Akhtar	Councillor W Innes
Councillor L Bruce	Councillor S Kempson
Councillor S Currie	Councillor G Mackett
Councillor F Dugdale	Councillor K Mackie
Councillor J Findlay	Councillor C McGinn
Councillor A Forrest	Councillor P McLennan
Councillor N Gilbert	Councillor K McLeod
Councillor J Goodfellow	Councillor F O'Donnell
Councillor N Hampshire	Councillor T Trotter
Councillor J Henderson	Councillor J Williamson

Council Officials Present:

Ms M Patterson, Chief Executive
Ms A MacDonald, Director of Health and Social Care
Mr A McCrorie, Depute Chief Executive
Ms L Brown, Head of Education & Children's Services
Ms S Fortune, Chief Operating Officer – Finance
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Mr T Reid, Head of Infrastructure
Ms J Tait, Chief Operating Officer – Children's Services
Mr M Bedwell, School Estate Planning Officer
Ms T Carlyle, Group Service Manager – Rehabilitation and Access
Mr S Cooper, Team Manager – Communications
Mr N Craik-Collins, Education Service Manager
Ms R Crichton, Committees Officer
Ms F Currie, Committees Officer
Mr C Grilli, Service Manager – Legal and Procurement
Mr K Dingwall, Service Manager – Planning
Ms L Kerr, Interim Business General Manager (Adult Wellbeing)
Mr M Mackowiak, Planner
Mr G Marsden, Planning Obligation Officer
Ms C Molloy, Project Manager
Mr E Reid, Service Manager – Strategic Asset and Capital Plan
Ms A Smith, Committees Officer
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

None

Declarations of Interest:

Item 6 – Councillor McLennan declared an interest on account of his employment status.

Prior to the commencement of business, the Provost advised that the meeting was being held remotely, in accordance with the Scottish Government's guidance on physical distancing; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The clerk recorded attendance by roll call.

1. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 27 October 2020.

2. MINUTES FOR NOTING

The minutes of the following meeting were noted: East Lothian Local Review Body (Planning), 10 September 2020.

3. CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2019/20

A report was submitted by the Chief Social Work Officer, presenting her Annual Report for 2019/20.

The Chief Social Work Officer, Judith Tait, provided a detailed overview of her report, advising that it focused on the current demands on social work services and the future shape of those services. She spoke of the focus on solutions to enable children and adults to remain within their own communities, and the importance of partnership working to improve services. She also drew attention to the positive evaluations of recent inspections, as well as increasing capacity for early intervention. However, she warned of the impact of COVID-19 on mental health services, poverty levels, violence against women and carer stress. She referred to ongoing changes within social work services to ensure long-term sustainability and the commitment of staff to deliver service improvements.

In response to questions from Councillor O'Donnell, Ms Tait advised that since the closure of Haddington Sheriff Court in 2015, there had been a significant reduction in the number of community payback orders for people from East Lothian. However, there was no evidence

that East Lothian residents were being incarcerated at a higher rate. She noted that information on the extension for the presumption against short-term sentences was not yet available. On information-sharing, Members were informed that robust systems were in place and that the Council worked with HMP Edinburgh to ensure plans were in place to help released prisoners to reintegrate into their community.

Councillor Forrest asked about current levels of expenditure within social work services. Ms Tait reminded him that as this report was concerned with 2019/20, it would not reflect current expenditure levels, although costs had increased as a result of COVID-19. She advised that additional funding had been awarded to the Council for specific social work services, such as children's mental health services. She offered to provide further information outwith the meeting.

Councillor Akhtar asked how the challenges facing social work services would be addressed. She was advised that the approach to reducing domestic violence would be reviewed, that the commissioning of services within the Health & Social Care Partnership (HSCP) was being considered, that additional resources would be allocated to address the Covid-19-related backlog, and that working methods, e.g. working from home, would be looked at. Ms Tait commented that staff had welcomed the opportunity to work more flexibly; however, she stressed the value of face-to-face contact and positive relationships when providing social work services.

Councillor Dugdale asked for further detail on adult social care referrals and assessments. Ms Tait explained that an increase in referrals alongside a decrease in assessments could be positive, as it demonstrated that people were being directed to the right services without the need for lengthy assessments.

As regards mental health services, Trish Carlyle, Group Service Manager – Rehabilitation and Access, advised that existing staff were being supported to undertake training which would allow them to apply for other posts within the service, which would increase capacity.

Responding to questions from Councillor Currie on the review of adult social care and post-Brexit planning, Alison MacDonald, Director of Health and Social Care, advised that mobilisation plans were reviewed regularly to ensure they were fit for purpose. She explained that the HSCP worked with providers in the independent and third sectors, and that there were no specific issues as regards the current workforce, although Brexit may have an impact on future recruitment. On complex care cases, she advised that there were no significant issues with clients being placed externally, and that the HSCP worked with the Council's Housing Team to bring clients back to East Lothian.

Councillor Bruce asked if there were any concerns over staff workload. Ms Tait highlighted the importance of early intervention and preventative measures. She advised that referral levels were monitored, including looking at trends and data from previous years, and that managers ensured that officer workload was appropriate. On the capacity of mental health officers, Ms Carlyle noted that appropriately trained staff from other teams could be brought in to assist this service on an ad hoc basis to respond to demand. Ms Tait undertook to provide further information to Members on the numbers of qualified social work staff.

In response to a question from Councillor Goodfellow on drug and alcohol abuse, Ms Tait indicated that there was no significant difference in the figures between 2018 and 2019, although there had been an increase in female cases in 2019.

On the recruitment of foster carers, Ms Tait reported that recruitment was going well and that retention rates were strong. She added that efforts would be made to recruit befriending

families through one of the Council's commissioned services, which would hopefully lead to more people becoming aware of the opportunity to take up fostering.

Councillor O'Donnell thanked Ms Tait for her report, and paid tribute to social work staff, the Council's partners and those in the third sector who delivered services. She expressed concern at the rise in the number of Universal Credit claimants in East Lothian, and also the potential impact of a no-deal Brexit. She emphasised the need to protect social work services and service users in light of the challenges facing the Council.

Councillor Currie welcomed the report and the approach taken by the Council and its partners to deliver services. On mobilisation plans, he advised that further funding would be made available. He welcomed that outcomes for individuals was the Council's priority, and thanked everyone involved for their commitment.

Councillor Hoy made reference to the '16 days of activism against gender-based violence' campaign, urging the Council and local businesses to sign the campaign pledge. [Note – it was pointed out later in the meeting that the Depute Leader had signed this pledge.] He highlighted the impact of COVID-19 on gender-based inequality and violence, suggesting that the Council should prioritise efforts to tackle this issue.

Councillor McGinn drew Members' attention to the 2019 inspection of Lothian Villa, which had been rated 'excellent' for the quality of care and support provided to the young people, and for the quality of staffing. He paid tribute to the staff for their professionalism and commitment.

Councillor Akhtar concluded the debate by thanking Ms Tait, Ms MacDonald and their staff for their work to ensure the best outcomes for children and families. She highlighted the levels of child poverty in East Lothian, and the increase in Universal Credit applications, which had put significant pressure on families, and also the added demands on services associated with COVID-19. She echoed Councillor McGinn's comments as regards Lothian Villa, and made mention of the importance of corporate parenting and fostering services, as well as additional services provided at the Olive Bank Child and Family Centre. She agreed with comments made as regards tackling gender-based inequality and violence.

Decision

The Council agreed to note the Chief Social Work Officer's Annual Report 2019/20.

4. FINANCIAL UPDATE INCLUDING FINANCIAL AND CAPITAL STRATEGY 2021-26

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update on progress of the mitigation actions currently being pursued to manage the funding deficit of the Council in the current financial year, and setting out an updated Financial and Capital Strategy for the Council, covering the five year period 2021-26.

The Chief Operating Officer for Finance, Sarah Fortune, presented the report, advising Members that the Council's financial position would remain fluid for the remainder of the financial year and that it was difficult to make accurate forecasts at this time. She informed Members that the draft spending plans for the public sector would not be known until the end of January 2021, and it was difficult to estimate grant funding levels for 2021/22 and beyond. She drew attention to a number of key aspects of the Financial Strategy, including the medium-term outlook for the General Services budget, the impact of the Local Development Plan, the Council's Capital Programme, the current position with reserves, efficiency savings delivered, and the situation with the Housing Revenue Account. Ms Fortune warned that the Council

was facing significant financial challenges and risks, and that further work was required to ensure long-term financial sustainability.

In response to questions from Councillor Currie, Ms Fortune advised that the current arrangements in place for PPP contracts would be reviewed in accordance with new statutory guidance on fiscal flexibility (which was yet to be received). On the loss of income scheme, she advised that the returns information was still to be collated, but anticipated that the Council's share of the funding would not cover its expenditure. As regards efficiency savings, she noted that the vast majority of planned efficiencies would be delivered by the end of the financial year, but that some planned savings relating to income generation would be impacted by COVID-19. She added that mitigation measures were in place to manage the deficit, but warned that the impact of the pandemic would continue into the next financial year. On the reserves position, Ms Fortune indicated that it was necessary to hold an appropriate level of reserves in order to be able to respond to uncertainties, and that the Council's reserves had been impacted by COVID-19.

Councillor McLeod asked if the Council had taken out any short- or long-term loans with English local authorities. Ms Fortune confirmed that the Council had no such loans, and therefore there was no risk to the Council in that respect.

Councillor McLennan asked for further detail on the transformation programme, commenting that the Council should be more entrepreneurial. Jim Lamond, Head of Council Resources, stated that, going forward, the Council would need to reduce its costs or generate additional income, or both. However, he reminded Members that the Council had to operate in accordance with the law, which could be restrictive. Ms Fortune commented that Members would be involved in such decisions through the budget-setting process and setting of policy.

On a question from Councillor McLennan on HRA capital funding, Douglas Proudfoot, Head of Development, advised that East Lothian Mid Market Homes had been established in 2019 to manage 50 new homes in Dunbar, and that there were plans to expand that company. He also noted that work was ongoing with the Scottish Government and Scottish Futures Trust to meet housing demand, and that other funding sources were being explored.

Councillor Bruce asked if there was a deadline by which the Council would have to exercise its fiscal flexibility. Ms Fortune advised that it was not yet certain what flexibility was available to the Council, and that it was important to get guidance on this as soon as possible, as fiscal flexibility was a temporary measure. Mr Lamond added that clarity on this would be vital for the budget development process.

Councillor O'Donnell asked how a no-deal Brexit would affect the Capital Strategy. Ms Fortune indicated that Brexit was one of the uncertainties facing the Council, and that it could result in a variety of impacts and risks, including supply chains, increased cost base, and wider economic uncertainty. Mr Lamond added that was a critical issue for the Council's ambitious capital programme, and that the strategy took this into account.

Councillor Hampshire paid tribute to Council staff for their work to deliver services during very difficult circumstances. He expressed concern about the current financial position and the difficulties in delivering efficiency savings during the pandemic. However, he was confident that the Council could achieve a balanced position by the end of the financial year due to the controls and mitigation measures in place. He warned that the economy would be severely damaged by COVID-19, that Brexit would also have an impact on the UK economy, and that the Council would need to make difficult decisions when setting the budget. He reported that CoSLA had estimated that Scottish local authorities had incurred £227m of COVID-19-related expenditure, but that the Scottish Government had only provided £90m to cover this. He advised that he had written to the Scottish Government seeking full funding for these costs.

He reiterated the financial challenges facing the Council and called on all Members for their support in setting the 2021/22 budget.

Councillor Currie agreed that without additional funding, it would be a challenge for the Council to deliver services. He also stressed the need to be in a position to set multi-year budgets, which was difficult if the UK and Scottish Governments continued to provide one-year settlements. He voiced his concern as regards the potential impacts of Brexit on the delivery of services and on jobs.

The Provost moved to the vote on the recommendations, taken by roll call, which were approved unanimously.

Decision

The Council agreed:

- i. to note the current progress of mitigation actions being taken to manage the 2021/21 General Services funding deficit; and
- ii. to approve the overarching Financial Strategy, set out in Appendix 1 to the report, together with the Capital Strategy, attached at Appendix 2 to the report.

5. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL – ANNUAL CONVERSATION AND FOOD AND DRINK INNOVATION UPDATE

A report was submitted by the Head of Development summarising the Annual Conversation that took place on 18 November 2020 and updating Members on the progress on the development of the Full Business Case to be submitted to the UK and Scottish Governments to enable the drawdown of the £30m funding package, and the progress of the Commercial Heads of Terms (as detailed in the private report to Council on 15 December 2020 titled 'Commercial Heads of Terms between ELC and QMU for the Delivery of the Food and Drink Innovation Hub and Park'.

Catherine Molloy, Project Manager, presented the report, updating Members on the recent Annual Conversation and the progress of the development of the Full Business Case, noting that the first draft of the document had been submitted to the Government on 4 December. A feedback session on the draft had taken place on 7 December which had been positive, with a further session scheduled during the current week. She reminded Members that the target date for submission of the Full Business Case was March 2021, and that all parties were working towards having it approved during the current financial year.

Councillor Hampshire stressed the importance of the City Region Deals to Scotland's economy, and that significant progress on the Edinburgh and South East Scotland City Region Deal had been made in comparison to other areas; this had been recognised by the UK and Scottish Governments. He welcomed the progress made and thanked all those involved in the process.

Endorsing Councillor Hampshire's comments, Councillor McLennan spoke of the importance of the food and drink sector in East Lothian, noting that the City Region Deal would provide opportunities to expand this sector. He hoped that expansion could be accommodated within East Lothian.

The Provost made reference to positive discussions with the Principal of Queen Margaret University on the City Region Deal. He also paid tribute to Councillor Innes for his input.

Decision

The Council agreed:

- i. to note the summary findings of the second Annual Conversation;
- ii. to note the progress of the development of the Full Business Case, to be submitted to both the UK and Scottish Governments to enable the drawdown of £30m grant funding; and
- iii. to note the progress of the Commercial Heads of Terms.

6. EAST Lothian LOCAL DEVELOPMENT PLAN 2018 – ACTION PROGRAMME UPDATE 2020

A report was submitted by the Head of Development seeking approval of the Draft Local Development Plan 2018 Action Programme Update 2020 prior to its publication and submission to Scottish Ministers. The Action Programme Update 2020 reported progress on achieving the key stages of each project included in the Action Programme that was previously approved by Council in 2018.

Declaration of Interest: having declared an interest on account of his employment status, Councillor McLennan left the meeting for the duration of this item.

Keith Dingwall, Service Manager for Planning, presented the report, advising of the obligation on the Council to keep the Action Programme under review. He noted that progress on the Action Programme had been monitored through regular meetings of the Section 75 Group. He drew attention to the updated Action Programme, attached as Appendix 1 to the report, and to the engagement with key agencies (responses attached as Appendix 2 to the report). He noted that officers would continue to monitor the effectiveness of LDP policies, and that all relevant supplementary planning guidance had now been adopted.

In response to questions from Councillor O'Donnell, Tom Reid, Head of Infrastructure, advised that a STAG transport appraisal was currently taking place across East Lothian. He noted that region-wide consideration was being given to transport and connectivity, which included stakeholders such as the Rail Forum and options for four-track and high-speed services through East Lothian, but that this would take some years to deliver.

Mr Dingwall undertook to respond to Councillors O'Donnell, Williamson and Findlay outwith the meeting on specific matters that they had raised.

Councillor Hampshire made reference to the scale of development taking place across East Lothian, and of the complexities of providing infrastructure to support new developments. He paid tribute to staff across the Council for their role in delivering the Local Development Plan.

Councillor Bruce commented that the report demonstrated that the Council was meeting its obligations, and that there was no need for other sites, such as Goshen Farm (currently subject of an appeal to the Scottish Government), to be added.

The Provost moved to the vote on the recommendation, taken by roll call, which was approved unanimously.

Decision

The Council agreed to approve the Draft Local Development Plan 2018 Action Programme 2020 (attached as Appendix 1 to the report) for publication and submission to Scottish Ministers.

7. REFORM OF CITY OF EDINBURGH COUNCIL'S FULLY OR PARTLY OWNED TRANSPORT COMPANIES

A report was submitted by the Head of Infrastructure advising Council that the City of Edinburgh Council (CEC) had commenced a review of the governance arrangements for its transport Arms-length External Organisations (ALEOs). The report sought approval for the model favoured by Council officers.

The Head of Infrastructure, Tom Reid, presented the report, advising of a recent CEC meeting, where a report on the future of its transport ALEOs had been considered. He reminded Members that East Lothian, Midlothian and West Lothian Councils had between them a 9% share in Lothian Buses, which currently had a very successful delivery model that did not require funding from any of the shareholder councils. He stressed the importance of protecting East Lothian's bus services, pointing out that CEC's preferred model for future delivery may prioritise tram services to the detriment of bus services in the Lothians.

In response to a question from Councillor Henderson on the dilution of existing interests, Mr Reid indicated that the minority shareholders would have limited powers and there could be a dilution if the ALEOs were brought together under a single entity; hence, the officers' position on supporting a model which would bring the trams under the control of Lothian Buses. Carlo Grilli, Service Manager – Legal, added that there would be greater protection for the minority shareholders if their views were aligned and if they had a position on the Board. He also noted that the Council would have a right of pre-emption if additional shares were released. Mr Reid agreed that unity among the minority shareholders was key, noting that both Midlothian Council and West Lothian Council would also be discussing this matter soon.

Councillor Hampshire spoke of the excellent bus services in East Lothian provided by East Coast Buses (part of Lothian Buses). Whilst he understood CEC's desire to rationalise its transport operations arrangements, he was concerned that this may impact on the successful model of Lothian Buses, especially in light of the impact of COVID-19 on the use of public transport. He urged Members to reach a cross-party view on the matter and to work together to ensure the continuation of high-quality bus services in Edinburgh and the Lothians.

Councillor Currie spoke in support of the report recommendations, pointing out that it was important to minimise the risk to service levels and to protect Lothian Buses as part of the wider transport network. He also made reference to the role of public transport in tackling the climate emergency.

Councillor Bruce voiced his concern at CEC's proposals, and of the timing of the proposed changes, in light of COVID-19. He was of the view that any proposals for change should not be progressed pending the outcome of the public inquiry into the trams. He was also concerned that decisions on transport across the Lothians would be made by CEC; that the trams would need to be subsidised by the buses, resulting in increased fares; and that bus services in East Lothian could be put at risk.

The Provost moved to the vote on the recommendations, taken by roll call, which were approved unanimously.

Decision

The Council agreed:

- i. to note the officers' preferred approach to support the retention of a separate successful limited company (Lothian Buses) that operates quality transport services across the Lothians, including the capital city; and
- ii. to support the proposal that the trams network comes under the control of Lothian Buses to govern both the operation of the bus and tram network and other transport systems in the Lothians, provided that:
 - agreement is reached that any future company model should continue to operate on a commercial basis and at arm's length from CEC, as majority shareholder (CEC currently has a 91% shareholding in Lothian Buses);
 - any proposal regarding the governance would protect the operational businesses of Lothian Buses; and
 - there should be minority shareholder representation in any new governance arrangements.

8. UPDATE ON THE EAST LOTHIAN LEARNING ESTATE REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update on the progress of the Learning Estate Review (LER) and the timeline for pre-consultation activity planned for 2021.

The Head of Education and Children's Services, Lesley Brown, presented the report, advising that all local authorities were now required to review their learning estate and prepare a learning estate investment plan. She provided an update on the progress of the review, advising that stakeholders would have an opportunity to put forward their views in February 2021 through a questionnaire (attached at Appendix 1 to the report), to be followed by community engagement workshops in May 2021. Ms Brown also advised that the Council had submitted bids for Scottish Government funding to improve the learning estate; an announcement on this was due before the end of the year. She advised that a further update report on the review would come to Council in 2021.

Councillor Hoy asked if there would be a review of catchment areas. Ms Brown confirmed that catchment areas would be considered as part of the review, and that any Council decision to change catchment areas would involve a further statutory process.

Councillor McLennan asked about the procedure for extending or building new schools where there was insufficient space in their current location. Ms Brown advised that there was a statutory process for rebuilding schools in different locations.

Responding to comments made by Councillor McLennan in relation to East Linton Primary School, Councillor Hampshire pointed out that he had made it clear at a recent Dunspey Community Council meeting that the Council wanted to extend the existing school. However, the building was old and in poor condition, and would require significant funding to upgrade it. As there was insufficient land on the school site, he had sought the views of the Community Council on rebuilding the school on an alternative site, noting that the Council would require Scottish Government funding to build a new school and it would be subject to consultation. He noted that the Community Council had indicated their support for that option if it was available. He stressed that he had not said that this option was currently available as the Council did not have the funds.

Councillor Akhtar thanked officers for their work in securing Scottish Government funding for Whitecraig Primary School and the Wallyford Learning Facility. She highlighted the importance of having modern, high-quality learning facilities for the growing population in East Lothian, and pointed out that the investment plan was a vital component of this. She urged Members to encourage constituents to participate in the process.

Councillor Hoy commented that catchment reviews in a number of areas were required, remarking that the current arrangements in these areas were illogical, and were detrimental to community cohesion and the environment. He encouraged officers to bring forward a formal review on catchment and asked for a report to the Education Committee on this matter.

Concluding the debate, Councillor Currie welcomed the report, particularly the engagement with communities and the opportunities to get additional funding for the learning estate. He did, however, stress the importance of managing people's expectations, and pointed out the complexities involved in reviewing catchment areas. He also asked for a report to the Education Committee on this matter.

Decision

The Council agreed to note the update provided and the timeline associated with the pre-consultation activity.

9. NOTICE OF MOTION – PUBLIC SECTOR PAY FREEZE

A motion was submitted by Councillors McLennan and Currie regarding the public sector pay freeze:

'This Council condemns that the UK Government is proposing a public sector pay freeze for the vast majority of employees and a below inflation rise for even the lowest paid employees as part of the Chancellor's Comprehensive Spending Review.

Council notes that the role of public service workers has been critical in responding to and helping both Scotland and East Lothian manage the impact of COVID-19 and considers that without the hard work of public servants, especially front-line workers, such as cleaners and care assistants, we would not have been able to protect this county and support vulnerable people to the extent that we have through this crisis.

Council recognises that the economic impact of COVID-19 goes far beyond the public sector, but agrees the specific contribution of public sector employees should be recognised and appropriately rewarded.

Council also recognises the major impact in Barnett consequentials of the UK Government's decision which will undermine the Scottish Government's ability to fund uplifts.

Council therefore requests the Council Leader writes to the UK Government to make clear that public sector workers should be paid fairly and appropriately by fully funding any future pay increases that are agreed between public sector employers and trade unions, including for those working in public services in Scotland by allocating the necessary funds to the Scottish Government.'

The clerk advised that two amendments had been received in respect of this motion, submitted by the Administration and the Conservative Group; the amendments had been circulated to all Members in advance of the meeting.

Councillor McLennan presented his motion, advising that it had been submitted in response to the Chancellor of the Exchequer's recent statement (on 25 November 2020) that there would be a public sector pay freeze. He made reference to Chancellor's statement in which he had reported that private sector pay had fallen by almost 1% over the six months to September in comparison to the previous year, and that public sector pay had increased by almost 4% during the same period. The Chancellor had also argued that, unlike workers in the public sector, many workers in the private sector had lost their jobs, been furloughed or had their salaries capped. Councillor McLennan argued that public sector workers were being punished for what had happened in the private sector. He pointed out that the Scottish Government's Cabinet Secretary for Finance, Kate Forbes, had declared that the pay freeze would not be imposed on public sector workers in Scotland. He noted that the Scottish Government was due to announce its tax and spending plans at the end of January, ahead of the UK Government budget, which was scheduled to take place in late March. On the impact of a public sector pay freeze, he argued that the economy relied on strong public services. He asked Councillor Hoy if he would be supporting the public sector pay freeze should Douglas Ross be successful in becoming the First Minister in May 2021. Concluding his statement, Councillor McLennan called on Members to support the motion and the work of Council staff, and support a pay award for next year.

Councillor Currie seconded the motion, remarking that public sector workers tended to be penalised whenever there was a recession or additional borrowing was required. He welcomed the £500 payment for health and social care workers, but suggested that additional funding should be requested for the workforce. He criticised the UK Government for thanking key workers for their efforts during the COVID-19 pandemic, but then freezing their pay. He called on Members to support the motion, declaring that he would be prepared to support the amendment submitted by the Administration.

The Provost invited Councillor Bruce to present his amendment, as set out below, noting that this amendment had been received first.

'This Council recognises that the UK Government is operating under intense financial constraints as a result of Covid-19, and, as a result:

- Would like to thank our public sector workers for their huge contribution and selfless dedication during the pandemic.
- Strongly supports UK Government efforts to deliver pay increases for the lowest paid public sector workers and frontline NHS staff.
- Recognises the need for prudent public sector pay restraint in order that financial support can be targeted toward those hit hardest by the economic consequences of COVID-19.
- Recognises that COVID-19 has widened pay disparity between public sector workers and those in the private sector: noting that public sector workers have seen an average 4% wage increase, compared to a 1% reduction in private sector wages, in the six months to September (compared to the same period last year).
- Notes that the Scottish Government has full control of, and responsibility for, public sector pay in Scotland.
- Welcomes significant additional funding of £8.2 billion given to the Scottish Government from the UK Government through the Barnett formula this year and welcomes the further £2.4 billion in funding that will

flow to the Scottish Budget in 2021-22 following the Chancellor's Spending Review.

- Requests that East Lothian Council writes to the Scottish Government to ask that any public sector wage increases agreed by the Scottish Government are funded from this direct funding increase to Scotland by the UK Government.'

Councillor Bruce presented the amendment, advising that it set out what the UK Government was doing in respect of public sector pay, and how Scotland would benefit from an increase through the block grant, noting that whenever spending was increased in the UK, Scotland benefited. Remarking that the SNP motion amounted to 'political opportunism', he pointed out that public sector pay was the responsibility of the Scottish Government. He argued that the pandemic had damaged the UK economy and hit the private sector hardest, resulting in the UK Government proposing a prudent, pragmatic and fair short-term freeze for some public sector workers, whilst ensuring that frontline and the lowest-paid workers would be rewarded. He claimed that this move would see more money coming to Scotland; however, to protect jobs, a pay rise for other public sector workers would be paused. He added that the living wage would see an increase to £8.91 per hour, and there would also be an increase in the minimum wage, which would give a further two million people a pay rise this year. He accepted that the pay freeze would have an impact on public sector workers; however, he believed that the majority of those workers in England would receive a pay rise the following year. He commented that it was difficult to justify awarding significant pay rises to all public sector workers at a time when the private sector had been hit hard by the pandemic; instead, increases should be directed to those in need and frontline NHS staff. He noted that an increase in public sector pay would result in an increase in taxes. Councillor Bruce reminded Members that the UK Government had awarded £8.2 billion of additional funding to the Scottish Government during the pandemic, and a further £2.4 billion would be made available, including through the Barnett Formula – he believed that this was sufficient to cover public sector pay rises should the Scottish Government choose to prioritise that. He was opposed to the Scottish Government asking the UK Government for further funding, noting that an independent Scotland would not be in a position to do this. He called on Members to support the amendment, and to write to the Scottish Government to ask that any public sector pay increases be funded from the direct funding increase to Scotland by the UK Government. Councillor Bruce concluded his presentation by describing the motion as a 'pre-election stunt', and stressing that the Scottish Government should not be asking for further funds from the UK Government.

Councillor Findlay seconded the amendment.

The Provost invited Councillor Hampshire to present his amendment, as set out below.

'This Council condemns that the UK Government is proposing a public sector pay freeze for the vast majority of employees and a below inflation rise for even the lowest paid employees as part of the Chancellor's Comprehensive Spending Review.

Council notes that the role of public service workers has been critical in responding to and helping both Scotland and East Lothian manage the impact of COVID-19 and considers that without the hard work of public servants, especially front-line workers, such as cleaners and care assistants, we would not have been able to protect this county and support vulnerable people to the extent that we have through this crisis.

Council agrees that whilst the Scottish Government's announcement to pay £500 (full-time equivalent) to NHS and social care staff is welcomed and deserved, it

has missed tens of thousands of public sector workers in local government, who have been working throughout the pandemic.

Council recognises that local government has been operating under extremely difficult circumstances, including (noting that this is not an exhaustive list): distributing food/medicine/essential items across Scotland, protecting/caring for our vulnerable and elderly, collecting waste, staffing temporary mortuaries, staffing the hubs of “key worker” children, keeping schools and early years open, staffing the asymptomatic testing sites, Environmental Health and Trading Standards officers enforcing public health and wellbeing, mental health workers with increased caseloads, housing and craft workers who have been working in tenants’ homes, the army of cleaning staff who have done a brilliant job in our care homes/essential buildings/schools, and those who have been issuing emergency support grants.

Council recognises the efforts made by many other key workers in the public, private and 3rd sectors in responding to the Covid-19 pandemic.

Council calls on the Scottish Government to ensure that it recognises the efforts across our “one workforce” in local government and lobby Scottish Government to ensure that this payment is extended to all Covid-19 responders and key workers across local government and that they are rewarded equally. Council seeks their public assurance that Scottish Government will fully fund the payment and costs associated with the delivery of this payment.

Council recognises that the economic impact of COVID-19 goes far beyond the public sector, but agrees the specific contribution of public sector employees should be recognised and appropriately rewarded.

Council also recognises the major impact in Barnett consequential of the UK Government’s decision which will undermine the Scottish Government’s ability to fund uplifts. Council also calls on the Scottish Government to distribute all Barnett consequential for local government already allocated to the Scottish Government to stop further cuts to Council services.

Council therefore requests the Council Leader writes to the UK and Scottish Governments to make clear that public sector workers should all be treated equally and paid fairly. The UK Government should fully fund any future pay increases that are agreed between public sector employers and trade unions, including for those working in public services in Scotland by allocating the necessary funds to the Scottish Government. The Scottish Government should replicate this by fully funding Scottish local government for all future agreed pay increases in addition to their future local government funding settlements.’

Councillor Hampshire moved his amendment, advising that the Administration was prepared to support the SNP Group’s motion if it incorporated their amendment. He made reference to a recent debate at CoSLA on the additional funding being made available to NHS and care workers, whilst excluding many other local government staff who had worked to protect communities during the pandemic. He declared that he could not support the UK Government’s position on freezing pay for those who had helped protect the country from the effects of COVID-19, arguing that taking money out of the economy would make the post-pandemic recession worse. He believed that the additional funding awarded to the Scottish Government should be passed on to councils, which were struggling to balance their budgets. He called on the SNP Group to support the Administration’s amendment, which included the amendment approved by all 32 Council Leaders at CoSLA.

Councillor Akhtar seconded the amendment, commenting on the 'heroic' efforts of Council staff during the pandemic, and calling on Members to send a clear message to all public sector workers that their efforts to keep people safe during such challenging times were valued. She disputed claims that this was a 'political stunt' on the basis that all 32 Council Leaders from across the political spectrum at CoSLA had approved an amendment with the same text, and that the Trades Unions had also supported this position. She also noted the need for openness and transparency around the Barnett consequentials, and for any pay increase to be fully funded.

The Provost moved to the debate.

Opening the debate, Councillor Hoy claimed that the Council was not being asked to vote on the policy of the UK or Scottish Governments on public sector pay; rather, it was being asked to support or challenge the devolution settlement. He advised that the Conservative Group amendment was in line with the devolution settlement and the way in which revenues were shared across the UK. He claimed that the motion demonstrated that the SNP was opposed to devolution, and that the Labour Group, by supporting the motion, was not defending the devolution settlement. He further claimed that the motion did not address the fact that the Scottish Government was responsible for public sector pay in Scotland, and that the Council was therefore being asked to make a 'false choice'. He remarked that it had been brought forward as 'political electioneering'. Councillor Hoy argued that the additional funding awarded to the Scottish Government due to COVID-19 should be prioritised for households hit hardest by COVID-19, regardless of whether those people worked in the public or private sector. He spoke of the significant additional funding provided by the UK Government to assist with the effects of the pandemic, noting that more than 17,000 workers in East Lothian had had their income supported through the furlough and self-employment support schemes. He believed that making party political points at this time would do a disservice to those people who had been impacted by COVID-19.

Councillor O'Donnell remarked that the position of the Conservative Group was 'confused and incoherent', noting that they had supported free school meals for all primary school children but were opposed to pay increases for public sector workers. She claimed that the Conservative Group had an 'ideological problem' as regards public sector pay, and that they had been selective in the time-period they had cited in their amendment. She called on them to take action to ensure that low-paid workers in the private sector were rewarded for their work. She disputed comments made by Councillor Hoy as regards the devolution settlement, making reference to recent comments made by the Prime Minister, which she believed was the greatest threat to devolution at this time. She declared that she would support the SNP Group's motion, as amended by the Administration, which acknowledged the contributions made by public sector workers during the pandemic, and which was also supported by CoSLA.

Councillor McGinn echoed the comments of Councillor O'Donnell. He made reference to demonstrations of support for public sector workers during the pandemic, highlighting that those workers should be rewarded financially for working under difficult circumstances.

Summing up, Councillor McLennan confirmed that the SNP Group would support the amendment to the motion as proposed by the Administration. He declared that there would be a pay rise for Scottish public sector workers. He claimed that Councillor Bruce had been selective with his amendment, in that he did not make mention of the Joseph Rowntree Foundation, which had called for the two-child benefit cap to be scrapped and the Universal Credit increase to be made permanent, nor had he mentioned the additional £10 per child per week in Scotland, which would make a big difference to those families. He argued that the Conservative Group did not value public sector workers as much as those in the private sector, adding that a vote for the Conservatives would be a vote for a public sector pay freeze.

The Provost moved to the vote on the Conservative Group's amendment, which was taken by roll call:

For (7): Councillors Bruce, Findlay, Henderson, Hoy, Kempson, Mackett, Mackie

Against (14): Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Trotter, Williamson

The Conservative Group's amendment therefore fell.

The Provost moved to the vote on the SNP Group's motion, as amended by the Administration's amendment, which was taken by roll call:

For (14): Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Trotter, Williamson

Against (7): Councillors Bruce, Findlay, Henderson, Hoy, Kempson, Mackett, Mackie

The SNP Group's motion, as amended by the Administration's amendment, was therefore carried.

Decision

The Council agreed to approve the SNP Group's motion on the Public Sector Pay Freeze, as amended by the Administration's amendment.

10. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 13 OCTOBER – 30 NOVEMBER 2020

A report was submitted by the Head of Council Resources advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 13 October and 30 November 2020, as listed in Appendix 1 to the report.

Sederunt: Councillors Findlay and Mackie left the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Edinburgh and South East Scotland City Region Deal – Commercial Heads of Terms between East Lothian Council and Queen Margaret University for Delivery of the Food and Drink Innovation Hub and Park

A private report by the Head of Development regarding the development of commercial Heads of Terms between East Lothian Council and Queen Margaret University for the delivery of the Food and Drink Innovation Hub and Innovation Park at Queen Margaret University was approved.

Cockenzie Power Station Site - Update

A private report by the Chief Executive updating Members on continuing interest in the former Cockenzie Power Station site was approved.

DRAFT