



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 22 JUNE 2021
VIA DIGITAL MEETING FACILITY

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Committee Members Present:

Provost J McMillan (Convener)	Councillor W Innes
Councillor S Akhtar	Councillor S Kempson
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor K Mackie
Councillor F Dugdale	Councillor C McGinn
Councillor J Findlay	Councillor P McLennan (Items 5-8)
Councillor A Forrest	Councillor K McLeod
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor T Trotter
Councillor N Hampshire	Councillor J Williamson
Councillor J Henderson	

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Mr J Lamond, Executive Director for Council Resources
Ms A MacDonald, Director of Health and Social Care
Mr D Proudfoot, Executive Director for Place
Ms M Ferguson, Head of Corporate Support
Ms S Fortune, Head of Finance
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Baxter, Connected Communities Manager – Musselburgh
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Mr K Dingwall, Service Manager - Planning
Mr R Edgar, Team Manager – Policy & Strategy (Planning)
Ms A-M Glancy, Finance Manager – Corporate Accounting
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Finance Manager – Service Accounting
Mr E John, Service Manager – Sport, Countryside and Leisure
Ms L Kerr, Interim Business General Business Manager (Adult Wellbeing)
Ms C McCorry, Service Manager – Connected Communities
Ms Z McFadzean, HR Business Partner
Ms K MacNeill, Service Manager – People and Governance
Ms R Pringle, Strategy Officer (Housing)
Ms G Scott, HR Adviser

Ms A Smith, Committees Officer
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

Mr S Gourlay, Scottish Fire and Rescue Service

Clerk:

Mrs L Gillingwater

Apologies:

Councillor C Hoy

Declarations of Interest:

Item 6 – Councillor McLennan declared an interest, on the grounds that he had been appointed to a Scottish Government committee which would make decisions as regards National Planning Framework 4.

Item 14 – Councillor Forrest declared an interest, on the grounds that he had a personal involvement with Musselburgh Rugby Football Club.

Item 14 – Councillor McGinn declared an interest, on the grounds that he had personal connections with one of the applicants.

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.

Prior to the commencement of business, the Provost acknowledged the recent election of Councillors Hoy and McLennan to the Scottish Parliament, and wished them both well in their new roles. The Provost also announced that this would be Jim Lamond’s (Executive Director for Council Resources) last meeting of the Council prior to his early retirement, and that Members would have an opportunity to pay tribute to Mr Lamond at the conclusion of public business.

1. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 27 April 2021.

2. MINUTES FOR NOTING

The minutes of the following meeting were noted: Local Review Body (Planning), 10 March 2021.

3. EAST Lothian COMMUNITY FIRE AND RESCUE PLAN 2021

A report was submitted by the Executive Director for Place/Scottish Fire and Rescue Service presenting Council with the East Lothian Community Fire and Rescue Plan 2021.

The Executive Director for Place, Douglas Proudfoot, introduced the report, advising that Stephen Gourlay, Local Senior Officer for the Scottish Fire and Rescue Service would present the Plan, which required Council approval.

Mr Gourlay explained that the 2021 East Lothian Community Fire and Rescue Plan was an update on the 2018 Plan, noting that the Scottish Government was in the process of devising a new framework which would generate a Scottish Strategic Plan in 2022. As regards the 2021 Plan, he reported that the priorities (set out in detail within the Plan) had not changed since the previous Plan, as they were still considered to be fit and proper.

Mr Gourlay responded to a number of questions regarding partnership working, confirming that the Fire and Rescue Service was willing to work with all areas of the Council, and currently had effective working arrangements with a number of Council services, including the Countryside Rangers and schools. He also noted the close working relationship with Police Scotland and the Coastguard. Tom Reid, Head of Infrastructure, added that weekly multi-agency meetings were held, involving the Fire and Rescue Service, at which wider safety issues and recent events were discussed.

As regards unwanted fire alarm signals, Mr Gourlay explained that these mainly occurred in business, school and hospital settings. He advised that the occurrence of such incidents had remained fairly static at c. 33% of the service's activity (c. 500 calls a year in East Lothian, at an average cost of £1700 per callout). He advised that there would be a consultation over the summer as to how the Fire and Rescue Service respond to and manage unwanted fire alarm signals in future.

Councillor McGinn asked for information on the recruitment and retention of retained fire fighters in East Lothian, and about the relationship between the Fire and Rescue Service and employers of retained fire fighters. Mr Gourlay reported that recruitment and retention issues had improved, and that there was now a full-time member of staff to support the retained service in East Lothian. He had no current concerns relating to recruitment and retention. As regards employers of retained fire fighters, he noted that the service engaged with employers where there were any concerns. He added that regular employer recognition events were held.

In response to a question from Councillor Forrest on the impact of COVID-19 on the service, Mr Gourlay advised that there had been a significant decrease in home safety visits during the pandemic. He reported that there had not been an increase in fires over this period, adding that equipment and devices used for home-working were generally very safe.

Councillor Hampshire observed that despite the increase in housing in East Lothian in recent years, the number of house fires had decreased. Mr Gourlay explained that housing standards and smoke detection in homes had improved, as well as materials used in soft furnishings.

The Provost asked Mr Gourlay for his views on working for the Fire and Rescue Service in East Lothian. Mr Gourlay commented that the full-time station in Musselburgh and the additional five retained stations provided a fantastic emergency response service for the county, and this model also provided additional employment opportunities. He added that the service would be looking at how to attract more people to become retained fire fighters.

Councillor Goodfellow opened the debate by thanking Mr Gourlay and his staff for their services to East Lothian. He praised the partnership working between the Fire and Rescue Service and the Council.

Councillor Currie welcomed the new smoke alarm technology. He expressed concern at the lack of regulation regarding the short-term rental accommodation, albeit this matter would be addressed by the Scottish Government in due course. He also voiced concern about attacks on fire fighters.

Councillor McGinn paid tribute to the Fire and Rescue Service, particularly regarding their engagement with young people. He noted that this meeting was taking place during Drowning Prevention Week, and highlighted the importance of ensuring the safety of people around water. He also made reference to the risks of wild camping, and especially camp fires, in wooded areas.

The Provost concluded the debate by expressing the Council's appreciation of the Fire and Rescue Service. He welcomed the 2021 Plan and the continued partnership working between the service and the Council.

The Provost then moved to the vote on the recommendation as set out in the report, taken by roll call, which was agreed unanimously.

Decision

The Council agreed to approve the East Lothian Community Fire and Rescue Plan 2021.

4. FINANCIAL REVIEW AND DRAFT ANNUAL ACCOUNTS 2020/21

A report was submitted by the Executive Director for Council Resources providing an update on the draft financial position for the Council for the year ending 31 March 2021, and asking Council to consider the draft unaudited accounts for the year and approve their submission to external audit. The report also set out the financial management review for the year 2020/21.

The Head of Finance, Sarah Fortune, presented the report and the draft unaudited accounts for 2020/21. She noted the 30 June deadline for submission of the draft accounts, noting that the statements remained subject to change, and she expected that the auditors will have completed the audit of the accounts by October. She then provided a summary of the report, highlighting the key aspects, including: the year-end review of the Council's finances and treasury management activity; the reserves position; COVID-19 interventions and ongoing support; the HRA position; the need for continued effective financial management; the general services capital programme; and the significant financial challenges facing the Council.

In response to a number of questions from Councillor Currie, Ms Fortune advised that the Council remained in COVID-19 response mode, whilst also trying to deal with elements of recovery. She highlighted the financial pressures facing the Council, assuring Members that the Council Management Team was focused on this. She pointed out, however, that much of the COVID-19 support had been allocated on a non-recurring basis and that this posed significant challenges going forward. On salary levels, she confirmed that incremental drift and the additional pay award for teachers accounted for the increased numbers in respective thresholds. As regards personal protective equipment (PPE), she explained that this had to be accounted for in a specific way, and that she was not aware of any specific challenges relating to PPE. Concerning efficiency savings, she reported that of the £3.2m identified, the vast majority had been delivered, but stressed that these savings had to be delivered on a recurring basis which would be challenging. Of those savings not delivered, most related to income collection which had been impacted by the pandemic.

Councillor McLeod questioned why the Council had borrowed money at a time when some areas were underspent. Ms Fortune informed him that this borrowing had been undertaken to ensure that the Council had enough cash to meet its obligations at a specific time. It was

also connected to the complexity and timing of COVID-19 funding streams from the Scottish Government.

Councillor Hampshire made reference to the need to spend an additional £24m to deliver services during this period, and without that funding, there would have been an overspend of £11.5m. He asked if the remaining funding allocated for COVID-19 interventions was adequate to meet future costs, especially as the COVID-19 situation remained volatile. Ms Fortune commented that this was a very complex situation and that it would be difficult to balance short-term funding commitments with significant recurring costs going forward. She was unable to reassure Members that the remaining funding would be sufficient to cover all future costs, nor was it clear what the longer-term impacts of the pandemic would be. She pointed out that although the Council had received a significant level of additional funding to date, it would not be possible to sustain the cost commitments without further funding, and that a significant portion of the remaining £8.9m of COVID-19 funding was already committed.

Councillor McMillan asked about the impact of inflation on the Council's finances. Ms Fortune advised that inflation, together with any other extraordinary increases in the costs of supplies and services, would have an impact, and this situation would be closely monitored.

Councillor Hampshire emphasised the importance of this report and the efforts made to deliver a stable financial position for the Council. He thanked Mr Lamond and Ms Fortune, and paid tribute to staff across the Council for their work during this very challenging year. He also thanked the Administration, who had taken difficult financial decisions in order to protect services and support communities. He warned of ongoing uncertainty and the need to continue providing services whilst maintaining strict financial controls. He also thanked all Members for their support during this period.

Councillor Currie also paid tribute to staff in Finance. He commended officers involved in administering business support grants very efficiently, which had enabled businesses to survive during this difficult period. He also recognised the pressures that Council staff had been working under, and thanked them, as well as the Council's partners and the third sector. He alluded to future financial challenges and the need to ensure that the required funding was delivered.

Councillor Akhtar thanked Councillors Innes and Hampshire for their stewardship of the Council's finances, which had been endorsed by Audit Scotland. She drew attention to a recent report to the IJB Audit and Risk Committee, which had detailed the efforts made by NHS colleagues during the pandemic, including the progress with the mass vaccination programme. She also highlighted the financial impact of the pandemic and stressed the importance of sustainable funding to address the health impacts. She thanked the Director of Health and Social Care and her staff for their contribution to the pandemic response.

Councillor Dugdale praised staff across the Council for maintaining services and managing their budgets. She spoke of the work carried out in the Education service to support young people, noting that there was evidence to show that targeted interventions were making a positive impact. She was concerned about the non-recurring nature of funding at a time when the future was uncertain and the impacts of COVID-19 would be felt for some time.

Councillor O'Donnell welcomed investment in her ward and to coastal facilities, which would benefit residents and visitors. On the financial management of the Council, she commented that this reflected the priorities and values of the Administration to reduce poverty and improve people's lives.

As regards housing, Councillor Goodfellow pointed out that 85 new homes had been delivered during the pandemic, and that the debt:income ratio was at 31%, which was a positive position.

The Provost concluded the debate by thanking those officers involved in preparing the draft accounts. He alluded to the wide range of services provided by the Council, and of the focus on outcomes and community benefit. He also remarked on the positive feedback as regards services provided by Economic Development, Benefits and Protective Services during the pandemic.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

In relation to the draft accounts 2020/21, as set out in Appendices 1, 1a and 1b:

- i. to note the draft annual accounts and approve their submission to external audit prior to the statutory deadline of 30 June 2021;
- ii. to note the impact on the Council's reserves and the implications relevant to the approved Reserves Strategy;
- iii. to authorise the Head of Finance, as the Council's Chief Finance Officer, to make any required late changes to the unaudited financial statements prior to final submission to audit; and
- iv. to note the position set out in the Dr Bruce Charitable Accounts for 2020/21.

In relation to the Financial Review 2020/21, as set out in Appendix 2 and supporting Appendices 2a-f:

- v. to note the 2020/21 financial performance against approved budgets;
- vi. to note the progress in delivering approved 2020/21 budget reductions; and
- vii. to note the significance of the COVID-19 pressure, and the impact of non-recurring funding provided during 2020/21.

5. DRAFT 2021-23 EAST LoTHIAN POVERTY PLAN

A report was submitted by the Executive Director for Place providing Council with the opportunity to comment on and review the Draft 2021-23 East Lothian Poverty Plan prior to public consultation.

The Service Manager for Corporate Policy and Improvement, Paolo Vestri, presented the report, informing Members of the background to the establishment of a Poverty Plan, setting out the themes included in the Poverty Plan, and summarising the objectives of the Plan. He highlighted additional support provided to families during the period of the COVID-19 pandemic to help alleviate poverty. Mr Vestri drew attention to the Action Plan attached to the report, and set out the next steps in the process, including a consultation to be carried out during the summer/autumn, and a further report to Council in October 2021.

Mr Vestri responded to a number of questions from Members. He advised that more detail would be added to the action plan, and KPIs established, in order that progress could be monitored. On the consultation, he assured Members that a wide range of individuals and organisations would be involved, including those with lived experience of poverty. He advised that national targets had been set, which would be supplemented by local indicators to ensure

progress was being made – these would be set in the coming months. He undertook to report to Council in October, and also to the East Lothian Partnership, noting that as the Plan was a multi-agency one, the governance of it would need to reflect this.

Responding to a question on the living wage, Mr Vestri advised that the Council would be seeking Living Wage Accreditation (as would the NHS), which, if attained, would oblige the Council to include a living wage clause in the Poverty Policy and Council contracts. The Council would engage with the business sector on this. He noted that the £20 uplift on Universal Credit payments had been vital for many families during the pandemic and that it was hoped this additional payment would continue.

Mr Vestri highlighted the work being done at a national level to tackle poverty, involving a number of agencies, including the Joseph Rowntree Foundation and the Child Poverty Support Network. He confirmed that the proposed East Lothian Poverty Plan was in line with other such plans, and that the multi-agency approach to this work was invaluable. He acknowledged that there was a time lag as regards the impact of poverty due to the pandemic situation, which was why it was important to engage with people experiencing poverty and the third sector, as well as obtaining information from Members on issues within their own wards; he stressed the importance of using all available data effectively.

Councillor O'Donnell opened the debate by highlighting the importance of the Poverty Commission in East Lothian, established by the previous Labour-led Administration, stressing that it was vital to retain the focus on tackling poverty in the county. She described poverty as a 'destructive, divisive and wasteful force in society'.

Councillor Currie welcomed the report and the involvement of individuals with lived experience of poverty. He suggested that the Integrated Impact Assessments for Council reports should include a section on how reports contributed to the Poverty Action Plan. He also proposed that payment of the living wage should be a condition in Council contracts, and that future Council budgets should contribute to alleviating poverty.

Councillor Goodfellow asserted that providing secure, affordable housing was a vital aspect of alleviating poverty, and he welcomed the work done by the Council's Housing service to attract external funding to provide more affordable homes. He also praised the Council's efforts to reduce homelessness through the Rapid Rehousing Transition Plan and other initiatives.

Councillor McGinn thanked all those who had contributed to the Poverty Plan. He highlighted in particular the impact of the pandemic on young people and families, and of in-work poverty, noting that the number of families requiring support had increased. He praised the work carried out by community resilience groups during this period, noting the need to support those groups to continue.

Councillor Akhtar stressed the need for additional investment by the UK and Scottish Governments to tackle poverty-related issues.

Sederunt: Councillor McLennan joined the meeting.

The Provost thanked Mr Vestri for his report, and also paid tribute to Anne Hastie, who had contributed to a number of groups, noting in particular her input to the rural economy part of the Connected Economies Group.

The Provost then moved to the vote on the recommendation as set out in the report, taken by roll call, which was agreed unanimously.

Decision

The Council agreed to review the Draft 2021-23 East Lothian Poverty Plan prior to public consultation and note that the final draft of the Plan would be presented for approval to the Council in October 2021.

6. NATIONAL PLANNING FRAMEWORK 4: SCOTTISH GOVERNMENT CONSULTATION ON MINIMUM ALL-TENURE HOUSING LAND REQUIREMENTS

A report was submitted by the Executive Director for Place outlining the main points in the Scottish Government consultation on establishing minimum Housing Land Requirements for inclusion in National Planning Framework 4. The report set out the figures produced by the Scottish Government for East Lothian, in the context of the existing land supply and included a recommended response to the Scottish Government.

Declaration of interest: having declared an interest, Councillor McLennan left the meeting for the duration of this item.

The Head of Development, Michaela Sullivan, presented the report. She pointed out an error in Section 3.27 of the report, noting that the correct figure was 6,400. She reassured Members that there was no cause for concern at this time as regards housing numbers, as Local Development Plan 2 (LDP2) would absorb the LDP1 allocations that had not yet been delivered (c. 7,000-8,000 units). She advised that LDP2 would cover a ten-year period, and highlighted the importance of the Council retaining control over the housing land supply, suggesting that further allocations may need to be made towards the end of the planning period. She also noted that an additional 350 units had been added to the minimum number proposed by the Scottish Government, to take account of specific housing land needs. Ms Sullivan drew attention to the 'infrastructure first' approach being proposed, stressing that the funding provided by way of Section 75 Agreements would not be sufficient to fund future infrastructure.

In response to a question from Councillor Bruce regarding the difference between the figures provided by the Council and by the Scottish Government, Rebecca Pringle, Strategy Officer (Housing), advised that the higher number proposed by the Council was due to the assessment of need, which took account of aspects not included in the Scottish Government's figures, such as support needs, independent living and those people requiring to be rehoused. Wendy McGuire, Head of Housing, added that the Council's assessment was based on its own data, and a decision had been taken to include these aspects in the Housing Needs and Demand Assessment (HNDA).

Councillor Findlay asked why additional allocations may need to be included. Ms Sullivan explained that because of lead-in times and some sites not coming forward for a variety of reasons, it was prudent to plan for further development towards the end of the Plan period in order to be able to defend the Plan and contest any appeals relating to sites not included in the Plan.

Councillor Currie asked for clarification on the need for additional allocations, and also if there was a danger that some sites may not be delivered because developers may prioritise alternative sites. He also asked how vulnerable the Council was during the planning period and at what point would the Council be asked to identify additional sites. Ms Sullivan explained that, numerically, the Council could demonstrate that there would be sufficient housing land available by way of the sites already identified; however, in her experience, some of these sites would not come forward for a variety of reasons, and therefore the Council should assume that some of the existing land identified in LDP1 would not be developed; that may then result in a deficit of housing land and developers seeking to develop sites not in the Plan and in locations not selected by the Council. Thus, it was important for the Council to have

control over sites and to identify additional housing land through LDP2. She added that councils were not accustomed to planning over a ten-year period, so it was important to ensure that there was an adequate flow of sites over that period.

Councillor Mackie asked how many units in total would be delivered through LDP1 and LDP2. Robin Edgar, Team Manager (Policy & Strategy), advised that land for more than 12,000 houses had been identified in LDP1. It was not yet clear what the figure would be for LDP2, as this was the start of that process, but he estimated that at the start of the LDP2 period (2022), 7,000-8,000 of the LDP1 allocations would not yet have come forward, and there was no guarantee that all of those identified sites would be delivered. He estimated that the total figure between LDP1 and LDP2 would be in the region of 12,000 houses.

Speaking in support of the 'infrastructure first' approach and the partnership working with other local authorities, Councillor Akhtar asked how much influence this would have. She noted that the Scottish Government had recently announced there would be no capital funding for large-scale projects over the next five years, and she was concerned that Section 75 contributions would not provide sufficient funding for the required infrastructure. Ms Sullivan advised that the 'infrastructure first' approach would be pursued and would be subject to ongoing discussions with Scottish Government officials to ensure that other funding sources in addition to Section 75 Agreements could be realised. She added that Members could exert their influence through the planning process and seek to secure additional funding for infrastructure as part of that.

Councillor Hampshire reminded Members that the Council had been required to provide land for 10,050 houses through LDP1, but that land was available for up to 12,000. This report marked the start of a long process to determine the requirements for LDP2, with housing numbers being set through NPF4. He pointed out that the Council would be required to identify housing land in addition to that needed to provide the number stipulated in NPF4. He also recognised the pressures on existing communities, and stressed the need to protect those communities which had accommodated large numbers of new houses; he suggested that greater Blindwells could accommodate more than the 1600 units already identified in LDP1.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to note the details of the Scottish Government consultation on Housing Land Requirements for inclusion in NPF4;
- ii. to note the results of the consultation carried out through the Housing Market Partnership on the Housing Land Requirement methodology and outputs;
- iii. to agree the response attached at Appendix A to the report as East Lothian Council's response to the Scottish Government; and
- iv. to approve the submission of the agreed response to the Scottish Government NPF4 Housing Consultation.

7. THE EAST LOTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2021

A report was submitted by the Executive Director for Place seeking approval of the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of

the Aberdeen Standard Investments Scottish Open 2021 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian.

The Service Manager – Sport, Countryside and Leisure, Eamon John, presented the report, advising that the Order would enable the Scottish Open 2021 Golf Championship to be held, with the land (highlighted in Appendix 2 to the report) being temporarily exempted from public access rights, for health, safety and security reasons, and also to permit an entrance fee for spectators to be levied. Mr John set out the terms of the Order, and confirmed that a consultation had taken place, with no objections being submitted. He noted that, following feedback from the Scottish Government, the Order had been revised and that the updated version had been issued to Elected Members in advance of the Council meeting.

Councillor McMillan welcomed the Order, and he also welcomed the return of the Scottish Open to East Lothian, an event which would benefit the local economy. His views were shared by Councillor Findlay.

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

Decision

The Council agreed to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021.

8. COMMUNITY COUNCIL ELECTIONS 2021

A report was submitted by the Executive Director for Place providing an update on revisions to the Scheme for Community Councils (August 2012), referred to as 'The Green Book', and the proposed Community Council elections to be held in October 2021.

The Service Manager – Connected Communities, Caitlin McCorry, presented the report, highlighting the important role played by Community Council. She drew attention to the proposed changes to 'The Green Book' and outlined the proposed timetable for the Community Council elections, and associated communications strategy. She also indicated that work was underway to devise a code of conduct, complaints procedure and model constitution for Community Councils.

Councillor Mackett asked how the forthcoming elections would be promoted. Ms McCorry explained that this would be done through social media, the Council website, the local newspaper, leaflets and community networks.

Commenting on the demographics of the current Community Council membership, Councillor O'Donnell asked what action would be taken to attract people from within protected characteristics groups. Ms McCorry stressed that efforts would be made to encourage participation from all sections of society, and that equalities training would be provided as part of the induction training programme for community councillors. Councillor O'Donnell also asked if feedback was sought from outgoing community councillors. Ms McCorry advised that there was currently no exit interview process for those community councillors who stand down during the term, but it was something that could be considered for the future through the Association of East Lothian Community Councils.

Councillor Findlay asked when the review of Community Council ward boundaries would be carried out, and he also suggested that consideration should be given to providing training to community councillors on the planning process, given that Community Councils were statutory consultees. Ms McCorry advised that training on the planning process was a key priority and that her team would work with colleagues in the Planning service to prepare and delivery this.

As regards the boundary review, she advised that the Scottish Government would be issuing new guidance for local authorities on Community Councils, which she anticipated would be issued within the next year, and that it was expected that this revised guidance would present an opportunity to review Community Council ward boundaries due to the rate of house-building across Scotland. The situation with Blindwells, which was currently part of Longniddry Community Council, would be included as part of the review.

Councillor Henderson asked how the Association of East Lothian Community Councils could assist community councillors in understanding their role, particularly as regards conflicts of interest. Ms McCorry advised that the Association would have a key role in this as the Chairs acted as mentors to new community councillors. The Association would also have input into the communications strategy, handbook and training programme.

Councillor Currie highlighted the important role played by Community Councils, and the key functions they had carried out during the period of the pandemic. He proposed that the Community Council elections should be promoted among older pupils within secondary schools. He also suggested that the support provided by the Council to Community Councils should be reviewed, especially given the additional work they had done within communities over the past 16 months. He raised the idea of carrying out training on the planning process alongside the training for new councillors following the 2022 Local Government elections.

Sederunt: Councillor McLennan left the meeting

The Provost commented that the report demonstrated the Council's commitment to supporting and promoting Community Councils. He thanked Ralph Averbuch (Chair of the Association of East Lothian Community Councils) and the community councillors within his ward for their work and support during the pandemic.

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

Decision

The Council agreed:

- i. to note the update on Community Councils;
- ii. to note that Council officers from Connected Communities and People and Governance Services would proceed to prepare for Community Council elections to be held on Thursday 7 October 2021;
- iii. to approve the proposed amendments to the current 'Scheme of Community Councils', which had been agreed following consultation with the Association of East Lothian Community Councils and the Council's Legal Service, noting that this would supersede and replace the August 2012 East Lothian Scheme for Community Councils and be effective from 22 June 2021; and
- iv. to note the Scottish Government's intention to provide revised guidance for the operation of Community Councils, following receipt of which it was proposed that a local review of Community Council boundaries would be undertaken to take account of the population growth and housing development across East Lothian.

9. FLEXIBLE WORKING POLICIES

A report was submitted by the Executive Director for Council Resources seeking approval of the newly developed Homeworking Policy and revisions made to both the Flexible Working

Hours and Worksmart policies, all of which outlined arrangements for eligible Council employees.

The Executive Director for Council Resources, Jim Lamond, presented the report, advising that the COVID-19 pandemic had resulted in many Council staff having to work from home, with c. 1100 still doing so. He advised that the Council Management Team had concluded that, in this context, the current policies relating to home working and flexible working required to be revised to ensure they remained fit for purpose. In addition, it was clear that many staff had a desire to continue working from home on an ongoing basis, and that the Council would need to ensure that the policies supported such arrangements; this new way of working would also align with asset rationalisation plans and the Council's strategy on climate change. Mr Lamond confirmed that all three had been subject to formal consultation, and proposed that, if approved, they would come into effect in September 2021.

Councillor Currie asked if the Trades Unions were supportive of the proposed policy changes. Mr Lamond reminded Members that the Trades Unions had a formal role in the consultation process and had been involved throughout the development of the revised policies. He noted that they had been broadly supportive of the Home Working and Worksmart Policies, but had been less supportive of the initial consultative draft proposals set out in the Flexible Working Policy; however, following revisions to that policy made by management in response to the consultation feedback, the Trades Unions had not raised any further issues.

Councillor Mackie asked for further information on staff wishing to work from home. Mr Lamond referred to a staff survey undertaken in the autumn which had indicated there was strong support by many for continued home working. Zoe McFadzean, HR Business Partner, undertook to provide further information to Members on this point, but noted that it was mainly staff working within John Muir House, Brunton Hall and Penston House who had expressed a desire to work from home.

Councillor Hampshire pointed out that the proposed policy changes were being made in order to look after staff. However, he noted that working from home may present different challenges and stressed the need for the Council to do everything possible to support staff. He asked if the policies would be reviewed after a certain period of operation. Mr Lamond indicated that these new ways of working had perhaps been driven by COVID-19, but would bring about permanent changes to how the Council operated. He advised that all three policies would be reviewed after one year to ascertain their effectiveness and if further changes were required.

Councillor Williamson asked if there would be a reduction in office space if staff wanted to continue working from home. Mr Lamond expected that a substantial number of staff would apply to work from home, which would have an impact on the amount of office space required. He advised that asset rationalisation plans were currently under development, and that it was important to align implementation of the revised policies with these plans.

In response to a question from Councillor Henderson on the implementation of 'core hours', Ms McFadzean explained that employee contracts were still largely aligned with traditional office hours (i.e. 9 am – 5 pm), and that she was not aware of any service which had imposed core hours at this time, despite managers having the discretion to do so.

Councillor Hampshire welcomed the consultation with staff and the Trades Unions on these policies, and he believed that the revisions would support staff who were working from home. He reiterated the need to ensure that staff were being adequately supported and looked forward to the opportunity to review the policies after one year of operation.

Councillor Currie remarked that the circumstances regarding the pandemic had presented opportunities, but that it was important to have policies that were fit for purpose. He also welcomed the consultation, noting that the Trades Unions would seek reassurance that there

were no detrimental impacts on their members. He thanked those involved for progressing the revised policies.

Councillor Trotter spoke in support of reviewing the policies as appropriate.

The Provost then moved to the vote on the recommendation as set out in the report, taken by roll call, which was agreed unanimously.

Decision

The Council agreed to approve the policies attached at Appendices B, C and D, to be introduced with effect from September 2021, to allow time for full employee engagement, communications and management support.

10. APPOINTMENTS TO EAST LoTHIAN LICENSING FORUM

A report was submitted by the Executive Director for Council Resources seeking approval of the appointment of proposed new members of the East Lothian Local Licensing Forum and for any future decisions on membership of the Forum to be delegated to Council officers.

The Service Manager – People and Governance, Kirstie MacNeill, presented the report, setting out recent changes to the operating procedures relating to the Local Licensing Forum. She sought approval of two applications for membership of the Forum and of delegated authority to the Head of Council Support to make any future appointments to the Forum.

The Provost thanked Mrs MacNeill and her Licensing Team for their work during the pandemic, noting that there had been positive feedback about this service. He welcomed the two appointments to the Forum, commenting that the Forum carried out an important function.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to approve the appointments to the East Lothian Local Licensing Forum, as outlined at Section 3.3 of the report; and
- ii. to approve that future Forum appointments and non-voluntary terminations be delegated to the Head of Corporate Support, as detailed at Section 3.4 of the report.

11. SUMMER RECESS ARRANGEMENTS 2021

A report was submitted by the Executive Director for Council Resources advising Members of the arrangements for dealing with Council business during the summer recess 2021.

The Clerk advised that all reports approved in accordance with the recess procedures would be lodged in the Members' Library, and that a summary of such business would be presented to the Council meeting of 24 August 2021.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to approve the application of the recess business arrangements, in accordance with Standing Order 15.6, effective from the close of this meeting until the Council meeting of 24 August 2021 (as outlined at Section 3.1 of the report); and
- ii. to note that a summary of business undertaken during the recess period would be brought to the Council meeting of 24 August 2021, and that copies of all reports approved during the recess would be lodged in the Members' Library.

12. GRANTING THE FREEDOM OF EAST LoTHIAN TO JOSH TAYLOR

A report was submitted by the Executive Director for Council Resources seeking Council approval to grant the Freedom of East Lothian to Josh Taylor.

The Service Manager – People and Governance, Kirstie MacNeill, advised that all local authorities have the power to award the freedom of their area to persons of distinction or who have given eminent service to the area; East Lothian Council had only made this award on four occasions. Mrs MacNeill proposed that the Freedom of East Lothian should be awarded to Josh Taylor, the undisputed light-welterweight champion of the world. She advised that Mr Taylor was born and raised in East Lothian, and that he had had an exceptional career in both amateur and professional boxing, being the first UK boxer to become undisputed world champion in the four-belt era and only the fifth man in the world to achieve this status. She asked Council to approve the award of Freedom of East Lothian and instruct officers to make the necessary arrangements for a presentation ceremony as soon as practicable.

The Provost paid tribute to Josh Taylor for his achievements and his commitment to his sport, noting that in being awarded the Freedom of East Lothian, he would join John Bellany, Catriona Matthew, the Lothian and Border Yeomanry, and the Royal Scots Borderers, 1st Battalion The Royal Regiment of Scotland, who had previously been granted this award. The Provost was honoured to nominate Josh Taylor for the Freedom of East Lothian.

Seconding the nomination, Councillor Innes declared that Josh Taylor had been a great ambassador for Prestonpans and East Lothian for many years. He made reference to his notable achievements – winning silver and gold medals at successive Commonwealth Games, success in competitions across Europe, the first Scottish boxer to be selected for Great Britain's Olympic boxing team since the 1960s, and only the fifth boxer to become undisputed world champion. Councillor Innes paid tribute to Mr Taylor's family and partner for their unconditional support and commitment to his career. He believed that Mr Taylor would be a worthy recipient of the Freedom of East Lothian and urged all Members to support the proposal.

Welcoming the nomination, Councillor Trotter described Mr Taylor's achievements as 'the stuff of legend', and praised his dedication and commitment to his sport as he moved through the amateur and professional ranks to achieve the status of undisputed champion of the world. He hoped that his success story would inspire other young people to achieve in their chosen sports. He suggested that the Council could also commemorate Mr Taylor's achievement by way of a statue or plaque in Prestonpans.

Councillor Bruce also praised Mr Taylor's achievement, commenting that the welcome he had received on his return to Prestonpans had demonstrated how well regarded he is in the community. He hoped that his next fight would be shown on television or held in Edinburgh. He congratulated Mr Taylor, noting that he was delighted to support this nomination.

Councillor Currie echoed the comments already made, and highlighted the importance of the Council making this award and marking Josh Taylor's achievements at this point in his career. He also supported Councillor Bruce's comments as regards Mr Taylor's next fight being held locally. He remarked that he was heartened at the reception Mr Taylor received in Prestonpans and how his success would affect young people.

Councillor McGinn concurred with Councillor Trotter's remarks that Mr Taylor's achievements were legendary, noting the sacrifices he had made during his childhood and adolescence to realise his dream. He pointed out that Mr Taylor also supported a number of local charities and organisations, describing him as a role model and inspiration for young people.

Councillor O'Donnell observed that two of the three individuals to be awarded the Freedom of East Lothian had come from the Preston, Seton and Gosford ward. She commented that Councillor Innes had played a personal role in supporting Mr Taylor throughout his career. She congratulated him on his achievements.

The Provost concluded the debate by paying tribute to Mr Taylor. He then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. that on the nomination of the Provost, seconded by the Leader of the Council, to resolve to present the award of the Freedom of East Lothian to honour the sporting achievements of Josh Taylor, undisputed light-welterweight champion of the world;
- ii. to instruct officers to make the necessary arrangements for a Freedom of East Lothian presentation ceremony, as soon as practicable; and
- iii. to delegate authority to the Chief Executive, in consultation with the Provost and Council Leader, to approve detailed proposals, these to be the subject of a report to the Members' Library.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 10 APRIL TO 7 JUNE 2021

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in April 2021.

Councillor Goodfellow drew Members' attention to Item 58/21 on the Bulletin (Housing First for Women), which advised of funding received to provide support to women experiencing homelessness as a result of domestic abuse and mental ill health/substance misuse.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 10 April and 7 June 2021, as listed in Appendix 1 to the report.

Valedictory

At the end of public business, the Provost announced that Jim Lamond, Executive Director for Council Resources, would be retiring from his post in July. He thanked Mr Lamond for his support and advice on a wide range of Council issues, and for his contribution to the

Champions Board, where he had worked with care-experienced young people. He wished Mr Lamond well in his retirement.

Councillor Hampshire, who had worked with Mr Lamond for many years, commented that as Chief Finance Officer, Mr Lamond had made East Lothian one of the most successful councils in the UK, and he had been adept at finding solutions to financial challenges. He noted that he would also miss Mr Lamond on a personal level, and wished him all the best for the future.

Paying tribute to Mr Lamond, Councillor Currie remarked that Mr Lamond had served East Lothian well and he had valued his advice and judgement.

Councillor Kempson thanked Mr Lamond for his advice and kindness when she had experienced a particularly challenging situation.

Councillor Henderson welcomed the help and support she had received from Mr Lamond when she was Leader of the Conservative Group, and for his guidance as regards public sector finances. Her comments were echoed by the current Group Leader, Councillor Bruce, who was particularly appreciative of Mr Lamond's guidance during the budget process.

Councillor McGinn thanked Mr Lamond for giving his time to election candidates and to councillors. He also made reference to his contribution to the Champions Board and for his commitment to that challenging role.

Councillor O'Donnell concluded the tributes to Mr Lamond, thanking him for his time, support and patience.

Mr Lamond thanked Members for their comments, noting that he had enjoyed working for the Council and was proud to have served East Lothian.

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.

Application for Funding to Musselburgh Common Good Committee

An application for funding of £25,000 submitted to the Musselburgh Common Good Committee by Musselburgh Rugby Football Club was approved, subject to conditions.

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**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 15 APRIL 2021
VIA THE DIGITAL MEETINGS SYSTEM**

2a

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor J Findlay
Councillor K McLeod

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Council Officers Present:

Ms P Gray, Communications Adviser

Clerk:

Ms J Totney, Team Manager, Democratic and Licensing

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the meeting and the options available to the Local Review Body in reaching a decision on the planning applications before it.

The Legal Adviser then invited nominations to chair the meeting and Councillors McLeod and Findlay proposed and seconded Councillor Hampshire. It was therefore agreed that Councillor Hampshire would chair the Local Review Body on this occasion.

1. PLANNING APPLICATION NO. 20/00998/P: ERECTION OF HUT, STORE AND ASSOCIATED WORKS (PART RETROSPECTIVE) BOLTON MUIR WOOD, GIFFORD, HADDINGTON

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Prior to doing so, the Planning Adviser drew the Local Review Body's attention to the meeting of the Local Review Body on 10 March 2021 in respect of planning application 20/00824/P (proposed erection of a hut and shed (part retrospective) at the woodlot known as "Wynd Wood" at Bolton Muir Wood). He advised that the Local Review Body on 10 March 2021 dismissed that application and refused planning permission as "the proposed hut and associated shed, by virtue of its impact on biodiversity and on vehicle movements within Bolton Muir Wood, would be harmful to the countryside contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018". He stated that this decision by the Local Review Body on 10 March 2021 is material to the determination of this application (20/00998/P) and explained that the application before the Local Review body today relates to another parcel of woodland located within Bolton Muir Wood known as "Nolt Wood".

The Planning Adviser outlined the background and detailed proposals contained in planning application No. 20/00998/P, a part retrospective planning application for a hut and store and associated works at Bolton Muir Wood. He advised that Bolton Muir Woodland is now in the care of Woodlands.co.uk, a company run by foresters specialising in selling productive and amenity parcels of forestry. He reminded the Local Review Body that this is an appeal against non-determination of the application, outlined the policies and documents that are relevant to the determination of this application, and provided the definition of a "hut" as defined by Scottish Planning Policy.

The Planning Adviser reported that six written objections had been received in relation to this application and were fully considered by the planning case officer. He also reported that no objections had been raised by any of the Council's service areas, although the Council's Biodiversity Officer and Access Officer had raised concerns about potential disturbance to wildlife and the impact on the ambience of the wood, and had suggested ways to mitigate these.

The Planning Adviser then considered the assessment of the application provided by the appointed Planning case officer. The case officer had noted that due to the site's location the proposed hut, erected sheds, compost store building and raised planters would not, and do not, have any harmful impacts of overlooking or overshadowing. Also, in terms of its size, and scale the proposed hut meets the terms specified within Scottish Planning Policy, and is in principle consistent with it. The adopted East Lothian

Local Development Plan 2018 is silent on policies relating to hutting developments. However, Policy DC1 of the adopted East Lothian LDP in principle supports development in the countryside for specific reasons including the proposed use of the hut and associated works for leisure and/or countryside recreation. The case officer had considered that the proposed hut by virtue of its architectural form, size, scale, height, design, proportions, materials and position, would be well absorbed into its surroundings and would not appear as a harmfully dominant, intrusive or incongruous feature within its landscape setting and would not be harmful to the landscape character and visual amenity of the area; the same conclusion applies to the erected shed, which contains the composting toilet. However, with regard to the erected tool shed, compost store building and raised planters the case officer assessed that these structures are domestic in nature and are not required to facilitate the use of the hut as a recreational building. The case officer had noted that these, individually and cumulatively, appear as harmfully intrusive and incongruous features within their woodland setting contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: Revised December 2020.

The Planning Adviser further reported that the planning case officer confirmed that Bolton Muir Wood currently has 18 individual woodlots, each of which has a surfaced parking area at the entrance. If two cars were allowed to be parked within each woodlot, as is proposed within the woodlot named 'Nolt Wood', this would result in the potential of 36 vehicles travelling on the tracks through the woods and those 36 vehicles being parked within Bolton Muir Woods at any one time. The case officer had stated that the overriding material planning consideration in the determination of this planning application is the Council's decision, at the Local Review Body meeting on the 10th of March 2021, to refuse planning permission (Ref:20/00824/P) for the erection of a hut and shed (part retrospective) at Bolton Muir Wood. Although one of the three Local Review Body Members were satisfied with the officer recommendation for approval, two of the members raised concerns relating to the impact of the vehicular movements through, and within, the woodland area and the impact and conflict that this may cause with other users within the woodland of Bolton Muir Wood.

The Planning Adviser then reported that the case officer's recommendation, in accordance with the previous Local Review Body's decision (which is a material planning consideration in the determination of this current application), is that without any alternative proposal for the parking of vehicles for the owners of Bolton Muir Wood this application should be refused planning permission; the reason for the refusal being that the proposed hut and the erected shed containing the compost toilet, the erected tool shed, compost store building and raised planters by virtue of their impact on biodiversity and on vehicle movements within Bolton Muir Wood, would be and are harmful to the countryside contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018, and in the case of the erected tool shed, compost store building and raised planters with Scottish Planning Policy: Revised December 2020.

The Planning Adviser then summarised the content of the Planning Statement and Ecological Report which had been submitted by the applicant's agent. He advised that the Woodlands company are trying to place new owners of the woodlots in a position to actively manage their trees. This means felling and replanting as required. To enable this, the company have formed hardcore timber-stacking areas at the entrance to each woodlot, to allow a tractor/trailer and loading crane into the edge of the sites to collect the stacked wood. When not required for timber-stacking these hardcore zones would make perfectly suitable hardstanding to park the owners' vehicles. He advised that the agent has emphasised that parking is a subsidiary use, not the primary use. However, the Planning Adviser pointed out that the creation of functional areas of new

hardstanding for the stacking of timber requires Prior Notification for Agricultural and Forestry Developments but not a full planning application. He informed the Local Review Body that the applicant's agent indicates that as these areas of hardstanding at Bolton Muir are at the entrances to the individual woodlots, and that ELC Planning Department, and also the objectors, are assuming that they are only parking areas for the hut owners' cars, although they would actually be dual purpose.

The Planning Adviser further advised that the agent's submission addresses a number of individual issues raised by the objectors, including an adverse impact on wildlife and highlights that the woodland owners have planted over 400 trees with more to be planted in the next few months which will be native broadleaves and Scots Pine, which will greatly enhance the natural credentials of the woods. The agent has also addressed the issue raised in relation to the possible increase in human activity and traffic, but had stated that as many local people already use their cars to get to Bolton Muir Woods there would not be a significant increase in traffic to the huts. He added that it has been suggested that a planning condition could be imposed to restrict excessive traffic and parking within Bolton Muir.

The Planning Adviser concluded his presentation by outlining a further three objections that had been received. He advised that a local resident has suggested that the primary use of the areas of hard standing in Bolton Muir Wood is for car parking and not for stacking timber. Humbie, East & West Saltoun and Bolton Community Council had commented that the Bolton Muir Woods currently has 18 woodlots and that approval of this application will in effect give a green light to a far wider development of woodlands across East Lothian. The community council also noted that there is no overall management plan for the wider woodland to coordinate the felling, wood extraction or replanting of species across the woodlots and that there appears to be no communal arrangements for the disposal of waste, and no restrictions on the use of generators and other machinery. The community council are seeking that an overall management plan covering all activities that are to take place in the entire Bolton Muir Woods is put in place before development is allowed, in order to preserve and enhance this ancient woodland. The Council's Access Officer is concerned that splitting up this woodland and the building of huts will have a detrimental impact on public access rights within the woods, and that the public perception would be that they only have a right of access along the tracks, which could severely reduce the joy of walking there.

The Planning Adviser responded to questions from Members on the type of trees that would be planted; preventing the erection of additional huts on individual sites; fire safety; the residential status of the huts; privacy for owners; and the ability for the Council to control the development over 18 individual sites/planning applications. He advised that additional huts would require planning permission; that the best way to address accident prevention would be through a proper overall management plan; that individuals using the woods need to exercise responsible access; and acknowledged that control is currently difficult due to the absence of a management plan.

The Local Review Body discussed concerns about the impact of cumulative developments; the site capacity; the impact on biodiversity and dealing with individual applications without a wider understanding of the site management; and suggested that the Woodland company is advised that no further planning applications can be considered until a management plan for this site has been put in place.

The Legal Adviser informed the Local Review Body that they had the option to

request further information before making a decision, either by way of a written submission or a Hearing with the applicant. He advised that non-determination of the application was not an option for the Local Review Body, but the application could be continued pending additional information. In response to Councillor Hampshire, he advised that the Local Review Body could be very specific in terms of the additional information they are requesting and could set a timescale for receipt of the information.

Councillor Hampshire advised that he did not have sufficient information to determine the application and recommended that the applicant be contacted to ascertain if they would be agreeable to producing a site management plan and a woodland management plan, in conjunction with council officers, within three months.

Councillors Findlay and McLeod fully concurred with Cllrs Hampshire's recommendation.

Decision

The East Lothian Local Review body agreed unanimously that the application be continued and that a council officer would contact the applicant to seek additional information.

Sederunt: Ms Gray left the meeting

2. PLANNING APPLICATION NO. 20/00660/P: CHANGE OF SURFACING OF GRASSED OPEN SPACE TO HARDSTANDING AND RESURFACING OF FOOTPATH (RETROSPECTIVE), 12 STATION ROW, MACMERRY, TRANENT EH33 1PD – REVIEW AGAINST DECISION (REFUSAL)

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/00660/P, which seeks retrospective planning permission for a change of surfacing of a grassed open space to hardstanding and the resurfacing of the footpath outside 12 Station Row, Macmerry. He explained that the application site covers an area of some 40 square meters and is composed of two roughly equal areas of land that form a section of a public footpath that runs adjacent to the front elevation of the applicant's house at 12 Station Row and an area of public open space located between the footpath and the A199 public road. He advised that the appointed planning case officer confirms that the area of grassed open space which is the subject of the application is a part of the roadside verge of the A199 public road. It was formerly laid in grass and was a part of an existing larger grassed strip of land located between the cottages of Station Row and the public road. The grass has been uplifted on that area of open space and a hard surface formed in paving blocks (mono-block pavements). In addition, the case officer confirms that the grass verge is in the council's ownership and that the footpath outside no 12 Station Row is owned by the applicant.

The Planning Adviser stated that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application be determined in accordance with the development plan, unless material considerations indicate otherwise and that Policy DP2 (Design) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of the application. He added that there are no public objections to this application and no objections from the Council's Amenity Officer. However,

although the Council's Roads Services confirmed the status of the area of open space as part of the public road and confirmed that works undertaken on that area of public road did not benefit from a required permission from East Lothian Council as roads authority, they objected to the laying of the mono block surfacing on that area of land and confirmed that the footpath is not adopted by the Council for management and maintenance purposes. With regard to Policy DP2, he advised that Policy DP2 (Design) of the adopted East Lothian Local Development Plan 2018 states amongst other things, that development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palate of materials and colours that complement its surroundings.

The Planning Adviser then considered the assessment of the application provided by the appointed planning case officer. The case officer had noted that the applicant's house is part of a long terrace of single storey houses that front onto the A199 public road and are readily visible from that public road. The houses have no front garden and are bounded by a 3m wide public footpath. Beyond the footpath is a 2.5m wide grassed strip that separates the footpath from the public road. The terrace of houses, the footpath and the grassed strip together provide a strong linear, uniform frontage to the streetscape of this part of Macmerry and are an inherent character of it. This is distinctly different in appearance to the domestic character and appearance of other houses in the vicinity that have clearly distinguishable front gardens. The area of mono-blocked surfacing extends across the 3m wide footpath and the 2.5m wide grass verge between the front of the applicant's house and the public road. He stated that it is the case officer's view that this new hard surface has noticeably altered the character and appearance of the footpath and the grass verge to the front of the applicant's house, giving it a domestic driveway appearance more akin to the front garden of a house. The case officer had concluded that the change in appearance of this section of the footpath and grass verge has interrupted and disrupted the uniformity of the strong linear frontage that the terrace of houses, the footpath and grass verge display and therefore the character of this part of Macmerry. By merging the footpath and grass verge into one larger hard surfaced area this is development that is inappropriate for its positioning and does not respect or complement the site's context as part of a wider grass verge and footpath, thereby giving it a strong visual relationship with the applicant's house that is overly domestic in character. It is therefore a form of development that is harmful to the visual amenity of the area and therefore to the character and appearance of the area.

The case officer also noted that if planning permission were to be granted for the mono block this could present difficulties for the planning authority in resisting further applications for such development, the cumulative effect of which would be the gradual erosion of the larger grassed strip of open space and a harmful impact on the character and appearance of the wider area. The case officer concluded that the proposal is contrary to Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Planning Adviser then referred to the submission from the applicants and pointed out that the applicants discussed some repair proposals relating to the footpath with a representative of the Council's Roads Services in 2019 and were told that as the owners of this section of the footpath they were responsible for its maintenance. As a result of this discussion the applicants were under the impression that it is permissible to change the surface of the footpath from tarmac to mono blocks. Additionally, the applicants claim that they were told that the council maintains the grassed verge as a courtesy, which made them believe that they also owned that area as well. Their statement confirms that they never planned to use the hard surfaced area as parking as it is opposite a traffic island and marked cycleway. The applicants emphasise that they tried to create a neat and permanently tidy area to the front of their cottage and

agree with the case officer that this development has interrupted the linear flow of the grass verge. However, they feel that it has added to the betterment and symmetry of the row, since artificial grass and cobbles have already been laid out at the other end of the row. The applicants disagree with the case officer's comment about the resurfaced verge and footpath being too domestic. They note that this new surface type has not stopped an increased number of pedestrians using it as a crossing point in conjunction with the traffic island.

The Planning Adviser responded to questions from the Local Review Body on service access, the ownership of the grassed open space, and the reinstatement of the mono-block following any service access that is required in the future. He advised that the Council own the grassed open space and would have the right to remove the mono-block. Councillor Hampshire commented that the council would likely replace the mono-block with grass if they had to disturb the mono-block to access services.

The Legal Adviser reminded Members that this application is for retrospective planning permission and that consideration should be in respect of the acceptability of the changes that have been made, from a planning perspective.

The Chair asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They were all satisfied that they had sufficient information.

The Chair then invited Members to give their opinions.

Councillor McLeod commented on the high quality of the work that had been carried out but wondered about potential future issues if the council require access to services, particularly in relation to who would be responsible for lifting the mono-block and whether it would be reinstated thereafter. He indicated that he would be supportive of granting planning permission for both the grassed open space and the footpath on the proviso that the council's transportation service can remove the mono-block for access.

Councillor Findlay commented on the fact that the work had been carried out without planning permission and could set a precedent for other households to undertake similar changes and then apply retrospectively for planning permission. He stated that he was supportive of granting planning permission for the footpath but not in respect of the grassed verge.

Councillor Hampshire stated that he did not see the work as detracting from the character and appearance of the area but he did have concerns about the grassed area in relation to service access as the mono block would not be reinstated by the Council after any works. He indicated that he would be supportive of granting planning permission for both the grassed open space and the footpath, on the basis that the council can ask for the mono block to be removed if access is required and that it would subsequently be replaced with grass, regardless of the fact that planning permission had been granted.

Decision

The East Lothian Local Review body agreed by a majority to grant retrospective planning permission for the change of surfacing of the grassed open space and the footpath subject to the following conditions:

1. No use shall be made at any time of the hardsurfaced area of former grassed roadside verge hereby approved for the parking of vehicles.

2. The resurfaced area of public footpath hereby approved shall at no time be subject to any use other than that of public footpath.
 3. The Roads Authority shall, if deemed to require repair of which the Roads Authority is responsible for, be entitled to carry out an appropriate repair to the area resurfaced in terms of this planning permission with whatsoever materials are deemed appropriate by the Roads Authority.
- 3. PLANNING APPLICATION NO. 20/00883/P – REPLACEMENT WINDOWS AND DOORS (RETROSPECTIVE), 1 WEDDERBURN TERRACE, INVERESK, MUSSELBURGH EH21 7TJ – REVIEW AGAINST DECISION (REFUSAL)**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/00883/P, which seeks retrospective permission for the replacement of windows and doors of the house at 1 Wedderburn Terrace located in the Inveresk Conservation Area.

The Planning Adviser referred to the assessment of the application provided by the appointed planning case officer which described the windows that have been replaced as largely single glazed sash and case windows with astragals that had white painted, timber frames. The glazing pattern of the windows were largely either a six over six or an eight over eight glazing pattern. However, the two first floor windows on the front northwest elevation of the house were casement windows with top opening hoppers with a 3 over 6 glazing pattern. The doors that have been replaced were of timber construction. The replacement windows are all white uPVC framed, double glazed casement windows with astragal bars to the top opening hopper section of the windows. The replacement doors are of uPVC construction and are grey in colour. The door installed in the side (southwest) elevation of the house has a full height glazed panel with astragals adjacent to it.

The Planning Adviser then outlined that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise. He explained that Policies CH2 (Development in Conservation Areas), CH5 (Battlefields) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application and provided details of the other legislation and guidance that is material to the determination of this application. He informed the Local Review Body that no public objections had been received.

The Planning Adviser returned to the case officer's report and highlighted the references in the report regarding the Inveresk Conservation Area Character Appraisal, the 20th century sandstone houses that are built in the Terrace, and a small group of infill properties with a more modern architectural style that are built near to the applicant's house. The applicant's house is considered to display a traditional architectural style and the case officer highlighted that its traditional timber framed sash and case windows were a significant component of the house and the positive contribution it made to the character and appearance of the Inveresk Conservation

Area. The case officer's report also stated that the replacement windows to the sides and front of the house, with their modern uPVC framing and different glazing pattern and opening mechanisms, are readily visible from Wedderburn Terrace and are considered harmful to the character and appearance of this part of the conservation area. However, the replacement windows on the rear elevation which are not easily seen from public view, along with the replacement doors are not seen to harm the character and appearance of the area.

The Planning Adviser reported that as the bulk of the uPVC framed windows are readily visible from public view the decision of the case officer was that the application as a whole should be refused, and reminded Members of the grounds on which the application was refused.

The Planning Adviser then turned to the submission made by the applicant's agent challenging the reasons for refusal of planning permission and he highlighted the main points raised including overstating the quality and character of the existing housing, the fact that the new windows offer far greater environmental performance/efficiency, and that there is already a mix of residential dwellings in the Inveresk Conservation Area. He informed the Local Review Body that the applicant had volunteered a potential solution which would be to match the glazing pattern in the bottom half of the sash windows to match that in the top half.

The Planning Adviser responded to questions from the Local Review Body on the precedent of permitting replacement windows from material different to the original where not visible to the public, the public visibility of the replacement windows at this property, and the age of the property. He confirmed that planning permission has previously been granted for replacement windows outwith the public view, commented that most people would not be able to see the replacement windows at 1 Wedderburn Terrace, and that the exact age of the house was not recorded in the case officer's report.

The Chair asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They were all satisfied that they had sufficient information.

The Chair then invited Members to give their opinions.

Councillor McLeod advised that he found the site visit interesting and that he did not consider the windows to be out of place and that you had to be very close to the property to realise that the windows were uPVC, adding that the effect created at the front fence means that you cannot easily see the windows. He stated that he would support the granting of planning permission along with the suggestion of matching the glazing in the top and bottom of the sash windows, if that is what is required to be able to grant planning permission.

Councillor Findlay stated that he had walked around the area and had observed a whole mix of types of buildings and windows. He advised that he would be supportive of granting planning permission without the requirement to match the top and bottom sash glazing.

Councillor Hampshire also advised that the site visit had been useful and while he would have thought the whole window would have been visible this was not the case and he therefore considered the replacement windows to have a limited impact on the Conservation Area, and agreed that there is a range of styles of windows in the properties in the area. He stated that things change over time with regard to

conservation areas and modern additions are starting to emerge. He advised that he would be going against the officer's recommendations and would grant planning permission for this application.

Decision

The East Lothian Local Review Body agreed unanimously to grant retrospective planning permission for Planning Application No. 20/00882/P – Replacement Windows and Doors, 1 Wedderburn Terrace, Inveresk, Musselburgh, EH21 7TJ

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 20 MAY 2021
VIA THE DIGITAL MEETINGS SYSTEM**

2b

Committee Members Present:

Councillor J McMillan (Chair)
Councillor J Findlay
Councillor J Williamson

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Ms J Squires, Planning Adviser to the LRB

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the meeting and the options available to the Local Review Body in reaching a decision on the planning applications before it.

The Legal Adviser then invited nominations to chair the meeting and Councillors Findlay and Williamson proposed and seconded Councillor McMillan. It was therefore agreed that Councillor McMillan would chair the Local Review Body (LRB) on this occasion.

1. PLANNING APPLICATION NO. 20/00989/P – ALTERATIONS, EXTENSION TO HOUSE, FORMATION OF DORMER AND HARDSTANDING AREA, 13 ROODWELL COTTAGES, PRESSMENNAN ROAD, STENTON, DUNBAR EH42 1TE

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/00989/P relating to a semidetached property at 13 Roodwell Cottages, Pressmennan Road, Stenton. While not a listed building, the property was located within Stenton Conservation Area. The original application was for a number of alterations and extensions to the property. These alterations and extensions had been granted permission and were not subject to this review. The original application also included proposals for a dormer. Although the dormer was a significant element of the scheme, on balance, the case officer considered the majority of the proposals were acceptable. The application was approved, with refusal of the dormer by condition, rather than refusing the scheme overall. This appeal was for a review of grant of permission with Conditions imposed.

The Planning Adviser reminded Members that applications should be determined in accordance with the development plan for the area unless material considerations indicate otherwise: in this case the South East Scotland Plan (SESPAN) and the East Lothian Local Development Plan 2018. Other material planning legislation and policies were: Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and the Scottish Government's policy on Conservation Areas as given in Scottish Planning Policy. The applicant in their appeal statement also noted Historic Environment Scotland Interim Guidance on Designation of Conservation Areas and Conservation Area Consent April 2019 and East Lothian's Cultural Heritage and Built Environment SPG including Appendix 1 Conservation Area Character Statements to be relevant.

The Planning Adviser summarised the planning case officer's assessment of the proposals with particular reference to the dormer. She outlined the size, scale and materials to be used, as well as the impact on the existing building and surroundings. She noted that the case officer considered that while the dormer windows would not cause harmful overlooking nor loss of sunlight or daylight to any adjacent properties, the dormer would be harmfully disproportionate to and result in a gross overdevelopment of the roof slope. It would not be subservient to or in keeping with the original house. Due to its size, scale, design, proportions, massing, predominantly zinc clad external finish and position, it would be a radical alteration to the rear elevation of the house that would appear as harmfully dominant, intrusive and incongruous feature

on the roof slope, occupying almost all of its length. The proposal would also be readily visible from the public area of the footpath to the south west of no. 14 Roodwell Cottages which gave access to the Crofts.

The dormer would be radically different from the smaller sized, traditionally designed pitched roof dormers approved on the rear elevations of 2, 3 and 5 Roodwell Cottages. It would not be in keeping with the character and appearance of the house, the streetscape, and would harm the special architectural and historic character of the Conservation Area. This was contrary to Policies of the adopted East Lothian LDP namely Policy CH2: Development in Conservation Areas and Policy DP5: Extensions and Alterations to Existing Buildings; as well Scottish Government Policy on development within a Conservation Area set out in Scottish Planning Policy 2014. In addition, the case officer considered the proposed dormer would set an undesirable precedent for the formation of similar sized dormers on the rear slopes of other houses within the streetscape, which would be collectively detrimental to the Conservation Area.

The Planning Adviser summarised the grounds for review put forward by the applicant which sought the removal of Conditions 1 and 2 of the planning permission as they considered they were not competent in relation to Scottish Government Circular 4/1998 "The Use of Conditions in Planning Permissions". This Circular stated that conditions can enable many development proposals to go ahead where it would otherwise have been necessary to refuse planning permission. They should only be imposed when they are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. She outlined the conditions as stated in the planning permission.

She outlined the applicant's arguments that Condition 2 was not precise as it was not clear what they must do to comply. She indicated that the case officer had verbally informed her that there had been an error in the composition of the decision notice; the intention was that the first sentence of Condition 1 namely "The proposed box type dormer proposed for the rear elevation roof slope of the house is not hereby approved" be the Condition, with the remainder of that condition and condition 2 being the reasons for refusal. The planning service therefore accepted that Condition 2 did not meet the tests of Circular 4/1998 but instead gave a further reason for the imposition of Condition 1.

In relation to Condition 1, she advised that the applicant had argued that it was not necessary as the dormer would not result in an unacceptable impact on the character and appearance of the house itself nor Stenton Conservation Area, and was therefore not needed in order to safeguard the character and appearance of the house and Stenton Conservation Area as the reason for the condition stated. Furthermore, the application site was within an area that forms an exception to the consistent uniformity of form and materials within the village, and it did not make a significant contribution to the special architectural or historic interest of Stenton Conservation Area. The applicant did not consider that the roof of the dwelling was 'readily visible' from public areas to the extent that the dormer would harm the special architectural and historic character of the Conservation Area. The path was not a key viewpoint within the village. As a result the proposal was not contrary to Policy CH2 of the LDP. In his view, the dormer also accorded with Policy DP5 as it was subservient to the original building in terms of materials and form, and complementary to the original building in terms of its design and materials.

In conclusion, the applicant contended that condition 1 was not reasonable as it effectively nullified the benefit of planning permission, contrary to the guidance of

Circular 1998/4, and that it resulted in the development being substantially different to that comprised in the application. Facilitating the reorganisation of living spaces within the building was the sole purpose of obtaining the planning permission, and that if the dormer was not built, bedrooms could not be built in the roof space as there was insufficient light and activity space to comply with building regulations.

The Planning Adviser closed by reminding Members that it was open to them to dismiss the appeal, allow the appeal, or to rewrite the Condition as originally intended or otherwise.

The Chair thanked the Planning Adviser for her summary.

The Planning Adviser responded to questions from Members. She provided information on the reduction in the amount of zinc to be used on the dormer, whether the property's visibility from a neighbouring path should be a material consideration in the appeal and the architectural merit of the property itself. She also confirmed that, to her knowledge, there was no discretion offered in planning policies CH2 and DP5 to take account of COVID-19 and the potential need for extensions to residential properties to provide home working spaces.

The Chair confirmed that a site visit had taken place attended by all three members of the LRB. He asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Findlay stated that one of his concerns had been the use of zinc on the dormer, however, he was reassured to see that the amount of zinc had been reduced. He noted that that dormer would be at the back of the property and, while visible from the footpath, one would have to look carefully to see it through the foliage. On balance, he proposed to allow the appeal as he felt that the conditions were not appropriate.

Councillor Williamson said he had walked around the immediate area prior to viewing the site and he had walked up the footpath to the nearby houses. He had observed that a number of neighbouring properties had extensions and some also had dormers to the rear. He welcomed the proposed reduction in zinc usage and he noted that there would be no overlooking or loss of daylight or sunlight to neighbouring properties. He therefore saw no reason to refuse the appeal.

The Chair concurred with the views of his colleagues. He said that the site visit had persuaded him that the proposals would not adversely affect the conservation area. He did not think that the dormer would be incongruent or adversely impact on the character of the property or the surrounding area. He said that due to the impact of COVID-19 and changes to working and home life it was important to show that policies could be flexible enough to adapt to changing needs. He agreed that the appeal should be upheld.

Decision

The ELLRB agreed unanimously to uphold the appeal and to discharge both conditions of the previously granted planning permission.

2. PLANNING APPLICATION NO. 20/01284/P – EXTENSION TO HOUSE, HEIGHTENING PART OF ROOF, FORMATION OF RAISED PLATFORM WITH STEPS, HANDRAILS, ERECTION OF DOUBLE GARAGE AND GATE AT NOUSTER COTTAGE, GARLETON, HADDINGTON EH41 3SJ

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/01284/P relating to the extension to the house at Nouster Cottage, West Garleton, heightening part of the roof, formation of a platform and erection of a double garage and gate. 5 trees and some hedging will be removed to allow this. The Notice of Review was submitted on 13 March 2021.

She reminded Members that planning applications should be determined in accordance with the development plan for the area unless material considerations indicated otherwise. The case officer considered there were no relevant policies within the South East Scotland strategic development plan 2013 but the following East Lothian Local Development Plan 2018 (LDP) policies were relevant: Policy DC1 Rural Diversification; Policy DC9 Special Landscape Areas; Policy CH6 Gardens and Designed Landscapes; Policy DP2 Design; and Policy DP5; extensions and alterations to existing buildings. In addition, the case officer had considered Scottish Government policy as set out in Scottish Planning Policy 2014 to be material to the application. Supplementary Planning Guidance on Special Landscape Areas was also available.

The Planning Adviser then summarised the planning case officer's assessment of the application. The case officer had considered that the heightening of the existing flat roofed component, the formation of raised platform, the erection of a garage and repositioning of the existing timber access gate had all complied with policy. That there would be no harmful overlooking or loss of sunlight or daylight to the neighbouring residential property from these or indeed any part of the proposal. He also noted that the Council's Roads Services and Environmental Health Service had raised no objection, and that one public representation had been received, which was in support of the planning application.

However, the case officer had considered that the principle component of the scheme comprised the proposed one and a half storey extension to the north and west of the house. He noted the requirements of Policy DP5 that alterations and extensions must be well integrated into their surroundings; and must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house. He considered that the existing house was well contained due to its backland location and the boundary enclosures of the garden and therefore did not consider it readily visible in public views, and so the extension would not detract from the character and appearance of the area. He had considered that it would comply with LDP Policies DC9 and CH6 as he did not consider it would harm the Garleton Hills Special Landscape Area or the locally designated Garden and Designed Landscape of West Garleton.

However, in relation to Policy DP5, the case officer noted that the proposed extension would add a further 8 rooms, 2 bathrooms and a hallway to an existing 3 bedroom house. He considered that the character of the existing house derived from its small size and scale and that the extension would, by its larger size, massing and floor area, be a dominant addition to the built form of the existing house. He considered the extension would significantly overwhelm it and would not be subservient to it, therefore contrary to Policy DP5. He further considered that due to its size and scale, it would be

tantamount to the creation of a new house in the countryside, which without appropriate justification is contrary to Policy DC1 on rural diversification as well as Scottish government policy guidance regarding new housing development in the countryside as set out in Scottish Planning Policy. The application for planning permission was therefore refused.

The Planning Adviser then summarised the applicant's grounds for review. The applicant had stated that the extension would create an innovative family home and an appropriate addition to the application site. The existing extensions were of limited aesthetic quality, the current house was inefficient, and the proposals were a significant enhancement. The applicant stated that this was very clearly not a new house in the countryside, and there could be no concerns over precedent due to the specific characteristics of the site including the overall plot size, negligible visibility, consolidation of existing buildings, and others. Taking into account the removal of outbuildings and the conservatory the proposed floor area was an increase of only a third. The new roofline was identical to that of the existing building, and the design balanced the integration of the existing property with the extension. The plentiful space within the plot to accommodate the reworked home, would not lead to any negative impacts on neighbours or the wider landscape setting.

With regard to the reasons for refusal, the applicant submitted that that the existing house had suffered unsympathetic extension and these proposals incorporated the existing building and provided it with a coherent identity. There was no loss of amenity to neighbours. The completed home would occupy a small proportion of the site; the extension was compatible as it maintained residential use, represented an overall increase in floor area of only around 30%; and its materials and finishes were consistent and in keeping with the existing property and properties in the immediate vicinity. The applicant also highlighted the provision of DP5 that development that did not meet the given criteria may be acceptable where it brought other positive planning and design benefits. He stated that reworking and extension of the existing building would bring about significant design benefit. The applicant reiterated that the proposals did not constitute a new house in the countryside as it was already an established home at West Garleton. He also considered Policy DC1 was not relevant as it applied to changes of use or conversions of existing buildings, which this was not.

The Planning Adviser reminded Members that, should they be minded to allow the appeal, the case officer had recommended a condition to restrict the use of the garage to avoid its use for residential or business use. She added that, in her view, the Members may also wish to consider including conditions to replace the trees and hedging in the interest of retaining the biodiversity and landscape interest of the site; retention of trees and/or hedging to provide screening; securing an appropriate archaeological investigation prior to works commencing; and restrictions on the use of security lighting.

The Chair thanked the Planning Adviser for her summary.

The Planning Adviser responded to questions from Members. She advised that had the house been destroyed through unintended consequences, for example a fire, planning policy would support a replacement property being built where the proposal was like for like. She also confirmed that any proposals under permitted development would have to be no more than 10% of the original size of the property. Replying to a query about external security lighting, she stated that it may be possible to add a condition requesting that this lighting be angled in such a way as to avoid impacting neighbouring properties. Finally, she confirmed the relevant planning policies and terms of the planning assessment, as outlined in the case officer report.

The Chair confirmed that a site visit had taken place attended by all three members of the LRB. The Chair asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Williamson said that the site visit had been helpful in adding further context to the case officer assessment and he noted that the only real issue related to whether or not the proposed extension was subservient to the original house. In his view, what was proposed was not significantly larger than the present footprint and the shape and roof pitches were in keeping with the existing property. He noted that it was not classed as a new build but as an extension. He said he was content with the condition regarding use of the garage and he would be supportive of additional conditions relating to retention/replacement of trees and hedging and an archaeological survey being carried out in advance of any works. On this basis, he would uphold the appeal.

Councillor Findlay referred to the requirements of policy DP5 but noted that in this case the original cottage had been extended previously and what was there at present was not particularly attractive. In addition, the proposals before them were not massively larger than the existing house. He agreed with the condition that the garage should not be converted for residential use, and he suggested that any security lighting be angled away from neighbouring properties. He was not hugely concerned about the archaeological survey but would support this condition if it was the consensus from other Members. Overall, he was in favour of allowing the appeal.

The Chair noted his colleagues' comments and said he had also considered the proposals carefully against the relevant planning policies. He did not think that what was proposed would result in a loss of amenity or that it would be harmful to the site or surroundings. The size, proportion and scale would also be in keeping with the existing house. After careful consideration, he said he would uphold the appeal. However, he asked officers to give advice to the applicant regarding retention/replacement of trees and he agreed that an archaeological survey should be undertaken prior to any works. He also hoped that the applicant would take on board the comments made regarding security lighting.

The Legal Adviser noted that Members were all in agreement regarding the condition relating to an archaeological survey. He sought clarification on whether all three Members were in agreement about conditions relating to security lighting and preventing the garage being converted for residential use. All Members agreed to these conditions.

The Legal Adviser indicated he would formulate the wording of the conditions in consultation with the Planning Adviser and include these in the formal Decision Notice.

Decision

The ELLRB agreed unanimously to uphold the appeal and to grant planning permission subject to the following conditions:

1. Archaeological survey

No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeologically monitored strip of all groundworks) in

accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason

To facilitate an acceptable archaeological investigation of the site.

2. Tree Retention and Protection

Only the five trees and two sections of hedgerow indicated in red on the drawing titled 'Proposed Site Plan' numbered 216-GA-010 rev C shall be removed during the course of development. All remaining trees and hedges shall be retained, and protected during development. No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- No vehicular or plant access
- No raising or lowering of the existing ground level
- No mechanical digging or scraping
- No storage of temporary buildings, plant, equipment, materials or soil
- No hand digging
- No lighting of fires
- No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

3. Planting Plan, Timescale and Replacement planting

No development shall take place unless a scheme of landscaping has been submitted to and approved in writing by the Planning Authority, and is implemented thereafter as approved. The scheme shall provide details of replacement tree and hedge planting including plant sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, with the exception of pruning of hedges and fruit trees in line with good tree management, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and replacement of trees and hedging in the interests of biodiversity and landscape amenity

4. Replacement Planting

No development shall take place until a scheme of replacement planting of the five trees and length of hedging shown in red on the drawing numbered 216-GA-010 docketed hereto has been submitted to, and approved in writing by, the Planning Authority. The scheme shall provide details of the tree sizes, species, siting, planting distances and a programme of planting.

All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion commencement of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the replacement of trees and hedging in the interests of the biodiversity and landscape interest of the area

5. Lighting

No external light shall be installed at the property unless prior to its installation, details of the siting and design of the proposed light have been submitted to and approved by the planning authority in writing.

Reason:

To safeguard the amenity of the occupants of nearby residential properties from light pollution.

Signed

Councillor John McMillan
Chair of Local Review Body (Planning)

REPORT TO: East Lothian Council

MEETING DATE: 24 August 2021

BY: Executive Director for Council Resources

SUBJECT: Summary of Reports Approved in Accordance with
Summer Recess Arrangements 2021

3

1 PURPOSE

- 1.1 To inform the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.6 and in line with the decision taken at its meeting of 22 June 2021.
- 1.2 It should be noted that the undernoted report has been lodged in the Members' Library (August 2021 Bulletin).

2 RECOMMENDATIONS

- 2.1 The Council is requested to note the business undertaken over the summer recess period.

3 BACKGROUND

- 3.1 **New Licensing Regime for Activities Involving Animals** (Members' Library Reference 87/21 – August 2021 Bulletin)

A report submitted by the Executive Director for Council Resources sought approval of the introduction of a fee structure for a new licensing regime for activities involving animals, which will come into effect on 1 September 2021. This report was approved by the Depute Leader and the Provost.

4 POLICY IMPLICATIONS

- 4.1 As outlined in the submitted reports specified in Section 3.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – As outlined in the submitted report specified in Section 3.
- 6.2 Personnel – None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 East Lothian Standing Orders

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	11 August 2021

REPORT TO: East Lothian Council
MEETING DATE: 24 August 2021
BY: Executive Director for Council Resources
SUBJECT: Financial Review 2021/22: Quarter 1

4

1 PURPOSE

1.1 To inform Council of the financial position at the end of June 2021.

2 RECOMMENDATIONS

2.1 The Council is recommended to:

- Note the financial performance at the end of Quarter 1 in 2021/22 against the approved budgets.
- Note the additional funding received from the Scottish Government since approving the budget in March 2021.
- Note the significance of the COVID-19 pressure and the impact of non-recurring funding provided for 2021/22.
- Note the 'letter of support' provided to Council ALEOs and that discussions will continue with partner organisations to consider ongoing financial implications.
- Note the current commitments against the COVID-19 Fund and the alignment to the Recovery and Renewal Framework and agree that further updates will be provided through financial review reports.

3 BACKGROUND

3.1 Council approved the 2021/22 Financial Strategy and associated financial plans on and prior to 2 March 2021 amidst the background of the ongoing COVID-19 pandemic.

- 3.2 The 2020/21 draft out-turn position was reported to Council on 22 June 2021 and this report noted that £8.9 million was being carried forward to 2021/22 to deliver specific commitments directed by the Scottish Government and to support wider response and recovery interventions in relation to the COVID-19 pandemic.
- 3.3 There have been a number of new policy commitments along with some related additional funding announcements since the establishment of the new Scottish Government in May 2021. Work is ongoing to assess the delivery of the policy commitments within the resources made available.
- 3.4 There has also been additional, one-off, funding provided to support the ongoing response to the COVID-19 pandemic. Further work is ongoing with COSLA to identify the extent of pressures this financial year relating to the pandemic and this will inform further national discussions.
- 3.5 The impact of the COVID-19 outbreak and the Council's response continues to have a significant impact on the Council's financial plans, with new additional obligations placed on the Council to support the ongoing response and aid recovery. At the end of Quarter 1, it remains unlikely that all budgeted income streams will be fully realised during the year and the Council continues to face a wide range of financial uncertainties with additional cost and demand pressures emerging.
- 3.6 It is anticipated that the additional, one-off, COVID-19 funding in 2021/22 will mitigate some of these pressures but the recurring implications balanced against non-recurring funding streams remain a significant risk in future financial planning. This will have implications as the COVID-19 recovery phase progresses.
- 3.7 Within this context, the Finance Service will continue to work closely with service colleagues to best manage expenditure commitments in 2021/22 and the future implications going forward.

General Services Revenue Summary – Quarter 1

- 3.8 The approved General Services revenue budget for 2021/22 included the following:
- After providing for just under £14 million of corporate commitments, around £257 million has been made available to support service delivery;
 - A planned draw-down of £250,000 of General Reserves;
 - Service budgets include the requirement to deliver £930,000 of recurring, planned efficiencies, with a further £2 million of corporate efficiencies relating to management of staffing budgets also included.
- 3.9 At the end of June 2021, the Council is reporting a £215,000 overspend (0.4%) in the General Service revenue financial position. While this is an improved position on the £2.4 million overspend reported at this stage in June 2020, this position reflects where the Council is with managing the COVID-19 pandemic, and reflects some earlier clarity on additional

national funding to support the ongoing implications from COVID-19. Despite this, there remains a wide range of uncertainties and risks facing the Council and this will continue to require careful management of a complex financial environment during 2021/22.

3.10 The reported financial position at the end of June 2021 includes the following:

- In line with the approved budget, the position reflects an increase of 2% in staffing budgets relating to an anticipated pay increase from 1 April 2021. National pay negotiations are ongoing and there is a risk that the agreed pay award may exceed this level, with each additional 1% increase expected to cost around £1.6 million.
- Additional General Revenue Grant Funding of £10.426 million, of which £7.470 million is one-off funding to support the COVID-19 pandemic recovery. In addition, there has been further funding provided of £2.956 million to support non-COVID-19 costs, a large proportion of which is for new policy commitments within Education.
- The charging of applicable fixed costs from the Property Maintenance Trading Account to the Housing Revenue Account in line with Scottish Government guidance. This reflects the reduced productivity within the service during the pandemic.
- £1.35 million of grants paid to local businesses through the nationally directed business support schemes. As noted in the year-end financial review, the funding for this received in 2020/21 is earmarked in the COVID-19 fund to cover these costs.
- Projections at this stage estimate that the full-year impact of additional costs to support wider COVID-19 pressures and interventions will be in excess of £11 million largely supported by national non-recurring funding. There remain a wide range of uncertainties and this position remains subject to change as recovery progresses.

3.11 An analysis setting out the financial position across service groups is set out in **Appendix 1** with further detail setting out the key challenges and emerging risks set out within the narrative below along with a financial risk rating for each service. Projected COVID-19 costs by service are set out in **Appendix 2**.

3.12 The Quarter 1 overspend in the **Education and Children's Directorate** is £216,000 (0.7%) with an Education underspend of £33,000 (0.1%) and a Children's Services overspend of £249,000 (5.8%).

Children's Services, £249,000 over (5.8%)

- The main pressures remain in Residential, Secure and External Fostering, though this is beginning to reduce aided by the £1.5 million additional investment approved in the budget.

- This position assumes that demand for services will remain aligned to current projections, and there remains a risk that this position will not be sustainable as lockdown restrictions ease.
- Projections at this stage estimate that the full year impact of additional COVID-19 related costs for the service will be £537,000.
- The service remains classified as High Risk given the ongoing financial pressures, additional risks and the unpredictability of the impact of the COVID-19 pandemic on children and young people. As such, the service will remain subject to enhanced financial scrutiny throughout the year in order to manage and mitigate the financial pressures.
- A wider strategic review of services provided to children is ongoing in order to ensure that wider services provided to children across the Council adequately support and protect children whilst minimising future spend commitments.

Education Services, £33,000 under (0.1%)

- The additional investment of £1 million has largely offset the pressures within the ASL budget relating to transport and external residential and day services. Transportation routes for the 2021/22 academic year are still being finalised which may lead to an increase in costs.
- Within Primary and Secondary, there is significant additional national investment in teachers, pupil support workers and technology to support the COVID-19 recovery plan. Additional funding was received in 2020/21 and held in the COVID reserve, and will be used to support these wider commitments in 2021/22.
- There have been a number of new policy commitments, with the provision of associated funding streams, to support wider Education related policy interventions. These policies include the expansion of free school meals; increase in school clothing grant; removal of instrumental music tuition charges, and removal of core curriculum charges. Work remains on going to ensure delivery of these policy commitments within available funding streams with ongoing monitoring of the associated implications.
- The policy commitment to implement the expansion of early learning and childcare to 1140 hours in August 2021 has been achieved. Current projections indicate that the policy will be delivered within the available revenue funding in 2021/22 (which includes carry forward flexibility brought forward from 2020/21), but the continued implementation of the policy remains subject to post implementation review, and confirmation of national funding from 2022/23. In line with 2020/21, there remains significant pressures on available capital funding to deliver the infrastructure required to support this policy and, as such, this may require a flexible approach to the application of funding between revenue and capital.

- Projections at this stage estimate that the full year impact of additional COVID-19 related costs will be £2.688 million.
- 3.13 The Quarter 1 underspend in **Council Resources Directorate** is £127,000 (3.6%).
- **Finance, £58,000 under (6.1%)** – this mainly relates to staffing underspends, largely arising due to staffing posts held vacant pending the finalisation of a number of service reviews. The position includes COVID-19 related costs of £100,000.
 - **Corporate Services, £69,000 under (2.7%)** – this mainly relates to staffing underspends, largely arising due to staffing posts held vacant pending the finalisation of a number of service reviews. The position includes COVID-19 related costs of £100,000.
- 3.14 The Quarter 1 overspend in the **Health & Social Care Directorate** is £417,000 (3.5%).
- The IJB has delegated authority for the majority of this budget along with a small number of other budgets within Community Housing, the Housing Revenue Account and Housing Capital. IJB budget management is in accordance with the scheme of integration and wider overall IJB resources.
 - Pressures remain in external commissioning costs partly due to the payment of sustainability payments to support care providers during the COVID-19 pandemic in line with national guidance.
 - Projections at this stage estimate that the full year impact of additional COVID-19 related costs will be £964,000 including the sustainability costs, loss of income and additional PPE costs. As in 2020/21, it is expected that additional COVID-19 related pressures will be met through national funding aligned to Local Mobilisation Plans.
 - Work is ongoing to identify options to deliver the £250,000 integration savings agreed in the budget.
 - There remains a wide number of risks including demand for services and the future sustainability of providers to deliver services within the current pandemic conditions. Work is ongoing with colleagues in the IJB and NHS to manage budgets within available resources.
- 3.15 The Quarter 1 overspend in the **Place Directorate** is £1.258 million (16.4%).
- **Development, £1.306 million over (208%)** – Largely due to £1.35 million of grants paid to local businesses through the nationally directed business support schemes. National funding was received in 2020/21 to support the payment of business grants and this funding is earmarked within the COVID-19 fund to meet these costs. There remains a risk that planning fee income will be under anticipated levels, and work is ongoing to monitor this. Projections at this stage estimate

that the full year impact of additional COVID-19 related costs will be £60,000.

- **Housing, £14,000 over (73.7%)** – While Scottish Government guidance allows the Property Maintenance Trading Account to charge HRA its fixed costs, it remains unlikely that the full income surplus will be delivered during the year due to less work being undertaken as a result of the COVID-19 construction industry restrictions. Projections at this stage estimate that the full year impact of additional COVID-19 related costs will be £2.963 million.
- **Infrastructure, £25,000 under (0.8%)** – There continues to remain a range of pressures across the Infrastructure group with most areas directly supporting ongoing response and recovery. The main financial pressure relates to Roads Trading due to an under recovery of rechargeable works due to COVID-19 restrictions. The service remains categorised as High Risk, and close monitoring will continue during the remainder of the year. It remains unlikely dividend income from Lothian Buses will be realised during 2021/22 given the ongoing impact from COVID-19, placing further pressure on the wider Transport budget. Pressures remain in many service areas within Facilities Management, particularly to support ongoing additional cleaning requirements, with significant pressures recruiting additional staff to support these obligations. Projections at this stage estimate that the full year impact of additional COVID-19 related costs will be £1.754 million.
- **Communities & Partnerships, £37,000 under (1.0%)** – While most service areas continue to support COVID-19 related activities the service has an underspend largely due to staffing vacancies. Projections at this stage estimate that the full year impact of additional COVID-19 costs will be £1.971 million. That includes the Community Asymptomatic Testing Service, which will cost £1.427 million with national funding provided to offset the costs.

3.16 The Quarter 1 underspend in the **Corporate Management Budgets** is £1.549 million (1.5%). This includes the following:

- Additional confirmed Scottish Government Grant funding to support ongoing COVID-19 response of £5.018 million to be used to offset the wide range of COVID-19 pressures within services.
- Overall Council Tax budgets remain in line with the approved budget. Enhanced efforts are continuing to support individuals who are facing economic hardship to ensure Council Tax collection is maximised.
- Previous Council reports have highlighted a wider package of permissible fiscal flexibilities for Scottish councils to support the mitigation of COVID-19 pressures. These flexibilities cover a range of areas, including: the application of capital receipts to finance COVID-19 revenue expenditure; flexibility to review the accounting treatment

for debt relating to credit arrangement charges; and a loans fund principal repayment holiday.

- The 2021/22 budget reflects a proportion of these relating to loans fund principal repayment holiday, around £7.2 million, which was permissible as part of the package of flexibilities for implementation in 2020/21 or 2021/22. In line with the national guidance, these wider ‘fiscal flexibilities’ whilst no substitute for additional funding, will provide a potentially vital alternative means of absorbing the unfunded burden of COVID-19 response and supporting future recovery activity, which is likely to continue during the remainder of 2021/22 and into future years.
 - Given the ongoing risks and uncertainties, many of these pressures remain unquantified, with further pressures and interventions likely to emerge as the Council moves further into recovery aligned to the multi-agency recovery and renewal framework and associated action plan. As such, the financial implications from COVID-19 are subject to change, with recovery likely to impact on the Council for many years to come. Nevertheless these interventions are likely to include:
 - Supporting the protection and recovery of the Council’s main income streams.
 - Targeted financial support to mitigate the recurring impact on the Councils Trading activities and delivery of planned surpluses, specifically Roads Trading and Property Maintenance.
 - Increased demand for services arising from COVID-19 such as pressures on family support services and increased mental health and wellbeing implications for the workforce and resilience.
 - Ongoing costs associated with PPE and enhanced cleaning requirements in Council operated buildings including schools.
 - Taken collectively, these interventions and wider pressures are likely to be significantly in excess of the fiscal flexibilities implemented to date. Future funding of these ongoing pressures will be a key consideration for the Council aligned to wider COVID-19 recovery.
- 3.17 Aside from COVID-19, the Council already faced significant financial challenges across the three-year budget period from 2021/22 to 2023/24, many of these arising from increased service demand and population growth.
- 3.18 The Council approved budget includes the requirement to deliver £930,000 of recurring planned efficiencies. At the end of Quarter 1, £19,000 of savings will not be achieved (red), while a further £400,000 of savings remain classified as amber. More detail is set out in **Appendix 3**. In accordance with normal practice, management is currently considering alternative ways to deliver any planned savings with a risk of non-delivery. The Quarter 2 report will provide an update on progress.

- 3.19 There is a further £2 million of recurring corporate efficiencies relating to management of staffing budgets. There remains a number of vacancies in staffing budgets across the Council largely due to building closures and ongoing service reviews. Current projections indicate that this saving is likely to be achieved in-year but there remains risks as to the ability to deliver this level of saving on a recurring basis.

Scottish Government Funding

- 3.20 Since budget approval on 2 March 2021, there has been additional General Revenue Grant Funding of £10.426 million provided. £7.470 million relates to one-off funding targeted to support the COVID-19 pandemic recovery, with a further £2.956 million to support non-COVID-19 cost commitments including instrumental music and expansion of free school meals. A further £373,000 of government grant funding has supported the expansion of business support schemes. More details setting out the updated funding provided by Scottish Government in 2021/22 is set out in **Appendix 4**.

COVID-19 Action Plan

- 3.21 The End of Year Financial Report for 2020/21 noted the establishment of a COVID-19 fund of £8.9 million to support COVID-19 interventions and that it was largely committed.
- 3.22 A detailed COVID-19 action plan is under development to assist the effective management of the COVID-19 response and remains aligned to the Multi-agency Recovery and Renewal Framework. A wide range of earmarked commitments has already been set out against this fund, aligned to national funding directions. More details setting out the use of this fund and further targeted interventions are set out in **Appendix 5**.
- 3.23 Given the wide range of uncertainties facing the Council in managing and supporting ongoing recovery action, many of these interventions may be subject to change and therefore management of the fund will require flexibility aligned to future response and recovery from COVID-19. Many of the interventions may fall beyond this financial year, and therefore a cautious approach to managing fund commitments will be required. Specific application and fund draw-down will remain subject to the finalisation of the Council's overall financial position during the year, and remain aligned to the Council's reserves strategy.
- 3.24 The COVID-19 fund and associated action plan has been established to support the management of financial resources received during 2020/21 to support future COVID-19 recovery. As such, it does not cover the wide range of interventions that the Council continues to support to assist in the management of the pandemic. IJB recovery plans are capturing the wider interventions to support future recovery of Health and Social Care services and therefore alignment of both plans to support the multi-agency approach to recovery remains essential.

- 3.25 The Quarter 2 Financial Update in October 2021 will continue to provide an update on targeted interventions and the use of this fund.

Council's Group Components

- 3.26 The Council has continued to engage constructively with its group account partners to consider the financial implications of each of the organisations arising from COVID-19. In closing off the 2020/21 financial accounts for both organisations, similar to the support provided during 2019/20, a 'letter of guarantee' has been provided to both Enjoy and Brunton Theatre Trust. This 'guarantee' whilst not prescriptive in respect of quantum, does provide both organisations with positive assurance that the Council will continue to work proactively with them to manage cash flow and fulfil their inescapable obligations should the need arise.

General Services Revenue Conclusion

- 3.27 The Council is operating within an extremely challenging and complex financial environment. It continues to face a wide range of uncertainties and increasing and ongoing demand pressures placing further pressure on already challenged resources. The COVID-19 pandemic response and recovery work has further exacerbated this position.
- 3.28 The report notes that estimated full year additional costs relating to the COVID-19 pandemic in 2021/22 are over £11 million.
- 3.29 There remains a significant risk that many of these additional costs will continue after 2021/22. The 2021/22 approved budget is supported by significant non-recurring funding streams including: specific COVID-19 funding, £7 million of fiscal flexibilities and a planned use of General Reserves of £250,000. This will present significant challenges in balancing future budgets if funding commitments remain significantly in excess of available recurring resources.
- 3.30 Given the wide range of uncertainties facing the Council, careful management of the 2021/22 General Services financial position will be required. The Council Management Team will continue to provide strategic oversight to support the delivery of services, and prioritise financial commitments within available resources.
- 3.31 In addition, the Council will continue to engage in national discussions with COSLA and through professional networks including Directors of Finance and SOLACE, to ensure appropriate funding is available to local government to support the delivery of essential local services.

General Services Capital Summary – Quarter 1

- 3.32 In accordance with previous practice, the approved capital budgets reflect carry forward flexibility of £6 million from the closing position at the end of 2020/21, the outcome of which remains subject to the conclusion of the statutory audit. Collectively, these budgets over the 5-year period remain within the approved capital financial limits.

3.33 **Appendix 6** sets out the updated net budget of £54.983 million, with actual expenditure to the end of June 2021 reported to be £5.735 million. A controlled re-start to capital projects is underway and some of the larger projects due to start during last financial year are now on site. COVID-19 continues to have an impact on many areas of the capital programme with increased tender prices and ongoing construction and supply issues.

3.34 Despite the relatively low level of spend at Quarter 1, current projections indicate that the total net position for the year will remain within available budgets. This forecast continues to reflect a wide range of assumptions, which remain subject to change and therefore will have an impact on the actual position delivered during 2021/22. A summary of the main assumptions and position at the end of June 2021 is set out below:

- The Council continues to face a number of challenges relating to the supply of IT equipment and lead in times associated with the supply of vehicles. This has resulted in significant delays in receiving goods and this position is likely to continue during the remainder of 2021/22 and potentially beyond.
- A significant programme of works to support Education projects has been progressed during summer 2021. Many of the wider Education projects are now on site and the projects will continue during 2021/22 and beyond.
- There is a need to closely monitor and align expenditure commitments with associated funding streams, and in some cases, this will require re-profiling of budgets.
- Work at Prestongrange Museum has commenced with the initial phase profiled over 2021/22 and 2022/23.
- Income remains aligned to expenditure projections and re-profiled into future years where projects are experiencing delay. The Council continues to pursue all avenues to maximise available funding streams including national funding streams with some risks associated with ensuring these materialise in the timescales and to the level anticipated.
- In late May, the Council received confirmation of additional national ring-fenced funding of £0.823m to support capital investment in 2021/22 aligned to a 'place based' national programme. This grant funding is to support 'additional' capital investment, with a requirement for this funding to be 'committed' in 2021/22. Given these conditions, officers are currently exploring a range of interventions to support the national policy intent and delivery of this funding in the timescales set out. A more detailed update on the utilisation of this funding will be set out in future financial update reviews.

- 3.35 There remains ongoing risks around the timing and realisation of planned developer contributions that could put additional strain on borrowing requirements. Any delays to the wider development of planned sites for either General Services capital or Housing sites may have implications for both capital and revenue budgets.

Housing Revenue Account Summary - Quarter 1

- 3.36 At the end of June 2021 the Housing Revenue Account is reporting an overspend against current budget of £232,000 most of which is due to the recharge of fixed costs for HRA and HRA Capital from the Property Maintenance Trading Account in line with Scottish Government guidance. Further information is set out in **Appendix 7**.
- 3.37 Void Rents remain high due to the pandemic but work is ongoing to put in place a recovery plan to mitigate this issue.
- 3.38 Rent income is slightly under budget and enhanced debt recovery work is ongoing to support tenants who are experiencing difficulty in paying rent. This will remain under close review during the remainder of the year.
- 3.39 Alongside this, there are currently underspends in both operational and staffing budgets, with underspending likely to continue during the remainder of the year.
- 3.40 Any underspending on capital programmes will not affect debt charges in year, but may have implications for future years anticipated debt charges.
- 3.41 In line with the existing financial strategy, the Council will maximise any flexibility arising from revenue balances during 2021/22 to minimise the future impact of debt charges.
- 3.42 Details of the Housing Revenue Account capital budgets and expenditure incurred to date is set out in **Appendix 8** of this report. The total capital budget approved for HRA was £29.676 million. As at end of June 2021, actual spend was £4.313 million, considerably higher than the £639,000 at this stage in 2020/21 but still impacted by the pandemic. Current forecasts indicate spend may start to recover on both the Council House building and Modernisation programmes, however it will be challenging to achieve the full budget spend. Officers are continuing to explore options to maximise grant subsidy income where opportunities prevail. The Council continues to support and promote the Scottish Government's Mortgage to Rent Scheme but in the current year to date, there have been no eligible applications.

4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with this report, although, ongoing monitoring and reporting of the Council's financial performance is a key part of the approved Financial Strategy.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – as described above and in the supporting appendices
- 6.2 Personnel - none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Council – 15 December 2020 – Item 4 Financial Update, including Financial and Capital Strategy 2021-26
- 7.2 Council – 23 February 2021 – Item 3 – Budget Development including setting of Rent Levels 2021-26
- 7.3 Council – 2 March 2021 – Item 2a – Budget Proposals on General Service – Amendment Submitted by the Administration

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Appendix 1
 East Lothian Council
 Budget Monitoring 2021/22 - Quarter 1

Service	Head of Service	Business Unit	2021/22 Budget	Year to Date			2021/22 Budget Variance to Date	2021/22 Budget Variance to Date %	Financial Risk Assessment
				2021/22 Actual to Date	2021/22 Budget to Date	2021/22 Budget Variance to Date			
				£'000	£'000	£'000			
Education & Children's	Children's	Performance & Service Delivery	1,106	221	229	-8	-3.6%		
Education & Children's	Children's	Management	4,620	1,180	919	261	28.3%		
Education & Children's	Children's	Assessment HUB and Early Interventions	1,957	599	600	-1	-0.1%		
Education & Children's	Children's	Long Term Social Work Supervisory Groups	3,326	815	825	-10	-1.2%		
Education & Children's	Children's	TAC, Disability & Resources	5,691	1,537	1,548	-11	-0.7%		
Education & Children's	Children's	Disability Short Breaks	689	193	175	19	10.6%		
EDUCATION & CHILDREN'S	CHILDREN'S TOTAL		17,389	4,545	4,296	249	5.8%		
Education & Children's	Education	Additional Support for Learning	10,543	6,227	6,232	-5	-0.1%		
Education & Children's	Education	Pre-school Education & Childcare	17,833	6,285	6,636	-351	-5.3%		
Education & Children's	Education	Schools - Primary	46,406	5,454	5,512	-58	-1.1%		
Education & Children's	Education	Schools - Secondary	46,279	7,648	7,429	219	2.9%		
Education & Children's	Education	Schools - Support Services	4,110	1,350	1,145	205	17.9%		
Education & Children's	Education	East Lothian Works	1,327	-525	-482	-43	8.9%		
EDUCATION & CHILDREN'S	EDUCATION TOTAL		126,498	26,439	26,472	-33	-0.1%		
EDUCATION & CHILDREN'S TOTAL			143,887	30,984	30,768	216	0.7%		
Council Resources	Finance	Financial Services	1,607	600	613	-13	-2.1%		
Council Resources	Finance	Revenues & Benefits	2,389	212	256	-44	-17.2%		
Council Resources	Finance	Procurement	259	77	78	-1	-1.3%		
COUNCIL RESOURCES	FINANCE TOTAL		4,255	889	947	-58	-6.1%		
Council Resources	Corporate	IT Services	2,544	592	598	-6	-1.0%		
Council Resources	Corporate	Legal	338	102	121	-19	-15.7%		
Council Resources	Corporate	People & Governance	5,054	1,665	1,701	-36	-2.1%		
Council Resources	Corporate	Communications	436	117	125	-8	-6.4%		
COUNCIL RESOURCES	CORPORATE TOTAL		8,372	2,476	2,545	-69	-2.7%		
COUNCIL RESOURCES TOTAL			12,627	3,365	3,492	-127	-3.6%		
Health & Social Care Partnership	Head of Operations	Adult SW	35,371	7,261	7,018	243	3.5%		
Health & Social Care Partnership	Head of Operations	Acute & Ongoing Care	7,931	1,930	1,930	0	0.0%		
Health & Social Care Partnership	Head of Operations	Rehabilitation	1,528	310	309	1	0.3%		
Health & Social Care Partnership	Head of Operations	Adult Statutory Services	2,521	826	827	-1	-0.1%		
Health & Social Care Partnership	Head of Operations	Statutory Services	1,529	435	435	0	0.0%		
Health & Social Care Partnership	Head of Operations	Head of Operations	3,873	606	606	0	0.0%		
Health & Social Care Partnership	Head of Operations	Business & Performance IJB	2,984	612	612	0	0.0%		
HEALTH & SOCIAL CARE PARTNERSHIP	IJB TOTAL		55,737	11,980	11,737	243	2.1%		
Health & Social Care Partnership	Head of Operations	Business & Performance Non-IJB	540	319	145	174	120.0%		
HEALTH & SOCIAL CARE PARTNERSHIP	Non-IJB TOTAL		540	319	145	174	120.0%		
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL			56,277	12,299	11,882	417	3.5%		
Place	Development	Planning	1,164	359	382	-23	-6.0%		
Place	Development	Economic Development	1,486	1,575	246	1,329	540.2%		
PLACE	DEVELOPMENT TOTAL		2,650	1,934	628	1,306	208.0%		
Place	Housing	Housing & Strategic Regeneration	292	75	164	-89	-54.3%		
Place	Housing	Property Maintenance Trading Account	-863	-191	-287	96	-33.4%		
Place	Housing	Community Housing	2,359	111	104	7	6.7%		
PLACE	HOUSING TOTAL		1,788	-5	-19	14	-73.7%		
Place	Infrastructure	Facility Support Services	3,759	584	619	-35	-5.7%		
Place	Infrastructure	Facility Trading Activity	-276	-3,209	-3,184	-25	0.8%		
Place	Infrastructure	Asset Planning & Engineering - Paul Ianetta	3,308	837	859	-22	-2.6%		
Place	Infrastructure	Asset Planning & Engineering - Eddie Reid	-516	141	146	-5	-3.4%		
Place	Infrastructure	Landscape & Countryside Management	5,462	1,651	1,716	-65	-3.8%		
Place	Infrastructure	Roads Network	4,797	1,172	1,181	-9	-0.8%		
Place	Infrastructure	Roads Trading Activity	-562	-192	-313	121	-38.7%		
Place	Infrastructure	Transportation	1,227	147	96	51	53.1%		
Place	Infrastructure	Waste Services	9,356	1,537	1,537	0	0.0%		
Place	Infrastructure	Active Business Unit	3,630	572	608	-36	-5.9%		
PLACE	INFRASTRUCTURE TOTAL		30,185	3,240	3,265	-25	-0.8%		
Place	Communities & Partnerships	Corporate Policy & Improvement	822	164	192	-28	-14.6%		
Place	Communities & Partnerships	Connected Communities	6,292	2,379	2,333	46	2.0%		
Place	Communities & Partnerships	Protective Services	1,876	124	132	-8	-6.1%		
Place	Communities & Partnerships	Customer Services Group	3,726	1,082	1,129	-47	-4.2%		
PLACE	COMMUNITIES & PARTNERSHIPS TOTAL		12,716	3,749	3,786	-37	-1.0%		
PLACE TOTAL			47,339	8,918	7,660	1,258	16.4%		
SERVICE TOTAL			260,130	55,566	53,802	1,764	3.3%		
CORPORATE MANAGEMENT TOTAL			-260,130	-108,321	-106,772	-1,549	-1.5%		
TOTAL			0	-52,755	-52,970	215	0.41%		

Appendix 2
 East Lothian Council
 Budget Monitoring 2021/22 - COVID-19 Cost Breakdown

Direcotrate	Head of Service	COVID Forecast Costs P3 £'000
EDUCATION & CHILDREN'S	CHILDREN'S TOTAL	537
EDUCATION & CHILDREN'S	EDUCATION TOTAL	2,688
EDUCATION & CHILDREN'S TOTAL		3,225
COUNCIL RESOURCES	FINANCE TOTAL	100
COUNCIL RESOURCES	CORPORATE TOTAL	100
COUNCIL RESOURCES TOTAL		200
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL		964
PLACE	DEVELOPMENT TOTAL	60
PLACE	HOUSING TOTAL	2,963
PLACE	INFRASTRUCTURE TOTAL	1,754
PLACE	COMMUNITIES & PARTNERSHIPS TOTAL	1,971
PLACE TOTAL		6,748
SERVICE TOTAL		11,137
CORPORATE MANAGEMENT TOTAL		150
TOTAL		11,287

Appendix 3

East Lothian Council

2021/22 Budget Efficiencies - Quarter 1

Service	2020/21			
	Achieved	Amber	High	
	£'000	£'000	£'000	
Education	28	0	0	
Finance	28	0	0	
Corporate Services	0	0	10	
H&SCP	0	250	0	
Housing	8	0	0	
Communities	40	0	3	
Infrastructure	407	150	6	
Total	511	400	19	930
	54.95%	43.01%	2.04%	

Savings Currently High - Red

Service	Proposal	Value	Comments
People & Governance	Uplift on existing income	10	Not anticipated to be achievable at this stage due to COVID 19
Roads Network	Uplift on existing income	6	Not anticipated to be achievable at this stage due to COVID 19
Customer	Uplift on existing income	3	Not anticipated to be achievable at this stage due to COVID 19
Total		19	

Appendix 4**East Lothian Council****Budget Monitoring 2021/22 - Additional Funding from the Scottish Government**

	£million
2020/21 GRG (per Budget Amendment)	181.210
Additional Funding - GRG	
COVID	
Non Recurring COVID Funding	5.018
Recovery of Overpayment of GRG in 2020/21 for FSM Dec/Jan £6.950m recovery	-0.098
Education Recovery Funding - £60m Distribution	1.169
Family Pandemic Payments	0.314
Family Pandemic Payments - Fixed Admin Contribution	0.011
Low Income Pandemic Payments	0.923
Low Income Pandemic Payments - Fixed Admin Contribution	0.055
Extension to Outbound Calling / Local Self isolation Services (£2.275m)	0.039
Extension of Local Self-Isolation Assistance Service (£2.275m)	0.039
TOTAL COVID	7.470
OTHER	
Expansion of Universal Free School Meals and Free School meal Holiday Support - Phase 1	0.294
Free School Meal Holiday Support - £21.75m distribution	
Expansion of Universal Free School Meals and Free School meal Holiday Support - Phase 2 and 3 Primary 4 & 5 - £28m distribution	0.654
Summer of Play: Activities for Children and Young People	0.277
Increase in School Clothing Grants (£5.8m)	0.218
Instrumental Music Funding (£6m 21/22, £3m 22/23)	0.071
Additional GRG £40m distribution	0.775
Real Living Wage Uplift £30.5m distribution	0.582
Removal of core curriculum charges (£7m 21/22, £3m 22/23)	0.085
TOTAL OTHER	2.956
Total Additional Funding	10.426
Revised GRG	191.636
COVID GRANTS	
Taxi and Private Hire Vehicle Driver and Operator Support Fund 2021/22	0.373
Total COVID Grants	0.373

Appendix 5
 East Lothian Council
 Budget Monitoring 2021/22 - COVID-19 Action Plan

£000

Balance as at 31 March 2021	8,900
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Specific Earmarked Commitments	
Business Grants	1,300
Education Funding	1,800
Hardship / Poverty / Financial Insecurity	1,100
Other specific funding commitments 20/21	300
Support to ALEO's / Loss of Income	1,000
TOTAL SPECIFIC EARMARKED COMMITMENTS	5,500

Remaining Balance	3,400
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Workstream Plans		Timescales	
Infrastructure	A wide range of interventions including costs to support enhanced cleaning and PPE across Council operational assets, including schools and wider Council public buildings.	1,000	2021/22 and beyond
Capital / Construction	Significant construction related pressures including price increases, supply and material shortages; contractual COVID implications which collectively is placing significant pressure on the delivery and financial limits set within the Council's capital programme.	1,000	2021/22 and beyond
Digital / Working Differently	A wide range of requirements designed to support new ways of working. This will include: new digital platforms, IT infrastructure, improvement to Council wifi networks and public IT provision, and associated resource required to deliver these requirements.	500	2021/22 and beyond
Economy & Employability	A wide range of enhanced interventions to support on-going economic recovery including expansion of employability offer aligned to the Council's workforce plan.	500	2021/22 and beyond
Other	To support a wide range of targeted interventions and on-going financial pressures being faced arising from COVID. These interventions will stem across all of the wider recovery and renewal workstreams including; Childrens and family support, environmental health and community resilience and capacity, wider targetted resource within specific Council resources services to support on-going interventions and aid recovery.	400	2021/22 and beyond
TOTAL WORKSTREAM PLANS		3,400	

REMAINING BALANCE	0
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Appendix 6
 East Lothian Council
 General Services Capital Budget Monitoring Summary 2021-22
 as at 30 June 2021

Expenditure	Annual (In-Year) 2021-22		
	Approved Budget	Updated Budget	Actual
	£'000	£'000	£'000
Community Projects			
Community Intervention	500	500	(37)
Bleachingfield Centre Remodelling Works	90	90	-
Dunbar Conservation Area Regeneration Scheme (CARS)	90	90	-
Support for Business	1,481	1,508	7
CCTV	230	230	-
Town Centre Regeneration	1,297	1,458	35
Total Community Projects	3,687	3,876	6
ICT			
IT Programme (including Education)	2,800	2,800	894
Replacement - CRM Project (Customer Services)	-	47	-
Total ICT	2,800	2,847	894
Fleet			
Amenties - Machinery & Equipment - replacement	213	213	16
Vehicles	2,325	3,028	313
Waste Collection Vehicles	3,000	3,000	-
Total Fleet	5,538	6,241	329
Open Space			
3G Pitch Carpet Replacement Programme			
Cemeteries (Burial Grounds)	912	939	3
Coastal / Flood Protection schemes - Haddington	250	325	-
Coastal / Flood Protection schemes - Musselburgh	844	1,031	43
Coastal Car Park Toilets	246	394	108
Core Path Plan	50	80	-
Mains Farm Town Park & Pavilion	100	70	80
Ormiston Pump Track	-	-	-
Replacement Play Equipment	100	100	-
Sports and Recreation LDP	1,227	1,235	-
Waste - New Bins	250	250	46
Waste - Machinery & Equipment - replacement	40	40	2
Total Open Space	4,020	4,464	281
Roads, Lighting and related assets			
Cycling Walking Safer Streets	469	544	175
East Linton Rail Stop / Infrastructure	1,520	1,520	-
Parking Improvements	230	230	8
Roads	6,854	6,929	284
Roads - externally funded projects	4,077	4,077	28
Total Roads, Lighting and related assets	13,150	13,300	495
Property - Education			
Aberlady Primary - extension	932	953	4
Cockenzie Primary - Internal Remodelling	31	31	-
Dunbar Primary - John Muir Campus - Early Learning and 1140	99	101	-
East Linton Primary - extension including Early Learning and 1140	200	200	-
Gullane Primary - extension including Early Learning and 1140	2,022	2,274	887
Haddington School (Infants & St. Mary)	25	25	-
Kingsmeadow Primary	25	25	-
Law Primary - extension including Early Learning and 1140	3,232	3,202	-
Letham Primary - New School	161	374	41
Musselburgh Grammar - upgrades	888	903	6
North Berwick High School - Extension	5,306	5,788	129
Ormiston Primary - extension	1,434	1,732	154
Pinkie St Peter's Primary - extension including Early Learning and 1140	3,312	3,469	-
Ross High School - extension	9,139	9,629	1,021
School Estate - Curriculum Upgrades	330	345	-
School Kitchens - 1140 Upgrades	319	317	11
St Gabriel's Primary - extension including Early Learning and 1140	940	1,178	-
Wallyford Learning Campus	11,310	11,700	867

Appendix 6
 East Lothian Council
 General Services Capital Budget Monitoring Summary 2021-22
 as at 30 June 2021

	Annual (In-Year) 2021-22		
	Approved Budget	Updated Budget	Actual
	£'000	£'000	£'000
Expenditure			
West Barns Primary - extension including Early Learning and 1140	1,997	2,149	27
Whitecraig Primary - new school including Early Learning and 1140	297	307	-
Windygoul Primary - Early learning and 1140 extension	900	929	2
Unallocated 1140 Hours	1,000	1,000	-
Total Property - Education	43,899	46,631	3,149
Property - Other			
Accelerating Growth	8,275	8,542	160
Brunton Hall - Improved Community Access	100	100	-
Court Accommodation - incl. SPOC	1,686	1,776	-
Haddington Town House - Refurbishment and Rewire	574	597	-
Meadowmill - New Depot	-	476	302
New ways of working Programme	773	1,523	-
Port Seton - Community Centre Extension	-	15	-
Prestongrange Museum	934	971	29
Property Renewals	3,000	3,000	206
Replacement Of Movable Pool Floors To Sports Centres	-	36	(116)
Replacement Childrens House	1,549	1,549	-
Sports Centres	200	360	-
Water meter size reduction	-	14	-
Whitecraig Community Centre	-	96	0
Total Property - Other	17,090	19,054	582
Total Property - Education and Other	60,989	65,685	3,730
Capital Plan Fees	1,322	1,322	-
Total Gross Expenditure	91,506	97,735	5,735
Income			
Developer Contribution	(12,102)	(13,237)	-
1140 Grant Income	(8,233)	(8,907)	-
Town Centre Regeneration Grant	(1,297)	(1,458)	-
Other Funding Sources	(10,972)	(11,166)	-
Scottish Government General Capital Grant	(7,983)	(7,983)	-
Total Income	(40,586)	(42,752)	-
Borrowing Requirement	50,920	54,983	5,735

Appendix 7
 East Lothian Council
 Budget Monitoring HRA 202/22 - Quarter 1

	2021/22 Budget £'000	2021/22 Actual to Date £'000	2021/22 Budget to Date £'000	2021/22 Budget Variance to Date £'000
Total Income	-34,641	-8,512	-8,556	44
Total Expenditure	32,402	3,876	3,688	188
(Surplus) / Deficit for Year	-2,239	-4,636	-4,868	232

	2021/22 Budget £'000
Management of Balances	
Opening (Surplus) / Deficit	-1,705
CFCR	2,500
(Surplus) / Deficit for Year	-2,239
Closing (Surplus) / Deficit	-1,444

Appendix 8
East Lothian Council
Budget Monitoring HRA Capital 2021/22 - Quarter 1

	2021/22 Budget	2021/22 Actual to Date	2021/22 Budget to Date	2021/22 Budget Variance to Date
	£'000	£'000	£'000	£'000
Modernisation	15,888	1,453	3,972	-2,519
New Council Housing	12,031	2,860	3,386	-526
Fees	1,477	0	0	0
Mortgage to Rent	280	0	0	0
TOTAL	29,676	4,313	7,358	-3,045

Funded By:

	2021/22 Budget	2021/22 Actual to Date	2021/22 Budget to Date	2021/22 Budget Variance to Date
	£'000	£'000	£'000	£'000
Grants	-4,500	-2,675	-1,125	-1,550
Grants MTR	-196	0	0	0
CFCR	-2,500	-2,500	-2,500	0
Borrowing	-22,480	0	0	0
TOTAL	-29,676	-5,175	-3,625	-1,550

REPORT TO: East Lothian Council
MEETING DATE: 24 August 2021
BY: Executive Director for Council Resources
SUBJECT: Revisions to Standing Orders – Scheme of Delegation

5

1 PURPOSE

- 1.1 To present Council with the revised Scheme of Delegation for approval.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve the revised Scheme of Delegation, which, if approved, will come into effect on 25 August 2021;
- 2.2 To delegate authority to the Chief Executive to add sections on delegated powers for the Chief Planning Officer and Chief Education Officer as and when these become statutory positions (in accordance with the relevant legislation), and to appoint officers to these positions; and
- 2.3 To appoint the Executive Director for Council Resources as the Section 95 (Chief Finance) Officer, and to delegate authority to the Chief Executive to review and determine the appointment to this statutory post once the new Head of Finance has taken up their post.

3 BACKGROUND

- 3.1 The Scheme of Delegation forms one of the Council's governance documents and sets out those responsibilities that are delegated to Council officers. It is regularly reviewed to ensure it reflects current legislation and the Council structure. The current review also sought to make the document clearer and more user friendly and introduced a section where the responsibilities of statutory officers are separately identified.
- 3.2 The key changes to the Scheme of Delegation are as follows:

- It takes account of the new chief officer structure and has, as far as possible, taken on board the suggestions made by the CMT in terms of layout and detail.
 - There are separate sections for the statutory officers: Chief Executive (Head of Paid Service), Section 95 (Chief Finance) Officer, Chief Social Work Officer, and Monitoring Officer. A section for the Chief Planning Officer will be added in due course (in accordance with the Planning (Scotland) Act 2019), as will a section for a Chief Education Officer should that become a statutory position in the future. Authority is sought to delegate the inclusion of these sections and appointments to these two statutory positions to the Chief Executive.
 - As with the current Scheme, the revised Scheme includes a section for each Head of Service, with Heads of Service retaining delegated authority for all operational matters within their own service. However, rather than a detailed list of operational functions, there is now a general statement to reflect that Heads of Service will have authority to carry out all functions and responsibilities in accordance with relevant legislation and regulations, and within policy and budget, for their service.
 - Provision has been made for the Chief Executive and statutory officers (in consultation with the political groups) to take decisions where urgent action is required (see Section 2.10); this provision is already reflected in Standing Orders at SO15.4.
 - As regards settling compensation claims relating to the buying and selling of land (as set out at Section 16.2(g) of the revised Scheme), the figure has increased from £15,000 to £25,000 to reflect inflationary increases and streamline this process.
- 3.3 It is proposed that the Executive Director for Council Resources is appointed as the Section 95 (Chief Finance) Officer, and that authority is delegated to the Chief Executive to review and determine the appointment to this statutory post once the new Head of Finance has taken up their post.
- 3.4 If approved, the revised Scheme of Delegation will be reviewed on an annual basis, with any changes being presented to Council for approval (other than the inclusion of delegations to the Chief Planning Officer and Chief Education Officer, and the review and determination of the Section 95 (Chief Finance) Officer, as set out above, should Council agree to delegate authority to the Chief Executive with regard to these positions).

4 POLICY IMPLICATIONS

- 4.1 If approved by Council, the revised Scheme will be included as Appendix 2 to the Council's Standing Orders, replacing the current Scheme.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
6.2 Personnel – None
6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders

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DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	2 August 2021

EAST LoTHIAN COUNCIL SCHEME OF DELEGATION

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4. Specific Duties and Responsibilities Delegated to the Section 95 (Chief Finance) Officer
5. Specific Duties and Responsibilities Delegated to the Monitoring Officer
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17. Specific Duties and Responsibilities Delegated to the Head of Operations (East Lothian Health and Social Care Partnership)
18. Scheme of Delegation for Planning Applications
19. Statutory Appointments of Officers

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1. Introduction

Under Section 56 of the Local Government (Scotland) Act 1973, the Council is entitled to delegate certain duties and responsibilities to committees, sub-committees or Council officers.

The Scheme of Administration sets out the duties and responsibilities delegated to the Council's committees and sub-committees. The Scheme of Delegation details the functions, both statutory and non-statutory, which the Council has agreed to delegate to officers. It should be read in conjunction with the Council's Standing Orders, Scheme of Administration, Financial Regulations, and the Role Descriptions for Statutory Officers and Chief Officers.

The Scheme of Delegation does not allow the following matters to be delegated to officers:

- Matters that must be considered by Council or a committee or sub-committee
- Matters not covered by the Scheme of Delegation
- Matters which, by law, cannot be delegated to an officer

Notwithstanding the duties and responsibilities delegated to officers as set out within this Scheme of Delegation, councillors retain the right to request a report to Council, committee or sub-committee on any issue deemed to be of significant interest to councillors and/or the wider public, prior to any delegated decision being taken.

2. General Duties and Responsibilities Delegated to Officers (including Jointly Appointed Officers)

- 2.1 The authority delegated to officers through the Scheme of Delegation must be used not only in accordance with the terms of the Council's Standing Orders, Scheme of Administration and Financial Regulations, but also in accordance with all relevant Council policies, procedures and guidelines, and the current approved budget.
- 2.2 Officers shall have delegated authority to incur expenditure on behalf of the Council, including the signing of contracts and agreements, in accordance with Council policy, procurement procedures and other relevant financial procedures, as approved within the Council's Financial Regulations. All such expenditure must be within the authorised estimates of the expenditure of the Council as a whole.
- 2.3 Officers exercising delegated powers in terms of this Scheme must consult the Chief Executive, the appropriate Executive Director, Director of the East Lothian Health and Social Care Partnership, and other Heads of Service (as appropriate) as regards all sensitive or complex matters, or if they require advice or guidance. In particular, officers must get technical, construction, legal, financial, procurement, HR and risk management advice.
- 2.4 Officers exercising delegated powers in terms of this Scheme will be expected to consult local ward councillors if it appears that a proposed decision or action could directly affect a particular ward. This does not apply if the decision or action has a general effect on all wards.
- 2.5 Where a matter falls within the remit of more than one Head of Service and there is dispute as to how the matter should be handled, the Chief Executive will have the final decision, and a formal record of the decision will be retained.
- 2.6 The Council authorises any officer with specific delegated powers, duties or responsibilities set out in this Scheme to further delegate any of those powers, duties or responsibilities to other appropriate officers. Any officer using delegated powers will be fully accountable to the Council for their actions. However, if an officer delegates their powers to another officer, this will not relieve the delegating officer of their responsibility for the duties they have delegated.
- 2.7 Proper officers appointed to statutory roles cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are unavailable, designated officers may carry out those duties on their behalf (as set out in Sections 3–6 (C) of this Scheme of Delegation).

- 2.8 The Chief Executive or Executive Directors/Director of Health and Social Care are authorised to act in the absence of any Head of Service.
- 2.9 As set out in Standing Order 15.3, power is delegated to the Chief Executive and all Chief Officers to take any action with regard to any emergency involving serious danger to life, property or public welfare, or in accordance with the Council's Business Continuity Plan. Any action taken under Standing Order 15.3 will be reported to the Provost or Leader and the appropriate committee convener as soon as possible and thereafter to the Council.
- 2.10 As set out in Standing Order 15.4, power is delegated to the Chief Executive and statutory officers, in conjunction with cross-party councillor representation, to take immediate or urgent action with regard to matters not covered by Standing Order 15.3.

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3. Specific Duties and Responsibilities Delegated to the Chief Executive (Head of Paid Service)

A. General

3.1 The Chief Executive has overall authority over all other officers, and is authorised to carry out all functions and responsibilities in accordance with all relevant legislation and regulations, and within policy and budget, for the following:

- Organisational structures and workforce
- Strategic management
- Emergency planning

3.2 The Chief Executive is also appointed as the Returning Officer for the East Lothian Council area, and has the authority to exercise all functions relevant to that role, in accordance with all relevant legislation and regulations.

B. Specific Delegated Functions

3.3 Acting as Head of Paid Service

3.4 Authorising the implementation of national and local agreements relating to pay and conditions of service, in consultation with the Head of Corporate Support

3.5 Reviewing the chief officer organisational structure, and recommending any changes to the Council

3.6 Reviewing the Council's administration and management arrangements and systems, and, where appropriate, making any changes necessary to improve how services are provided

3.7 Making changes to the Council's Scheme of Delegation arising as a result of changes to the Council's structures or role titles/responsibilities

3.8 Appointing, after consultation with the Council Leader and relevant Cabinet Spokesperson, an Acting Executive Director or Head of Service when the post holder is likely to be absent for more than two months, or the post is vacant

3.9 Appointing, after consultation with the Chief Executive of NHS Lothian, the Council Leader, Provost and Convener of the East Lothian Integration Joint Board, an Acting Chief Officer (Director) for the East Lothian Health and Social Care Partnership, when the post holder is likely to be absent for more than two months, or the post is vacant

- 3.10 Approving grades for all Executive Directors, Director of the East Lothian Health and Social Care Partnership, and Heads of Service, in consultation with the Leader of the Council
- 3.11 Agreeing, in conjunction with the Chief Finance Officer, severance terms with any Chief Officer whereby the Chief Officer in question agrees to terminate their contract of employment with the Council
- 3.12 Approving special leave without pay for Executive Directors/Director of the East Lothian Health and Social Care Partnership, in accordance with the relevant terms and conditions of service
- 3.13 Taking disciplinary action against Chief Officers, up to dismissal
- 3.14 Suspending any Executive Director or Head of Service (after consultation with the appropriate Executive Director) from duty on full pay, subject to relevant statutory provisions and to reporting the suspension to Cabinet
- 3.15 Suspending the Director of the East Lothian Health and Social Care Partnership, in consultation with the Chief Executive of NHS Lothian, from duty on full pay, subject to relevant statutory provisions and to reporting the suspension to the East Lothian Integration Joint Board
- 3.16 Maintaining a Council Plan, and ensuring that all services adhere to its requirements
- 3.17 Authorising any appropriate measures and expenditure which may be required in the event of an emergency situation or major incident, in accordance with the Council's Business Continuity arrangements and Standing Order 15.3
- 3.18 Receiving councillors' declarations that they accept their role (declaration of acceptance of office)
- 3.19 Receiving councillors' resignations
- 3.20 Receiving requests for special meetings and issuing summonses to special meetings
- 3.21 In consultation with the Head of Corporate Support, preventing reports containing sensitive information from being available to the public, deciding which documents are not open to inspection, and for providing documents to the press, in accordance with legislative requirements.
- 3.22 Facilitating internal audit of Council services

- 3.23 Authorising officer-directed surveillance, and officer covert human intelligence sources
- 3.24 Receiving all election-related documents after an election.

C. Proper Officer Delegation

- 3.25 In the absence of the Chief Executive (Head of Paid Service), Executive Directors are authorised to carry out the duties of the Chief Executive.
- 3.26 In the absence of the Returning Officer, the Depute Returning Officer, appointed by the Returning Officer, is authorised to carry out the duties of the Returning Officer.

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4. Specific Duties and Responsibilities Delegated to the Section 95 (Chief Finance) Officer

A. General

- 4.1 The Chief Finance Officer is designated by the Council as the proper officer responsible for the administration of the Council's financial affairs in accordance with Section 95 of the Local Government (Scotland) Act 1973.
- 4.2 The Chief Finance Officer is authorised to carry out all functions and responsibilities in accordance with relevant legislation and regulations, and within the Council's policies and approved budget in relation to corporate finance and financial services.
- 4.3 The Chief Finance Officer is authorised to enter into agreements as regards borrowing and lending to meet the Council's needs, to manage the Council's loans fund, and to manage financial and lease agreements.

B. Specific Delegated Functions

- 4.4 Discharging Section 95 duties (as set out in the Local Government (Scotland) Acts)
- 4.5 Making amendments to the Council's Financial Regulations to take account of new or amended legislation, Council policies or procedures, or Council decisions
- 4.6 Developing and managing the Council's capital financial planning processes in accordance with the Council's Financial and Capital Strategies
- 4.7 Producing the Council's annual accounts in accordance with the Local Government (Scotland) Acts and relevant codes of practice
- 4.8 Taking or authorising decisions in relation to the Council's investments or borrowing, in accordance with the Council's Treasury Management Strategy, including in relation to borrowing in advance of need in certain situations (e.g. where doing so would be economically beneficial for the Council)
- 4.9 Accepting and reclaiming grants from the Scottish Government and other parties, in consultation with the relevant Executive Director/Head of Service
- 4.10 Approving the terms of purchasing works, goods and services in accordance with the Council's Procurement Procedures

- 4.11 Authorising required financial checks on proposed suppliers, contractors and customers of the Council
- 4.12 Making arrangements for receiving and holding tenders, in line with the Council's Procurement Procedures
- 4.13 Authorising emergency financial aid to employees of up to £200
- 4.14 In accordance with relevant approved Council policies, determining appropriate interim responsibility payments of up to 10% of current salary to reflect significant additional responsibilities undertaken in respect of major developments and initiatives
- 4.15 Writing off individual debts which are not recoverable up to a maximum of £50,000 (individual debt write-offs of over £50,000 shall require Cabinet approval)
- 4.16 Determining and actioning debt recovery procedures, including in relation to Council Tax and National Non-domestic Rates, in accordance with relevant legislation
- 4.17 Managing public trusts

C. Proper Officer Delegation

- 4.18 The Executive Director for Council Resources will act as the Chief Finance Officer. In their absence, an appropriately qualified and experienced officer is authorised to carry out the duties of the Chief Finance Officer.

5. Specific Duties and Responsibilities Delegated to the Monitoring Officer

A. General

- 5.1 The Monitoring Officer is designated by the Council as the proper officer responsible for carrying out certain duties and functions in accordance with Section 5 and 5A of the Local Government and Housing Act 1989.

B. Specific Delegated Functions

- 5.2 Taking responsibility for matters relating to the conduct of councillors and officers
- 5.3 Setting up and maintaining the Register of Interests for all councillors and making these available to the public
- 5.4 Reporting on matters that they believe are, or are likely to be, illegal or amount to maladministration
- 5.5 Reporting on any maladministration or injustice following an investigation by the Standards Commission for Scotland
- 5.6 Maintaining a list of politically restricted posts within the Council
- 5.7 Deciding whether an application made by a councillor or Council employee for a Council service should be referred to Council or an appropriate committee/sub-committee for determination.

C. Proper Officer Delegation

- 5.8 The Head of Corporate Support will act as the Monitoring Officer. In their absence, the Service Manager – Legal, and the Service Manager – People and Governance are authorised to carry out the duties of the Monitoring Officer. The Team Manager – Democratic and Licensing is also authorised to carry out duties relating to the Councillors' Code of Conduct.

6. Specific Duties and Responsibilities Delegated to the Chief Social Work Officer

A. General

- 6.1 The Chief Social Work Officer is designated by the Council as the proper officer responsible for carrying out all duties and functions in accordance with the principles, requirements and guidance set out in Section 5(1) of the Social Work (Scotland) Act 1968.

B. Specific Delegated Functions

- 6.2 Carrying out all functions of Chief Social Work Officer, in accordance with relevant legislation
- 6.3 Maintaining a Child Protection Register of children in need of protection from abuse
- 6.4 Providing services to children at risk of becoming accommodated
- 6.5 Determining and authorising all secure accommodation placements for children
- 6.6 Transferring children subject to a Supervision Order in cases of urgent necessity
- 6.7 Providing continuing care to formerly looked after children
- 6.8 Meeting the Council's duties as an adoption agency, including determining recommendations made by the Adoption Panel
- 6.9 Making arrangements to ensure that kinship care assistance is available
- 6.10 Approving guardianship applications
- 6.11 Acting as guardian to adults with incapacity where the guardianship functions relate to the personal welfare of the adults and no other suitable individuals have consented to be appointed
- 6.12 Providing services and after-care services for people with a mental disorder
- 6.13 Ensuring oversight and management of registered sex offenders
- 6.14 Taking decisions in relation to the management of drug treatment and testing orders

6.15 Carrying out, or authorising the carrying out of, functions as the appropriate authority in relation to a breach of a supervised release order, or appointing someone to carry out these functions

C. Proper Officer Delegation

6.16 The Head of Children's Services will act as the Chief Social Work Officer. In their absence, an officer identified from a pool of appropriately qualified and appropriately experienced officers is authorised to carry out the duties of the Chief Social Work Officer.

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7. General Duties and Responsibilities Delegated to Executive Directors and the Director of East Lothian Health and Social Care Partnership

A. Delegated Functions

- 7.1 Amending the organisational structure of their services, including the number and designation of posts, in accordance with Council policies and procedures
- 7.2 Managing their services, and reviewing the performance of their services
- 7.3 Delegating duties in accordance with Standing Orders relating to contracts entered into and issuing orders for providing goods and services in accordance with Council policy, procurement procedures and other relevant financial procedures, as set out in the Council's Financial Regulations, and within the Council's approved budget
- 7.4 Transferring amounts between budgets within their control
- 7.5 Delegating duties as set out in the Council's Financial Regulations, for normal working practices
- 7.6 Authorising the payment of bills for goods and services received in accordance with Section 7.3 (above).
- 7.7 Advising the Chief Finance Officer about any unusual financial obligations that will affect the Council
- 7.8 Ensuring that services comply with statutory legal requirements
- 7.9 Ensuring safe working procedures and processes, and maintaining proper security for staff, buildings, stocks, stores, furniture and equipment, in accordance with statutory legal requirements and Council policies and procedures
- 7.10 Responding to consultation documents within the set time limit, where appropriate
- 7.11 Ensuring that Council policies and procedures are consistent and are followed
- 7.12 Carrying out duties imposed by statute pertaining to their areas of responsibility or the subject of specific delegations of authority by the Council.

B. Proper Officer Delegation

7.13 In the absence of an Executive Director or the Director of the East Lothian Health and Social Care Partnership, the relevant Head(s) of Service are authorised to carry out their duties.

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8. General Duties and Responsibilities Delegated to Heads of Service

A. General

8.1 Authority delegated to Executive Directors/Director of the East Lothian Health and Social Care Partnership may then be delegated on to Heads of Service

8.2 In exercising delegated authority, Heads of Service must ensure that they comply with:

- relevant laws, guidance and codes of practice
- the procedural rules of their service
- the Council's Procurement Procedures and Financial Regulations
- the Council's insurance, risk management and business continuity arrangements
- the Council's Standing Orders
- the Council's HR policies and procedures
- all relevant plans and policies adopted by the Council
- the approved budget
- approved service plan(s)
- the rules on access to information, data protection and freedom of information

8.3 When carrying out duties delegated to them, Heads of Service must consult with other relevant officers if their actions will affect the responsibilities of another Head of Service. Where it is not clear which Head of Service has responsibility for a particular action or decision, the Chief Executive will determine the matter.

B. Delegated Functions

8.4 Contributing to the development of corporate policies and procedures through the Council Management Team

8.5 Setting and maintaining service standards to meet the Council's priorities

8.6 Putting in place service plans, and managing services within the Council's policies

8.7 Generally taking all operational decisions relating to the services being provided

8.8 Taking decisions on formal complaints about matters within their service areas

8.9 Managing and developing the workforce within their service areas

- 8.10 Suspending any employee in consultation with the Head of Corporate Support
- 8.11 Spending the approved budget appropriate to the services being provided
- 8.12 Setting and reviewing existing charges for Council services to ensure the needs of the budget are met (with the introduction of new charges being the responsibility of the Cabinet)
- 8.13 Applying for and accepting grants or a challenge fund, as long as these do not give rise to future financial commitments that the Council has to meet, or do not need the Council to provide equal funding that cannot be met from existing budgets
- 8.14 Procuring supplies and services in accordance with the provisions set out in Section 7.3
- 8.15 Entering into contracts in accordance with the provisions set out in Section 7.3
- 8.16 Accepting the lowest or best value tender where the value or estimated value of the contract is in accordance with the Council's Procurement Procedures
- 8.17 Promoting, marketing or presenting events
- 8.18 Authorising the production of publications relating to the services being provided
- 8.19 Serving statutory notices relating to the services being provided
- 8.20 Taking enforcement action when required relating to the services being provided
- 8.21 Reviewing the Council's actions and decisions, and dealing with requests for information under the Freedom of Information (Scotland) Act 2002 and ensuring compliance with all Data Protection legislation.
- 8.22 Carrying out the duties of the Council imposed by statute pertaining to their areas of responsibility or the subject of the specific delegations of authority by the Council.

C. Proper Officer Delegation

- 8.23 Where a Head of Service has been given delegated authority, they may authorise any member of their staff to act on their behalf. Any Head of Service using delegated authority will be fully responsible to the Council for their actions and those of any officer they delegate the duties to.

9. Specific Duties and Responsibilities Delegated to the Head of Children's Services

A. General

9.1 The Head of Children's Services is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Aftercare
- Child Protection
- Children's Disability
- Fostering
- Intake and Assessment
- Long-term Care and Support
- Residential
- Young People and Justice

B. Specific Delegated Functions (see also functions delegated to the Chief Social Work Officer at Section 6)

- 9.2 Setting fees for curators ad litem, foster and kin carers, and community carers
- 9.3 Approving grants to voluntary organisations

10. Specific Duties and Responsibilities Delegated to the Head of Communities

A. General

10.1 The Head of Communities is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Connected Communities
- Customer Services
- Policy, Improvement and Partnerships
- Protective Services

B. Specific Delegated Functions

10.2 Approving grants to individuals and organisations within the community, up to a maximum decided by the Council

10.3 Making suitable arrangements for the Council's insurance matters, and settling individual insurance claims up to a maximum of £100,000

11. Specific Duties and Responsibilities Delegated to the Head of Corporate Support

A. General

11.1 The Head of Corporate Support is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Communications
- Customer Feedback
- Democratic Services
- Executive Support, including to Lord Lieutenant
- Human Resources and Payroll
- Information Governance
- IT Services
- Legal Services
- Licensing
- Registration Services
- Unified Business Support

B. Specific Delegated Functions

11.2 Appointing and re-appointing curators ad litem and reporting officers

11.3 Appointing members to the East Lothian Local Licensing Forum

11.4 Determining the following licensing matters (in accordance with relevant legislation, as set out in the scheme of delegation adopted by the Licensing Sub-Committee):

- a. to grant a licence, on advice from the Chief Constable that there are no objections
- b. to renew a licence, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted
- c. to grant a licence in terms of any other primary or secondary legislation which regulate licensing regimes falling within the ambit of the Licensing Sub-Committee, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted
- d. to determine whether exceptional circumstances exist which would justify the return of application fees in cases where the application is not progressed

- e. to suspend a licence with immediate effect in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982
- f. to determine whether 'good cause' has been shown by an applicant where the application for renewal of a licence is received late, in terms of paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982
- g. to provide that if, for any reason, the delegated officer considers it inappropriate to determine an application under delegated powers, the application will be referred to the Licensing Sub-Committee for determination

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12. Specific Duties and Responsibilities Delegated to the Head of Development

A. General

12.1 The Head of Development is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Business Development
- Economic Development
- Growth
- Heritage and Monuments
- Planning
- Street Naming and Numbering
- Tourism
- Regeneration

B. Specific Delegated Functions

12.2 Taking decisions on planning applications and enforcing planning laws, subject to the protocol set out in Section 18 of this Scheme of Delegation

12.3 Monitoring planning permission and other permissions, and taking enforcement action under Part V1 and V11 of the 1997 Act, including serving notices, taking direct action and prosecuting people for not keeping to such notices

12.4 Determining requests to undertake work to trees that are either protected by a Tree Preservation Order or are within a Conservation Area; and determining applications for Tree Preservation Orders where there are no outstanding objections

12.5 Providing the Council's view as planning authority on planning applications and other consultations from neighbouring planning authorities and the Scottish Government

12.6 Taking decisions in relation to grants for economic development, business development, tourism, and regeneration activities, to both the private and third sectors

12.7 Determining applications for grant assistance under a Conservation Area Regeneration Scheme

13. Specific Duties and Responsibilities Delegated to the Head of Education

A. General

13.1 The Head of Education is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Additional Support for Learning
- Early Learning and Childcare Provision
- East Lothian Works and associated Employability Services
- Educational Psychological Services
- Inclusion and Equality
- Learning Estate
- Primary Education
- Quality Improvement of Schools
- Secondary Education
- Strategy and Operations

B. Specific Delegated Functions

13.2 Managing, assessing and awarding higher school bursaries

14. Specific Duties and Responsibilities Delegated to the Head of Finance

A. General

14.1 The Head of Finance is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Benefits and Financial Assessments
- Budget Development
- Corporate Accounting
- Council Tax
- Financial Inclusion
- Planning Obligations
- Procurement
- Rent Income
- Revenues
- Service Accounting
- Treasury and Banking
- Welfare Rights

B. Specific Delegated Functions

15. Specific Duties and Responsibilities Delegated to the Head of Housing

A. General

15.1 The Head of Housing is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Community Housing
- Homelessness
- Housing Strategy and Development
- Property Maintenance
- Service Development and Support
- Sheltered Housing

B. Specific Delegated Functions

15.2 Authorising expenses, under the Housing Act 1994, to people who are old, disabled or in poor health

15.3 In conjunction with the Head of Operations (ELHSCP), providing support services for vulnerable homeless people to standards set by the Care Commission

16. Specific Duties and Responsibilities Delegated to the Head of Infrastructure

A. General

16.1 The Head of Infrastructure is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Engineering Services and Building Standards
- Estates
- Facilities Management
- Roads Services
- Sport, Countryside and Leisure
- Strategic Asset and Capital Plan Management
- Transport Services
- Waste Services

B. Specific Delegated Functions

16.2 In consultation with, and with the agreement and approval of the Section 95 Officer, the Service Manager – Legal, and other officers as required, undertake:

- a. Disposals of land and/or buildings (if the highest offer is not to be accepted or the property is to be sold without having to be advertised, the matter is referred to Cabinet)
- b. Acquisitions of land and/or buildings as agreed within the capital programme
- c. Agreeing terms for the disposal of small areas of open space ground on the Housing Revenue Account or managed by Sport, Countryside and Leisure, where such areas are not advertised for sale
- d. Agreeing terms for leases/tenancies of land or buildings, and all matters arising from the lease of a property, including lease transfer and variation, sub-letting, change of use, alterations, and recovering overdue rent and other charges
- e. Agreeing terms for granting wayleaves, rights of way and servitudes
- f. Agreeing terms for an excambion of land required for any of the Council's functions where this action is within the approved capital programme
- g. Settling claims for professional fees and costs in connection with buying and selling land, and compensation claims of up to £25,000

17. Specific Duties and Responsibilities Delegated to the Head of Operations (East Lothian Health and Social Care Partnership)

A. General

17.1 The Head of Operations (East Lothian Health and Social Care Partnership) is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Access and Prevention
- Adult Community Services
- Adult Statutory Services
- Hospitals and Care Homes
- Primary Care

B. Specific Delegated Functions

17.2 Taking decisions, in consultation with the Council's Chief Finance Officer, on applications for changing maintenance rates for private or voluntary homes not covered by the National Health Service and Community Care Act 1990

18. Scheme of Delegation for Planning Applications

18.1 Decisions in relation to planning applications

- a. Delegated Decisions – ‘Local Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 shall be determined by the Service Manager – Planning without reference to Members, subject to 18.1(b) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.
- b. Scheme of Delegation List – A list of reports on applications to be decided under delegated authority in terms of 18.1(a) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Service Manager – Planning in terms of 18.1(a) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Service Manager – Planning should determine the application.

18.2 Appeal to Scottish Ministers against the failure to take a decision on a planning application

In cases where an applicant has appealed to Scottish Ministers against the failure to take a decision on a planning application, the Service Manager – Planning shall have authority for submitting the Council’s submission on the appeal, as a Council Officer statement.

18.3 Decisions in relation to enforcement of planning control

- a. Authority for service of Planning Contravention Notices and Breach of Condition Notices will be delegated to the Service Manager – Planning and will be reported for Members’ information to the Members’ Library.
- b. Committee Expedited List – reports recommending service of Enforcement Notices, Stop Notices and Notices under Section 179 (‘Land Adversely Affecting Amenity of Neighbourhood’) of the Town and Country Planning (Scotland) Act 1997 shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer recommendation is deemed to be accepted and the Service Manager – Planning shall be authorised to proceed on that basis.

18.3 Decisions in relation to the variation, modification or discharging of planning obligations

- a. The Service Manager – Planning shall have authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
- b. The Service Manager – Planning shall have authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.

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19. Statutory Appointment of Officers

- 19.1 Under various laws, the Council must appoint officers for a variety of purposes. Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. The 'statutory appointments' that the Council has made are set out in this section.

Relevant Law	Role	Proper Officer
Civic Government (Scotland) Act 1982		
Section 113	Proper officer for keeping evidence of management rules	Head of Corporate Support
Community Empowerment (Scotland) Act 2015		
Section 22	Proper officer for receiving participation requests	Head of Communities
Section 79	Proper officer for receiving asset transfer requests	Head of Communities
Data Protection Act 2018		
Chapter 4, Sections 69-71	Proper officer for monitoring compliance; for informing and advising the data controller of their obligations; for co-operating with the supervisory authority in respect of (1) East Lothian Council, and (2) East Lothian Licensing Board	Team Manager – Information Governance
Environmental Protection Act 1990		
Section 149(1)	Proper officer for dealing with stray dogs in the area	Head of Communities
Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests Regulations) 2003		
Section 7(1)	Proper officer for setting up and keeping the register of councillors' business, personal and financial interests, and making these available to the public	Monitoring Officer / Team Manager – Democratic and Licensing
Licensing (Scotland) Act 2005		
Schedule 1, para. 8(1)(a)	Proper officer to act as the Clerk to the Licensing Board	Service Manager – People and Governance
Section 13	Proper officer for supervising compliance by licence-holders, mediating, issuing notices and applying for premises licence reviews	Licensing Standards Officer
Local Authorities (Contracts) (Scotland) Regulations 1997		
Regulation 4	Proper officer for certification purposes (powers to enter into a contract of other matters)	Head of Finance
Local Government (Scotland) Act 1973		
Section 33a	Proper officer for receiving councillors' declarations that they accept their role (declaration of acceptance of office)	Chief Executive
Section 33a(3)	Proper officer that the declaration of acceptance of officer can be made to	Chief Executive / Monitoring Officer /

		Service Manager – People and Governance / Team Manager – Democratic and Licensing
Section 34	Proper officer for receiving councillors' resignations	Chief Executive
Section 40	Proper officer for receiving general notices from councillors about any financial interest in a matter, and for recording the councillors' interests	Monitoring Officer / Service Manager – People and Governance / Team Manager – Democratic and Licensing
Section 43 and para. 1(4) of Schedule 7	Proper officer for receiving requests for special Council meetings	Chief Executive
Section 43 and para. 2(1) of Schedule 7	Proper officer for signing summonses to special Council meetings	Chief Executive
Section 43 and para. 2(2) of Schedule 7	Proper officer for receiving a councillor's notice of an alternative address	Head of Corporate Support
Section 50b	Proper officer for preventing reports containing sensitive information from being available to the public, and for providing documents to the press	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 50c	Proper officer for providing a written summary when the minutes of a meeting cannot be made available to the public	Head of Corporate Support
Section 50f	Proper officer for deciding which documents are not open to inspection	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 92	Proper officer for transferring securities	Executive Director for Corporate Resources / Head of Finance
Section 95	Proper officer for managing the Council's financial affairs	Executive Director for Council Resources
Section 145	Proper officer for asking Ordnance Survey for information	Executive Director for Place
Section 190	Proper officer for serving notices on behalf of the Council and starting legal proceedings	Chief Executive / Executive Directors / Head of Corporate Support / Service Manager – Legal
Section 191	Proper officer for signing any claim on behalf of the Council in any sequestration, liquidation, and similar	Chief Executive / Executive Director for Council Resources /

	proceedings where the Council is entitled to make a claim	Head of Corporate Support / Service Manager – Legal (in consultation with Head of Corporate Support)
Section 193	Proper officer for signing notices and orders	Relevant Executive Director or Head of Service responsible for the service relating to the notice/order (in consultation with the Service Manager – Legal)
Section 194	Proper officer for signing deeds and using the Council's seal	Chief Executive / Head of Corporate Support / Service Manager – Legal / Designated Senior Solicitor
Section 197	Proper officer for arranging for documents to be inspected and filed	Head of Corporate Support
Section 202	Proper officer for confirming that byelaws are valid and for sending copies to other relevant authorities	Service Manager – Legal
Section 202B	Proper officer for putting valid byelaws in the register of byelaws	Service Manager – Legal
Section 204	Proper officer for providing certificates as evidence of byelaws	Service Manager – Legal
Section 206	Proper officer for keeping a register of people who are made 'freemen' of the area	Head of Corporate Support
Section 231	Proper officer for asking the Sheriff about matters arising from the Local Government (Scotland) Act 1973	Chief Executive / Executive Directors / Head of Corporate Support (in consultation with the Service Manager – Legal)
Local Government and Housing Act 1989		
Section 2	Proper officer for keeping lists of posts that are politically restricted	Head of Corporate Support
Section 4	Proper officer to act as the Head of Paid Service	Chief Executive
Section 5	Proper officer to act as the Monitoring Officer	Head of Corporate Support
Public Records (Scotland) Act 2011		
Section 1(2)(a)(i)	Proper officer for the management of the Council's public records	Head of Corporate Support / Service Manager – People and Governance

Section 1(2)(a)(ii)	Proper officer for ensuring compliance with the Records Management Plan	Team Manager – Information Governance
Regulation of Investigatory Powers (Scotland) Act 2002		
Section 6	Proper officer for authorising directed surveillance	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Section 7	Proper officer for authorising covert human intelligence sources	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Representation of the People Act 1983		
Section 41	Proper officer to act as the Returning Officer	Chief Executive
Scottish Local Government Elections Order 2007		
Rule 57	Proper officer for receiving all election-related documents following an election	Chief Executive
Social Work (Scotland) Act 1968		
Section 3	Proper officer to act as the Chief Social Work Officer	Head of Children’s Services
Weights and Measures Act 1985		
Section 72(1)(a)	Chief inspector of weights and measures	Executive Director for Place

19.2 The proper officers appointed for the roles set out in Section 19.1 cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties:

Proper officer appointed for the roles set out in Section 19.1	Officer(s) who will carry out duties if the proper officer is not available
If the Chief Executive is not available to act as Head of Paid Service	Executive Directors, as agreed
If the Returning Officer is not available for election purposes	Depute Returning Officer
If the Executive Director for Council Resources is not available to act as Section 95 Officer	A suitably qualified and experienced person from within the Finance Service
If the Head of Children’s Services is not available to act as Chief Social Work Officer	A suitably qualified and experienced person from within the following services: Children’s Services Adult Statutory Services Adult Community Services
If the Head of Corporate Support is not available to act as Monitoring Officer	Service Manager – Legal Service Manager – People and Governance Team Manager(s) – Democratic and Licensing (in relation to matters

	concerning the Councillors' Code of Conduct)
If an Executive Director is not available	Relevant Head of Service
If the Service Manager – People and Governance is not available to act as Clerk to the Licensing Board	Service Manager – Legal
If the Executive Director for Council Resources is not available to act as the Senior Information Risk Officer	Head of Corporate Support
If the Team Manager – Information Governance is not available to act as Data Protection Officer	Head of Corporate Support / Service Manager – People and Governance

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REPORT TO: East Lothian Council

MEETING DATE: 24 August 2021

BY: Executive Director for Education & Children's Services

SUBJECT: Revision to School Session Dates 2021/22

6

1 PURPOSE

- 1.1 To seek approval to make a change to the dates for the current school session 2021/22 to align the dates for the festive period closure and end of school session with our neighbouring authority, namely City of Edinburgh Council. The revision of dates also helps address any potential issues that may arise in relation to possible positive COVID-19 cases prior to the festive period and the requirement to carry out contact tracing amongst pupils and staff once schools have closed.

2 RECOMMENDATIONS

- 2.1 Council is asked to:
- (i) approve the change to the school session dates for this session, 2021/22 with the last day of term before the festive break being brought forward to Friday 17 December 2021 (from Thursday 23 December 2021) and for the start of the new term to be brought forward to Wednesday 5 January 2022 (from Monday 10 January 2022). Also that schools will close for the summer break a day later on Friday 1 July 2022. This aligns East Lothian dates with those of our neighbouring authority, City of Edinburgh Council (attached as Appendix 1).
 - (ii) approve delegated authority to the Head of Education, in consultation with the Council Leader and Convener of the Education Committee, for any further required changes to be made to the session dates, e.g. in relation to the Queen's Platinum Jubilee.

3 BACKGROUND

- 3.1 The school session dates for 2021/22 were approved by Education Committee at its meeting on 12 March 2019.
- 3.2 With the current COVID-19 pandemic having had a significant impact on the daily operation of schools and the effects on our pupils and staff over the last two school sessions, and the possibility of this continuing to be the case over the coming months, the end date for schools finishing for the festive break this year is very late, currently being Thursday 23 December 2021.
- 3.3 Should we be notified of a positive COVID-19 case in a school that week, the Health Protection Team require us to trace and contact all those who have been in close contact with the positive case up to 48 hrs prior to the onset of symptoms. With this in mind, and with schools currently operating until Thursday 23 December, we then face a potential issue of being notified of a positive case on Christmas Day. This would then require access to management information systems within the central department as well as in schools together with the need to contact staff in order to carry out tracing.
- 3.4 A change to the term date to enable schools to close on Friday 17 December will allow any positive cases arising up to and including Christmas Eve to be responded to directly by central Education officers during the working day and whilst there is access to the relevant management information systems.
- 3.5 This change further ensures that any person who may become COVID-19 symptomatic on Christmas Day will not have been in contact with anyone in a school setting in the preceding 48 hrs and therefore will reduce the need to undertake tracing and notification of any schools' staff.
- 3.6 In aligning this change and in order to adhere to the requirement of 190 school days for pupils and 195 days for teaching staff, it is necessary to move the end of the school session back by one day to Friday 1 July 2022.
- 3.7 We try wherever possible to align the East Lothian main holiday dates to those of the City of Edinburgh Council which we have done over many years in response to parental requests. Following a change to the City of Edinburgh's Christmas closure and end of session dates, which were only approved in May 2021, this was a driver for revising our session dates to allow us to align with theirs.
- 3.8 The views of parents/carers, head teachers, schools' staff and trade unions have been sought on this change. A small number of responses were received which have been taken into consideration in finalising the dates.

4 POLICY IMPLICATIONS

4.1 There are no policy implications as a result of this report.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Revised school session dates for 2021/22

AUTHOR'S NAME	Richard Parker
DESIGNATION	Education Service Manager (Strategy & Operations)
CONTACT INFO	rparker@eastlothian.gov.uk Tel:01620 827494
DATE	16 August 2021

EAST LOTHIAN COUNCIL
RESOURCES AND PEOPLE SERVICES
SCHOOL SESSION DATES 2021-2022 – Draft dates as at 16 August 2021

TERM 1	Staff In-service Day 1	Monday	16	August	2021
	Staff In-service Day 2	Tuesday	17	August	2021
	Pupils Resume	Wednesday	18	August	2021
	Autumn Holiday (schools closed)	Friday	17	September	2021
	Autumn Holiday (schools closed)	Monday	20	September	2021
	All Return	Tuesday	21	September	2021
	All Break	Friday	15	October	2021
	Staff In-service Day 3	Monday	25	October	2021
	Pupils Resume	Tuesday	26	October	2021
	Term Ends	Friday	17	December	2021
	<i>Term 1 = 80 pupil days</i> <i>Term 1 = 83 staff days</i>				
TERM 2	All Resume	Wednesday	5	January	2022
	All Break	Friday	11	February	2022
	Staff In-service Day 4	Monday	21	February	2022
	Pupils Resume	Tuesday	22	February	2022
	All Break	Friday	8	April	2022
	Good Friday - 15 April 2022 Easter Monday – 18 April 2022 <i>Term 2 = 62 pupil days</i> <i>Term 2 = 63 staff days</i>				
TERM 3	All Resume (Staff and Pupils)	Monday	25	April	2022
	May Day (Schools closed)	Monday	2	May	2022
	All Resume	Tuesday	3	May	2022
	Staff In-Service Day 5 (pupil holiday)	Monday	23	May	2022
	Pupils Resume	Tuesday	24	May	2022
	Term Ends <i>Terms 3 = 48 pupil days</i> <i>Terms 3 = 49 staff days</i>	Friday	1	July	2022

REPORT TO: East Lothian Council
MEETING DATE: 24 August 2021
BY: Executive Director for Council Resources
SUBJECT: Appointments to Partnerships

7

1 PURPOSE

- 1.1 To seek approval of a proposed change to the membership of the Children's Strategic Partnership.

2 RECOMMENDATIONS

- 2.1 That Council approves the appointment of Councillor Fiona Dugdale to the Children's Strategic Partnership.

3 BACKGROUND

- 3.1 The Administration is proposing that Councillor Fiona Dugdale is appointed to the Children's Strategic Partnership, replacing Councillor Shamin Akhtar. If approved, this change will take place with immediate effect.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic and Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x 7225
DATE	16 August 2021

REPORT TO: East Lothian Council

MEETING DATE: 24 August 2021

BY: Chief Executive

SUBJECT: Appointment of Executive Director for Council Resources

8

1 PURPOSE

- 1.1 To advise Council of the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint a new Executive Director for Council Resources, a vacancy that resulted from the retirement of Jim Lamond, the previous post holder.

2 RECOMMENDATIONS

- 2.1 Council is asked to note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appointment Sarah Fortune as Executive Director for Council Resources, noting that all formal pre-employment checks have been carried out and that an offer of appointment has been issued and accepted.

3 BACKGROUND

- 3.1 Following receipt of Jim Lamond's intimation of his intention to retire, an internal/external recruitment campaign was launched to appoint to the post of Executive Director for Council Resources. The Chief Officer and Head Teacher Appointments Sub-Committee was convened on Friday 9 July 2021 to make this appointment, and after formal interviews had taken place, the Sub-Committee appointed Sarah Fortune, the Council's then Head of Finance.
- 3.2 The external recruitment campaign successfully attracted 12 applications from which 4 individuals were shortlisted and invited to attend an Assessment Centre Day conducted by SOLACE in Business on 6 July 2021, followed by formal interview by the Sub-Committee on 9 July 2021.
- 3.3 During the Assessment Centre Day the candidates underwent rigorous independent external pre-interview candidate profiling. This involved psychometric testing, a competency interview and a paper exercise. All of these exercises were facilitated independently by SOLACE in Business.

The Chief Executive also conducted informal interviews with each of the shortlisted candidates.

- 3.4 The Sub-Committee comprised Councillors Hampshire, McMillan, Bruce and Currie.
- 3.5 At the interview the candidates were required to give a presentation to the Sub-Committee and to respond to a number of pre-set competency-based interview questions. The Sub-Committee was advised by SOLACE in Business, the Chief Executive and was supported by the Service Manager – People and Governance and an internal HR Adviser.
- 3.6 Relevant pre-employment checks were carried out as regards the preferred candidate, which were all found to be acceptable. Sarah Fortune has now taken up her position as Executive Director for Council Resources and a campaign to recruit a new Head of Finance is underway. Ms Fortune will continue to act as the s95, Chief Finance Officer meantime.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel – None other than those set out within this report.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Service Manager – People and Governance
CONTACT INFO	kmacneill@eastlothian.gov.uk 01620 827164
DATE	9 August 2021

**MINUTES OF THE MEETING OF THE
CHIEF OFFICER AND HEAD TEACHER APPOINTMENTS SUB-COMMITTEE
For the Post of
Executive Director for Council Resources**

**Held on 9 July 2021
Via Microsoft Teams**

Chief Officer and Head Teacher Appointments Sub-Committee:

Councillor Norman Hampshire (Chair)
Councillor John McMillan
Councillor Lachlan Bruce
Councillor Stuart Currie

In Attendance:

Evelyn Dougherty, Solace in Business

Council Officials:

Monica Patterson, Chief Executive
Kirstie MacNeill, Service Manager - People and Governance
Zoe McFadzean, Business Partner - HR and Payroll

Candidates began their interview by giving a ten-minute presentation to the Sub-Committee on the topic **“With reference to the strategic priorities of East Lothian Council, what short, medium and long term goals would you set yourself if appointed to the post of Executive Director - Council Resources?”** This was followed by a series of set competency-based questions from Sub-Committee Members.

Prior to the interviews, Evelyn Dougherty provided an overview on the outcome of the online assessments exercise undertaken by the candidates and an analysis of each of their performances during the Assessment Day which helped inform the Sub-Committee’s final deliberations. At the end of the formal interview the Sub-Committee discussed the relative merits of the candidates with assistance from Ms Dougherty, the Chief Executive and other officers present. The Sub-Committee then proceeded to score the candidates. Sarah Fortune scored highly in both the presentation topic and in all of the competency questions posed and was accordingly declared to be the preferred candidate.

The Service Manager – People and Governance explained that the usual pre-employment checks on the preferred candidate would be carried out prior to formal appointment.

REPORT TO: East Lothian Council

MEETING DATE: 24 August 2021

BY: Executive Director for Council Resources

SUBJECT: Submissions to the Members' Library Service,
8 June to 9 August 2021

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1 PURPOSE

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 8 June and 9 August 2021, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or
 - (b) background papers linked to specific committee reports.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
6.2 Personnel – None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

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DATE	9 August 2021

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
8 June – 9 August 2021**

Reference	Originator	Document Title	Access
64/21	Head of Infrastructure	Grant of Servitude Rights – North Berwick	Private
65/21	Head of Communities	2020 East Lothian Child Poverty Action Report	Public
66/21	Head of Children's Services	Children and Young People Services Plan Annual Performance Report 2019/20	Public
67/21	Head of Development	Food and Drink Innovation Hub – Final Business Case	Public
68/21	Head of Development	Confirmation of Tree Preservation Order at Preston, East Linton [T.P.O. no. 142 (2020)]	Public
69/21	Head of Infrastructure	Sale of Land – Longniddry	Private
70/21	Head of Development	Aberdeen Standard Investments (ASI) Scottish Open 2021	Public
71/21	Executive Director for Council Resources	HR Establishment Changes - June 2021	Private
72/21	Head of Infrastructure	Sale of Former Day Centre, Ormiston	Private
73/21	Head of Infrastructure	Building Warrants Issued under Delegated Powers between 1 st and 31 st May 2021	Public
74/21	Head of Infrastructure	Building Warrants Issued under Delegated Powers between 1 st and 30 th June 2021	Public
75/21	Head of Infrastructure	Assignment of Ground Lease, Belhaven Bay Holiday Park, Dunbar	Private
76/21	Executive Director for Council Resources	Review of Cook Posts in Residential Homes for Older People	Private
77/21	Head of Council Support	Service Review – Transport & Waste Services	Private
78/21	Executive Director for Place	East Lothian Council COVID-19 Recovery and Renewal Framework Document, Version 1.8	Public
79/21	Executive Director for Council Resources	Enhancement & Re-positioning of Growth & Sustainability Project Delivery Team	Private
80/21	Head of Council Support	Staffing Report: Creation of an Additional Mechanics Post and 2 x Apprentice Mechanic Posts	Private
81/21	Head of Council Support	Staffing Report for the Creation of 'Lead Officer - The Promise' within Children's Services	Public
82/21	Head of Infrastructure	Roads (Scotland) Act 1984, Sections 16 (2) & 18 (1) - Additions to the List of Public Roads 2021	Public
83/21	Head of Council Support	HR Establishment Changes - July 2021	Private

84/21	Executive Director for Council Resources	Establishment Changes for July 2021	Private
85/21	Executive Director for Place	Spaces for People – Consultation on Legacy Measures	Public
86/21	Head of Corporate Support	Quarterly Customer Feedback Reporting – Q1	Public

9 August 2021