



## **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 of 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.