



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 25 MAY 2021
VIA DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor S Akhtar
Councillor F Dugdale
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan

Other Councillors Present:

Councillor J Findlay
Councillor A Forrest
Councillor K Mackie
Councillor C McGinn
Councillor P McLennan
Councillor F O'Donnell

Council Officials Present:

Mrs M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Mr J Lamond, Executive Director for Council Resources
Mr D Proudfoot, Executive Director for Place
Ms S Fortune, Head of Finance
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Ms A Eperjesy, Commercial Programme Manager
Mr P Forsyth, Team Manager – Assets and Regulatory (Roads)
Mr C Grilli, Service Manager – Legal
Ms S Irvine, Service Development and Support Team Manager (Housing)
Mr E John, Service Manager – Sport, Leisure and Countryside
Mr M Kennedy, Team Manager – Health and Social Care
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer
Ms L Kerr, Interim General Manager, Planning and Performance (HSCP)

Clerk:

Mrs L Gillingwater

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 19 JANUARY 2021

The minutes of the meeting of the Cabinet of 19 January 2021 were approved.

2. EAST LOTHIAN COAST AND COUNTRYSIDE MANAGEMENT – LAND MANAGEMENT RULES

A report was submitted by the Executive Director for Place advising Members on the consultation on Land Management Rules and making recommendations to enhance operational management on the ground and public enjoyment of these areas.

The Service Manager – Legal, Carlo Grilli, presented the report, advising that 579 responses had been received in respect of the consultation, and that these had been taken into account when finalising the Land Management Rules (set out at Appendix 3 to the report). He explained that the Land Management Rules would assist and empower the countryside rangers when undertaking their duties, as well as allowing the Council to better manage public spaces. He noted that the arrangements would be monitored regularly and reviewed as required.

Councillor Findlay asked if there were any plans to introduce licences for dog walkers, and if creating dog-free areas was being considered. Tom Reid, Head of Infrastructure, confirmed that there were no plans for dog-walker licences and, with the exception of a small number of sites of special scientific interest (SSSIs), there were no plans to introduce dog-free zones.

In response to a further question from Councillor Goodfellow regarding the introduction of dog-free zones, particularly as regards the town beaches in North Berwick, Mr Reid advised that it would not be possible to apply the Land Management Rules to the beaches in North Berwick due to rules concerning the low water mark; however, beach users would be encouraged to access those areas responsibly. Mr John added that there were legal issues regarding restricting access for dogs in public areas, and reiterated that there were no plans to introduce dog-free zones.

Councillor McMillan welcomed the proposed Land Management Rules in view of the increasing numbers of visitors coming to East Lothian. He stressed the need for all visitors to behave responsibly.

With reference to the significant increase in tourists to the North Berwick Coastal ward in 2020, Councillor Goodfellow recognised the need to empower countryside rangers and other officers in order to ensure that these areas were properly managed and visitors encouraged to act responsibly.

Councillor Dugdale welcomed the response to the consultation. She highlighted the importance of East Lothian's coastline and countryside, and the need to protect those areas.

Councillor Hampshire emphasised the need for the Council to protect and manage coastal areas, and he was of the view that the Land Management Rules would facilitate this. He

expressed concern, however, that this would be a challenge with limited resources, particularly during the pandemic. He thanked staff for their work in protecting coastal areas.

Decision

The Cabinet agreed, unanimously by roll call vote:

- i. to approve the Land Management Rules set out in Appendix 3 to the report, following public consultation; and
- ii. to note that officers would continue to review land management arrangements in light of this year's experience and bring forward any further proposals as required.

3. ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) SECTIONS 32 AND 35 – EAST LOTHIAN COUNCIL (OFF-STREET COASTAL PARKING PLACES) (ONE WAY) CONSOLIDATION ORDER 2017 – TO286/16 – INCREASE OF COASTAL CAR PARK TARIFFS

A report was submitted by the Executive Director for Place seeking Cabinet approval of a policy methodology to update coastal car park tariffs distinct from the Council's charging policy and noting the uplift that would be applied this year.

The Team Manager – Assets and Regulatory (Roads), Peter Forsyth, presented the report, requesting that an inflationary component to coastal car parking charges be introduced, which would be distinct from the Council's Charging Policy. He advised that coastal car parking tariffs had not increased since their introduction, and proposed an increase to £2.50 per day/£50 per season ticket, effective from 16 August 2021. He noted that the income collected from coastal car parks had contributed to improvements to facilities at those locations, including new toilet facilities at Longniddry Bents 1 & 2, with further improvements to be made to toilet facilities at Longniddry Bents 3 and Gullane Bents. Mr Forsyth also reported that parking enforcement at coastal car parks had resulted in safer parking facilities.

Councillor O'Donnell asked if the income would be used to provide additional parking attendants, and if parking enforcement could be extended to encourage better behaviour by drivers outside schools. Tom Reid, Head of Infrastructure, explained that there was a requirement to generate income in line with budget expectations, and that additional parking attendants would be employed on a seasonal basis to manage parking along the coast and in coastal towns. He noted that this may also provide an opportunity to take action in those areas identified by Councillor O'Donnell. Mr Forsyth added that parking attendants were already being deployed to address concerns around schools.

Councillor Akhtar asked about problems with traffic management. Mr Forsyth advised that there was an increased demand on East Lothian's roads (albeit it had reduced during the COVID-19 period). He reported that over a five-year period, concerns had been raised about congestion and an increase in heavy goods vehicles. He also noted that there had also been a change in traditional peak travel periods. Accepting that there had been an increase in demand on roads over the past five years, he indicated that enhanced traffic monitoring would be undertaken. Mr Reid also pointed out that there had been challenges during the pandemic with increasing numbers of visitors to the coast; he noted that plans were in place for this summer, working with the Police and countryside rangers, to co-ordinate visitor demand.

Mr Reid also drew attention to the significant capital investment made to coastal car parks, noting the toilet facility improvements at Longniddry and Gullane Bents (which had been partly funded by Rural Tourism Scotland grant funding), as well as investment in waste

management, facilities management, the countryside ranger service and parking enforcement.

Councillor Findlay asked if it remained the case that income generated through coastal car parking charges would be ring-fenced to provide improvements to facilities in those areas. Mr Reid reiterated that significant investment had been made to coastal facilities. He pointed out that there were revenue costs associated with operating services, such as the countryside ranger service, and that although the income generated was in line with the approved budget, the cost of providing services in coastal areas exceeded income levels.

Councillor Goodfellow asked if it was possible to ascertain where the additional traffic was coming from. Mr Reid advised that numbers of vehicles were recorded, and staff were obtaining information from car park users, but there was no scientific data on this. He added that there was a system which tracked migration of vehicles, bicycles and pedestrians into East Lothian. However, due to cost implications, this was only used when carrying out specific survey work, and would not be used in this situation.

Councillor Dugdale requested information on the increase in visitors to East Lothian over the past three years. Mr Reid did not have this information at hand, but noted that there would be a report on this to the Members' Library in due course. He pointed out, however, that the summer of 2020 was the busiest on record. Mr Forsyth indicated that there were different ways of establishing demand, and that the use of additional traffic counters was being considered as part of the Spaces for People initiative.

Councillor Akhtar commented that communities would welcome an increase in enforcement, especially during peak periods. She welcomed the additional and upgraded facilities in coastal areas, which were of benefit to both residents and visitors, and also the increase in staff to better manage those areas. She was, however, mindful of the financial implications associated with these improvements, highlighting the importance of coastal car parking income to help meet these challenges.

Councillor McMillan welcomed the investment in coastal facilities, remarking that this was a great return for a small investment by car park users. His views were shared by Councillor Goodfellow, who added that visitors to whom he had spoken had expressed surprised that car parking charges were so low.

Councillor Hampshire concluded the debate by commenting that coastal car parks were now busy throughout the year, which would result in a requirement for further investment in order to maintain the standard of car park surfaces and paths.

Decision

The Cabinet agreed, unanimously by roll call vote, to approve a 3-yearly review of indexation levels and to apply an appropriate inflationary component to charges at coastal car parks through the introduction of an appropriate Order.

4. VARIOUS ROADS, EAST LOTHIAN – INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2021

A report was submitted by the Executive Director for Place seeking Cabinet approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and time restricted waiting, promote a new one-way street and 'stop up' locations whereby the areas would be removed from the public list of roads.

The Service Manager – Roads, Alan Stubbs, presented the report, informing Members of the statutory procedure associated with introducing and amending Traffic Regulation Orders (TROs). He drew attention to the proposed TROs, as set out in Sections 3.2-3.16 of the report and further detailed in Appendices A-G. He advised that the proposals would address issues concerning road safety, parking and congestion, as well as supporting local businesses and providing additional electric vehicle charging points.

In response to a question from Councillor Goodfellow on electric vehicle charging points, Mr Stubbs explained that 'journey chargers' provided rapid charging facilities and were generally located near main roads and larger settlements, and that 'destination chargers' were located within communities/shops/sports centres and delivered a slower charge.

Councillor McMillan asked about the programme for future TROs and how this would be delivered. Mr Stubbs explained the process, noting that his team would consider requests for TROs and assess/prioritise them accordingly. However, he noted that such requests would be considered on a case-by-case basis, and not all would be taken forward.

Councillor Forrest questioned whether the impact of the displacement of vehicles resulting from the proposed TROs had been considered, particularly in Musselburgh, and also how the TROs would be enforced. Mr Stubbs indicated that the public would have an opportunity to comment on the proposals and views submitted would be taken into account. As regards enforcement, he advised that enforcement would be carried out by both the Council's parking attendants and the police.

Councillor Akhtar asked about the provision of electric vehicle charging points in comparison to other areas. Mr Stubbs reported that the Council was providing more charging points than other similar-sized authorities and had benefited from external funding for these facilities. Mr Stubbs agreed to provide further details to Cabinet on how East Lothian Council compares to other local authorities when it comes to the role out of electric vehicle chargers. Councillor Hampshire added that, through a recent conversation with an installation officer, he had ascertained that East Lothian was the best performing council in mainland Scotland, and was in the top five in the UK, in the provision of charging points per head of population. Mr Stubbs also advised that the locations and use of charging points would be monitored.

Councillor Hampshire raised a concern about School Brae Bridge in West Barns, particularly that there was no footpath over the bridge. He welcomed the proposal to extend the speed limit restrictions in that area, but suggested that further action may be required to make it safer for pedestrians.

Councillor Goodfellow welcomed the proposed installation of additional electric vehicle charging points, commenting that it demonstrated the Administration's commitment to tackling climate change and would give drivers the confidence to change to electric vehicles.

Decision

The Cabinet agreed, unanimously by roll call vote, to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities (Procedures) (Scotland) Regulations 1999' and such introduction and amendments that are in force in respect of locations and proposals listed in Appendices A-G to the report.

5. COUNCIL HOUSE ALLOCATION TARGETS 2021/22

A report was submitted by the Executive Director for Place seeking Cabinet approval for Council House Allocation Targets for the period 1 April 2021 to 31 March 2022, explaining the context, legal position and rationale for the proposed targets.

The Head of Housing, Wendy McGuire, presented the report, drawing Members' attention to the proposed targets for 2021/22 (set out at Section 3.24 of the report). She assured Members that performance against these targets would be reviewed regularly. She noted that demand for Council housing in East Lothian remained high, with around 3,000 people currently on the housing list, as well as significant homelessness pressures. On Local Lettings Plans (LLPs), Ms McGuire advised that these contributed to achieving sustainable and balanced communities, with LLPs currently in place in Musselburgh, Prestonpans, North Berwick and Tranent. She noted that 461 allocations had been made between 1 April 2020 and 31 March 2021, which she considered to be a significant achievement given the circumstances of the pandemic. She indicated that, if approved, the targets would be reviewed within six months to ensure they continued to reflect demand; any proposed changes would be reported to Cabinet.

Councillor Goodfellow asked how many allocations had been made between 1 April 2019 and 31 March 2020. He also asked for an update on the Homeless Persons (Unsuitable Accommodation) Order. Ms McGuire advised that 511 allocations had been made during this period (which was pre-COVID-19). She further advised that the implementation date for the Order was June 2021, and that, on implementation of the Order, the Council would be required to find suitable accommodation for all homeless households within seven days.

Councillor McMillan commended the Housing Service for their efforts in continuing to allocate homes during the pandemic, describing it as 'a remarkable achievement'. His comments were echoed by Councillor Akhtar, who conveyed her appreciation to all staff involved.

As Cabinet Spokesperson for Housing, Councillor Goodfellow also praised Housing Service staff, commenting that they provided an excellent service to tenants. He welcomed the proposed targets set out in the report.

Councillor Hampshire also paid tribute to staff for their achievements in allocating 461 homes to tenants during the pandemic.

Decision

The Cabinet agreed, unanimously by roll call vote:

- i. to approve the recommended targets detailed in Section 3.24 of the report;
- ii. to note that performance against these targets would be reviewed on a regular basis and that such review would form part of the analysis in setting future targets in 2021/22 and beyond;
- iii. to note that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management Framework; and
- iv. to note the impact of the COVID-19 pandemic and associated advice from the Scottish Government which had limited the Council's ability to allocate housing (particularly during periods of lockdown) in order to reduce the risk of transmission of the virus and protect public health.

6. CORPORATE RISK REGISTER 2021

A report was submitted by the Chief Executive presenting the Corporate Risk Register to Cabinet for discussion, comment and approval.

The Head of Communities, Sharon Saunders, presented the report, advising that the Corporate Risk Register was prepared in accordance with the Corporate Risk Strategy, which would be reviewed and presented to Council in 2022. She assured Members that the Corporate Risk Register was kept up to date and current, and was regularly reviewed by the Corporate Risk Management Group and the Council Management Team.

Scott Kennedy, Emergency Planning, Risk and Resilience Officer, went on to provide some background information on the risk matrix and evaluation of risk, noting that in 2021 there was one risk considered to be 'very high', eight which were 'high', nine which were 'medium' and one which was 'low'. Those deemed to be 'very high' or 'high' would be subject to closer monitoring by the CMT, Cabinet and the Audit & Governance Committee.

Councillor McMillan asked for further information on how, during the pandemic, the Risk Register was keeping up with events, given that decisions and actions had to be taken quickly. Mr Kennedy advised that the COVID-19 and Concurrent Risks Oversight Group met fortnightly (previously weekly) and that the COVID-19 Risk Register formed part of that meeting. Ms Saunders added that CMT was also kept up-to-date with developments, which informed the Council's response to risk. She also noted that the Audit & Governance Committee scrutinised service risk registers, and that the Council's response to risk took account of the quantitative and qualitative data available. She reassured Members that the Council's approach to risk management was appropriate and fit for purpose.

Councillor Akhtar asked about the risks relating to workforce pressures, particularly within Health and Social Care Services and in the context of Brexit. She also referred to the Scottish Government's forthcoming review of local government, and the potential impact on staff, noting that the Council would need to ensure that it was fully involved in this process. Matthew Kennedy, Team Manager – Health and Social Care, reported that to date Brexit had not had an adverse impact on health and social care staff in East Lothian; however, there were ongoing challenges in relation to attracting people to careers in the care sector. On the review of local government, Ms Saunders agreed that it was important for the Council to contribute to this, and noted that officers had already been involved in the early stages of the review. She added that efforts would be made to encourage local groups and organisations to participate in the consultation on this in due course.

As regards the Local Development Plan (LDP), Councillor Goodfellow asked if the Council still had a five-year land supply. Michaela Sullivan, Head of Development confirmed this to be the case and assured Members that this position was defensible. She advised that National Planning Framework 4 (NPF4) would set targets for land supply – this would be reported to Council in June. She was not particularly concerned about these targets, as a significant proportion of the allocations identified in the current LDP would be included in the allocations for LDP2. She highlighted the importance of the Council retaining control over allocations, noting that the Head of Housing was involved in the Housing Needs and Demand Assessment in collaboration with other local authorities.

Councillor McMillan welcomed the report and the measures taken to manage risk, commenting on the importance of having a robust risk culture and system of controls.

Councillor Akhtar highlighted the importance of supporting staff in Health and Social Care to carry out their duties as the Council emerges from the pandemic. She also warned that

many people would experience financial hardship once the furlough scheme ends, and that the Council would also face financial challenges in the future.

Councillor Dugdale commented that the Corporate Risk Register reflected the efforts of staff to continue to deliver services and meet the needs of communities throughout the pandemic. She thanked all those involved in this work.

Concluding the debate, Councillor Hampshire remarked that the Risk Register demonstrated the pressures that the Council had faced when delivering services and protecting communities during the pandemic. He made reference to the financial hardship facing people and the need for the Council to support those affected. He also mentioned the impact on children's education and the efforts being made to help pupils catch up with their learning, and spoke of other challenges, including the effects of climate change, reducing financial settlements, and pressures on staff.

Decision

The Cabinet agreed, unanimously by roll call vote, to approve the Corporate Risk Register for 2021; and in doing so:

- Agreed that the relevant risks had been identified;
- Agreed that the significance of each risk is appropriate to the current nature of the risk
- Agreed that the total profile of Corporate Risk could be borne by the Council at this time in relation to the Council's appetite for risk
- Recognised that, while Corporate Risks require close monitoring and scrutiny throughout 2021/22, many are in fact long-term risks for the Council that are likely to be a feature of the risk register over a number of years; and
- Noted that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

7. REVISIONS TO CORPORATE PROCUREMENT PROCEDURES

A report was submitted by the Executive Director for Council Resources seeking approval of the proposed amendments to the Corporate Procurement Procedures relating to the existing procurement thresholds, as set out in Section 3.4 of the report.

The Commercial Programme Manager, Agnes Eperjesy, presented the report, explaining that the proposed amendments to procurement thresholds would make it easier for smaller companies to bid for contracts, and speed up the procurement process, as well as allowing for better engagement with local firms. She confirmed that the proposed changes were in line with government regulations and guidelines.

Councillor Hampshire welcomed the report, which would allow local companies greater access to Council contracts. He urged officers to make every effort to support local firms, which would in turn benefit the East Lothian economy. He asked if the Council had sufficient resources to provide such support. Ms Eperjesy stressed her commitment to supporting local businesses, referring to a forthcoming 'Meet the Buyer' event in which the Council would be participating, with the involvement of all procurement officers. She indicated that this would present an opportunity for local businesses to engage with the Council, and that assistance would be provided as regards completing procurement paperwork. She added that 50 hours of assistance had been provided to local businesses in 2020 as regards procurement.

Councillor McMillan spoke in favour of the proposed changes and of the importance of engaging with small local businesses. He welcomed the involvement in the 'Meet the Buyer' event, and also made reference to a forthcoming all-sector business meeting that he would be attending, noting that he would relay the message that the Council was keen to support businesses.

Decision

The Cabinet agreed, unanimously by roll call vote, to approve the proposed amendments to the Corporate Procurement Procedures.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet 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.

Bad Debt Write Off

A private report by the Executive Director for Council Resources concerning the write off of bad debt was approved.