



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 24 AUGUST 2021
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)
Councillor S Akhtar
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor J Goodfellow
Councillor N Hampshire
Councillor J Henderson

Councillor W Innes
Councillor S Kempson
Councillor G Mackett
Councillor K Mackie
Councillor C McGinn
Councillor P McLennan (Items 5-8)
Councillor K McLeod
Councillor F O'Donnell
Councillor T Trotter

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, 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 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 Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Finance Manager – Service Accounting
Ms K MacNeill, Service Manager – People and Governance
Mr R Parker, Service Manager – Education (Strategy and Operations)
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor F Dugdale
Councillor C Hoy
Councillor J Williamson

Declarations of Interest:

None

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.

The Provost then went on to make the following statement in relation to the ongoing refugee crisis in Afghanistan:

'Prior to considering our agenda of business for today I must highlight the significant public concern regarding the humanitarian crisis that is unfolding before us in Afghanistan and the plight facing those who are attempting to flee their country. This Council must play its part in arrangements that are being developed through Scottish and UK Governments and CoSLA.

I am aware that our officers are in day-to-day contact with CoSLA and are actively engaged in identifying emergency, temporary and settled accommodation across all housing partners, as well as considering the wider intervention supports that will be required. Given that this is a rapidly evolving situation, I would ask that officers provide regular updates to Members as the situation develops.'

Members indicated their support for the approach outlined by the Provost, and the Group Leaders were invited to comment on the situation.

Councillor Hampshire expressed his sadness at the plight of Afghan families trying to flee the country and stated that the Council would support the humanitarian effort. He recalled previous situations where East Lothian communities had welcomed refugees and helped them settle in the UK, and was confident that they would do so again.

Councillor Bruce concurred with the comments made by Councillor Hampshire, remarking that the Afghan people had been abandoned and it was only right that the UK should offer sanctuary to those people who had sought to rebuild Afghanistan in the last 20 years.

Councillor Currie made reference to the desperate situation experienced by Afghan families and the extreme measures they were taking to flee their country. He noted that East Lothian had a proud history of helping others during such crises, and stressed the importance of identifying the necessary resources now to assist those in need.

1. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 22 June 2021.

2. MINUTES FOR NOTING

The minutes of the following meetings were noted: Local Review Body (Planning), 15 April and 20 May 2021.

3. SUMMARY OF REPORTS APPROVED IN ACCORDANCE WITH SUMMER RECESS ARRANGEMENTS 2021

A report was submitted by the Executive Director for Council Resources informing 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 the Council meeting of 22 June 2021.

The Clerk advised that only one item of business had been dealt with in accordance with the recess procedures, which was concerned with the introduction of a new licensing regime for activities involving animals, taking effect on 1 September. She advised that the report had been approved by the Provost and Depute Leader, and it had now been published in the Members' Library.

Decision

The Council agreed to note the business undertaken over the summer recess period.

4. FINANCIAL REVIEW 2021/22: QUARTER 1

A report was submitted by the Executive Director for Council Resources informing the Council of the financial position at the end of June 2021.

The Executive Director for Council Resources, Sarah Fortune, presented the report, which provided Members with an update on the Q1 position as regards General Services, General Services Capital, the Housing Revenue Account (HRA) and additional funding from the Scottish Government to deal with the impact of COVID-19. She drew attention to the key aspects of the report, including the position with each of the Directorates, the delivery of efficiency savings and the COVID-19 action plan. She stressed that there was still a great deal of uncertainty as regards the Council's finances, and there was likely to be increased pressure on future budgets. She pointed out that many of the projects included in the Capital Programme were now underway, noting that these were subject to change and risk as regards supply chain issues and increased costs. On the HRA, she advised that the modernisation programme was continuing, as was the delivery of new Council homes.

Councillor Forrest asked for an update on the situation with rent arrears. Ms Fortune advised that staff continued to work with tenants in financial hardship to devise suitable payment plans and recover rent monies. She warned that the impact of COVID-19 on tenants could become more severe once the furlough scheme ends, but that staff would make every effort to prioritise the recovery of rent money.

In response to a series of questions from Councillor Currie, Ms Fortune reported that the financial position within Children's Services had improved compared to last year, due to additional funding and interventions by Judith Tait and her team. Ms Tait, Head of Children's Services, added that there had been a greater focus on early intervention and prevention, and that good progress was being made on returning children to East Lothian from external placements. She also alluded to new operational and management approaches being adopted, as well as a transformational programme for services for children, which would reduce the need for care.

On efficiencies, Ms Fortune advised that a flexible approach was required, and that this would continue to be monitored. She reiterated that COVID-19 had created a complex financial environment, with some additional savings arising from the closure of buildings. As regards EnjoyLeisure and the Brunton Theatre Trust, she assured Members that officers were engaging with both organisations in order to ensure sustainability. She confirmed that the

Brunton Theatre Trust had recently been awarded grant funding of £100,000 from Creative Scotland.

Ms Fortune advised that the situation with the Capital Programme was complex, due to delays, shortages of supplies and increased costs. She also explained that tenders now included COVID-19 clauses which transferred the risk to the Council. Capital limits, affordability parameters and the impact on revenue costs would be continue to be monitored.

On resources, Ms Fortune stressed that business continuity plans were still in place, and that the Council continued to operate in a difficult environment; this meant that some services were not yet fully operational. Tom Reid, Head of Infrastructure, explained that there were staffing pressures in areas within his service which had impacted on service delivery.

Councillor Akhtar asked about the impact on the Council should COVID-19 funding be non-recurring. Ms Fortune noted that this was one of the biggest risks and uncertainties facing the Council. She advised that the financial implications of COVID-19 would not end when the Council moves from response to recovery, and that without a guarantee on future funding streams it was difficult to plan. She warned that there may be significant cost pressures that had not existed before the pandemic; the situation would be closely monitored going forward. Alison MacDonald, Director of Health and Social Care, advised that funding had been provided to support sustainability plans and provide additional resources. She also reported that plans were in place for the delivery of the flu vaccination and COVID-19 booster programmes, although there had been no confirmation from the JVCI regarding the booster programme as yet.

Councillor Bruce requested an estimate of how much of the recurring COVID-19-related costs would have to be absorbed into the Council's spending plans. Ms Fortune advised that work was being done to identify costs that would be recurring, e.g. cleaning regimes, as well as the impact of lost income. However, she noted that it was difficult to predict the longer-term implications, and that the Council would have to manage these aspects if they were not fully funded.

In relation to capital projects, Councillor McLeod asked if it would be possible for Members to receive regular updates on progress. Ms Fortune undertook to provide updates on specific projects, adding that Members could contact officers for more detailed information. She noted, however, that any significant changes to the policy position on capital projects would be reported to Council.

Councillor O'Donnell asked about the impact of the national pay award on the Council's finances. Ms Fortune pointed out that there had been no agreement on this for local government staff as yet. She advised that the Council had budgeted for a 2% pay increase, and that the current offer was in excess of this. She warned that any increase over 2% would create additional financial pressures for the Council for the current and future years. Members would be kept up to date on this matter.

Councillor Hampshire opened the debate, highlighting the financial challenges facing the Council, and stressing the importance of ensuring that an appropriate level of reserves was in place to deal with any unforeseen issues. He noted that staff across the Council were struggling to deal with demands on their services. He commended staff in Children's Services for their efforts to reduce the overspend, and thanked all staff for continuing to deliver services throughout the period of the pandemic, at a time when East Lothian was experiencing significant growth in population. He emphasised the need to reduce the cost of providing services and to identify new ways of generating income, in order to meet the challenges facing the Council.

Councillor Currie also praised staff for their efforts to deliver services during this period. On funding for Children's Services, he stated that the Council would have to ensure the required

funding was in place; however, he welcomed the work done to achieve efficiencies in this area. He also welcomed the grant funding secured by the Brunton Theatre Trust, and the Scottish Government funding for free instrumental music tuition. On capital projects, he recognised that there would be additional cost pressures, but was pleased to see that these projects were now underway. As regards health and social care, he warned that some of the consequences of COVID-19 would continue for some years and that additional funding to address these would need to be considered. He also voiced concern about recruitment of staff in the health and social care sector.

Councillor Akhtar commented that it was important for the public to be made aware of the financial pressures facing the Council, and of the increased demand on a variety of services due to COVID-19. She stressed the importance of all COVID-19-related expenditure being met in full by the Scottish Government, and the potential impact on the Council of recurring costs not being fully funded. Councillor Akhtar welcomed the success of the mass vaccination programme in East Lothian, and paid tribute to those staff and volunteers who had administered the vaccine.

Decision

The Council agreed:

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

5. REVISIONS TO STANDING ORDERS – SCHEME OF DELEGATION

A report was submitted by the Executive Director for Council Resources presenting the Council with the revised Scheme of Delegation for approval.

The Head of Council Support, Morag Ferguson, presented the report, advising that the Scheme of Delegation had recently been reviewed and updated to reflect the new Council management structure and to make it more user-friendly and streamlined. The revised Scheme would also include sections for each of the statutory officers. She stressed that there were no substantive changes to the level of delegation. Delegated authority to the Chief Executive was sought to add sections relating to the Chief Planning Officer and Chief Education Officer as and when these statutory positions come into effect, and also to review and determine the appointment of the Chief Finance Officer.

Decision

The Council agreed:

- i. to approve the revised Scheme of Delegation, to come into effect on 25 August 2021;

- ii. 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 to these positions; and
- iii. to appoint the Executive Director for Council Resources as the Section 95 (Chief Finance) Officer, and to delegate 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.

Sederunt: Councillor Innes left the meeting.

6. REVISION TO SCHOOL SESSION DATES 2021/22

A report was submitted by the Executive Director for Education and Children's Services seeking approval to make a change to the dates for the current school session 2021/22 in order to align the dates for the festive period closure and end of school session with the City of Edinburgh Council. The revision of dates would also help 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.

The Service Manager – Strategy and Operations (Education), Richard Parker, presented the report. He reminded Members that the school session dates for 2021/22 had been approved by the Education Committee in March 2019. However, with the potential continued impact of COVID-19, it was proposed to bring forward the end of the autumn term to 17 December from 23 December, and reopen schools on 5 January, and to close for the summer break on 1 July, instead of 30 June. He noted that this proposal was in line with changes agreed by the City of Edinburgh Council in May 2021.

Councillor Currie asked if Council officers were in dialogue with colleagues from neighbouring authorities as regards changes to the session dates. Lesley Brown, Executive Director of Education and Children's Services, advised that Mr Parker is a member of a network of South East Improvement Collaborative (SEIC) local authorities which met to review session dates, and that the changes proposed would align the Council with other authorities. She also noted the importance of giving parents, carers and school staff as much notice as possible of the changes.

Councillor Akhtar believed that the changes would be welcomed by parents and carers. She thanked school staff for their efforts as regarding the reopening of schools.

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:

- i. to 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 (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); and that schools would close for the summer break a day later on Friday 1 July 2022. This would align East Lothian dates with those of the City of Edinburgh Council; and

- ii. to delegate authority to the Head of Education, in consultation with the Council Leader and Convener of the Education Committee, for any further changes to be made to the session dates, e.g. in relation to the Queen's Platinum Jubilee.

7. APPOINTMENTS TO PARTNERSHIPS

A report was submitted by the Executive Director for Council Resources seeking approval of a proposed change to the membership of the Children's Strategic Partnership.

The Clerk advised of the Administration's proposal to appoint Councillor Fiona Dugdale to the Children's Strategic Partnership, replacing Councillor Akhtar.

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 appoint Councillor Fiona Dugdale to the Children's Strategic Partnership.

8. APPOINTMENT OF EXECUTIVE DIRECTOR FOR COUNCIL RESOURCES

A report was submitted by the Chief Executive advising 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.

The Service Manager – People and Governance, Kirstie MacNeill, presented the report, informing Members of the recruitment process for the post of Executive Director for Council Resources. She noted that the final interviews were held on 9 July, and that Sarah Fortune had been appointed to the post.

Councillor McMillan commented that the process had been robust, and he congratulated Ms Fortune on her appointment.

Decision

The Council agreed to note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Sarah Fortune as Executive for Council Resources, noting that all formal pre-employment checks had been carried out and that an offer of appointment had been issued and accepted.

9. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 8 JUNE to 9 AUGUST 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 June 2021.

Councillor Currie remarked on the range of work that had been undertaken since the last Council meeting despite the pressures caused by the COVID-19 pandemic. He thanked Council staff for their efforts to continue delivering services.

Councillor Goodfellow welcomed the Council's commitment to creating apprenticeship positions and giving young people an opportunity to benefit from these jobs.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 8 June and 9 August 2021, as listed in Appendix 1 to the report.

Signed

Provost John McMillan
Convener of the Council