



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 JUNE 2022
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)	Councillor C McFarlane
Councillor S Akhtar	Councillor C McGinn
Councillor R Bennett	Councillor G McGuire
Councillor E Allan	Councillor S McIntosh
Councillor L Bruce	Councillor K McLeod
Councillor D Collins	Councillor L-A Menzies
Councillor F Dugdale	Councillor B Ritchie
Councillor N Gilbert	Councillor T Trotter
Councillor N Hampshire	Councillor C Yorkston
Councillor L Jardine	

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
Mr D Proudfoot, Executive Director for Place
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations (Health and Social Care)
Ms N McDowell, Head of Education
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
Ms S Birrell, Committees Officer
Mr S Cooper, Team Manager – Communications
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms A-M Glancy, Service Manager – Corporate Accounting
Mr C Grilli, Service Manager – Governance
Mr G Marsden, Project Manager – Growth and Sustainability
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies

Councillor C Cassini
Councillor J Findlay

Councillor A Forrest

Declarations of Interest:

None

Prior to the commencement of business, the Provost advised that the meeting was being held remotely, as provided for in legislation; 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. She 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.

Before moving to the agenda of business, the Provost made a statement on recent sporting successes in East Lothian. In particular, he spoke of the recent Willie Innes Games and associated prize-giving ceremony, the successes of Haddington, Tranent, Dunbar and Preston Athletic football teams, the 100th anniversary of Musselburgh Rugby Club and the 350th anniversary of the Musselburgh Old Course. He also made reference to forthcoming events, including the Scottish Open Golf Championship, the Women's Open Golf Championship, Fringe by the Sea, the Lammermuir Festival, and the North Berwick Highland Games. He paid tribute to all those involved in these teams and events.

1. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 24 May 2022.

2. FINANCIAL OUTLOOK AND BUDGET DEVELOPMENT FRAMEWORK 2023/24 ONWARDS

A report was submitted by the Executive Director for Council Resources providing an indicative overview of the financial outlook for 2023/24 onwards and seeking approval for the proposed cross-party working arrangements to support the development of future budget strategy.

The Provost noted that an amendment had been received in respect of this item from Councillor Menzies, and outlined the process for dealing with the amendment.

The Executive Director for Council Resources, Sarah Fortune, presented the report. She summarised its key aspects, drawing particular attention to the recently published Scottish Government Resource Spending Review, which would have financial implications for the Council; an update on fiscal flexibility (Section 3.9 of the report); five-year financial scenario planning (Section 3.16 of the report), which set out the challenges and risks facing the Council; and the review of the Budget Development Framework.

Councillor McIntosh queried the possibility of producing a gender-balanced budget. Ms Fortune pointed out that all policies were subject to an Integrated Impact Assessment (IIA), which covered equalities aspects, including age and gender. She accepted that more could be done, noting that, for example, the rights of children would need to be taken into consideration. She assured Members that efforts would be made to incorporate all relevant elements into the budget development process.

Responding to a question from Councillor McLeod on the proposed update of the Charging Policy, Ms Fortune explained that this policy had not been updated since 2018, and that it was timely to consider the Council's approach to charges; she added that it would not be concerned with the setting of specific charges.

Councillor Menzies commented that there was only one local authority in Scotland working with the Women's Budget Group, and suggested that the training provided by this group could be beneficial to Council staff, and could also result in financial savings. She asked if officers could consider working with this group. Councillor Menzies also suggested that more in-depth work could be done as regards impact assessments. Ms Fortune noted that the new budget development framework would provide opportunities to look at new ideas, and that she would be happy to discuss Councillor Menzies' suggestion with her.

Councillor Akhtar made reference to the concerns raised regarding the review of the local government accounting model (set out in Section 3.10 of the report). She asked how this had been received by other Directors of Finance. She claimed that the review had not taken account of council areas where there were significant levels of growth. Ms Fortune provided some information on how the previous review had been carried out. On the Resource Spending Review, she advised that it was not yet clear what the implications would be for the Council, but that she had concerns regarding growth and meeting national policy commitments. She undertook to report back to Council when further information was available.

The Provost then invited Councillor Menzies to present her amendment, which stated (in relation to Recommendation 2.2):

Delete:

2.2 To agree that the Council Leader writes to the Cabinet Secretary expressing his concern at the independent review of Capital Accounting, particularly given a recent review has only just concluded, and outlining the significance of risks that may arise from this review

And insert:

2.2 To agree that the Council Leader writes to the Cabinet Secretary of the Scottish Government expressing his concern at the independent review of Capital Accounting. Further, that he writes to the Chancellor of the Exchequer, Rishi Sunak, to express the Council's concern at the reduction of the Scottish Government's funding envelope by £750 million in the autumn 2021 spending review, particularly given a recent review of Scottish Government grants and available spend has only just concluded, and outlining the significance of risks that may arise from this review.

Councillor Menzies clarified that she did not object to the Council Leader writing to the Cabinet Secretary. However, she wished to acknowledge that the Scottish Government's budget had been reduced by £752 million over a three-year period. She expressed concern at a budget reduction, particularly in view of the ongoing impacts of COVID-19, as well as other issues such as the war in Ukraine and Brexit. She also made reference to recruitment difficulties.

Councillor Gilbert seconded the amendment and supported the comments made by Councillor Menzies. He believed that the current wording of Recommendation 2.2 was incomplete and did not take account of the reduction in funding to the Scottish Government.

Councillor Hampshire opened the debate, warning that the Resource Spending Review would be a disaster for local government, and outlining the additional savings the Council would be required to make. He remarked that it was disingenuous of the Scottish Government to include additional COVID-19 funding in calculating reductions to core grant funding from the UK

Government; however, he did agree that the UK Government should provide more funding to the Scottish Government to provide public services. He claimed that the Scottish Government funding had increased, but local government funding had been reduced over a number of years. He warned of the financial challenges facing the Council, and the resulting impact on service delivery. He added that the review of Capital Accounting had been discussed at CoSLA, where there was cross-party agreement that this review should not continue. As regards the amendment, Councillor Hampshire believed that the wording was not accurate and that therefore he could not support it.

Councillor Bruce was also concerned about the impact of the Capital Accounting review on councils, arguing that the current accounting practices were correct and proper, and reflected the Council's budget. He welcomed the proposals for cross-party working. On the amendment, he claimed that the Scottish Government had received its largest grant to date in 2022-23, and was an increase in real terms. He was of the opinion that providing the one-off COVID-19 funding had been the right thing to do, but that additional funding for this could not be provided indefinitely. Councillor Bruce was concerned at the reduction in local government funding. He declared that he would not support the amendment.

Councillor Jardine reiterated that the SNP Group was not opposed to contacting the Cabinet Secretary. Alluding to the cost of living crisis and pressure on public services, as well as the impacts on individuals and families, she argued that the Scottish Government could not resolve these issues on its own, and that the amendment sought to go beyond the Scottish Government to ensure that the UK Government was aware of the significant issues facing local government in Scotland.

Councillor Ritchie advised that the Labour Group had no objection to writing to the Chancellor of the Exchequer. However, they could not support the clause regarding the £750m reduction in funding to the Scottish Government.

Whilst agreeing that local government should be given additional funding, Councillor McIntosh spoke in favour of a Universal Credit uplift, as this would provide a direct benefit to individuals and families. Councillor Hampshire agreed that direct support to those on benefits would help, but pointed out that the wide range of services provided by the Council could not be delivered without the workforce required.

Councillor Hampshire suggested that the amendment could be reworded. Councillor Menzies welcomed the opportunity for Members to work together to find an agreed working.

There followed a brief adjournment to allow Members to consider the wording of the amendment. Following the adjournment, Councillor Menzies proposed a revised version of the amendment, which was seconded by Councillor Jardine:

Delete

2.2 To agree that the Council Leader writes to the Cabinet Secretary expressing his concern at the independent review of Capital Accounting, particularly given a recent review has only just concluded, and outlining the significance of risks that may arise from this review;

And insert

2.2 To agree that the Council Leader writes to the Cabinet Secretary of the Scottish Government expressing his concern at the independent review of Capital Accounting. Further, that he writes to the Chancellor of the Exchequer, Rishi Sunak, to express concern at the funding available to the Scottish Government to deal with the cost of living crisis and to ensure that local government is adequately funded to protect Council services.

The Provost moved to the roll call vote on revised amendment:

- For (16): Councillors Akhtar, Allan, Bennett, Dugdale, Gilbert, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston
- Against (3): Councillors Bruce, Collins, McGuire

The revised amendment was therefore carried.

The Provost moved to the roll call vote on the recommendations, as amended. With the exception of Councillors Bruce and McGuire registering their dissent as regards the revised Recommendation 2.2, the recommendations were approved unanimously.

Decision

The Council agreed:

- i. to note the emerging findings from the recently published Resource Spending Review and the potential implications;
- ii. that the Council Leader would write to the Cabinet Secretary of the Scottish Government expressing his concern at the independent review of Capital Accounting. Further, that he would write to the Chancellor of the Exchequer, Rishi Sunak, to express concern at the funding available to the Scottish Government to deal with the cost of living crisis and to ensure that local government is adequately funded to protect Council services.
- iii. to note the updated scenario planning and the potential scale of funding gap facing the Council by 2027/28, as set out in Section 3.16 and Appendix 1 to the report;
- iv. that budget planning would be undertaken on a 5-year basis from 2023/24 onwards;
- v. to approve the draft terms of reference for the cross-party budget working group detailed in Appendix 2 to the report;
- vi. to approve the proposed principles for the deployment of earmarked reserves to support the delivery of efficiencies and ongoing financial sustainability; and
- vii. to note the proposed next steps to inform the development of the budget and financial strategy for 2023/24 onwards.

3. FINANCIAL REVIEW 2021/22

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 2022.

The Executive Director for Council Resource, Sarah Fortune, presented the report. She stressed that the results were still in draft, pending finalisation of the external audit process. She advised that the draft accounts had not been finalised in time for production of the Council papers, but were now ready to be submitted to the external auditors by the statutory deadline. Ms Fortune provided a summary of the report, focusing on Sections 1.8-1.13, which detailed the position as regards reserves and commitments for General Services and the Housing Revenue Account (HRA), as well as Scottish Government support for COVID-19 related costs. She provided information on the delivery of efficiency savings, the financial position of each directorate, and the complex financial environment in which the Council was operating. She

also updated Members on capital expenditure, both from General Services and the HRA. Ms Fortune warned that, despite positive year-end results for 2021/22, additional COVID-19-related funding was likely to be non-recurring, and the management of financial risk would be difficult to manage in the years ahead. She thanked staff throughout the Council for their efforts to manage their services within budget.

In response to questions from Councillor Bruce, Ms Fortune advised that, in relation to the letters of guarantee for EnjoyLeisure and the Brunton Theatre Trust, this mechanism had been introduced in the recent years and was likely to continue in future years due to the level of risk faced by these bodies; the letters were provided because these bodies were included in the Council's group accounts. However, she stressed that the Council would only provide financial support should the need arise. On the Integration Joint Board (IJB) reserves position, Ms Fortune confirmed that this was a matter for the IJB, as set out in the Scheme of Integration. As regards the Cost Reduction Fund, Ms Fortune informed Members that funds had been drawn down as required, but there had been no draw-downs to date this year. She added that officers were looking at expanding the remit of this fund to support the transformation programme and allow for up-front investment in specific projects. Concerning the possibility of establishing facilities for secure child placements in East Lothian, Judith Tait (Head of Children's Services), advised that providing care resources within East Lothian was a priority, with a focus on growing fostering resources. She was confident that the current residential facilities in East Lothian provided sufficient capacity, but this would be kept under review. As regards secure accommodation, she noted that there was a move away from this type of facility, and instead higher levels of support would be provided within communities.

Councillor Hampshire asked for details on coastal car parking income. Ms Fortune advised that for 2021/22 the income was higher than anticipated, at just under £500,000.

Councillor McIntosh requested information on the Musselburgh flood prevention scheme. Ms Fortune explained that there had been discussions at a national level on flood prevention schemes in Scotland, including for Musselburgh and Haddington. A report to Council on the Musselburgh scheme would come to Council in due course. It was anticipated that funding for the scheme would be provided by the Scottish Government.

Councillor Menzies asked for further details on coastal car park income. Ms Fortune undertook to provide this information.

Councillor Hampshire opened the debate by thanking staff for their efforts to deliver services within budget, during what had been a difficult time. He stressed the importance of income generation to support budgets, and welcomed the proposal to use the Cost Reduction Fund to find more efficient ways of working. He added that the cross-party budget group would look at ways of generating more income.

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

Decision

The Council agreed:

- i. to note the update on the draft unaudited accounts, as set out in Appendix 1 to the report, including the impact on the Council's reserves position relevant to the approved Reserves Strategy;
- ii. to note the 2021/22 financial performance against approved budgets;

- iii. to note the significance of the COVID-19 costs and the impact of non-recurring funding provided for 2021/22;
- iv. to approve the use of the £245,000 Capital Grants Unapplied reserve to fund Council transformational activities;
- v. to note the additional funding received from the Scottish Government in the 2021/22 financial year; and
- vi. to approve the deferral of the Loans Fund repayment holiday in 2021/22, noting the extension of this flexibility through updated Scottish Government guidance to 2022/23.

4. COMMON GOOD BUDGET 2022/23

A report was submitted by the Executive Director for Council Resources providing an update on the Common Good Funds, and to consider the budget for 2022/23, noting the status of financial implications from the Common Good review.

The Executive Director for Council Resources, Sarah Fortune, presented the report, advising that the indicative budget for 2022/23 had been approved by Council in April 2021. She noted that the proposed budget would cover one year only, due to the wider review of Common Good, the outcome of which may have an impact on future Common Good budgets. She drew particular attention to the draft financial results and to the individual budgets for each Common Good fund.

In response to a question from the Provost on 'unrealised gains and losses', Ms Fortune explained that this was an accounting requirement and referred to balances in the account that could not be used until investments were sold.

Councillor Menzies recalled a recent item in *The Ferret* on Common Good, which had reported that East Lothian Council was the third best performing council in Scotland as regards growth of Common Good budgets.

Councillor Bruce asked for an update on the review of Common Good Governance. Ms Fortune advised that this review had been impacted by COVID-19. However, the review of assets had been completed and reported through the Members' Library. The next step would be to consider the financial implications of the asset review, and it was hoped to progress this aspect during the current financial year.

The Provost thanked officers for their advice on applications submitted to the Common Good Committees.

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

Decision

The Council agreed:

- i. to note the financial implications and risks relating to the current economic climate and ongoing financial review of Common Good; and
- ii. to approve the 2022/23 grants budgets for Dunbar, Haddington, Musselburgh and North Berwick, as set out in Appendices 2a-2d, noting the context for future budget development.

5. COCKENZIE FORMER POWER STATION SITE: PROGRESS UPDATE AND ACTIONS

A report was submitted by the Executive Director for Place providing an update on the future of the large and complex Cockenzie former power station site following publication of National Planning Framework 4 (NPF4), and seeking approval of actions related to progressing the preparedness of the site, future planning and subsequent marketing to secure and optimise business development and employment opportunities.

The Head of Development, Michaela Sullivan, presented the report, advising that NPF4 would allow for more opportunities on the Cockenzie site. She provided an update on the community-led proposals for a cruise port and the 360 Climate Change Centre Project, and she also drew attention to the timeline set out in Appendix 1 to the report. She confirmed that community engagement would continue, and that a communication strategy for the site would be published later in 2022.

Councillor Yorkston advised that Members had recently received representation from the team leading the 360 Project, who were concerned at a lack of engagement with them. That team had requested that no further action is taken on the site pending the conclusion of the 360 Project feasibility study. Ms Sullivan disputed this claim, advising that Jamie Baker (Service Manager – Economic Development) had been very engaged with this group as regards progressing the feasibility study. She provided an explanation of the master-planning process, which would cover the development constraints and details of the various parcels of land, noting that it would not go further than that at this stage and would not exclude any particular use of the site.

With reference to Forth Ports' proposal for the development of a cruise-ship terminal at Leith, Councillor Gilbert asked if there was any possibility for a cruise facility at Cockenzie if the Leith proposal went ahead. Ms Sullivan conceded that the Leith proposal would make the Cockenzie proposal very challenging, hence the recommendation that the Chief Executive writes to the Chief Executive of Forth Ports for clarity on this issue.

Councillor Menzies suggested that it could appear that the Council was overlooking the 360 Project by seeking to progress the cruise proposal with Forth Ports. Ms Sullivan pointed out that in order to make progress, it was considered appropriate to have clarification on the cruise proposal at this time. She expected a report on the 360 Project feasibility study later in the year. Douglas Proudfoot, Executive Director for Place, added that both projects were supported by the Council. He emphasised the need to deliver economic development opportunities on that site, and that a great deal of work had been done with civil servants as regards providing flexibility for the site. He also noted that the development of the wider area, including Climate Evolution Zone and Blindwells, had to be taken into consideration, and that the Local Development Plan 2 process would include information on the opportunities available to the Council.

Councillor Hampshire asked if the site would be marketed globally in order to attract investment. Ms Sullivan confirmed that a commercial agent would be appointed to market the site both nationally and internationally. However, the master-planning would need to be completed first.

Councillor Bruce noted the importance of getting clarification from Forth Ports, adding that without their support the cruise proposal was likely to fail. He also suggested that the views of the cruise industry were important. He considered that this should be a decision for the Scottish Government, rather than for Forth Ports. He also welcomed the proposed appointment of a commercial agent, and the possibility of establishing a data centre on the site.

Councillor McIntosh voiced her opposition to the proposal for a cruise-ship port, for environmental reasons. She asked for assurance that the 360 Project would not be side-lined in favour of other project proposals coming forward. The Provost assured her that this would not be the case, and that community engagement and involvement was a key part of the process.

Councillor Hampshire pointed out that the Council had been very open with the community. He stated that the priority was to create as many well-paid jobs as possible in the area, but that the community would not be side-lined. He reminded Members that the Council had given the 360 Project the commitment and funding to carry out the feasibility study, which would then be used to develop a business case for the project, demonstrating how it would be delivered and managed.

The Provost moved to the roll call vote on the recommendations. With the exception of Councillor McIntosh registering her dissent as regards Recommendation 2.1, the recommendations were approved unanimously.

Decision

The Council agreed:

- i. that the Chief Executive of the Council should write formally to the Chief Executive of Forth Ports in order to progress the potential use of the site as a cruise liner terminal. The letter would seek confirmation of Forth Ports' position as to whether there is any potential for a partnership or joint venture following previous engagement and following the publication of NPF4 (as set out in Sections 3.9-3.12 of the report); and
- ii. to note the progress being made in relation to the site and the plans to appoint development master-planners, commercial agents and progress discussions with the Scottish Government's enterprise agencies, alongside both the UK Government and Scottish Government, regarding the potential use of the site.

6. COCKENZIE LEVELLING UP BID

A report was submitted by the Executive Director Place advising of the launch of the second round of the Levelling Up Fund in March 22, which would allow local authorities to bid for capital funding of up to £20m to support regeneration, cultural, heritage, town centre or transportation projects in their area, and of the preparation of a £10-15m levelling up funding bid for preparation works to the former Cockenzie Power Station site that would allow the site to be developed to its fullest extent in the future and therefore maximise employment opportunities that the site presents.

The Project Manager – Growth and Sustainability, Graeme Marsden, presented the report, drawing Members' attention to the key aspects of the report, as set out in Sections 3.8 to 3.26. He noted that it was the intention to submit the bid within a week of the meeting, and he expected to hear the outcome in the autumn.

As regards the coal store bunds, Councillor Ritchie asked if these had been tested for pollutants prior to removal. She also asked if developers may seek to use the power station void. Mr Marsden confirmed that tests had been carried out, which indicated that there was no contaminated material surrounding the bunds. He reassured her that further tests would be conducted prior to the material being moved. On the use of the void, he did not foresee that developers would be interested in using the part of the site which was below ground level, adding that SEPA may have concerns about any such proposal.

On the environmental impact assessment (EIA), Councillor Gilbert asked if this had to be carried out as part of the bid, and how it would be funded. Mr Marsden explained that the submission would incorporate all pre-planning works (estimated to cost c.£400,000), including the cost of the EIA, and that the Council was liable for 10% of those costs. He pointed out that some environmental survey work may require to be undertaken prior to the bid funding being confirmed, but the Council would have to do that work anyway, and the costs of that work would be minimal.

Councillor Dugdale asked Mr Marsden if he was confident that the project would be achieved within the specified timescale. He advised that the Council would have to demonstrate that it could be delivered by the end of the 2024/25 financial year, adding that the largest part of the project was the removal of the bunds, which would take c.18 months to complete; the environmental assessment work would commence during the summer.

Councillor Jardine asked about the risk of indicative costs escalating, given that the Council was liable for a proportion of the costs. Mr Marsden advised that a 30% contingency had been built into the costings.

Councillor Trotter asked if contracts would include a clause on companies using local labour. Mr Marsden indicated that the procurement process would commence next year, and that he would consider this suggestion as part of that process. Douglas Proudfoot, Executive Director for Place, added that it would be the Council that was engaging the contractors, and officers would make every effort to ensure that local labour and materials were being used. He warned, however, that this may not be easily achieved, but that officers would look at a sustainable procurement policy in order to maximise the use of local labour and subcontractors.

Responding to a concern raised by Councillor Yorkston regarding the route to be used for the removal of the bunds from the coal site, Mr Marsden advised that the consultant would consider this aspect as part of the project design, but he anticipated that the access road for the Seagreen site would be used to transport the material, rather than taking it through Cockenzie.

Councillor McGinn asked for further detail on the changes to the John Muir Way. Mr Marsden assured him that the current path width would be maintained, but that it would be resurfaced. Any deviation from the current route would be minimised.

Opening the debate, Councillor McGinn suggested that the site provided an opportunity for a John Muir Way visitor centre.

Councillor Bruce welcomed the report and the significant amount of work undertaken to get to this stage. He believed that the Council's bid was very strong and he was confident that it had a good chance of succeeding. He stressed the significance of the work proposed in order to create usable land and development opportunities. He also spoke in support of Councillor McGinn's suggestion for a John Muir Way visitor centre, which would provide economic benefits to the area.

Councillor Menzies suggested that the John Muir Way could be promoted more effectively, e.g. in a similar way to the West Highland Way, and that this may, in turn, attract further investment in the area.

Councillor Ritchie welcomed the proposals, including the proposed improvements to the sea wall, which would have long-term benefits.

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

Decision

The Council agreed:

- i. to approve the c. £10-15m (final figure to be confirmed) to the UK Government Levelling Up Fund Round 2 for preparation works at the former Cockenzie Power Station site;
- ii. to note that these works would include: the infill of the former power station slab; the removal of earthwork bunds surrounding the former coal store; works to the sea wall and coastal flood defence; and public realm and surface enhancements of the John Muir Way as it passes through the site, including the removal of the pedestrian bridge and re-routing of the John Muir Way through the site;
- iii. to delegate authority to finalise and submit the bid package to the Head of Development, in consultation with the Council Leader and Provost; and
- iv. to note that officers were not seeking approval for the delivery of the detailed package of works but the principle of submitting a funding bid for them. The package of works would require formal regulatory approval processes, including environmental impact assessment and planning permission. Details of the John Muir Way and public realm enhancement would be worked up in consultation with the surrounding communities.

7. UK SHARED PROSPERITY FUND

A report was submitted by the Executive Director for Place providing an overview of the UK Shared Prosperity Fund (UKSPF) allocation process, outline project proposals particularly for Year 1, and seeking agreement of proposed regional contribution in Years 2 and 3.

The Executive Director for Place, Douglas Proudfoot, presented the report, drawing attention to the core funding for East Lothian, partnership working, and the short-term priorities (as set out in Sections 3.10-3.15 of the report), assuring Members that they would have an opportunity to consider the development of the plan as it progresses.

Councillor Trotter asked if Group Leaders would be consulted in advance of any decisions being taken. Mr Proudfoot agreed to this request, noting that the delegation to officers of the initial submission was being sought due to the deadline falling within the summer recess.

Councillor Hampshire asked if UK civil servants had given a view on the suitability of the City Region Deal model being used for this purpose. Mr Proudfoot explained that both the UK and Scottish Governments had made it clear that proposals should be collaborative, as was the case with the City Region Deal. However, he recognised that there may be some governance challenges to overcome, particularly in the early years.

Councillor Hampshire expressed his appreciation to the staff involved in this project, noting that if the Council was awarded the funding, it would make a significant difference to communities.

Councillor McIntosh welcomed in particular the priority list for Years 2 and 3, indicating that there was a real opportunity for investment in skills for the decarbonisation of the heating and energy sectors, and that the Council should be pushing for growth in this area.

The Provost made reference to skills development training and employment being carried out by East Lothian Works, as well as the funding provided through the European Infrastructure Fund to provide new toilet facilities at Longniddry and Gullane. He also made particular mention of the impact of LEADER funding on East Lothian, paying tribute to Anne Hastie for her involvement.

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

Decision

The Council agreed:

- i. to approve the approach that officers intend to take to iteratively develop a detailed Investment Plan to be submitted to the UK Government, noting specifically that the initial submission to allow funding approval for Year 1 intervention work would be through a submission for 1 August 2022, to be approved through summer recess arrangements;
- ii. to approve provisional sums of £100k from the Council's Year 2 allocation and £1,180k from the Year 3 allocation to pool regionally to progress priority regional activities that could be delivered in the short term; and
- iii. to note the summary of the UKSPF prospectus and the engagement process with the additional assurance provide from the UK Government to work with the Council and its partners at local and regional levels in a practical and supportive way to ensure that Investment Plan outcomes are optimised for East Lothian citizens.

8. TOWN CENTRE PARKING MANAGEMENT: CONSULTATION

A report was submitted by the Executive Director for Place advising the Council of the intent to consult on Town Centre Parking Management, the introduction of parking policies as described under the Local Transport Strategy – Parking Management, in particular the introduction of charging for on- and off-street spaces and the expansion and introduction of residential parking zones.

Peter Forsyth, Project Manager – Growth and Sustainability, presented the report. He drew attention to a report to Council from October 2018 which covered parking management, noting that there had been significant change since that time which required the Council to revisit this issue. He made reference to the increase in parking demand, as well as issues with pollution and public safety, and the impact of indiscriminate parking on residents. Alongside a refresh of the Local Transport Strategy, it was considered timely to revisit the issue of parking management, income from which could be invested in town centres and environmental projects. He advised that the consultation would run for 10 weeks, with a report on the results to come before Council later in 2022.

Councillor McIntosh asked if an air quality survey had been or would be carried out as part of the North Berwick survey. She also expressed surprise that there was no mention of the proposal to reduce car journeys by 20% by 2030. Mr Forsyth explained that air quality assessments were undertaken where particular issues had been identified, e.g. Tranent and Musselburgh. He noted that it had not been intended to include that aspect as part of this consultation, but that it could be considered. He confirmed that the Council had responded to the consultation on car-journey reduction, but that this particular report did not include detail on that, as this stage was concerned with starting the consultation.

Councillor Menzies asked for more detail on how the consultation would be conducted, and also on how any parking income would be used. Mr Forsyth indicated that officers would seek to engage as widely as possible with the community to ensure that all voices were heard. On the use of transport by women, he advised that officers were looking to engage the Local Transport Strategy to consider a number of issues including access to public transport and inter-connectivity; this would run parallel to the parking management consultation. He pointed out that any income received through on-street parking would be ring-fenced to benefit transport, e.g. town centre regeneration, traffic management or environmental improvements, but that off-street parking income could be used for general purposes.

As regards the level of charges, Mr Forsyth confirmed that a question on this would be included in the consultation, stressing that the Council did not want charges to be prohibitive, but also that they should not be so low as to not have an impact on behaviours.

Responding to questions from Councillor Trotter on consulting directly with every household, Mr Forsyth advised that this would be very expensive and not environmentally friendly. He added that the consultation would commence following the peak holiday period and run until September/October. He assured Councillor Trotter that all views received would be taken into account in order to get a representative sample. He also highlighted the importance of the views of young people.

Councillor McGuire expressed concern about the impact on rural areas with no/limited bus services and asked how this aspect would be addressed. Mr Forsyth suggested that, through the refresh of the Local Transport Strategy, pilot schemes such as demand responsive transport and journey hubs could take place. He accepted that as a rural community, the need for the car would still be there, but that he was looking to ensure that a choice could be provided, and that parking income could be used to fund initiatives, such as demand responsive transport.

Councillor Menzies suggested that if charges were introduced, people may choose to go to out-of-town shopping centres with free parking, which could have a detrimental impact on East Lothian's town centres. She asked what would be done to protect those high streets. Mr Forsyth conceded that out-of-town centres would always be attractive due to parking being more accessible and free. He emphasised that having a reasonable parking charge would allow shoppers to access their local high streets at a lower cost than driving to an out-of-town facility. He added that different approaches could be adopted for different towns, considered on a case-by-case basis. He also noted that the definition of 'town centre' may be different for each town, and that this aspect had to be considered to avoid displacement of parking should charging be introduced.

Douglas Proudfoot, Executive Director for Place, reminded Members of the Council's commitment to address the climate emergency, and to maximise opportunities to do things differently. He spoke of the need to change behaviours and for the need to generate income in order to invest in sustainable transport options. This consultation was the beginning of the process, and it was important to obtain the views of residents and visitors.

Opening the debate, Councillor Hampshire commented that with the extent of the growth in the six main towns in East Lothian, there was pressure on parking spaces in the town centres, resulting in indiscriminate parking in neighbouring residential streets. He stressed that the Council had to address this problem, whilst ensuring the survival of the town centres. He accepted that decisions on parking issues would be difficult, but that doing nothing would result in people not visiting the towns. He added that ensuring safety of people using town centres, particularly children and the elderly, was important, and that walking and cycling should be encouraged.

Councillor Jardine indicated that community wellbeing was the most important aspect. She welcomed the scope of the consultation, and encouraged Members to engage with their communities and encourage people to respond.

Speaking in opposition to the proposed consultation, Councillor Bruce expressed concern that the impact of COVID-19 had adversely affected town centre businesses, and that the suggestion of town centre parking charges would encourage shoppers to use out-of-town centres or to shop online. He suggested that the Council should be trying to incentivise people to visit town centres. Referring to the cost of living crisis, he argued that parking charges would penalise people who had no alternative to using their cars, and this would harm town centre trade. He remarked that parking charges had not featured in the Labour Group manifesto, and that the Conservative Group would not be supporting the consultation.

Councillor McIntosh claimed that providing out-of-town parking facilities and pedestrianising high streets would attract more visitors and result in more vibrant town centres. She also referenced a recent Sustrans study which demonstrated that cycle parking generated five times as much spend in shops than car parking. She welcomed the opportunity to think differently and maximise health benefits, and anticipated that young people would have meaningful views on how they would like the space in town centres to be used.

Councillor McGinn remarked that Councillor Bruce had not proposed any solutions to the county's parking problems. He agreed with colleagues that young people would have clear views about active travel and management of high streets. He stressed that the consultation needed to be as wide-ranging as possible, and he commended officers for taking account of the views of Members on this issue. He welcomed the consultation and urged Members to ensure that it was publicised widely in their communities.

The Provost concluded the debate by reminding Members that the Council had distributed £40m of funding to high street businesses during the pandemic, and that it had promoted the 'stay safe, support local, love East Lothian' campaign, which had benefitted town centres. He welcomed suggestions by other Members as regards attracting visitors to the towns. He also referred to the '20-minute neighbourhood' model and the work undertaken by officers to make these areas accessible. He voiced his disappointment that Councillor Bruce was not supportive of the consultation, given that it was concerned with engaging with the public and hearing their views.

The Provost moved to the roll call vote on the recommendations:

For (16): Councillors Akhtar, Allan, Bennett, Dugdale, Gilbert, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston
Against (3): Councillors Bruce, Collins, McGuire

Decision

The Council agreed:

- i. to approve the start of the consultation process in accordance with the Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999 as amended, to consult with statutory consultees, stakeholders, and the public in general for the introduction of town centre parking control measures and associated parking interventions;
- ii. to acknowledge the requirements of Council (30 October 2018) to take forward an assessment of the demand for town centre parking on an individual town case-by-case basis, taking into account local people's views; and

- iii. to approve the creation of a strategic plan to cover the management, investment and return on town centre parking management.

9. AMENDMENT TO STANDING ORDERS: INTRODUCTION OF CALL-IN PROCESS FOR CABINET

A report was submitted by the Executive Director for Council Resources seeking approval for changes to Standing Orders and the Scheme of Administration for Cabinet to allow for the introduction of a call-in process, in accordance with the decision taken by Council at its meeting on 24 May 2022.

The Provost noted that an amendment had been received in respect of this item from Councillor Bruce, and outlined the process for dealing with the amendment.

The Head of Corporate Support, Morag Ferguson, presented the report, advising on the proposed process for calling in Cabinet items, as set out in Sections 3.2 and 3.3 of the report. She alluded to the amendment submitted by the Conservative Group, which proposed that one Member, rather than four, should be able to call in items; she suggested that although this was a matter for Council to determine, the calling in of items should be the exception rather than the rule, and that providing for only one Member to overrule the Scheme of Administration would be unusual. She added that no other council had a process whereby one Member could call in items of business.

The Provost invited Councillor Bruce to present his amendment, which stated:

That the proposed Cabinet call-in process, and consequent changes to Standing Orders and the Cabinet Scheme of Administration, is amended as follows:

- Section 3.2, bullet point 1: 'In order for a call-in request to be valid, it will require the support, in writing, of one Member.'
- Section 3.3, para. 2, line 1: 'A minimum of one Councillor shall be required to call in items of business from a Cabinet agenda ...'
- Appendix 1, section G.2: 'In accordance with Standing Order 5.4, a minimum of one Councillor is required to request in writing that items of business may be called in from Cabinet and referred to Council for consideration ...'

Councillor Bruce believed that the requirement of four Members to call in an item was too high, particularly as the Council now had a political group represented by only one Member. He also took the view that it would allow Members to act as individuals if they could call off an item of particular interest to them. He appreciated that the process could potentially be misused, but hoped that Members would not act in that way. To support his views, he used the example of the planning process, whereby individual Members could call applications off the expedited and delegated lists.

Councillor Collins seconded the amendment, supporting the view that individual Members should have the ability to act independently in calling in items from Cabinet.

Councillor Menzies commented that, in the interests of collaboration and engagement with councillor colleagues, she was happy to support the proposal for four Members to call-in items.

Councillor Hampshire pointed out that the purpose of the Cabinet was to allow business that did not require the decision of full Council to be undertaken. He assured Members that controversial issues would be brought to Council. He also argued that if the agreement of four Members to call in an item could not be achieved, then there was no good reason for that item to be considered by Council.

Councillor McIntosh remarked that she would be happy to collaborate with other Members should there be an item she wished to call in. She considered that a requirement of not less than three Members would be a reasonable number.

Councillor Jardine did not believe that Councillor Bruce's comparison with the planning process was valid. She was satisfied with the officers' reasoning as regards four Members, noting that she was open to approaches by Members seeking support for the calling in of items. Her view was shared by Councillors Trotter and Bennett, who believed that allowing individual Members to call in items could result in the process being misused.

On the basis of the comments made by other Members, Councillors Bruce and Collins withdrew their amendment.

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

Decision

The Council agreed to approve the proposed Cabinet call-in process (as set out in Section 3.2), and the consequent changes to Standing Orders and the Cabinet Scheme of Administration.

10. REVIEW AND REVISION OF THE INTEGRATION SCHEME FOR EAST LOTHIAN INTEGRATION JOINT BOARD

A report was submitted by the Executive Director for Council Resources seeking approval of the reviews draft Integration Scheme for East Lothian Integration Joint Board (IJB), following the required statutory review and consultation.

The Service Manager – Governance, Carlo Grilli, presented the report. He informed Members that the Council and NHS Lothian were required to review and update the Integration Scheme every five years; the Scheme should have been reviewed in 2020, but was delayed to due to the COVID-19 pandemic. He advised that the proposed Scheme had been updated to reflect current working practices and that while there were no direct financial implications for the Scheme itself, there would be consequences for the Adult Wellbeing budget and HRA-related expenditure (as set out in Section 3.6 of the report). He confirmed that NHS Lothian had approved the draft Scheme at its meeting on 22 June and, if approved by the Council, it would be presented to Scottish Ministers for adoption.

Councillor Bruce asked how the IJB's surplus would be managed. Iain Gorman, Head of Operations (Health and Social Care), reported that that the IJB's carry-forward of reserves had been 1% above the recommended minimum target of 2%. As per Section 9.5.5 of the Scheme of Integration, the use of reserves was a matter for the IJB to determine, and the views of IJB members would be sought, as part of the Strategic Plan.

Councillor Akhtar remarked that in the current climate, the IJB would have no difficulty in allocating its reserves. She welcomed the refreshed Scheme of Integration; however, she did voice concerns at the proposed National Care Service, which had been reflected in the Council's response to the consultation on this matter, as well as that of CoSLA. She believed that care services provided at a local level were more effective. She was particularly concerned about the proposed transfer of Children's Services to the National Care Service, which she felt would jeopardise the work carried out on 'The Promise'. She stressed that providing services at a local level with proper investment was the way forward and asked the

Council Leader to continue to raise this at CoSLA. She also noted the importance of the views of the community on this matter.

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

Decision

The Council agreed:

- i. to note the statutory requirement to carry out a review of the Integration Scheme within five years from when the Scottish Ministers approved the Scheme;
- ii. to approve the final draft revised Integration Scheme, set out in Appendix 1 to the report; and
- iii. to approve the submission of the revised Scheme to Scottish Ministers.

11. APPOINTMENT OF COUNCIL CHAMPIONS

A report was submitted by the Executive Director for Council Resources seeking approval for the appointment of Council Champions for Enterprise, Young People, Older People, and Armed Forces and Veterans.

The Head of Corporate Support, Morag Ferguson, presented the report, advising that the Administration was proposing the appointment of Champions to represent areas of particular interest within communities. She noted that she had been asked if the Champions had to be members of the Administration, and advised that, through benchmarking with other local authorities, in all cases their Champions had been members of the Administration.

Councillor Menzies welcomed the creation of Champions, but felt that there was an opportunity to widen the scope and collaborate with members from other political groups. She asked the Administration to reconsider their position on this. Her views were shared by Councillor Allan, who remarked that including members from other groups would ensure that resources were being fully utilised.

The Provost commented that Councillor McLeod had previously supported the Armed Forces Champion, and thanked him for his involvement. He was also welcoming of ideas and support from all Members.

Councillor Akhtar considered that communities, and especially young people, would welcome the creation of Champions. She anticipated that Councillor Ritchie would be a successful Champion for Young People, and she hoped that all Members would support the Champions in their roles.

Councillor McLeod commended the work of past Champions, and thanked the Provost for his support.

The Provost moved to the roll call vote on the recommendations:

For (13):	Councillors Akhtar, Bennett, Bruce, Collins, Dugdale, Hampshire, McFarlane, McGinn, McGuire, McIntosh, McMillan, Ritchie, Yorkston
Against (0):	
Abstentions (6):	Councillors Allan, Gilbert, Jardine, McLeod, Menzies, Trotter

Decision

The Council approved the appointment of Champions as follows:

Enterprise – Councillor Bennett
Young People – Councillor Ritchie
Older People – Councillor McFarlane
Armed Forces and Veterans – Councillor McMillan

12. APPOINTMENTS TO OUTSIDE BODIES

A report was submitted by the Executive Director for Council Resources seeking approval of appointments to the Scottish Joint Committee for Local Government Employees and as a named substitute for SEStran.

The clerk advised that requests for nominations for the bodies set out above had been received after the meeting of the Council on 24 May.

The Provost moved to the roll call vote on the recommendations:

For (17): Councillors Akhtar, Bennett, Bruce, Collins, Dugdale, Hampshire, Jardine, McFarlane, McGinn, McGuire, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston

Against (0):

Abstentions (2): Councillors Allan, Gilbert

Decision

The Council agreed:

- i. to appoint Councillor Hampshire to represent the Council on the Scottish Joint Committee for Local Government Employees; and
- ii. to appoint Councillor Hampshire as the named substitute for SEStran.

13. SUMMER RECESS ARRANGEMENTS 2022

A report was submitted by the Executive Director for Council Resources advising Council of the arrangements for dealing with Council business during the summer recess 2022.

The clerk set out the process for dealing with urgent business during the summer recess, noting that a summary of all business undertaken would be brought to the Council meeting on 23 August.

The Provost moved to the roll call vote on the recommendations, which were approved 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 23 August 2022 (as set out in Section 3.1 of the report); and

- ii. to note that a summary of business carried out during the recess period would be brought to the Council meeting of 23 August 2022, and that copies of all reports approved during the recess period would be lodged in the Members' Library.

14. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 10 MAY TO 13 JUNE 2022

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 May 2022.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 10 May and 13 June 2022, as listed in Appendix 1 to the report.

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.

Cockenzie Former Power Station Site: Update

A private report submitted by the Executive Director for Place providing Council with an update on various matters relating to the former power station site was approved.