



## **MINUTES OF THE MEETING OF THE CABINET**

**WEDNESDAY 14 JUNE 2022  
VIA DIGITAL MEETING FACILITY**

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### **Committee Members Present:**

Councillor S Akhtar  
Councillor F Dugdale  
Councillor A Forrest  
Councillor N Hampshire (Convener)  
Councillor C McGinn  
Councillor J McMillan

### **Other Councillors Present:**

Councillor R Bennett  
Councillor C Cassini  
Councillor L Jardine  
Councillor C McFarlane  
Councillor G McGuire  
Councillor L-A Menzies  
Councillor B Ritchie

### **Council Officials Present:**

Mrs 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 N McDowell, Head of Education  
Ms W McGuire, Head of Housing  
Mr T Reid, Head of Infrastructure  
M S Saunders, Head of Communities  
Ms M Sullivan, Head of Development  
Ms J Tait, Head of Children's Services  
Ms R Crichton, Committees Officer  
Mr S Cooper, Team Manager – Communications  
Mr C Grilli, Service Manager – Governance  
Mr E John, Service Manager – Sport, Countryside and Leisure  
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer  
Mr I Lennox, Team Manager – Assets and Regulatory  
Mr A Stubbs, Service Manager – Roads  
Mr P Vestri, Service Manager – Improvement, Policy & Communications

### **Clerk:**

Mrs L Gillingwater

**Apologies:**

None

**Declarations of Interest:**

None

**1. CORPORATE RISK REGISTER 2022**

A report was submitted by the Chief Executive presenting the Corporate Risk Register as at 6 June 2022 to the Cabinet for discussion, comment and approval.

Sharon Saunders, Head of Communities, presented the report, providing a detailed explanation of the Council's approach to identifying and monitoring risk. She advised that the Corporate Risk Register was usually reported to Cabinet and the Audit & Governance Committee annually, but that due to the increased risks associated with COVID-19 and the UK's exit from the European Union, it had also been presented to Council in December 2021 and March 2022. She drew attention to a number of key risks, including COVID-19, the recent avian flu outbreak on the Bass Rock, and staffing issues. She also pointed out that new risks would be added to the Corporate Risk Register as required.

In response to a question from Councillor Akhtar on the Resource Spending Review, Sarah Fortune, Executive Director for Council Resources, advised that it was still unclear as to the impact of this, and that Members would be updated once further information was available.

Councillor McMillan asked for an explanation on the Council's approach to risk, with particular reference to the recent outbreak of avian flu. Ms Saunders informed Members that the Trading Standards team had oversight of animal health and welfare matters, and that once the developing risk had been identified, the risk had been escalated and multi-agency emergency response arrangements had been activated. She noted that Eamon John and Alex Connell were the Council officers leading on this issue.

Douglas Proudfoot, Executive Director for Place, advised that the level of risk for the Council had never been so high, largely due to COVID-19, which required a cohesive and co-ordinated approach to be taken. He indicated that the economic recovery could take some time, and that the rising cost of living also presented a challenge to the Council. His remarks were echoed by Scott Kennedy, Emergency Planning, Risk and Resilience Officer, who commented that the current level of risk was unprecedented. On the risk of water shortages, he advised that Council officers were in regular direct contact with SEPA.

Councillor Dugdale sought an update on staffing issues. Ms Saunders reported that the recruitment market was very challenging at present and that the situation as regards recruitment of staff across services and at all levels was not improving; in fact, in many cases it had not been possible to appoint to posts. She made particular reference to difficulties within Customer Services, where staff were being redeployed to cover key posts. She added that innovative methods of advertising were now being used in an attempt to attract candidates. Mr Proudfoot noted that particular areas of the private sector were experiencing similar problems, such as health and social care, agriculture and hospitality. He advised that East Lothian Works was looking at this, to ensure that opportunities were being created to align with skills shortages. Ian Gorman, Head of Operations (Health and Social Care) mentioned that private sector care providers were experiencing significant recruitment problems, as was the NHS, particularly for lower-paid front-line staff.

Councillor Hampshire expressed concern at the financial challenges facing the Council, particularly during a period of significant growth, and asked how this would be addressed.

Ms Fortune agreed that indicative future financial settlements, combined with rising inflation and cost of living rises, posed significant challenges, and that this was being raised at a national level. She warned that if no additional resources were made available, then the Council would need to make very difficult choices. She assured Members that the situation would be monitored on an ongoing basis, and that the risk rating would be updated accordingly. She also noted that Council Tax amounted to only c.25% of the Council's income and any Council Tax increases would not in itself address the scale of the challenges facing the Council.

Mr Proudfoot stated that East Lothian was one of the fastest-growing areas in Scotland, with affordable housing being a key priority. He warned that if the UK economy went into recession, it would be difficult to achieve economic growth and COVID-19 recovery. However, he did point out that COVID-19 had presented some opportunities, including digital transformation and new ways of working, as well as the vibrancy of East Lothian's town centres. He also made mention of the economic opportunities at the Queen Margaret University Innovation Hub and other aspects of the City Region Deal; he stressed the need to maximise such opportunities. He also highlighted the importance of local government being properly funded in order to deliver community services, as well as addressing the challenges associated with the climate emergency.

Councillor McMillan opened the debate by commending officers on their approach to risk. He also made reference to opportunities, as mentioned by officers, particularly of the work done by partners in the Connected Economies Group, the City Region Deal, and regarding rural issues. He welcomed the information on risks relating to energy, rising costs, water shortages and the capital programme. He also appreciated the challenges facing the Council on the recruitment of staff and the resulting impact on services, but reiterated that the Council was focused on customer service and service delivery.

Councillor McGinn alluded to the effects of global issues on the Council and local communities. He praised officers for their swift action and communication to tackle the recent avian flu outbreak, which demonstrated that the Council was well prepared for such events.

Councillor Dugdale thanked officers for their efforts in mitigating risks. She expressed concern about the current recruitment difficulties and the pressure this placed on existing staff. Councillor Forrest echoed these comments, noting the additional pressure on staff in carrying out repairs to Council houses.

Councillor Akhtar voiced her concern at the Scottish Government's proposal to establish a National Care Service and the risks that this could bring. She believed that care services were better operated at a local level, and that there would be significant risks associated with disbanding the current system; she was also concerned about the funding of this proposed service. She recognised the workforce challenges for the Council, as well as the potential impact of the Scottish Government's spending review, noting that collective action by the Scottish and UK Governments was required to tackle the current issues facing local authorities.

Concluding the debate, the Convener highlighted the importance of properly funded local government in order to support the economy and maintain social security. He also made reference to the impact of higher pay increases on the Council's budget, which could result in cuts to services and jobs. He stated that he would continue to push for additional funding to deliver the growth agenda and economic development in order that the Council could recover from the impacts of COVID-19. However, he was confident that staff would make every effort to mitigate risks and meet the challenges ahead.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

## **Decision**

The Cabinet agreed to approve the Corporate Risk Register and in doing so:

- i. agreed that this live document would be reviewed by the CMT, SMT, individual risk owners and the Corporate Risk Management Group on a regular basis and reported back to Cabinet as and when required;
- ii. agreed that the currently relevant risks had been identified;
- iii. agreed that the significance of each risk was appropriate to the current nature of the risk;
- iv. 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 but in the context of the planned mitigations; and
- v. recognised that, although while corporate risks would require close monitoring and scrutiny over the next year, many are long-term risks for the Council that are likely to be a feature of the risk register over a number of years.

## **2. THE EAST LoTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2022 AND THE EAST LoTHIAN COUNCIL (WOMEN'S OPEN, MuIRFIELD) (EXEMPTION) ORDER 2022**

A report was submitted by the Executive Director for Place seeking approval of the making of two Orders under Section 11 of the Land Reform (Scotland) Act 2003, in order to facilitate the holding of the Genesis Scottish Open 2022 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian and the AIG Women's Open 2022 Golf Championship, to be held at Muirfield, Gullane, East Lothian.

Eamon John, Service Manager – Sport, Countryside and Leisure, presented the report, which would temporarily exempt access rights and permit the charging of an entrance fee for the Genesis Scottish Open, and temporarily exempt access rights except for those with tickets for the event for the AIG Women's Open. He noted that a public consultation had taken place and that no concerns had been raised. He added that the Orders were consistent with the provisions of the Land Reform (Scotland) Act 2003.

The Convener asked if there were sufficient staff to support this event. Mr John confirmed that he was working with the relevant services so ensure that the event was successful.

In response to a question from Councillor McGinn as regards transport and parking, Mr John indicated that transportation issues had been a key part of the planning process, and had been considered by the Safety Advisory Group (SAG). Alan Stubbs, Service Manager – Roads, and Ian Lennox, Team Manager – Assets and Regulatory, assured Members that officers were in regular contact with the rail authorities as regards the ongoing industrial action, and that contingency plans were in place. Mr Stubbs added that adequate resources were in place to support the event.

Councillor McMillan welcomed the return of these international golf events to East Lothian, and thanked staff for their input and their engagement with the event organisers. He also made mention of a junior golf tournament – the Tom Watson Cup, and of a charity golf

tournament to mark the 350th anniversary of the Musselburgh Old Course Golf Club, noting that all of these events would benefit local businesses.

Councillor McGinn remarked that these events were a fantastic opportunity to showcase East Lothian, and he spoke of the benefits to local communities. He thanked officers for their work. His comments were supported by the Convener, who highlighted the importance of promoting East Lothian during these events, with a view to attracting investment into the county.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

### **Decision**

The Cabinet agreed:

- i. to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2022; and
- ii. to approve the making of The East Lothian Council (Women's Open, Muirfield) (Exemption) Order 2022.

### **3. VARIOUS ROADS, EAST LOTHIAN: INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2022**

A report was submitted by the Executive Director of 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, make permanent a one-way road and re-determine the use of certain roads whereby access may be restricted or closed.

The Team Manager – Assets and Regulatory, Ian Lennox, presented the report, advising that approval of this report would start the legislative process associated with introducing and amending Traffic Regulation Orders (TROs). He drew Members' attention to the proposed changes.

In response to questions from Members, Mr Lennox provided details of the location of signage in relation to the proposed bus gate in Wallyford (outlined in Appendix D to the report). He also noted that this was an Experimental Order, and that compliance would be monitored for a period of six months, at which point it would be reviewed; a further report would come to Cabinet should there be a proposal to make this a permanent arrangement.

Councillor Forrest welcomed the proposal to restrict parking on Inveresk Road, Musselburgh, which he believed would help traffic flow. He also welcomed the proposed bus gate at Wallyford.

Councillor Akhtar commented that the proposed permanent speed restrictions in Humbie would be welcomed by that community. She also spoke in favour of the proposed parking restrictions at the Community Hospital in Haddington.

With reference to the proposed parking restrictions on Muirpark Road, Tranent, Councillor McGinn remarked that drivers should be more considerate when parking, particularly in areas with lowered kerbs. His comments were shared by Councillor Dugdale, who also welcomed the proposed bus gate at Wallyford and proposed parking restrictions at Wallyford Industrial Estate.

The Convener noted the importance of introducing these measures, particularly for older people and children. He added that, given the growth in East Lothian, it would be pertinent to review measures in town centres and villages to ensure the management of traffic flow and to make communities safer and more pleasant to visit.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

**Decision**

The Cabinet agreed to approve the initiation of the statutory procedures 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-F of the report.

Signed .....

Councillor Norman Hampshire  
Council Leader and Convener of Cabinet