



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 17 JANUARY 2023
VIA A DIGITAL MEETING FACILITY

Cabinet 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 L Bruce
Councillor C Cassini	Councillor J Findlay
Councillor G McGuire	Councillor S McIntosh
Councillor K McLeod	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 E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations, East Lothian Health & Social Care Partnership
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities & Partnerships
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager - Communications
Mr C Grilli, Service Manager – Governance
Mr P Vestri, Service Manager – Policy, Improvement & Partnerships
Mr I Lennox, Team Manager – Assets and Regulatory
Mr P Ritchie, Service Manager – People & Council Support
Ms M Coyle, Service Manager - Procurement
Mr E John, Service Manager – Sport, Countryside & Leisure
Mr B Moffat, Service Manager – Transport & Waste
Ms M Scott, Committees Officer

Clerk:

Ms F Currie

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 8 NOVEMBER 2022

The minutes of the meeting of the Cabinet on 8th November 2022 were approved.

2. FINANCIAL UPDATE AND BUDGET DEVELOPMENT 2023 ONWARDS

A report was submitted by the Executive Director for Council Resources providing Cabinet with an update on the national Local Government Finance settlement, the financial implications for East Lothian Council and associated budget gap.

The Head of Finance, Ellie Dunnet, presented the report summarising the background and key messages. She outlined the main points of the local government finance settlement and the budget implications for East Lothian. She advised Members that the scale of the financial pressures now facing the Council remained at a critically high level with an estimated funding gap in excess of £14.4M to be met by 2023/24 and projections that this would rise to a deficit of over £45.5M in the next 5 years.

Ms Dunnet referred to the lobbying campaign undertaken by CoSLA and stated that officers also continued to lobby in the strongest terms through all available avenues, including professional associations. She advised Members that the Council had undertaken a budget consultation, the results of which were currently being analysed. She set out the process for preparation of budget proposals, including the process for amendments, in advance of their consideration at a meeting of full Council on 28th February. She reiterated that the financial challenges remained at a level never seen before and these extraordinary pressures meant that there was limited flexibility to address local needs and priorities.

Officers responded to questions from Members. Ms Dunnet and Wendy McGuire, Head of Housing, addressed the reduction in funding for homelessness which had come about following the merging of two previous funding streams. Ms McGuire confirmed that officers were currently analysing the figures to understand the implications for services.

Sarah Fortune, Executive Director for Council Resources, confirmed that the core revenue support grant had increased by 0.9%. She also confirmed that the Scottish Government would fund 80% of the cost of the Musselburgh flood protection works but it was not yet clear whether similar funding would be provided for the Haddington flood protection scheme.

Addressing the detail of the local government finance settlement, Ms Fortune acknowledged that the calculations were hugely complex, involving hundreds of indicators and a range of elements which contributed to the formula producing each local authority's individual settlement. While some of these indicators included population, it did not necessarily follow that areas with the highest population growth received a corresponding increase in funding. She agreed that this was not ideal and confirmed that this disparity and how to address it continued to be the subject of discussion within CoSLA. However, she remained of the view that there was merit in remaining within CoSLA and being part of national negotiations.

Douglas Proudfoot, Executive Director for Place, provided additional context including the discussions around the impact of the City and Region Deal and the need for a review of funding arrangements. He agreed that the impacts of population growth were significant and, without additional funding, had implications for establishing a balanced budget. He advised

Members that further information on this issue would be presented as part of a report to Council in February.

In response to questions on the impact for education services, Ms Fortune confirmed that, at present, the grant covered the cost of delivering the commitment to 1140 hours of early learning and childcare but that a number of challenges remained. Work was ongoing to ensure that this commitment could continue to be delivered within the ring-fenced funding. She acknowledged that the school clothing grant funding for East Lothian had reduced despite an increase at national level. This was an example of the complexity of the settlement and was another area where discussions were taking place to ensure that indicators were driving the right policy. She also confirmed that discussions were taking place with CoSLA and the Scottish Government regarding a reduction in funding which related to two separate elements – the 2020/21 teachers' pay deal and delivery of national teacher numbers.

Ms Dunnet acknowledged concerns over the transparency of decision making around the settlement and the public's understanding of such complex calculations and what it meant for their local authority. She and other officers had given feedback to CoSLA on these matters and would continue to work on understanding the full impact of the settlement and sharing further details with Members.

Councillor Forrest thanked officers for the helpful and clearly set out report which had given him a better understanding of the issues.

Councillor McMillan said the report showed the tough decisions which were needed to maintain and deliver good quality services. He noted that CoSLA had a difficult task and that there needed to be clear messaging around maintenance of quality standards and investment, planning and budgeting to meet the unprecedented challenges facing all local authorities.

Councillor Akhtar said that the messages in the report were concerning for all. She referred to decreases in funding and a lack of transparency and openness in decision making by government. She hoped that the CoSLA campaign would be listened to and that further clarity would be provided on funding for areas such as health and social care. She urged the Council Leader and colleagues to continue to campaign for these issues to be addressed.

The Convener commented that Scottish Government targets in policy areas such as poverty reduction, education, climate change and social care could only be delivered with the support of local government. However, reductions in funding in recent years had made this more and more challenging; some services were in crisis and the delivery of key targets was at risk. He urged all Members to support the report.

Decision

The Cabinet agreed to note:

- i. the current position relating to the national Local Government Finance Settlement and the implications for East Lothian Council;
- ii. the associated revenue funding gap for East Lothian Council as set out in paragraph 3.9; and
- iii. the updated budget development framework process for submitting amendments and to request that any formal amendments be submitted in accordance with the timeline set out in paragraph 3.19 of the report.

3. 2023-2027 WORKFORCE PLAN

A report was submitted by the Executive Director for Place to present the 2023-2027 workforce plan to Cabinet for approval.

The Service Manager – Policy, Improvement & Partnerships, Paolo Vestri, presented the report. He advised Members that actions delayed from the previous plan, due to COVID, had been included in the new plan. He outlined the background and content of the new plan which had been considered by the Council's Joint Consultative Committee in December 2022 and their comments had been incorporated into the draft. He drew Members' attention to the 32 actions set out in the action plan which had been grouped into three main themes. He concluded that the Council remained committed to investing in its workforce and implementation of the workforce plan would rely on the Council and Trade Unions working together.

Mr Vestri responded to questions from Members. He provided details of actions within the plan to support the health and wellbeing of staff, to develop diversity within the workforce, to support the delivery of the Council Plan and develop the highest quality public services. He confirmed plans to begin a programme of improvement/self-evaluation for customer services staff, based on the European Foundation of Quality Management (EFQM), and which would incorporate both staff and customer views.

In response to a question about the lack of female craft workers, Mr Proudfoot said that the Council had a very ambitious apprenticeship programme but he would be happy to consider additional actions to make these roles more attractive to female workers. He added that this was a substantial challenge for the construction industry as a whole.

Morag Ferguson, Head of Corporate Support, replied to a question on uptake of the services offered by the Employee Assistance Programme (EAP). She said that there had not been a significant increase in uptake over the past two years but she acknowledged that there may be an element of delayed reaction in that. The Healthy Working Lives team would be looking at supplementing the support available to staff from the EAP. She agreed to provide figures to Members on uptake of EAP services over the last two years and to look at how best to publicise the EAP, particularly to new staff.

Councillor Akhtar welcomed the report and the engagement with staff in the preparation of the draft plan. She highlighted the feedback in the staff survey which rated the Council as a good employer and a good place to work and noted that this figure had gone up from the previous year. She also took the opportunity to thank the workforce, observing that neither the Council's nor the Scottish Government's priorities could have been delivered without staff going above and beyond what was required of them.

Councillor McMillan echoed these remarks. He noted the content of the plan and in particular the emphasis on wellbeing. He said it was important for teams and individuals to support each other and to take advantage of the services available to them. He acknowledged the importance of learning new skills and developing services, such as broadband, to support digital progress and deliver services. He added his thanks to all staff for the way they had responded to the demands placed on them.

Councillor McGinn also echoed his colleagues' comments. He expressed his frustration at the trend, particularly on social media, for people to criticise Council staff without knowing the background. In his view, the staff were invaluable and their support to communities during recent crises should never be underestimated. He gave some examples of where individual members of staff had gone over and above and had shown an ability to develop

innovative solutions for local communities. He concluded that any organisation was only as good as their workforce.

Councillor Dugdale welcomed the report and was particularly glad to see the actions to support staff wellbeing. She wanted all staff to know that she and her colleagues were aware of the challenges they faced and acknowledged fully their contributions to the work of the Council.

The Convener welcomed the report and thanked his colleagues for their comments. He referred to the significant pressure councils were under to deliver Scottish Government policy commitments within current financial constraints and the impact on staff. He shared his colleagues' view that the Council must look after its workforce and do all it could to support them.

Decision

The Cabinet agreed, by roll call vote, to approve the 2023-2027 Workforce Plan.

4. DIGITAL STRATEGY 2022-2027

A report was submitted by the Executive Director for Council Resources seeking approval of the Digital Strategy for 2022 to 2027.

Ms Ferguson, presented the report. She advised that the Strategy headings were the same as those in the Council Plan to ensure a clear read across. She drew attention to the principles and actions within the document which would guide the Council as it took up digital opportunities in the coming years.

Councillor Forrest thanked officers for their work on the Strategy and for their efforts to support the move to home working and online education during the pandemic.

Councillor McMillan welcomed the paper and emphasised to importance of IT in supporting the Council and businesses across the county. He also reiterated the importance of good broadband for rural businesses. He said that this paper provided the foundation for the Council's work while demonstrating its ability to be forward thinking and to develop services for the future.

Councillor Dugdale highlighted the work and investment around technology in schools and said it was good to see the emphasis on new ways of working and learning.

Councillor Akhtar commented that rural villages needed to benefit from superfast broadband and the Council should do what it could to support this.

The Convener said that this was a vitally important paper and it was essential that the Council kept up to date while also getting as much value as possible from its investment in IT. He acknowledged the current issues associated with servicing, including costs and staff time, and that there would be further financial challenges going forward.

Decision

The Cabinet agreed, by roll call vote, to approve the adoption of the Digital Strategy 2022-2027.

5. PROCUREMENT STRATEGY 2023-2028

A report was submitted by the Executive Director for Council Resources informing, and seeking approval from, Cabinet for the Council Procurement Strategy 2023-2028.

The Service Manager – Procurement, Michelle Coyle, presented the report. She outlined the background and content of the strategy including the 5 key objectives and how these would support the wider work of the Council. She referred Members to the actions contained in the strategy, the plans for its review on an annual basis and confirmed that any future revisions would be brought to Cabinet for approval.

Ms Coyle responded to questions from Members. She acknowledged the impact of Brexit and rising inflation on the costs of goods and services and work being undertaken with Scotland Excel to manage these pressures and ensure value for money. She confirmed that the action plan for 2023 included proposals for community wealth building, beginning with a workshop with Scotland Excel in March. She advised that her team was working on a Learnpro module to assist with staff training across Council service areas and that an article would appear in Inform highlighting the updated procurement procedures.

In response to a further question, Ms Coyle agreed to consider whether it would be possible to produce more detailed statistical information on contracts, based on supplier location.

Councillor McMillan was delighted to welcome the strategy with its focus on the climate challenge, value for money and community wealth building. He said that there were many local businesses that would benefit from Council support and it was important to have ambitions and aspirations for the local economy and jobs. He was also pleased to note that the strategy reflected the Council's values of enabling, leading and caring.

The Convener agreed with his colleague, noting that procurement was an important part of the Council's responsibility to be fair and transparent.

Decision

The Cabinet agreed, by roll call vote, to approve the East Lothian Council Procurement Strategy 2023-2028.

6. PROCUREMENT PROCEDURES

A report was submitted by the Executive Director for Council Resources informing, and seeking approval from, Cabinet for the revised Council Procurement Procedures.

Ms Coyle presented the report. She advised that the procedures outlined the roles and responsibilities of officers, including delegated functions, in relation to the procurement of goods and services, and the delivery of Council projects. The revisions ensured that the procedures remained in line with legislation and government guidance, while supporting the Council's sustainability and economic recovery objectives. The procedures would be supplemented by more detailed working instructions which would be made available to staff.

Ms Coyle responded to questions from Members. She provided further detail of how the procedures would support community wealth building while remaining fair and delivering best value. She outlined the relevance of external standards of procurement on the Council's internal procedures and confirmed that timescales for procurement could be shortened or extended depending on the requirements of the service area, the type of contract being considered and capacity within the procurement team.

Councillor McMillan welcomed the report and its inclusion of the East Lothian Way. He was particularly pleased by the emphasis on empowering staff to work with the framework and the references to knowledge sharing and training. He said it was clear that the Council was not just about costs but also about quality and that this thoughtful paper would lead to improvements in procurement practices.

The Convener welcomed the setting out of clear procedures which would be of benefit to the Council going forward.

Decision

The Cabinet agreed, by roll call, to approve the revised procurement procedures.

7. SUSTAINABLE FLEET MANAGEMENT STRATEGY

A report was submitted by the Executive Director for Place seeking approval of the Council's Sustainable Fleet Management Strategy 2022-27.

The Service Manager – Transport & Waste, Bruce Moffat, presented the report. He advised that the strategy would ensure that assets remained fit for purpose and part of a sustainable and resilient fleet. The strategy also tied into the Council's capital 5 year replacement programme and wider climate objectives.

In response to questions from Members, Mr Moffat provided further detail on supply chain pressures and the implication for timeframes, the costs relating to replacement of vehicles with alternative fuel solutions and the targets for stopping the purchase of fossil fuel vehicles. He acknowledged the costs savings associated with moving to alternative fuels through reduced running costs and maintenance schedules, but added that it was also necessary to ensure that vehicles were fit for purpose.

Replying to further questions, Mr Moffat advised that, while cargo bikes did not fall within the fleet remit, he was working with Roads Services on a sustainable transport model and cargo bikes would be considered as part of this. He also provided some examples of costs associated with the conversion of recycling vehicles from diesel to hydrogen fuel.

The Head of Infrastructure, Tom Reid, acknowledged that cargo bikes could be used in some settings but would not be suitable for all needs and that any transport model had to be based on the requirements of each Service.

Councillor Forrest commented that the report showed clearly where the Council wanted to go and how it planned to get there; and it gave considerable food for thought.

Councillor McMillan welcomed this forward thinking and well thought out report. He said that the Council was leading the field as one of the few local authorities to have a sustainable fleet strategy.

Councillor Dugdale was reassured by the strategy which showed how professional and well-prepared the Council was for the future. Her only concern was the finance needed to deliver the strategy.

The Convener fully supported the commitment to upgrade the fleet and ensure it was as environmentally friendly as possible. However, he pointed to the continuing financial challenges, as well as supply and demand pressures, and said that additional support would be needed from government to help the Council meet its target.

Recommendation i was approved by general agreement and recommendation ii was approved, unanimously, by roll call vote.

Decision

The Cabinet agreed to:

- i. note the developed Sustainable Fleet Management Strategy provided a pathway approach that would help to ensure the Council had safe, reliable, cost effective and sustainable vehicles, plant and associated equipment, at the right time and at the right cost to support the strategic, corporate and service objectives of the Council and to support service delivery; and
- ii. approve the Council's Sustainable Fleet Management Strategy 2022-2027.

8. EAST LOTHIAN WATER SAFETY POLICY

A report was submitted by the Executive Director for Place advising Cabinet of the East Lothian Water Safety Group and seeking Cabinet approval for the East Lothian Water Safety Policy.

The Service Manager – Sport, Countryside & Leisure, Eamon John, presented the report. He said the policy took account of the increase in visitors to the county's coastline during the pandemic, the popularity of wild swimming and other water activities and the importance of developing good practice and supporting national strategies around water safety. He also highlighted the work of the Water Safety Group to develop a partnership and collaborative approach to water safety across the county. Although this work had initially centred on Belhaven Bay, the intention had always been to develop a county-wide policy.

Mr John responded to questions from Members providing further detail of the costs and services involved in supporting the multi-agency response to increased visitor numbers since 2020. He advised that water safety was an important part of the health and wellbeing curriculum delivered in schools and the intention would be to build on this and work with parents/carers to increase awareness.

Responding to further questions, Mr John and Mr Reid confirmed that the Council continued to engage with Scottish Water and SEPA on monitoring and improvement of water quality. Mr John also confirmed that discussions had taken place with the Coastguard and RNLI, within the context of the Water Safety Group, on the need for improved signage and mitigations in key areas. However, he pointed out that the development of a lifeguard service would have cost implications.

Councillor McGinn thanked officers for their exemplary work and noted that the policy was timely given the continuing increase in visitor numbers. He emphasised the importance of education and raising awareness in improving the safety of visitors. He believed that the policy would help to achieve this while allowing everyone to enjoy the county's coastline.

Councillor McMillan acknowledged the work of the ranger service and welcomed the partnership working which had underpinned the policy. He referred to the importance of staying alert to the potential dangers posed by bodies of water and of continuing to promote water safety within schools.

Councillor Forrest observed that people's lives had changed since the pandemic and they wanted to get outdoors more and enjoy their hobbies. This policy showed that the Council was not just welcoming visitors but also looking after their health and wellbeing too.

Councillor Dugdale said the policy showed how East Lothian was leading the way to improve safety and visitor experience. It also highlighted the work going on across the Council, and with children, young people, parents and carers to understand and manage the risks from open water.

The Convener said that, as a councillor for Dunbar, this was a particularly important issue. While access to water had provided a welcome tourism boost, ensuring people's safety was essential. He talked of the potential risks for those unfamiliar with the coastline and tides, and of the risks associated with inland water too. He noted that assistance was not always available on site and it was important to do everything possible to educate visitors, particularly young people, of the risks. He welcomed the policy and the partnership working.

Decision

The Cabinet agreed, by roll call vote, to note the content of the report and approve the East Lothian Water Safety Policy.

9. REVIEW OF CHARGING POLICY

A report was submitted by the Executive Director for Council Resources seeking Cabinet agreement to the updated charging policy.

Ms Dunnet presented the report. She advised Members that the charging policy had been last updated in 2019 and was due for review a minimum of every three years. The policy under consideration related to services for which the Council had discretion to set a charge and to set the level of the charge. It did not cover services where the requirement for charging and the level of charges were set out in statute. Ms Dunnet concluded that while the existing policy remained broadly fit for purpose, a few changes had been proposed to the wider approach and overarching principles applied to charging.

Councillor Akhtar noted that there was no fundamental change proposed to the charging policy. She also acknowledged the inclusion of flexibility to allow charging to reflect inflationary increases but added that the Council needed to be mindful of the financial pressures facing organisations who were delivering key services.

Recommendation i was approved by general agreement and recommendation ii was approved, unanimously, by roll call vote.

Decision

The Cabinet agreed to:

- i. Note the proposed changes to the Council's charging policy, as detailed in the report and appendix; and
- ii. The adoption of the updated policy with immediate effect, and that this version will replace the previous iteration of the policy adopted in 2019.

10. CHARGES RELATING TO LICENSING OF PUBLIC ENTERTAINMENT ACTIVITIES

A report was submitted by the Executive Director for Council Resources advising Cabinet of the introduction of new shorter term licences for Public Entertainment activities, for periods of both one and two years, and seeking approval of the proposed licence fees for these new licences.

The Service Manager – Governance, Carlo Grilli, presented the report. He outlined the background to the current three year Public Entertainment licence and associated fee and the proposal to introduce shorter duration licences to assist applicants who may find the licence duration and fee prohibitive or lacking the flexibility required for their purposes. He advised Members that the Licensing Sub Committee had approved the proposal to introduce one and two year licences at their meeting on 10th November 2022 and had also recommended that the fees for these licences be fixed at £200 and £400 respectively.

Recommendation i was approved by general agreement and recommendations ii and iii were approved, unanimously, by roll call vote.

Decision

The Cabinet agreed to:

- i. Note that on 10th November 2022 Licensing Sub Committee approved the granting of Public Entertainment licences for a reduced duration of one or two years;
- ii. Approve the fee of £200 for a one year licence; and
- iii. Approve the fee of £400 for a two year licence.

11. KING'S CORONATION – MAY 2023

A report was submitted by the Executive Director for Council Resources informing Cabinet of the UK Government's and Scottish Government's decision to declare a National bank Holiday on Monday 8th May 2023 to mark the Coronation of His Majesty King Charles III. The report also sought Cabinet approval to agree an additional Public Holiday (pro-rata) for all employees on Monday 8th May 2023 to mark the occasion.

The Service Manager – People & Council Support, Paul Ritchie, presented the report. He informed Members of the Council's proposals for the additional Public Holiday and outlined the financial implications, as well as the arrangements for staff who may be required to work on 8th May or who, because of their work pattern, would not be due to work that day. He confirmed that the additional Public Holiday would apply to teaching staff and that the Trade Unions had been consulted and were supportive of the proposals.

In response to a question, the Convener acknowledged the costs that would be incurred as a result of this proposal and that extra funding would be unlikely to come forward.

Decision

The Cabinet agreed, by roll call vote, to an additional Public Holiday on Monday 8th May 2023.

12. PROHIBITION OF OVERNIGHT CAR PARKING AT COASTAL CAR PARKS

A report was submitted by the Executive Director for Place seeking Cabinet approval to start the statutory procedures necessary to introduce and amend Experimental Traffic Regulation Orders to prohibit overnight parking at coastal car parks.

The Team Manager – Assets & Regulatory, Ian Lennox, presented the report. He advised that the orders were temporary and the benefits and impact would be monitored to ensure the approach was successful. In addition, officers were considering the provision of some dedicated trial chargeable campervan parking that would provide capacity where required and this would be the subject of a separate report to Cabinet. The purpose of the orders was to address the increase in overnight parking which had resulted in considerable damage to local biodiversity and an increase in littering and human waste. He concluded that the orders would be supported by targeted enforcement.

Mr Lennox replied to questions from Members. He confirmed that although the orders would be in place for 18 months, their impacts would be closely monitored throughout this period and further action could be taken earlier, if required. Monitoring would include any potential displacement of vehicles from car parks to surrounding residential areas. At the request of the Convener, Mr Lennox agreed to discuss the situation at Whitesands and Belhaven with local community groups.

Mr Reid confirmed that officers were looking to bring in temporary/experimental spaces for campervans in some car parks. He added that many coastal car parks already had height restrictions which prevented access for larger vehicles. He said that the proposed orders would make a significant difference to the current situation and to the staff teams who were required to clean up the mess left at these sites. He also confirmed that officers would be looking at the issue of displacement and how best to manage this.

Councillor McMillan welcomed the proposals as part of wider considerations to support tourism while also protecting the environment. He noted the plans to assess other options for mobile home users and he thought the report a good first step in explaining the alternatives which would yield better results.

Councillor Forrest echoed his colleague's remarks noting that the orders were experimental and could be tailored to fit specific requirements. He hoped the orders would ensure that no damage was done to the environment and biodiversity, while encouraging visitors to use the car parks and allowing everyone to enjoy the area.

The Convener said that while he welcomed tourism to coastal areas, everyone was well aware of the damage done by some individuals' overnight parking. The Ranger Service had often been required to clean up sites and he hoped that this proposal would provide some controls to address the issues.

Decision

The Cabinet agreed, by roll call vote, to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with the Local Authorities (Procedures) (Scotland) Regulations 1999 and such introductions of locations and proposals listed in Appendix A to the report.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet