



MINUTES OF THE MEETING OF EAST LOTHIAN COUNCIL

TUESDAY 28 FEBRUARY 2023
VIA DIGITAL MEETING FACILITY

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Committee Members Present:

Provost J McMillan (Convener)

Councillor S Akhtar

Councillor E Allan

Councillor R Bennett

Councillor L Bruce

Councillor C Cassini

Councillor D Collins

Councillor F Dugdale

Councillor J Findlay

Councillor A Forrest

Councillor N Gilbert

Councillor N Hampshire

Councillor L Jardine

Councillor C McFarlane

Councillor C McGinn

Councillor G McGuire

Councillor S McIntosh

Councillor K McLeod

Councillor L-A Menzies

Councillor B Ritchie

Councillor T Trotter

Councillor C Yorkston

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 F Wilson, Director of Health and Social Care

Ms E Dunnet, Head of Finance

Ms M Ferguson, Head of Corporate Support

Ms N McDowell, Head of Education

Ms W McGuire, Head of Housing

Mr T Reid, Head of Infrastructure

Ms S Saunders, Head of Communities and Partnerships

Ms M Sullivan, Head of Development

Ms J Tait, Head of Children's Services

Mr J Baker, Service Manager – Economic Development

Mr S Cooper, Team Manager – Communications

Ms R Crichton, Committees Officer

Ms F Currie, Committees Officer

Mr K Dingwall, Service Manager – Planning

Ms K Duff, Treasury and Banking Officer

Mr C Gilmour, Senior Officer – Regeneration

Ms A-M Glancy, Service Manager – Corporate Accounting

Mr L Grannum, Finance Officer

Mr C Grilli, Service Manager – Governance

Mr D Henderson, Service Manager – Service Accounting

Ms A Hood, Team Manager – Education and Employability

Ms H Lundstrom, Sustainability and Climate Change Officer

Ms A Mackay, Team Leader – Employability
Mr R Montgomery, Project Manager
Ms D Pringle, Corporate Accountant
Mr A Stewart, Project Manager
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

None

Prior to the commencement of business, the Provost advised that the meeting was being held remotely, as provided for in terms of the Local Government (Scotland) Act 2003; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The clerk recorded attendance by roll call.

1. FINANCE UPDATE

A report was submitted by the Executive Director for Council Resources providing an update on the financial position at the end of December 2022, and a wider review of the financial outlook and current risks.

The Service Manager – Service Accounting, David Henderson, presented the report. He drew Members' attention to the significantly challenging financial situation, reporting an overspend of £16.8m at the end of Quarter 3, much of which would be recurring beyond the end of the financial year. He highlighted the position as regards the use of reserves, as well as mitigation measures in place, and indicated that it was expected that the Council was on target to achieve its target of £393,000 of efficiency savings. Mr Henderson advised that additional funding had been received from the Scottish Government to support existing commitments (set out at Appendix 3 to the report), adding that any pay award in excess of 5% for teachers would be funded by the Scottish Government. He also noted that an overspend was forecast for the Integration Joint Board (IJB), which could be managed through the Scheme of Integration and wider IJB resources. Mr Henderson also highlighted the challenges in delivering the Capital Programme, due mainly to rising costs (as outlined in Appendix 4 to the report), as well as an expected overspend on the Housing Revenue Account (HRA) (with further details at Appendices 5 and 6 to the report). In conclusion, he warned that the scale of future challenges facing the Council should not be underestimated.

Responding to questions from Members, Mr Henderson explained that the overspend was largely due to issues outwith the Council's control, such as inflation, utility bills, higher pay awards, etc. As regards the delivery of the Capital Programme, he noted that the market continued to be challenging, exacerbated by recruitment and retention difficulties and increasing prices. He reminded Members of the desire (as set out in the Financial Strategy) to retain an HRA minimum balance of £1m and a debt/income ratio of 40%. As regards savings delivered through teachers' strike days, he advised that for one day's strike (primary

and secondary) a saving of c. £170,000 would be achieved. On inflation, he indicated that levels remained high, but was reducing in some areas, such as vehicle fuel. The 2023/24 Quarter 1 Finance Report would provide further detail on this.

Councillor Findlay asked for further information on the model for the 1140 Hours' Early Learning and Childcare. Nicola McDowell, Head of Education, reported that the Council was working on this with the Improvement Service, and would report back to Members in due course with further details. She did advise that the model would be delivered within allocated financial resources and would meet the needs of users.

As regards questions from Councillor McIntosh on the Musselburgh Flood Protection Scheme, Mr Henderson advised that the Council had received a capital grant for this work, and that expenditure was in line with the income received. He noted that there would be a clawback of some of the grant funding to reflect the 80% contribution from the Scottish Government.

Mr Henderson also responded to questions from Councillor Menzies. He advised that there was an overspend of c. £250,000 this year on the use of Bed and Breakfast accommodation for homeless people, which related mainly to the cost of the new contract, as well as additional demands on that service. He undertook to provide further details to Members, as well as details on Council Tax exemptions. On voids, Wendy McGuire, Head of Housing, explained that homes were re-let within c. 66 days – this figure was higher than previous years due to construction and other challenges – and she was looking at ways to improve this. Concerning the balances of various services, Mr Henderson advised that elements of some budgets would require to be reallocated before the year-end.

Opening the debate, Councillor Hampshire warned that the financial challenges set out by Mr Henderson would remain for some time to come. On the Chief Officer pay award, he informed Members that at a recent CoSLA meeting, agreement had been reached by Leaders, and that he therefore expected this issue to be resolved soon.

Councillor Menzies accepted that many of the pressures were outwith the control of the Council, such as fuel costs, and that the position was very challenging. She suggested that the cost of energy should be raised with the UK Government.

Councillor Akhtar highlighted that, due to the Council's financial position, the additional funding for the 2022/23 pay award would be retained by the Council with no proportionate transfer of funds to the IJB. She remarked that the Council was not the only local authority to take this position. With reference to Item 3 on the agenda, she advised that the 2023/24 pay increase for Adult Social Care would be transferred to the IJB.

Decision

The Council agreed:

- i. to note the outcome of the Quarter 3 financial performance;
- ii. to note that the additional funding from the Scottish Government for the 2022/23 pay award would be retained in full by the Council, with no proportionate transfer of this funding to the IJB;
- iii. to note the update on key developments since the Quarter 2 report;
- iv. to note that financial review reports would continue to be reported to Council for scrutiny until the financial position improves; and

- v. to note the update on the wider financial environment and current risks.

2. BUSINESS RATES EMPTY PROPERTY RELIEF POLICY

A report was submitted by the Executive Director for Council Resources seeking Council's agreement for the Business Rates Empty Property Relief Policy.

The Head of Finance, Ellie Dunnet, presented the report, recommending that the Council should mirror the Scottish Government's policy on empty property relief pending a review during 2023/24. She drew attention to the key aspects of the policy, noting that the Scottish Government would provide the Council with £882,000 to implement the policy.

Councillor Cassini questioned whether this policy would allow owners of short-term lets/holiday homes to avoid paying business rates on those properties. Ms Dunnet advised that in order to qualify for empty property relief on those properties, the owners would have to cease operating and vacate the property.

Councillor Bruce asked if the funding provided by the Scottish Government was sufficient. Ms Dunnet confirmed that it would cover the costs for 2023/24, but that it was difficult to predict what would happen in future years, hence the proposed review of the policy.

Councillor Collins asked if the Council offered incentives for people looking to take on such properties. Ms Dunnet confirmed that such support could not be provided through this policy, but that there was other support available for retail premises. However, she undertook to look into this matter during the review of the policy.

Councillor Forrest welcomed the report and work done by officers to prevent properties being left vacant.

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

Decision

The Council agreed:

- i. to approve the adoption of the Scottish Government's current Empty Property Relief legislation for Business Rates as the developed East Lothian Council Policy from 1 April 2023; and
- ii. to note the intention to review this policy during 2023/24 as part of the wider budget strategy.

3. BUDGET DEVELOPMENT AND 2023/24 COUNCIL TAX AND RENT LEVELS

A report was submitted by the Executive Director for Council Resources, providing Council with an overview of the national funding settlement for local government and the implications of this for East Lothian; seeking to set the General Services Revenue budget and Council Tax levels for 2023/24, and agreeing strategic level budgets for 2024/25–2027/28; seeking to set the General Services Capital budgets for 2023/24–2027/28; seeking to set the Housing Revenue Account budgets for 2023/24–2027/28; and setting out the next steps towards delivering the Council's Financial Strategy for 2023/24–2027/28.

The Head of Finance, Ellie Dunnet, presented the report, highlighting the challenges facing the Council, many of which were external, such as rising inflation and interest rates, increasing demand for services, and population growth. Taking account of these and other pressures, she warned that the funding gap could reach c. £71m by 2027/28. She set out details of additional funding received from the Scottish Government to deliver various obligations. She also mentioned that the Local Government Finance Order would be finalised soon, which may allow councils a degree of fiscal flexibility. Ms Dunnet outlined the position with the HRA and General Services Capital budgets, noting that officers would be looking for opportunities to decrease borrowing and identify savings. As regards General Services Revenue, she reported that the Council was looking at a deficit of £18.971m for the coming year, stressing that changes to service provision would be required to close the funding gap.

The Provost advised that Members would be asked to approve the first four recommendations set out in the report, with the remaining recommendations to be covered through the HRA and budget proposal items on the agenda.

Councillor Jardine asked if the current distribution formula was fit for purpose, especially at a time of significant population growth in East Lothian. Ms Dunnet commented that the current methodology did not serve the Council particularly well. Sarah Fortune, Executive Director for Council Resources, added that the local government finance settlement was very complex and did not always support effective delivery of outcomes. She noted that the Deputy First Minister had undertaken to look at introducing a new deal for local government, and she hoped that any new arrangement would give the Council powers to consider how to use its resources.

In response to questions from Councillor McIntosh in relation to consideration of the climate impact, Ms Dunnet assured her that the budget proposals reflected the Council Plan priorities and that the Council's commitment to the climate emergency was embedded within it. However, she accepted that additional work was required to produce an in-depth analysis, and that the results of this would be shared with both the Climate Change and Sustainability Forum and the Cross-party Budget Working Group.

The Provost asked if proposed changes to the role, structure and membership of the Cross-party Budget Working Group would have to come back to Council. Ms Fortune confirmed this was the case.

Commenting that the Council's rents were c. 15% below those of neighbouring authorities, Councillor Gilbert questioned if there were plans to bring rent levels into line with other councils, and what the impact of that would be on homelessness, property modernisation and retro-fitting homes to make them more energy efficient. Ms Dunnet advised that there was a commitment to review rents as part of the Financial Strategy, and that the review should not be pre-empted. Wendy McGuire, Head of Housing, commented that the Council was proud to have one of the lowest rent levels in Scotland, and that a 5% increase would be challenging for tenants. She pointed out that there were not enough homes to meet the demand. She also noted that the rent freeze was now impacting on the Council, but that the 5% rent increase would allow the Council to continue delivering the modernisation and new-build programmes. She added that it was for each local authority to set rent levels in order to deliver the obligations set by the Scottish Government.

On reserves, Ms Fortune explained that it was for each local authority to agree its own reserves strategy, but stressed that reserves were not a vehicle to deliver recurrent savings. She advised that the Local Authority Directors of Finance group had written to the Deputy First Minister setting out concerns regarding financial sustainability for local government.

Councillor Hampshire asked officers to provide an explanation as to how local government is financed. Ms Dunnet advised that Council Tax income covered only c. 25% of the funding required to operate Council services, with the Council relying on grant funding from the Scottish Government to cover the majority of the Council's costs. She noted that the Council would have to look at ways to generate additional income.

In response to a question from Councillor Menzies regarding borrowing, Ms Dunnet explained that reductions in net borrowing does not translate to reductions in investment, as the Council would get capital receipts through the disposal of assets. She advised that some investment in the learning estate had been re-profiled but not reduced. She anticipated that interest rates would fall slightly going forward.

Councillor Bruce asked if the Council would still be disproportionately affected by the minimum grant 'floor' calculation, even if the quantum was higher. Ms Fortune indicated that this was a very complicated issue, and that the national settlement contained areas of funding outwith the 'floor'. However, in an area of population growth, such as East Lothian, revenue costs would not be fully funded, nor would Council Tax income cover such costs. She added that the Council did not have the power to change the 'floor' formula as it was set nationally and agreed by CoSLA. She offered to provide further information to Members on this aspect.

Councillor Hampshire indicated that all councils were struggling financially, but he was of the view that the level of growth being delivered by East Lothian Council, and also by Midlothian Council, was not being recognised, and that growth should be funded via a separate mechanism. As regards rent levels, he pointed out that the Council delivered mid-market rental properties as well as social rentals and that the rent freeze had had an impact on the Council's ability to deliver mid-market rental properties. He stated that he was not in favour of a rent freeze, nor was he in favour of increasing rent levels to the Scottish average, as tenants would not be able to afford significant increases.

Councillor Jardine remarked that the impact of austerity on English local authorities had been significant and that they were now only receiving 23% of income from the UK Government. She believed that additional funding streams had to be identified in order for service delivery to continue and that this should be considered as part of the Council Plan. Referring to the 'cost of austerity' crisis, she believed that this had been a political choice by the UK Government, and that the Scottish Government had limited powers and finite resources.

The Provost moved to the roll call vote on points 1-4 of the recommendations which were approved unanimously, noting that points 5-8 of the recommendations would be dealt with in line with Items 4 and 5a-c of the agenda.

Decision

The Council agreed:

- i. to note the content of the Scottish Government 2023/24 budget, local government finance settlement and the funding implications for East Lothian Council;
- ii. to note the challenging context within which budget proposals for 2023/24 onwards had been developed, and the factors which had contributed to the gap between forecast income levels and expenditure demands;
- iii. to approve the recommended approach to the application of fiscal flexibilities in relation to service concessions, outline within paragraphs 3.63 to 3.67 of the report; and

- iv. to note the timeline and next steps for delivering the Financial Strategy, detailed within paragraphs 3.63 to 3.67 of the report.

4. RENT PROPOSALS 2023/24 – 2027/28

Councillor Forrest presented the rent proposals on behalf of the Administration. He pointed out that the housing market in East Lothian was under significant pressure and that there was a shortage of affordable housing, particularly in view of the growing population. He noted that there were currently c. 2,500 people on the Council housing list, and that it was especially difficult for young people to get on the housing ladder. With the increasing costs of construction materials, rising inflation and interest rates, reductions in government funding to tackle homelessness, and the impact of the war in Ukraine, the Council was facing significant financial and resource pressures. He paid tribute to staff working within the Housing Team for their continued efforts to deliver services despite these pressures. Councillor Forrest reported that the Council had delivered 158 new homes for social rent, and an additional eight mid-market rental units, bringing the total mid-market units to 60. In addition, 270 new bathrooms and 400 new kitchens had been installed. He indicated that a rent increase of less than 5% would impact on the Council's ability to continue delivering and investing in this service. He noted that a 5% increase would amount to an average of £3.66 per week extra for tenants, and that the Council continued to have one of the lowest rent levels in Scotland. He urged Members to support the 5% rent rise in order for the Council to continue to invest in housing for future generations.

The rent proposals were seconded by Councillor McFarlane.

Opening the debate, Councillor Menzies made reference to the Right to Buy scheme and the impact that it had had on housing stock. She welcomed the house-building programme in East Lothian, but stressed that more needed to be done to tackle homelessness. She mentioned that East Lothian's rent levels were c. 15% lower than others in Scotland, and believed that a 5% increase following the rent freeze during the pandemic would be manageable for tenants. However, she suggested that the HRA was being underfunded and that additional investment was required to build more homes, especially to allow young families to stay in East Lothian, and to invest in the existing stock. Therefore, Councillor Menzies requested that an urgent review of rent levels be undertaken to bring the HRA up to the level required to deliver the housing needed in East Lothian.

Agreeing with the comments made by Councillor Menzies, Councillor McGuire accepted that any rent increase would impact on tenants. However, he felt the increase was necessary to offset the rising costs facing the Council and declared that he would support the 5% increase for 2023/24.

Councillor Hampshire stated that the Council had ambitious targets to deliver more affordable homes as part of the Local Development Plan, with £100m of investment being funded through rents over the next five years. He remarked that tenants should not be expected to resolve the housing shortage, and that additional funding from the government was required.

Being offered the opportunity to sum up, Councillor Forrest indicated that he had nothing to add to his opening statement.

The Provost then moved to the roll call vote on the rent proposals, which were approved unanimously.

Decision

The Council agreed to approve the amendment to the rent proposals, as presented by the Administration, and to increase rent levels by 5% in 2023/24.

5. BUDGET PROPOSALS ON GENERAL SERVICES

The Provost advised that an amendment had been submitted by the Conservative Group in relation to the General Services Revenue budget, and he set out how this would be dealt with. He then invited Councillor Hampshire to present the budget proposals on behalf of the Administration.

After thanking officers for their support during the budget development process, Councillor Hampshire highlighted the financial challenges facing the Council, noting that the Council would be receiving the third lowest allocation of grant funding in Scotland per head of population, with the shortfall to be made up from efficiency savings, service reductions or the generating of additional income. He indicated that rising inflation and interest rates, increasing energy costs, and population growth, as well as national political decisions, were impacting the Council's finances, and that all services would be required to deliver efficiencies, generate income and work in different ways to achieve the required savings of c. £7m.

Councillor Hampshire then outlined a number of proposed measures included in the proposals, including:

- the move to a 3-weekly residual waste collection to reduce disposal costs and increase recycling levels
- the introduction of a charge for garden waste collection
- the replacement of diesel vehicles with electric or alternative green fuels
- the expansion of green travel routes, and improvements to parks, woodlands and open space
- investment in capital projects for education, economic development, roads, transportation and community facilities

Councillor Hampshire concluded his presentation by proposing a Council Tax increase of 7%, in order to generate additional income of £4.8m to balance the budget, noting that this would equate to a Band D property increase of £1.80 per week. He noted that the Council would continue to do all it could to support people through the cost of living crisis, reminding Members that the Council had a strong record on managing the budget and delivering on its priorities. Moving the budget proposals, he urged all Members to support the budget, which had been developed through the cross-party budget working group, and which would protect staff and services for the community, as well as delivering on infrastructure and investment.

The proposals were seconded by Councillor Ritchie, who commented that, despite the Council being underfunded, the proposed budget would protect services and Council jobs, as well as providing funding to community groups through the Area Partnerships and supporting the voluntary sector, continuing the subsidies to public transport, and keeping recycling centres open. She believed that the proposed increase in Council Tax was necessary, and that it could have been higher if the Council could not deliver efficiency savings. By raising the Council Tax by 7%, support for vulnerable families could continue, libraries and community centres would remain open, and jobs would be protected. She called upon the UK Government to provide fair and adequate funding in order for public services to be sustainable in the future.

The Provost invited Councillor Bruce to present his amendment to the General Services Revenue and budget projection proposals.

Councillor Bruce observed that this was the most challenging budget that he had faced as a councillor, claiming that this was due to the underfunding of local government and ring-fencing of funding by the Scottish Government. He stated that he agreed with much of what was in the Administration's budget proposals, such as the plans for waste services and recycling; however, he felt that it was necessary to limit the financial impact on residents and set out his plans to make additional savings of c. £2m over the next five years by way of the following measures:

- Additional savings of £668,000 from the Integration Joint Board budget
- Savings of £125,000 from the Area Partnership funding
- A review of community funding streams
- A review of staff terms and conditions, including the move to a 7-day working week from a 5-day working week, and consideration of public holiday arrangements

Moving his amendment, Councillor Bruce advised that his Group's proposals would lower Council Tax for 2023/24 and lessen the burden on future budgets regarding efficiency savings.

The amendment was seconded by Councillor Findlay, who voiced his concern that unelected Area Partnerships had control of significant amounts of money without being accountable. He argued that Community Councils should receive an increase in their budgets to reflect the work they do within communities, and that Area Partnership funding should be reduced. He believed that the proposals contained within the Conservative Group's amendment were responsible and would reduce the Council Tax burden at a time when many people were struggling with increased mortgage and energy costs.

The Provost then moved to the debate.

Councillor Jardine opened the debate. She welcomed the additional Scottish Government funding; however, she was concerned that the distribution formula did not take account of the pressures of growth in East Lothian. She also welcomed the opportunity to engage with all political groups during the budget development process, and the focus on ensuring that core services would continue to be funded. She stressed the importance of fiscal flexibility to meet the needs of communities, as well as using reserves, changing how services are delivered, and charging for services as appropriate. Councillor Jardine recognised that an increase in Council Tax would be challenging for some, especially after 13 years of austerity. She was critical of the Conservative Group's proposal to reduce funding to the Integration Joint Board and Area Partnerships, and was also not in agreement with their proposal to reduce staff numbers in Revenues and Benefits. Speaking in support of the Administration's proposals, she reiterated that the 7% increase was necessary to avoid cuts to services, and she looked forward to beginning work on the development of the 2024/25 budget.

Councillor McIntosh shared the concerns raised by other Members as regards the financial challenges facing the Council. She made reference to the limitations that the Scottish Government was working within, and emphasised that the decision to propose a 7% Council Tax increase had not been taken lightly. She welcomed the proposal on waste collections, and hoped that this would encourage a move towards a circular economy, and she voiced her concerns at the Conservative Group proposal to reduce funding to Area Partnerships. Councillor McIntosh suggested that a new approach to local government funding was required in order that councils could tackle climate change and invest in communities, and that the Council Tax system should be based on wealth rather than property value. She was also in favour of councils having more authority regarding how their money is spent. She stressed the importance of investing in renewable energy and suggested that funds could be raised through car parking charges. She spoke in support of the Administration's proposals, commenting that this was the best way forward in the current circumstances.

Paying tribute to community groups for the work they do across East Lothian, Councillor Forrest was critical of the Conservative Group's proposal to reduce funding to Area Partnerships, as those groups provided communities with a great deal of support and were also in a position to attract external funding. He also referred to investment across the county, including the construction of three new schools, and improvements to local amenities.

As spokesperson for Community Wellbeing, Sport, Countryside and Leisure, Councillor McGinn praised the partnership working with community groups and volunteers, who provided a great deal of support to the Council. He welcomed investment in local sports facilities, including 3G pitch replacement in Musselburgh and Tranent and new pump tracks in a number of locations. He paid tribute to staff working in the Council's Contact Centre, libraries, museums and leisure centres, but noted that community services would need adopt new ways of working to address the challenges ahead. He stressed the need to protect core services, noting that the Administration's proposals were crucial to achieving this.

Councillor McFarlane reiterated the difficult choices facing the Council, as commented on by other Members. She was particularly pleased that libraries and community centres would continue to operate, highlighting the work of the Stepping Out group at North Berwick Community Centre, which provided support to adults experiencing mental health problems. She commended the Administration's proposals and urged all Members to support them.

Councillor Dugdale highlighted the key role played by local authorities in delivering the Scottish Government's priorities, including tackling poverty, reducing the attainment gap, and working to achieve net zero, but pointed out that it was difficult for the Council to deliver these priorities with reduced funding. On population growth, she advised that the number of children in East Lothian was expected to increase by a third by 2037, but this had not been acknowledged in levels of funding to the Council. She drew attention to investment in the school estate, particularly the delivery of the new Wallyford Learning Campus and capital expenditure of £95m over the next two years. She also reported that 96% of East Lothian's young people went on to positive destinations, noting the positive work of East Lothian Works and the Council's partners, as well as the success of Foundation Apprenticeships. She thanked all those involved in Education and Children's Services for their work and commitment to children and young people. She believed that the Administration's proposals would protect services and deliver the Council's ambitions for its communities.

Speaking in support of the Conservative Group amendment, Councillor McGuire referred to the challenges facing people as regards increases in the cost of living, noting that the amendment was intended to keep any Council Tax rise to a minimum.

Councillor Yorkston expressed his frustration at the difficult decisions facing the Councillors, especially given that the funding allocation for East Lothian was the third lowest in Scotland per head of population, at £222 less per head than the Scottish average. However, he welcomed the proposed investment in his ward, especially as regards youth work, new housing, and school improvements.

Councillor Bennett commented that had it not been for the fiscal responsibility of the previous Council Administration, the decisions to be taken for 2023/24 would be even more challenging. He welcomed the economic development opportunities to be delivered in partnership with Queen Margaret University, and the work done to make East Lothian Scotland's leading food and drink destination.

The Provost spoke of Members' desire to focus on prosperity, and to add value to services provided by the Council. He welcomed the funding secured by the Council to develop Cockenzie, and the opportunities at Blindwells and Queen Margaret University. He also pointed out that the Council was committed to supporting high streets, tourism and leisure,

as well as coastal and rural areas, and green spaces. He believed that the Administration's budget would allow the Council to put East Lothian first and to deliver on local priorities, whilst lobbying for fairer funding from the government.

As spokesperson for Health and Social Care, Councillor Akhtar paid tribute to the work of carers and day centre staff, as well as those who had delivered the COVID-19 vaccination programme. She also mentioned that East Lothian had the lowest delayed discharge figures in Scotland. Councillor Akhtar highlighted achievements in a number of areas, including the work of Area Partnerships, house building and high quality green spaces. Like others, she expressed concern at the Council's funding settlement, particularly as East Lothian had a growing proportion of older people. She criticised the Conservative Group's amendment, stating that she could not support their proposed level of funding cuts to the Adult Wellbeing budget, which she described as 'a disaster', and that there would be an impact on the valuable work done by community and voluntary groups should the One Partnership budget be reduced. She called on Members to support the Administration's proposals.

Councillor Hampshire summed up. He believed that the Conservative Group's proposed funding reduction for the Integration Joint Board would be difficult to deliver. He commented that the Council had a strong record of providing services for older and vulnerable people, and that he could not support such a reduction to that budget. On Area Partnerships, he reminded Members of the cross-party agreement to establish those groups, with the aim of giving residents a greater voice as regards how money is spent within their communities. As regards reviewing staff terms and conditions, he pointed out that it would be the staff who would be delivering services in challenging circumstances, and that any proposed changes would require negotiations with the trades unions. He called on Members to support the Administration's budget proposals in order to protect services.

The Provost then moved to the roll call vote on the General Services Capital budget proposals which was approved unanimously.

The Provost then moved to the roll call vote on the amendment to the General Services Revenue budget proposals and budget projections, as submitted by the Conservative Group:

For:	4
Against:	18
Abstentions:	0

The Provost then moved to the roll call vote on the General Services Revenue budget proposals and budget projections, as presented by the Administration:

For:	18
Against:	4
Abstentions:	0

The Provost announced that in approving the budget proposals, as presented by the Administration, the Council was agreeing to increase Council Tax levels in 2023/24 by 7%, with a Band D level of £1,453.62, and with indicative increases of 5% for the years 2024/25 to 2027/28.

Decision

The Council agreed to approve the budget proposals as presented by the Administration and to increase Council Tax by 7% for 2023/24 (Band D level of £1,453.62).

6. TREASURY MANAGEMENT STRATEGY 2023/24 – 2027/28

A report was submitted by the Executive Director for Council Resources seeking approval of the Treasury Management and Investment Strategies for 2023/24 to 2027/28.

The Service Manager – Corporate Accounting, Ann-Marie Glancy, presented the report. She confirmed that the Strategy was aligned to the Capital and Financial Strategies approved by Council in December 2022. She advised that the purpose of the treasury management function was to ensure that the Council had sufficient funds to meet its spending obligations, and that approving a Treasury Management Strategy was a requirement of CIPFA. She drew attention to the key aspects of the report, including actual and planned capital expenditure, the positions with the General Services and Housing Revenue Account, and authorised limits and operational boundaries for external debt levels. Ms Glancy advised that a mid-year report on treasury management activity would be produced and that a year-end report would be presented to the Audit and Governance Committee.

In response to a question from Councillor McLeod, Ms Glancy confirmed that the Council had not borrowed funds from any other local authority during this financial year. She added that any such borrowing would be done on a short-term basis, and that the Council always used its broker for advice when borrowing.

Councillor Menzies questioned if the Council was being too risk averse. Ms Glancy made reference to the approved Finance and Capital Strategies, advising that officers always followed the rules set by Council, which included taking account of risk. Sarah Fortune, Executive Director for Council Resources, added that the Council's financial strategies had to be aligned with the financial parameters and took a long-term view; reviewing risk was a key aspect of this.

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

Decision

The Council agreed:

- i. to approve the Treasury Management Strategy, referenced within Sections 3.6 to 3.19 of the report;
- ii. to approve the Investment Strategy, referenced within Sections 3.20 to 3.22 of the report;
- iii. to approve the repayment of loans fund advances using the methodology detailed in Section 3.7 of the report;
- iv. to approve the operational boundaries for external debt, as detailed in Section 3.15 of the report;
- v. to approve the authorised limits for external debt, as detailed in Section 3.16 of the report;
- vi. to approve the delegation of authority to the Chief Finance Officer in conjunction with the Head of Finance to effect movement between external borrowing and other long-term liabilities, as detailed in Section 3.19 of the report; and

- vii. to note the detailed Treasury Management Strategy Statement, available in the Members' Library (Ref: 18/23, February 2023 Bulletin).

7. MINUTES FOR APPROVAL

The minutes of the following meeting were approved:

- a. Special East Lothian Council, 22 November 2022
- b. East Lothian Council, 13 December 2022

8. MINUTES FOR NOTING

The minutes of the following meeting were noted:

- a. Local Review Body (Planning), 17 November 2022
- b. Local Review Body (Planning), 15 December 2022

9. 2022-2027 'TOP 50' COUNCIL PLAN INDICATORS

A report was submitted by the Executive Director for Place presenting the 2022-27 'Top 50' Council Plan Indicators to Council for approval.

Paolo Vestri, Service Manager – Policy, Improvement and Partnerships, presented the report, advising that the 'Top 50' indicators had been approved by the Policy and Performance Review Committee in December. He noted that five indicators had been removed since the PPRC report had been prepared, that 29 indicators had been carried over from the previous 'Top 50', and that 21 indicators were new (set out in Section 3.6 of the report). He added that several of the new indicators were still under development, with targets yet to be determined, and that some were dependent on the new Economic Development Strategy. He undertook to submit a report on the 'Top 50' indicators to PPRC in June of each year, and to Council as part of the State of the Council report in December of each year.

Councillor Trotter asked questions in relation to how the final 'Top 50' indicators had been determined, and also the terminology used as regards attainment/achievement. Mr Vestri advised that officers from across the Council were asked to review the previous 'Top 50', which had resulted in 55 indicators being presented to PPRC. Five were subsequently removed due to reasons such as measures that were outwith the Council's control, or where there was little activity at this time. Nicola McDowell, Head of Education advised that indicators 16-20 encompassed both attainment and achievement. The targets relating to closing the attainment gap would be reviewed after one year, with revised targets being set for subsequent years.

In response to a question from Councillor Jardine regarding indicator 30, Mr Vestri explained that this indicator had been suggested by the Health and Social Care Partnership in conjunction with the Integration Joint Board, and the target set was an initial target which would be reviewed annually.

On the indicators relating to the 'Growing Our Capacity' objective, Mr Vestri advised that, as part of the Transformation Programme, it was a Council priority to increase transactions through the online customer portal. He added that there were now c. 70 forms available on the Council's website, with others due to be added, and that there were now c. 16,000 users

registered. He stressed that a key aspect of the new Customer Strategy would be to ensure that people could still access Council services by telephone or face to face.

Councillor Menzies asked how the performance of the Equally Safe Strategy would be reported. Mr Vestri assured her that there were other performance reports submitted to the PPRC and the East Lothian Partnership, and that the Violence Against Women Delivery Plan was led by the Public Protection Committee and included the aspects she had raised. Judith Tait, Head of Children's Services, pointed out that a sub-group of the Community Safety and Justice Partnership was about to be launched and that this group would prioritise delivering the Equally Safe Strategy.

Councillor Gilbert asked what was being done to promote self-directed support (SDS). Fiona Wilson, Director of Health and Social Care, confirmed that this facility was being promoted, but that there was a challenge related to the range of options available. Mr Vestri further advised that the baseline for this indicator and others that were still to be established should be finalised in time for the report being submitted to the PPRC in June.

The Provost asked how much new data would need to be collected, and how much additional work would be required. Mr Vestri assured him that the vast number of indicators were already subject to data collection, and that there were very few that would require additional work.

Councillor Hampshire welcomed the report, commenting that the Council performed well for an authority of its size, and he welcomed the new indicators, particularly in relation to tackling poverty. He remarked that not all authorities measured performance in the same way, but he was confident that the figures provided by the Council were accurate.

Referring to the financial situation, Councillor Jardine suggested that there should be a focus on 'upstreaming' to avoid or delay the need for people to become reliant on services and to safeguard services for longer term. She agreed that the 'Top 50' indicators were critical and encouraged the Council to measure outcomes as regards preventative spend and maximising people's health and wellbeing.

Concluding the debate, Councillor Akhtar spoke of the need to ensure accountability when working with partner agencies, so that it was not always the Council that was taking responsibility, for example children's mental health and the workplans of the Police and Fire & Rescue Services.

The Provost pointed out that this was Judith Tait's final Council meeting. He thanked her for her contribution to the work of the Council.

The Provost moved to the roll call vote on the recommendation, which was approved unanimously.

Decision

The Council agreed to approve the 2022-27 'Top 50' Council Plan Indicators, set out at Appendix 1 to the report.

10. REGIONAL PROSPERITY FRAMEWORK DELIVERY PLAN AND PROSPECTUS

A report was submitted by the Executive Director for Place seeking Council approval for the Regional Prosperity Framework Delivery Plan and Prospectus (as set out in Appendix 1 to the report), prior to it being considered by the Edinburgh and South East Scotland City Region (ESESCR) Joint Committee on 3 March 2023.

Andrew Stewart, Project Manager, presented the report, advising that the Delivery Plan and Prospectus had been developed by regional partners to provide a vision for regional economic recovery following the COVID-19 pandemic, resilience through the ongoing cost of living crisis, and to support inclusive green growth and a just transition to net zero.

He outlined the key programmes included in the Delivery Plan, as well as the priorities for Years 1-3, as set out in Sections 3.7-3.10 of the report. He emphasised that the document was also a longer-term prospectus, setting ambitions for which resources would need to be identified by working with both governments, as well as with others. He noted that the Delivery Plan and Prospectus were also being considered by the other five constituent authorities in advance of the meeting of the Edinburgh and South East Scotland City Region Joint Committee meeting on 3 March, and that it would be reviewed annually thereafter so that actions or ambitions may be added or deleted to reflect shared priorities.

Mr Stewart and Mr Proudfoot responded to questions from Members on shared regional projects, advising that the private sector would also have involvement in delivering the Plan, and that work would continue with stakeholders to develop projects that could be properly resourced. The Innovation Hub at Queen Margaret University was cited as an example of effective partnership working. Mr Stewart stressed the importance of business case development to ensure projects were viable, affordable and sustainable, noting that the support of both governments would be key to the delivery of the required infrastructure, facilities and services; specifically, he pointed to the importance of finding place-based capital as well as revenue solutions for these projects to ensure they can be built and that their revenue implications could be addressed and made sustainable over the long term.

In response to questions from Councillor McIntosh, Mr Stewart referred to projects taking place or planned within East Lothian, e.g. the Climate Evolution Zone, Blindwells, the future of the Torness site, and the Innovation Hub. On the Forth Green Free Port, he noted that the Scottish Government has committed to hold those proposals to the highest environmental standards, and that the approval of a business case would be required before coming forward for consideration. He added that the Forth Green Free Port is expected to provide significant employment opportunities across the region, and he assured her that sound regulatory regimes are in place to ensure any such development is delivered in a sustainable way through consenting. In terms of the regional energy masterplan and regional transport masterplan, and their relationship to net zero, Mr Stewart advised there was a requirement to look for alternative sources of energy and to reduce emissions from transport, and that this would require regional masterplans to be developed, as such solutions are best found by delivering projects across local authority boundaries.

Councillor Trotter asked for further detail on data-driven innovation economy. Mr Stewart explained that East Lothian was currently benefitting from data-driven innovation opportunities run by the University of Edinburgh, and that a report by it was due soon. This report would inform of other opportunities available to the Council.

As regards the decision-making process and opportunities outwith Edinburgh, Mr Stewart advised that although projects were being devised regionally, there were also local opportunities for East Lothian, and that spreading the benefits was an aim of the Delivery Plan and Prospectus. He reiterated that the Delivery Plan would be submitted to the Joint Committee for approval on 3 March, and reviewed annually thereafter, and that the Oversight Committee, including Elected Members from East Lothian, would be involved in this process.

Councillor Hampshire welcomed the report and praised the proposed model to deliver projects working in partnership with other authorities and bodies, as well as with the Scottish and UK Governments. He stressed the importance of identifying and delivering the required

infrastructure, for which both governments would need to provide funding, and also securing both capital and revenue funding for projects.

Councillor Jardine welcomed the reference in the model to the wellbeing economy. She commented that the focus should not just be on economic growth, and that there should be a greater focus on wellbeing at a regional and national level. She also highlighted the need for all involved to understand the opportunities and challenges so as to manage resources effectively.

Echoing the comments made by Councillor Jardine, Councillor Menzies also observed that the Joint Committee lacked diversity and suggested that this should be considered when electing individuals to that committee in the future.

Councillor McIntosh spoke in support of a number of projects and of the principle of collaborative working across the region. However, she felt that the prospectus did not go far enough to deliver climate change and achieve net zero, and in turn did not align with the wellbeing economy. She declared that she would not be supporting the recommendations.

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

For:	21
Against:	1
Abstentions:	0

Decision

The Council agreed:

- i. to approve the Regional Prosperity Framework Delivery Plan and Prospectus; and
- ii. to note that the Delivery Plan and Prospectus would be considered by the other five constituent local authorities in the Edinburgh and South East Scotland City Region (ESESCR) ahead of the ESESCR Joint Committee meeting on 3 March 2023, noting that minor editorial/presentation amendments may arise following consideration of the papers.

11. UK SHARED PROSPERITY FUND (UKSPF) INVESTMENT PLAN 2022-25

A report was submitted by the Executive Director for Place providing an overview of the UK Shared Prosperity Fund (UKSPF) allocation process; providing a summary update of the status of supported projects in Year 1 (Core and Multiply); providing an update on the development of projects for the proposed regional contribution in Years 2 and 3; and securing agreement of proposed projects and budget allocations in Years 2 and 3 (Multiply).

Colin Gilmour, Senior Officer – Regeneration, presented the report, reminding Members of the UKSPF investment priorities, and the allocations for Years 1-3 (as set out in Sections 3.5-3.7 of the report). He also drew attention to the Investment Plan and associated projects (as set out in Sections 3.15-3.19 of the report), providing an update on Year 1 activities. He anticipated that there would be additional funding made available for Years 4-6.

Councillor Jardine asked for an update on the SOLE project, noting that she would have reservations about committing to the continuation of this project without an evaluation having taken place. Michaela Sullivan, Head of Development, advised that an evaluation of that project would be undertaken, as per the terms of the funding, and that she would advise Members on the timing of the evaluation.

Councillor Gilbert asked how this funding compared with previous funding provided by the EU. Mr Gilmour noted that the funding largely reflected that of previous EU funding streams, and agreed to provide further information to Members on this.

In response to questions from Councillor Menzies on the continuation of funding beyond Year 3 and Supporting Local Business Projects, Mr Gilmour advised that the projects were structured based on funding that had already been committed, but that these projects could be further developed or continued should additional funding be secured. He aimed to work with as many partners as possible on the Supporting Local Business Projects.

On a question from Councillor Bruce regarding the criteria for the identification and funding of regeneration projects, Mr Gilmour explained that there was a development fund for community groups to access, which would be promoted as an open application fund to encourage applications for future funding. On the Regeneration Project Fund, various funding streams would be collated in order to develop both targeted and open access funding opportunities.

Welcoming the Multiply Programme, Councillor McIntosh asked what was being done to promote this and ensure that people could access it. Alex Mackay advised that East Lothian Works had significant experience in delivering adult literacy and numeracy programmes, and that Multiply would build on this. Additional staff would be recruited to work with communities and businesses to reach potential learners and ensure that everyone would have an opportunity to participate in the various programmes offered.

Councillor Hampshire welcomed the new investment in East Lothian, but expressed his concern that the funding may not continue in the longer term, which made it difficult to plan for the future. He was of the view that it would have been beneficial for this funding to be added to the Council's budget on an ongoing basis.

Councillor Akhtar commented that the report demonstrated that the Council was ambitious for its communities and what could be achieved when funding was made available. She welcomed in particular the NOEL project and Young Person's Guarantee, as well as other opportunities for people returning to learning.

On behalf of the Council, the Provost paid tribute to the work of Michaela Sullivan, Head of Development, who would be leaving the Council in April. He thanked her for her support in the fields of Planning and Economic Development.

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

During the vote on the recommendations, Councillors Jardine, Menzies and Trotter commented that they had reservations as regards the provision of further funding for the SOLE project pending evaluation of that project.

Decision

The Council agreed:

- i. to approve the approach that officers intend to take to iteratively develop the Council's detailed UKSPF Investment Plan (Years 1-3), noting specifically that the initial submission (now approved by the UK Government) was approved through summer recess arrangements for Year 1 only;

- ii. to approve provisional sums of £100k from the 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 provided 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.

12. CLIMATE CHANGE STRATEGY ANNUAL UPDATE

A report was submitted by the Executive Director for Place, providing the third annual update to the Council on the progress of delivering the actions and commitments in East Lothian's Climate Change Strategy 2020-2025.

Hanna Lundstrom, Sustainability and Climate Change Officer, presented the report. She highlighted the key aspects of the report, which set out the 170 actions in the Strategy; proposed two additional actions; provided a summary of national and international climate reports published in 2022; provided an update on the Council's carbon footprint; set out the 2021/22 achievements to address climate change; and highlighted the risks associated with delivering actions going forward.

On carbon literacy training for Council staff, Ms Lundstrom accepted that the target was ambitious. She advised that 36 employees are currently undergoing the training and expected to complete it successfully. More training opportunities will be provided to enable the target to be achieved.

Responding to questions from Members, Ms Lundstrom advised that there had been a significant decrease in Council staff commuting to work compared to pre-pandemic levels; and that work was ongoing as regards active travel; and that there had been a notable decline in the use of paper documents within the Council due to people adopting new ways of working.

On meeting the Scottish Housing Quality Standard, Wendy McGuire, Head of Housing, undertook to provide further information to Members on compliance. She noted that there had been an increase in concerns about damp and mould reported to the Council, and that a short-term working group had been established to review the Council's processes. She offered to provide more detail by way of a briefing to Members.

Councillor McIntosh asked if the Council had sufficient resources to deliver the action plan and ensure that the Council was on track to achieve net zero. Ms Lundstrom advised that resources were stretched, but progress was being made through carbon literacy training, which supports staff to take action within their service areas, the Climate Change Planning and Monitoring Group, and the Cross-party Sustainability Forum. Douglas Proudfoot, Executive Director for Place, added that work was taking place at a regional level and with university partners to avoid duplication, but accepted that additional resources would be needed to achieve net zero. In addition, a funding application for a Net Zero Innovation Officer had been made. If successful, this post would sit within Road Services.

Councillor Jardine asked if consideration had been given to shared working spaces. Jamie Baker, Service Manager – Economic Development, used Block B at Brewery Park, Haddington, as an example of this, adding that other such opportunities would be explored.

Councillor Dugdale suggested that a Scotland-wide strategy and funding was key to tackling the climate emergency. Ms Lundstrom accepted that achieving net zero would be hugely

challenging, especially in areas of significant population growth, such as East Lothian. She noted that the Sustainable Scotland Network provided support to public sector organisations.

Councillor Menzies questioned whether the Council was doing enough to encourage residents to change their behaviour. Ms Lundstrom explained that societal and behavioural changes accounted for c. 60% of the changes needed to achieve net zero according to the UK Climate Change Committee, and that it was therefore vital that the Council worked with communities to drive the required behavioural change. Michaela Sullivan, Head of Development, cautioned that the Council could only do so much with its limited resources and that societal change would need to be driven by government.

In response to questions regarding the Council's vehicles, Mr Proudfoot undertook to provide an update to Members.

Councillor Akhtar commended officers for their efforts to tackle the climate emergency, noting that despite progress made by local authorities across Scotland to meet their targets, it was unlikely that Scotland would achieve net zero without additional funding and other resources.

Councillor Ritchie welcomed the cross-service work on delivering the actions set out in the Strategy.

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

Decision

The Council agreed:

- i. to note the progress made in decarbonising the Council's services and operations and contributing to a low carbon East Lothian;
- ii. to approve the update to the Climate Change Strategy Action Plan (as set out in Appendix 3 to the report) and the new actions suggested in Sections 3.29-3.30 of the report (and set out in Appendix 4 to the report); and
- iii. to note the key projects and achievements and key risks set out in the report, delivered by members of the Climate Change Planning and Monitoring Group.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 28 NOVEMBER 2022 – 10 FEBRUARY 2023

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library Service since the last meeting of the Council, as set out in Appendix 1 to the report.

Decision

The Council agreed to note the report submitted to the Members' Library Service between 28 November 2022 and 10 February 2023, as set out 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 Power Station Site: Update

A private report submitted by the Executive Director for Place updating the Council on the current position with the former Cockenzie Power Station site was noted.

Musselburgh Sea Wall: Update

A private report submitted by the Executive Director for Place updating the Council on the current position with the Musselburgh Sea Wall site was approved.

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**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 16 MARCH 2023
VIA THE DIGITAL MEETINGS SYSTEM**

2

Committee Members Present:

Councillor D Collins (Chair)
Councillor A Forrest
Councillor N Gilbert

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr L Taylor, Planning Adviser to the LRB

Other attendees:

Ms P Gray, Communications Adviser

Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

Declarations of Interest

None

The Legal Adviser outlined the procedure for the Local Review Body to reach a decision on the planning application before it. He also asked the Members to confirm that they had viewed all of the documentation which had been available to the Planning Case Officer during their consideration of the application. All members did so.

The Legal Adviser then invited nominations to chair the meeting. Councillors Gilbert and Forrest indicated that they would be content for Councillor Collins to chair the Local Review Body (LRB) on this occasion.

1. PLANNING APPLICATION NO. 22/01161/P: CHANGE OF USE OF FLAT TO SHORT TERM HOLIDAY LET (RETROSPECTIVE), FLAT 3, 8 QUALITY STREET, NORTH BERWICK EH39 4HP

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser advised Members that the appeal related to a review against refusal of planning permission for application no. 22/01161/P for a change of use of a residential flat to a short term holiday let at Flat 3, 8 Quality Street, North Berwick. He advised that at the time of decision, the Development Plan for East Lothian comprised the South East Scotland Strategic Development Plan 2013 and the Local Development Plan 2018, but since this time there had been a material change in circumstances regarding applicable planning policy. The National Planning Framework 4 (NPF4) for Scotland came into effect when it was adopted on the 13 February 2023, and the development plan for East Lothian now comprised the NPF4 together with the existing Local Development Plan 2018.

Relevant to the determination of this application was NPF4 Policy 30 on Tourism, and Local Development Plan Policies RCA1, CH2, T1, and T2 remained applicable.

He provided an overview of the area, and advised that the flat was located within the town centre and conservation area of North Berwick, with a mixture of commercial premises and residential flats in the vicinity, and a car park to the rear of the building. The property was on the first floor of a three-storey unlisted building, with access via a communal entrance from Melbourne Street. The accommodation was proposed to comprise one bedroom, a kitchen, and a living room, with access to a ground floor store. He noted the Planning Officer's report of handling in which they stated that the flat was within an RCA1 area, and the principal material consideration for determining the application was the impact of the short term holiday let on the amenity of occupants of the existing residential properties within the building.

Turning to the consultation process, the Planning Adviser noted that the Roads Team, Antisocial Behaviour Team, and Police Scotland made no objection. The Senior Environmental Health Officer advised that the potential for impact on amenity resulting from a short term holiday let was different to that of a residential property, however they also advised that it could not be assumed that the holiday let use would generate issues and therefore it was not appropriate to seek to condition aspects of the proposal. He noted that two external representations had been received, with concerns regarding: the incompatibility of a short term let operating within a residential block; the shared communal entrance, stairwell and bin store, with noise being likely; expensive equipment being stored in the communal hallway and issues of security; and the management of recycling and waste from guests. North Berwick Community Council also objected to the application due to the communal entrance.

The Planning Adviser summarised the Planning Case Officer's assessment of the application, which had concluded that there would be a detrimental impact of the short term holiday let on the amenity of existing residential properties due to: the frequency of guests changing the comings and goings both in the flat itself and the communal areas; guests often having luggage meaning a level of noise and disturbance would be likely; there being additional activity associated with the cleaning of the property, including recycling and waste, not typical with residential use; and guests would have access to communal areas which would change the actual and perceived security.

He noted that planning permission had been refused with the reasons for refusal being contrary to Policy RCA1 and the LDP 2018. Due to the material change in planning policy, further consultation with the council's Economic Development Team and Housing Strategy Team was carried out. The Economic Development Team acknowledged the benefits for short term lets to the economy and tourism sector and supported the application. The Housing Strategy Team objected to the proposal due to the incompatibility with the amenity of existing residential properties, and in relation to the housing market where they stated that the property would be better providing longer term rental accommodation. The Planning Officer confirmed in response to these comments that the local economic benefits of the short term let did not outweigh the potential impact of the amenity of existing residential properties and therefore concluded that the original refusal should be upheld.

The Planning Adviser then turned to the applicant's appeal submission which had listed the following reasons for appeal:

- The incompatibility of a short term let with residential not being an issue as had operated as holiday let since 2005, before applicant acquired it. The property sat within a mixed block, and there had been no complaints from neighbours;
- The applicants maintained the property to a high standard and actively worked with other owner/occupiers regarding upkeep and improvement of communal areas;
- Guests could take advantage of the many facilities within North Berwick, and the owners actively promoted use of local businesses;
- Short term let holiday accommodation could be expected in the town centre, with a number of other short term lets operating in the mainly flatted accommodation in the area, therefore having limited impact on the housing stock;
- Noise and disturbance was not likely as has been stated in the Planning Officer's report, as owners had strict guest criteria (including no dogs, smokers, or children under 5) and were able to vet guests prior to staying. There had been no complaints or issues raised with owners, community representatives, or Police Scotland;
- There was a self-check-in service for guests;
- Owners lived locally and were able to manage the property effectively including managing waste and recycling;
- There was a store available for guests for large luggage or equipment;
- The equipment stored in communal hallways was against health & safety and fire regulations;
- Guests coming and going may be less than that of residents, as tourists were usually out and about exploring the town; and
- Concern over pre-determination of short term let applications.

The Planning Adviser and Legal Adviser responded to questions from Members. Responding to a question from Councillor Gilbert, the Legal Adviser said that NPF3

had no direct reference to tourism as a consideration. Under NPF4, from a planning perspective tourism now had a slightly higher weighting and standing as a consideration, and proposals within NPF4 could be seen as material considerations in coming to a determination if Members felt they outweighed the reasons for refusal. Responding to questions from Councillor Collins, he advised that a list was being compiled of the short term lets in the area through the planning and licensing regimes. However, the requirement to apply for a licence for a short term let had been delayed until 1 October 2023, and therefore the list may not be complete. Officers did not have information to indicate how often the property was let out.

Councillor Collins asked whether there would be a need to apply for planning permission for a change of use if, as was stated by the appellant, it had been used as a holiday let for more than ten years. Mr Grilli advised its continuous use as a holiday let for more than ten years would have to be evidenced; if this could be evidenced, the applicants could apply for a Certificate of Lawfulness, as an operation running for over ten years had a presumption that planning permission had been granted. The applicant had submitted application for determination, and the Planning Adviser said he was not aware of an application having been made for a Certificate of Lawfulness.

The Chair asked her colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Gilbert agreed with the officer decision to refuse the application, as he believed operation of the short term let would affect the amenity of the current residents.

Councillor Forrest would also vote to uphold the officer refusal. He felt that use of the stairwell and store by guests would lead to disturbance of current residents.

Councillor Collins agreed that the positioning of the store was awkward and use by guests would affect the amenity of other residents.

The Convener then moved to a roll call vote, and Members unanimously confirmed their vote to support the officer decision to refuse planning permission.

Decision

The ELLRB agreed unanimously to refuse planning permission for the reasons set out above and in the original decision notice.

Signed

Councillor Donna Collins
Chair of Local Review Body (Planning)

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Police Scotland

SUBJECT: The Lothians and Scottish Borders Local Policing Plan 2023-2026

3

1 PURPOSE

- 1.1 To present Council with the Lothians and Scottish Borders Local Policing Plan 2023-2026.

2 RECOMMENDATIONS

- 2.1 The Council approves the Lothians and Scottish Borders Local Policing Plan 2023-2026, set out at Appendix 1 to this report.

3 BACKGROUND

- 3.1 There is a statutory requirement in the Police and Fire Reform (Scotland) Act 2012 for the Local Authority to approve both the Local Police and Fire and Rescue Plans before they can be published.

- 3.2 The Lothians and Scottish Borders Policing Plan 2023-2026 has been produced by the Divisional Commander for Lothians and Scottish Borders following extensive consultation with the public, partners and key stakeholders across the area. Through the consultation, coupled with both the national and divisional strategic assessment, the priorities identified were consistent across the four local authority areas policed by the Lothians and Borders Division. It reflects the overall purpose of Police Scotland, which is to improve the safety and wellbeing of people, places and communities in Scotland.

- Protecting vulnerable people in a physical and digital world;
- Reducing violent crime and anti-social behaviour;
- Tackling acquisitive crime;
- Tackling serious and organised crime;
- Improving road safety.

- 3.3 The plan aims to provide a clear set of objectives to tackle the aforementioned priorities. Pages 11-25 of the plan outline the consistent response we will progress across the Division whilst also identifying some specific local community-based activities within the different local authority areas. The purpose of presenting the plan in this format is to ensure it demonstrates the difference between the generic policing approach and

local activity whilst also taking the opportunity to identify good practice across each local authority area, which may be suitable for consideration in a wider divisional context.

- 3.4 The plan details how local policing will seek to deliver better outcomes for communities in East Lothian over the next three years and provides the basis for scrutiny of Police Scotland’s performance by the Police, Fire and Community Safety Scrutiny Committee.

4 POLICY IMPLICATIONS

- 4.1 The East Lothian Plan 2017-2027, Local Outcomes Improvement Plan provides a focus based on agreed local priorities and on evidence and analysis of the area and its communities.
- 4.2 The Lothians and Borders Local Policing Plan will make a major contribution to the achievement of outcomes in the East Lothian Plan, in particular around the Community Minded and Fair themes of the LOIP Plan.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The plan is subject to Police Scotland’s Equality and Human Rights Impact Assessment (EQHRIA) process. No negative impacts were found or determined during the assessment process, and the EQHRIA record is held by Police Scotland.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

Previous Local Policing Plan 2020-2023 [lothians-and-scottish-borders-police-plan-2020-2023.pdf \(scotland.police.uk\)](https://www.scotland.police.uk/lothians-and-scottish-borders-police-plan-2020-2023.pdf)

- 7.1 The Lothians and Scottish Borders Local Policing Plan (Appendix A)

AUTHOR’S NAME	Chief Inspector Jocelyn O’Connor
DESIGNATION	Police Scotland, Local Area Commander - East Lothian
CONTACT INFO	Haddington Police Station
DATE	27 th March 2023

The Lothians and Scottish Borders Local Policing Plan

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Foreword

As Divisional Commander, I am delighted to present the 2023-2026 Local Police Plan for the Lothians & Scottish Borders Policing Division.

The Police and Fire Reform Act (Scotland) 2012 outlines our purpose, which is to improve the safety and wellbeing of people, places and communities in Scotland.

The Act also places upon me a responsibility to have in place a Local Police Plan to stipulate how I will use my resources to work towards fulfilling that policing purpose.

While we have recently seen a reduction in overall recorded crime, the complexity of crime continues to grow in a number of areas, not least in terms of crime committed in the digital space. We are also contending with a relative increase in incidents that do not relate to criminality but relate to matters impacting on wellbeing.

We often see a police response being provided in the absence of other services. That is why we are focused on working with partners to ensure that people get the right help at the right time – something I anticipate will be a significant part of some of the activities outlined in the Protecting Vulnerable People in a Physical and Digital World (Priority 1).

Policing is relentless. The challenges we have faced since the last Local Policing Plan was developed are testament to that. Our response to COVID, the policing of COP26, our response to the death of her late Majesty, The Queen – these are all indicative of the challenges we rise to.

We know there are further challenges ahead, some of which we can anticipate and others which will emerge during the lifetime of this document. The cost of living crisis and wider economic climate for example will have a significant impact on many aspects of life and will influence our response and approach to vulnerability (Priority 1) acquisitive crime (Priority 3) and serious and organised crime (Priority 4).

This version of the plan will ensure that we stay true to national strategic outcomes while remaining responsive to the unique needs of our communities through the identification of activities tailored to each Local Authority area.

In responding to those issues, it is imperative that we maintain your *trust and confidence*. There are three primary drivers for confidence in policing, and I want those drivers to be reflected in the activities outlined in this plan;

- Values and Behaviours

My officers know that I hold them accountable for HOW they interact with each other and those they serve. I have developed additional training for our staff to help them better understand human behaviour so they are more able to understand how they and others may react in situations but how they can respond in a way that positively influences through connecting, communicating and caring.

- Community Engagement

My commitment to Community Engagement remains. This Local Police Plan has been developed not only through consideration and assessment of police information and data, but in assessing the views provided by local people and partners via engagement and completion of the 'Your Police' online survey. It is this approach which ensures that we are best placed to tackle emerging trends and problems across the Division, whilst underlining our commitment to dealing with the issues that we know matter most to our local communities and stakeholders.

- Visibility

I recognise visibility is something that matters hugely to people and I am not immune or unappreciative of the value and reassurance that seeing the police brings. But our lives are increasingly moving into the virtual or online world. Developments in technology have opened up new opportunities across a number of aspects of daily life. Those developments have also enabled new ways of committing crime. It is vital that our Division equips itself with the knowledge and expertise to prevent, investigate and protect you from cyber related crimes. As such, I want you to know that even when you do not see us in the traditional sense, please be assured we remain very much present and

working within your community to protect you, and those more vulnerable to exploitation.

My desire is for you to feel more connected to your policing team. That connection helps us be accountable to you in delivering the activities that will be undertaken within each Local Authority area. We remain ever conscious of the diverse requirements of different communities across the Division and will work to ensure that our activity is fully reflective of those unique needs.

The statutory duty placed on us by the Community Empowerment (Scotland) Act 2015 to work together with partners to deliver shared outcomes and reduce inequalities is reflected throughout this Local Policing Plan.

It is imperative that we remain collaborative and I am committed to working with people, partners and stakeholders to better serve our communities and provide the highest quality of service to East Lothian, Midlothian, West Lothian and the Scottish Borders.

This plan remains a living document - we will welcome all feedback to ensure our work remain relevant and responsive to local needs both now and into the future.

Chief Superintendent Catriona Paton, Local Police Commander, Lothians & Scottish Borders Division.

Local policing delivery

The Lothians and Scottish Borders Division serves around 505,860 people, over an area of 2,393 square miles, stretching from Blackridge in West Lothian, to Newcastleton in the Scottish Borders, as well as many other towns and villages located across a diverse mix of urban and rural landscapes.

The Division has four territorial command areas aligned to their respective local authorities, namely East Lothian, Midlothian, the Scottish Borders and West Lothian. Each area has a dedicated Local Area Commander (LAC) who is responsible for daily operational policing functions. Each area command is served by response and community policing teams whose actions and activities are defined by the needs of our local community. They respond to local incidents and work with partners to develop preventative solutions to key issues.

The investigation of serious crime and support for vulnerable people is coordinated by a range of specialist divisional investigators who are locally based, and focussed towards the needs of our local communities.

Nationally I have access to a range of resources to support criminal investigations, progress enquiries involving vulnerable people, ensure the safe management of public events, develop engagement with underrepresented groups, and to provide a specialist response to community concerns.

As I touched upon in my foreword, our communities will see many changes over the lifetime of this plan. For example, the increase in population will bring opportunities and challenges. Midlothian is projected to have the highest percentage change in population size out of all 32 council areas in Scotland, increasing by 13.8% by 2028. East Lothian is second with an increase of 7.2% in the same timeframe.

Scotland has an aging population, with older people accounting for a growing proportion of the population. All council areas across the Division have seen an increase in the number of people aged 65 and over. West Lothian has recorded the most significant increase (35.1%) and, along with our health and local authority partners, this is likely to place a greater demand on policing services as we work to protect older and vulnerable persons in our growing populations.

While the diversity of the Lothians and Scottish Borders should be celebrated, we recognise that beyond that diversity there are disparities in socio-economic circumstances. Many people are touched by or experience deprivation and the reality of the cost of living crisis means that many more households will find themselves in those circumstances. This will undoubtedly impact on mental and physical health. We will therefore continue to work collaboratively to tackle inequalities as part of our focus for improving the wellbeing of people, localities and communities.

National strategic alignment

The Scottish Governments National Outcomes/ Strategic Priorities/ Justice Vision are the result of national consultation and have formed the framework for the development of the SPA/Police Scotland Strategic Outcomes. These, in turn, ensure that our Annual Police Plan is clearly aligned to national ambitions.

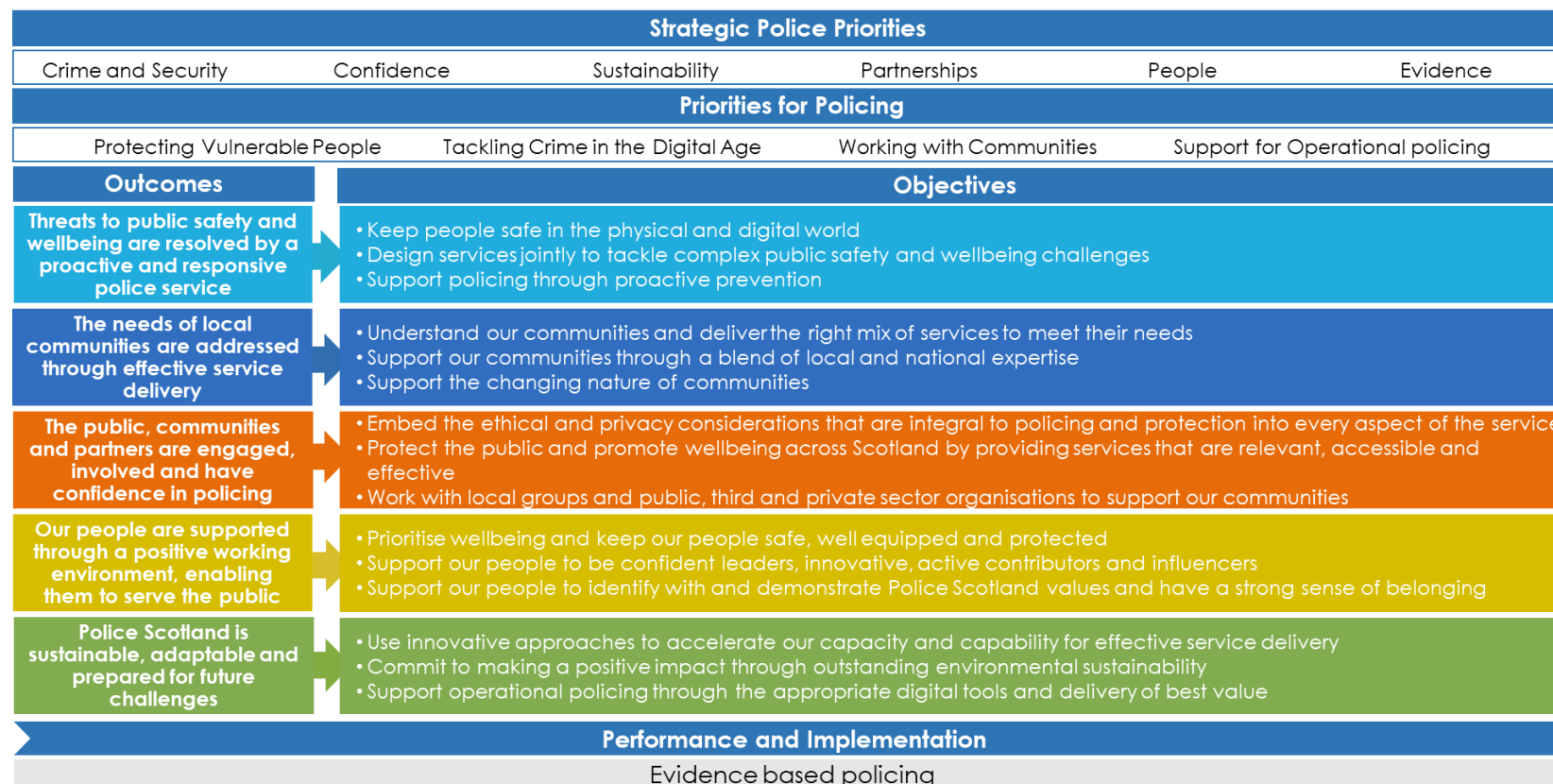
In addition to the Annual Police Plan, Police Scotland's thirteen local policing divisions produce Local Police Plans which are locally focussed on individual priorities, objectives, outcomes and performance measures. They link to wider community planning arrangements, with Local Outcome Improvement Plans taken into account in their development.

At an organisational level there are enabler strategies which provide the frameworks for delivering on our priorities. These include People, Fleet, Estates, Finance, Public Contact and Engagement, Enabling Policing for the Future, Digital Data and ICT, Cyber, Environmental, Procurement, Violence against Women and Girls, Equality Diversity and Inclusion.

Police Scotland’s strategic objectives



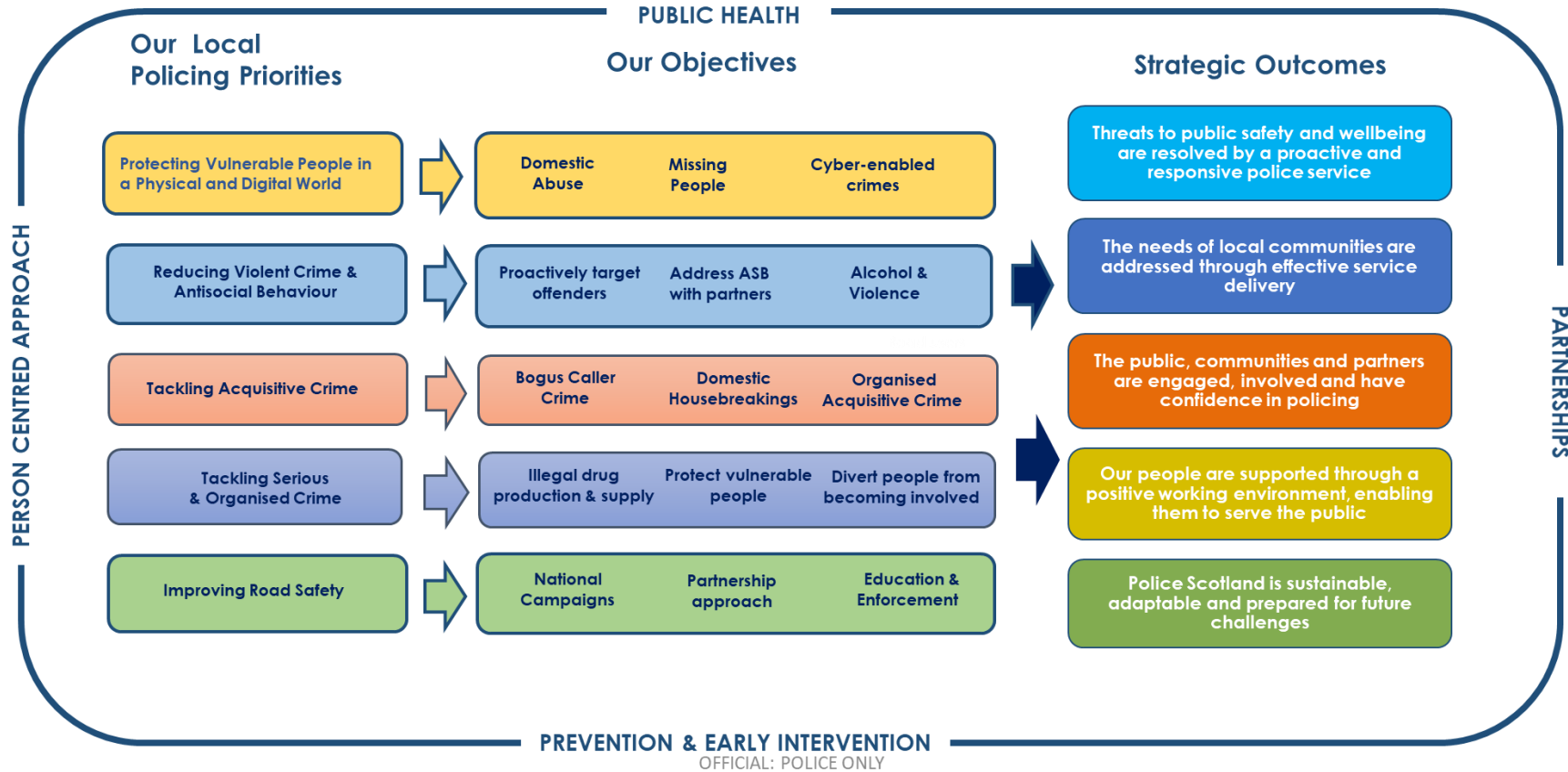
Our Vision | Policing for a safe, protected and resilient Scotland
Our Purpose | The purpose of policing is to improve the safety and wellbeing of people, places and communities in Scotland
Our Values | Fairness | Integrity | Respect | Human Rights





**Plan on a Page
Lothians & Scottish
Borders Division**

Our vision | Policing for a safe, protected and resilient Scotland
Our purpose | Improve the safety and wellbeing of people, places and communities in Scotland
Our values | Fairness, Integrity, Respect, Human Rights



Lothians & Scottish Borders Division – Local Policing Priorities

We have identified with you a number of priorities which will drive policing activity in your local area over the next three years. We will progress work which is reflective of local needs, working alongside partners to deliver meaningful results.

It is crucial that the priorities reflect the views of communities and we worked hard to maximise engagement and ensure opinions were heard.

We received one of the highest number of responses to the ‘Your Police’ survey which not only illustrates the close relationship we have with the communities we serve, but supports the priorities we have identified.

We also carried out a review of our previous Local Police Plan, together with an assessment of emerging trends and current crime patterns. This has led to the inclusion of the ‘Digital World’ when considering the wellbeing of vulnerable people.

We have identified the following as our priorities for 2023-26:

1. Protecting Vulnerable People in a Physical and Digital World
2. Reducing Violent Crime and Antisocial Behaviour
3. Tackling Acquisitive Crime
4. Tackling Serious and Organised Crime
5. Improving Road Safety

Protecting Vulnerable People in a Physical and Digital World

The nature of incidents requiring a policing response has evolved. Over the last three years, the proportion of incidents reported to us which result in a crime being recorded is just under 20%. The majority of reported incidents are non-criminal.

We respond to support vulnerable individuals more than ever before and we expect this demand to increase. We will work with partner agencies to ensure that the right response is provided by the right service at the right time.

We also find ourselves moving more and more from the physical into the digital world. That has brought with it new opportunities for criminals to exploit victims using technology to further their criminality. Our Division will adapt to prevent and investigate crimes that take place in a digital world both now and in the future.

That is not to say that criminality that takes place in the physical world will have less of a focus. Sexual crime has a profound impact on victims, their friends and their families. Recorded numbers of sexual crimes have increased since 2017/18. We will continue to work with partners to help give victims the confidence and trust to be able to report criminality. We remain as resolute as ever in investigating those crimes, bringing offenders to justice and preventing sexual crime from happening.

Domestic abuse also prays on the most vulnerable and has a similarly devastating effect. As such, it remains a priority for Police Scotland. The introduction of Domestic Abuse Scotland Act was an important step forward and has undoubtedly enhanced the ability to both identify and prevent criminality. The additional demand this brings will continue to be prioritised to ensure we both protect those at risk of harm and prevent the commission of domestic offending.

To protect our communities effectively, we will continue to explore innovative technologies and partnerships. We will continue to be a key contributor to local joint planning and delivery, helping drive a shift to prevention and early intervention across services.

Activity: Support victims of domestic abuse and sexual violence and proactively target those responsible.

Key milestones:

- Continue to work in partnership to share information through the Disclosure Scheme for Domestic Abuse Scotland (DSDAS).
- Work with partners through the MARAC process to effectively share information and manage risk.
- Continue to identify officers and staff as ‘Domestic Abuse Champions’ to cascade information and training.
- With partners, continue to develop third party reporting systems, to increase confidence in reporting incidents of harm and abuse.
- Continue to deliver the Violence Against Women and Girls Prevention Strategy across all four policing sub-divisions.
- With Partners, provide support for victims of sexual assault.
- Promote local support services including Women’s Aid, Rape Crisis and Domestic Abuse Advocacy Support.
- Promote “Bystander” initiative with partners and local communities.
- Participate in the Violence Against Women & Girls “16 days of Action.”

Update expected: Y1 Q2 Q4, Y2 Q2 Q4, Y3 Q2 Q4

Performance measures and insights:

- How effectively does Lothians and Scottish Borders Division deal with reports of Domestic Abuse?
- How does Lothians and Scottish Borders Division support victims of sexual crime?

Activity: With partners better respond to incidents of missing people.

Key milestones:

- Continue to ensure the 'Herbert Protocol' is implemented to help trace missing people with dementia.
- Share information with partners to better support vulnerable people who are reported missing.
- Continue to deliver the aims of the National Missing Persons Framework for Scotland.
- With Local Authority partners, work to mitigate the risks to young people missing from residential care facilities utilising the "Philomena protocol".

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effectively does Lothians and Scottish Borders Division respond to reports of missing persons?
- What impact are information sharing protocols with partners having in supporting vulnerable people?

Activity: With partners work to reduce the impact of cyber-enabled crimes.

Key milestones:

- With partners deliver education and awareness around 'sextortion' incidents, particularly with young people.
- Ensure effective circulation of information regarding cyber enabled crime trends to warn people of the dangers and signs to look out for.
- Provide awareness and information on cyber-crime for partner agencies, particularly those working to support people who may be considered vulnerable.
- Work with relevant statutory and third sector organisations to actively engage young people across the locality.
- Ensure Police officers and staff are equipped with the right knowledge to assist in tackling cyber-enabled crime through regular briefings and training.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How are the Lothians and Scottish Borders working with partners to mitigate the risk of cybercrime?

Activity: Work with partners and our community to protect people at risk of harm.

Key milestones:

- Continue to deliver in partnership with Scottish Government, NHS, SAS, Penumbra, SAMH and Support in Mind, Distress Brief Intervention (DBI), which provides immediate and ongoing support to an individual in distress.
- Promote, via social media and with education partners, the “Togetherall” and “Kooth” programs which provide on-line mental health and well-being support services for people of all ages.
- Continue to work with partners and local businesses to promote the “Keep Safe” initiative to provide a safe place for victims of crime or those who find themselves in distress.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How does the Lothians and Scottish Borders protect people at risk of harm?

Reducing Violent Crime and Antisocial Behaviour

Public Confidence Data shows that the majority (81%) of respondents feel safe in their local area. This is reflective of J Division recording the lowest rate of violence per 10k population in the East command area (i.e. Edinburgh, Fife, Forth Valley, and the Lothians and Scottish Borders).

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Nevertheless, we recognise there are elements of violent crime which will be of concern to our communities, such as the increasing attempted murder and homicide rate. Common assaults against the public and emergency workers are also at their highest levels for five years.

We also know that antisocial behaviour and youth related disorder concerns our communities. This is despite recorded levels of antisocial behaviour being lower than they have been over the past five years. Since emerging from the restrictions placed on liberty during the pandemic some areas of the Division have seen youth-related disorder and violence. Tackling antisocial behaviour and engaging with young people will therefore continue to be a priority for police and partner agencies.

Activity: Work with partners and community groups to prevent and respond to incidents of Anti-social behaviour.

Key milestones:

- Continue to work within a multi-agency framework to provide preventative approaches to antisocial behaviour, including diversionary activities such as “RUTS” and “Heavy Sounds.”
- Proactively target individuals responsible for antisocial behaviour in local communities and ensure full use of powers to prevent further offending such as Antisocial Behaviour Orders and Acceptable Behaviour Contracts.
- Intelligence led deployment of, for example, Community Action Teams / Community Officers to hotspot areas.
- Engage with and educate young people about the impact of antisocial behaviour on communities, for example by utilising school based officers where they exist to provide awareness inputs.
- Work with Local Authorities to effectively utilise mobile CCTV cameras.
- Conduct local seasonal campaigns to disrupt anti-social disorder such as the Summer Coastal Initiative and Halloween and Bonfire Night disorder.
- Work with licensing partners to reduce off-sales of alcohol to persons under 18 and the proxy purchasing of alcohol.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

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Performance measures and insights:

- What impact is the Lothians and Scottish Borders approach having on instances of anti-Social behaviour?

Activity: Work with partners to prevent and effectively investigate violent crime.

Key milestones:

- Deliver a police led partnership response as part of 'night time economy' operations.
- Work with community drug and alcohol partnerships to educate at risk groups of the links between alcohol and violence.
- Work jointly with NHS Lothian and NHS Borders to capture under-reporting of violence.
- Work with licensed premises to promote participation in 'Best Bar None'.
- Delivery of inputs to young people such as 'No Knives, Better Lives' and 'Fearless'.
- Utilise proactive tactics to target offenders such as bail checks and execution of warrants.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective are the Lothians and Scottish Borders at tackling serious violent crime?

Tackling Acquisitive Crime

The rate of acquisitive crime has decreased over the last five years. We are alert to the impact the economic climate and the cost of living crisis has on this type of crime, and the reasonable prospect that trend may be reversed.

Housebreaking, vehicle theft and fraud are intrusive crimes and can leave a lasting and profound impact on victims and their families. We are already working with

partners, communities and businesses to reduce opportunities for acquisitive crime to take place.

We are continually monitoring activity of organised travelling criminals who target rural communities given the make-up of our Division. Partnership working with colleagues in bordering English Forces has led to positive intelligence-sharing opportunities and proactive targeting of rural crime.

Fraud increased significantly during the pandemic through a combination of in-person and cyber-enabled crimes. This increase was due to a much increased online prevalence in the carrying out of many daily tasks such as shopping, socialising, communicating, and working. People across generations and communities were affected. The rise in demand for skilled trades also saw reports of bogus workmen and rogue traders increase.

The devastating impact of fraud – for example the loss of life savings – means we are committed to preventing fraud for everyone in society, but particularly for vulnerable groups.

Activity: Work with partners to prevent and investigate “door step” and “rogue trader” related crime.

Key milestones:

- Deliver joint training with partners to potential victims, friends, families / carers, neighbours on bogus caller crime and how to protect people vulnerable from falling victim to this.
- Utilise all available methods of communication to alert communities to emerging trends and provide preventative advice.
- Support the expansion of community initiatives such as “No cold calling zones” and Neighbourhood and Rural Watch
- Continue to be active partners in multi-agency initiatives, for example of the West Lothian Financial Harm Group.
- Provide effective support to victims of bogus caller crime to prevent further incidents.

- Through intelligence led operations, proactively target known offenders.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective are the Lothians and Scottish Borders at tackling door step and rogue trader related crime?

Activity: Work with partners to prevent and investigate domestic housebreakings across the Lothians and Scottish Borders.

Key milestones:

- Communicate emerging crimes trends and home security advice through all available channels.
- Support the expansion of community initiatives such as 'Neighbourhood Watch' and 'Rural Watch' schemes.
- Expand the use of Architectural Liaison Officers within new housing developments.
- Work with partners to target known offenders and provide diversionary measures to those on the cusp of or vulnerable to becoming involved in criminality.
- Encourage and support the use of products covered by the "Secured By Design" initiative.
- Work with partners and communities to prevent thefts of pedal cycles.
- Through local intelligence led operations, target those responsible for domestic housebreakings.
- Enhance the use of Police Scotland Youth Volunteers to deliver targeted crime prevention information and advice.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How well does the Lothians and Scottish Borders work with partners to prevent domestic housebreaking?

Activity: Work with partners to tackle rural organised acquisitive crime.

Key milestones:

- Collaborate with internal and external partners to hold joint operations to disrupt travelling criminals targeting rural communities.
- Regularly communicate crime prevention messages highlighting crime trends around organised acquisitive crime, for example, thefts of motor vehicles and quad bikes.
- Work with local 'Partnership Against Rural Crime' (PARC) groups to share information and hold joint initiatives.
- Utilise national resources, such as the Roads Policing Unit, to support targeted patrols in key areas.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- What impact are Lothians and Scottish Borders approach having on rural organised acquisitive crime?

Tackling Serious and Organised Crime

Serious and Organised Crime Groups (SOCGs) operate in each of our local authority areas. Police Scotland closely monitors the activities of SOCGs across the country, and groups are identified and assessed in terms of risk and impact.

The traditional focus of organised crime has been the supply of controlled drugs, and we know through consultation with communities that drug related issues are a persistent and enduring concern. We have been successful in disrupting this activity because of the intelligence we receive from communities and we need your support to continue this positive work. We know that organised crime goes beyond drugs and reaches into areas such as housebreaking, vehicle theft, and fraud, as well as impacting on the economy through criminal business enterprise. We will work with

partners to deny criminals the opportunity to obtain public sector contracts, to divert young people away from criminality, to seize assets identified as being obtained through criminal activity, and to disrupt criminal networks.

Activity: Work with partners to target those involved in the supply of illegal drugs and reduce the harm caused by their use.

Key milestones:

- Through an intelligence led approach, target those profiting from the production, cultivation and supply of illegal drugs.
- Work with public health partners to understand current drug trends and distribute this information to officers and staff.
- Support the rollout of Naloxone to all officers within Lothians and Scottish Borders.
- With partners, identify all non-fatal overdoses and signpost the support pathways that are available.
- Work with Drug and Alcohol Partnerships to ensure a person centred multi agency approach to problem drug and alcohol use.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How are the Lothians and Scottish Borders helping reduce the harm caused by the supply and consumption of controlled substances in our communities?

Activity: Work with partners to support people vulnerable to harm from organised criminal activities.

Key milestones:

- Provide regular awareness inputs to partner agencies, stakeholders and communities regarding 'county lines' activity and the signs of 'cuckooing'.
- Review information sharing protocols to ensure appropriate support is implemented for those who may be the victim of 'cuckooing.'

- Work with partners to educate our communities about human trafficking, its impacts and how it can manifest through provision of cheap goods, services and labour.
- Work with HM Immigration services to identify and address instances of Human Trafficking

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How well does Lothians and Scottish Borders identify and support adults and young people at risk of harm?

Activity: Work with partners to divert people and communities from becoming involved in serious and organised crime.

Key milestones:

- Continue to deliver the 'Divert' strand of the Organised Crime Strategy for Scotland.
- Work with schools, colleges and HMP Addiewell to support individuals to make positive life choices.
- Through effective information sharing provide early intervention to safeguard individuals from being drawn into crime.
- Raise awareness of the dangers of using counterfeit goods and other products of organised crime.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How does the Lothians and Scottish Borders support Scotland's serious and organised crime strategy?

Activity: Tackle crimes commonly associated with organised crime in our rural areas.

Key milestones:

- Through local Partnerships Against Rural Crime (PARCs) provide information to prevent theft of plant and farm vehicles.
- Undertake joint patrols with partners to target hotspot areas.
- Target wildlife crime such as hare coursing and poaching through dedicated days of action.
- Promoting awareness of rural crime at local events such as the Border Union Show.
- Throughout the Lothians and Scottish Borders identify and train wildlife crime champions and draw on the expertise of national specialist resources and partners to support us.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective are the Lothians and Scottish Borders at dealing with organised crime in rural areas?

Improving Road Safety

Reducing the number of road casualties and improving road safety remains a local and national priority. Whilst the number of serious injuries has reduced since 2019/20, the number of fatalities on our roads is increasing.

Car drivers and pedestrians accounted for the highest proportion of road deaths in 2021/22. However, the rural nature of roads in the Scottish Borders in particular makes collisions involving motorcyclists a particular priority for that command area. Speeding is often a contributory factor in collisions and this continues to be a high priority for the Division. Officers will work closely with specialist roads policing officers to proactively patrol the road network.

Drink and drug driving remains an ongoing issue within communities in Scotland. Working with Road Policing, we will continue to robustly enforce this legislation. We will also continue to work with local and national partners through our Road Safety

Governance Board to address road safety across all council areas and find common solutions to the issues causing harm on our roads. In doing so, we will both contribute to and be informed by national strategy.

Activity: Through collaborative educational inputs promote road safety

Key milestones:

- Support partners to deliver local initiatives such as “Westdrive” “Tomorrows Drivers” and the “Border Union Schools Day”
- Review and expand the implementation of initiatives, such as the Midlothian School Crossing Initiative, into other areas.
- Support the Junior Road Safety officer programme in the Scottish Borders.
- On rural roads, carry out partnership activity targeted at improving the safety of motorcycle riders.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective are Lothians and Scottish Borders activity in improving road safety in the Division?

Activity: Deliver national and local enforcement campaigns

Key milestones:

- Support winter drink and drug driving campaigns through targeted patrolling.
- Respond to community concerns around speeding using intelligence led deployments of local and national officers.
- Tackle the issue of dangerous off-road motor cycles with tactics such as Selecta DNA spray while working with partners to provide safe spaces for their use.
- Support national days of action in relation to uninsured / unlicensed drivers, seatbelts and unsafe vehicles.
- Continue to utilise Operation Close Pass

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective is the Lothians and Scottish Borders activity to improve road safety in the division?

Activity: Work with partners to mitigate contributing factors to road traffic collisions.

Key milestones:

- Support participation in the national Road Safety Governance Board.
- Work with partners to identify prominent crash locations and support improvements in road design.
- Support work towards the aims of the Scottish Government's 'Road Safety Framework to 2030'.

Update expected: Y1 Q4, Y2 Q4, Y3 Q4

Performance measures and insights:

- How effective is the Lothians and Scottish Borders activity to improve road safety in the division?

Our people are supported through a positive working environment, enabling them to serve the public

The safety and wellbeing of our officers and staff is at the heart of Police Scotland's commitments. The challenges for policing are significant and the part policing plays in daily life will become ever more important as society contends with new challenges. Scrutiny on policing grows and we remain accountable for our actions.

We will create an environment for our staff to be able to work effectively and equip them to make decisions, ensuring they are trusted and empowered to do so.

Police Scotland is sustainable, adaptable and prepared for future challenges

Ongoing political, technological, economic and societal changes as well as incidents and emergencies that are unpredictable yet anticipated, on a local and global scale, require an adaptable police service.

We must plan and prepare to respond to those challenges in order to ensure we can both minimise harmful impacts while maximising the benefits of future opportunities.

This includes working to reduce the impact of our own activity, estates and fleet on the environment. Police Scotland aims to make a significant contribution to the Scottish Government's 2040 carbon neutral target and 2045 zero greenhouse gas emissions target.

Everyone has a role to play in improving financial sustainability, making efficient use of resources and eliminating waste to deliver best value. Procurement of and demand for goods and services will remain under scrutiny, ensuring resources are used in the most efficient way possible to meet the greatest need.

Governance and performance

The Police Scotland Performance Framework links to both local and national police plans, enabling monitoring and measurement of progress on our priorities for policing and strategic outcomes.

Key to delivering excellence in service provision is working collaboratively to support Community Planning Partnerships and upholding the principles of the Community Empowerment (Scotland) Act 2015.

Our Local Police Plan reflects the priorities that local communities, businesses and organisations have told us matter most to them. We will continue to work with our communities and partners to listen to concerns and ensure we respond effectively to emerging issues.

An overview of local and Divisional performance against our strategic outcomes and local priorities is provided by the Divisional Commander and Local Area Commanders at the relevant Scrutiny Board meetings as per the terms of Section 45 of the Police and Fire Reform (Scotland) Act 2012.

Local Area Commanders regularly liaise with and provide updates to the community and elected representatives and, to complement this, Community Policing Officers provide local policing ward updates to community councils and residents' groups.

Equality, diversity and inclusion

The work of Police Scotland is underpinned by our commitment to equality, diversity and inclusion in our interactions with the communities we serve as well as our own staff.

We are committed to developing and promoting best practice in the delivery of our Equality outcomes. These can be found along with our commitment and duties to equality, diversity & inclusion at: [Police Scotland Equality and Diversity](#)

This plan was subject to an Equalities and Human Rights Impact Assessment (EqHRIA) in compliance with the Scottish Public Sector Equality Duty. This document can be found at: (link to follow)

Separate EqHRIAs were undertaken for the activities described in this plan as required.

Engaging with us

If you have information about crime in your area and wish to provide it anonymously, call CRIMESTOPPERS on 0800 555111. Service users who are deaf or have a hearing impairment can contact Police Scotland via TextRelay on 18001 101 for nonemergency, or 18000 in an emergency.

Local Contact Details

Scottish Borders

Galashiels Police Station
3-4 Bridge Street
Galashiels
TD1 1SP
Telephone:101

East Lothian

Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE
Telephone:101

Midlothian

Divisional Headquarters
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX
Telephone:101

West Lothian

Livingston Police Station
West Lothian Civic Centre
Howden Road South
Livingston
EH54 6FF
Telephone: 101

Meaningful and effective engagement involves genuine dialogue, respect, integrity, transparency and accountability. It provides an opportunity for people to shape our services and influence decisions made. Insight from effective engagement helps identify practical solutions and determine changes required to meet the needs of the communities we serve.

Police Scotland is committed to continuous improvement in all that we do. If you have something to tell us about our service, please contact us at: [Contact Us](#)

Further information about our wider engagement can be found in our consultation and engagement hub at: [Your police survey](#)

Police Scotland has a number of active social media channels that provide a range of information and insight into policing, both nationally and in your local area. A full list of our social media accounts can be found on our website. Our local channels can be found at:

Twitter

[Twitter - Midlothian](#)

[Twitter West Lothian](#)

[Twitter East Lothian](#)

[Twitter - Scottish Borders](#)

[Twitter - Lothians and Scottish Borders](#)

Facebook

[Police Scotland Midlothian | Facebook](#)

[West Lothian Police - Home | Facebook](#)

[East Lothian Police | Facebook](#)

[Scottish Borders Police | Facebook](#)

[Police Scotland Lothians & Scottish Borders | Facebook](#)

Please note that our social media channels are not monitored 24/7 and should not be used for reporting crime. Please dial 999 in an emergency, and 101 in a non-emergency situation.

Inclusive and accessible engagement

We aim to embed accessibility and inclusivity into our services to make them work for everyone.

This Local Police Plan was subject to an Equality and Human Rights Impact Assessment (EqHRIA). A summary of the EqHRIA has been published alongside this document at **LINK TO FOLLOW**

This Local Police Plan can be made available in various alternative formats. For more information, please contact us via our online form: [Contact Us](#).

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REPORT TO: East Lothian Council
MEETING DATE: 25 April 2023
BY: Executive Director for Council Resources
SUBJECT: Finance Update

4

1 PURPOSE

- 1.1 To provide an update on the financial outlook for the Council and to seek agreement to the continuation of measures to mitigate budget pressures.

2 RECOMMENDATIONS

- 2.1 The Council is recommended to:
- Note the update on the wider financial environment and current risks;
 - Agree that the existing mitigation measures detailed at paragraph 3.11 remain appropriate;
 - Approve the further mitigation measures set out in paragraph 3.13 of this report;
 - Agree that an update on mitigation measures will be considered by Council in June 2023.

3 BACKGROUND

- 3.1 The Council continues to operate in one of the most challenging financial landscapes that it has ever experienced. External factors including the cost of living crisis, increases in energy costs, high inflation, rising interest rates and pay inflation continue to place significant pressure on the Council's budgets, and its capacity to maintain a sustainable financial position.

- 3.2 At a local level, the impact of population growth continues to increase the Council's cost base, and the increasing costs have not been matched by a corresponding increase in block grant from government. Consequently, as one of the fastest growing local authorities in Scotland, the gap between the increasing costs and available funding to support this growth is widening.
- 3.3 During 2022/23 Council has received a number of reports setting out the enhanced challenges of managing an increasingly complex, acute and growing range of financial pressures and associated risks. Given the collective scale of these challenges, in November 2022, a special Council meeting was called to discuss the resulting impact, projected in-year overspend and plans to respond to this. At this meeting, Council agreed to a range of cost control measures aimed at mitigating the full impact of these wider financial pressures.
- 3.4 A number of subsequent reports have been presented to Council and Cabinet since then, and these have continued to highlight the significance and increasingly challenging financial landscape. This has also been reflected in the corporate risk register where '*Managing the Financial Environment*' remains the highest ever scoring risk being managed by the Council and continues to represent the key corporate priority risk. This scoring currently remains unchanged.

Current Financial Outlook

- 3.5 In February 2023, Council approved the 2023/24 budget, which was set in the context of extreme funding pressures amounting to in excess of £71 million by 2027/28, a scale which is unprecedented for this Council.
- 3.6 The approved budget for 2023/24 includes the delivery of £6.7 million of planned savings, and Council officers are now making progress with implementing these savings alongside managing the increasingly complex external financial risk environment. An update on the progress to deliver these savings and wider budget development will be provided to Council in June. This will be considered alongside a consolidated year-end financial review for 2022/23.
- 3.7 Notwithstanding this wider review, the collective scale of external pressures continues to place significant risk to the delivery of Council services. Inflation remains in excess of 10% and borrowing costs remain significantly above the levels seen in recent years. The ongoing cost of living crisis continues to place additional strain on many Council services including crisis grants and homeless/housing demands. Alongside these factors there is continued uncertainty arising from ongoing national pay negotiations across all elements of the workforce. Combined with these external pressures, the Council continues to face significant challenges in meeting wider obligations aligned to population growth, where despite the growth pressure, East Lothian Council receives the third lowest per capita of funding through the national funding settlement.

- 3.8 The 2023/24 budget incorporates a number of risks, including one-off use of reserves of £7.378m, which represents a recurring savings gap still to be closed, and also reduces the level of reserves available to support targeted investment and offset unforeseen pressures in the future. The agreed budget for 2023/24 provides for the cost of a 3% pay award, and assumes that any settlement in excess of this level will be funded in full by Scottish Government. If the Council is required to meet further costs related to the 2023/24 pay award, this is likely to have a significant adverse impact on the budget gap, with a 1% pay increase giving rise to additional costs of approximately £1.7m.
- 3.9 It is too soon to ascertain whether the new national political leadership will effect any material change to the national funding arrangements, or the New Deal for Local Government. In addition, at a UK level there remains continued pressure on public sector funding settlements and wider economic forecasts, all of which continue to impact on the national funding which flows to Scotland and the economic landscape and associated impact on our communities we serve.
- 3.10 At a UK Government level, the Chancellor presented the Spring Budget on Wednesday 15 March, setting out the OBR forecasts which indicate that inflation is falling, and no longer indicate that there will be a technical recession this year. As a result of the announcements on the expansion of childcare policy in England, Scottish Government will receive £320m through the Barnett formula over 2023/24 and 2024/25, although it is currently unclear what this will mean for Scottish local authorities and the future provision of early learning and childcare. Other features of the UK Government budget announcement include:
- The cap on household energy bills will remain at £2,500 for three months from April;
 - Charges for prepayment meter customers will be reduced from 1 July 2023 until April 2024 with a view to implementing further changes to bring costs for these customers down on a permanent basis;
 - An increase to the tax free allowance for pension contributions, and removal of the lifetime allowance;
 - Fuel duty will be frozen for a further 12 months;
 - Reforms to Universal Credit impacting on childcare and disability related payments;
 - At least one proposed investment zone will be in Scotland, with further detail on this still to be announced.

Mitigation Measures

- 3.11 Collectively, the Council is continuing to operate in an increasingly uncertain and challenging financial landscape with no immediate prospect that the financial position and wider challenges will improve in the forthcoming months. The previously agreed mitigation measures were considered in the context of managing an extremely complex 2022/23

financial position. Given there is no immediate improvement in the external environment and associated risks, it is strongly recommended that these mitigation measures remain in place and all alternative areas to control and mitigate costs continue to be explored. As a reminder these mitigation measures include the following areas:

- All Council managers must do all that they can to ensure that they deliver their service commitments within their approved budget levels, including preserving existing underspends, and support cost recovery actions;
- In addition to existing and targeted controls in place to review and control vacancies, introduce further vacancy controls to prioritise recruitment targeted at business critical risk areas linked to Business Continuity status, statutory functions, supporting trading activities delivering a surplus return or supporting the delivery of wider transformation projects;
- Enhanced review of all Council's reserves and carry forward commitments, (including earmarked reserves), and considering any opportunities to apply flexibility to mitigate existing pressures, or redirect to support future commitments;
- Explore all opportunities to apply 'flexibilities' within existing national funding streams where funding has been made available through the national settlement to support new/existing policy initiatives in line with the letter from Deputy First Minister on 1 November 2022, in discussion with political group leaders;
- Enhanced controls relating to carry forward funding requests, where these will only be permissible in very limited circumstances (e.g. aligned to national grant conditions);
- Enhanced review of all capital projects including options for further value engineering possibilities, exploring opportunities to pause non-committed spend projects with a view to reprofiling projects in the future aligned to market conditions and wider affordability;
- Enhanced review of Council operational assets, to optimise usage in cost terms including minimising minimise energy and maintenance costs and where possible bring forward capital receipts to offset net borrowing requirements. This will also include options to temporarily mothball buildings;
- Maintain the temperature in all public buildings at 18 degrees max where possible;
- Introduce energy champions in all public buildings and explore the option of community champions;

- Suspension of policies automatically allowing flexibility on carry forward funding requests, with any approval considered in limited circumstances aligned to clear and essential business need.
- 3.12 Alongside the very challenging revenue environment, the Council continues to face significant and ongoing challenges relating to the affordability of capital projects, including the ability to realise capital receipts, alongside the delivery of approved capital infrastructure investment plans within available resources. In addition, since the approval of the budget, a number of additional infrastructure investment pressures impacting on both the Council and Musselburgh Common Good have emerged. The pressures, which are not currently reflected in approved capital investment plans, relate to structural issues on a number of assets including the Brunton Hall and Loch Centre. Detailed options appraisal surveys are in progress, but the issues identified may require significant investment and as a result present further challenges on affordability and delivery of current investment plans. Collectively capital investment plans remain under significant pressure and there remains ongoing affordability challenges. As such, these plans will remain under review to ensure they continue to operate within affordable and sustainable affordability limits.
- 3.13 To support this, officers are also recommending the following additional mitigation measures to be introduced:
- Given the ongoing challenges associated with the Brunton Hall, it is recommended that new applications for grant funding from the Musselburgh Common Good will be temporarily suspended from the date of this meeting until a clear understanding as to the implications associated with the current closure of Brunton Theatre and Venues 1 & 2 are assessed. Council will consider an update on Common Good budgets for 2023/24 in June.
 - In light of the emerging pressures associated with the Brunton Hall, which is a Common Good asset, it is further recommended that new grant applications for the other Common Good areas be placed on hold from the date of this meeting, pending an updated assessment of property maintenance requirements for all Common Good assets. This will ensure that funding is available for potential liabilities to be met from within the Common Good budgets.
 - An enhanced review of the Community Intervention Fund will be undertaken, to encourage applications that align prioritisation of spend with community empowerment and asset transfer, the Council's wider asset review and minimising revenue costs for the Council.

National Discussions

- 3.14 Collectively the issue of financial sustainability for local government remains at the forefront of ongoing national discussions. Council officers

are continuing to lobby and engage proactively through national professional associations and organisations, including SOLACE, Directors of Finance and COSLA to facilitate national lobbying in support of financial sustainability of local government and essential local services. In addition, senior officers are continuing to engage proactively through these channels and wider including civil servants, City Region discussions and through a wide range of national bodies to promote and discuss the financial challenges specifically facing East Lothian, particularly relating to the enhanced financial challenges aligned to a growing authority. Council will continue to be updated on the status of these discussions to support on-going financial sustainability.

Next Steps

- 3.15 Officers are now progressing a number of work streams, and an update will be reported to Council in June. This will include:
- An update on the outturn and consolidated position for 2022/23;
 - A update on the financial position for 2023/24 including:
 - Progress on the delivery of approved 2023/24 savings;
 - Update on agreed mitigation measures
 - Update on financial outlook and associated risks
 - A progress update on budget development plans for 2024/25 and beyond.
- 3.16 All Council officers, led by the Council Management Team, will continue to operate stringent and enhanced financial control in all expenditure commitments.
- 3.17 The Council Management Team will continue to explore enhanced options to support the development of balanced budgets from 2024/25 and beyond and ongoing financial sustainability.
- 3.18 Alongside this discussions continue through the cross-party working group to support the development of proposals from 2024/25 and beyond.

Conclusion

- 3.19 The Council continues to operate in one of the most financially challenging environments ever experienced. These proposed measures remain essential to actively mitigate cost pressures where possible within the context of current wider pressures.
- 3.20 Given the scale of these pressures, it is essential that urgent decisions are taken to align the financial strategy and priorities within available resources. This will require some very difficult decisions as to what and how services can be delivered going forward. Alongside this, there does need to be a national conversation as to how local government is funded to ensure we can continue to operate and deliver essential local services on a sustainable financial platform.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications associated with this report, although ongoing monitoring and reporting of the Council’s financial performance is a key part of the approved Financial Strategy.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

6 RESOURCE IMPLICATIONS

6.1 Financial – as described above

6.2 Personnel - none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Council – 22 November 2022 – Item 1- Finance Update

7.2 Council – 13 December 2022 – Item 4 – Financial and Capital Strategies

7.3 Council – 28 February 2023 – Item 3 – Budget Development

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REPORT TO: East Lothian Council
MEETING DATE: 25 April 2023
BY: Executive Director for Place
SUBJECT: North Berwick High Street: Safety and Access

5

1 PURPOSE

- 1.1 The purpose of this report is to update Council on the outcome of the public consultation and design optioneering to mitigate concerns about safety and equality of access for users of High Street, North Berwick.
- 1.2 The report seeks Council approval of the preferred option and authority to move forward to technical design and construction.
- 1.3 In addition, the report seeks Council approval of the statutory procedures necessary to make a Traffic Regulation Order to prohibit parking within the defined area with the exception of loading/unloading and drop-off and pick-up for disabled users.

2 RECOMMENDATIONS

- 2.1 That Council notes the content of the report.
- 2.2 That Council approves the recommendation of the preferred option, as set out in Section 3.17 of the report and shown at Appendices B and C.
- 2.3 That Council approves the statutory procedure necessary to make a Traffic Regulation Order in accordance with the relevant legislation in respect of the location listed in Appendix A.

3 BACKGROUND

- 3.1 East Lothian Council, as the Local Traffic Authority, is responsible for the making of Traffic Regulation Orders to aid free unrestricted movement on the road, to prevent inappropriate use of the road, to improve the amenity of the area and to improve safety for all users of the road.

- 3.2 North Berwick is a popular coastal resort which is frequently listed as one of the best visitor locations in Scotland and the wider United Kingdom. The High Street is a vibrant area with narrow pavements which are, in many places between Quality Street and Market Place, only one metre wide.
- 3.3 Long-standing engagement with the community going back at least 60 years has highlighted concerns and issues over road safety for pedestrians and cyclists and equality of access for people with impaired mobility.
- 3.4 Community engagement has also highlighted that the increasing volume of motorised traffic is dominating accessibility to the detriment of pedestrians and cyclists.
- 3.5 East Lothian Council engaged an independent consultant to build on the work of previous studies including the 2017 North Berwick Charrette to propose a design for changes to the road layout to create a safer, more accessible and more attractive High Street that meets the needs of all users and businesses by providing quality infrastructure and placemaking.
- 3.6 The full consultant's report with appendices has been lodged in the Members' Library (Ref: 33/23, April 2023 Bulletin).
- 3.7 Safety is a paramount concern due to the current road layout.
- 3.8 The proposed design is required to sit within the context of both National and Local Transport Strategies to reallocate road space in favour of active travel users and away from motorised traffic.
- 3.9 The consultant's brief was that the final design should provide benefits by prioritising walking, wheeling (wheelchairs, prams etc.) and cycling for everyday journeys and leisure trips while retaining access to the businesses on the High Street, allowing for loading and unloading and, thus, creating a more pleasant, safer environment.
- 3.10 A number of case studies were carried out on high streets in Scotland that had undergone or planned to implement improvement works to increase accessibility and improve the pedestrian experience. These found a significant body of evidence that improving the environment of high streets for people walking, wheeling and cycling improves accessibility and health, reduces pollution and can boost footfall and trading for businesses (Section 3 of the consultants' report).

A comprehensive community and stakeholder engagement exercise was undertaken which included an online survey, a public event held at the church hall on the High Street, a walk-through event where stakeholders physically walked through the proposals, internal and external stakeholder workshops, workshops with groups representing equalities and disability groups, circulations on the Council's website and a dedicated email address and phone number for direct enquiries (Section 4 of the consultants' report).

- 3.11 In total there were 1,553 responses to the survey.

- 3.12 47% stated that they felt unsafe or very unsafe while using the High Street while 30% stated that they felt safe or very safe.
- 3.13 When asked about support for changes to the High Street to improve safety and accessibility, 65% supported or strongly supported changes while 16% opposed or strongly opposed changes.
- 3.14 When asked about specific design elements there was strong support for restricting the size of vehicles, changes to the footway to provide more space for walkers and wheelers, gateway features to restrict vehicle speeds and improved signage of walking routes to nearby car parks.
- 3.15 The consultants were set design parameters for a new layout. These included retention of loading / servicing for businesses; minimum footway width of 1.5m (based on engagement with wheelchair users); minimum carriageway width of 3.7m (required for fire service appliances); 60mm kerb height (based on engagement with visually impaired users) and improved footway surface;
- 3.16 A number of options were considered and a full option appraisal was carried out whereby options were scored against criteria which included safety, accessibility, socio-economic, deliverability and maintainability (Section 5 of the consultants' report).
- 3.17 The results indicated that the option for a 3.7m wide road with 60mm kerbs and dedicated areas for loading / unloading and for drop-off / pick-up for blue badge holders represented the greatest overall improvement when scored against a range of objectives and it is recommended that this option is taken forward.
- 3.18 If approved the delivery of the preferred option will require the initiation of the statutory procedure to introduce the Traffic Regulation Order. This is set out in Appendix A.
- 3.19 A plan of the layout of the preferred option is included at Appendix B and visualisations of this at Appendix C.

4 POLICY IMPLICATIONS

- 4.1 These proposals will contribute towards fulfilling the East Lothian Plan 2017-2027, in particular:
- Outcome 2.1: "East Lothian has strong resilient communities where people respect and support each other" and
 - Action (k) "we will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities"

4.2 The proposed changes will promote and support safe, inclusive, active and sustainable travel in line with the following policies:

- National Transport Strategy
- Local Transport Strategy
- Climate Change Strategy

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified. The assessment can be found in Appendix D of the consultants' report. The IIA has been published on the Council website and can be found via the below link.

https://www.eastlothian.gov.uk/downloads/download/13712/integrated_impact_assessment_iaa_-_north_berwick_high_street_study

6 RESOURCE IMPLICATIONS

6.1 Financial – if approved, external funding will be investigated to support delivery of the scheme

6.2 Personnel - a project manager (funded by external award) will be required to take an overview of the project.

6.3 Other - none

7 BACKGROUND PAPERS

7.1 Consultant's Report on North Berwick High Street Design Options (Ref: 33/23, April 2023 Bulletin)

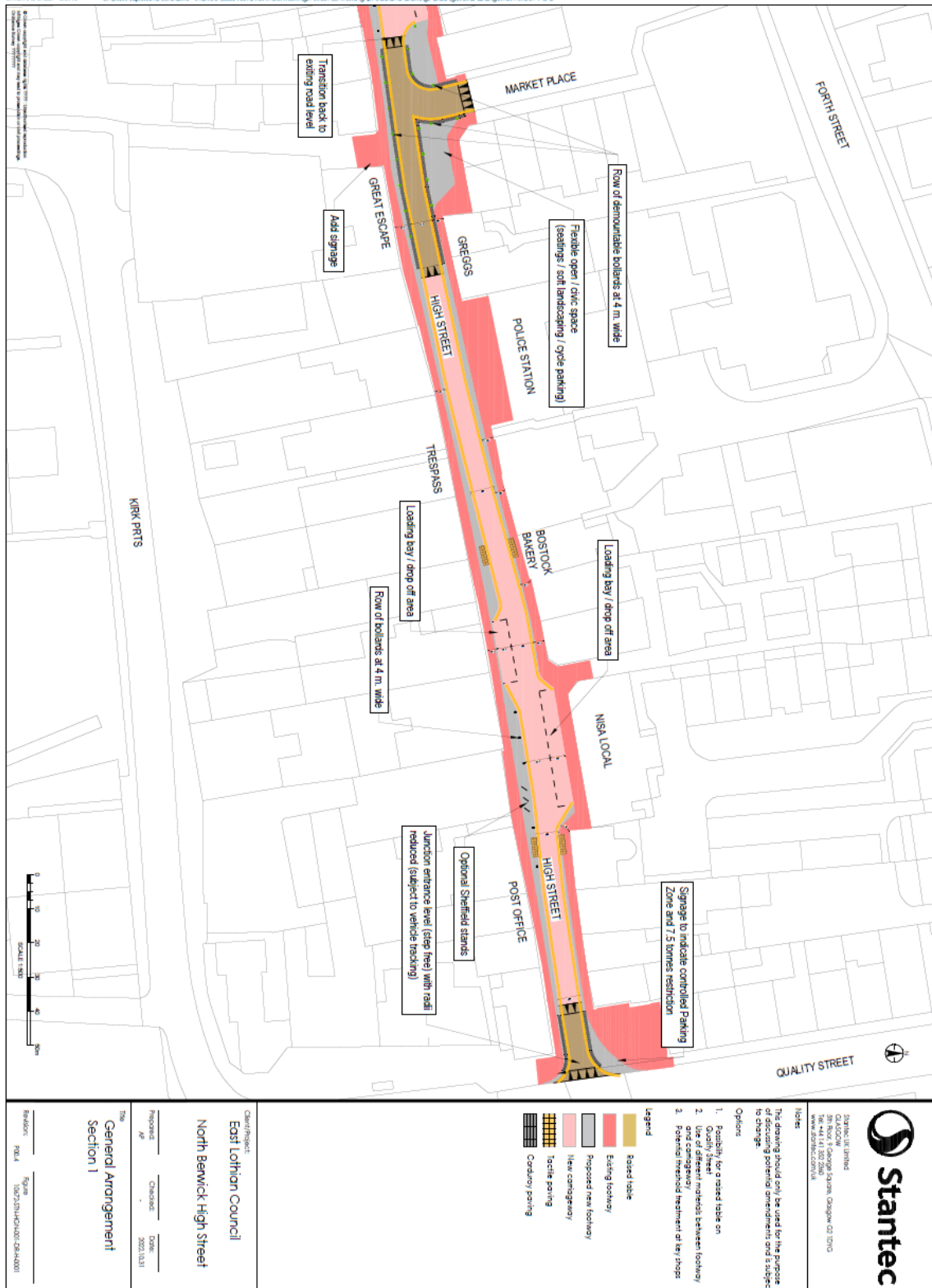
https://www.eastlothian.gov.uk/meetings/meeting/17039/members_library_service

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Appendix A		
Prohibition of parking		
1	High Street, North Berwick	Prohibition of parking from junction with Quality Street to junction with Market Place

Appendix B

Layout of preferred option



Appendix C

Infracworks visualisations of preferred option



REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director of Place

SUBJECT: Town Centre Parking Management: Introduction of Parking Management Proposals in North Berwick

6

1 PURPOSE

1.1 The purpose of this report is to:

- advise Council of the outcome of the public consultation on the parking interventions proposed in North Berwick;
- present the resultant amendments made to improve the scheme and to mitigate public concerns raised; and
- recommend that the Council progresses to next stage of the Traffic Regulation Order process, the intent to make the Order.

2 RECOMMENDATIONS

2.1 It is recommended that Council:

- a) notes the extensive consultation exercise carried out between 2 November and 13 December 2022, the level of community engagement, the welcome receipt of varied and detailed responses to the survey, and the explanation as to how these have influenced the proposals for North Berwick;
- b) in the context of the requirements of the Council decision of 30 October 2018, but weighing that against the significant change in policy context at a national, regional and local level as well as the climate change, road safety, public health and economic circumstances:
 - agrees that an assessment for town centre parking for North Berwick has been undertaken to ascertain the views of local people; and

- amends the pre-requisite to proceeding with a proposed scheme from “*demonstrate local support*” **to** “*seek views from the public to help shape proposals*”;
- c) approves the current proposals noting the amendments made to improve the scheme and to mitigate public concerns raised as a result of feedback received through the consultation and engagement exercise; and
- d) acknowledges the completion of the consultation stage of the Local Authorities’ Traffic Orders (Procedures) (Scotland) Regulation 1999 (as amended), and that the intent to make the Order, will allow opportunity for the public to raise further representations and objections to the proposals as amended. Following this a report will be brought back to Council.

3 BACKGROUND

- 3.1 The principles of parking management have evolved over time, in order to achieve a wide variety of outcomes benefiting society. Early parking policies were based on a ‘predict and provide’ model, when car ownership was lower than it is today. More recently, we have looked to parking management strategies to encourage the use of alternative and more sustainable modes of travel, as well as to reduce congestion and increase the turnover and thus parking opportunities in the spaces available. These interventions also accord with the National Planning Framework 4 and the Scottish Government’s Climate Change Plan that aims to reduce car kilometres by 20% by 2030.
- 3.2 Only seven councils in Scotland, East Lothian Council included, do not charge for parking, either off-street, on-street or residents’ paid parking. The concept of Controlled Parking Zones (CPZs), charging and designated space for different users is intended to become an evolutionary step in the journey to a more sustainable East Lothian.
- 3.3 Parking takes a lot of land and is costly to provide and maintain, even if no charges are applied. Apparent parking shortages and/or a predicted increase in parking demand, which generates safety risks can be controlled effectively through considered parking management, rather than simply through an increase in supply. Management strategies can include time limitations, price setting, and improved enforcement, with the aim of making the most efficient use of the space available. Introduction of a new parking management strategy requires a change to the existing Traffic Regulation Orders, to introduce CPZs and limited-stay parking, with associated charges to manage demand and increase turnover of the spaces available.
- 3.4 To help understand the impact of parking management proposals on the North Berwick economy, Stantec were commissioned to build a bespoke economic impact model to determine whether the proposals addressed

the problems, met national, regional and local policy and strategy guidance, delivered positive outcomes benefiting society and long-term impact resulting in positive change. This study applied H.M. Treasury Green Book (2022) guidance, reviewing active travel, footfall and spend, direct gross value added (GVA) impacts, indirect GVA impacts, induced GVA impacts and traffic impacts over a 10-year period from an initial opening in 2024 discounted to 2023 present values.

- 3.5 A report setting out the economic impact assessment has been submitted to the Members' Library (Ref: 34/23, April 2023 Bulletin) for further information.

Consultation

- 3.6 The Council's consultation on parking management in North Berwick ran from 2 November until 13 December 2022. A website was designed to explain the proposals by public consultation specialists Commonplace and they also advised on web and social media penetration to reach a broad cross-section of the community. Contact was also made with the High School, youth workers and the Scottish Youth Parliament, although industrial action affected consultation with the school and there was no take up from the other groups.

- 3.7 The proposals included the introduction of four controlled parking zones with permits available for residents for an annual charge and time restrictions and changes for on-street parking and parking within the town centre car parks.

- 3.8 People's thoughts were then gathered by a questionnaire. Paper copies were also made available. Two live 'drop in' sessions were held on 24 and 26 November at North Berwick Community Centre. These allowed participants to explore the proposals in more detail with Council officers before completing their questionnaires. No comments were received from the statutory consultees. 1407 completed surveys (704 North Berwick residents), 121 emails and 17 letters were received from the public.

- 3.9 There were no mandatory questions in the survey, so some questions were not answered by all participants. The proportions presented are as a percentage of those who provided a response. There were also opportunities to make open comments and provide more detailed feedback. The wide range of comments made were analysed carefully to obtain a full picture of people's thoughts on the proposals.

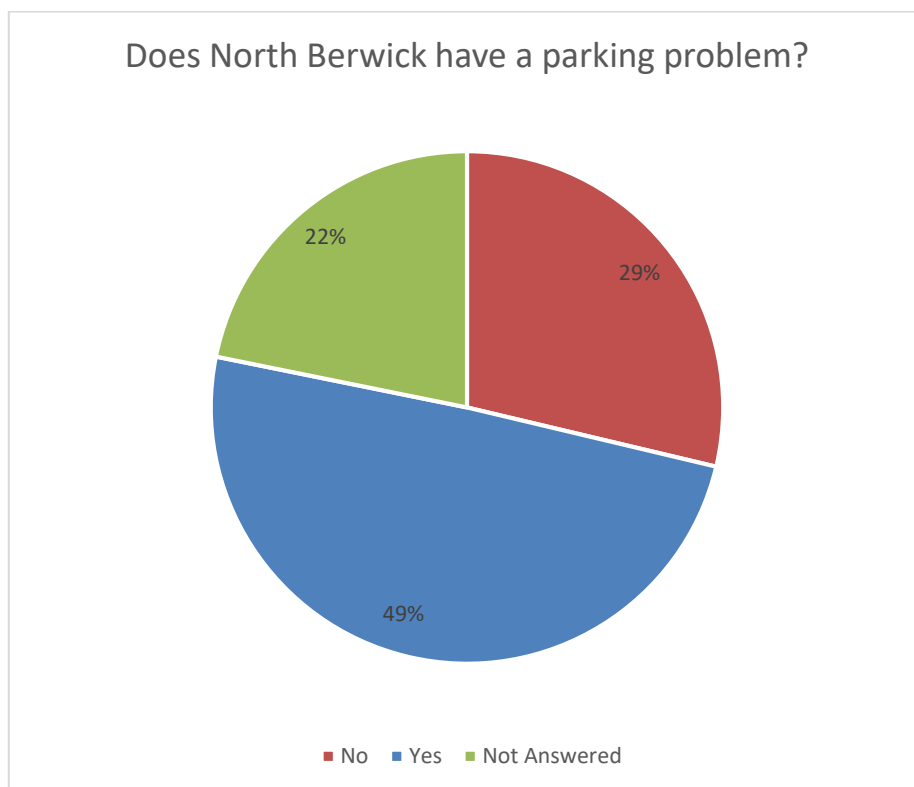
- 3.10 A detailed analysis of the survey results has been published in the Members' Library, entitled 'North Berwick Parking Management Strategy – Consultation Report' (Ref: 35/23, April 2023 Bulletin). An analysis of the most important points arising from the consultation are set out below.

- 3.11 The questionnaire sought to compare the responses of those who live in the CPZs, live in North Berwick and come from elsewhere. The largest respondent cohorts were:

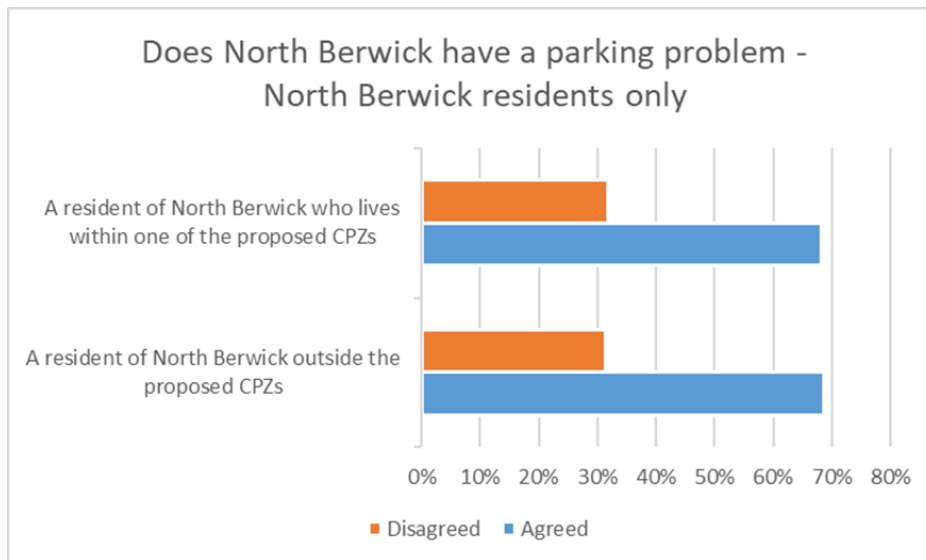
- a resident of North Berwick outside a CPZ (36%);
- a resident of North Berwick who lives within one of the proposed CPZs (26%); and
- a resident of East Lothian (19%).

3.12 From an analysis of those providing a response to the age analysis question (1,036 respondents), 17% of respondents were 44 years of age or under, with 79% being over 44 years, with 4% preferring not to answer. 31% of the respondents were over 65 years of age. This highlights that, despite efforts, the survey was over-represented by older generations and under-represented by younger age groups.

3.13 We sought to ascertain whether people think there is a parking problem in North Berwick. Overall, 49% of the respondents agreed that North Berwick has a parking problem, 29% disagreed and 22% choose not to answer.



3.14 68% of the respondents who are residents of North Berwick, who are more likely to experience the problem on a day-to-day basis agreed that there was a parking problem.



- 3.15 We asked whether respondents support the principle of introducing a CPZ. 54% of respondents do not support the principle of introducing CPZs, 38% indicated that they do and 8% chose not to answer the question. When these responses were analysed by age, the over 65s supported the principle. Focusing on North Berwick residents, 51% of residents who lived in a CPZ were in favour of the CPZ.
- 3.16 We sought to understand whether the extent of the four proposed CPZs represents the highest demand area for parking in North Berwick and what streets should be included or excluded from the CPZ. 45% of the respondents supported the extent of the CPZs proposed. 17% did not support and 38% chose not to answer the question.
- 3.17 We focused on the advantages and disadvantages of the CPZs and sought comment on the proposals. The main advantages were seen as increased turn-over of spaces, less congestion due to inappropriate parking and opportunity for parking closer to home, with disadvantages being perceived as the demand for free parking being too high, the risk of parking problems increasing outside the CPZ growing and the cost of parking in the CPZ.
- 3.18 We asked whether respondents agreed that the first 30 minutes of parking should be free in the Central CPZ: 39% agreed, 17% disagreed and, 43% chose not to answer.
- 3.19 We sought to understand the acceptability of a 5-hour time limit in the West CPZ, and whether this should be shortened to 4 hours or extended to 6 hours. 20% of respondents agreed with the proposed 5 hour limit, 37% opposed and 42% choose not to answer. 46% of respondents agreed that the time period should be extended to 6 hours, 27% agreed to a reduction to 4 hours.
- 3.20 We sought a consensus on whether a maximum daily charge of £5 was acceptable in the East CPZ, with 32% of respondents in support and 24% against. 44% did not answer this question.

- 3.21 We asked whether free parking should be provided for blue badge holders: 46% were in agreement, 12% disagreed and 42% did not answer.
- 3.22 We enquired as to the level of acceptability for 4-hour maximum length of stay in off-street car parks: 28% were in favour, 29% sought a longer period, and 43% did not answer.
- 3.23 We asked whether free parking was supported at the recreation ground (rugby club) with 53% in support with only 5% against the proposal. 42% did not answer.
- 3.24 We sought confirmation as to whether the respondents agreed that parking at the Museum and Community Centre should be free, with 44% in support and only 14% opposed. 42% did not answer.
- 3.25 We asked whether the introduction of charged overnight parking was appropriate, with 26% in agreement and 32% opposed. 42% did not respond.
- 3.26 Finally we asked whether the Council should provide additional car parking in the town. 42% of the respondents favoured additional car parking with 27% opposed, 41% did not answer.

More detailed analysis of concerns

- 3.27 To understand the perceived concerns, a detailed examination of concerns expressed and suggestions made was analysed by theme and is set out in **Appendix A - Number of comments summarised by general theme. This was further analysed by respondent group as illustrated in Appendix B.** The respondent groups are set out below

- From outside East Lothian
- A resident of East Lothian
- A resident of North Berwick outside the proposed CPZs
- Someone whose work takes them into the proposed CPZs regularly
- A trader or business owner within a CPZ
- Someone who works in a building that is within a proposed CPZ
- A resident of North Berwick who lives within one of the proposed CPZ's

And from letters and email for other sources other than the questionnaire

- North Berwick resident, location unknown
- On behalf of a group
- Not indicated / no answer

Amendments made to improve the scheme and mitigate concerns raised

- 3.28 A number of amendments are now presented that mitigate the impact of those areas where respondents expressed greatest concern about the proposals.

Appendix C.1 – High Street – the proposals will discourage visitors/damage the town centre, the local economy, and businesses because the 30 minutes is too short.

- 3.29 The greatest level of concern raised by the respondents, is the perceived impact on the local economy. Direct representation was received on this point from the North Berwick Business Association, who request a lengthening of the free charge period to 90 minutes on the High Street.
- 3.30 The original proposal of 30 minutes is based on the fact that survey data tells us that the majority of stops are of short duration, with the average being 28 minutes, and that a shorter time period also increases turn-over improving space availability and consequently access to shops and businesses.
- 3.31 Research undertaken in the development of a North Berwick economic impact model states that businesses overestimate the impact the car has on footfall (Smith Lea et al, 2017) and ([4 Reasons Retailers Don't Need Free Parking to Thrive - Bloomberg](#)). In addition, the factors that influence footfall are not straightforward. From research undertaken in Wales (Caerphilly.gov.uk) pricing is of lower importance than availability of space, time, proximity to destination, traffic flow, signage, overall retail offering, out of town retail offering, security of parking.
- 3.32 The following table is an extract from the Economic Impact Assessment report that quantifies the economic benefits predicted following the introduction of the proposals. The report concludes that the outcome from improving parking availability could increase footfall by 5%. The report also concludes wider benefits to society as people will walk further, cycle and use public transport more. The number of cars searching for a parking place will decrease improving air quality.

Table Error! No text of specified style in document..1: Total Benefits Identified from Baseline Economic Impact Model (EIM) Scenario

Category	Total	Unit
Active Travel Impacts	1,217	£000's 2023 PV
Total new spend	590	£000's, 2023 PV
Total FTE impacts	10.43	FTE
Total GVA Impacts	510	£000's, 2023 PV
Traffic impacts	24	£000's, 2023 PV

(pv=present value, GVA=gross value added, FTE=full time equivalent)

- 3.33 The Local Development Plan 2018 supplementary guidance, North Berwick town centre strategy, states “The town centre will only continue to attract people if it is a safe, attractive place to visit with good access including available parking. That is the basis for a successful town centre

which needs to adapt to cater for the needs of both the existing and new population.” The core of the parking design is to improve access for parking and improve road safety for pedestrians.

3.34 A detailed analysis is provided in Appendix C.1 on the benefits and dis-benefits of increasing the free period from 30 minutes to 45 minutes.

3.35 The proposal has been amended on the back of representations made to increase the free period to 45 minutes.

Appendix C.2 – Westgate - the proposals will discourage visitors/damage the town centre, the local economy, and businesses because the 30 minutes is too short.

3.36 The North Berwick Business Association made representation to the effect that the Westgate should be considered as part of the Central CPZ. This would allow free parking on the Westgate in line with the High Street.

3.37 The central CPZ proposal covers the main business and shopping areas. Free parking is provided and the amended proposal increases the free period to 45 minutes. This will create sufficient short stay free parking opportunities for the town with all other areas having charged parking. Any additional free parking will not support the delivery of targeted outcomes: to reduce car usage, reduce vehicle delay and congestion, improve air quality and improve accessibility and social inclusion.

3.38 The proposal has not been amended as this would have significant impact on anticipated benefits and would weaken the intended outcomes.

Appendix C.3 – residents’ parking is insufficient

3.39 The main concern expressed by residents of North Berwick who live within one of the proposed CPZs is that there is insufficient parking available for residents.

3.40 The original proposal was to provide designated residents’ only parking on street augmented with combined residents and visitor spaces. No provision was proposed for residents’ parking in off-street car parks.

3.41 An alternative to the proposal is to remove the designated parking spaces allocated only for residents and combine these with the proposed on street paid spaces. This will increase the amount of parking space available for residents from the previously proposed 546 spaces to 923 combined residents and paid spaces throughout the town. This is calculated to be in excess of the predicted number of residents owning vehicles within the CPZ. This will allow any resident with a vehicle to apply for a permit and allow the removal of the cap on the number of permits per household. To ensure fairness of distribution, no individual resident will be able to hold a permit for more than one vehicle, with a possible limited exception for work-related vehicles.

3.42 This change is not considered to have a material impact on the operation and performance of the proposals.

- 3.43 The proposal has been amended on the back of the representations made to increase the number of spaces available to residents to park in the CPZs.

Appendix C.4 – Dis-benefit to workers/volunteers/local groups, cost, time walking

- 3.44 The issues raised under the category dis-benefits to workers, volunteers, local groups is because the proposal creates an additional cost or lengthens the time to walk from a free parking place, which under the proposals is the long-stay car park, as opposed to their destination. This concern is specific to individual's perception of impact and inconvenience to their day-to-day lives.
- 3.45 Several respondents raised safety concerns about walking to the recreation ground in the dark, others the steepness and time to walk to their vehicle, the cost to park all day in the East CPZ, and that the proposals will affect low income workers. Concerns were also raised under this category that recreation ground could not accommodate all workers.
- 3.46 An outcome of the proposals is to contribute to improving health and well-being in the longer term. This is put into effect by incentivising alternative modes such as walking and cycling. The Council's policy is to provide long-stay parking provision outside the core of the town. The recreation ground is available for long stay parking and can accommodate 68 parked cars. In addition, discussion with FES for the use of off-street parking at North Berwick High School is ongoing which allows alternative long-stay during the summer months.
- 3.47 The proposal has been amended following the representations made to explore additional parking provision to manage town centre long-stay parking capacity.

Appendix C.5 – overnight stay proposals unacceptable, restrict the number of motorhomes that access the town

- 3.48 The main concern for North Berwick resident location unknown (likely to be residents of the east area) is the volume of campervans and motorhomes who park overnight in that area of the town.
- 3.49 The proposals recommended a £12 charge for overnight parking on street.
- 3.50 The proposal has been amended following the representations made to strengthen the current prohibition on high sided vehicles parking overnight on street, but to permit motorhomes and campervans in the Haugh and sewage works off-street car parks by exploring the option of an experimental Traffic Regulation Order. This will set out designated larger vehicle parking spaces in those car parks and charge a higher rate of £20 per night to recover enforcement costs.

Appendix C.6 – problem only seasonal

- 3.51 Representation was made on behalf of a group that the parking problem is only seasonal. It is acknowledged that higher levels of demand are typically experienced in the summer months, with some streets and car parks being over 100% capacity, because of illegal parking. In recognising the demand is different from 10 years ago, that it is driven by events, Fringe by the Sea, the weather, public holidays and other town activities, seasonality does not strictly apply. The evolution of the town has brought about increased demand, the vibrant high street with independent shops, visitor attractions such as the Seabird Centre, and the town being perceived as a holiday destination with holiday lets, has seen overnight stays and return day trips increasing over the whole year.
- 3.52 The application of a seasonal variation to the proposals has major consequences. This includes implications for recruitment and staff retention, can be more confusing and presents difficulties for users, increases workload for administration and management, negates the policy intent, diminishes the economic business case and significantly reduces income.
- 3.53 As a consequence of diluting the proposals to only a part of the year, the economic health and wellbeing, and traffic management benefits, will be diminished too.
- 3.54 Whilst seasonal impact is accepted, parking remains an all year round problem.
- 3.55 The proposals have not been amended as this will have significant impact on anticipated benefits and weakens the intended outcomes.

Appendix C.7 – the maximum length of stay is too short.

- 3.56 People who live outside East Lothian making written representation are the group that has identified that the length of stay is too short. These visitors to the town represent 15% of annual users of the parking facilities, (characteristic of day and night visitors to East Lothian, STR survey 2021)
- 3.57 The public consultation survey results provide a consensus that an increase in time from 5 to 6 hours would be the preference in the West CPZ primarily to allow golfers opportunity to complete their round and enjoy the hospitality, but it was less clear on the increase in time for the off-street car parks.
- 3.58 It is considered that the consequences of extending the on-street maximum length of stay to 6 hours and off-street length of stay to 5 hours is limited.
- 3.59 The proposal has been amended following the representations made to increase the maximum length of stay in the west CPZ to 6 hours and off-street car parks to 5 hours.

Appendix C.8 – displaces parking and creates congestion

- 3.60 Residents of North Berwick outside the proposed CPZs have stressed a secondary impact of displaced parking and congestion. This is primarily focused on to St Baldred's Road.
- 3.61 To ensure road safety is not compromised and maintain unrestricted traffic flows, no waiting, loading and unloading restrictions will be designed as part of the amended proposals. Options to double yellow line one side only or to chicane will be considered.
- 3.62 The impact of parking displacement on the west side of North Berwick is less known. Concerns were expressed that Cromwell Road, Fidra Road and York Road will be inundated with parked cars. This area will be monitored along with other areas and if necessary further measures to lessen the volumes of parked vehicles will be considered.
- 3.63 The proposal has been amended to ensure road safety on St Baldred's Road and that other areas will be monitored to take action on indiscriminate parking behaviour as necessary.

The cost/other dis-benefits to residents of North Berwick and surrounding villages.

- 3.64 This matter is a secondary consideration for a resident of East Lothian, someone whose work takes them into the proposed CPZ regularly, and a North Berwick resident location unknown. The charge of £0.50 is considered reasonable in the circumstances.
- 3.65 As discussed, under previous concerns, the design is to provide increased parking opportunity, to balance the varied parking needs, to support economic growth, incentivise sustainable transport options, reduce traffic flows and contribute to less reliance on the private car. It is considered a reasonable charge will contribute to the delivery of those outcomes.
- 3.66 The proposals have not been amended.

Too complex

- 3.67 Although the matter of the proposals does not feature as a primary or secondary matter of concern, it appears in all representations by all groups and direct representation was made at the open events during November. Respondents indicated that they think the proposals for four CPZs are too complex. Each CPZ has a different key feature, except the South CPZ and in response to the views expressed, it is reflected there will be limited impact by removing the South CPZ and combining it into the East and West CPZs.
- 3.68 The proposals have also been amended to alter the Central CPZs resident parking status to allow central residents to park in the Central CPZ (excluding the High Street during enforcement hours), and the East or West CPZs. This will not be a reciprocal arrangement, so neither East nor West residents be able park in the Central CPZ. The reason for this

change is to increase the ratio of spaces to premises in the Central CPZ, which is disproportionately low compared to the outlining CPZs.

- 3.69 The proposal has been amended on the back of representation received to reflect a reduction in the number of CPZs from four to three and adjusts the residents parking permits for central residents to allow them to parking in East and West CPZs.

Insufficient long stay/free provision.

- 3.70 Another matter not of significant concern to any of the groups but features, is the lack of long-stay or free parking provision.
- 3.71 The survey asked whether additional car parking should be provided by the Council in the town. This was favoured by 42% of respondents, with 27% opposed. Combining specific responses seeking additional parking provision with the survey results validated a position to explore options.
- 3.72 This should be recognised in the context of potential mitigation to assist workers/volunteers and local groups by increasing parking at the recreation ground, the potential for summer provision through the use of the High School (subject to necessary agreements being put in place) and exploring options to increase capacity on existing land elsewhere in the town. This would take the form of a feasibility study to review all options, whether examined before, new or improved. The feasibility study will run concurrently with the intent to make the Order, but is not conditional to making the Order, and would be subject to Council consideration in due course.
- 3.73 The proposal (as per 3.47) has been amended on the back of representation made to explore additional long-stay parking provision in the town.

Disproportionate impact on low income/mobility impaired/disabled users

- 3.74 A secondary issue raised by letter on behalf of a group, identified disproportionate impacts on low income, mobility impaired and disabled users. An integrated impact assessment has been prepared for the proposals, which will consider a broader spectrum under this topic; however, recognition of lower income users and disabled arrangements is important.
- 3.75 The cost of motoring is relatively cheap compared to other transport modes. Various estimates published by different motoring organisations and price comparison site estimating costs to run a car are between £1,800 and £3,500 / year. Within the original proposal the cost of a weekly visit to the High Street for an hour is £52 / year, which is between 1.5 and 3% and not therefore considered to be disproportionate to the overall cost of driving.

- 3.76 In response to concerns raised regarding disabled users, we sought to understand whether free parking should be available for blue badge holders. This was widely agreed by the majority of respondents.
- 3.77 The proposal has been amended on the back of representation made to adopt the Scottish Blue Badge scheme for all disabled parking rules unless a local exemption is necessary to be applied at a future date.

Golfers – insufficient parking provision, the length of stay is too short and the cost is too high

- 3.78 This was raised as a high matter of importance for people outside North Berwick. It is generally covered by mitigation to address the maximum length of stay is too short concern. This mitigation seeks to increase the maximum length of stay for on street parking in the West CPZ, which services North Berwick Golf Club. The Glen Golf Club has private parking and during periods of competition dispensation can be arranged for both clubs in exceptional circumstances.
- 3.79 The proposal has been amended on the back of representation made, and in accordance with 3.59 the West CPZ length of stay will be increased to 6 hours.

There is no provision made for residents' visitors, carers or tradespeople

- 3.80 This was raised as a general concern by a smaller number of responders across the groups. Visitors to the town whether visiting an attraction, shopping, meeting friends or visiting a residences, are all visitors. There should be no discrimination in considering residents' visitors over other visitors to the town, as this creates a different class of visitor. Visitors to residential premises can either pay for parking or park without charge in the long-stay car park. For people who must enter the CPZ and park on-street in the line of the duties, nurses, doctors, carer's, those professions can apply and seek dispensations through formal routes to allow them free parking on-street. This provision will be described in more detail in the Order. Parking for tradespeople, people who enter to provide a service, will not be granted free parking, as they are able to recover their costs through a recharge to their customers or absorbed the cost as an overhead to their business.
- 3.81 The proposal has not been amended following representations made to make provision for residents' visitors or tradespeople but exemptions will be allowed for healthcare workers in the pursuit of their duties.

The proposal penalises church goers.

- 3.82 Representation from faith groups underlined concern that charging would unfairly impact their congregations on Sunday mornings.
- 3.83 The proposal has been amended following representations to not charge for parking on Sundays before 1.00pm.

The proposal penalises tennis court users

- 3.84 A proportion of the letters received from North Berwick residents, on behalf of groups and not indicated / No answer, identified that users of the tennis courts were being unfairly penalised because the adjacent streets were proposed for residents' only parking. The amendment proposed will alter the on-street designation of Glasclune Gardens to become combined residents' and paid on-street parking.
- 3.85 The proposal has been amended following representations to allow charged parking on Glasclune Gardens.

4 POLICY IMPLICATIONS

- 4.1 The policy context at a national, regional and local level supports a move to increase existing and to implement new parking demand management processes across the county.
- 4.2 At a national level the publication of the National Transport Strategy (NTS), National Planning Framework (NPF4) and the Scottish Transport Projects Review (STPR2) all support moving towards more sustainable town centres. The NTS vision is that 'we will have a sustainable, inclusive, safe and accessible transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors'.
- 4.3 The national strategy outlines how the 'the benefits of place-making and sustainable and active travel infrastructure/modes will also play an important role in helping to re-vitalise town centres'.
- 4.4 At its meeting on 23 August 2022 Council unanimously approved the 2022-27 Council Plan. The 2022–2027 Council Plan set out the vision of 'an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish'.
- 4.5 New and increased management of parking across the county supports the overarching objective of reducing inequalities within and across our communities, and with the development of the four thematic objectives: Growing our Economy, Growing our People, Growing our Communities and Growing our Capacity.
- 4.6 East Lothian's Climate Change Strategy was adopted in 2020 in response to the climate emergency. The strategy has a significant emphasis on the need to manage journeys made by the private car across the county.
- 4.7 East Lothian Council – Local Transport Strategy (2018–2024). In 2018, East Lothian Council published a Local Transport Strategy sets out the challenges that town centres within East Lothian, particularly in the town of North Berwick, have been facing in the context of the wider transport network. Accessing town centres and the management of parking is a key challenge articulated throughout the strategy document.

- 4.8 East Lothian Council – Local Parking Strategy (2018–2024). There are a number of actions set out within the strategy to achieve many objectives when it comes to managing parking including that East Lothian Council will implement a parking management hierarchy in towns. The parking management hierarchy model states that ‘in general, on-street parking will be for the purposes of short-stay parking, especially in our town centres, as it is essential that people have easy access to shops and services to maintain the economic vitality of our towns. Medium and long-stay parking will be accommodated in off-street car parks but these are more likely to be at the edge of the town centre.’
- 4.9 East Lothian Council – Economic Development Strategy covering a ten-year period from 2012 to 2022, was published by East Lothian Council and was refreshed in 2018. One of the main work-streams identified within the strategy is to energise East Lothian’s town centres and rural economy. A key action to achieve this includes efforts to ‘enhance East Lothian’s town centres, improve the retail and visitor experience, and make improvements to street scenes, parking provision, amenities, etc’. The proposals contribute to this key action by providing greater accessibility to shops for visitors which can increase spend within our town centres as, if parking alongside safe active and sustainable travel is made more accessible, shoppers will be more likely to visit rather than go to another retail destination where access including parking may be more readily available.
- 4.10 Further, the proposals contribute to the Economic Development Strategy by offering ‘the potential for increasing resident spend by improving town centres in East Lothian’. With short-stay parking freeing up spaces close to shops, residents would be able to quickly access shops and services, thereby supporting local and independent shops within North Berwick.
- 4.11 East Lothian Council – Town Centre Strategies (2017–2022). Town Centre Strategies have been prepared for each of the 6 main settlements in East Lothian. The purpose of the town centre strategies is to adopt a strategic approach to guide the improvement of town centres.
- 4.12 The vision for North Berwick town centre as articulated is ‘North Berwick town centre is a vibrant heart of the town with an excellent and well used shopping and café scene. Improvement and enhancement of the town centre seeks to create a greater sense of place for all its users. The town centre is a favourite destination for visitors.’
- 4.13 In 2017 a design charrette was held in North Berwick to examine in detail the issues of the town centre. The results provide an informed public view expressed at a point in time. The charrette covered improving walking with wider footpaths and access at the east end of High Street; improvements to help people get around; street and public realm improvements; traffic and parking; character of the town centre; quality and amenities; sustainable and active travel; safer streets that reduced the feeling of threat from moving vehicles; and making the town centre more orientated towards people. North Berwick High Street is busy with vehicles and there

is opportunity to provide a new car park to increase capacity and reduce cars circulating the town centre searching for parking.

- 4.14 The Citizen's Panel Survey (2018) identified a need for a wider range of shops, more parking and a more attractive town centre environment.
- 4.15 Action 3 from the North Berwick Town Centre Strategy looks to progress the reorganisation of town centre car parking with the introduction of specific waiting times to off-street facilities.
- 4.16 East Lothian Council – Active Travel Improvement Plan (2018–2024). The Active Travel Improvement Plan, published by East Lothian Council in 2018, aims to 'support and enable people to choose active travel as part of their everyday lives'. It highlights how active travel can be encouraged and facilitated across the local authority area and includes a focus on 'introducing active and sustainable travel options in our town centres to promote economic growth enabling East Lothian and Scotland to flourish, through increasing sustainable economic activity', climate change and road safety benefits.
- 4.17 Nationally vehicular traffic accounted for 35.6% of emissions in 2018. It remains the largest CO2 producing sector and presents a singular challenge to mitigate the transport sector to meet net zero targets. Transport is a derived demand, driven by the essential need to move people, goods, and services to drive economic growth. National objectives seeks to promote walking, cycling and public transport over private car use as these present the greatest benefits to communities allowing improved mobility, safety, health and accessibility enhancements to be delivered through place making initiatives. Management of demand for parking provides a push behavioural change approach which can be incentivised with other pull initiatives to enhance the place for all users, over time.
- 4.18 Road collision incidents in East Lothian's towns are generally low with 21 serious injuries being recorded over the last 5 years (2017–2021). However, within the built environment an unacceptable risk remains due to the high demand of parking space and constant search for parking opportunity close to the driver's destination. On-street parking contraventions or restricted parking abuse during busy times can place the public at risk. The use of Traffic Regulation Orders to prohibit waiting and unloading is well understood but regrettably bad practice remains prevalent. Increasing turnover of designated parking spaces and heightened enforcement will help to change driver behaviour and safety concerns.
- 4.19 The Road Traffic Regulation Act 1984 – the legislation laid out in the Act provides powers to local authorities to implement parking demand management processes including tariffs for on- and off-street facilities.
- 4.20 Provision 32 within the Act describes the powers local authorities have where for the purpose of relieving or preventing congestion provision of parking spaces can be provided.

- 4.21 Provision 33 within the Act goes on to detail the additional powers of local authorities in connection with off-street parking places.
- 4.22 Provision 45 within the Act details that a local authority may by order designate parking places on roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges for vehicles left in a parking place so designated.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and will be made available on the Council's website.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – It is anticipated that capital investment of £450,000 will be necessary to cover the set up cost of the installation of parking ticket issuing machines, including associated street-works, signing and lining, the provision of additional parking attendant equipment, office accommodation and the introduction of resident scheme and IT systems of management. It is anticipated the annual operating costs of the service will be £105,000 including two new parking attendants, a proportion of roads staff costs, back office processing and enforcement adjudication.
- 6.2 On the basis of the introduction of a £0.50 / 30 minute charge and £40 resident annual pass, taking into account a 45-minute free parking period on the High Street, it is estimated that annual income of £1,195,000 could be realised.
- 6.3 This would leave a surplus of £1,090,000. This calculation takes into account a seasonality adjustment, possible parking displacement, drivers choosing to take alternative modes of transport, the non-payment of charges and taxation, adjusting for a proportion of parking space occupancy by residents and increased penalty charge notices through enforcement.
- 6.4 The report acknowledges the requirement to ring fence surpluses generated from on street parking charges and PCNs. If approved, this, alongside the assessment of estimated costs and income, will be considered as the scheme is progressed and incorporated within the Council's budget development process.
- 6.5 Personnel - Not applicable
- 6.6 Other – Not applicable

7 BACKGROUND PAPERS

7.1 Report to East Lothian Council on Tuesday 28th June 2022 – Town Centre Parking Management: Consultation

7.2 Members' Library Report – Economic Impact Assessment Report (Ref: 34/23, April 2023 Bulletin)

[Agendas, reports and minutes | East Lothian Council](#)

7.3 Members' Library Report – Consultation Report (Ref: 35/23, April 2023 Bulletin)

[Agendas, reports and minutes | East Lothian Council](#)

7.4 Integrated Impact Assessment

7.5 Report to East Lothian Council on Tuesday 30th October 2018 – East Lothian Council Proposed Local Transport Strategy

7.6 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Parking Strategy, Members' Library Ref: 142/18 (October 2018 Bulletin)

7.7 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Active Travel Improvement Plan, Members' Library Ref: 141/18 (October 2018 Bulletin)

7.8 Policy and Performance Review Committee – 04 Roads Asset Management – Annual Status and Options Report

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DATE	17 April 2022

Appendix A - Analysis of concerns expressed and suggestions made by general theme

Summary of concerns from survey responses (free text) , emails and letters

Concerns by general theme

Discourage visitors/ damage TC, economy, business, shops	209
Cost / other disbenefits to residents of NB and surrounding villages	134
Residents parking - insufficient	127
Problem only seasonal	124
Overnight stay proposals unacceptable / ban MH from town	121
Displaces parking / congestion	118
Insufficient long stay provision	82
Too complex	77
Just a revenue generator / waste of money / Council will waster money	73
Golfers - insufficient provision / length of stay too short / cost too high	72
Disbenefits to workers/volunteers - costs, time, walk	68
30 mins free too short	67
Max stay periods too short	67
Disproportionate impact on low income/ mobility impaired/elderly/disabled (short time limit, costs, technology)	64
Residents' visitors / carers / tradespeople - no provision	51
Enforcement - costly, difficult, unlikely to happen	50
Poorly constructed survey	43

Suggestions by general theme

Create more parking	54
Park and Ride	43
Free parking Sunday am	27
Residents given priority to park in all spaces / zones	23
Extend free period	17
Blue badge parking should be free / unlimited	14
Use school car parks	13
Library / CC car parks available for residents/ church goers / at weekends	12
Residents parking should be free	11
All parking should be free	10
Create appropriate overnight parking facility for MH	10
Glebe car park should be free for 30 mins (nursery)	9
Residents' visitor permits	8
Remove the planters	7
Time card as in Berwick-Upon-Tweed	7
Toilet / disposal facilities required	6
Improved public transport	5

Cost to / other impacts on visitors	41	Pedestrianise the High Street	5
Penalises church goers	40	All CPZ / car parks free for initial period	4
Blue badge spaces - insufficient	32	Longer stay provision near beach for watersports	4
Penalises tennis court users	25	Business permits	4
Lack of long stay commuter parking at / near station	24	Permits should only be available to full time residents	4
Holiday lets - no provision	20	Leave East end spaces - needed for PO	4
Proliferation of street furniture	19	Tourist tax / higher parking charges for visitors	4
Residents not the problem, its visitors	14	Town car parks should allow for longer stays	3
Too much development on outskirts caused problem	14	Seabird Centre car park should be in scheme	3
East End parking removal unacceptable	12	First 30 mins should not need ticket / app	3
Dangerous walk to long stay	9	Number residents permits per household must be restricted	3
Other	58	Other	29

Appendix B - Analysis of negative comments by 'Are you'

Level of objection to selected general themes by 'Are you' group

Red highlight indicates theme of greatest concern to group

Amber highlight indicates theme of second greatest concern to group

	Questionnaire - Are You								Letter / email		
	From outside East Lothian	A resident of East Lothian	A resident of North Berwick outside the proposed CPZs	Someone whose work takes them into the proposed CPZs regularly	A trader or business owner within a CPZ	Someone who works in a building that is within a proposed CPZ	A resident of North Berwick who lives within one of the proposed CPZs	NB resident, location unknown	On behalf of a group	Not Indicated / No Answer	
Discourage visitors/ damage TC, economy, business, shops	16%	25%	15%	25%	17%	7%	8%	11%	9%	15%	
Residents parking - insufficient	10%	3%	3%	2%	8%	3%	18%	8%	9%	6%	
Disbenefits to workers/volunteers/local groups - costs, time, walk	1%	5%	4%	12%	11%	18%	4%	0%	7%	5%	
Overnight stay proposals unacceptable / ban MH from town	10%	1%	6%	2%	5%	7%	11%	16%	7%	14%	
Problem only seasonal	6%	7%	10%	11%	9%	13%	7%	11%	11%	10%	
Max stay periods too short	16%	6%	4%	2%	6%	0%	4%	0%	2%	4%	
Cost / other disbenefits to residents of NB and surrounding villages	4%	14%	9%	14%	9%	5%	8%	11%	7%	6%	
Displaces parking / congestion	3%	5%	12%	9%	8%	8%	6%	3%	7%	7%	
30 mins free too short	0%	5%	6%	4%	3%	5%	3%	11%	2%	4%	
Too complex	1%	5%	5%	2%	8%	7%	7%	5%	7%	4%	
Insufficient long stay / free provision	3%	6%	5%	4%	5%	7%	5%	8%	7%	7%	
Disproportionate impact on low income/ mobility impaired/elderly/disabled (short time limit, costs, technology)	4%	2%	5%	2%	0%	5%	4%	3%	9%	4%	
Golfers - insufficient provision / length of stay too short / cost too high	9%	6%	6%	5%	3%	3%	3%	3%	4%	4%	
Residents' visitors / carers / tradespeople - no provision	7%	3%	1%	5%	3%	5%	6%	3%	4%	2%	
Penalises church goers	0%	2%	4%	0%	0%	2%	2%	5%	7%	1%	
Penalises tennis court users	0%	1%	1%	0%	0%	0%	1%	3%	4%	6%	
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	

Appendix C.1 - The proposals will discourage visitors/ damage the town centre, the local economy, and businesses because the 30 minutes is too short.

<p>The parking proposal</p> <p>The first 30 minutes will be free of charge on the High Street.</p>
<p>Background and purpose of the proposal</p> <p>Concentration of economic activity around town centre / High Street creates high traffic and pedestrian demand in these areas, turn-over is low in some streets limiting access, affecting footfall and diminishes town centre economic performance.</p>
<p>Issue raised from the consultation – summary of the representations</p> <p>The proposals will discourage visitors/ damage the Town centre, the local economy, and businesses because the 30 minutes is too short.</p>
<p>Body or persons submitting a representation rising the issue (if known)</p> <p>The North Berwick Business Association, people from outside East Lothian, residents of East Lothian, a residents outside the CPZ, someone whose work takes them into the proposed CPZs regularly, a trader or business owner within a CPZ.</p>
<p>Particulars to the proposals to which the issues relate</p> <p>Time limits are controlled by schedules defined in the Traffic Regulation Order, which describes the chargeable hours. A 30 minute free parking period is proposed to allow driver's time to access goods and services before returning to their vehicle before a penalty charge notice is raised. The maximum length of stay for the High Street is 90 minutes. Drivers who wish to park longer on the High Street, will be charged a higher rate of £1/ 30 minutes after the free period. To avoid confusion a ticket, a Ringo session, or a disc record of time will be displayed on the car window screen to record the length of stay of the vehicle.</p> <p>The average duration (length of stay) on the High Street is 28 minutes. The split between resident and tourist footfall is assumed to be 85% and 15 % respectively across the year (Characteristic of day and night visitors to East Lothian, STR survey 2021). The proposal is designed to maximise turn-over for everyday users/ residents of North Berwick and East Lothian to access shops and services throughout the year.</p> <p>Parking survey data recorded for High Street is to Church Road, which is a total of 32 spaces. In actuality the High Street stops at 133, High Street opposite the old Post Office. This accounts for a total of 41 spaces. The free parking proposal will be the High Street up to and including 133 High Street.</p>
<p>Potential mitigation</p> <p>Representations made seek to lengthen the free of charge time period beyond 30 minutes.</p>

The table below provides details of the financial impact of extending the free time period over the 30 minutes design proposals to 45 minutes and 90 minutes

High Street Proposal - The first 30 minutes will be free of charge.	
Number of Spaces	41
Annual income estimated from demand assessment	£109,877
Seasonal adjustment (68%)	£74,716.66
Impact of proposed first 30 minute free parking as loss of income	£50,332.14
Total Impact of 45 minute free as loss of income	£57,314.03
Total impact of 90 minutes as loss of income	£74,716.66

Impact of mitigation

The current 90 minutes parking provides a minimum of 6 maximum length of stay parking opportunities each day. The proposals provide for a minimum of 18 average length stays in any given day. This represents a minimum threefold increase in turn-over for those who stop for the free parking period. With a higher average daily occupancy level, vehicle searches 'cruising' will decrease, emissions will decrease, footfall will increase for short stay trips to access the High Street.

Increasing the free charge period will reduce income, reduce space availability and hamper footfall for local trips for essentials.

The proposal does allow for a period of longer stay on the High Street for up to 90 minutes that is charged at a higher rate of £1/30minutes, this presents a choice to the user.

The provision for short stay free parking is to facilitate locals to access shops and businesses on a frequent basis. Longer stay opportunities for less frequent visits that charge for long stay parking is located nearby.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended on the back of representations made to increase the free period to 45 minutes.

Appendix C.2 - The proposals will discourage visitors/damage the town centre, the local economy, and businesses because the 30 minutes is too short. Westgate should be included in the Central CPZ.

<p>The parking proposal</p> <p>Westgate – On-street charged parking, West CPZ, 50p per 30 mins, max stay 5 hours, residents-only parking and combined residents and on-street charged parking, West CPZ, 50p per 30 mins and residents' parking only</p>
<p>Background and purpose of the proposal</p> <p>This proposal is to accommodate and cater for higher levels of car occupancy in North Berwick compared to Scotland and East Lothian. The proposal provides parking provision for recreation, retail, hospitality and accommodation within the local economy and consequently the need to enable access for tourists and visitors to support this. Inefficient use of on-street parking in North Berwick town centre with some streets being well utilised and others experiencing lower occupancy and turnover which results in cruising for parking in the town centre.</p>
<p>Issue raised from the consultation – summary of the representations</p> <p>The business association made representation to the effect that the Westgate should be considered as part of the Central CPZ.</p>
<p>Body or persons submitting a representation rising the issue (if known)</p> <p>The North Berwick Business Association</p>
<p>Particulars to the proposals to which the issues relate</p> <p>Time limits are controlled by schedules defined in the Traffic Regulation Order, which describes the chargeable hours. A 30-minute free parking period is proposed on the adjoining street (High Street) to allow drivers time to access goods and services before returning to their vehicle before a penalty charge notice is raised. To avoid confusion a ticket, a Ringo session, or a disc record of time will be displayed on the car window screen to record the length of stay of the vehicle.</p> <p>The average duration (length of Stay) on Westgate is 39 minutes. The split between resident and tourist footfall for Westgate is assumed to be 85% and 15 % respectively across the year. A proportion of Westgate parking beat count data is attributed to the High Street. This skews the average daily occupancy levels. The proposal recommends charging at 50p for a maximum period of 5 hours. The proposals provides nearby parking opportunity for longer stays users close to the High Street but also serves North Berwick Golf Club and access to other attractions.</p> <p>Parking survey data recorded for Westgate is to Church Road, which is a total of 73 spaces. In actuality the Westgate stops at 133, High Street opposite the old Post Office. This accounts for a total of 64 spaces.</p> <p>The current 90 minutes parking on Westgate provides a minimum of 6 maximum length of stays each day and is restricted to 90 minutes no return.</p>

The current proposal allows an increased length of time to park for up to 5 hours and possibly 6 to amended proposals in response to representation made to mitigate concerns. The design provision for the High Street (41 spaces) allows for a minimum of 738 parking spaces available over the 9 hour period. The preferred option presented by the business association maintains the current availability, a minimum of 630 spaces. The design caters for minimum space availability of 738 spaces (High Street) and 128 spaces (Westgate). This arrangement allows for short and medium stay in the town centre providing access to shops, businesses and amenities.

Included in the proposal is the charge of 50p / half hour, which incentivises turn-over, maximising space availability, reduces cruising, encourages, walking and cycling, delivering the planned outcomes.

The provision for short-stay free parking is to facilitate locals to access shops and businesses on a frequent basis. Longer-stay opportunities for less frequent visits that charge for long-stay parking is located nearby.

Potential mitigation

Representations made by the North Berwick Business Association are to include Westgate within the Central CPZ and thereby introduce 90 minutes free parking.

The table below provides details of the financial consequence of providing free parking on Westgate from 0 minutes until 90 minutes.

<p>Westgate proposal – On-street charged parking, West CPZ, 50p per 30 mins, max stay 5 hours, residents only parking and combined resident’s and on street charged parking, West CPZ, 50p per 30 mins and residents’ parking only.</p> <p>No free parking proposed on Westgate</p>	
Number of Spaces	64
Annual income estimated from demand assessment	£117,295.34
Seasonal adjustment (68%)	£79,760.83
Impact of first 30 minute free parking as loss of income	£46,888.95
Impact of first 45 minute free parking as loss of income	£55,075.91
Impact of first 90 minutes free parking as loss of income	£70,209.38

Impact of mitigation

To provide up to 90 minutes free parking on Westgate would reduce space availability.

This consequently increases cruising, which heightens road safety concerns, increasing traffic movement, producing higher emissions. This also reduces the attractiveness of the place due to the pedestrian vehicle conflict.

Removing the charge of 50p / half hour, introducing more free parking does not stimulate sustainable modal choice due to an excellent convenient parking options. The generalised cost of the journey is lower from the driver, which contributes to increased car use. Government policy looks to reduce car journeys by 20% by 2030. This will require different choices and improved cycle/walking access, primarily push (price) /pull (improvements) initiatives to incentivise change.

Reducing the length of time to 90 minutes, will restrict longer stay parking closer to North Berwick Golf Club, West Bay and putting greens. Off-street parking is located further to the east and although relatively close to those attractions might be considered too far for some to walk. This requires a careful balance, of access and accessibility to places for all users to facilitate growth but also maintain sustainable transport.

The removal of charged parking for up to 90 minute length of stay will be a loss of £70,209.38.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has not been amended as this will have significant impact on anticipated benefits and weakens the intended outcomes.

C.3 - Residents' parking is insufficient

The parking proposal

The proposal will lead to the marking out of residents' parking areas on-street, with each household able to apply for up to two parking permits. A charge will be levied per permit, which will be set to reflect the cost of providing the service and monitoring and enforcement (currently proposed to be £40).

Background and purpose of the proposal

The advantages of introducing CPZs include:

- Better management of the limited parking space available in the town;
- Convenience and improved parking opportunity for residents who are currently affected by high demand for parking spaces at peak times;
- Reduced inappropriate and indiscriminate parking which can cause inconvenience and congestion; and

The proposal will lead to the marking out of residents' parking areas on-street, with each household able to apply for up to two parking permits. A charge will be levied per permit, which will be set to reflect the cost of providing the service and monitoring and enforcement (currently proposed to be £40).

Issue raised from the consultation – summary of the representations

The is insufficient residents parking available

Body or persons submitting a representation rising the issue (if known)

A resident of North Berwick who lives within one of the proposed CPZ

Particulars to the proposals to which the issues relate

The proposal will lead to the marking out of residents' parking areas on street in each of the four proposed parking CPZs. This will be residents' only parking spaces or a combination of resident and charged parking. A single household will be able to apply for up to two parking permits. A charge will be levied per permit, which will be set to reflect the cost of providing the service and its monitoring and enforcement (currently proposed to be £40).

Currently, a residents' parking scheme is available for a resident of Fowler Court, Forth Street, Lorne Lane, Lorne Square, Viewforth, Market Place, Forth Street Lane, Balderstone's Wynd and High Street (between Quality Street and Church Street up to and including 113 High Street) . Residents can only park where restriction do not apply. This resident parking scheme is only available on north side of Forth Street.

The permit is only available for a person who regularly lives and sleeps in the premises. A short stay let, holiday home resident, transient visitor does not qualify.

The proposal recommends the formation of 4 CPZ with residents only parking available in all CPZs. This restricts use to residents only parking in designated parking spaces, prohibiting visitor parking. The total number of

spaces available is limited to 546 spaces. This does not guarantee a residents parking space.

No provision for resident's parking spaces are made for in off street parking places. Provision is only being made on street.

Potential mitigation

Removing designated residents-only spaces, combining those with on-street paid spaces increased residents' parking space availability to 923 spaces.

Impact of mitigation

This will provide more than the number of spaces predicted to meet residents' needs. However, this does not guarantee a parking space and that residents would have to compete with visitors for space. This may result in residents having to park further from their homes, but it provided a fairer approach where some spaces will be in higher demand than others due to the property density and historical streetscape characteristics.

With greater provision made for residents, space availability for visitors will be diminished which could result in more cruising, therefore, clear real-time parking information would be necessary to help visitors locate a space.

There is potential for a loss of parking revenue because spaces are taken up by residents with no incentive to move. The number of residents is estimated to be 658. The number of spaces available for residents under the original proposals is 546 spaces. This equates to a maximum loss of £220,320 if all residents car were parked 360 days of the year with no turn over. This scenario is unrealistic.

According to DfT national travel statistics a person will undertake 380 trips annually by vehicle each year. This suggests every space will be vacate 1.05 x daily. The length of time this happens for is predicted on the trip purpose. Survey data implies business trips equate to 3%, leisure 30%, shopping 22%, commuting 15%, other escort 12%, personal business 10% and education or education escort 9%. From this it is assumed leisure, business and commuting will be day trips, and shopping, other escort, personal business and education or education escort under 2 hours in length. Accordingly, 48% of spaces will be free during the day with 52% for 2 hours or under.

This in turn produces 402 spaces being available from the 658 (estimate of residents parked) because of residents' daily activity, which is 34 more than the original design available for visitors to the town. This increases revenue by £74,908, further reduces, coursing and improves turn-over.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended on the back of the representations made to increase the number of spaces available to residents to park in the CPZs.

C.4 - Dis-benefit to workers/volunteers/local groups, cost, time walking

The parking proposal

To introduce CPZs, charged on- and off-street parking in North Berwick.

Background and purpose of the proposal

The proposals that are under consideration aim to balance the complex requirements for parking to meet the needs of everyone, with ensuring that our town centres remain vibrant, successful and attractive places to live in, work in and visit. It is also important to encourage the use of sustainable transport options such as walking, cycling and use of public transport, to improve people's safety, health and wellbeing.

East Lothian is a popular area for visitors and also has a growing population. There are increasing pressures on parking in our towns and this is demonstrating a need for the Council to develop a comprehensive and strategic approach to parking. The management of parking supply is crucial to ensure the success of our six town centres into the future. There is also a cost associated with managing and maintaining the car parks we already have, but insufficient income currently to cover this.

Reflecting the significant challenges that arise in relation to parking in our town centres, parking management and enforcement has become a necessity in many busy locations. Inappropriate parking that frequently occurs on streets creates bottlenecks and contributes to traffic congestion. There are high levels of demand for spaces in the off-street car parks in town centres. Many of these are full early in the day, leaving little or no space for visitors arriving later in the day. There can be very limited turnover of the spaces. More robust approaches to enforcement of regulations are also required to improve the management of the parking spaces available.

Issue raised from the consultation - summary of the representations

Dis-benefit to workers, volunteers, local groups as this increases their costs, and time to walk to their destination.

Body or persons submitting a representation rising the issue (if known)

Someone who works in a building that is within a proposed CPZ

Particulars to the proposals to which the issues relate

The proposals intend to introduce parking restriction within the CPZs. The proposals restrict long-stay parking in the town except for the East CPZ where all-day parking is allowed. A maximum charge of £5 is proposed for all day parking in this CPZ.

No provision has been made for shop workers or volunteers. The proposals recognises an element of parking demand will be taken up by this group but the number of users are difficult to predict; however, long-stay parking trends suggests 70-90 vehicles parking in the core of the town that correspond to office or shop worker shifts.

The public survey showed that 42% of people were in favour of the provision of new parking with 27% opposed and 41% not answering the question.

Potential mitigation

Long-stay parking facility is available at Recreation Park. This can accommodate 68 parked cars. An option to increase parking could be considered at the recreation park or elsewhere in the town. It is recommended that officers explore the opportunity for new parking provision in the town and continue conversations with FES for use of off-street parking at North Berwick High School.

Impact of mitigation

The proposed amendment will require development of long-stay parking proposals and potentially be subject to planning approval. This could potentially impact green space in the town. Any proposals brought forward will have to be carefully considered with regard to the environment and take cognisance of wider policies considerations. The use of school car parking spaces will have a limited benefit being only available during school holidays.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended following the representations made to explore additional parking provision to manage town centre long-stay parking capacity.

Appendix C.5 - Overnight stay proposals unacceptable, restrict the number of motorhomes that access the town

<p>The parking proposal</p> <p>To introduce CPZs, charged on- and off-street parking in North Berwick and charge for overnight parking to prohibit unsolicited recreational vehicles.</p>
<p>Background and purpose of the proposal</p> <p>An area has been identified to the east of the town, which is suitable for overnight parking stays, for example for visitors arriving in motorhomes and campervans. There will be an overnight charge for parking in these areas between 12 midnight and 6am.</p> <p>An area covering the following parts of the East CPZ: Melbourne Road, Quadrant, Castlehill Car Park, Sewage Works Car Park and Haugh Car Park is proposed to have designated overnight parking for a charge of £12, for the period from 12 midnight to 6am. No return will be allowed within 24 hours under the proposals.</p>
<p>Issue raised from the consultation - summary of the representations</p> <p>Object to the premise of encouraging overnight stay of campervans and motorhomes.</p>
<p>Body or persons submitting a representation rising the issue (if known)</p> <p>North Berwick resident, location unknown</p>
<p>Particulars to the proposals to which the issues relate</p> <p>Currently, vehicles are prohibited to park on Melbourne Road with a height greater than 7'6". This is on Melbourne Road only. A height barrier prohibits vehicles entering Castlehill car park, which is not adopted as part of the public road network. It is maintained by Landscape and Countryside. No restrictions apply to Tantallon Terrace, the sewage works car park or Haugh car park.</p>
<p>Potential mitigation</p> <p>To maintain and expand the prohibition of high sided vehicles to include all beach side on-street parking. To stop overnight parking at Castlehill car park except on display of a residents parking permit.</p> <p>It is recognised that motorhome and campervan visitors contribute to the local economy and should be accommodated. Further work to explore better control and safer parking arrangements at the Haugh and sewage works car parks by explored and tested through the provision of an experimental Traffic Regulation Order. This will be undertaken to support and amend the proposal to enhance the motorhome offering. A re-design of space as part of this review.</p> <p>It is recommended additional signage and interpretation boards will be placed to advise users of acceptable practice and behaviour in using the car park</p>

and beach. Wayfinding signage will be introduced to link to town centre amenities and facilities.

Impact of mitigation

The amount of transient visitors taking opportunity for a seaside view will be reduced as high side vehicles will continue to be prohibited to park on Melbourne Road, and further restricted on The Quadrant, and Tantallon Terrace. To accommodate larger vehicles at the sewage works and Haugh car park designated parking spaces will be marked out. Through increase enforcement and charged parking, the number of vehicles accessing those car parks will be limited. A charge of £20 will be levied for overnight stay and £5 during the day. This is to recover enforcement costs and encourage acceptable use of the space. Increased enforcement, monitoring and evaluation of use of the car parks will be regular occurrence to offset residents' concerns.

The cost of increase enforcement is built into the operational expenditure calculations.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended following the representations made to not charge for overnight parking, on Melbourne Road, The Quadrant, Castlehill car park and Tantallon Terrace. To extend the vehicle high restriction on Tantallon Terrace, and to increase the charge for overnight parking at the sewage works and Haugh car park.

C.6 - Problem only seasonal

The parking proposal

To introduce CPZs, charged on- and off-street parking in North Berwick.

Background and purpose of the proposal

The proposals that are under consideration aim to balance the complex requirements for parking to meet the needs of everyone, with ensuring that our town centres remain vibrant, successful and attractive places to live in, work in and visit. It is also important to encourage the use of sustainable transport options such as walking, cycling and use of public transport, to improve people's safety, health and wellbeing.

East Lothian is a popular area for visitors and also has a growing population. There are increasing pressures on parking in our towns and this is demonstrating a need for the Council to develop a comprehensive and strategic approach to parking. The management of parking supply is crucial to ensure the success of our six town centres into the future. There is also a cost associated with managing and maintaining the car parks we already have, but insufficient income currently to cover this.

Reflecting the significant challenges that arise in relation to parking in our town centres, parking management and enforcement has become a necessity in many busy locations. Inappropriate parking that frequently occurs on streets creates bottlenecks and contributes to traffic congestion. There are high levels of demand for spaces in the off-street car parks in town centres. Many of these are full early in the day, leaving little or no space for visitors arriving later in the day. There can be very limited turnover of the spaces. More robust approaches to enforcement of regulations are also required to improve the management of the parking spaces available.

Issue raised from the consultation – summary of the representations

Parking problem experienced are only seasonal.

Body or persons submitting a representation rising the issue (if known)

On behalf of a group

Particulars to the proposals to which the issues relate

The proposals intend to introduce parking restriction over the whole of the year. The objection argue that parking management is only necessary over part of the year when demand exceeds supply. Current on-street restriction where applicable run from 1 June to 30 September with no return within 90 minutes.

Potential mitigation

To only restrict parking for 4 months of the year and not to charge from 1 October until 31 May has significant income implications. The figures below are gross and do not reflect other potential changes, non-payment, and VAT on charges. The following table provides an indication of income and loss

depending on length of seasonal free parking as a means to mitigate public representations.

Time period	Predicted Annual income	Loss of income
Full year charged	£1,195,000.00	0
1 December – 31 January	£1,107,614.26	£87,385.74
1 November – 28 February	£1,011,489.95	£183,510.05
1 October – 31 March	£900,073.13	£294,926.87
1 September – 30 April	£768,994.52	£426,005.48
1 September – 31 May	£597,500.00	£597,500.00
1 October – 31 May	£663,039.31	£531,960.69

Impact of mitigation

The implications of running a seasonal CPZ with seasonal free parking are wide ranging and varied.

Signing and lining will have to be in place all year but only be relevant for a proportion of the year. This will increase criticism on street clutter and planning in conservation areas will be conflicted because of infrastructure only being needed for several months of the year.

On-street ticket issuing machines would be non-operational a proportion of the year with non-use increasing maintenance and replacement costs.

The scheme will take time to embed. Residents and visitors' recognition and understanding will change seasonally. If the proposals are only applied for a proportion of the year, this could lead to confusion and continuous opposed views from users. This will be furthermore complicated by different annual events and activities, requests for dispensation and arguments on when parking should be free. This lack of clarity could discourage visitors and frustrate residents. Annual complaints and misunderstanding, perpetual difference in views from businesses and residents will regularly arise increasing workload for staff and feedback criticisms.

Cost increases are likely from suppliers, the CEC parking team who administer PCN non-payment because of the level of complaint and challenge of charges.

The economic benefits will be significantly diminished as the incentive to drive less is removed over part of the year. This increases cruising, reduces air

quality, increases CO² emissions, diminishes life expectancy, increases long-term health costs and lessens the vibrancy of place due to increased car use.

Parking enforcement staff retention will be problematic because of seasonality of the contract arrangements, rates and likely to be higher to entice people to work for part of the year only.

As enforcement levels will be less off season, contravention, indiscriminate, and dangerous parking will increase increasing the risk to the public.

Turn-over levels will drop and space availability reduce affecting footfall.

The loss of income could reduce the viability of the proposals.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposals have not been amended as this will have significant impact on anticipated benefits and weakens the intended outcomes.

C.7 - The maximum length of stay is too short.

The parking proposal

To introduce CPZs, charged on- and off-street parking in North Berwick. The proposal look to limit the length of stay, which is influenced by location and use.

Background and Purpose of the Proposal

There will be a maximum parking time of 5 hours in this area in the West CPZ. Some of the streets will have shared areas designated for resident permit holders and visitors to park and pay. Other areas will be for residents only. The maximum length of stay is introduce to accommodate golfers but stop all day parking in proximity to the rail station.

No maximum length of stay is proposed East CPZ. Some streets will be designated for residents only.

The use of all short-stay off-street car parks in the town from 8.30am to 6pm, allows for a maximum length of stay of 4 hours and no return within 2 hours. The following car parks will be designated as short stay and will be covered by the 4 hour maximum period: The Glebe, Quality Street, The Lodge, Gardeners' Garden car parks.

The first 30 minutes will be free in the Law Road car park. Parking will be limited to 90 minutes with no return within 2 hours. There will be a charge of £1 for each 30 minutes after the free period ends, with a maximum charge of £2 for the maximum time period of 90 minutes.

Parking will be free at the Community Centre and Museum for the purposes of using those facilities only. Parking will be controlled and enforced by an appropriate monitoring system.

There will be no charge for parking at the Recreation Ground car park (rugby club).

Issue raised from the consultation - summary of the representations

Maximum length of stay period too short

Body or persons submitting a representation rising the issue (if known)

From outside East Lothian

Particulars to the proposals to which the issues relate

Currently parking in all off-street car parks is free with no time limit except for the Gardener's Garden car park, which is leased to the Seabird Centre. Parking in Gardener's Garden car park is £3 for 1 hour, £5 for 2 hours, and £7 for 3 hours and £8 all day.

A temporary traffic regulation Order (TTRO) for the Glebe and Law Road car parks, was introduced in 20/21 and 21/22 to support Spaces for People initiative to support public health measures. The temporary arrangements have demonstrated improvements in turn-over and space availability but

reduced space in Quality Street (Imperial) car park. Effectively, long-stay parking demand moved because of the temporary arrangements impacting the performance and safety of other car parks.

Potential mitigation

The public survey sought opinion on the length of stay proposed in West CPZ and off-street car parks. Public opinion was that the proposed maximum length of stay in the west CPZ and the off-street cars were too short.

Accordingly, it is recommended to increase the proposed 5 hours to 6 hours in the west area and 4 hours to 5 hours in off-street car parks.

Impact of mitigation

The increase in length of stay will not impact income generation as the minimum turn-over in a 9.5 hour period stays the same. As there will be a slight delay in turn-over searching might increase marginally. It is recommended that appropriate technology is introduced to monitor this closely.

As a consequence of the maximum length of stay increase, visitors have slightly longer to visit the attractions that might increase visitor spend.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended following the representations made to increase the maximum length of stay in the west CPZ to 6 hours and off street car parks to 5 hours.

C.8 - Displaces parking and creates congestion

The Parking Proposal

To proposal looks to introduce CPZs, which limits and controls parking through the introduction of on- and off-street charges in designated areas.

Background and purpose of the proposal

Four new CPZs are proposed in North Berwick, where there are currently problems with the management of parking and high demand in comparison with capacity. The advantages of introducing CPZs include:

Better management of the limited parking space available in the town;

Convenience and improved parking opportunity for residents who are currently affected by high demand for parking spaces at peak times;

Increased turnover of vehicles parking in the town, providing easier access to businesses, shops and leisure facilities;

Reduced inappropriate and indiscriminate parking which can cause inconvenience and congestion; and

Introduction of an appropriate area for visitors making overnight stops, for example in motorhomes

The proposal will lead to the marking out of residents' parking areas on-street, with each household able to apply for up to two parking permits. A charge will be levied per permit, which will be set to reflect the cost of providing the service and its monitoring and enforcement.

The aim of the proposals is to balance the complex requirements for parking to meet the needs of everyone, with ensuring that our town centres remain vibrant, successful and attractive places to live in, work in and visit. It is also important to encourage the use of sustainable transport options such as walking, cycling and use of public transport, to improve people's safety, health and wellbeing.

Issue raised from the consultation - summary of the representations

The perception is the proposals will displaces parking and increases congestion elsewhere. Particular concern is raised on St Baldred's Road and West CPZ adjoining roads and streets.

Body or Persons submitting a representation rising the issue (if known)

A resident of North Berwick outside the proposed CPZ.

Particulars to the proposals to which the issues relate

The existing Traffic Regulation Order provides for waiting, waiting and unloading, disabled and loading and unloading restrictions with limited length of stay, partial resident permits holder provision and no restriction on off-street parking. These restrictions were introduced in 2003 and consolidated in 2016. These restriction are no longer fit for purpose, able to manage vehicle movement, demand or supply, resulting in inconsiderate, dangerous

parking, poor air quality, increase CO2 emission, stagnating growth (footfall) and limiting sustainable transport options going forward. Change is needed to manage the busy town centre and support local regional and national policies.

Potential mitigation

The main area of concern is parking displaced on to St Baldred's Road creating a Road safety hazard. This is a likely consequence as during busy times parking migrates to this location. To address road safety concerns and maintain the flow of traffic additional interventions will be prepared to limit on street parking to one side only or chicane parking, to maintain vehicle throughput and address road safety concerns.

Parking displacement to the west side of the town will be monitored and actioned if road safety is compromised.

Additional off-street long stay parking facility is available at Recreation Park. This can accommodate 68 parked cars. The potential to increase parking capacity could be considered in due course. This is recommended following positive feedback that additional space should be made available in the town.

Improved signage with real-time parking availability to guide drivers to spaces will be provided as part of the proposals.

Impact of mitigation

Stopping on-street parking on St Baldred's Road will reduce long-stay parking opportunity in the town. Cruising is not expected to be a major concern as the long-stay parking requirement is limited to residents of the CPZ, shop workers and visitors, with shop workers quickly acclimatising to the new arrangements.

Not introducing no waiting, loading and unloading restrictions is likely to increase the risk of injury accidents and disrupt traffic flows over this distributor link.

Amendments made to improve the proposal / mitigate the respondent's concern

The proposal has been amended following the representations made to starts the statutory procedure to prohibit parking on St Baldred's Road subject to implementation of the Order and that other areas will be monitored to take action on indiscriminate parking behaviour as necessary.

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director for Council Resources

SUBJECT: Review of Standing Orders

7

1 PURPOSE

- 1.1 To seek approval of proposed changes to the Standing Orders resulting from the review carried out by the Standing Orders Working Group (SOWG);
- 1.2 To advise that a further meeting of the SOWG is required to consider a number of aspects of the Scheme of Administration, with a view to reporting back to Council in June 2023; and
- 1.3 To seek approval of a number of changes to the Scheme of Delegation.

2 RECOMMENDATIONS

- 2.1 That the Council approves:
 - The proposed changes to the Council’s Standing Orders, as set out in Appendix 1, to take effect immediately;
 - The proposed changes to the Scheme of Delegation, as set out in Section 3.4 of the report and Appendix 2, to take effect immediately;
 - To note that a further report will be presented to Council in June 2023 as regards proposed changes to the Scheme of Administration.

3 BACKGROUND

- 3.1 At its meeting on 24 May 2022, the Council agreed that a review of the Council’s Standing Orders and Scheme of Administration should be undertaken to ensure that these documents remain fit for purpose. Following that meeting, a Standing Orders Working Group (SOWG) was set up, comprising the following Members: Councillors Findlay, Gilbert, McIntosh and Ritchie, and supported by the Head of Corporate Support, the Service Manager – Governance, and the Team Manager – Democratic & Licensing. The SOWG met on three occasions between

November 2022 and March 2023, and discussed a number of proposals brought forward by the political groups and officers. Throughout the review, these proposals have been shared with the various political groups.

- 3.2 As regards the Standing Orders, the proposed changes are set out in Appendix 1 (by way of tracked changes). The changes relate mainly to the arrangements for the imminent introduction of hybrid committee meetings, but also cover changes to the declaration of interests by Members (as a result of the updated Councillors' Code of Conduct); the introduction of 'digital signatures' for motions and amendments, replacing 'wet signatures'; and a number of editorial changes.
- 3.3 A number of proposed changes to the Scheme of Administration were considered by the SOWG, including the call-in procedure for Cabinet. Some of these changes require further consideration, and it is therefore proposed that a further report be presented to Council in June 2023 setting out the proposed changes to the Scheme of Administration.
- 3.4 During the course of the review, a number of required changes to the Scheme of Delegation were raised by officers. Although the Scheme of Delegation is outwith the scope of the review (having undergone a major review in 2021), it seems appropriate that that these changes be included in this report. They relate to the following:
- Section 9 (Specific Duties and Responsibilities Delegated to the Head of Children's Services) – add (as a new duty): 'Leading the Council's multi-agency duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism'.
 - Section 18 (Scheme of Delegation for Planning Applications) – amend 18.3 to reflect that the Head of Development (rather than the Service Manager – Planning) shall have authority to determine decisions in relation to the variation, modification or discharging of planning obligations.
 - Section 19 (Statutory Appointment of Officers) – see Appendix 2
- 3.5 If approved, the changes set out above and in the appendices to this report will be incorporated into the Council's Standing Orders and Scheme of Delegation, and will take place with immediate effect. The updated documents will be published on the Council's website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
6.2 Personnel – none
6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 None

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DATE	11 April 2023

1 FIRST MEETING OF THE COUNCIL FOLLOWING AN ELECTION

1.1 Convening the Meeting

In an election year, the Council will hold its first meeting within 21 days from the date of the election. The Chief Executive will set the date and time of this first meeting.

1.2 Mandatory Items of Business

Until the Provost is elected the Returning Officer will chair the meeting.

At this meeting the Council will:

- i. Receive notice of election of Councillors, noting which Councillors have signed the declaration of acceptance of office
- ii. Appoint the Provost, Depute Provost, Leader (and Depute Leader, if desired) of the Council
- iii. Receive notice of the appointments of Leaders of Minority Groups and [identify any spokesperson for any group of independent Councillors, and](#), from those, appoint the Leader of the Opposition
- iv. Appoint the Cabinet, other Committees and Sub-Committees of the Council and their respective Conveners and Depute Conveners, noting that all Groups will be required to make nominations for membership in accordance with the committee/sub-committee composition, as determined by the Council
- v. Appoint portfolio holders
- vi. Appoint representatives to any Joint Boards, Associated Committees and the various other outside bodies the Council is represented on, provided these appointments can be reasonably made at that meeting and it is considered appropriate to make appointments at that time
- vii. Set the allowances of the Provost, Depute Provost, Conveners and [Depute](#) ~~Vice~~-Conveners of Committees and other Members in accordance with the relevant statutory provisions and guidance from the Scottish Government
- viii. Appoint the Licensing Board in terms of the Licensing (Scotland) Act 2005
- ix. Deal with any other statutory or urgent competent business.

2 COUNCILLOR APPOINTMENTS AND REMOVAL FROM OFFICE

2.1 Appointment of Councillors to Office

- i. When appointing Councillors to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote (see Standing Order 10).
- ii. It will not be competent for a Councillor to move or second his/her own election or appointment either as Provost, Depute Provost, Leader or Depute Leader of the Council, or as Convener or Depute Convener of a Committee of the Council.
- iii. Where there is one vacancy and one candidate has an absolute majority of the votes cast, that candidate will be appointed. If no candidate has an absolute majority the candidate with the fewest votes will be eliminated and another vote taken. This process of elimination will continue until one candidate has an absolute majority.
- iv. Where there is an equal number of votes for the candidates with the fewest number of votes, there will be an additional vote to decide which candidate to eliminate. If there are an equal number of votes in the additional vote between two candidates, the elimination will be decided by drawing lots.
- v. Where there is one vacancy and an equal number of votes between two candidates, the appointment will be decided by drawing lots.
- vi. Where there is more than one vacancy, the candidate with the lowest vote will be eliminated and another vote taken. This process of elimination will continue until there are an equal number of candidates to the number of vacancies.

2.2 Duration of Appointments

Unless a Councillor resigns from any appointment or is removed by the Council, each of the appointments referred to in Standing Order 1.2 will stand until the next Council election.

2.3 Removing the Provost, Committee Conveners and Committee Members

- i. The Council may remove the Provost, Depute Provost, Leader, Depute Leader, any Convener or Depute Convener of a committee or any member of a committee (this includes appointed members and added members).
- ii. Any motion for removing the Provost, Depute Provost, Leader, Depute Leader, Convener, Depute Convener or any member of a committee

may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put.

3 COMMITTEES, SUB-COMMITTEES AND ASSOCIATED COMMITTEES

3.1 Committees

- i. Subject to any statutory provision, the Council may at any time appoint committees to help carry out its functions. The powers and duties of these committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders). In the event that any new committees are appointed, the Council shall determine the membership of those committees and shall ensure that political balance is achieved. This Standing Order should be read in conjunction with the Scheme of Administration.
- ii. The Council may amend the committee structure at any time.
- iii. The Provost's powers in Council meetings will apply to the Convener (or Depute Convener) of a committee for meetings of that committee and to any member of a committee chairing a committee in the absence of the Convener and Depute Convener for meetings of that committee.

3.2 Sub-Committees

The Council may establish any sub-committee of its committees, their remits, delegated powers and number of members, and appoint the conveners and members of these sub-committees. The powers and duties of these sub-committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

3.3 Associated Committees

The Council may establish any associated committee, their remit, delegated powers and number of members, and appoint the conveners and members of these associated committees. The powers and duties of these associated committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

3.4 Members' Library Service

The Chief Executive will maintain a Members' Library Service, which will contain:

- (a) reports advising of significant items of business which have been delegated to officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors (see Standing Order 15.2), or
- (b) background papers linked to specific committee reports

A summary of all papers lodged in the Members' Library will be presented at the next ordinary meeting of the Council for recording into the proceedings of the Council. Reports to the Members' Library will be made available to the public except where they contain exempt or confidential information as defined in Schedule 7A of the 1973 Act or Section 50A of the 1973 Act.

4 ORDINARY AND ADDITIONAL MEETINGS OF THE COUNCIL AND COMMITTEES

4.1 Ordinary Meetings

Ordinary meetings of the Council and its committees will be held according to the schedule agreed by the Council, unless the Council agrees otherwise.

At an ordinary meeting of the Council or a committee no business will be transacted other than:

- i. business required by statute to be transacted at that meeting
- ii. business specified in the Notice of Meeting (see Standing Order 4.3)
- iii. any other business considered as a matter of urgency in terms of Section 50B(4)(b) of the 1973 Act and Standing Order 5.2.

4.2 Special Meetings

A special meeting of the Council or a committee may be called to deal with urgent business:

- i. at any time by the Chief Executive, in consultation with the Convener; or
- ii. by a written request signed by at least 6 Councillors. In such cases, the special meeting will be held within 14 days of receipt of the request by the Chief Executive; or
- iii. as required by statute.

The agenda for a special meeting will be limited to that item/those items of business specified.

4.3 Notice of Meetings to Members of the Council and Committees

- i. At least three clear days before a meeting of the Council or any committee, notice of the time and place of the meeting will be published. As a matter of practice, seven clear days' notice of meetings will normally be given.

[Note: clear days includes week days, weekends and public holidays, but excludes the day the notice is issued and the day on which the meeting is held.]

- ii. Where the meeting is called by Councillors in terms of Standing Order 4.2(ii), the notice will include a copy of the request signed by them and will specify the business to be discussed at the meeting.
- iii. Councillors will be provided with the meeting agenda and accompanying reports. If a notice of meeting is not received by any Councillor, the meeting will still be valid.
- iv. All Councillors will have access to all committee papers, including those containing exempt and confidential information (as defined in Standing Order 5.4).

4.4 Notice of Meetings to the Press and Public

- i. Copies of the items set out in the Notice of Meeting will be made available on the Council website (www.eastlothian.gov.uk).
- ii. Reports containing exempt or confidential information (as defined in Standing Order 5.4) will not be made available to the press or public.

4.5 Postponing, Continuing and Cancelling Meetings

- i. In consultation with the Convener, the Chief Executive may postpone any meeting to another day or time.
- ii. Any motion to continue a meeting which has already started to another day or time must be seconded before being put to the vote.
- iii. Where a sub-committee meeting is continued, no member should attend who did not attend the original meeting (see also Standing Order 6.4)
- iv. Scheduled meetings may be cancelled where there is no business to be discussed or with the agreement of the Chief Executive, in consultation with the Convener.

5 MEETING AGENDAS

5.1 Order of Business

- i. The order of business for a Council or committee meeting will be agreed by the Chief Executive and Convener. Any changes to the order of business will be announced by the Convener at the beginning of the meeting. Items containing exempt or confidential information will normally be discussed following public items.

- ii. Unless determined otherwise by the Chief Executive, only business requiring a decision will be specified on the agenda.
- iii. The Convener may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters, unless determined otherwise by the Convener.

5.2 Urgent Business

If three clear days' notice are not given for an item of business, it may be dealt with at the meeting as urgent business if:

- i. it is made known at the start of the meeting; and
- ii. the Convener rules that there are reasons why it is urgent and states those reasons.

5.3 Written Motions to Council

- i. Written motions intended for inclusion on the agenda for a meeting of the Council will be ~~signed by the Councillor submitting the motion and countersigned by at least one other Councillor~~ emailed directly to the Clerk by the Councillor submitting the motion, and 'countersigned' by at least one other Councillor by way of an email to the Clerk. All such notices should be submitted to the Clerk eleven clear days in advance of the meeting date. If this deadline is missed, the motion will not be included on the agenda. Motions will be included on the agenda for the meeting in the order in which they are received.
- ii. Every motion must contain an instruction to Council and be relevant to matters within the Council's powers and duties or involve an issue that will affect East Lothian or a matter of social and political concern.
- iii. Motions may not contain offensive or abusive language and may not contain argument. The Chief Executive, in consultation with other Council officers, may refuse to accept any motion that fails to meet these requirements.
- iv. Every written motion received will be subject to checks to determine their competency, which will include:
 - (a) whether they have been submitted in accordance with Standing Order 5.3(i);
 - (b) the purpose of the motion is within the powers of the Council;
 - (c) the motion is lawful; and
 - (d) whether the purpose of the motion seeks to directly rescind a decision made by the Council or Committee within the previous six months (in which case approval of two-thirds of Councillors present and entitled to vote would be required).

5.4 Call-in Process

A minimum of four Councillors shall be required to call in items of business from a Cabinet agenda. Written notice of a call-in must be submitted to the clerk to the Cabinet (by electronic mail) by noon on the day before the meeting at which the item(s) are due to be considered; each Councillor requesting the call-in is required to notify the clerk separately. Any items of business called in in accordance with this process will be withdrawn from the Cabinet agenda and referred to the next ordinary Council meeting for consideration. Time-critical items of business (i.e. those items which require a decision to be taken in advance of the next Council meeting) will be exempt from the call-in process. It shall not be competent for Councillors to use the provisions set out in Standing Order 4.2(ii) (Special Meetings) to request a special meeting of the Council to specifically call in time-critical items of business from a Cabinet agenda.

5.5 Exempt and Confidential Information

- i. Agendas and reports containing exempt information (exempt items) will contain a declaration that the report is 'Not for publication' because it contains exempt information as defined in Schedule 7A of the 1973 Act.
- ii. The press and public will not be admitted during the discussion of exempt items.
- iii. If a question arises at a Council or committee meeting where the press or public is present as to (a) the appointment, promotion, salary or conditions of service, or (b) as to the dismissal, conduct, character or reputation of any person(s) employed by the Council, or (c) confidential information as defined in Section 50A of the 1973 Act, it will be considered by the Council or committee in private.

6 GENERAL OPERATION OF COUNCIL AND COMMITTEE MEETINGS

6.1 Chairing Meetings

- i. The Provost, if present, will be the Convener of Council meetings. If the Provost is not present, the Depute Provost will chair the meeting. If neither the Provost nor the Depute Provost is present, the Councillors present will decide who will chair the meeting by means of nomination and a simple majority vote.
- ii. The Convener, if present, will chair committee/sub-committee meetings. If the Convener is not present, the Depute Convener will chair the meeting. If neither the Convener nor the Depute Convener is present, the Councillors present will decide who will chair the meeting by means of nomination and a simple majority vote.

- iii. If a Convener is required to vacate the chair due to a declaration of interest, the Depute Convener will assume the chair. If the Depute Convener is not present, the Councillors present will decide who will assume the chair by means of nomination and a simple majority vote.

6.2 Quorum

- i. No business will be carried out at a meeting unless a quorum of Councillors is present. A quorum is the minimum number of Council/committee members who must be present before the meeting can take place and make valid decisions.
- ii. The quorum of the Council, committees and sub-committees will be detailed in the Council's Scheme of Administration (see Appendix 1). [The quorum will include those attending in person and those attending remotely.](#)
- iii. If, ten minutes after the time appointed for a meeting the quorum has not been met, the Convener will postpone the meeting until a date and time determined at the time or afterwards. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
- iv. If, after a meeting has started, the number of Councillors entitled to vote falls below the quorum, there will be a break of ten minutes. If, after the break, a quorum has not been found, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
- v. Decisions taken during any part of the meeting where there was a quorum present are valid.

6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology. [Attendance recorded at hybrid meetings will include those present in the Chamber and those attending remotely.](#)
- ii. The entitlement to vote on any matter under consideration will be restricted to committee members present at the meeting. Direction on councillor participation in meetings of any committee of which they are not a member is set out within the Scheme of Administration for each committee.
- iii. Meetings may take place by way of the digital meeting facility only (that is, there will be no physical attendance). In such cases, Councillors and relevant officers will be advised of this in advance of the meeting date.

6.4 Substitute Members

- i. In respect of sub-committees of the Council, and of other committees, as stipulated in the Scheme of Administration, members may appoint another member of the Council as a substitute member to act on their behalf at any meeting which they are unable to attend. This Standing Order should be read in conjunction with Standing Order 4.5(iii) and the Scheme of Administration.
- ii. Where a member is unable to attend a meeting and has appointed a substitute (in accordance with the Scheme of Administration), they will advise the Clerk in advance of the name of the Councillor who will act as substitute.

6.5 Failure to Attend Meetings

- i. If a Councillor is not able to attend a meeting, he/she should inform the Clerk of that committee in advance of the meeting. The Clerk will advise the meeting of apologies intimated prior to the commencement of business.
- ii. If a Councillor fails to attend meetings for six consecutive months of any meeting of the Council or its committees and sub-committees, associated committees or joint boards on which the Councillor represents the Council, the Councillor will no longer be a member of the Council unless the Council grants them prior leave of absence.

6.6 Press and Public Attendance at Meetings

- i. Except where Standing Order 5.4 provides otherwise, every meeting of the Council, its committees and sub-committees will be open to the press and public as observers. [Except where Standing Order 5.4 provides otherwise, the press and public will be able to observe every meeting of the Council, its committees and sub-committees. Where a meeting takes place via digital facilities only, this will be facilitated via a live webcast of proceedings.](#)
- ii. The taking of photographs, use of mobile phones and of other audio visual and recording equipment is not permitted during meetings unless with the express permission of the Convener. [Councillors and officers attending meetings held via digital facilities must not use any part of the recording for political purposes.](#)
- iii. If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order that person to be removed from the meeting. If they refuse to leave the meeting, the Convener may call for the Police to remove them.

- iv. If there is a general disturbance during any part of the meeting open to the public, the Convener may order that the public be removed from the meeting.
- v. Members of the public will not be permitted to address any meeting of the Council, its committees or sub-committees, except where they have the prior permission of the Convener. It will be at the discretion of the Convener to permit any member of the public to address any meeting (see also Standing Order 7.1).

7 CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

7.1 Powers and Duties of the Convener

- i. It is the duty of the Convener to ensure that Standing Orders are followed and to ensure that all Councillors receive a fair hearing.
- ii. When the Convener begins to speak, other Councillors must stop speaking.
- iii. The Convener will decide on the order in which Councillors may speak.
- iv. On all points of order, the ruling of the Convener will be final and not open to discussion.
- v. In the event of disorder arising at any meeting, the Convener will be entitled to adjourn the meeting until a date and time determined by the Convener at the time or afterwards.
- vi. It will be at the discretion of the Convener to permit any member of the public or deputation to address any meeting of the Council, provided that prior permission has been sought and granted by the Convener.
 - a. In respect of any item of business, other than planning applications, the number of persons in a deputation will not exceed three and will be given no more than ten minutes in total to present their case.
 - b. In respect of planning applications, applicants/agents and individuals who have submitted written representations will be invited to attend the Planning Committee and offered the opportunity to address the Committee, in accordance with the procedures outlined in the Scheme of Administration for the Planning Committee (Appendix 1).
 - c. Councillors will not interrupt the delivery of a presentation but may ask questions on its conclusion.

- vii. The Convener will have discretion to determine all questions of procedure where no specific provision is made under these Standing Orders. He/she will explain the reasons for the decision and his/her decision will be final and not open to discussion.

7.2 Behaviour

All Councillors must comply with the Councillors' Code of Conduct and behave respectfully at any meeting, and should not behave in a manner that is improper or offensive, or deliberately obstructs or otherwise disrupts the business of the meeting.

The Convener may take any of the following courses of action against any Councillor disregarding the authority of the Convener, obstructing the meeting or conducting him/herself offensively:

- i. direct the Councillor to refrain from speaking during the remainder of the debate on the matter under discussion
- ii. adjourn the meeting for a period of time specified by the Convener
- iii. suspend the Councillor for the remainder of the meeting and direct him/her to leave the Chamber, in which case the Councillor concerned shall leave the Chamber immediately, or, if the Councillor is participating remotely, his/her access to the digital meeting facility will be suspended for the remainder of the meeting.

7.3 Points of Order

- i. A point of order is a verbal objection given to the Convener, saying that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or the Councillors' Code of Conduct. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- ii. Any Councillor eligible to participate in the meeting may raise a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a Standing Order, the law or the Councillors' Code of Conduct has been, or is about to be, breached.
- iii. When a point of order is raised, the meeting will stop until the Clerk or Legal Adviser has determined whether or not the point raised is a point of order. If the point of order is confirmed by the Clerk or Legal Adviser, the Convener will decide how the point of order should be dealt with. If the point is not confirmed to be a point of order, it will not be accepted and the business will continue.

7.4 Declarations of Interest – Councillors

- i. Any Councillor who has an interest (financial and/or non-financial), as defined in the Councillors' Code of Conduct, in any matter and is present at a meeting of the Council at which that matter is under consideration, will act in accordance with the Councillors' Code of Conduct. [Members must also consider whether any connections they have constitute an interest, and should act accordingly.](#) He/she should seek the advice of the Monitoring Officer and take account of legal advice, where appropriate, on the terms of the Code and how it may affect them.
- ii. Applications to the Council for any grant, approval or permission in which any Member has a personal or financial interest will be considered only by the Council or the appropriate committee or sub-committee.

7.5 Declarations of Interest – Council Officers

Any officer who has an interest (financial and/or non-financial) in any matter and is present at a meeting of the Council at which that matter is under consideration, will disclose his/her interest and, at the discretion of the Council, may be excluded from the meeting while that matter is under consideration.

7.6 Adjournments and Breaks

- i. The Convener may adjourn a meeting at any time for any reason, and will determine the length of the adjournment.
- ii. Subject to the Convener's effective management of the meeting, there will be a 30-minute break after approximately ~~three~~ two hours of sitting [\(this applies to all meetings, whether they are held in person, or are conducted through the Council's hybrid/digital meeting facility\)](#) ~~for a physical meeting, and after approximately two hours of sitting for a meeting being conducted through the Council's digital meeting facility.~~

8 INTRODUCING REPORTS AND QUESTIONS TO OFFICERS

- i. Reports to the Council and committees will be introduced, without interruption, by the officer who has responsibility for the report.
- ii. Unless the Convener agrees otherwise, an officer will take no more than five minutes to present a report and will highlight the salient points to Councillors.
- iii. In accordance with the Scheme of Administration, the Convener will then give Councillors the opportunity to ask questions and request explanations or more information from that officer or from any other

officer at the meeting who holds information that is relevant to the matter under consideration. To promote the effective management of the meeting, Councillors should seek clarification on any points from officers in advance of the meeting. On that basis, the Convener may limit the number and extent of questions raised by individual Councillors at the meeting.

- iv. Once the report has been introduced and when, in the opinion of the Convener, Councillors have had a reasonable opportunity to ask questions and request explanations or more information, the Convener will move to the debate.

9 DISCUSSION AND DEBATING RULES

9.1 Reports to Council and Committee

Motions for approval of a report's recommendations will be considered as the original motion. Any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment.

9.2 Written Motions

- i. Motions submitted in accordance with Standing Order 5.3 must be set out in writing before they can be debated or put to a vote.
- ii. Motions must be moved and seconded before they are debated or put to a vote.
- iii. Individuals present at a meeting who do not have voting rights may not move or second a motion.

9.3 Amendments

- i. Amendments must relate to the report or motion under discussion. [Written amendments must be emailed directly to the Clerk by the Councillor submitting the amendment, and 'countersigned' by at least one other Councillor by way of an email to the Clerk.](#)
- ii. Other than in exceptional circumstances (see (x) below), and in relation to the terms set out in (xi) below, amendments ~~should~~must be submitted to the Clerk by noon on the day prior to the meeting, in order that copies can be circulated to Members prior to or at the meeting. [Competent written amendments submitted prior to the meeting will be published on the website alongside the relevant item of business in advance of the meeting.](#)
- iii. Only in exceptional circumstances will the Convener accept amendments submitted out with the timescale set out in (ii) above. In

such circumstances, the Convener will explain his/her reasons for accepting the late amendment.

- iv. Every amendment shall be given in writing to the Clerk.
- v. The Convener has the power to rule out of order any amendment he/she considers irrelevant or substantially similar to the motion or to any previous amendment.
- vi. Amendments must be moved and seconded before they can be debated or put to a vote.
- vii. Individuals present at a meeting who do not have voting rights may not move or second an amendment.
- viii. Amendments submitted in accordance with the timescales set out in (ii) above will be introduced following the presentation of the report by the officer/the moving and seconding of a motion by Councillors. Where more than one amendment has been submitted, the Convener will determine the order in which they are taken.
- ix. Once all amendments have been moved and seconded, the Convener will move to the debate.
- x. Exceptional circumstances shall include a written amendment submitted outwith the timescale set out in (iii) above or a verbal amendment made in response to matters raised during the debate. Such amendments should be proposed and seconded and put to the Council or committee in accordance with Standing Order 10.1(iii). Where requested, the proposer of a verbal amendment may be required to provide the clerk with the amendment in writing.
- xi. For the purpose of the budget-setting process, specific arrangements, as determined by the Council, will be made as regards the timescales for and submission of amendments.

9.4 Order of Debate

- i. Any Councillor wishing to ask questions relating to the matter under consideration may do so at any time before the formal debate begins. (This Standing Order should be read in conjunction with Standing Orders 8(iii) and 8(iv).)
- ii. Councillors may speak only once during the debate on any item of business. The exceptions are:
 - to exercise a right of reply, in which case the proposer of the original motion will be limited to five minutes and that the reply will be limited to answering matters raised in the debate; or
 - by making a point of order that the Convener has agreed to take.

- iii. A Councillor moving a motion or an amendment may speak for no more than ten minutes.
- iv. Other Councillors taking part in the discussion, including those who second motions or amendments, will speak for no more than five minutes. A councillor who seconds a motion or amendment may do so formally, reserving his/her entitlement to speak on the matter to a later stage in the debate.
- v. The Convener may invite officers to clarify matters or provide further information on the matter under consideration, as required, during the debate.

9.5 Withdrawing a Motion or Amendment

A motion or amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

9.6 Putting a Motion to Council

The Convener will put the motion to the Council after the mover of a motion (or motion as amended) has exercised their right of reply. There will be no further debate on the motion.

10 VOTING AT COUNCIL AND COMMITTEE MEETINGS

10.1 General Information

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided [either](#) by a show of hands [or via the electronic voting facility](#) of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. Where an amendment has been proposed and seconded, it will be voted on before the vote on the motion. Where the amendment is carried, the original motion will fall. Where more than one competing amendment has been proposed and seconded, the Convener will determine the order in which they are put to the vote. A vote will be taken on the motion against the first amendment. A vote will then be taken on the surviving position against the second amendment. This process will continue for any further amendments. All councillors are entitled to vote at all stages.

- iv. If a Councillor immediately challenges the accuracy of the count, the Convener will rule on whether the vote should be repeated and a recount taken. The Convener will then announce the result of the vote.
- v. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.

10.2 Roll Call Vote

- i. Any Councillor (whether or not eligible to vote) can ask for a roll call vote on any question coming to or arising at a meeting.
- ii. If a vote is taken by roll call, the names of those Councillors voting for or against the motion or amendment will be included as part of the minutes for the meeting.
- iii. For meetings where the Council's digital meeting facility is in use, all votes will be taken by roll call.

10.3 Entitlement to Vote

- i. Councillors who have withdrawn from the meeting following a declaration of interest may not vote on the item concerned.
- ii. Councillors attending committees of which they are not members will not be entitled to vote (see also Standing Order 6.3(ii)).
- iii. The Convener will not have a casting vote in relation to filling of posts held by Councillors or other representatives and in the appointment of employees.

10.4 Recording Votes in the Minutes

- i. The minutes of the meeting will record the vote, including any abstentions.
- ii. A Councillor may ask that the minutes of the meeting record a note of his/her disagreement with a decision of the meeting.

11 PROCEDURAL MOTIONS

The following procedural motions may be moved during the discussion of an item of business. If the motions have been moved and seconded, they will be put to the vote without being discussed beforehand. The outcome of the vote will be recorded in the minutes of the meeting:

- i. Moving to the next item of business
- ii. Putting the matter to the vote
- iii. Postponing the debate
- iv. Continuing an item of business

12 RESCINDING DECISIONS

Any motion that would directly rescind a previous Council decision within a period of six months from the date of the original decision can only be approved if two-thirds of Councillors present and entitled to vote agree to do so. This Standing Order does not apply to decisions taken under powers delegated to officers.

13 SUSPENDING AND AMENDING STANDING ORDERS

13.1 Suspending Standing Orders

Standing Orders may be suspended at any meeting of the Council. This can only take effect where at least two-thirds of the Councillors present and entitled to vote approve such a motion. Any such suspension of Standing Orders cannot override a legal duty or requirement of the Council.

13.2 Amending and Removing Standing Orders

- i. Any proposal to add, alter or remove any Standing Order can only be approved where at least two-thirds of the Councillors present and entitled to vote agree to do so. A motion to this effect can only be considered at a meeting of the Council and not at any committee or sub-committee.
- ii. Any proposal to add, alter or remove Appendices 1 and 2 to the Standing Orders will require a simple majority voting in favour of the proposal. The exception to this is the removal of any committee or sub-committee from the Scheme of Administration, which will require the approval of two-thirds of Councillors present and entitled to vote.

14 MINUTES OF COUNCIL AND COMMITTEE MEETINGS

14.1 Approval of Minutes

- i. The reporting arrangements for committees, sub-committees and associated committees will be as contained in the Council's Scheme of Administration (Appendix 1).
- ii. Minutes shall be approved by a simple majority of those present and entitled to vote. If a meeting agrees that minutes submitted for

approval are a correct record, the appropriate Convener will sign the principal copy of the minutes.

- iii. Where the meeting agrees to amend any part of a minute submitted for approval, the Convener will sign the corrected principal copy of the minutes.

14.2 Publication of Minutes

Subject to the provisions of Schedule 7A and of Sections 50A of the 1973 Act (concerning exempt and confidential information), once approved, minutes will be published on the Council's website.

15 DELEGATION

15.1 Delegation Arrangements

The Council will make a Scheme of Delegation to committees and officers to carry out certain functions. The Scheme of Delegation will form an appendix to these Standing Orders (see Appendix 2)

15.2 Delegation of Business to Councillors and Officers

In addition to the delegations specified in the Scheme of Delegation, business may be delegated to a specific chief officer to act in consultation with any two of the Provost, Depute Provost, Leader, Depute Leader (if appointed) or Convener, or to a specific chief officer acting alone. The outcome of the deliberation under such delegation will be subject to a report to the Members' Library Service.

15.3 Emergencies – Delegation of Business to Councillors and Officers

Power is delegated to the Chief Executive and all chief officers to take any action with regard to any emergency involving serious danger to life, property, or public welfare, or in accordance with the Council's Business Continuity Plan. Any action taken under this Standing Order will be reported to the Provost or Leader and the appropriate committee Convener as soon as possible and thereafter to the Council.

15.4 Additional Delegations in Conjunction with Councillors

Power is delegated to the Chief Executive and statutory officers, in conjunction with cross-party Councillor representation, to take immediate or urgent action with regard to matters not covered by Standing Order 15.3.

15.5 Delegation of Business to Committees

- i. The Council will make a Scheme of Administration setting out the functions and remit of any committee and sub-committee. The proper decisions of committees will be regarded as decisions of the Council.
- ii. Decisions of a committee on functions delegated to them will be reported to the Council for information only unless the committee resolves that a particular item of business should be referred to the Council for decision or requires amendments to the Council's approved budget.

15.6 Recess Business Arrangements

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

19. Statutory Appointment of Officers

- 19.1 Under various laws, the Council must appoint officers for a variety of purposes. Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. The 'statutory appointments' that the Council has made are set out in this section.

Relevant Law	Role	Proper Officer
Civic Government (Scotland) Act 1982		
Section 113	Proper officer for keeping evidence of management rules	Head of Corporate Support
Community Empowerment (Scotland) Act 2015		
Section 22	Proper officer for receiving participation requests	Head of Communities
Section 79	Proper officer for receiving asset transfer requests	Head of Communities
Data Protection Act 2018		
Chapter 4, Sections 69-71	Proper officer for monitoring compliance; for informing and advising the data controller of their obligations; for co-operating with the supervisory authority in respect of (1) East Lothian Council, and (2) East Lothian Licensing Board	Team Manager – Information Governance
Environmental Protection Act 1990		
Section 149(1)	Proper officer for dealing with stray dogs in the area	Head of Communities
Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests Regulations) 2003		
Section 7(1)	Proper officer for setting up and keeping the register of councillors' business, personal and financial interests, and making these available to the public	Monitoring Officer / Service Manager – Governance / Team Manager – Democratic and Licensing
Licensing (Scotland) Act 2005		
Schedule 1, para. 8(1)(a)	Proper officer to act as the Clerk to the Licensing Board	Service Manager – Governance
Section 13	Proper officer for supervising compliance by licence-holders, mediating, issuing notices and applying for premises licence reviews	Licensing Standards Officer
Local Authorities (Contracts) (Scotland) Regulations 1997		
Regulation 4	Proper officer for certification purposes (powers to enter into a contract of other matters)	Head of Finance
Local Government (Scotland) Act 1973		
Section 33a	Proper officer for receiving councillors' declarations that they accept their role (declaration of acceptance of office)	Chief Executive
Section 33a(3)	Proper officer that the declaration of acceptance of officer can be made to	Chief Executive / Monitoring Officer /

		Service Manager – Governance / Team Manager – Democratic and Licensing
Section 34	Proper officer for receiving councillors' resignations	Chief Executive
Section 40	Proper officer for receiving general notices from councillors about any financial interest in a matter, and for recording the councillors' interests	Monitoring Officer / Service Manager – Governance / Team Manager – Democratic and Licensing
Section 43 and para. 1(4) of Schedule 7	Proper officer for receiving requests for special Council meetings	Chief Executive
Section 43 and para. 2(1) of Schedule 7	Proper officer for signing summonses to special Council meetings	Chief Executive
Section 43 and para. 2(2) of Schedule 7	Proper officer for receiving a councillor's notice of an alternative address	Head of Corporate Support
Section 50b	Proper officer for preventing reports containing sensitive information from being available to the public, and for providing documents to the press	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 50c	Proper officer for providing a written summary when the minutes of a meeting cannot be made available to the public	Head of Corporate Support
Section 50f	Proper officer for deciding which documents are not open to inspection	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 92	Proper officer for transferring securities	Executive Director for Corporate Resources / Head of Finance
Section 95	Proper officer for managing the Council's financial affairs	Executive Director for Council Resources
Section 145	Proper officer for asking Ordnance Survey for information	Executive Director for Place
Section 190	Proper officer for serving notices on behalf of the Council and starting legal proceedings	Chief Executive / Executive Directors / Head of Corporate Support / Service Manager – Governance
Section 191	Proper officer for signing any claim on behalf of the Council in any sequestration, liquidation, and similar proceedings where the Council is entitled to make a claim	Chief Executive / Executive Director for Council Resources / Head of Corporate Support /

		Service Manager – Governance (in consultation with Head of Corporate Support Finance)
Section 193	Proper officer for signing notices and orders	Relevant Executive Director or Head of Service responsible for the service relating to the notice/order (in consultation with the Service Manager – Governance / designated Principal or Senior Solicitor)
Section 194	Proper officer for signing deeds and using the Council's seal	Chief Executive / Head of Corporate Support / Service Manager – Governance / Designated Principal or Senior Solicitor
Section 197	Proper officer for arranging for documents to be inspected and filed	Head of Corporate Support
Section 202	Proper officer for confirming that byelaws are valid and for sending copies to other relevant authorities	Service Manager – Governance
Section 202B	Proper officer for putting valid byelaws in the register of byelaws	Service Manager – Governance
Section 204	Proper officer for providing certificates as evidence of byelaws	Service Manager – Governance
Section 206	Proper officer for keeping a register of people who are made 'freemen' of the area	Head of Corporate Support
Section 231	Proper officer for asking the Sheriff about matters arising from the Local Government (Scotland) Act 1973	Chief Executive / Executive Directors / Head of Corporate Support (in consultation with the Service Manager – Governance)
Local Government and Housing Act 1989		
Section 2	Proper officer for keeping lists of posts that are politically restricted	Head of Corporate Support
Section 4	Proper officer to act as the Head of Paid Service	Chief Executive
Section 5	Proper officer to act as the Monitoring Officer	Head of Corporate Support
Public Records (Scotland) Act 2011		
Section 1(2)(a)(i)	Proper officer for the management of the Council's public records	Head of Corporate Support / Service Manager – Governance

Section 1(2)(a)(ii)	Proper officer for ensuring compliance with the Records Management Plan	Team Manager – Information Governance
Regulation of Investigatory Powers (Scotland) Act 2002		
Section 6	Proper officer for authorising directed surveillance	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Section 7	Proper officer for authorising covert human intelligence sources	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Representation of the People Act 1983		
Section 41	Proper officer to act as the Returning Officer	Chief Executive
Scottish Local Government Elections Order 2007		
Rule 57	Proper officer for receiving all election-related documents following an election	Chief Executive
Social Work (Scotland) Act 1968		
Section 3	Proper officer to act as the Chief Social Work Officer	Head of Children’s Services
Weights and Measures Act 1985		
Section 72(1)(a)	Chief inspector of weights and measures	Executive Director for Place

19.2 The proper officers appointed for the roles set out in Section 19.1 cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties:

Proper officer appointed for the roles set out in Section 19.1	Officer(s) who will carry out duties if the proper officer is not available
If the Chief Executive is not available to act as Head of Paid Service	Executive Directors, as agreed
If the Returning Officer is not available for election purposes	Depute Returning Officer
If the Executive Director for Council Resources is not available to act as Section 95 Officer	A suitably qualified and experienced person from within the Finance Service
If the Head of Children’s Services is not available to act as Chief Social Work Officer	A suitably qualified and experienced person from within the following services: Children’s Services Adult Statutory Services Adult Community Services
If the Head of Corporate Support is not available to act as Monitoring Officer	Service Manager – Legal Service Manager – Governance Team Manager(s) – Democratic and Licensing (in relation to matters

	concerning the Councillors' Code of Conduct)
If an Executive Director is not available	Relevant Head of Service
If the Service Manager – Governance is not available to act as Clerk to the Licensing Board	Service Manager – Legal A suitably qualified and experienced person from within the Legal Service
If the Executive Director for Council Resources is not available to act as the Senior Information Risk Officer	Head of Corporate Support
If the Team Manager – Information Governance is not available to act as Data Protection Officer	Head of Corporate Support / Service Manager – Governance / Team Leader – Information Governance

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director for Council Resources

SUBJECT: Schedule of Meetings 2023/24

8

1 PURPOSE

- 1.1 To set the Schedule of Meetings of the Council, committees and other forums for 2023/24.

2 RECOMMENDATIONS

- 2.1 The Council is asked:
- i. to approve the proposed Schedule of Meetings for 2023/24; and
 - ii. to note that the schedule is subject to change, and that any changes will be communicated to Members and officers as soon as practicable.

3 BACKGROUND

- 3.1 The annual Schedule of Meetings for 2023/24 is presented to Members for approval. There are approximately 120 committee meetings scheduled for 2023/24, and the schedule largely follows the pattern set in recent years.
- 3.2 Members should note that the Integration Joint Board (IJB) sets its own dates (including those for the IJB Audit & Risk Committee). The dates for these meetings have already been approved by the IJB.
- 3.3 Members should also note that two dates for Council meetings have been scheduled in February 2024; one of these dates will be used for the budget-setting meeting, to be confirmed in due course.
- 3.4 A number of dates have been included for Members' briefings. Members will be advised of the topics during the course of the session. Unless otherwise advised, Members' briefings will continue to take place via MS Teams.
- 3.5 Public meetings taking place in the Council Chamber will be held via Public-i's Hybrid Link system, which allows for physical or remote participation. As with meetings that have taken place via Connect

Remote, these meetings will also be webcast live, and the recordings will be available for six months following the meeting date.

- 3.6 Members are asked to note that the schedule is subject to change and that any changes will be communicated as soon as practicable.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Standing Orders

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x7292
DATE	21 March 2023

East Lothian Council
Draft Schedule of Meetings 2023/24

Day	Date	Time	Committee/Meeting	Venue
Tues	22 August 2023	10.00	Planning Committee	CC
Thurs	24 August 2023	10.00	East Lothian Licensing Board	CC
Tues	29 August 2023	10.00	East Lothian Council	CC
Thurs	31 August 2023	14.00	Local Review Body (Planning)	CC
Tues	5 September 2023	10.00	Planning Committee	CC
Thurs	7 September 2023	10.00 14.00	Employee Appeals Sub-Committee Haddington Common Good Committee	CC tbc
Tues	12 September 2023	10.00 14.00	Cabinet Members' Briefing	CC MS Teams
Wed	13 September 2023	14.00	Joint Consultative Committee	CC
Thurs	14 September 2023	10.00 14.00	Homelessness Appeals Sub-Committee Licensing Sub-Committee	tbc CC
Tues	19 September 2023	10.00 10.00	IJB Audit & Risk Committee Musselburgh Common Good Committee	tbc tbc
Wed	20 September 2023	10.00	Petitions & Community Empowerment Review Committee	CC
Thurs	21 September 2023	10.00 13.00	Policy & Performance Review Committee East Lothian Integration Joint Board	CC tbc
Tues	26 September 2023	10.00	Audit & Governance Committee	CC
Thurs	28 September 2023	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)	CC CC
Tues	3 October 2023	10.00	Planning Committee	CC
Thurs	5 October 2023	10.00	Employee Appeals Sub-Committee	CC
Tues	10 October 2023	10.00 14.00	Dunbar Common Good Committee Members' Briefing	CC MS Teams
Thurs	12 October 2023	10.00 14.00	North Berwick Common Good Committee Licensing Sub-Committee	tbc CC
<i>Autumn Recess: Friday 13 October – Monday 23 October 2023</i>				
Thurs	26 October 2023	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board	CC tbc
Tues	31 October 2023	10.00	East Lothian Council	CC
Thurs	2 November 2023	10.00	Employee Appeals Sub-Committee	CC
Tues	7 November 2023	10.00	Planning Committee	CC
Thurs	9 November 2023	14.00	Licensing Sub-Committee	CC
Tues	14 November 2023	10.00 14.00	Cabinet Members' Briefing	CC MS Teams
Wed	15 November 2023	10.00	Police, Fire & Community Safety Scrutiny Committee	CC
Thurs	16 November 2023	10.00	Homelessness Appeals Sub-Committee	tbc
Tues	21 November 2023	10.00	Education Committee	CC
Thurs	23 November 2023	10.00	East Lothian Licensing Board	CC
Tues	28 November 2023	10.00	Musselburgh Common Good Committee	tbc
Thurs	30 November 2023	14.00	Local Review Body (Planning)	CC

Tues	5 December 2023	10.00 14.00	Planning Committee IJB Audit & Risk Committee	CC tbc
Thurs	7 December 2023	10.00 14.00	Employee Appeals Sub-Committee Haddington Common Good Committee	CC tbc
Tues	12 December 2023	10.00	East Lothian Council	CC
Wed	13 December 2023	14.00	Joint Consultative Committee	CC
Thurs	14 December 2023	10.00 14.00	Policy & Performance Review Committee East Lothian Integration Joint Board	CC tbc
Tues	19 December 2023	10.00 14.00	Audit & Governance Committee Members' Briefing	CC MS Teams
Wed	20 December 2023	10.00	Petitions & Community Empowerment Review Committee	CC
Thurs	21 December 2023	14.00	Licensing Sub-Committee	CC
<i>Winter Recess: Friday 22 December 2023 – Friday 5 January 2024</i>				
Thurs	11 January 2024	10.00	Homelessness Appeals Sub-Committee	tbc
Tues	16 January 2024	10.00 14.00	Planning Committee Dunbar Common Good Committee	CC tbc
Thurs	18 January 2024	10.00 14.00	North Berwick Common Good Committee Licensing Sub-Committee	tbc CC
Tues	23 January 2024	10.00 14.00	Cabinet Members' Briefing	CC MS Teams
Thurs	25 January 2024	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)	CC CC
Thurs	1 February 2024	10.00	Employee Appeals Sub-Committee	CC
Tues	6 February 2024	10.00 14.00	Planning Committee Members' Briefing	CC MS Teams
Thurs	8 February 2024	14.00	Licensing Sub-Committee	CC
Tues	20 February 2024	10.00	East Lothian Council*	CC
Thurs	22 February 2024	10.00 14.00	East Lothian Licensing Board East Lothian Joint Integration Board	CC tbc
Tues	27 February 2024	10.00	East Lothian Council*	CC
Thurs	29 February 2024	14.00	Local Review Body (Planning)	CC
Tues	5 March 2024	10.00	Planning Committee	CC
Thurs	7 March 2024	10.00 14.00 14.00	Employee Appeals Sub-Committee Policy & Performance Review Committee Haddington Common Good Committee	CC CC tbc
Tues	12 March 2024	10.00 14.00	Cabinet IJB Audit & Risk Committee	CC tbc
Wed	13 March 2024	14.00	Joint Consultative Committee	CC
Thurs	14 March 2024	10.00 14.00	Homelessness Appeals Sub-Committee Licensing Sub-Committee	tbc CC
Tues	19 March 2024	10.00 14.00	Education Committee Musselburgh Common Good Committee	CC tbc
Wed	20 March 2024	10.00	Petitions & Community Empowerment Review Committee	CC
Thurs	21 March 2024	14.00	Local Review Body (Planning)	CC
Tues	26 March 2024	10.00 14.00	Audit & Governance Committee Members' Briefing	CC MS Teams
Thurs	28 March 2024	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board	CC tbc

<i>Spring Recess: Friday 29 March – Monday 15 April</i>				
Tues	16 April 2024	10.00 14.00	Dunbar Common Good Committee Members' Briefing	CC MS Teams
Thurs	18 April 2024	10.00 14.00	North Berwick Common Good Committee Licensing Sub-Committee	CC tbc
Tues	23 April 2024	10.00	East Lothian Council	CC
Thurs	25 April 2024	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)	CC CC
Thurs	2 May 2024	10.00	Employee Appeals Sub-Committee	CC
Tues	7 May 2024	10.00	Planning Committee	CC
Thurs	9 May 2024	14.00	Licensing Sub-Committee	CC
Tues	14 May 2024	10.00	Cabinet	CC
Wed	15 May 2024	10.00	Police, Fire & Community Safety Scrutiny Committee	CC
Thurs	16 May 2024	10.00	Homelessness Appeals Sub-Committee	tbc
Tues	21 May 2024	14.00	Members' Briefing	MS Teams
Thurs	23 May 2024	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board	CC tbc
Mon	27 May 2024		(Education Appeals, tbc)	tbc
Tues	28 May 2024		(Education Appeals, tbc)	tbc
Wed	29 May 2024		(Education Appeals, tbc)	tbc
Thurs	30 May 2024	14.00	Local Review Body	CC
Fri	31 May 2024		(Education Appeals, tbc)	tbc
Mon	3 June 2024		(Education Appeals, tbc)	tbc
Tues	4 June 2024	10.00 14.00	Planning Committee Dunbar Common Good Committee	CC CC
Thurs	6 June 2024	10.00 14.00	Employee Appeals Sub-Committee Haddington Common Good Committee	CC tbc
Tues	11 June 2024	10.00 14.00	Audit & Governance Committee Musselburgh Common Good Committee	CC tbc
Wed	12 June 2024	14.00	Joint Consultative Committee	CC
Thurs	13 June 2024	10.00 14.00	North Berwick Common Good Committee Licensing Sub-Committee	tbc CC
Tues	18 June 2024	10.00 14.00	Education Committee IJB Audit & Risk Committee	CC tbc
Wed	19 June 2024	10.00	Petitions & Community Empowerment Review Committee	CC
Thurs	20 June 2024	10.00 14.00	Policy & Performance Review Committee Local Review Body (Planning)	CC CC
Tues	25 June 2024	10.00	East Lothian Council	CC
Thurs	27 June 2024	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board	CC tbc

* Note that one of these meetings will deal with the budget-setting, and the other will deal with regular Council business. The arrangements will be confirmed early in 2024.

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director for Council Resources

SUBJECT: Appointment of the Convener of the East Lothian Integration Joint Board

9

1 PURPOSE

- 1.1 To seek approval of the appointment of Councillor Akhtar as Convener of the East Lothian Integration Joint Board, with effect from 1 April 2023.

2 RECOMMENDATIONS

- 2.1 That the Council approves the appointment of Councillor Shamin Akhtar as Convener of the East Lothian Integration Joint Board, with effect from 1 April 2023.

3 BACKGROUND

- 3.1 In accordance with the East Lothian Integration Joint Board (IJB) Integration Scheme, the Council is asked to appoint a new convener of the IJB, to take effect from 1 April 2023 to 31 March 2025. The convener must be appointed from among the Council's voting members of the Board. The Administration is proposing that Councillor Akhtar, Cabinet Spokesperson for Health and Social Care, is appointed to this role.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none

6.2 Personnel – none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 East Lothian Integration Joint Board Scheme of Integration

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x 7292
DATE	21 March 2023

MOTION TO EAST LOTHIAN COUNCIL
25 April 2023

Motion: The Proposed Closure of the Royal Bank of Scotland Branch in Tranent

This Council notes the decision by the Royal Bank of Scotland to close its branch in Tranent.

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Council is aware that this action will remove the only bank in the Tranent area, and will result in this area having no banking facilities, and this ignores the needs of local businesses, community and voluntary sector groups, charities and the local community, who need a face-to-face service.

Council believes that this decision by the Royal Bank of Scotland takes no account of the fact that East Lothian is one of the fastest growing areas in the whole of Scotland.

Council is appalled that the Royal Bank of Scotland has chosen this course of action in closing the last remaining bank in this community with no consultation or discussion. This is 7 years after the Royal Bank of Scotland closed its branch in Prestonpans, leaving that community without a bank, and transferring accounts to Tranent.

Council is deeply concerned that due consideration has not been given to the disproportionate impact on older people, those with disabilities, and those who rely on others to support them with local banking, and for whom a call centre or digital banking will not meet their needs.

Council therefore agrees:

To instruct the Chief Executive and the Leader of the Council to seek an urgent meeting with the Chief Executive and Chairman of the Royal Bank of Scotland to express this Council's extreme concern at their decision, and to explore other options with Royal Bank of Scotland for keeping the branch open and to ensure we retain access to banking services locally.

Proposed by (name): Councillor Fiona Dugdale
Date: 10 April 2023

Seconded by (name): Councillor Colin McGinn
Date: 11 April 2023

Received by (name of officer): Lel Gillingwater, Team Manager, Democratic and Licensing
Date: 11 April 2023

MOTION TO EAST LOTHIAN COUNCIL
25 April 2023

Motion: Johnnie Cope Road

That East Lothian Council:

Notes that there has been a significant community response following the launch of the consultation on the closure of the Johnnie Cope Road between Prestonpans and Tranent;

Understands that there has been a lot of opposition to the closure of the road from various community sources including, but not limited to, Prestonpans Community Council and Tranent and Elphinstone Community Council;

Believes that the connections between the communities in East Lothian are vital, particularly in the areas where our county is growing most rapidly;

Calls for the current consultation and legal process to be paused to allow for more detailed and robust research into any potential negative impacts closing this road might have on local communities and to explore alternative proposals, such as the installation of traffic lights at the bridge on Johnnie Cope Road, to happen and be reported back to Council;

Further notes that the bridge on the A1 is in the ownership of Transport Scotland and the Scottish Government, and requests that the Chief Executive and Leader of East Lothian Council write to Transport Scotland and the relevant Scottish Government ministers to request support to upgrade the bridge over the A1 on Johnnie Cope Road and to request a cross-party meeting with ministers to discuss the various infrastructure needs of East Lothian given the proposed scale of housing growth.

Proposed by (name): Councillor Lachlan Bruce
Date: 10 April 2023

Seconded by (name): Councillor Jeremy Findlay
Date: 11 April 2023

Received by (name of officer): Lel Gillingwater, Team Manager, Democratic and Licensing
Date: 11 April 2023

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MOTION TO EAST LoTHIAN COUNCIL
25 April 2023

Motion: Appeal to Scottish Government to Ban Disposable Vapes

12

East Lothian Council:

Notes the increase in use of disposable vapes and the impact this has on health, wellbeing and the environment;

Notes also the increase in pressure on Council resources in having to deal with the littering and poor disposal of these items, but that legislative control over them lies with the Scottish Government;

Therefore instructs the Leader of the Council to write to the Scottish Government expressing the Council's support for a ban on disposable vapes and urging them to take action on this at the earliest opportunity.

Proposed by (name): Councillor Shona McIntosh
Date: 11 April 2023

Seconded by (name): Councillor Lyn Jardine
Date: 12 April 2023

Received by (name of officer): Linda Gillie, Team Manager, Democratic and Licensing
Date: 12 April 2023

MOTION TO EAST LOTHIAN COUNCIL
25 April 2023

Motion: Business Rates

That East Lothian Council:

13

Notes the vital importance of retail, hospitality, and leisure businesses to the economy of East Lothian and that many of these businesses are facing substantial increase in business rate due to re-evaluation;

Understands that in England retail, hospitality, and leisure businesses are receiving 75% business rates relief to support them but due to decisions taken by the Scottish Government this relief has not been passed on to similar businesses in Scotland;

Further understands that the Scottish Government received £220 million in Barnett consequentials on the introduction of this policy in England;

Calls on officers to report back to Council setting out what can be done to support local businesses in dealing with the large increases in business rates they are facing and instructs the Chief Executive and Leader of East Lothian Council to write the relevant Scottish Government minister requesting that the Scottish Government introduce 75% rates relief for retail, hospitality, and leisure businesses.

Proposed by (name): Councillor Donna Collins
Date: 12 April 2023

Seconded by (name): Councillor George McGuire
Date: 13 April 2023

Received by (name of officer): Linda Gillie, Team Manager, Democratic and Licensing
Date: 13 April 2023

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director for Council Resources

SUBJECT: Submissions to the Members' Library Service,
11 February – 6 April 2023

14

1 PURPOSE

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 11 February and 6 April 2023, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or
 - (b) background papers linked to specific committee reports.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
6.2 Personnel – None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

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DATE	11 April 2023

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
11 February – 6 April 2023**

Reference	Originator	Document Title	Access
14/23	Head of Communities	Staffing Report for the Creation of a Temporary Senior Project Officer (Person Centred/Trauma Informed Project) within the Improvement Team	Private
15/23	Executive Director for Council Resources	Creation of a Corporate Fraud Officer	Private
16/23	Head of Council Resources	Customer Feedback Reporting – Q3	Public
17/23	Executive Director for Council Resources	Creation of Senior Practitioner/Appropriate Adult Co-ordinator	Public
18/23	Executive Director for Council Resources	Treasury Management Strategy	Public
19/23	Executive Director for Council Resources	Creation of a Project Officer - LHEES (Local Heat & Energy Efficiency Strategy)	Private
20/23	Executive Director for Council Resources	Implementing a House Keeper Role within all ELC Care Homes	Private
21/23	Executive Director for Place	East Lothian COVID-19 Status & Recovery & Renewal Plan	Public
22/23	Head of Corporate Support	Establishment Changes for February 2023	Private
23/23	Executive Director for Place	2022/23 Q3 Performance Indicators Report	Public
24/23	Executive Director for Education & Children's Services	External Review of East Lothian Council's Child Protection and Safeguarding Policies and Procedures	Public
25/23	Head of Infrastructure	Sale of Land – Macmerry	Private
26/23	Head of Development	Edinburgh Innovation Hub and Park Update	Private
27/23	Head of Infrastructure	Sale of Land – Newbigging, Musselburgh	Private
28/23	Executive Director for Place	Service Review – Contact Centre – Contact Centre Adviser	Private
29/23	Executive Director for Council Resources	Staffing Report for the Creation of the Team Leader – Information Governance	Private
30/23	Head of Corporate Support	Establishment Changes for March 2023	Private
31/23	Executive Director for Place	Junction Enhancements Spott Road/Queens Road, Dunbar	Public

6 April 2023

