



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 25 APRIL 2023
VIA DIGITAL MEETING FACILITY

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 (from Item 5)
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
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 L Byrne, Acting Head of Children's Services
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
Mr S Cooper, Team Manager – Communications
Ms F Currie, Committees Officer
Mr P Forsyth, Project Manager – Growth and Sustainability
Mr C Grilli, Service Manager – Governance
Mr I Lennox, Team Manager – Assets and Regulatory
Ms M Scott, Committees Officer
Mr A Stubbs, Service Manager – Roads
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships
Mr T Renouf, Executive Officer

Visitors Present:

Chief Inspector Ben Leathes, Police Scotland

Clerk:

Mrs L Gillingwater

Apologies:

Councillor N Gilbert

Declarations of Interest:

None

The Provost advised that the meeting was being held remotely, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. 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. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 28 February 2023.

2. MINUTES FOR NOTING

The minutes of the following meeting were noted: Local Review Body (Planning), 16 March 2023.

3. THE LOTHIAN AND SCOTTISH BORDERS LOCAL POLICING PLAN 2023-26

The Provost welcomed Chief Inspector Ben Leathes to the meeting, and invited him to present to Council the Lothian and Scottish Borders Local Policing Plan 2023-26.

Chief Inspector Leathes drew Members' attention to the five priorities set out in the Policing Plan (as summarised at Section 3.2 of the report). He advised that there would be a localised approach and response to national priorities, and highlighted the inclusion of the 'digital world' to reflect the increase in online criminal activity. He pointed out that Police Scotland was working in schools and using other opportunities to educate people on how to avoid falling victim to crime.

Councillor McLeod asked for further details about officer numbers. Chief Inspector Leathes explained that resources were deployed on the basis of demand, but indicated that there would normally be 8-12 officers on response duty at any one time, as well as community officers.

Responding to questions from Councillor Bruce, Chief Inspector Leathes advised that resources were deployed into areas where they were needed most, and that discussions were ongoing as to the provision of more support in areas of growth. On the policing of roads, he advised that resources were deployed in response to accident data, which currently prioritised the A1 and A199 in East Lothian.

Councillor Jardine asked about the impact of the changes of personnel in the Local Area Commander post. Chief Inspector Leathes assured her that efforts were made to ensure a smooth transition, and that having worked in East Lothian previously, he was familiar with the area. Councillor Jardine welcomed an offer by the Chief Inspector to discuss community engagement with her in more detail.

Councillor Hampshire welcomed the continued partnership working and efforts made to engage with young people to prevent crime. He asked if there was anything else the Council could do to support the Police in this regard. Chief Inspector Leathes stressed the importance of working with young people to prevent crime and was committed to maintaining a presence in schools to engage with young people in a non-confrontational setting. He noted that school link workers in East Lothian had the highest number of schools per head in Scotland, and he welcomed support from the Council on providing preventative guidance.

Welcoming the range of actions and priorities in the Plan, Councillor Dugdale asked about support for children who had witnessed domestic abuse. Chief Inspector Leathes pointed out that there were a number of charities which provided support, in addition to social work services. He also advised that the Police had engaged with the White Ribbon Campaign, and he expected all officers to have the highest standards as regards supporting this campaign.

With reference to the vetting and training of new recruits, as raised by Councillor Cassini, Chief Inspector Leathes reported that Police Scotland was undertaking a review of the vetting of officers and other staff in the wake of events at the Metropolitan Police, which would focus on violence against women and girls and ensuring officers meet the highest standards of integrity.

Councillor McIntosh asked questions about road safety, in particular the rollout of a national dashcam safety portal, and crimes against the LGBTQ+ community. On the first point, Chief Inspector Leathes advised that a pilot scheme was being run in Tayside, which would provide for uploaded dashcam footage to be assessed by officers, and followed up where an offence had been committed. It was anticipated that this facility would be rolled out nationally in due course. On the second question, he stated that hate crime was a priority. However, as only 20% of incidents responded to actually involved a crime, it was felt that Police Scotland may not be the best agency to respond in many cases, and that the Police would work with relevant partners to ensure that vulnerable people were being protected and supported in the best way possible.

Councillor Akhtar welcomed the positive and constructive relationship between the Council and the Police, and highlighted the importance of community policing. She recognised the added pressure on the Police due to population growth in East Lothian, noting that the Council could provide evidence to support requests for additional resources if required. She also praised the work of Chief Inspector Jocelyn O'Connor regarding violence against women and girls.

Responding to comments made by Councillor Menzies in relation to the White Ribbon Campaign, Councillor McGinn advised that support for this campaign in East Lothian was increasing, and he would welcome education for boys about their behaviour towards girls. He paid tribute to the Police for their work in East Lothian and their ongoing engagement with the community at many levels. His comments were echoed by Councillor Forrest, who looked forward to developing the Community and Police Partnership (CAPP).

The Provost thanked Chief Inspector Leathes for his report, and moved to the roll call vote on the recommendation which was approved unanimously.

Decision

The Council agreed to approve the Lothians and Scottish Borders Local Policing Plan 2023-26, as set out at Appendix 1 to the report.

4. FINANCE UPDATE

A report was submitted by the Executive Director for Council Resources providing the Council with an update on the financial outlook for the Council and seeking agreement on the continuation of measures to mitigate budget pressures.

The Head of Finance, Ellie Dunnet, presented the report, advising that the financial situation continued to be very challenging, due to the cost of living crisis, rising interest rates and high inflation, as well as the impact of growth. She reminded Members of the mitigation measures already in place, and proposed a number of additional measures, as set out in Section 3.13 of the report, namely that new Common Good grant applications should be put on hold pending the outcome of the assessment of Common Good assets. She noted that these funds should prioritise the maintenance and repairs of the assets to ensure they are fit for the future, and that there would be a further report to Council in June on this issue, to accompany the Common Good budget proposals. She also proposed that a review of the Community Intervention Fund be undertaken. Ms Dunnet advised that a further report on the financial position would be presented to the Council in June.

Responding to questions from Councillor McIntosh, Ms Dunnet advised that a response to the consultation on second homes and long-term empty properties had to be submitted in July and that she would keep Members informed about this. On the proposal to suspend Common Good grant funding, Ms Dunnet pointed out that the maintenance of assets had to be the priority for Common Good funds, and she was proposing to pause grant funding until the asset requirements had been clarified. She added that although there was currently a specific concern regarding the Brunton Hall, it seemed appropriate to carry out a wider review so that the Council could take a proactive approach to the maintenance of assets.

Councillor Jardine asked for further information on the impact of growth on the Council's budget. Ms Dunnet provided some examples, such as estimated cost increases relating to the learning estate over the next five years amounting to £16.4m, as well as an increase in the education budget of £3.5m, both due to demographic changes; there would also be a further £0.9m required to top up the Council Tax Reduction Scheme in 2023/24, largely due to growth – these aspects were outwith the control of the Council. In terms of capital expenditure, she also warned that there were significant funding gaps emerging as regards Section 75 Agreement values not keeping pace with rising costs, mainly in relation to the learning estate, and it was likely that the Council would need to borrow additional funds to support that investment.

Councillor Bruce questioned the rationale for reviewing the Community Intervention Fund, rather than other funding streams, such as Area Partnerships or One-Partnership funding. Ms Dunnet confirmed that other funding streams would also be subject to consideration. She was not suggesting suspending applications to the Community Intervention Fund, but suggested that the application criteria should be reviewed, in the context of the significant challenges facing the Council and applying in-year mitigation measures. Sarah Fortune, Executive Director for Council Resources, added that given the scale of the challenges facing the Council, all funding streams would be subject to review alongside the existing mitigation measures. On a question regarding the funding floor, Ms Fortune reported that following the discussion at Council, she and the Chief Executive had raised this matter at CoSLA. She advised that there was no agreement in place to look at the floor at this time, but she would continue to lobby at a national level on this matter.

On a question from Councillor Allan regarding identifying ways to address the ongoing financial issues, Ms Dunnet assured Members that officers were working in accordance with the Council's Financial Strategy to find ways to close the funding gap, and were also looking at actions taken by other local authorities. The Provost remarked that officers were continually working creatively and innovatively under pressure, and that their efforts should be

recognised. Councillor Allan also asked about the potential impact on third sector and community groups should funding be withdrawn. Ms Dunnet advised that there were a number of Common Good applications in the pipeline still to be considered, and that the reason for the proposed suspension of grants was to allow officers to ascertain the requirements regarding safeguarding the assets. As regards the Community Intervention Fund, she indicated that officers would be looking at the potential impacts should there be changes to the application criteria.

Councillor Trotter asked about the Council's options should the cost of the works required for the Brunton Hall exceed the balance of the Common Good fund. Ms Dunnet explained that officers would first look at the capacity of the Common Good fund to support the required investment, and beyond that may need to consider other options available. She stressed that the risk would fall to the Council, hence the recommendation to suspend grant funding in the interim in order to safeguard the Council. Tom Reid, Head of Infrastructure, advised that work was ongoing to determine the extent of the problem at the Brunton Hall, which would take a number of weeks. He undertook to keep Members apprised of the situation.

Opening the debate, Councillor Hampshire commented that the current financial situation was due to matters outwith the Council's control, despite the Council working as efficiently as possible. He warned that difficult decisions would need to be taken to protect services. He undertook to write to Scottish Ministers to set out the position the Council was in. On the proposed additional mitigation measures, whilst he accepted the reasons for bringing forward these proposals, he felt that more information on the Common Good accounts and assets, as well as the impact of suspending grant funding, was required. He was also of the view that a report on the impact of reviewing the Community Intervention Fund was needed in order for the Council to take a decision. He therefore proposed an amendment to remove Recommendation (iii) from the report [approve the further mitigation measures set out at paragraph 3.13 of this report] and continue the proposals set out in Section 3.13 of the report to the meeting of the Council on 27 June to allow officers to report back to Council on the details of Common Good funds and assets, as well as the Community Intervention Fund, in order that the Council could take an informed decision on these matters. The amendment was seconded by Councillor Akhtar.

With reference to the funding floor, Councillor Menzies claimed that the method of distribution of funding was currently negatively impacting East Lothian, and that she looked forward to Ms Fortune reporting back to Members on this in due course.

Councillor Forrest accepted that the Council was currently operating within severe financial constraints and that mitigation measures were necessary; however, he did not believe that postponing Common Good grant funding was the correct action to take, so he would therefore support Councillor Hampshire's amendment.

Noting that there would be a Musselburgh Common Good Committee meeting on 16 May, Councillor McIntosh asked for clarification on making funding awards at this meeting. Ms Fortune advised that as the 2023/24 Common Good budgets had not yet been approved, any award of funding would be pending the setting of the budget.

[Post-meeting note: following the meeting, the Head of Finance advised that as the 2022/23 Musselburgh Common Good grants budget was underspent, the surplus funds could be used to fund the applications going forward for consideration by the Musselburgh Common Good Committee on 16 May 2023, should the Committee agree to support these applications.]

Councillor Akhtar concluded the debate by pointing out that East Lothian was one of the lowest-funded councils [per head of population] in Scotland. She also argued that local authorities should have more power to determine how their funding was used, and asked Councillor Hampshire to raise this with the Scottish Government.

The Provost moved to the roll call vote on the amendment to remove Recommendation (iii): 'approve the further mitigation measures set out in Paragraph 3.13 of this report', as moved and seconded by Councillors Hampshire and Akhtar, which was approved unanimously.

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

Decision

The Council agreed:

- i. to note the update on the wider financial environment and current risks;
- ii. that the existing mitigation measures set out in Section 3.11 of the report remained appropriate; and
- ii. that a further update on mitigation measures would be presented to Council in June 2023.

5. NORTH BERWICK HIGH STREET: SAFETY AND ACCESS

A report was submitted by the Executive Director for Place updating the Council on the outcome of the public consultation and design optioneering to mitigate concerns about safety and equality of access for users of the High Street, North Berwick. The report also sought approval of the preferred option and authority to move forward to technical design and construction, and 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/pick-up for disabled users.

The Team Manager for Assets and Regulatory, Ian Lennox, presented the report. He advised Members of the work carried out over a number of years, including consultation with the community, to make North Berwick High Street safer and more accessible. He referred to the 2017 North Berwick Charette, which proposed a design for changes to the road layout, and of the subsequent work by a consultant, whose had been shared with Members and lodged in the Members' Library. Mr Lennox confirmed that the proposed design would meet the requirements of national and local transport strategies and that it would prioritise active travel. He provided details on a survey carried out with the local community, and he drew attention to the plans of the preferred layout, as set out in Appendices B and C to the report.

Councillor Findlay asked for further details on potential sources of external funding for the project. He also asked if the drainage problems identified during the Charette process would be addressed with the proposed remodelling of the High Street. Mr Lennox advised that there were a number of funding streams that the Council could explore, including Sustrans, the Cycling, Walking and Safer Routes Fund, the Active Travel Transformation Fund, and the Road Safety Improvement Fund. As regards the drainage issue, this would be considered during the technical design stage of the project.

Councillor Bruce asked about drop-off and pick-up arrangements for blue badge holders. Mr Lennox suggested that a pragmatic approach would be adopted in this regard, adding that there would be a number of spaces for blue badge holders nearby.

Councillor McFarlane opened the debate by welcoming the report and the proposed improvements. She also welcomed the engagement with the public, noting that 65% of consultation respondents were supportive of the proposed changes.

Councillor Findlay noted that some residents and business owners had reservations about the proposed changes. He asked officers to work with those sections of the community to monitor the impact of the measures; he also requested that they be reviewed after a year in order to consider if any further changes would be required.

The proposed measures were welcomed by a number of Members, who believed that they would provide better access and improved safety for visits to the High Street.

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

Decision

The Council agreed:

- i. to note the contents of the report;
- ii. to approve the recommendation of the preferred option, as set out in Section 3.17 of the report and as shown at Appendices B and C to the report; and
- iii. to approve 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 to the report.

6. TOWN CENTRE PARKING MANAGEMENT: INTRODUCTION OF PARKING MANAGEMENT PROPOSALS IN NORTH BERWICK

A report was submitted by the Executive Director for Place advising of the outcome of the public consultation on the parking interventions proposed in North Berwick; presenting the resulting amendments made to improve the scheme and to mitigate public concerns raised; and recommending that the Council progresses to the next stage of the Traffic Regulation Order process, namely, the intent to make the Order.

Councillor Findlay advised that he wished to propose a procedural motion, in accordance with Standing Order 11, to continue this item of business to the meeting of the Council on 27 June, on the grounds that he believed the community had not had sufficient time to consider the implications of the proposals, and that North Berwick businesses, the Community Council, and residents had requested a postponement. He pointed out that all three ward Members had written to Councillor Hampshire seeking a delay, but that no response had been received. He stressed the significance of the proposals for the community, arguing that delaying taking a decision would allow for more time to consider the implications.

Councillor Bruce seconded the procedural motion.

In terms of Standing Order 11, the Provost moved to the roll call vote on the procedural motion as moved and seconded by Councillors Findlay and Bruce, to continue this item of business to the meeting of the Council on 27 June:

For: 4
Against: 17
Abstentions: 0

The procedural motion therefore fell, and the Provost invited Peter Forsyth, Project Manager – Growth and Sustainability, to present the report.

Mr Forsyth provided a summary of the responses to the consultation exercise, which ran in November/December 2022. As a result of the responses received, a number of changes had been made to the Order to address concerns, including the extension of the free parking period, increased parking for residents, and an increase in the parking time in off-street car parks. Cognisance had also been taken of the parking needs of those people visiting North Berwick Golf Club and North Berwick Tennis Club. He advised that a detailed report had been lodged in the Members' Library.

Councillor Menzies welcomed the report and the proposed introduction of parking charges. However, she questioned the allowances made to accommodate Sunday church services but not other services and not for other faiths. Mr Forsyth explained that in preparing the proposals, the views of the community had been taken into consideration – although there were a low number of comments regarding religious services, officers had taken account of practices in other local authority areas. He noted that the proposals for North Berwick were based on the consultation responses, and that there may be different requirements for other areas.

Councillor Findlay asked for an explanation on the amendment to Recommendation (ii) (below). Mr Forsyth advised that this change was due to the fact that the introduction of parking charges was not generally supported by the whole community. Mr Forsyth also explained that any surplus generated from on-street parking would need to be used to fund road improvements, assist with public transport, fund decriminalised enforcement or make environmental improvements. However off-street charging surpluses could be used to support other Council services. He provided an explanation as to how the estimated revenue had been calculated, noting that a prudent approach had been adopted.

In response to questions from Councillor Trotter, Mr Forsyth advised that officers had looked at providing additional parking facilities, as well as providing a park and ride service; however, the latter would result in a significant deficit, so that option would not be pursued at this time. Officers would continue to consider additional parking provision.

Councillor Jardine asked if the 45-minute free parking provision would apply to other areas in East Lothian should charging be introduced more widely. Mr Forsyth advised that each town had its own characteristics and demands, and that he could not give any commitments until the design process and consultations for other areas had been carried out and assessed. He added that surpluses for parking charges were not ring-fenced for a specific area with East Lothian, as towns did not only serve the people living in them, so surpluses could be used according to need.

Opening the debate, Councillor McFarlane commended officers for the consultation and listening to the concerns raised within the community, particularly in relation to the simplification of the charging zones, the extension of free parking time, and the accommodation made for golfers, tennis players and people attending church. She stated that doing nothing was not an option, and that she would therefore be supporting the recommendations.

Councillor Collins expressed concern about the poor public transport provision in the area and suggested that the park and ride option should be reconsidered.

Councillor Findlay thanked all those who had responded to the consultation, and thanked officers for their work on this issue. However, he questioned if the introduction of charges was the correct response. He accepted that the amendments to the Order would help alleviate concerns raised; however, he was worried about the impact of charges on local businesses, stressing that free town centre parking was key to their survival, and suggested that people would simply drive to out-of-town shopping centres where the parking was free. He made

reference to the situations in Peebles (where parking remained free of charge and business were thriving) and Berwick-upon-Tweed (where charges had been introduced and the high street had been ‘decimated’) to demonstrate his point. He did not foresee that the introduction of charges would lead to improvements on North Berwick High Street, and warned that charges would be likely be introduced in other towns.

Councillor McIntosh commented that transport emissions were a factor in the climate emergency and that the Council should try to make public and active transport an attractive option. She believed it was untenable to continue without parking charges; not only did charging provide a source of revenue, but the income generated could contribute to road improvements. She made reference to Keswick, which had a thriving town centre despite parking charges, and she argued that there was no evidence to suggest that businesses would suffer. She hoped this policy would be extended to other towns.

Councillor Forrest mentioned the increased demand on parking spaces in North Berwick, arguing that encouraging vehicle turnover would help keep the town centre vibrant.

Councillor Menzies accepted that this was an emotive issue. She argued that with a growing population, parking was becoming a problem across East Lothian and that action was required. She agreed with Councillor Forrest that limited vehicle turnover was damaging high streets. She also suggested that the proposals would help fund improvements, reduce pollution and increase footfall. She looked forward to a similar scheme being introduced in Tranent.

Councillor McGinn went on to talk about the traffic problems in Tranent. He disagreed with claims that the proposals were concerned with generating income, rather that they were more focused on safety, economic development and allowing people to move around more easily.

Responding to a comment made by Councillor Findlay, Councillor Hampshire explained that he had replied to the request by the North Berwick Members to continue the item to a future meeting. He pointed out that the consultation had concluded in December and that the proposals were now ready for the Council to consider. He believed that there was a parking problem in North Berwick, with limited parking for residents and visitors alike. He stated that the Council could not make improvements without introducing charging, and it was necessary to proceed in order to prevent dangerous parking. He was of the view that the proposals would make the town centre safer. He praised officers for their work on the consultation and their accommodation of requests made by respondents, noting that the situation would be reviewed to ascertain if further amendments would be required.

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

For:	17
Against:	4
Abstentions:	0

Decision

The Council agreed:

- i. to note 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; and
- ii. that 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:

- to agree that an assessment for town centre parking for North Berwick has been undertaken to ascertain the views of local people;
 - to amend the pre-requisite to proceeding with a proposed scheme from 'demonstrate local support' to 'seek views from the public to help shape proposals';
- iii. to approve 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
- iv. to acknowledge 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 to Council.

7. REVIEW OF STANDING ORDERS

A report was submitted by the Executive Director for Council Resources seeking approval of proposed changes to Standing Orders resulting from the review carried out by the Standing Orders Working Group (SOWG), advising that a further meeting of the SOWG would be required to consider a number of aspects of the Scheme of Administration (with a view to reporting back to Council in June 2023), and seeking approval of a number of changes to the Scheme of Delegation.

The Head of Corporate Support, Morag Ferguson, presented the report, reminding Members that the Council had agreed in May 2022 to review Standing Orders to ensure that they remained fit for purpose. She advised that the cross-party SOWG had met three times and that their proposed changes were set out at Appendix 1 to the report. Mrs Ferguson also noted that a number of changes to the Scheme of Delegation had also been proposed during the period of the review, and these were set out in the report and at Appendix 2 to the report. As regards the Scheme of Administration, she indicated that the SOWG would need to meet again to discuss a number of aspects on which a consensus had not been reached – the outcome of this meeting would be reported to Council in June.

Councillor Menzies questioned the inclusion of an amendment which stated that councillors and officers must not use any part of meeting recordings for political purposes. Mrs Ferguson pointed out that Members were prohibited from using the Council's resources for political purposes, and that the use of clips of recordings for such purposes would be a breach of statute by the Council and a breach of the Code of Conduct by the Member using the clip. She suggested, however, that Members may share links to the recordings.

Councillor Bruce sought an update on the introduction of hybrid committee meetings. Carlo Grilli, Service Manager – Governance, advised that the Hybrid Link system was in the process of being installed in the Council Chamber, that training would be provided for Committees and IT staff on 3 May, and that training for Members and officers would take place throughout May. He anticipated that the system would be ready for use in early June.

Councillor Ritchie welcomed the opportunity to take part in the SOWG, and the proposed updates to Standing Orders. Her comments were echoed by Councillor Findlay, who commended the cross-party approach.

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

Decision

The Council agreed:

- i. to approve the proposed changes to the Council's Standing Orders, as set out in Appendix 1 to the report, to take effect immediately;
- ii. to approve the proposed changes to the Scheme of Delegation, as set out in Section 3.4 and Appendix 2 to the report, to take effect immediately; and
- iii. to note that a further report would be presented to Council in June 2023 as regards proposed changes to the Scheme of Administration.

8. SCHEDULE OF MEETINGS 2023/24

A report was submitted by the Executive Director for Council Resources seeking approval to set the Schedule of Meetings of the Council, committees and other forums for 2023/24.

The Clerk presented the report, advising that the number and pattern of meetings was similar to those of previous sessions. She pointed out that meetings scheduled to be held in the Council Chamber would take place via the Hybrid Link system, which would allow participants to attend either in person or remotely. She noted that the schedule was subject to change, and that any changes would be communicated to Members and officers as soon as practicable.

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

Decision

The Council agreed:

- 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.

9. APPOINTMENT OF THE CONVENER OF THE EAST LOTHIAN INTEGRATION JOINT BOARD

A report was submitted by the Executive Director for Council Resources seeking approval of the appointment of Councillor Akhtar as Convener of the East Lothian Integration Joint Board (IJB), with effect from 1 April 2023.

The Clerk presented the report, advising that in accordance with the IJB's Scheme of Integration, the Convener's term of office must change every two years, and that from 2023 to 2025, the Convener would be nominated by the Council from among its voting members on the IJB. She reported that the Administration had nominated the Council's Spokesperson for Health and Social Care, Councillor Akhtar, for this role, to take effect from 1 April 2023, noting that this nomination would be confirmed by the IJB at its meeting on 25 May.

Councillor Hampshire stressed the importance of this role and believed that Councillor Akhtar would represent the Council well as the Convener of the IJB.

Councillor Akhtar paid tribute to the work of previous IJB Conveners, in particular Donald Grant, who had played a key role in the delivery of the new community hospital. She highlighted the importance of health and social care facilities being provided at a local level, and stated that she would work with all members of the IJB to advocate strongly for East Lothian.

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

Decision

The Council agreed to approve the appointment of Councillor Shamin Akhtar as Convener of the East Lothian Integration Joint Board, with effect from 1 April 2023.

10. MOTION: THE PROPOSED CLOSURE OF THE ROYAL BANK OF SCOTLAND BRANCH IN TRANENT

A motion was submitted by Councillors Dugdale and McGinn:

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

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.

Councillor Dugdale presented the motion, expressing her shock and disappointment at RBS's decision to close the Tranent branch without consultation or discussion with the community. She was of the view that RBS had not taken account of the impact of this decision on people who could not use online banking facilities, such as older and disabled customers, and those who needed assistance with managing their money; they would need to travel to Musselburgh

to their nearest branch. Given that East Lothian is one of the fastest growing areas in Scotland, she stated that she was appalled by the decision to close the branch.

Seconding the motion, Councillor McGinn voiced his concern that the closure of bank branches in East Lothian in recent years had resulted in many people being financially excluded. With reference to his own personal experience, he paid tribute to the staff in the RBS Tranent branch, who had provided excellent customer service. He observed that with this closure there would be large areas of East Lothian without physical banking services, and believed that this would hinder the Council's ability to regenerate town centres. He believed that banks had a responsibility to ensure that banking was available to communities.

Opening the debate, Councillor Bruce declared that he was supportive of the motion. He recalled that when RBS closed its branch in Prestonpans, they had argued that banking facilities would be available in nearby Tranent. He indicated that the closure of the Tranent branch would have an impact on individuals and also on small business, which relied on banking facilities to assist with cash flow. He also commented on the difficulties of converting former bank buildings for other purposes.

Councillor Menzies was also supportive of the motion, but feared that any action would be in vain as RBS had already made the decision to close the branch. She suspected that the reason for the closure was due to the footfall in the branch, but pointed out that this was likely due to the branch restricting its opening hours. She also noted that RBS had indicated that keeping the building open was not cost efficient. She and Councillor Gilbert had requested the introduction of mobile banking services, but had been advised that this would take nine months to set up, and that there were only two vehicles available. She informed Members that East Lothian's MSPs had raised the matter with RBS, and that she hoped that a banking hub could be established in Tranent.

Sharing his colleagues' disappointment as regards the closure of the branch, Councillor McLeod noted that local Members had not been contacted by the bank in advance of the decision being taken.

Councillor Ritchie also pointed out that the closure would result in the loss of local jobs, as well as opportunities for young people looking to work in a bank. She believed that the closure would result in greater pressure on Post Office staff, who would have to increase their provision of banking services.

Councillor Akhtar called for the Council to put as much pressure as possible on RBS to keep the branch open. She claimed that RBS had used statistics compiled during the COVID-19 period to justify the closure. Recalling the state intervention to support RBS some years previously, she argued that the bank should now support local communities. She undertook to approach the outgoing Convener of the IJB to write to RBS on behalf of the IJB regarding the importance of retaining local banking services.

The Provost spoke of corporate social responsibility and the duty of the banking sector to support its customers and communities. He also made mention of the impact on local businesses.

Summing up, Councillor Dugdale thanked Members for their support for the motion. She reiterated the potential impacts of the closure of the branch on individuals, businesses and community groups, and stressed the need for the Council to give those people a voice. She argued that RBS should have looked at alternative options before making a decision on the closure, and she hoped that they would reconsider the impacts on the community and the need to retain local banking services.

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

Decision

The Council agreed 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.

11. MOTION: JOHNNIE COPE ROAD

A motion was submitted by Councillors Bruce and Findlay:

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.

Councillor Hampshire advised that he wished to propose a procedural motion, in accordance with Standing Order 11, to continue this item of business to the meeting of the Council on 27 June. He pointed out that Members had not had the opportunity to consider the outcome of the consultation on the Johnnie Cope Road, which had involved the local communities, emergency services and other consultees. He argued that it was necessary to consider the responses prior to determining any action to be taken, noting that Council officers would be providing a full report on the assessment of the road and the options available, hence his proposal to continue the motion.

Councillor Trotter seconded the procedural motion.

In terms of Standing Order 11, the Provost moved to the roll call vote on the procedural motion as moved and seconded by Councillors Hampshire and Trotter, to continue this item of business to the meeting of the Council on 27 June:

For: 17

Against: 4
Abstentions: 0

The procedural motion was therefore carried.

Decision

The Council agreed to continue this motion to the Council meeting of 27 June 2023.

Sederunt: Councillor McGinn left the meeting.

12. MOTION: APPEAL TO SCOTTISH GOVERNMENT TO BAN DISPOSABLE VAPES

A motion was submitted by Councillors McIntosh and Jardine:

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.

Councillor McIntosh presented the motion. She highlighted the dangers associated with discarded disposable vapes, including the potential for them to explode and cause fires. She argued that the concept of disposable vapes was at odds with the circular economy, as well as being harmful to the environment. She also pointed out that increasing numbers of young people were using disposable vapes, and that the long-term effects on health remained unknown. Councillor McIntosh made clear that she was not completely opposed to vapes, just those which were disposable, and called on Members to urge the Scottish Government to ban them.

Seconding the motion, Councillor Jardine informed Members that according to Keep Scotland Beautiful there had been a 14-fold increase in the use of disposable vapes between January 2021 and January 2022, and community groups had also seen an increase in vapes being discarded irresponsibly. She advised that recent research had shown that the use of vapes by 18-year-olds had increased from 1% to over 56% of all users during this period. She made reference to discussions held between Ross High School and The Wombles group in Tranent, who reported that they faced 'an epidemic' of disposable vapes in and around schools. She highlighted health problems and side-effects believed to be associated with vaping, as well as the high nicotine content of vapes, and was concerned that many people using disposable vapes had not previously smoked, particularly young people at whom the bright coloured and sweet flavoured devices were marketed. Councillor Jardine accepted that the long-term health impacts of vaping remains unknown, but that it was important to find ways to reduce the potential harms to young people and environment. She called on Members to support the motion.

Councillor Hampshire spoke in support of the points put forward by Councillors McIntosh and Jardine. He agreed that there were benefits of vaping for those wishing to give up smoking,

but that the negatives associated with vaping were concerning, especially the increase in use in younger age groups. He suggested that a deposit return scheme may reduce the numbers of inappropriately discarded vapes.

Councillor Ritchie also agreed with those who had already spoken, particularly as regards the impact on young people's health. She noted that disposable vapes were more affordable and accessible for young people, and she was therefore supportive of a ban on disposable vapes. Her comments were echoed by Councillors Bennett, Dugdale and McGuire, who were all fully supportive of the motion.

Councillor McLeod argued that many disposable vape users were responsible, and that he felt uncomfortable with calling for a complete ban. On that basis, he declared that he would abstain.

Councillor Akhtar noted that the Scottish Government had consulted on the advertising of vapes in February 2022, and she hoped that action would come from this. She requested that Trading Standards be consulted on the letter being sent to the Scottish Government, as they had been actively involved in raising awareness of the problems caused by vapes, both locally and nationally.

Summing up, Councillor McIntosh welcomed the support and suggestions of Members on this issue. She noted that used disposable vapes should be returned to the retailer for recycling, but that a recent study showed that c. 90% of shops were not taking responsibility for this.

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

For:	19
Against:	0
Abstentions:	1

Decision

The Council agreed to instruct 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.

13. MOTION: BUSINESS RATES

A motion was submitted by Councillors Collins and McGuire:

That East Lothian Council:

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 consequential 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.

Councillor Collins presented the motion, highlighting the impact that COVID-19 and the cost of living crisis had had on the hospitality, leisure and retail sectors, and that the re-evaluation of business rates – which had resulted in an increase for a number of businesses in East Lothian – together with rising energy bills and difficulties in recruiting staff had put these sectors under significant financial strain. She advised that in England, business rates relief for these sectors had been extended to 75% this year, but that only a three-month discount for last year had been provided in Scotland. Councillor Collins noted that £220m had been provided in Barnett consequentials and that this funding could have been used to support businesses. She added that some businesses in East Lothian would be paying c. £18,000 more in business rates than their English counterparts. She accepted that such assistance would not solve all the problems being experienced by these sectors, but it would be helpful. She therefore called on the Chief Executive and Council Leader to write to Scottish Ministers seeking the introduction of 75% rates relief for the retail, hospitality and leisure sectors, and asked officers to outline what the Council could do to support local businesses experiencing increases in business rates.

Councillor McGuire seconded the motion, stressing that local businesses were struggling to survive and required help get them through this difficult period. He noted that there were currently twelve unoccupied commercial premises in Haddington.

Opening the debate, Councillor Menzies stated that she would be voting against the motion, claiming that 50% of retail, hospitality and leisure businesses in Scotland currently paid no business rates, and this would continue into 2023/24. She argued that Scotland provided the most generous business relief packages in the UK, and that the cost of proposal set out in the motion would be £85m. She drew attention to the Small Business Bonus Scheme, which provided a higher level of relief than was provided in England, and claimed that East Lothian businesses were better off under existing Scottish schemes. In addition, she believed that only 140 businesses in East Lothian out of 3810 would be supported by the proposal set out in the motion. She went on to set out the proportion of businesses in various sectors currently receiving relief, at a total value of £12.2m. Councillor Menzies argued that the motion was ill-judged and took no cognisance of the business profile of EL.

Councillor McFarlane made reference to businesses in her ward which were experiencing financial problems, citing comparisons with similar businesses in England. She noted that the Council could provide advice, but did not have the power to set business rates. She suggested that the Scottish Government could provide help for these businesses.

Councillor McIntosh questioned the proposal to write to the Scottish Government asking for a tax break without setting out how this would be funded, given that the Scottish Government's budget was fully committed. She suggested that it would be more appropriate for the Council to seek powers regarding the setting of business rates based on size, income and turnover. She therefore declared that she would not support the motion.

Councillor Hampshire commented that a number of long-established businesses in East Lothian were struggling, and this could result in the loss of jobs and businesses. He stressed that the Council should do all it can to support these businesses, and was in favour of making a request for assistance to the Scottish Government.

Expressing sympathy with those businesses which were currently struggling, Councillor Cassini remarked that she could not support the motion without knowing how it would be funded.

Councillor Ritchie commented that the Council was not responsible for balancing the Scottish Government's budget, and that the motion merely asked the Scottish Government to consider providing assistance to struggling businesses.

Councillor Forrest thanked the Provost and Councillor Bennett for their work to support local businesses and high streets.

The Provost, in his capacity as Spokesperson for Economic Development, advised on action taken by the Council to support the local economy. He reported that he had recently written to the Cabinet Secretary and three Ministers on behalf of the local business community on a variety of issues, but had not yet received replies. He also remarked that Members could have approached him or officers to discuss work underway to support local businesses.

Summing up, Councillor Collins set out comparisons between the relief provided in Scotland and England to demonstrate the significant differences. She noted that the Scottish Government had been allocated £220m to fund rates relief, and questioned what had happened to this funding.

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

For:	14
Against:	6
Abstentions:	0

Decision

The Council agreed to call 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 instructed 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.

14. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 11 FEBRUARY TO 6 APRIL 2023

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in February 2023.

Lesley Brown, Executive Director for Education and Children's Services, drew attention to Item 24/23 – External Review of East Lothian's Child Protection and Safeguarding Policies and Procedures. She advised that the independent report had been published on Education Scotland's website on 8 March, and that Members had received a briefing on the report on 7 March. She asked Members to contact her directly should they have any questions in relation to that report.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 11 February and 6 April 2023, as listed in Appendix 1 to the report.

Sederunt: Councillor Forrest left the meeting.

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.

Applications for Funding to Musselburgh Common Good Committee

A private report seeking determination of applications for funding from Musselburgh Common Good Committee was approved.

DRAFT