



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 27 FEBRUARY 2024
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)
Councillor S Akhtar
Councillor E Allan
Councillor R Bennett
Councillor C Cassini
Councillor D Collins
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert

Councillor N Hampshire
Councillor C McFarlane
Councillor C McGinn
Councillor G McGuire
Councillor S McIntosh
Councillor K McLeod
Councillor L-A Menzies
Councillor B Ritchie
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
Ms L Byrne, 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
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Mr K Dingwall, Service Manager – Planning
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms A-M Glancy, Service Manager – Corporate Accounting
Mr C Grilli, Service Manager – Governance
Ms M Scott, Committees Officer
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor L Bruce
Councillor L Jardine
Councillor T Trotter

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, subject to the changes set out below:

a. East Lothian Council, 12 December 2023

p. 3, para. 5: delete wording 'Ellie to provide letter to Members'

p. 4, para. 1: delete wording 'which could provide additional funding for education and health and social care'

p. 6, para. 4: replace penultimate sentence with 'She argued that local authorities throughout Scotland, not just East Lothian, were experiencing financial challenges, noting that the funding issues stemmed from austerity and the Scottish Government not being properly funded.'

b. Special East Lothian Council, 23 January 2024

2. EAST LOTHIAN COUNCIL'S 2023 'STATE OF THE COUNCIL' AND ANNUAL PERFORMANCE REPORT

A report was submitted by the Chief Executive providing the Council with the 2023 'State of the Council' and Annual Performance Report, and seeking approval for new Council Plan priorities and to sign up to the East Lothian Community Wealth Building Charter.

Paolo Vestri, Service Manager for Policy, Improvement and Partnerships, presented the report. He highlighted the key aspects, including the proposed re-prioritisation of Council Plan objectives, the review of the Council Plan Action Plan, and the introduction of Community Wealth Building (CWB). He also drew attention to the Annual Performance Report, attached as Appendix 1 to the report.

In response to questions from Councillor McIntosh, Mr Vestri explained that it was appropriate to include CWB within this report because it was one of the actions contained within the Council Plan Action Plan and it would also fit with the Council's new priorities. On tackling climate change, Mr Vestri assured her that this remained a priority and that all services had to take climate change into account when developing service plans. He added that the Climate Change Strategy would be reviewed within the next year, which would give the Council an opportunity to reaffirm its commitment to tackling climate change. As regards collaboration between Members and officers, Mr Vestri used the example of the cross-party working groups on the budget and climate change/sustainability as collaborative working, and that he would be engaging with Members in the coming months as regards updating the Council Plan.

Councillor Forrest asked if partners and other organisations were engaging with the Council on CWB. Mr Vestri advised that NHS Lothian had committed to being an Anchor Institution and to work with the Council to develop a charter and action plan; City Region Deal partners were also committed to CWB, as were a number of smaller businesses in the community. He hoped that Edinburgh College and Queen Margaret University would also join the working group to take this forward. The Provost referred to a recent meeting of the Connected Communities Group, attended by a number of partner organisations and businesses, and that the feedback on the meeting had been very positive. On community engagement more generally, Mr Vestri reported that through meetings and the recent Residents' Survey, there was general support for the Council's vision; he undertook to continue working with communities and the third sector to get support for the Council's vision and objectives.

Councillor McLeod asked about the Council's ability to maximise external funding. Sarah Fortune, Executive Director for Council Resources, advised that maximising income was included within the Financial Strategy, and that officers would always make every effort to secure additional funding in order to delivery on priorities. She made reference to the Council's successful bid for Levelling Up funding, as an example. The Provost added that the Council would work with Area Partnerships to secure additional external funding.

Councillor Dugdale expressed concern about the increase in child poverty rates, noting that the latest data was from 2021/22. Mr Vestri informed Members that officers were currently working on a new poverty profile, which would provide the most up-to-date information available. He advised that child poverty was a national indicator and that the next report would be published in June. He anticipated that there may be an increase in child poverty figures due to the cost-of-living crisis, increased inflation and austerity. However, this increase may be partly offset by falling unemployment levels, the increased Child Payment and other measures put in place to mitigate against poverty. He undertook to provide further information to Members once it was available.

Responding to a question from Councillor Akhtar on early intervention and prevention measures, Mr Vestri stated that this was a key component in tackling poverty and inequality, as set out in the 2022/23 Poverty Plan, and that ensuring people had access to advice and were able to secure better jobs were important aspects of this.

Councillor McGinn asked how information was gathered as regards volunteering within communities. Mr Vestri was unable to advise on the number of volunteering hours undertaken, as the data only included Community Councils, Area Partnerships and the Duke of Edinburgh Award Scheme. However, he noted that Volunteer Centre East Lothian (VCEL) collected data on volunteering through the third sector, and that he would consider how this information could be provided to Members.

Opening the debate, Councillor Hampshire stressed the importance of updating the Council Plan in light of the financial challenges facing the Council and the increasing pressure on services. On housing, he noted that although the Council was providing additional homes, it could not meet the demand. He also spoke of the need to support people who were struggling financially and to grow the economy and create jobs, and he touched on other priorities, including raising education attainment and tackling climate change, which would be difficult to achieve and would require new ways of working.

Councillor Menzies welcomed the updating of Council priorities, with a focus on the wellbeing of residents and sustainability of businesses and services, as well as helping the most vulnerable people in the community.

The Provost spoke of the positive relationship between Members and officers. He also believed that tackling climate change should feature in everything the Council does.

Councillor McGinn paid tribute to volunteers, and to those who participated in the work of the Area Partnerships, Community Councils and Community and Police Partnerships (CAPPs). He stressed the Council's commitment to supporting volunteers and enabling funding for community groups.

Councillor McIntosh indicated that she had considered abstaining from the vote on this item, but as a result of Mr Vestri's contributions and the discussion she was now minded to vote in favour of the recommendations. She believed that the Council should be more ambitious on diverting funding away from areas that were damaging to the environment, and she was encouraged to hear support for climate change being the 'golden thread' that would run through the Council's work.

Councillor Dugdale welcomed the improvements in closing the poverty-related attainment gap and the increasing participation rates for 16-19-year-olds.

On partnership working, Councillor Akhtar looked forward to seeing more information from Anchor Institutions on their outcomes, in particular how NHS Lothian would support East Lothian, and on how CWB benefits would be measured.

Councillor Yorkston voiced his concern about the impact that continued population growth would have on the Council when funding was not keeping pace with that growth. He welcomed the recent visit by the Scottish Government Cabinet and hoped that they would consider establishing a growth fund.

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

Decision

The Council agreed:

- i. to approve the 2023 'State of the Council' and Annual Performance Report (attached as Appendix 1 to the report);
- ii. to approve the proposal to re-prioritise the Council Plan (as set out in paragraphs 3.10-3.14 of the report);
- iii. to note that a further report recommending a new Council Plan Action Plan based on the new priorities and Council budget would be presented to the Council meeting in June 2023; and
- iv. to agree that the Council should sign up to, and adopt, the Community Wealth Building Charter (attached as Appendix 2 to the report).

3. 2024 COUNCIL IMPROVEMENT PLAN

A report was submitted by the Chief Executive presenting the 2024 Council Improvement Plan for approval by the Council.

Paolo Vestri, Service Manager for Policy, Improvement and Partnerships, presented the report, highlighting the progress made on the previous Council Improvement Plan and drawing attention to the actions included in the 2024 Plan. Mr Vestri also advised of a new self-evaluation framework (Public Service Improvement Framework – PSIF), recently piloted by the Council Management Team, which had resulted in seventeen recommended actions, ten of which had already been completed and five of which were due to complete by June 2024.

Councillor Akhtar requested an update on the review of Trust Funds. Ellie Dunnet, Head of Finance, reported that some progress had been made and a report would be presented to Council in June on this matter. She pointed out that this review had not been prioritised due to competing priorities.

Councillor McLeod asked if PSIF was considered a better self-evaluation tool than the previous model. Mr Vestri indicated that PSIF had now been adopted by most local authorities in Scotland, and that it was supported by the Improvement Service. Following the pilot with the CMT, it would now be rolled out across all services over the next few years.

Councillor McIntosh observed that there was no specific mention of climate change in the Improvement Plan. Mr Vestri explained that the Plan was based on governance, leadership and accountability and looked at the Council's processes and procedures rather than policies. Therefore, climate change would be covered by the 'State of the Council' and performance reports.

On PSIF, the Provost asked if this was the only self-evaluation tool being used by the Council, and asked if Members could be provided with further information on it. Mr Vestri informed him that PSIF was based on the EFQM framework and was also part of the continuous improvement framework. In addition to PSIF, the Council was also subject to evaluation by way of a series of key performance indicators, the Annual Audit Report, the 'State of the Council' report, and various inspectorate reports.

Councillor Menzies welcomed the report and spoke of the importance of self-evaluation in order to improve performance. She also welcomed the opportunity to be involved in the process in order to ensure that the Council had robust governance procedures.

Councillor Forrest thanked Ms Dunnet for her work on ensuring that people could access the Dr Bruce Fund.

Councillor Hampshire suggested that 'Council and Community Improvement Plan' would be a better title for this Plan as the Council required community engagement in order to achieve change. He noted that the Council would have to change how it works, but he was confident that this change could be delivered.

Although she did not disagree with the actions in the plan, or the explanation provided by Mr Vestri, Councillor McIntosh stated that she could not support a corporate strategy document that did not have climate change embedded in it, as this was, in her view, the biggest risk facing the Council. In response to these comments, Councillor Hampshire proposed that an additional action should be included in the Improvement Plan regarding how the Council was tackling climate change. Councillor McIntosh welcomed this proposal and suggested that the wording of this additional action could be discussed at the next meeting of the Climate Change and Sustainability Working Group. As Convener of the Audit & Governance Committee, Councillor Menzies offered to discuss this further with Councillor McIntosh and officers with a view to including climate change within audit and governance procedures.

Councillor Hampshire then moved an amendment to the recommendations, seconded by Councillor McIntosh, to the effect that 'under the leadership of the Council Leader and with [support from the] membership from other parties, the Council will consider the inclusion of a proposal on climate challenge and change in the Council Improvement Plan'.

The Provost moved to the roll call vote on the amendment, as proposed by Councillor Hampshire and seconded by Councillor McIntosh which was approved unanimously.

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

Decision

The Council agreed:

- i. that, under the leadership of the Council Leader and with [support from the] membership of other parties, it would consider the inclusion of a proposal on climate challenge and change in the Council Improvement Plan; and
- ii. to approve the 2024 Council Improvement Plan (attached as Appendix 1 to the report), as amended to reflect the inclusion of an action on tackling climate change, as set out in (i) above.

4. UPDATE REPORT ON THE PARKING MANAGEMENT TRAFFIC REGULATION ORDER FOR NORTH BERWICK

A report was submitted by the Executive Director for Place updating the Council on the status of the North Berwick Parking Management Traffic Regulation Order, and recommending next steps and a proposal to accelerate the programme for delivery.

The Provost advised that an amendment to the report recommendations had been submitted by Councillors Findlay and Collins, which had been circulated to Members.

The Project Manager – Growth and Sustainability, Peter Forsyth, presented the report. He set out the aims of the proposals, namely, to reduce inappropriate and indiscriminate parking, incentivise the use of more sustainable transport methods, and reduce safety concerns. He made reference to the high number of responses to the Order, which covered a variety of issues, and suggested that some people may have misinterpreted the proposals. He proposed that the current Order be withdrawn and that work on a new Order be commenced.

Responding to a number of questions from Councillor Findlay, Mr Forsyth believed that businesses would benefit from the proposals as there would be a more frequent turnover of parking spaces on the High Street, and he expected that visitors would use the car parks if they were staying in the town for a longer period. He added that the proposals would encourage people to walk or cycle rather than take their car into the town centre. He also noted that the first 45 minutes of parking on the High Street would remain free of charge. Sarah Fortune, Executive Director for Council Resources, advised that income targets had been included in the Council budget, approved on 20 February 2024, a proportion of which was expected to come from car parking charges – in the event that these income targets could not be achieved, it would be reported to Council. She confirmed that the budget approved by Council had been competent, adding that that officers were now looking at ways to deliver the £500,000 income target.

Councillor Collins asked how much had been spent on this project to date. Mr Forsyth indicated that c. £136,000 had been spent to date, but that he couldn't advise on the total cost as the procurement process had not yet been completed. He anticipated that income in the region of £1m per annum could be achieved.

In response to questions from Councillor McIntosh, Mr Forsyth explained that, according to Transport Scotland, 5km was deemed to be a local journey, and that 51% of vehicles were currently making very short journeys. On the concerns of business owners, Mr Forsyth advised that a comparison had been drawn with the introduction of parking charges in Berwick-upon-Tweed; however, he pointed out that there were a number of underlying factors that had impacted businesses in that town, such as it being an area of deprivation and having experienced a reduced economy. In seeking to address the concerns raised, he proposed that the Order should be divided into its component parts and this would allow for officers to respond to each part individually.

Councillor Hampshire asked if there was a point when North Berwick town centre would become unsafe. Mr Forsyth explained that officers were trying to manage the situation so that there would be greater access to spaces and that the supply would meet the demand. With continued growth in East Lothian, he believed that without action, the town centre parking situation would become unmanageable within a few years.

Mr Forsyth noted that the data provided by Transport Scotland was four years old and had been determined by way of survey work and then applied across Scotland – he offered to get further information on this data for Members, once it was available. On the matter of ‘misinterpreting the proposals’, he advised that there had been some miscommunication on some issues, such as the proposals for motorhome parking, and he hoped that by separating the proposals into various parts, this would make the proposals clearer.

The Provost invited Councillor Findlay to present his amendment, which sought to replace the report recommendations as follows:

[Council is recommended to:]

1. note the responses received to the original Traffic Regulation Order and objections made, and, in light of the public’s clear opposition to the key themes of introducing park charges and controlled parking zones, withdraw the current Order.
2. note the high level of responses and objections to the Council opposing the introduction of parking charges in North Berwick to the consultation on the Traffic Regulation Order with 659 recorded responses and a petition of over 4,000 signatures on parking charges, and note the significant opposition from the North Berwick Business Association.
3. note the objections to the proposed Residents Parking Permits and zoned parking restrictions in the town centre from local town centre residents, as residents believe these would seriously impact the ability of residents, especially the elderly, to park near to their homes.
4. note that in paragraph 4.8 of this report the ELC Local Parking Strategy states: “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”; however, in North Berwick, apart from the limited facilities at existing town centre car parks, these options do not readily exist.
5. decide not to proceed with parking charges in any East Lothian towns and decide that £500k from the Transformation Fund should be reallocated to protect and sustain frontline services in East Lothian.

Councillor Findlay asserted that the view of North Berwick residents was that no new TRO should be promoted, noting that 659 responses had been received to the Order, with a further 4,000 people signing a petition against the Order. He believed that it would be a waste of money and officer time to proceed. He also noted that the work at the east end of the High Street would address safety issues, and that, other than the loss of parking spaces, businesses were generally supportive of this work being carried out. He suggested that the promotion of this TRO was seen as a way for the Council to generate income, and North Berwick High Street businesses believed it would damage trade. He added that residents were also opposed to the Order because it would restrict their ability to park near their homes, and older people and women would feel less safe walking to their homes at night; residents outwith the control zones believed that visitors would park outside their homes, thus restricting their ability to park. He claimed that the Order would not have a positive impact on the environment, and he anticipated that the revised Order would generate a similar number of responses. In moving his amendment, Councillor Findlay called on the Council to use the money allocated for this project to fund early years’ education and to tackle anti-social behaviour.

The amendment was seconded by Councillor Collins. She argued that, contrary to comments from Mr Forsyth, the residents of North Berwick had fully understood the proposals. She was concerned about the costs of implementing the scheme, claiming that it would take a long time to recoup what had already been spent and that this money could be better spent on other services. She also noted that it had taken businesses in the town two years to recover from the effects of COVID-19 on their trade, and that it would be unwise to roll out parking charges to other towns where high streets were also suffering; shoppers would choose to go to out-of-town retail parks where they could park for free. Councillor Collins believed that parking charges would have a detrimental impact on high street businesses and people who used their cars to go shopping and socialise in town centres.

In relation to point (5) of the amendment, Councillor Menzies asked if the £500k of Transformation funding could be reallocated to support frontline services if not used for this project. Sarah Fortune, Executive Director of Council Resources, advised that this funding was intended to support one-off transformation projects and was non-recurring.

As a resident of North Berwick town centre, Councillor McFarlane stressed that there was a parking problem in the town, and that the proposed measures would make the town centre safer, especially for children, older people and those with disabilities.

Councillor Hampshire spoke in favour of the proposals. With the ongoing significant growth across East Lothian, he claimed that it was becoming more difficult to access town centres, and that there were safety issues associated with this that the Council was obliged to address. He also believed that visitors would choose not to come to the towns if they could not get parked. In addition, he argued that residents of North Berwick were experiencing difficulties in getting parked close to their homes. He stated that town centres had not been designed to cope with this increased level of traffic and that without action being taken, the town centres would be destroyed.

Councillor Menzies remarked that she believed that not all members of the Conservative Group were in agreement with the amendment, but that they had to support it due to their party's national policy decisions. She believed that the proposals would provide sufficient parking spaces whilst discouraging the use of cars for short journeys, which would help tackle climate change. She accepted that parking charges would not be popular, but that they would stop all-day parking in town centres and provide better access. She spoke of the particular situation in Tranent, where people parked in the town centre and then took the bus to Edinburgh, which was having an impact on people trying to access the high street.

Councillor McIntosh argued that there was no evidence to suggest that the introduction of parking charges would have a negative impact on high street businesses, and that 25 Scottish local authorities had already introduced parking charges. She asserted that a reduction in vehicular traffic would benefit people's health and wellbeing, as well as reducing accidents and crime. She also argued that the provision of land for free parking equated to providing a subsidy to the most damaging form of transport – the car. She urged people to use active transport or public transport wherever possible. In response to comments made by Councillor Collins regarding out-of-town retail developments, she noted that Councillor Collins had recently approved a planning application for such a development in Dunbar. She also suggested that the next Local Development Plan should take account of public transport routes. She was not supportive of the amendment.

Councillor Forrest argued that parking management within town centres was necessary in order to stop indiscriminate parking and people using town centres as park and ride facilities. He urged the Council to work with local businesses to reinvigorate high streets.

On the points made about tackling climate change, Councillor McGuire argued that by providing a greater turnover of spaces this would encourage more cars into the towns and would, in turn, have an adverse impact on climate change.

Councillor McGinn noted that the issues with parking across the county were varied and each town would have to be looked at individually. He acknowledged that parking management measures would not be popular with everyone but that this issue required to be addressed in order for high streets to thrive.

The Provost moved to the roll call vote on the amendment as proposed by Councillor Findlay and seconded by Councillor Collins:

For (3): Councillors Collins, Findlay and McGuire
Against (16): Councillors Akhtar, Allan, Bennett, Cassini, Dugdale, Forrest, Gilbert, Hampshire, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Yorkston
Abstentions (0):

The amendment therefore fell.

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

For (16): Councillors Akhtar, Allan, Bennett, Cassini, Dugdale, Forrest, Gilbert, Hampshire, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Yorkston
Against (3): Councillors Collins, Findlay and McGuire
Abstentions (0):

Decision

The Council agreed:

- i. to note the responses received to the original Traffic Regulation Order and objections made, and, in light of the misinterpretation of key themes by the public, withdraw the current Order;
- ii. to approve the commencement of work to promote new Traffic Regulation Orders, to simplify the proposals and to take cognisance of the objections made to further modify the proposed scheme; and
- iii. to note the intention to accelerate the parking management review, consult on the five remaining towns concurrently, and draft and publish Orders introducing parking restrictions in due course.

Sederunt: Councillors Gilbert and McLeod left the meeting.

5. APPOINTMENT OF CHIEF SOCIAL WORK OFFICER

A report was submitted by the Executive Director for Council Resources seeking formal approval of the appointment of Lindsey Byrne as the Council's Chief Social Work Officer.

The Head of Corporate Support, Morag Ferguson, presented the report, advising of the requirement for the Council to formally appoint Ms Byrne to the statutory post of Chief Social Work Officer. Ms Ferguson reminded Members that Ms Byrne had been appointed to the post of Head of Children's Services in May 2023 and had been acting as Chief Social Work Officer since then. Ms Ferguson also advised Members of the recent appointments of Caroline Rodgers as Acting Head of Communities, and Ray Montgomery as Acting Head of Development, noting that the Chief Executive had made these appointments under her delegated powers.

The Provost congratulated Ms Byrne, Ms Rodgers and Mr Montgomery on their appointments. He also paid tribute to Sharon Saunders, who would be retiring as Head of Communities in April, noting that there would be an opportunity at a later date to thank her for her contribution to the Council.

Councillor Menzies made reference to positive changes that Ms Byrne had already implemented within social work services.

Echoing these comments, Councillor Dugdale commented on the breadth and depth of the role of Chief Social Work Officer, and she had no doubt that Ms Byrne would ensure that the highest standards of social work practices were met.

Councillor Ahktar also welcomed Ms Byrne's appointment, noting that she was sure that Ms Byrne would succeed in delivering services in this complex and challenging area for both the Council and the Integration Joint Board.

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

Decision

The Council agreed to approve the appointment of Lindsey Byrne to the statutory post of Chief Social Work Officer.

6. AMENDMENTS TO STANDING ORDERS

A report was submitted by the Executive Director for Council Resources seeking approval to Standing Orders to require that proposed consultation responses in respect of applications made under Section 36 of the Electricity Act 1989 are reported to the Council's Committee Expedited List, thereby giving Members the opportunity to call proposed responses off the List, for a decision of Planning Committee; to give the Head of Development further powers in relation to the variation, modification and discharging of planning obligations; and to amend the powers relating to Section 193 (signing powers for notices and orders) of the Local Government (Scotland) Act 1973.

The Head of Corporate Support, Morag Ferguson, presented the report, advising of the proposal to make two changes to the Standing Orders (Scheme of Delegation) relating to planning matters, and a further change concerning the signing power of officers in order to provide greater flexibility, when required.

On the planning-related changes, Keith Dingwall, Service Manager – Planning, advised that the first was concerned with consultation responses to energy-related development. He provided an explanation of the current arrangements before explaining the proposed change (as set out in Section 3.7 of the report). He also set out proposed changes to planning obligations, outlined in Sections 3.9-3.11 of the report, which would result in greater flexibility and efficiency.

Councillor Hampshire spoke in support of the proposed changes to the planning process. He asked if current applications for energy storage would be considered in accordance with the proposed new procedures. Mr Dingwall confirmed the proposed changes to applications made under Section 36 of the Electricity Act 1989 would come into effect on the date of this meeting. He added that the proposed change set out at Section 3.9 of the report (concerning decisions in relation to the variation, modification or discharge of planning obligations) would come into effect on 1 April 2024.

Councillor McIntosh welcomed the opportunity for the Planning Committee to consider responses to consultations regarding energy storage. As regards interest from the public in energy storage applications, Mr Dingwall explained that residents could write to the Energy Consents Unit directly, or alternatively write to Members or the Planning Authority, who would take account of the views and information submitted before determining the matter.

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

Decision

The Council agreed to approve the proposed new processes and associated changes to the Scheme of Delegation (as set out in paragraphs 3.7, 3.9 and 3.19 of the report).

7. NOTICE OF MOTION: CALLING FOR A CEASEFIRE IN GAZA AND FOR THE UK GOVERNMENT TO REINSTATE UNRWA FUNDING

A motion was submitted by Councillors McIntosh and Menzies:

East Lothian Council notes the ongoing humanitarian catastrophe in Gaza, with 28,000 civilians dead and 2 million people now at risk of starvation as a result of Israeli military action. More than half of the population of Gaza is aged under 18.

East Lothian Council:

- Condemns the Hamas attack of October 7th and calls for the immediate release of all hostages;
- Equally, condemns the indiscriminate bombardment of Gaza by the Israeli Defence Force;
- Stands in solidarity with all victims of this violence and urges an immediate ceasefire to avoid further suffering.

Council notes that the UK is among several major donors to the UNRWA who have unilaterally suspended funding to this agency because of unverified reports that a small number of their staff may have been involved in the Hamas attack. This Council notes that 152 UNRWA staff have been killed while working in Gaza since October 7th 2023, and that a recent statement from 28 aid agencies warns that the withdrawal of funding for UNRWA threatens a complete collapse of the already restricted humanitarian response in Gaza.

Council further notes that the interim verdict of the International Court for Justice in the case brought by South Africa against Israel, places six binding actions on Israel, including to do all it can to prevent genocide, refraining from harming or killing Palestinians, urgently getting basic aid to Gaza, and to punish any incitement to genocide.

This Council condemns genocide and considers that the Court ruling places obligations on UK institutions, including government at all levels, to ensure they are avoiding any action which may directly or indirectly support genocide.

Accordingly, Council:

- asks the Leader of the Council to write to the First Minister, asking him to do everything within devolved powers to stop the supply of weapons and components from Scotland to Israel (and its allies); and to ask the FM for an update on the progress of the commitment he made during First Minister's Questions on November 16th, when he undertook to examine what more could

- be done to exclude companies who profit from the illegal occupation of the West Bank from public procurement contracts in Scotland
- also asks the Leader of the Council to write to the Foreign Secretary, welcoming his recent indication that he is considering recognising Palestine as a state, but also urging him to immediately reinstate the UK's funding for UNRWA and to join the list of nations supporting South Africa's case against Israel in the International Court of Justice.

Making reference to an amendment submitted by Councillors McMillan and Forrest, Councillor McIntosh welcomed the collaborative approach to this issue, and was supportive of the amendment; however, she wished to put forward the points included in her motion. She recognised that the Council could do little to change the current situation in Gaza, but she felt it important that the Council should use its voice to reflect the views of constituents. She pointed out that almost 30,000 people had now been killed in the conflict, 70% of whom were women and children. She accepted that the events of 7 October 2023 should constitute a war crime, but believed there was no justification for the subsequent action taken, that it amounted to an 'attempted eradication of a people', and was therefore not acceptable. She argued that the current situation was a political choice, enabled by other countries. She also warned of the prospect of Palestinians starving, partly due to a shortage of UN funding. She called on the Council to review its procurement arrangements to ensure that it was not using companies who are funding the arms trade. On the proposal within the amendment to call for a ceasefire, she stressed that a distinction must be made between Hamas and the Palestinian people.

Seconding the motion, and also speaking in support of the amendment, Councillor Menzies welcomed the collaboration on this matter with other Members. She noted that the problems in Israel/Palestine pre-dated 1948, and that Palestinians should not be held responsible for the actions of Hamas, a recognised terrorist organisation, nor should Benjamin Netanyahu be seen to represent all Israelis. She spoke of the horror of the current situation and of the human cost, with 12,000 children killed and 17,000 more left without living relatives. She thanked Councillor McIntosh for bringing the motion forward.

The Provost advised that the amendment to the motion, submitted by himself and Councillor Forrest, sought to replace the motion with the following wording:

East Lothian Council notes the ongoing humanitarian catastrophe in Gaza, with 28,000 civilians dead and 2 million people now at risk of starvation as a result of Israeli military action, with 10,000 Palestinian prisoners, including 250 children in Israeli jails (noting that more than half of the population of Gaza is under 18) and over 100 hostages still in captivity from the Hamas terror attack on 7 October.

East Lothian Council:

- Condemns the Hamas terror attack of 7 October and calls for the immediate release of all hostages and for internationally supervised and agreed release of prisoners and inspection of their welfare conditions;
- Equally, condemns the indiscriminate bombardment of Gaza by the Israeli Defence Force;
- Stands in solidarity with all victims of this violence and urges an immediate ceasefire to avoid further suffering;
- Notes that the UNRWA Commissioner-General recently warned that the entire aid operation in Gaza is at risk of collapse and that Medecins Sans Frontieres has declared there to be no functioning health care system in Gaza;
- Condemns the rise of anti-Semitism and Islamophobia in our communities;
- Recognises that any response must fall within the bounds of international humanitarian law.

- Recognises that for a ceasefire to be successful and sustained, both sides must comply.
- Notes that the House of Commons voted to call for an immediate and lasting humanitarian ceasefire on 21 February 2024, and that the Scottish Parliament voted for a ceasefire on 21 November 2023; and
- Notes and echoes the International Court of Justice's call for Israel to take all measures to prevent genocidal acts in Gaza.

Accordingly, Council asks the Provost of East Lothian Council to write to the First Minister and the Foreign Secretary to ask them to:

- Act upon the call of both parliaments to call for a ceasefire and build a lasting peace process;
- Do all within their diplomatic powers to contribute to the call from around the international community for an immediate humanitarian ceasefire;
- Urge the international community to reinstate humanitarian aid to be allowed into all affected areas and work together to rebuild and restore communities; and
- Call for a two-state solution, including security for Israel and justice for Palestine, recognising the statehood of both and the desire for long-lasting peace and understanding in the region.

Presenting his amendment, the Provost felt that as civic head of the Council he should take the lead on this issue. He acknowledged the sentiments of the motion, and called on Members to focus on the following aspects: lasting peace, recognising humanitarian law, and ceasefire. He welcomed the support of Councillor McIntosh for the amendment, which he advised sought to depoliticise the issue, and he hoped that a consensus could be reached. He also hoped that people would come together to restore peace and understanding in the region.

Councillor Forrest seconded the amendment.

Councillor McGuire commented that although no one wanted to see the conflict continue, and that the death of innocent people could not be justified, as an individual and a local councillor he felt that this situation should be dealt with by higher powers. He would therefore be abstaining.

Councillor Collins spoke of the complexities around the conflict, which had led to many people disconnecting from the situation. She felt that the wording of the amendment was more engaging.

Summing up, Councillor McIntosh welcomed the contributions made by other members and agreed that the wording of the amendment was more wide-ranging and inclusive, so she would be happy to accept it. Councillor Menzies also indicated that she would be happy to support the amendment.

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

For (16): Councillors Akhtar, Allan, Bennett, Cassini, Collins, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McIntosh, McMillan, Menzies, Ritchie, Yorkston

Against (0):

Abstentions (1): Councillor McGuire

The amendment was therefore carried.

Decision

The Council agreed that the Provost should write to the First Minister and the Foreign Secretary to ask them to:

- i. Act upon the call of both parliaments to call for a ceasefire and build a lasting peace process;
- ii. Do all within their diplomatic powers to contribute to the call from around the international community for an immediate humanitarian ceasefire;
- iii. Urge the international community to reinstate humanitarian aid to be allowed into all affected areas and work together to rebuild and restore communities; and
- iv. Call for a two-state solution, including security for Israel and justice for Palestine, recognising the statehood of both and the desire for long-lasting peace and understanding in the region.

8. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 27 NOVEMBER 2023 – 11 FEBRUARY 2024

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 December 2023.

Councillor Akhtar highlighted item 10/24 on the bulletin, which was concerned with a review of the East Lothian Poverty Plan. She welcomed the ongoing work to tackle poverty and the partnership working between the Council and other organisations.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 27 November 2023 and 11 February 2024, as listed in Appendix 1 to the report.

Signed

Provost John McMillan
Convener of the Council