



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

**TUESDAY 10 SEPTEMBER 2024  
VIA DIGITAL HYBRID MEETING FACILITY**

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### **Cabinet Members Present:**

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

### **Other Councillors Present:**

Councillor C Yorkston

### **Council Officials Present:**

Ms L Brown, Executive Director for Education and Children's Services  
Ms S Fortune, Executive Director for Council Resources  
Ms N McDowell, Head of Education  
Ms H Barnett, Head of Corporate Support  
Ms W McGuire, Head of Housing  
Mr T Reid, Head of Infrastructure  
Mr S Cooper, Service Manager - Communications  
Mr C Grilli, Service Manager – Governance  
Mr P Ritchie, Service Manager – People & Council Support  
Mr J Coutts, Service Manager – Community Housing & Homelessness  
Mr A Stubbs, Service Manager - Roads  
Ms Z Rathe, Team Manager – Information Governance  
Ms N Sandford, Team Manager - Homelessness  
Mr I King, Team Manager – Asset & Regulatory  
Ms M Hadow, Transportation Planning Officer

### **Clerk:**

Ms F Currie  
Ms E Barclay (Meeting Administrator)

### **Apologies:**

Councillor A Forrest

### **Declarations of Interest:**

None

The Clerk advised that meeting was being webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. She 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 a recording of the meeting would be publicly available for up to six months from the date of the meeting.

**1. MINUTES FOR APPROVAL: CABINET, 14 MAY 2024**

The minutes of the meeting of the Cabinet on 14 May 2024 were approved.

**2. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 (GDPR) – COMPLIANCE STATISTICS IN 2023**

A report was submitted by the Executive Director for Council Resources to report on the Council's compliance with the 20-working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and the Council's compliance with the timescale laid down by the Data Protection Act 2018 (GDPR) for the calendar year 2023 (i.e. 1 January 2023 to 31 December 2023).

The Team Manager – Information Governance, Zarya Rathe, presented the report. She the number and complexity of Freedom of Information (FOI) requests and Subject Access Requests had increased during 2023; however, compliance with statutory response timescales had remained high. She provided a breakdown of the statistics and outlined some of the challenges in responding to more complex requests. She also noted an increase in the number of internal reviews - where a subject seeks a review of the response to their original request - and the consequent impact on staff time. She advised that her Team was working to quantify the impact across the Council, with the intention of providing further detail in the next annual report.

Ms Rathe responded to questions from Councillor Dugdale and Councillor McGinn. She confirmed that there had been an upward trend in the number of FOI requests over the last 4 years and that she expected this to continue, along with an increase in the proportion of cases progressing to internal review. She agreed that figures relating to vexatious requests could be included in future annual reports. She explained that vexatious requests were relatively unusual, and that this classification referred to the request itself, rather than the person making it. She added that the Council did receive some requests which had a significant impact on staff time but, if these were proved to have no malicious intent, the Council had a duty to provide a response.

**Decision**

The Cabinet agreed to note the report and provided feedback on the compliance statistics.

**3. ANNUAL PENSIONS REPORT 2023/24**

A report was submitted by the Executive Director for Council Resources to summarise the early retirement activity within the financial year 2023/24, in accordance with External Audit requirements and Council Policy.

The Service Manager – People & Council Support, Paul Ritchie, presented the report. He drew Members' attention to the summary of the Council's retirement activity in the financial year

2023/24 in three main categories. He also directed Members to the information contained in the report relating to the ongoing financial implications for the Council.

Responding to questions from the Convener, Mr Ritchie explained that the number of staff taking flexible retirement had remained relatively steady in recent years with a slight increase in 2023/24. He advised that HR did not hold figures for the number of flexible retirement requests that had been refused, as these decisions were taken within each service area.

## **Decision**

The Cabinet agreed to note the content of the report with regard to the pension activity in respect of early retirements in the financial year 2023/24.

## **4. HOMELESSNESS ACTION PLAN – RESPONSE TO NATIONAL HOUSING EMERGENCY**

A report was submitted by the Executive Director for Place to seek approval for the East Lothian Homelessness Action Plan 2024-26 and associated interim amendments to the Council's Housing Allocations Policy in recognition of the national housing emergency.

The Head of Housing, Wendy McGuire, presented the report. She outlined the background to the recommendations reminding Members of the current housing emergency, as declared by the Scottish Government in May 2024, and some of the unique and distinct challenges facing the Council in its delivery of homelessness services. In April 2024, the Scottish Housing Regulator had declared 8 local authorities at heightened risk of systemic failure in the delivery of these services, of which East Lothian was one. High levels of breaches of the unsuitable accommodation order and increased use of temporary accommodation were key factors in this assessment. Ms McGuire said that the Council remained committed to doing all it could to prevent, tackle and mitigate homelessness pressures. There were a number of actions contained in the plan and two specific interim amendments were being recommended to the Council's housing allocations policy to help to address these issues. She provided some statistics to illustrate the challenges and the financial implications for the Council; in particular, that 93% of those waiting for more than a year were single person households which reflected the low availability of one-bedroom properties. She concluded that the proposed amendments to the housing allocations policy, and other actions in the plan, should help to maximise opportunities for rehousing and reduce the time spent in temporary accommodation.

Ms McGuire responded to questions from Councillor Akhtar. She provided details of the funding being offered by the Scottish Government to support actions to address the housing emergency. She said that the policy intention was for local authorities to use this money for open market acquisition rather than the delivery of new build affordable homes. She said that this was disappointing as the limited resources already provided to support new builds meant that while the Council had the potential to deliver 800 units over 3 years, it could only afford to deliver 107.

Councillor Akhtar asked if an interim report could be provided before the 6-month review point as these were significant amendments to the allocations policy. Ms McGuire said that this would be possible. The Convener suggested that this interim update could be presented directly to Members, with no need for it to come forward to a future Cabinet meeting.

In response to questions from the Convener, Ms McGuire confirmed the current arrangements in the allocations policy. James Coutts, Service Manager – Community Housing & Homelessness, replied regarding the impact of the changes for those on benefits, where a single person was allocated a two-bedroom property. He explained that a discretionary

housing payment was available for underoccupancy and that this would continue for the foreseeable future.

Replying to further questions, Nicola Sandford, Team Manager – Homelessness, confirmed that when allocating a property, the housing officer would consider a variety of aspects including antisocial behaviour, previous arrears, and vulnerabilities such as mental health. If it was felt that a person may not manage in their new property, support would be provided from the outset. Ms McGuire added that arrangements would continue to be put in place to maintain the balance within communities and that this would be done sensitively, in conjunction with the Housing Options Team and the Community Housing Team, to ensure that the right supports were in place.

Following a final question from Councillor McGinn, Ms McGuire agreed that the information provided following the review period would include a breakdown for each main town.

Councillor McMillan welcomed the paper which he said brought into focus that as well as being about policy, this was also about providing people with a home, often in difficult circumstances. He referred to the housing emergency and the resource problems but said that, in all of the cases he had brought to officers he had been hugely impressed by their care and professionalism. He commended the range of options detailed in the report that would continue to be explored, and he commended the staff who he said were doing their best for all concerned in very difficult circumstances.

Councillor Akhtar observed that most of the queries received by councillors involved housing issues. As a result, councillors were familiar with the detrimental impact of homelessness on individuals, often due to circumstances out with their control. She thanked officers for going above and beyond in their efforts to help people. She expressed disappointment in the level of support being provided to local authorities and its impact on the Council's ability to deliver affordable housing units to tackle the housing crisis. She encouraged Members to join her in pursuing options to lobby Scottish Ministers about other support that could be provided. She welcomed the proposals contained in the report but reiterated the need for more action at a national level.

Councillor McGinn concurred with his colleagues' remarks. He said that the Council was committed to tackling this issue in East Lothian and he welcomed the proposals in the report. He also offered his thanks to officers working in the housing service. He said that over the last few months he had been working with young women who were at risk or victims of domestic abuse, and he had seen first-hand how well council officers worked with other agencies to support these individuals. He concluded by stating that action was needed across the country to address the housing crisis.

Councillor Dugdale agreed wholeheartedly with the views of her fellow councillors. She said it was important to show what the Council was trying to do to alleviate homelessness in the county, and to highlight the difficulties facing single people in securing a home and moving on with their lives. It was also important to consider and not underestimate the impact homelessness had on these individuals. She fully supported the proposals in the report and offered her thanks to all staff in the housing service.

The Convener concurred with all of the previous comments. He commended officers for their efforts and acknowledged the difficulties in finding suitable accommodation for people affected by homelessness. He said that the action plan prepared by officers would go some way to helping as many people as possible to get out of temporary accommodation more quickly. He noted that 93% of homelessness cases were single households and that one of the actions proposed would allow a single person to occupy a two-bedroom property. He stated that the reduction in national funding had made it impossible for the Council to deliver 800 affordable homes over 3 years. Despite the Council delivering 350 affordable homes in the last year, the

housing crisis in East Lothian was increasing and he believed that this trend would continue without additional resources being made available. In the meantime, the Council would do all it could locally to try to reduce the time people spent in temporary accommodation. He looked forward to seeing the impact of the proposed actions over the next 6 months.

The Convener moved to a roll call on the recommendations, which were approved unanimously.

### **Decision**

The Cabinet agreed unanimously, by roll call vote:

- i. To approve the East Lothian Homelessness Action Plan prepared in response to the National Housing Emergency.
- ii. To the interim amendments to the Council's Housing Allocations Policy, to assist with identified homelessness pressures, with an implementation date of 1 October 2024.
- iii. To note that East Lothian Tenant's & Resident's Panel had been consulted in relation to the proposed amendments and fully supported the Action Plan and associated amendments to the Allocations Policy.
- iv. To the policy amendments being reviewed and brought back to Cabinet in 6 months to monitor the impact of the changes.

## **5. REDETERMINATION OF COUNTESS CRESCENT, DUNBAR**

A report was submitted by the Executive Director for Place to seek approval of the statutory procedures necessary to make and amend Traffic Regulation Orders (TROs) to close Countess Crescent, Dunbar to motorised vehicles.

The Service Manager - Roads, Alan Stubbs, provided a detailed summary of the report. He outlined the previous actions to close part of Countess Crescent to motor vehicles under the Spaces for People programme during Covid and, following public consultation, proposals to make this a permanent change a permanent. He advised that two objections had been received following the formal TRO consultation process from the community council and a local business owner. Following dialogue with officers, the community council agreed that their concerns had been addressed but maintained their support for the remaining objector. Officers considered these objections but set them aside as the individual had objected to existing double yellow lines, rather than the proposals for permanent road closure and so these views were not considered relevant to the TRO.

The Convener commented that the closure of this section of the road had improved the safety of the area tremendously, and in particular the access to Dunbar Primary School. He fully supported the proposal and noted that the majority of the local community were in favour of the change. He also acknowledged the concerns expressed by the local business owner and noted that officers would continue to engage with him about his concerns.

Councillor Dugdale echoed the Convener's remarks. She emphasised the importance of enhancing the safe route to school and welcomed the proposal.

Councillor McMillan concurred with his colleagues' remarks on safety and access, and he too welcomed the proposal. He added that, from an economic development point of view, he would be happy to engage with local businesses and, in the meantime, he was happy to support the proposal.

The Convener moved to a roll call on the recommendations, which were approved unanimously.

## **Decision**

The Cabinet agreed unanimously, by roll call vote, to approve the statutory procedure necessary to make or amend a Traffic Regulation Order in accordance with the relevant legislation in respect of Countess Crescent, Dunbar.

## **6. TRAFFIC REGULATION ORDERS TO PROHIBIT OVERNIGHT PARKING AT COASTAL CAR PARKS**

A report was submitted by the Executive Director for Place to seek approval of the statutory procedures necessary to make and amend Traffic Regulation Orders (TRO) to prohibit overnight parking at coastal car parks.

Mr Stubbs presented the report. He advised that since the Covid pandemic there had been an increase in number of vehicles parking overnight in coastal car parks. Camping and motorhome activity had caused damage to biodiversity from the lighting of fires to the generation of litter. In January 2023, approval had been given for an experimental TRO to prohibit overnight parking in coastal car parks between 2200hrs to 0600hrs. While no formal objections were received during the implementation period, comments were made on the length of the enforcement period. This feedback had been taken on board and the proposed TRO reduced the enforcement period to between 2200hrs and 0400hrs. It would also make provision for the creation of additional motorhome parking spaces in the Council's car parks in the future.

Mr Stubbs responded to questions from the Convener. He confirmed that the issue of campervans parking on local streets when car parks were full would be considered as part of a county-wide review of car parking provision that was currently underway. He explained that within the proposed TRO exemptions would be made in a number of locations allowing a limited number of parking bays for campervans. Officers had also worked closely with businesses that had facilities to support campervan parking and were promoting these as a complement to other actions being taken. Mr Stubbs also confirmed that public consultation was part of the TRO process and local residents and businesses would have the opportunity to make representations on the proposals. The process would also involve agreeing where the campervan spaces would be located and how they would operate.

Tom Reid, the Head of Infrastructure, added that when the multi-agency group had begun its work it had consulted with providers of campervan parking and the vast majority had indicated that that had capacity. However, there remained an issue of how to manage those campervan owners who did not want to pay to park in a formal site.

Mr Stubbs replied to a final question from Councillor Akhtar. He confirmed that, where possible, the Council would look to reinvest in improving the amenities and protecting the environment at these sites.

Councillor McMillan welcomed the proposals noting the positive developments over the last few years to improve amenities at Longniddry and Gullane coastal car parks. He supported the need to protect the county's coastline and wild places while providing access for visitors but emphasised the need for drivers to act responsibly when choosing places to park overnight. He also noted the change to the enforcement time which had been made following feedback from regular car park users, and he thanked staff for their efforts in preparing this paper.

Councillor McGinn also welcomed the report and the work behind it. He was pleased that officers had listened to and acted upon the concerns of local groups. He said that despite initial objections and concerns the ban on overnight parking at coastal car parks had been working very well, and this was due in no small part to the officers who had responded to the comments and needs of visitors. He also commended the countryside ranger service who worked in collaboration with other agencies to ensure that coastal car parks were accessible but also used appropriately.

The Convener was also in support of the proposals. He said that the Council had a duty to protect its coastline while also providing access for residents and visitors. The change to the timing of the enforcement period was a compromise and he welcomed the opportunity for further consultation. He noted that the restrictions would continue to be monitored and enforced which he hoped would provide reassurance to local residents.

The Convener moved to a roll call on the recommendations, which were approved unanimously.

**Decision**

The Cabinet agreed unanimously, by roll call vote, to approve the statutory procedure necessary to make and amend the Traffic Regulation Orders in accordance with the relevant legislation in respect of locations and proposals listed in appendix A to the report.

Signed .....

Councillor Norman Hampshire  
Council Leader and Convener of Cabinet