

There will be a **COSLA Special Leaders'** meeting on **Friday, 25 February 2022 at 1330hrs** via Microsoft Teams.

Sally Loudon
Chief Executive

AGENDA

Public Session

1. Introduction
2. Draft Minute of Leaders' Meeting held 28 January 2022 (paper **LD/22/028**)
3. Coronavirus (Recovery and Reform) (Scotland) Bill Consultation (paper **LD/22/029**)
4. Levelling Up White Paper and UK Shared Prosperity Fund (paper **LD/22/030**)
5. Local Government Pre-Election Period and COSLA Planning (paper **LD/22/031**)

Private Session

6. Local Government Finance (paper **LD/22/032**)
7. Pay/Workforce Update (paper to follow) (paper **LD/22/033/A/B**)
8. National Strategy for Economic Transformation (paper **LD/22/034**)
9. Local Heat and Energy Efficiency Strategies (paper **LD/22/035**)
10. National Care Service (paper to follow) (paper **LD/22/036**)
11. National Care Home Contract Negotiations (paper **LD/22/037**)
12. National Insurance Increase to Adult Social Care (paper **LD/22/038**)
13. Employability Funding and Memorandum of Understanding with Scottish Government (paper **LD/22/039**)
14. Distribution (paper **LD/22/040**)
15. Date of Next Meeting – Friday, 25 March 2022

DRAFT MINUTE OF MEETING OF COSLA LEADERS

Friday 28 January 2022, 11.00am
Via Microsoft Teams

Present

COSLA President	Councillor Alison Evison
COSLA Vice President	Councillor Graham Houston
Aberdeen City Council	Councillor Jenny Laing
Aberdeen City Council	Angela Scott
Aberdeenshire Council	Councillor Andy Kille
Aberdeenshire Council	Jim Savege
Angus Council	Councillor David Fairweather
Angus Council	Margo Williamson
Argyll and Bute Council	Councillor Robin Currie
Argyll and Bute Council	Pippa Milne
City of Edinburgh Council	Councillor Adam McVey
City of Edinburgh Council	Councillor Melanie Main
City of Edinburgh Council	Andrew Kerr
Clackmannanshire Council	Councillor Ellen Forson
Clackmannanshire Council	Nikki Bridle
Comhairle nan Eilean Siar	Councillor Roddie Mackay
Comhairle nan Eilean Siar	Malcolm Burr
Dumfries and Galloway Council	Councillor Rob Davidson
Dumfries and Galloway Council	Councillor Gail Macgregor
Dumfries and Galloway Council	Derek Crichton
Dundee City Council	Councillor John Alexander
Dundee City Council	Gregory Colgan
East Ayrshire Council	Councillor Douglas Reid
East Ayrshire Council	Eddie Fraser
East Dunbartonshire Council	Councillor Andrew Polson
East Dunbartonshire Council	Ann Davie (Substitute)
East Lothian Council	Councillor Norman Hampshire
East Lothian Council	Councillor Stuart Currie
East Lothian Council	Monica Patterson
East Renfrewshire Council	Councillor Tony Buchanan
East Renfrewshire Council	Lorraine McMillan
Falkirk Council	Kenneth Lawrie
Fife Council	Councillor David Ross
Fife Council	Councillor David Alexander
Glasgow City Council	Councillor Susan Aitken
Glasgow City Council	Annemarie O'Donnell
Highland Council	Councillor Margaret Davidson
Highland Council	Councillor Alastair Christie
Highland Council	Donna Manson
Inverclyde Council	Councillor Jim Clocherty (Substitute)
Inverclyde Council	Louise Long
Midlothian Council	Councillor Derek Milligan

Midlothian Council
Midlothian Council
Moray Council
Moray Council
North Ayrshire Council
North Ayrshire Council
North Lanarkshire Council
North Lanarkshire Council
Orkney Islands Council
Orkney Islands Council
Perth and Kinross Council
Perth and Kinross Council
Renfrewshire Council
Renfrewshire Council
Scottish Borders Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Ayrshire Council
South Lanarkshire Council
South Lanarkshire Council
Stirling Council
Stirling Council
West Dunbartonshire Council
West Dunbartonshire Council
West Lothian Council
West Lothian Council

Councillor Kelly Parry
Dr Grace Vickers
Councillor Graham Leadbitter
Roderick Burns
Councillor Joe Cullinane
Craig Hatton
Councillor Paul Kelly
Des Murray
Councillor Steven Heddle
John Mundell
Councillor Murray Lyle
Thomas Glen
Councillor Iain Nicolson
Laura McIntyre (Substitute)
Councillor Mark Rowley
Netta Meadows
Councillor Steven Coutts
Councillor Peter Henderson
Eileen Howat
Councillor John Ross
Cleland Sneddon
Councillor Scott Farmer
Carol Beattie
Councillor Jonathan McColl
Joyce White
Councillor Lawrence Fitzpatrick
Graham Hope

Apologies

East Dunbartonshire Council
East Dunbartonshire Council
Falkirk Council
Fife Council
Inverclyde Council
North Lanarkshire Council
Orkney Islands Council
Renfrewshire Council
Shetland Islands Council

Gerry Cornes*
Councillor Vaughan Moody
Councillor Cecil Meiklejohn
Steve Grimmond
Councillor Stephen McCabe*
Councillor Jim Logue*
Councillor James Stockan
Alan Russell*
Netta Meadows

** denotes substitute provided*

Public Session

1. Introduction

Cllr Alison Evison welcomed Leaders to the virtual meeting. Apologies and substitutes were noted separately for the minute.

2. Draft Minutes:

- **Draft Minute of Leaders' Meeting held 26 November 2021 (paper LD/22/006)**
- **Draft Minute of Special Leaders' Meeting held 10 December 2021 (paper LD/22/007)**
- **Draft Minute of Special Leaders' Meeting held 15 December 2021 (paper LD/22/008)**

- **Draft Minute of Special Leaders' Meeting held 21 December 2021 (paper LD/22/009)**
- **Draft Minute of Special Leaders' Meeting held 14 January 2022 (paper LD/22/010)**

Leaders were content to agree all sets of draft minutes as accurate records.

3. The Contribution of Physical Activity (paper LD/22/011)

This paper provided Leaders with information on COSLA's work on physical activity and sport, and sought agreement from Leaders to prioritise this policy area and support identification of resources through partners to continue this work. Officers from sportscotland joined the meeting to provide further information and answer any questions from Leaders.

Leaders to:

- Agreed the importance and contribution that physical activity makes across the policies and services of Local Government;
- Agreed that physical activity is a priority of COSLA's four policy boards and as an organisation and mandate officers to develop a corporate position on physical activity, to be agreed by Leaders;
- Agreed that officers continue to work with Active Scotland and Public Health Scotland to identify resources to support COSLA to prioritise physical activity policies; and
- Mandated officers to arrange an elected member event, with the Minister for Public Health, Women's Health and Sport, to discuss the ways in which local and national government can work together to prioritise physical activity and take positive action to increase activity levels and wellbeing across Scotland.

4. Local Election Candidates – Freepost Communications (paper LD/22/012)

This paper highlighted an inconsistency in relation to the provision of freepost communications for Local Government Election candidates, as compared with Scottish Parliamentary candidates who do have provision for this. Leaders were invited to agree that COSLA enter into dialogue with Scottish Government and other relevant stakeholders to explore this further, with a further update provided at the next Leaders Meeting.

One amendment was proposed to this paper:

Amendment – Proposed by Cllr Lawrence Fitzpatrick and seconded by Cllr Paul Kelly:

Leaders agree that the lack of a freepost scheme for Local Government election candidates is an inconsistency and inequity that should be corrected as soon as possible.

Leaders request COSLA to engage with Scottish Government with regard to introducing such a scheme and it is our view that it should be introduced in time for the local elections in May this year.

Leaders believe such a scheme would help remove a barrier to public office and that, in the light of continuing uncertainty over the impact of the pandemic on public engagement during the forthcoming local government election, there is a strong case for implementing such a scheme this year.

This amendment was unanimously agreed, accordingly:

Leaders agreed that the lack of a freepost scheme for Local Government election candidates is an inconsistency and inequity that should be corrected as soon as possible.

Leaders requested COSLA to engage with Scottish Government with regard to introducing such a scheme and it is our view that it should be introduced in time for the local elections in May this year.

Leaders believe such a scheme would help remove a barrier to public office and that, in the light of continuing uncertainty over the impact of the pandemic on public engagement during the forthcoming local government election, there is a strong case for implementing such a scheme this year.

Private Session

5. UK Shared Prosperity Fund (paper LD/22/013)

This paper sought Leaders' views on how the UK Shared Prosperity Fund (UKSPF) should be delivered in Scotland, particularly in relation to the UK Government's preference that the fund be delivered on a regional basis. It was noted that the UK Government has sought to engage with COSLA on delivery of the UKSPF and Leaders were asked to discuss whether they were content that COSLA continue to explore with UK Government what the best delivery model is for this Fund.

Leaders discussed delivery of previous similar EU funds and the importance of ensuring certainty in any delivery model. Leaders also noted other organisations outside Local Government rely on the Fund and noted the ongoing discussions with UK Government officials to ensure delivery of the UKSPF.

Leaders:

- i. Noted that the Levelling Up White Paper is expected soon;
- ii. Agreed that COSLA should continue to explore with UK Government the best delivery model for the UKSPF, but that we are open to regional models where they are supported by the councils concerned;
- iii. Agreed that to ensure that the UKSPF is a long-term strategic fund, the first year of the UKSPF in Scotland could be used to establish both the preferred delivery models but also how the Fund will support existing local and regional strategic priorities;
- iv. Agreed that, as part of this discussion, we need more detail on how the UK Government proposes to allocate funding in Scotland;
- v. Agreed that COSLA will work with Scottish Government on ensuring the UKSPF works alongside existing local, regional and Scottish policy priorities; and
- vi. Noted that an invitation is expected soon to join a UK-wide political strategic oversight group for UKSPF, establishment of which COSLA has long called for.

6. Local Government Finance (paper LD/22/014)

This paper provided Leaders with updates on various issues relating to Local Government Finance. It was noted that Group Leaders recently met with the First Minister to discuss concerns raised by all Council Leaders in their letter of 24 December, and a further £120 million of funding for Local Government was subsequently announced by Kate Forbes MSP as part of the Stage 1 Budget debate. An update was also

provided on Covid business grants, and on the extension of the Loans Fund Holiday Repayment to 2022/23.

Leaders discussed the meeting with the First Minister and the verbal update provided on this.

One amendment was proposed to the paper:

Amendment – Proposed by Councillor Norman Hampshire and seconded by Cllr Jenny Laing:

Add

Leaders recognise the effective lobbying campaign run by COSLA on the budget and the efforts of the COSLA Leadership team that have resulted in a further £120m of funding being allocated to local government.

Whilst this £120m will assist councils to deal with their significant budget pressures in the coming year, Leaders note that this is only one off non-recurring funding that will only offset the increased costs of National Insurance Contributions and the Council Tax Reduction scheme and the cut in the funding for Early Learning and childcare for one year.

Leaders further note that there has been no further funding forthcoming to address inflation, pay settlements or demographic growth and increased demand for services. So, in the coming year councils continue to face a £251m real terms cut which will increase again in 2023/24 by a further £120m if this one-off funding for 2022/23 is not baselined within the Local Government settlement. This must be addressed as part of the Spending Review.

Leaders therefore call on COSLA to begin lobbying immediately for this £120m to be baselined for future years, and to continue to lobby for Scottish Government to recognise and address the real terms budget pressures faced by Local Government.

Leaders renew their call for a fiscal framework for Local Government to be put in place that will provide sustainable funding for vital local services for the long term, as part of the forthcoming Spending Review.

Leaders welcome the letter from the Cabinet Secretary in response to our request for flexibility in relation to service concession accounting arrangements, confirming that she has written to the CIPFA LASAAC Board seeking their view and requesting that they consider this as swiftly as possible. Leaders stress the urgency of bringing this matter to a successful conclusion so that it can be factored into council budget preparations over the coming month.

The amendment was unanimously agreed; therefore:

Leaders recognised the effective lobbying campaign run by COSLA on the budget and the efforts of the COSLA Leadership team that have resulted in a further £120m of funding being allocated to local government.

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Leaders welcomed the letter from the Cabinet Secretary in response to our request for flexibility in relation to service concession accounting arrangements, confirming that she has written to the CIPFA LASAAC Board seeking their view and requesting that they consider this as swiftly as possible. Leaders stress the urgency of bringing this matter to a successful conclusion so that it can be factored into council budget preparations over the coming month.

Further, Leaders:

- i. Noted that points on National Insurance Contribution (NIC), ring-fencing and the need for flexibilities (including service concession) will be reinforced at the meeting with the First Minister on 26 January;
- ii. Considered and commented on outcome of the meeting with the First Minister and the verbal update provided;
- iii. Agreed that the President and Vice President will continue to raise issues around the structure of Local Government funding at monthly relationship meetings with Mr Macpherson and Strategic Review Group meetings with Ms Robison, and that COSLA's Resources Spokesperson seeks assurances from Ms Forbes around her definition of ring-fenced funding;
- iv. Agreed that financial support for social care providers be extended to the end of June 2022 to continue to meet eligible additional COVID costs; and
- v. Noted the updates on other areas of work relating to Finance.

7. Pay/Workforce Updates (papers LD/22/015A and LD/22/015B)

This update was split into two papers.

In relation to Paper A, this provided Leaders with an updated on the ongoing SNCT pay claims discussions for 21/22. It was noted that the EIS is currently conducting a ballot on the most recent offer made in December, with a recommendation to reject. Cllr Macgregor and COSLA officers have met with the Cabinet Secretary for Education who is keen to seek a resolution and further consideration can be given to the offer following the SNCT joint chairs meeting on 10 February. A brief update was also provided on ongoing discussions with Scottish Government, and a steer was sought from Leaders on the claims as they current stand and the ability to discuss a reconfiguration that can be agreed at February's Special Leaders Meeting.

Leaders:

- i. Noted the feedback on the current position;

- ii. Noted the proposed position for SNCT; and
- iii. Provided the COSLA Spokesperson for Resources with a political steer on the offer to these bargaining groups based on the considerations outlined in the paper.

Paper B provided an overview of the 2022/23 pay claims that have been received from the Scottish Joint Council and Chief Officer Trade Unions. Claims from the SNCT and Craft unions are anticipated in the next week. Information was provided on the anticipated costs to Local Government of any proposed offer and on the Scottish Government's public sector pay policy announcement.

Leaders:

- i. Noted the pay claims submitted to date by Trade Unions;
- ii. Noted the affordability and sustainability issues that meeting the claim could cause, in particular the yet further compression of the SJC pay spine;
- iii. Provided political direction and steer on the potential to make a "best most sustainable and affordable" offer that protects the workforce and essential services and is reflective of local governments Fair Work role to all bargaining groups; and
- iv. Agreed that officers will bring regular updates to Leaders on the progression of the pay negotiations and that a separate report on the mechanism for a review of the compression of the pay spine is scheduled for later in the year.

8. Council Bandings – Review (paper LD/22/016)

This paper highlighted an issue raised recently at Convention in relation to the potential for a review of the bandings in which councils are placed in order to reflect the responsibilities that different councils have, and which also relates to remuneration ranges for councillors. The paper provided initial options to review the bandings system and the data on which the bandings are based, although initial soundings from COSLA politicians have suggested that the framework may require fundamental review. Leaders' views on the banding system were invited and agreement was sought that officers engage with the Scottish Government on this issue.

Leaders discussed the banding system and the inequalities that it can create, and officers provided further information on the history of the system and the mechanism previously used to undertake reviews.

Leaders:

- i. Agreed that officers engage with the Scottish Government and other relevant stakeholders; and identify the process and potential implications of progressing toward a review of one or both elements of the current banding regulations; and
- ii. Agreed that once further information is known, a more detailed report will be presented to Leaders.

9. Employability Update – Funding and Partnership Agreement (paper LD/22/017)

This report provided Leaders with an update on employability funding and issues related to it, and asked Leaders to agree a final draft Local Government/Department for Work and Pensions Employability Partnership Agreement which has been developed to support the strengthening national relationship and to facilitate improved partnership commitments and arrangements at a local level. It was noted that the Cabinet Secretary for Finance and the Economy has agreed to Leaders' previous request for the

anticipated and substantial employability underspend from this financial year to be carried over for use in 2022/23, on the understanding that it must be used for its original policy intentions, and a recommendation from the Settlement and Distribution Group on the funding offer for 2022/23 will be presented at February's Leaders Meeting.

Leaders:

- i. Noted the action taken arising from the November Leaders' meeting;
- ii. Noted the update provided on 2022/23 funding;
- iii. Noted the direction of travel in the refresh of the Partnership Agreement with Scottish Government; and
- iv. Endorsed the draft Partnership Agreement with the Department for Work and Pensions.

10. Review of UK Fiscal Framework (paper LD/22/018)

This paper provided a summary of the views expressed by the Member/Officer Fiscal Framework working group at their meeting in December, and proposed a set of recommendations to be included in a letter to the Cabinet Secretary for Finance and the Economy in response to her letter to Cllr Macgregor in August last year. Scottish Government has sought COSLA's support for the widening of the scope of this review away from just a review of the Block grant adjustment and the working group met to consider and develop a position that COSLA could present to Scottish Government on the review of the UK Fiscal Framework. Leaders' comments were invited and agreement was sought that Cllr Macgregor write to Ms Forbes to convey the conditions set out in the report.

Leaders:

- i. Noted the position in relation the current UK Review;
- ii. Considered and agreed the conditions presented at paragraph 10;
- iii. Subject to agreement of the conditions, agreed that COSLA's Resources Spokesperson write to Ms Forbes to convey these conditions.

11. National Care Service Update (paper LD/22/019)

This report provided Leaders with an update on work relating to the National Care Service (NCS) since the submission of COSLA's consultation response in early November 2021. It was noted that COSLA and SOLACE have continued to engage with the Scottish Government to ensure that there is senior level representation in the governance of the development of the National Care Service. This has been continually raised by officers and the COSLA Health and Social Care spokesperson with the Minister for Health and Social Care, with assurances that COSLA involvement will be essential.

It was noted that COSLA officers now await the publication of consultation responses which were due last week but have now been delayed, and the consultation analysis which is anticipated in early February; however, it was further noted that an executive summary with a high level breakdown of the consultation analysis was shared with the Social Covenant Steering Group, which indicated majority support for the bulk of the consultation proposals.

Leaders discussed their concerns with the proposals in the consultation and noted that any change to care services should be implemented in stages. It was noted that officers are continuing to engage with key stakeholders through a reference group and further detail on a proposed internal programme board will be provided in due course.

One amendment was proposed to this paper:

Amendment – Proposed by Cllr Lawrence Fitzpatrick and seconded by Cllr Norman Hampshire:

Add

Leaders note the briefing on social care produced this week by Audit Scotland that echoes COSLA's concerns about the cost and timing of a disruptive restructuring of social care and that recognises that improvements and investment in social care cannot wait for the creation of a National Care Service, whatever form that takes. Audit Scotland also notes the increasing financial challenges and threats to the sustainability of services, including lack of progress in shifting resources to preventative approaches.

Leaders request COSLA to accelerate and intensify its efforts to achieve increased investment in social care and to assert the vital role Local Government has to play in the governance, planning and provision of social care.

This amendment was unanimously agreed; therefore,

Leaders noted the briefing on social care produced this week by Audit Scotland that echoes COSLA's concerns about the cost and timing of a disruptive restructuring of social care and that recognises that improvements and investment in social care cannot wait for the creation of a National Care Service, whatever form that takes. Audit Scotland also notes the increasing financial challenges and threats to the sustainability of services, including lack of progress in shifting resources to preventative approaches.

Leaders requested COSLA to accelerate and intensify its efforts to achieve increased investment in social care and to assert the vital role Local Government has to play in the governance, planning and provision of social care.

Leaders further:

- i. Noted developments in relation to the National Care Service since COSLA submitted a response to the consultation.
- ii. Noted the approach taken by COSLA officers on engagement and influencing.
- iii. Agreed that officers continue discussions on progressing agreed areas in the statement of intent and consider any other areas with officials that can be included; and
- iv. Agreed that COSLA should continue to press to be represented in the governance structure for the NCS in order that there is a strong Local Government influence over how it develops ahead of legislation being laid in parliament before the summer recess.

12. Complex Care – Delayed Discharge Report (paper LD/22/020)

This paper presented COSLA Leaders with a report developed by the Short Life Working Group on Complex Care and Delayed Discharge and sought agreement of its recommendations. The report set out challenges for Local Government, particularly in relation to funding and staffing models. Leaders were invited to accept the report and agree to progress its recommendations as far as resources allow.

Leaders:

- i. Discussed the report and provide feedback; and
- ii. Agreed the next steps outlined in paragraph 16, particularly that COSLA Leaders accept the Report and agree to progress the recommendations set out therein.

13. £10.50 for Adult Social Care Workers (paper LD/21/021)

This paper updated Leaders on the announcement by Scottish Government that adult social care direct care workers in independent and commissioned services would receive a pay update of at least £10.50, announced as part of the 2022/23 Scottish Budget. Further detail was provided on the announcement, and it was noted that distribution of funding for this is included in the Distribution item on the agenda.

Leaders discussed the issues highlighted in the report in relation to the need for parity in pay with the Local Government workforce and the impact that the policy may have on ongoing pay negotiations.

Leaders:

- i. agreed that Local Government passes on the funding to providers to enable them to increase pay for staff delivering direct care in adult social care to a minimum of £10.50, and
- ii. noted that COSLA will continue to lobby for parity in pay uplift for the Local Government workforce.

14. Funding for Additional Support Work Capacity in Adult Social Care (paper LD/22/022)

This paper provided further information on an additional £22 million annual funding to be provided by Scottish Government over the next three years to relieve pressure on the adult social care sector by increasing social work workforce capacity, as well as additional Adult Social Work support to address growing need for care and support in communities. Leaders were asked to agree that Local Government will seek to increase their frontline social work capacity to respond to the growing pressure on the adult social care sector.

Leaders:

- i. Agreed that Local Authorities and HSCPs seek to increase their social work workforce capacity to respond to the significant pressure on services that existed prior to the pandemic but have been exacerbated as a result of Covid-19;
- ii. Noted that the distribution of £22m annual funding (recurring for at least 3 years) is subject to agreement within the Distribution item on today's agenda.

15. National Care Home Contract Negotiations (paper LD/22/023)

Leaders were provided with an update on the National Care Home Contract (NCHC) negotiations that have taken place with the sector, and agreement was sought for a mandate for Local Government's position in relation to those negotiations. The paper also highlighted concerns raised about the need for confirmation from Scottish Government regarding the extension of funding for the additional costs due to Covid-19.

Leaders noted the risks of some of the aspects raised through negotiations, such as funding under-occupancy.

Leaders:

- i. Agreed the COSLA position outlined in the paper; and
- ii. Noted that COSLA Leaders will be asked to agree a mandate for an offer to the sector following further negotiation.

16. Whole Family Wellbeing Fund (paper LD/22/024)

This paper discussed a proposed £3m of funding from Scottish Government which, if approved, would allow local authorities to provide cash support to families to pay for food, fuel, clothing and practical items for the home. Officers are in discussion with civil servants on the design and proposed distribution of this fund and it is anticipated that an initial paper outlining the fund for the coming financial year will be presented to the Children and Young People Board in February, with subsequent updates provided to Leaders.

Leaders:

- i. Agreed, pending agreement of Leaders' Distribution paper, to deliver the initial Whole Family Wellbeing Fund to provide cash support for families to pay for food, fuel, clothing and practical items needed in the home
- ii. Agreed that COSLA officers work with Scottish Government and partners on longer term plans for the Whole Family Wellbeing Fund.

17. National Qualifications 2022: Enhanced Easter Study Support for Senior Phase Learners (paper LD/22/025)

This paper provided Leaders with an update on national qualifications for this year, and invited Leaders to agree to provide an enhanced offer of supported study over Easter through an additional £3.9m of funding from Scottish Government. Three proposed scenarios which have been announced by the SQA were set out in the paper and Leaders' comments on the decision of the SQA Board to move to 'Scenario 2' were invited. Officers highlighted the flexibility available to schools and local authorities in respect of the Enhanced Easter Study Support, and it was noted that Scottish Government are clear that there is no expectation of a universal offer of study supported across schools.

Leaders:

- i. Noted the update on National Qualifications and SQA plans; and
- ii. Agreed to provide an enhanced offer of supported study over Easter, in line with the approach set out in paragraphs 7 to 9

18. Distribution (paper LD/22/026)

Leaders considered and agreed recommendations from the Settlement and Distribution Group in relation to:

- Expansion of Free School Meals – Revenue Funding 2022-23
- Play Park Renewal – 2022-23
- Enhanced Easter Study Support – 2022-23
- Whole Family Wellbeing Funding – 2021-22
- Health & Social Care £200m – 2022-23
- £10.02 Adult Social Care Pay Uplift funding – 2022-23 (£144m)
- Social Work Funding to support workforce capacity – 2022-23
- Education Recovery – School Ventilation Fund (£5m Capital) 2021-22

Leaders also noted updates in relation to:

- Scottish Healthy Milk and Snack Scheme – Update on Year 1 Payments; and
- Scottish Child Payment Bridging Payments – Update to Proposed Funding Allocations.

19. Date of Next Meeting – Friday, 25 February 2022

Leaders noted that due to items which will require to be progressed, and to provide an opportunity for discussion on the Local Government Settlement and pay claims, a Special Leaders Meeting will be held on 25 February following the COSLA Convention.

The date of the next substantive meeting of Leaders, 25 March 2022, was subsequently noted.

Close

Cllr Evison thanked Leaders for their attendance and contributions, and closed the meeting at 1.10pm.

Private and Confidential

Coronavirus (Recovery and Reform) (Scotland) Bill Committee Submission

Summary and Recommendations

This report asks Leaders to endorse the COSLA submission to the Scottish Parliament Committees which are scrutinising the Coronavirus (Recovery and Reform) (Scotland) Bill.

This Bill is being introduced as the powers within the existing Coronavirus (Scotland) Act 2020 will lapse on 31 March 2022. That act provided Scottish Ministers with powers to support the response to the COVID-19 pandemic. The new Bill will mean there is legislation in place in the event of further public health emergencies, rather than there being a need on any and each such occasion for emergency legislation to be introduced.

Leaders are asked to:

- i. Note the scrutiny being undertaken by the Scottish Parliament Committees,
- ii. Endorse the COSLA submission (Appendix A) which is generally supportive of having such legislation in place,
- iii. Agree updates will be brought back to future Leaders meetings as appropriate.

References

Previous reports:

- COSLA Leaders LD/21/175 Reviewing the Legislative Powers that have Supported the Response to COVID-19
- COSLA Leaders May 2020 Monitoring of powers under the Coronavirus Act Sections 16 and 17

John Urquhart
Policy Officer
Children and Young People Team
johnu@cosla.gov.uk
tel 0131 474 9273

February 2022

Private and Confidential

Coronavirus (Recovery and Reform) (Scotland) Bill Committee Submission

Purpose

1. This report asks Leaders to endorse a COSLA submission to the Scottish Parliament. Committees considering the Coronavirus (Recovery and Reform) (Scotland) [Bill](#). This Bill is being introduced as the powers within the existing Coronavirus (Scotland) Act 2020 will lapse on 31 March 2022. The new Bill will mean there is legislation in place in the event of further public health emergencies.

Current COSLA Position

2. To help manage the coronavirus pandemic, the Scottish Parliament passed the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No.2) Act 2020. The Coronavirus (Extension and Expiry) (Scotland) Act 2021 amended these Acts to extend much of their operation until 31 March 2022.
3. In September 2021 Leaders endorsed a COSLA response to a Scottish Government consultation on reviewing powers in 30 legislative areas that have been in place to support the response to the Covid-19 pandemic. COSLA Officers had sought views from relevant Local Government professional associations on the proposals.
4. COSLA's consultation response outlined support for either extending or making permanent the provisions outlined in the consultation, highlighted that the changes offered potential advantages to support those with No Recourse to Public Funds, and noted the need for councils to be adequately funded. The response also highlighted the alignment between the key priorities for recovery and the Local Government blueprint.

What is changing?

5. The Coronavirus (Recovery and Reform) (Scotland) Bill was introduced on 26th January 2022. The Bill proposes changes in 30 specific legislative areas, which were modified by temporary provisions made under Scottish and UK coronavirus legislation, which include:
 - Maintaining provisions that enable Scottish Ministers to enact measures via public health regulations for any future public health threats, bringing Scotland into line with England and Wales where these powers are already permanent.
 - Examples of such measures could include a requirement to keep a pupil away from school; a restriction on the holding of an event; or a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies, or the handling, transport or disposal of human remains.
 - Maintaining pre- eviction protocols relating to rent arrears in the private rented sector, ensuring that tenants have all the information they need about their rights, and placing more responsibility on landlords to ensure correct procedures are followed.

- A temporary extension to statutory time-limits for criminal proceedings and the allowance for some procedural hearings to be held over audio or video link, to help manage the backlog of cases arising from the pandemic and ensure cases can continue to be heard, through greater flexibility in the programming of court business.
 - Maintaining remote registration of deaths and still-births by phone or other methods, without the need to go to a registration office in person, in addition to a new proposal to extend this flexibility to live births.
 - Adjusting the minimum debt level that an individual must owe before a creditor can make them bankrupt from £10,000 to £5,000, up from £3,000 pre-pandemic.
 - Giving licensing boards the flexibility to be able to hold remote hearings, where they consider it appropriate.
6. On 3rd February 2022 COSLA Officers received a request to provide submissions to a number of Parliamentary Committees who are considering the new Bill. The new legislation covers all the areas which were covered in the previous consultation that COSLA responded to. Officers have reviewed the legislation and developed a submission, based on our earlier Consultation response.

Proposed COSLA Position

7. It is proposed that the COSLA submission is endorsed by Leaders.

Next Steps

8. If agreed, the COSLA submission will be shared with the Committees scrutinising the Bill and updates brought back to future Leaders meeting as appropriate.

February 2022

Coronavirus (Recovery and Reform) Bill

Share your views on specific provisions in the Bill (detailed consultation responses)

Long form responses

About you

Name: John Urquhart

Organisation: COSLA

COSLA is the voice of Local Government in Scotland, we are a Councillor-led, cross-party organisation who champion councils' vital work to secure the resources and powers they need to deliver effectively. We work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with Governments and stakeholders on policy, funding and legislation.

Local Government continues to meet the challenges of the pandemic, while also playing a key role in recovery from the impacts of the pandemic. Councils are the anchors in our communities and continue to focus on those who are potentially more vulnerable as a result of the pandemic. Local Government, and the communities we serve, continue to show innovative and creative thinking in responding to the pandemic and the impacts of public health restrictions. The Committee are encouraged to consider [COSLA's "Live Well Locally" campaign](#) as it will be vital that Local Government is properly funded in order to support communities to thrive as we recover.

We welcome the opportunity to provide a submission to the Committees considering the Bill.

Questions – Public Health Resilience

Modifications of the Public Health Etc. (Scotland) Act 2008 (Part 1, Chapter 1)

We are generally supportive of these changes

As was the case during the response to COVID, the power to make public health regulations can impact on Councils in a range of ways, including financially. However, the need for a quick response to changing conditions created by COVID, and potential future public health emergencies, is well recognised by Councils.

The importance of working jointly and engaging with Local Government in decision making is crucial in making any changes work. Additional financial support provided by Scottish and UK Government played a major role in enabling alternative responses to be made during the Pandemic. There should be continued learning

from the COVID-19 pandemic including learning emerging from the COVID-19 inquiry.

A challenge during the pandemic response has been with respect to how public health measures should be applied to people with no recourse to public funds and insecure immigration status. People in these circumstances are typically excluded under UK immigration rules from local authority housing and homelessness services; most mainstream benefits and have their rights and entitlements to local authority support dependent on whether or not they are permitted to travel internationally. They may therefore not be able to comply with public health advice unless they receive specific/ targeted support.

The absence of targeted public health measures for people in these circumstances during the pandemic meant that local authorities had to assess the risks locally and assess whether or not it was appropriate to use their discretionary powers under the Public Health (Scotland) 2008 Act to provide temporary assistance and COSLA had to fill this gap through supporting shared interpretations of the public health risks through our political structures. It also means that as we move to the recovery period it is very challenging for local authorities to interpret whether or not certain temporary supports they provided on a discretionary basis should be maintained on public health grounds, or now removed in line with other changes to national restrictions.

The provisions in the Bill do not directly address this issue, for example they do not explicitly clarify whether or not Ministers will direct the provision of specific support for people in these circumstances in the event of a similar or future public health risk in the future. However, our understanding is that Ministers could choose to use these provisions to direct the need for such support or to apply specific measures for particularly groups of people if they so wish.

The provisions therefore have the potential to better protect migrants with no recourse to public funds and give a stronger direction to and legal basis for the provision of local authority support, for example, emergency accommodation, to people with no recourse to public funds in the event that Ministers chose to use the provisions for this purpose. This could support a stronger recovery depending on it is applied in future. However, this would only have a positive effect if any such targeted measures were supported by additional resources to enable local authority implementation. Without such consideration the provisions have the potential to create new requirements for local authorities to provide support without adequate resourcing to deliver.

The provisions could have a disproportionate impact on minority ethnic communities as follows – key point being the legislation when implemented should consider the impact on individual groups and targeting of additional resources to enable measures to protect all people and/or to reduce the negative impacts of certain regulations on equality groups

People subject to immigration control including no recourse to public funds:

- a) Provisions that enable Ministers to make public health regulations
If regulations require individuals to take certain public health protection measures e.g. self-isolation; individual hygiene measures such as handwashing; mask wearing and no travel between local authority areas – people with NRPF are unable to access local authority housing and homelessness services so face risks of rough sleeping with no entitlement to support.

If regulations prevent employment – people with immigration statuses contingent on employment status who lose employment will be at risk of losing rights and entitlements and EEA nationals with Pre Settled Status whose entitlements to some benefits are contingent on factors such as being in work may lose benefit entitlement.

If regulations prevent international travel – this may prevent someone without immigration permission from leaving the UK and therefore being in breach of immigration rules who is destitute from returning to their country of origin -They could also have a positive impact on people with no recourse to public funds through establishing a legal basis for local authority support to be provided i.e. to prevent breaches in public health duties or human rights.

- b) Tenancy provisions could have a positive impact on people with NRPF who usually can't access Council homelessness or housing services and are therefore more likely to be in Private Rented Sector accommodation.

Gypsy/Travellers

If regulations prevent travel within and between Local Authority areas this could disproportionately impact right to travel/ cultural practices.
-If regulations require individuals to take certain public health protection measures e.g. self-isolation then it could be more challenging for people living in trailers/roadside/on sites

Arrangements for vaccination and immunisation (Part 1, Chapter 2)

Yes, we agree with this provision.

The most direct implications will sit with NHS Boards with Local Government support as has been seen throughout the COVID-19 pandemic.

Care services: giving of notices by SCSWIS

Yes, we agree with this provision.

However, if care service providers need support with IT infrastructure this should be provided directly or through financial support arrangements rather than the costs falling to Local Government.

There is also a need to consider data protection issues further.

Educational Establishments etc. (Part 2, Chapter 1)

We support making the powers over continuity directions and to have regard to the advice of the chief medical officer. These will provide Local Authorities with the appropriate legal protection should there be a future pandemic which required the closure of schools. However, it will be crucial that the Scottish Government engage closely with Local Government in the use of any powers. Both through bilateral discussion on the education directions, and through the CERG (co-chaired by the COSLA Spokesperson and Cabinet Secretary for Education and Skills) on broader advice and guidance for COVID, there has been strong and consistent engagement with Local Government.

School Consultations (Part 2, Chapter 2)

We welcome the changes to the 2010 act consultation – this flexibility was not available to councils, and many had to pause decision making processes as it would have been unsafe to hold public meetings.

Bankruptcy (Part 3, Clauses 15-17)

We offer no comment on this section.

Civic licensing (Part 3, Clauses 21-22)

We offer no comment on this section

Alcohol licensing (Part 3, Clause 23)

We offer no comment on this section

Land registration (Part 3, Clauses 24-25)

We offer no comment on this section

Legal aid and advice (Part 3, Clause 26)

We offer no comment on this section.

Mental health (Part 3, Clause 28)

This change has the potential to impact both positively and negatively. It removes a safeguard, to ensure people nominated for, and accepting of, the role of Named Person are able to fully understand and act under the auspices of the role. However, it also removes the barrier people may experience to accessing, and at times pay

for, someone to witness their signature. Once in the role, Named Persons are afforded information about the care and treatment of the person who nominated them. If there are concerns about the Named Person, this may lead to Data Protection issues.

Requirements of writing (Part 3, Clause 30)

We would support this.

Custody at police stations (Part 3, Clause 31)

We offer no comment on this section.

Parole Board for Scotland (Part 3, Clause 32)

We offer no comment on this section.

Freedom of Information; and Registration of Deaths, Still-Births and Live Births

- Registration of births (Part 3, Clause 18)
- Registration of deaths (Part 3, Clauses 19-20)
- Freedom of information (Part 3, Clause 27)

We support the modernisation of these processes

Tenancies and Evictions

- Removal of mandatory eviction grounds (Part 4, Clauses 33-35)
- Pre-action protocol in respect of evictions relating to rent arrears (Part 4, Clauses 36-37)

We would be supportive of an extension to the core provisions of the legislation for tenancies and eviction. It would not be in the interests of local authorities to have large numbers people presenting as homeless if they were evicted and add to the existing cohort of people housed in temporary accommodation.

We would welcome the provisions that permanently change a number of grounds for eviction from private rented sector from mandatory to discretionary, given this would have some positive effects on work to reduce homelessness/ reduce pressure on local authority temporary accommodation.

Further, any measures that improve housing rights and security/ reduce risks of unnecessary evictions for those in private rented sector is likely to have a positive effect on migrants with no recourse to public funds who otherwise have no entitlement to LA housing and homelessness services and more likely to rely on Private Rented Sector.

The provisions would support work to reduce homelessness and reduce pressure on local authority temporary accommodation. In addition, they would contribute to work under 'Ending Homelessness Together'.

We would welcome the provisions that permanently change a number of grounds for eviction from private rented sector from mandatory to discretionary, given this would have some positive effects on work to reduce homelessness/ reduce pressure on local authority temporary accommodation and contribute to work under Ending Homelessness Together.

We would support local discretion to deal with rent arrears of tenants. Further work requires to be undertaken with tenants that are in arrears to establish manageable repayment plans. Evictions will likely cause other potential issues for housing services and local communities.

A significant ongoing challenge for public services is that hundreds of people with no recourse to public funds have been provided with temporary emergency accommodation by local authorities, using their discretionary powers under the Public Health (Scotland) Act 2008. This legislation does not explicitly establish any new provisions or regulations to assist local authorities to reach decisions about when and how to safely remove or continue that support in line with public health risks and needs. We understand that the legislation could be used to address this issue but the policy memorandum does not specify this as an explicit aim.

The Impact of COVID on the Justice system

- Temporary provisions (Part 5, Clauses 38-42)
- Supporting provisions (Part 5, Clauses 43-44)
- Schedule: Temporary Justice Measures (Schedule)

Overall, we feel that many of the changes proposed in the Bill will help contribute to the recovery from Covid-19. Indeed, measures such as suspension of requirements for physical attendance at a court or tribunal are sensible and feel like overdue modernisation.

We would urge the Committee to seek the views of frontline professionals on how some of these changes have worked in order to inform their considerations.

The Covid-19 pandemic has had an unprecedented and disruptive impact on justice and community justice, with likely medium and long-term impacts on frontline justice services and individuals who are in contact with the justice system.

It is critical that lessons are learned from the pandemic and that consideration of how resilience within the justice system can be maximised is ongoing at both national and local level. Partnership working and dialogue between national and local government as well as key justice partners will play an important role.

Levelling Up White Paper and UK Shared Prosperity Fund

Summary and Recommendations

The UK Government's Levelling Up White Paper was published on 2 February. This paper provides some initial information on what the White Paper might mean for Scottish Local Government, with a focus on the UK Shared Prosperity Fund (UKSPF).

Leaders are invited to:

- i. Note the publication of the Levelling Up White Paper and Guidance on the UK Shared Prosperity Fund,
- ii. Note that UK Government has contacted local authorities to begin discussing potential delivery regions in Scotland;
- iii. Note that a workshop is being planned in March with UK and Scottish Governments and SLAED to discuss the delivery of the UKSPF;
- iv. Agree that COSLA continue to seek further clarification of the funding to be allocated to Scotland and to work with UK Government and others to identify the strategic priorities for the fund; and
- v. Agree that further reports be considered by Leaders as more detail emerges.

References

Previous relevant reports:

- Environment and Economy Board 5 June 2020 – Europe and International update
- Leaders 27 November 2020 – UK-EU negotiations
- COSLA Leaders 31 July 2020 - EU fund suspension and replacement
- Leaders 29 January 2021 – UK-EU post transition
- Environment and Economy Board 23 April 2021 – New UK Local Development Funding
- Environment and Economy Board 4 September 2021- Europe and International update
- Leaders 28 January 2022 – UK Shared Prosperity Fund
- Environment and Economy Board 11 February - Levelling Up White Paper and UK Shared Prosperity Fund

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February 2022

Levelling Up White Paper and UK Shared Prosperity Fund

Purpose

1. To update Leaders on the Levelling Up White Paper and the UK Shared Prosperity Fund (UKSPF).

Current Position

2. COSLA's position on the UKSPF is well established and has been set out in previous reports and submissions to the UK and Scottish Parliaments¹. In general terms COSLA believes that the aim of the UKSPF in Scotland should be to address and reduce economic and social disparities within and between places and people. It should focus on promoting place-based economic development and cohesion, helping communities to improve key economic, social and well-being performance indicators. The Fund should support local responses to economic and social challenges, empowering communities across the country to respond to issues which impede their development. We continue to press UK Ministers for Local Government engagement in formal UK and Scottish political and oversight arrangements to develop the Shared Prosperity Fund in Scotland.
3. Leaders agreed a position on the preferred way of delivering the UKSPF in Scotland at the meeting in January.

What is Changing?

4. The UK Government published its Levelling Up White Paper² and guidance on the UK Shared Prosperity Fund³ on 2 February.
5. The publications confirmed that UKSPF will have three main priorities, namely community and place, skills and people and supporting local business. The priorities will come together under a banner called Pride of Place. The guidance on the Fund does not provide any additional information on the overall quantum for the forthcoming UKSPF over the 3-year Spending Review period, with around £2.6bn for the UK. The fund will reach up to £1.5bn a year by 2024-25 across the UK. The guidance states that the Fund will make available a mixture of both revenue and capital funding to places and that this funding will be allocated by formula to invest in local priority projects. To access their allocation, each place will be asked to set out measurable outcomes they are looking to deliver, and what interventions they are choosing to prioritise in an Investment Plan submitted for UK Government approval. The guidance goes on to say that further information on the allocation formula, including local allocations, will be made available in due course. As it stands, therefore, we still do not know from the guidance how much funding will be allocated to Scotland, or how this will be broken down to different areas.

¹ [Finance and Public Administration Committee - Replacement of EU Structural Funds – COSLA Submission](#)

² [Levelling Up the United Kingdom](#)

³ [UK Shared Prosperity Fund: pre-launch guidance](#)

6. In terms of delivery 'geographies' in Scotland the guidance says that the UK Government is keen to promote regional working where it makes sense for local leaders and can deliver good outcomes for local people and businesses. It goes on to say that the UK Government supports delivery across existing strategic regional areas, illustrated by, but not limited to, City and Growth Deals. Where strategic regional areas overlap, it would welcome local views on the appropriate geography, how funds should be allocated and what the lead authority should be. Where City and Growth Deals do not cover multiple local authorities, it would also welcome and support collaborative proposals with other areas if they wish to do so. This seems consistent with the position given to us by officials in Department for Levelling Up, Housing and Communities (DLUHC) prior to the publication of the White Paper and the recommendation agreed by Leaders on 28 January. Leaders should note that UK Government has now contacted local authorities to start the discussion on which delivery regions might be preferred by councils.
7. The Levelling Up White Paper itself does not provide any additional information on the UKSPF. The paper is lengthy and will need further analysis but in summary we can say that the White Paper, and its supporting documents, aims to set out how the UK Government intends to spread opportunity more equally across the UK. It outlines 12 UK-wide missions to inform the delivery of the UK Government's agenda to 2030 alongside specific policy interventions that build on the 2021 Spending Review.
8. The UK Government intends to consult and engage further on the proposals in the White Paper with a wide range of stakeholders and partners, including Local Government and devolved administrations. They will set out further details regarding a number of the policy commitments in future publications. They also intend to introduce legislation in the UK Parliament to underpin in statute many of the changes they wish to make.
9. The UK Government will also create a new regime to oversee its levelling up missions, establishing a statutory duty to publish an annual report analysing progress and a new external Levelling Up Advisory Council. The Council will support UK Ministers by advising on the design, delivery and impact of levelling up.

COSLA Position

10. As is said at the start of this paper, COSLA's position on the UKSPF is well established. This paper does not propose revising COSLA's overall position on UKSPF. Likewise, with Leaders agreeing in January to support regional delivery of the UKSPF, where this is supported by councils, there is no need to take a position on the delivery geographies discussed in the recently publicised guidance. We will continue to engage with UK Government and local authorities on their work to establish delivery regions in Scotland. This will help us resolve issues which may emerge from bilateral discussions between councils and the UK Government.
11. There are still some significant gaps in our understanding of how the UKSPF and, more broadly, the UK Government's levelling up agenda will work in Scotland. As stated above, we do not know on a Scotland basis how much money will be available in the UKSPF over and above other funding such as the Levelling Up Fund. It is, therefore, difficult at this point to say with certainty whether UKSPF funding to

Scotland will be, at a minimum, of a size which matches EU Funds in each devolved nation of the UK. This however is the stated position of the UK Government.

12. We expect to have further discussions with both DLUHC and the Scottish Government on the operation of the fund in Scotland and on the White Paper more generally. The Environment and Economy Board agreed at its meeting on 11 February that we urgently needed further insight to what formula may be used to allocate funding – and understand how this may inform a Scotland figure. This and establishing more detail on influencing the strategic priorities for the Fund in Scotland are our top priorities.
13. We also need to establish more detail on how the Fund will be delivered in Scotland, including the process which councils or groups of councils will need to follow. As stated above, we continue to press for formal political oversight arrangements for this. At officer level, a workshop is being planned with both Governments and our economic development professional partners, SLAED, for early March to discuss the delivery of the Fund in Scotland. Beyond this we need to establish how the non UKSPF components of the Levelling Up agenda will apply in Scotland, as from our initial reading it still appears to be a largely, but not totally, English focused agenda.
14. While this paper does not seek to change our current position on UKSPF or the Levelling Up agenda, we thought it would be helpful for Leaders to have the up-to-date position in advance of the Secretary of State, Michael Gove MP, speaking at the COSLA conference next week and the opportunity to question him then.

Next Steps

15. We will continue to work with UK and Scottish Governments on the development of the UKSPF in Scotland and will report back to Leaders and the Environment and Economy Board as required.

Local Government Pre-Election Period and COSLA Planning

Summary and Recommendations

As with Scottish Parliamentary and UK Parliamentary elections, Local Government elections are preceded by a pre-election period during which COSLA office bearers, Government Ministers and officials are required to remain politically impartial. As in the past COSLA will issue relevant guidance for office bearers and for officers.

COSLA's Constitution requires the establishment of new COSLA governance structures as quickly as possible after these elections. A plan, based on previous experience of this process, has been revised to guide this process. This paper provides Leaders with some key dates going forward.

This item is being brought to this Special meeting for information in advance of the pre-election period beginning in member councils.

Leaders are invited to note and the guidance and the plans, currently in place, for the pre- and post-election period.

References

- No previous reports.

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February 2022

Local Government Pre-Election Period and COSLA Planning

Purpose

1. This paper outlines the work COSLA is undertaking to prepare for the pre- and post-Local Government election periods so as to ensure a smooth transition to a new COSLA administration.

Current COSLA Position

2. Leaders will be familiar with the pre-election period, the start date of which, is set some weeks prior to election day and ends at the conclusion of the election. During this period COSLA office bearers and COSLA officers – as well as other local and national politicians, civil servants and council staff – are essentially reminded of the imperative for political impartiality. During the pre-election period local and central government are effectively prevented from making announcements about any new or potentially controversial government policies or initiatives that could be seen to promote, or be advantageous to, any candidates or parties in the forthcoming election. These guidelines do not apply to people acting in their individual capacity as candidates for political office.
3. Leaders will also be aware that the next set of Scottish Local Government Elections will take place in just under 12 weeks' time, on 5 May 2022 and that the COSLA Constitution requires that, shortly after this, the nomination by member councils to Convention and the election of office bearers for the establishment of the new COSLA administration will take place.

What is changing?

Pre-election period

4. In recent years, COSLA has routinely issued guidance for COSLA officers and office bearers for a pre-election period. The latest iteration of our guidance will be circulated to office bearers and staff over the next few days. Councils, and indeed Scottish Government, also issue their own more detailed local guidance.
5. In terms of pre-election rules and political publicity, COSLA aligns with the Local Government Act 1986, which, among other things, prohibits councils from publishing material which is designed to affect public support for a political party.
6. The pre-election period for each council area starts on the day the relevant Election notice is published; nominally around 6 weeks prior to the local election. For the 2022 local elections this is likely to be on or around 14 March 2022. The publication of Election notices across all Scottish councils might not be simultaneous so there is scope for a degree of variation.
7. COSLA will also begin formally our pre-election period around this time noting that general practice during this period should be no different from that at any other time, so many aspects of COSLA and councils' business as usual will continue.
8. During the pre-election period there will be no COSLA campaigning, social media or press releases, other than, say, to respond to an emergency situation. Anything that

has to be made public will be scrutinised and cleared by the Chief Executive to ensure its political impartiality. While meetings may be conducted with Government, so long as they are not publicised, in practical terms these tend to cease around three weeks in advance of the Election as local campaigning intensifies. Leaders' meetings are currently scheduled for the pre-election period and a view will be taken nearer the time of the need for such meetings.

9. Separately, we understand that the Scottish Government's pre-election period will commence on 14 April 2022, three weeks prior to the Local Elections. It is likely that UK Government will be similar.

Post-election Planning

10. The aim of COSLA's post-election planning is to proceed to the establishment of the new COSLA administration as quickly as possible after the local elections. The detail around the principles and governance of this process is set out in the COSLA Constitution.

11. A detailed action plan based on previous experiences is being revised to guide the preparatory and intermediate administrative and formal work required to ensure progress through to establishing the new COSLA administration. It captures every relevant step together with provisional key dates for action. Councils will be provided with details of the key dates by which information will be required, as the elections draw closer, and then up to and beyond the first Convention meeting. The key milestones set out in the plan include the following.

- Scottish Local Government Elections. 5 May
- First Leaders' meeting after the local elections. 27 May
- Deadline for receipt of President/Vice-President nominations. 2 June
- Nomination/Election process for other roles finalised. 3 June
- COSLA Convention meeting (Election of office bearers). 17 June
- Initial training/information sharing with office bearers. 20/21 June
- Training for office bearers July/August
- First scheduled Leaders' meeting after election of office bearers. 26 August

Next Steps

12. Leaders are invited to note the plans in place for the pre- and post-election periods.

February 2022