



MINUTE OF MEETING OF LEADERS (APPROVED)

Friday, 28 May 2021 at 1100hrs

Microsoft Teams

Present

COSLA President	Councillor Alison Evison
COSLA Vice President	Councillor Graham Houston
Aberdeen City Council	Rob Polkinghorne (Substitute)
Aberdeen City Council	Councillor Jenny Laing
Aberdeenshire Council	Jim Savege
Aberdeenshire Council	Councillor Andy Kille
Angus Council	Councillor David Fairweather
Argyll & Bute Council	Pippa Milne
Argyll and Bute Council	Councillor Robin Currie
City of Edinburgh Council	Andrew Kerr
City of Edinburgh Council	Councillor Claire Millar
City of Edinburgh Council	Councillor Adam McVey
Clackmannanshire Council	Nikkie Bridle
Clackmannanshire Council	Councillor Ellen Forson
Comhairle nan Eilean Siar	Malcolm Burr
Comhairle nan Eilean Siar	Councillor Roddie Mackay
Dumfries and Galloway Council	Fiona Lees
Dumfries and Galloway Council	Councillor Rob Davidson
Dumfries and Galloway Council	Councillor Gail Macgregor
COSLA Spokesperson	Gregory Colgan
Dundee City Council	Councillor John Alexander
Dundee City Council	Eddie Fraser
East Ayrshire Council	Councillor Douglas Reid
East Ayrshire Council	Gerry Cornes
East Dunbartonshire Council	Councillor Andrew Polson
East Dunbartonshire Council	Monica Patterson
East Lothian Council	Councillor Stuart Currie
East Lothian Council	Councillor Norman Hampshire (Substitute)
COSLA Spokesperson	Lorraine McMillan
East Lothian Council	Councillor Tony Buchanan
East Renfrewshire Council	Kenneth Lawrie
East Renfrewshire Council	
Falkirk Council	

Falkirk Council	Councillor Cecil Meiklejohn
Fife Council	Steve Grimmond
Fife Council	Councillor David Alexander
Fife Council	Councillor David Ross
Glasgow City Council	Annemarie O'Donnell
Glasgow City Council	Councillor Susan Aitken
Highland Council	Donna Manson
Highland Council	Councillor Margaret Davidson
Inverclyde Council	Aubrey Fawcett
Inverclyde Council	Councillor Stephen McCabe
COSLA Spokesperson	Dr Grace Vickers
Midlothian Council	Councillor Derek Milligan
Midlothian Council	
Midlothian Council	Councillor Kelly Parry
COSLA Spokesperson	Roderick Burns
Moray Council	Councillor Graham Leadbitter
Moray Council	Craig Hatton
North Ayrshire Council	Councillor Joe Cullinane
North Ayrshire Council	Derek Brown (Substitute)
North Lanarkshire Council	Councillor Paul Kelly (Substitute)
North Lanarkshire Council	John Mundell
Orkney Islands Council	Councillor Steven Heddle
Orkney Islands Council	Councillor James Stockan
COSLA Spokesperson	Barbara Renton
Orkney Islands Council	Councillor Peter Barrett
Perth and Kinross Council	Councillor Murray Lyle
Perth and Kinross Council	Alan Russell (Substitute)
Perth and Kinross Council	Councillor Iain Nicolson
Renfrewshire Council	Netta Meadows
Renfrewshire Council	Cllr Shona Haslam
Scottish Borders Council	Councillor Steven Coutts
Scottish Borders Council	Eileen Howat
Shetland Islands Council	Councillor Peter Henderson
South Ayrshire Council	Cleland Sneddon
South Ayrshire Council	Councillor John Ross
South Lanarkshire Council	Carol Beattie
South Lanarkshire Council	Councillor Scott Farmer
Stirling Council	Joyce White
Stirling Council	Councillor Jonathan McColl
West Dunbartonshire Council	Graham Hope
West Dunbartonshire Council	Councillor Lawrence Fitzpatrick
West Lothian Council	
West Lothian Council	

Apologies

Aberdeen City Council
Angus Council
East Dunbartonshire Council
East Lothian Council
North Lanarkshire Council
North Lanarkshire Council
Renfrewshire Council
Shetland Islands Council

Angela Scott*
Margo Williamson
Councillor Vaughan Moody
Councillor William Innes*
Des Murray*
Councillor Jim Logue*
Sandra Black*
Maggie Sandison

**Denotes substitute provided*

Public Session

1. Introduction

The President welcomed those present and provided guidance on how the meeting would be conducted remotely using Microsoft Teams. Apologies and substitutes had been noted separately for the Minute.

Before the formal start of the formal business of the meeting, the President thanked Cllr Peter Barrett for his services as COSLA's Scottish Liberal Democrats Group Leader. Cllr Barrett would be stepping down from that role and this would be his last Leaders' meeting. On behalf of Leaders, the President wished Cllr Barrett all the best for the future.

2. Draft Minute of Leaders' Meeting (paper LD/21/95 refers)

The draft Minute of the previous COSLA Leaders' meeting held on 30 April 2021 was approved as an accurate record.

3. EU Settlement Scheme (paper LD/21/96 refers)

Leaders were advised that it was less than five weeks until the EU Settlement Scheme (EUSS) deadline of 30 June 2021. The EUSS allowed applicable EU/EEA citizens living in the UK before 31 December 2020 to maintain their rights to live and work in the UK. The report provided Leaders with an update on COSLA's EUSS work. Cllr Kelly Parry, Community Wellbeing Spokesperson commented that the President had chaired a recent information session for Elected Members and COSLA recognised both the commitment to making sure as many people as possible applied to the EUSS before the deadline, and their concerns for those who might miss the deadline. Cllr Parry would be seeking additional funds from the Home Office and Scottish Government to ensure the continuation of support and advice provided by the International Organisation for Migration (IOM) caseworkers.

The issue of people that might lack the capacity to complete the necessary application paperwork was raised (e.g. foster children and those in care homes) and Cllr Parry assured Leaders that these concerns had been raised. COSLA officers had been liaising with the Home Office regarding this. Cllr Stuart Currie, Health and Social Care Spokesperson commented that his COSLA Board would be considering specifically the legal rights of individuals that lacked capacity, e.g. ability to provide formal consent.

With the above comments, Leaders:

- (i) were invited to promote the EUSS in their local authority and continue to identify vulnerable individuals who might need support to complete EUSS applications;
- (ii) noted the ongoing work of COSLA and IOM in paragraphs 3-7 in the paper; and
- (iii) agreed the proposed approach and next steps in paragraphs 13-19 in the paper.

Private Session

4. Local Government Finance Update (paper LD/21/97 refers)

Leaders were advised that since they last met on 30 April 2021, work had advanced on the review of capital accounting and the plan was to provide an update to Leaders in June 2021.

COSLA officers responded to a comment around the timeframe for the review of capital accounting in order to allow Local Government to plan going forward and advised that

Directors of Finance were leading on this but COSLA had sought input and it was hoped it could be completed as quickly as possible.

Leaders:

- (i) noted the position in relation to the review of capital accounting, COVID related health and social care funding, UK government levelling up funding, and Business Grants and support; and
- (ii) agreed that a specific education cost collection exercise was not taken forward at this time, and that COSLA officers work with Directors of Finance on a wider assessment of the likely Local Government financial position for 2021/2022, once all COVID related funding was taken into account.

5. Pay Negotiations Update (paper LD/21/98 refers)

The report provided Leaders with an update on the pay claim discussions conducted to date and provided an update on the steps taken since April 2021. A political steer on these proposals was requested with regards to the claim as it stood.

An amendment to the recommendations was proposed by Cllr Stephen McCabe and seconded by Cllr Norman Hampshire.

- (i) Leaders express their extreme disappointment with the delay in response from the First Minister and the Cabinet Secretary for Finance to our repeated requests for an urgent meeting to discuss additional Scottish Government funding to support an enhanced pay offer to local government staff in line with the offer to health staff.
- (ii) Leaders note that should this failure to provide adequate additional funding by the Scottish Government result in industrial action by local government workers then not only will this affect vital local services at this critical point in the recovery from the pandemic, but it will compromise local government's ability to deliver on many of the Scottish Government's commitments that rely on local government for implementation.
- (iii) Leaders further note the contribution made by council staff during the pandemic which is recognised in the report by Audit Scotland which concluded that Scotland's councils reacted quickly, working alongside communities and partners, to address the unprecedented challenges created by COVID-19.
- (iv) Leaders therefore instruct the President and the Spokesperson for Resources to continue to press the Scottish Government strongly for an urgent meeting between Ministers and all Leaders on this issue.

Cllr Douglas Reid proposed a slight amendment to the wording of (iv) – insert 'appropriate' before 'Ministers'. Cllr McCabe accepted this.

Accordingly, Leaders agreed:

- (i) to express their extreme disappointment with the delay in response from the First Minister and the Cabinet Secretary for Finance to our repeated requests for an urgent meeting to discuss additional Scottish Government funding to support an enhanced pay offer to local government staff in line with the offer to health staff;
- (ii) to note that should this failure to provide adequate additional funding by the Scottish Government result in industrial action by local government workers then not only would this affect vital local services at this critical point in the recovery from the pandemic, but it would compromise local government's ability to deliver on many of the Scottish Government's commitments that rely on local government for implementation;

- (iii) to further note the contribution made by council staff during the pandemic which was recognised in the report by Audit Scotland which concluded that Scotland's councils reacted quickly, working alongside communities and partners, to address the unprecedented challenges created by COVID-19; and
- (iv) to therefore instruct the President and the Spokesperson for Resources to continue to press the Scottish Government strongly for an urgent meeting between appropriate Ministers and all Leaders on this issue.

6. Early Learning and Childcare (ELC): Funding from 2022/23 (paper LD/21/99 refers)

The multi-year funding package for the expansion of early learning and childcare to 1140 hours was currently in its last year. When agreed in 2018, Leaders had agreed that COSLA officers should use data to determine the best funding methodology from 2022. The paper presented the work of the ELC Finance Working Group and the recommendation by them and the Settlement Distribution Group that funding, moving forward, should be distributed based on a formula using the client group approach.

Leaders:

- (i) agreed that funding for the expansions of ELC should be distributed on a formula basis using the principled client group approach from 2022/23; and
- (ii) noted that a formula and proposals for transition would be brought back to Leaders for agreement in June 2021.

7. Strategic Commissioning and Grant Aided Schools (paper LD/21/100 refers)

The report updated Leaders on the joint work undertaken to date to implement the Scottish Government's 10-Year Strategy for improving learning provision and educational outcomes for children and young people with additional support needs, which would run until 2028/29.

Leaders:

- (i) noted the work undertaken to date with National Strategic Commissioning Group and the Project Board as part of the Scottish Government's 10-year strategy for improving learning provision for pupils with complex additional support needs (ASN), and agreed COSLA officers continued engagement with the Group; and
- (ii) agreed that COSLA officers take forward work to consider a more strategic approach to local authority commissioning of grant aided schools and other learning provision ahead of the next commissioning cycle.

8. Joint Policy/Funding – Scottish Healthy Milk Snack Scheme (paper LD/21/101 refers)

The report reminded Leaders that it had previously been agreed that Local Government would deliver this scheme on behalf of the Scottish Government, subject to further discussions on funding. Considerable work had now been done, including with professional associations, to establish a realistic quantum for both administration and scheme delivery.

COSLA officers had been working with the Scottish Government on the need to finalise guidance for the operation of the scheme and advised that it should be published 1 June 2021.

Leaders agreed:

- (i) the distribution methodology for the Scottish Healthy Milk and Snack Scheme as 93% pre-school pupil numbers and 7% rurality;

- (ii) ring fenced payments for milk and snack be based on 70% of the potential maximum Scheme Year 1 costs (£12.3m), paid in two portions aligning with the financial years (8 months of 21/22 2021, 4 months of 22/23 paid in March 2022) with reconciliation as part of the Local Government Finance settlement, ensuring funding for actual uptake was provided;
- (iii) that all local authorities agree, for Scheme year 1, to pay childcare settings at the Local Serving Rate, as outline in paragraph 18 in the paper, to enable early clarification of rates to local authorities and settings; and
- (iv) in relation to Administration funding in each year:
 - 25% be shared equally across all local authorities
 - Remaining 75% distributed based on the number of regulated childcare settings including childminders

9. Independent Review of Adult Social Care (paper LD/21/102 refers)

The paper provided Leaders with an update of work undertaken in relation to the Independent Review of Adult Social Care and sought Leaders' views and input on the proposed approach. Since publication of the report and based on Leaders' views, COSLA officers and COSLA Spokespeople had undertaken lobbying around the concerns expressed by Leaders on the implications some of the Review recommendations would have on the support provided to those using social care services and wider local decision making.

COSLA officers addressed several points for clarification and for further discussion e.g. claiming VAT, impact assessments for island communities, resource implications, and preventative work. Leaders noted that a financial memorandum would need to be brought back to a future Leaders' meeting.

Leaders:

- (i) noted the update on work relating to the Review of Adult Social Care;
- (ii) provided some views on the Local Government vision for social care; and
- (iii) agreed that the COSLA positions, outlined in paragraph 13 in the paper, should form the basis of discussions in initial meetings between COSLA Spokesperson for Health and Social Care, Cllr Stuart Currie, and the incoming Secretary for Sport and Health

10. Financial Support for the Adult Social Care Sector (paper LD/21/103 refers)

Officers indicated that the later circulation date for the paper had been to ensure the positions COSLA Leaders were being asked to agree aligned with the paper Scottish Government officials had been preparing for the incoming Minister for Mental Wellbeing and Social Care. The paper sought Leaders' agreement to the financial support arrangements for the adult social care sector from July 2021 to March 2022 to ensure longer term sustainability.

Leaders:

- (i) agreed the financial support for the sector as outlined in paragraph 10 in the paper, subject to agreement from the Minister for Mental Wellbeing and Social Care;
- (ii) noted the position in relation to PPE supply to the sector;
- (iii) agreed that Cllr Stuart Currie had the mandate to sign off the guidance; and
- (iv) agreed to delegate any change to this arrangement to Group Leaders.

11. Teachers £400 Assessment Payment (paper **LD/21/104** refers)

The paper updated Leaders on a request from the Scottish Government for COSLA to work with them on the scope and process for the proposed £400 payment to secondary teachers. The payment related to those teachers who were delivering and supporting in-school assessments in place of national examinations that could not occur because of the response to the coronavirus pandemic.

COSLA officers addressed a number of points for clarification and took on board the comments regarding the additional pressure being placed on young people. Officers agreed to bring a paper back to the June Leaders' meeting on Pandemic Proofing the Education System.

In addition to the above comments, Leaders:

- (i) agreed that COSLA and its professional advisers in councils should work with Scottish Government in framing their eligibility and pro-rata criteria to best meet their policy intent;
- (ii) agreed that COSLA and its professional advisers in councils should work with Scottish Government in developing their guidance about administering the payment; and
- (iii) subject to reassurances from Government about risk, and appropriate funding for the payment, on-costs and administration, agreed that Local Government would administer the payment to eligible staff through council payrolls.

12. Relocation of Afghan Nationals to the UK (paper **LD/21/105** refers)

Leaders received an update on the UK Government's acceleration plans around the reallocation of 3000 people from Afghanistan to the UK by Summer 2021. It was acknowledged that the scale of this undertaking was significant and COSLA would prepare further information for councils to augment what had already been provided to Leaders and would follow up with individual councils to ascertain if they had the capacity to support this work. Leaders recognised this was a rapidly developing situation and that COSLA should highlight concerns around the timescales for the Home Office to manage this.

Leaders:

- (i) noted the circumstances in Afghanistan and the likelihood that this would result in up to 3000 people being relocated to the UK by Summer 2021;
- (ii) noted the support package that was available to councils to support the relocation efforts;
- (iii) provided Scottish Local Government's broad support for the scheme; and
- (iv) agreed to seek to accommodate staff and their families within individual local authorities where it was possible to do so.

13. Local Government Approach to UK Immigration Policy (paper **LD/21/106** refers)

The paper set out COSLA's broad approach in relation to immigration policy and highlighted four key areas of concern which it was proposed that COSLA write to the UK Government on.

Amendment 1

An amendment to the recommendations was proposed by Cllr Susan Aitken and seconded by Cllr Douglas Reid.

Replace recommendation (ii) to read:

(ii) Agree that COSLA writes to the Home Secretary to express Leaders' support for the serious concerns set out in the cross-party letter of 21 May to the Home Secretary from Glasgow MPs, MSPs and Councillors about both the 'New Plan for Migration' and recent Home Office tactics, and requesting a meeting to discuss:

- A fair and dignified immigration system that meets Scotland's need, including sufficient funding for Local Authorities to support asylum dispersal.
- Our concerns regarding lack of consultation or engagement on the proposals for the New Plan for Immigration.
- Assurances that Dawn Raids/Immigration Enforcement will not be used to evict people in Scotland.

Add an additional recommendation (iii)

(iii). Agree that COSLA Leaders reaffirm their support and thanks to Police Scotland, and other public sector workers, and recognise the profound impact that the COVID pandemic has had on their mental health and morale.

Amendment 2

A second amendment to the recommendations was proposed by Cllr Andy Kille and seconded by Cllr Andrew Polson.

- (i) Reaffirm the broad position that COSLA takes on immigration policy; and
- (ii) Agree that COSLA writes to the UK Government to highlight the need for an immigration system that meets Scotland's needs.
- (iii) Agree that COSLA leaders reaffirm their support and thanks to Police Scotland, and other public sector workers, for the work that they do in upholding the law in Scotland today, and recognise the profound impact that the COVID pandemic has had on their mental health and morale.

Vote

Amendment 1 – 26

Amendment 2 – 4

Abstain - 1

Accordingly, Leaders agreed to

- (i) reaffirm the broad position that COSLA takes on immigration policy;
- (ii) agreed that COSLA writes to the Home Secretary to express Leaders' support for the serious concerns set out in the cross-party letter of 21 May to the Home Secretary from Glasgow MPs, MSPs and Councillors about both the 'New Plan for Migration' and recent Home Office tactics, and requesting a meeting to discuss:
 - A fair and dignified immigration system that meets Scotland's need, including sufficient funding for Local Authorities to support asylum dispersal.
 - Our concerns regarding lack of consultation or engagement on the proposals for the New Plan for Immigration.
 - Assurances that Dawn Raids/Immigration Enforcement will not be used to evict people in Scotland.

- (iii) agreed that COSLA Leaders reaffirm their support and thanks to Police Scotland, and other public sector workers, and recognise the profound impact that the COVID pandemic has had on their mental health and morale.

14. Implications of Emerging Policy for Local Government (paper LD/21/107 refers)

The report set out key policy commitments that had emerged since Leaders last met, most notably as a result of the outcome of the Scottish Parliament election and in relation to the 2021 Queen's Speech. It provided initial analysis from COSLA officers on the potential implications to Local Government of these emerging policies. Substantive items on policies referenced in the report would continue to be brought to Leaders as they progressed.

Leaders:

- (i) noted the update provided as part of the report;
- (ii) noted and provided some comment on the analysis of potential implications for Local Government from emerging policy commitments as outlined in the Appendix to the paper; and
- (iii) agreed that officers work to secure full funding for policies relating to all recent announcements aligned to the 'new burdens' principle.

15. School Clothing Grant (paper LD/21/108 refers)

The report detailed the first of a number of pre-election commitments made by the SNP in relation to the first 100 days in office which COSLA expected to see coming through from the Scottish Government over the coming weeks. The level of school clothing grants had previously been an issue for local decision, with a joint agreement in 2018 that there would be a national minimum of £100. The paper outlined the new commitment that this figure should rise to £120 for primary pupils, and £150 for secondary. COSLA had been advised that the intention was to introduce this policy from August 2021. Officers noted comments that the timescale for this payment was too late.

In considering their decision, Leaders' attention was drawn to paragraph 7 in the report:

COSLA continues to work with the Scottish Government on ensuring the School Clothing Grant is working for families. The approach to this policy commitment, and the approach anticipated in other new policy areas associated with pre-election commitments reduces local flexibility and cuts across local democratic accountability by defining priorities for Councils to deliver. Leaders will be well aware that as core budgets are reduced, there is less room for councils to choose to target funding in areas like these.

Leaders:

- (i) agreed that officers continue to make the point in paragraph 7 in the paper to civil servants while new policy commitments were developing, as well as continuing to stress the importance of local democratic choice and accountability; and
- (ii) agreed that Scottish Government should fund the School Clothing Grant policy commitment fully, as well as other policy commitments coming forward that impacted Local Government financially.

16. Date of Next Meeting

The next meeting would be held at 1100hrs on Friday, 25 June 2021 via Microsoft Teams.

Close

The President closed the meeting at 1310hrs by thanking Members for their attendance.