

East Renfrewshire Council	Councillor Tony Buchanan
Falkirk Council	Kenneth Lawrie
Falkirk Council	Councillor Cecil Meiklejohn
Fife Council	Steve Grimmond
Fife Council	Councillor Craig Walker (Substitute)
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	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	Des Murray
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 (Substitute)
Orkney Islands Council	Councillor Peter Barrett
Perth and Kinross Council	Councillor Murray Lyle
Perth and Kinross Council	Sandra Black
Perth and Kinross Council	Councillor Iain Nicolson
Renfrewshire Council	Tracey Logan
Renfrewshire Council	Councillor Shona Haslam
Scottish Borders Council	Maggie Sandison
Scottish Borders Council	Councillor Steven Coutts
Shetland Islands Council	Eileen Howat
Shetland Islands Council	Councillor Peter Henderson
South Ayrshire Council	Clealand 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
City of Edinburgh Council
East Lothian Council
Fife Council
North Lanarkshire Council
Perth and Kinross Council

Angela Scott*
Councillor Claire Miller*
Councillor William Innes*
Councillor David Alexander*
Councillor Jim Logue*
Karen Reid*

**Denotes substitute provided*

Guests

Fiona Hyslop MSP
Tom Holm
Benjamin Jones
Liam Kearney
Rachel Sunderland
Christina Thomas

Cabinet Secretary for Economy, Fair Work and
Culture
Scottish Government Officer
Scottish Government Officer
Scottish Government Officer
Scottish Government Officer
Scottish Government Officer

Private 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.

2. Population Programme (paper LD/21/02 refers)

Leaders had received a copy of the draft population document 'A Scotland for the Future: Opportunities and Challenges of Scotland's Changing Population'. To assist with Leaders' questions on the detail and implications of what had been announced, the President welcomed to the meeting Fiona Hyslop MSP, Cabinet Secretary for Economy, Fair Work and Culture. Also joining the meeting were several officers from the Scottish Government.

Before inviting questions, the President asked the Cabinet Secretary to comment on what had been announced. The Cabinet Secretary and Scottish Government officials then responded to a range of Leaders' questions and noted points requiring further consideration and clarification.

The President thanked the Cabinet Secretary and officers for their attendance and willingness to answer questions.

Following the departure of Scottish Government representatives, Leaders raised several questions in light of what had been discussed and suggested some areas for COSLA officers to consider taking forward.

Leaders:

- (i) agreed the draft document 'A Scotland for Future Opportunities and challenges of Scotland's changing population; and
- (ii) agreed the proposed approach set out below to ensure Scottish Local Government and Scottish Government would take this work forward collaboratively:
 - It was recognised that tackling our population challenges was a long-term commitment and the publication of the population document was the start of this process. This process would require commitments from both Scottish Government and Local Government to take it forward collaboratively.
 - It had been agreed that the Local Government Population Working Group, which had played a valuable role in the development of the population document, should continue to meet to take this work forward.
 - The published document would be taken to future Community Wellbeing Board and Environment and Economy Board meetings for further discussion on how this work would be taken forward.
 - COSLA would continue to be represented on the Population Programme Board and Population Officials' Group, and would work with the Scottish Government to ensure that Local Government was represented in any future structures which were created to deliver this work.

Public Session

3. Draft Minutes of Leaders' Meetings (papers **LD/21/03** and **LD/21/04** refer)

The draft Minutes of the Leaders' meetings held on 11 December 2020 and 5 January 2021 were accepted as true records.

Leaders discussed a Matter Arising from the previous meeting and agreed that a special meeting of Group Leaders should be held week commencing 1 February 2021 to reach a COSLA position.

4. COVID-19 and Prioritisation of COSLA Business (paper **LD/21/05** refers)

As a result of the recent resurgence of the COVID-19 pandemic, COSLA officials had reviewed the areas of business to which COSLA was devoting resource on behalf of Scottish Local Government. Leaders noted that COSLA hoped to be able to resume the wider set of priority areas agreed in August 2020 once the pandemic lost its current momentum.

Leaders:

- (i) noted the areas suggested as priority by officers and provided political direction and steer on those suggestions; and
- (ii) agreed that the resource within the organisation was focused on addressing the impact of the COVID-19 pandemic and the areas suggested in the report, as per recommendation (i).

5. Social Renewal Advisory Board (paper **LD/21/06** refers)

The paper provided Leaders with information on the Social Renewal Advisory Board process and sought views on the report and the 'Calls to Action' and recommendations within. The Calls to Action and recommendations in the report had been designed to outline the ways in which Scotland could become a fairer and more equal society.

Leaders provided initial feedback on the Calls to Action and recommendations contained within the newly published Social Renewal Advisory Board report which were noted by COSLA officers. The feedback provided by Leaders and further consultation with councils, would be used to inform COSLA's draft official response.

Leaders agreed that the draft response be submitted to a future Leaders' meeting for approval.

6. Participatory Budgeting (paper **LD/21/07** refers)

Leaders were reminded that they had committed with the Scottish Government to the Participatory Budgeting (PB) (previously known as Community Choices) Framework Agreement in 2017. The paper updated Leaders on progress to date and outlined the importance of PB in the context of the Local Government Blueprint and the newly published Social Renewal Advisory Board report.

COSLA officers responded to several points for clarification and took on several comments for future negotiations.

Leaders:

- (i) noted the joint letter issued by COSLA Spokesperson Cllr Parry and Cabinet Secretary for Communities and Local Government, Aileen Campbell;

- (ii) agreed to a renewed commitment to participatory budgeting in the context of recovery from the COVID-19 pandemic; and
- (iii) agreed that COSLA officers re-draft the [1% Framework Agreement](#) to contextualise and frame the need to integrate participatory budgeting in the recovery from Covid-19 and present this for discussion at February 2021 Leaders' meeting.

7. National Taskforce on Human Rights Leadership (paper LD/21/08 refers)

Leaders were advised of work being done by the National Taskforce on Human Rights Leadership on incorporating specific rights for women, persons with disabilities, race, older people and LGBTI, in addition to the economic, social, cultural and environmental rights. Leaders were being asked whether they wished to support an emerging recommendation around this.

Leaders agreed:

- (i) COSLA should support a recommendation from the National Taskforce on Human Rights Leadership to incorporate specific rights for women, persons with disabilities, race, older people and LGBTI in addition to the economic, social, cultural and environmental rights; and
- (ii) COSLA should support a recommendation that all of these rights should be incorporated in a single Bill

8. Suicide Prevention Guidance (paper LD/21/09 refers)

Leaders received an update on the progress made against actions 1 and 10 of the National Suicide Prevention Action Plan.

Leaders:

- (i) agreed the recommendations outlined in paragraph 18 in the paper i.e.
 - the approach to implementing local action plan guidance and the proposed position with multi-agency review processes
- (ii) agreed the next steps set out in paragraphs 19 and 20 i.e.
 - further work would be undertaken to implement the guidance documents and test the review process in local areas. A report detailing the outcomes would be brought back to COSLA Leaders. This would include specific consideration of the resource required to implement these and the impact on the workforce.
 - COSLA would use the cost data collected through test site work to seek agreement from Scottish Government for any one off and/or recurring additional resources required as part of the Local Government Settlement to support full local implementation of actions 1 & 10.
- (iii) noted that progress on this would be reported regularly to future Leaders meetings.

9. Migration from Hong Kong to Scotland (paper LD/21/10 refers)

The UK Government had opened a new visa route for British Nationals (Overseas) (BNO), resident in Hong Kong, to come to the UK, opening on 31 January 2021. The paper provided Leaders with information on this new route, and highlighted potential implications for Scottish local authorities.

Leaders:

- (i) noted the update provided;

- (ii) agreed that the President write to both UK and Scottish Governments to ensure that Local Government was fully involved in discussions regarding this new migration route; and
- (iii) agreed to remit COSLA officers to engage with both UK and Scottish Government officials regarding the potential impacts and support available for Scottish local authorities

10. COSLA Constitution (paper LD/21/11 refers)

This report provided an update on the approach being taken on work required prior to the next Convention in March 2021, at which comments would be sought on changes to COSLA's Constitution. The ultimate intention was to produce a suite of key governance documents that better reflect COSLA now and into the future.

COSLA Leaders agreed the revised approach and timings for the development of an updated COSLA Constitution and supporting documents for consideration by Convention.

11. UK-EU Post-Transition (paper LD/21/12 refers)

The paper provided an update on the UK-EU Trade Cooperation Agreement and its potential implications for Local Government.

COSLA officers addressed several points for clarification and noted a number of areas for further consideration.

Leaders:

- (i) noted the UK-EU Trade and Cooperation Agreement;
- (ii) welcomed the approval in the EU Continuity Act 2020 of consultation rights for Local Government, as COSLA had successfully lobbied;
- (iii) welcomed the inclusion of the UK Common Frameworks in the UK Internal Market Act 2020 and agreed to continue to seek Local Government involvement in their design;
- (iv) welcomed the possibility of the UK opting into INTERREG;
- (v) welcomed the £25k allocation per council for EU exit coordination work; and
- (vi) agreed that further reports on other specific elements of the paper be provided to Leaders once ongoing ministerial and officer discussions take place in the coming weeks.

Private Session

12. Local Government Finance Update (paper LD/21/13 refers)

The report updated Leaders on the current position in relation to COVID-19 consequentials for Scotland that had come from UK Treasury and on the funding that had come to or through Local Government, as well as providing updates on funding for education recovery health and social care and on COSLA's pre-Budget campaign.

Two amendments to the recommendations were proposed:

Amendment One – Proposed by Cllr Scott Farmer and seconded by Cllr Douglas Reid

Amendment to recommendation (iii)

Agree that Councillor Macgregor makes a formal request to the Cabinet Secretary for Finance to agree actions to proceed with the Service Concession Arrangement (PPP/PFI) on an ongoing annuity basis. We reject the condition attached to the flexibility that requires a review of the Loans Fund and the move to straight line depreciation within Councils. The Loans Review and the resultant change will be to the detriment of local communities, leading to a dramatic reduction in capital expenditure on critical infrastructure such as new schools, housing and roads, and a significant resultant loss of jobs.”

Amendment Two – Proposed by Cllr David Ross and seconded by Cllr Norman Hampshire

Leaders:

Express their disappointment with the core grant proposed for Local Government and announced in yesterday’s Scottish Budget which fails to provide sufficient funding to maintain vital local services in our communities.

Note that the proposed grant settlement for the essential local services provided by councils falls well short of the proportionate increase in Scottish Government’s budget.

Therefore, mandate COSLA to engage with Scottish Government and all parties represented in the Scottish Parliament to continue to put the case for the core funding necessary to maintain local services such as schools, social care for our elderly, environmental services, roads and transport and community facilities.

In addition to the asks contained in COSLA’s budget paper ‘Respect our communities – Protect our funding’, Leaders highlight the following demands in relation to the proposed local government settlement:

1. That funding to support a freeze in council tax for the coming year should be baselined to prevent councils having to double the council tax increase or cut services in future years;
2. That a fair pay increase for council staff which not only meets increased costs of living but also starts to restore the real cuts in wages in past years, is fully funded by Scottish Government through the settlement;
3. That the full loss of income incurred by local government including ALEOs, due to the Covid pandemic should be reimbursed by Scottish Government;
4. That the cuts in capital funding over recent years, should be reversed to allow councils to invest in facilities, housing and infrastructure to support our communities and local economies particularly in the context of recovering from the Covid 19 crisis;
5. Amendment to recommendation (iii)

Agree that Councillor Macgregor makes a formal request to the Cabinet Secretary for Finance to agree actions to proceed with the Service Concession Arrangement (PPP/PFI) on an ongoing annuity basis. We reject the condition attached to the flexibility that requires a review of the Loans Fund and the move to straight line

depreciation within Councils. The Loans Review and the resultant change will be to the detriment of local communities, leading to a dramatic reduction in capital expenditure on critical infrastructure such as new schools, housing and roads, and a significant resultant loss of jobs.”

Given the continuing uncertainties regarding consequentials and potential further funding from the UK Government to Scotland, COSLA should seek assurances from the Scottish Government that such additional funding related to Local Government services should be passed on in full to Scottish Local Government and should advise Councils to consider delaying their budget setting until after this has become clear in early March.

Vote

Amendment One - 14

Amendment Two - 18

Accordingly, Leaders agreed in terms of Amendment 2 above.

13. Business Grants (paper LD/21/14 refers)

This report updated Leaders on key developments in Local Government delivery of grants to support businesses impacted by COVID-19 restrictions. There had been further significant developments since Leaders agreed that Local Government should deliver several additional national grant schemes in December 2020 and the report provided the most up to date position, at the time of finalising the report (19 January).

Leaders:

- (i) noted the position with each of the business grant schemes outlined in the report and that all efforts are being made to ensure that businesses receive much needed funding by the end of this month; and
- (ii) agreed that the short life working group, currently being established, brings a report to Leaders on a strategic approach to business support in the medium to longer term.

14. Children’s Hospice Across Scotland (CHAS) Funding Support (paper LD/21/15 refers)

The report set out the work carried out over the last three years by CHAS on behalf of every local authority.

An amendment to the recommendations (shown below in italics at (ii)) was proposed by Cllr David Ross and seconded by Cllr Norman Hampshire, and accepted unanimously by the meeting.

Accordingly, Leaders:

- (i) noted the work carried out by CHAS across all local authorities and in response to the challenges posed by COVID-19; and
- (ii) *agreed that a further 3 year funding at the same level as agreed for 2018/21 - £679,405 per annum – together with an inflationary increase- is established from April 2021 to March 2024 with reports on progress going back to the Children and Young People Board.*

15. Return to In-School Learning (paper LD/21/16 refers)

The report provided an update on the considerations of the COVID-19 Education Recovery Group on the return of in-person learning and ask Leaders to agree principles for a phased return. Leaders provided views on a possible phased return to in-person learning and COSLA officers clarified a number of points and took views on board for future negotiations.

Leaders agreed the position set out in paragraph six of the paper:

- (i) COSLA recognises the detrimental impact of school closures on the wellbeing and outcomes of children and young people, and therefore support opportunities for a phased return to *in*-person learning and teaching when it is safe to do so. In addition there is a need to consider the impact of any return to schools on our workforce and their confidence in delivering education in a safe environment
- (ii) The following considerations should be key when considering the evidence on a return to in-school learning
 - The impact on, and levels of, key indicators, including the rate of community transmission, levels of new infection, and the percentage of positive tests.
 - Evidence regarding any change to risk for specific groups of children and young people as a result of the new variant, or evidence of a changed role in transmission.
 - Evidence of the impact of loss of access to in person provision on educational and developmental outcomes
- (iii) Consideration and agreement of any phased return should be analysed in light of a 'four harms' approach, including
 - direct health impacts
 - the wider impacts on health and social care services,
 - the impact on our way of living and society (including but not limited to child protection; education and skills; poverty; isolation and loneliness; psychological impacts such as anxiety)
 - the impact on the economy

16. Early Learning and Childcare (ELC) Funding (paper LD/21/17 refers)

The paper provided an update on ELC funding during the current closure of childcare settings.

Leaders:

- (i) agreed that payments for funded ELC places to private and third sector providers should continue until childcare settings were allowed to re-open, in line with the principles set out in paragraph 9 in the paper; and
- (ii) agreed that Local Government would deliver the Temporary Restrictions Fund on behalf of the Scottish Government.

17. £500 Thank You Payment for Health and Social Care (paper LD/21/18 refers)

The paper provided Leaders with an update on discussions that had been ongoing with Scottish Government to seek clarity on the scope and process for the £500 payment for health and social care workers.

Leaders:

- (i) agreed that COSLA make it clear to Scottish Government that no action would be taken without prior sight of an EIA;
- (ii) were invited to provide their thoughts on the required next steps should the EIA be either unclear or cause concern;
- (iii) agreed that Local Government would process payments for the third and independent sector, providing that funding had been received before payment was made; and
- (iv) delegated authority to Group Leaders to agree final process and funding.

18. National Care Homes Contract (paper LD/21/19 refers)

The paper provided an update on the NCHC negotiations that had just commenced with the sector. The negotiation team had received formal notification of what the sector believed to be the starting position for the negotiations. There was a significant difference in the agreed rate for 2020/21 and the sector's starting position.

Leaders:

- (i) agreed the COSLA position outlined in paragraph 15 of the paper:
 - Scottish Care's starting position was not accepted;
 - the starting point for negotiations was the agreed rate and Cost Model assumptions for 2020/21 including the benchmarks for uprating wage and inflationary pressures;
 - Local Government recognised that the care home sector would need to change following the learning of the impact of COVID and COSLA would continue to engage in the process to ensure the NCHC remained fit for purpose;
 - there should be no further discussion on the areas of return within the model given the current financial position and recognition that there may need to be changes within the care home market; and
 - there would be additional cost pressures as a result of COVID-19 and COSLA Officers should continue to work with the sector and Scottish Government to ensure the sustainability of the sector.
- (ii) noted that the Scottish Government had asked for a formal position; and
- (iii) agreed a mandate for an offer to the sector following further negotiation.

19. Strategy to Tackle Migrant Destitution (paper LD/21/20 refers)

COSLA and the Scottish Government had produced a joint strategy to prevent people with no recourse to public funds (NRPF) experiencing destitution. Leaders provided a mandate for this work in 2019 and, following a period of delay due to the public health crisis, the strategy was now being finalised for approval. The paper outlined the proposed content and areas for initial delivery in the strategy.

Leaders agreed:

- (i) the content of the strategy as summarised in paragraphs 6-11 in the paper; and
- (ii) publication of the strategy subject to final editorial changes as set out in the Appendix to the paper.

20. Lessons Learned – COVID-19 (paper **LD/21/21** refers)

COSLA and the Improvement Service had worked in partnership with colleagues across Local Government to develop a report setting out some of the key lessons that had been learned from the Local Government response to COVID-19 to date.

Leaders were invited to:

- (i) provide comment on the draft lessons learned report, which was included as Appendix A to the paper; and
- (ii) agreed that the text of the lessons learned report was amended on the basis of point (i), and was then finalised for publication as outlined in the report.

21. myjobscotland 2020 Review (paper **LD/21/22** refers)

myjobscotland was the online recruitment website hosted by COSLA on behalf of Scottish Local Government and other public sector advertisers since 2008.

Leaders noted the progress of the service and re-affirmed Councils' commitment to the service until the end of the existing contract in March 2024.

22. SJC/SNCT Pay Claims (paper **LD/21/23** refers)

Leaders were advised that pay claims for 2021/22 had been received from the representatives of the SJC, SNCT and Chief Officers' groups. The pay claim from the Crafts Group was expected week commencing 1 February 2021.

Leaders:

- (i) noted the pay claims submitted by Trade Unions and the estimated cost of meeting the pay claims;
- (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) confirmed that COSLA's policy and aspiration remains to achieve parity of pay awards across the Local Government workforce;
- (iv) provided initial political direction and steer on the potential to make a "best most sustainable and affordable" offer that protects the workforce and essential services and was reflective of local governments Fair Work role as suggested in paragraph 21 to all bargaining groups;
- (v) mandated the Resources Spokesperson to write to the Scottish Government to set out COSLA's approach to this year's pay negotiations as set out in paragraphs 22 and 23; and

- (vi) agreed that officers would 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 was scheduled for later in the year.

23. Distribution (paper **LD/21/24** refers)

Leaders considered and agreed recommendations from the Settlement and Distribution Group (SDG) in relation to the following distribution areas as set out in the paper:

- Discretionary Housing Payment (DHP) Funding – revised approach for 2021-22
- Pavement Parking Ban – Road Assessments
- £45m for Remote Learning
- Free School Meals, January 2021

24. Elections and COVID-19 (paper **LD/21/25** refers)

The paper provided a summary of the views of the Electoral Management Board for Scotland in respect of the practical arrangements being made to allow safe conduct of the elections whilst subject to coronavirus restrictions. Given that there were no guarantees regarding how COVID-19 and accompanying risks and restrictions might change in the weeks ahead, it was important this matter was kept under review.

Amendment

An amendment to the recommendations was proposed by Cllr David Ross and seconded by Cllr Stephen McCabe. This was accepted unanimously by the meeting and the agreed revised recommendation is highlighted in italics (ii) below.

Accordingly, Leaders:

- (i) noted the current position;
- (ii) *agreed that this matter be kept under review but given the serious concerns about public health and safety, democratic legitimacy and costs of running elections during the continuing pandemic raised by Local Government trade unions, COSLA should consult with our trade unions and other stakeholders on this issue and submit a further report to the next meeting of Leaders; and*
- (iii) noted that Leaders would be advised should any developments arise which might impact on the current view of the Electoral Management Board for Scotland.

25. Date of Next Meeting

The next meeting would be held at 1100hrs on Friday, 26 February 2021 via Microsoft Teams

Close

The President closed the meeting at 1500hrs by thanking Members for their attendance.