

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Support Services)

SUBJECT: Summary of Contracts Awarded by East Lothian Council,
30 August – 31 October 2012

1

1 PURPOSE

- 1.1 To advise Members of all contracts awarded by the Council from 30 August – 31 October 2012 with a value of over £150,000.

2 RECOMMENDATIONS

- 2.1 To note the award of contracts with a value of over £150,000 from 30 August – 31 October 2012, as listed in Appendix 1 to this report.

3 BACKGROUND

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.
- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None.
6.2 Personnel - None
6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 None

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DATE	31 October 2012



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE
FOR THE PERIOD 30 AUGUST – 31 OCTOBER 2012**

Originator	Report Title/Project Summary	Contract Awarded To	Contract Value	Members' Library Bulletin & Reference
Head of Infrastructure	Contract for the Provision of Transport Services, 1.10.12 – 31.7.16	Various	c £500,000	Ref: 242/12, Oct12 Bulletin (private)

31 October 2012

REPORT TO: Cabinet
MEETING DATE: 13 November 2012
BY: Executive Director (Support Services)
SUBJECT: Annual Pensions Report 2011/12

2

1 PURPOSE

- 1.1 To summarise the early retirement activity within the financial year 2011/12, in accordance with External Audit requirements and Council Policy.

2 RECOMMENDATIONS

- 2.1 That Cabinet notes the content of the report with regard to the pension activity in the financial year 2011/12.

3 BACKGROUND

3.1 Council's Retirement Activity in Financial Year 2011/12

There are currently four types of pensionable retirements available to the Council for all employees excluding Teaching employees (see paragraph 3.2), they are:

- **Due to Efficiency or Redundancy at the discretion of the Council** - This allows the individual, aged over 55 years (50 if in the Scheme before 5 April 2006), at the discretion of the Council to retire early drawing their pension without any actuarial reduction being applied. In this case the strain costs relating to the early release of the pension are borne by the Council. With effect from 1 April 2009, strain costs are paid by the Council in full at the date of retirement, previously this was repaid to the pension fund over a maximum period of five years.

Following a report to East Lothian Council on 7 December 2010 the Council does not award any added years.

- **Ill-Health retirement** - This occurs where an employee is confirmed by Occupational Health as being permanently incapable of

discharging efficiently their duties because of ill-health or infirmity of mind or body. The employee is permitted early access to enhanced pension in accordance with the Superannuation regulations and requires no exercise of Council discretion. The costs are fully borne by the pension fund.

- **Rule of 85** - This is where an individual aged between 50 and 60 can ask to be considered for voluntary retirement if their service and age combined comes to 85 or over. In this instance there is no enhancement to the pension the individual receives, however there are costs to the council for the early release of the pension. The final decision rests with the Council. The Council bears the strain costs to the pension fund for the early payment of the benefits.
- **Flexible Retirement** – This is a discretionary element of the pension regulations which allows employees who meet certain criteria to draw their pension and continue working on a reduced hours basis. To qualify the employee must be over 55 years old and have a minimum of 2 years pensionable service and they must reduce their working hours by a minimum of 40%. They must however have the Councils agreement as there can be cost to the Council for the early release of the individuals pension. If agreed the employee then continues working on the reduced hours and may opt to rejoin the pension fund while drawing the pension benefits they have already accrued. Alternatively in exceptional circumstances the employee may reduce their grade. This is most likely to happen as a result of a service review and must be to an existing vacancy within the Council.

3.2 **Teaching Employees** - Cabinet approved a report on 9 March 2004 establishing the Policy for Retirement of Teaching Staff within the Council encompassing the “Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996” for Teaching pensions. This discretion allowed the Council to enhance teachers retirement packages by crediting up to 10 added years of service before calculating the pension entitlement. Cabinet in 2004 limited this enhancement to 4 added years. In a report to East Lothian Council on 7 December 2010 the Council removed this discretion and does not now award any added years.

3.3 A summary of the pension retirements in the financial year 2011/12 is as follows:

- **Compulsory/Voluntary Early Retirement/Severance** – There were 20 Compulsory/Voluntary Early Retirement/Severances in the financial year 2011/12. Eight of which were compulsory redundancies.

Department	Total	Compulsory	Voluntary
People	10	1	9
Communities	2	2	0

Support	8	5	3
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- **Medical Retirement** – There were 17 superannuated medical retirements in the financial year 2011/12 including 1 teaching post, across the Council departments.

Department	Total
People	7
Communities	9
Support	1

- **Rule of 85** – There were no Rule of 85 retirements in the financial year 2011/12.
- **Flexible Retirement** – There were 8 flexible retirements approved in the financial year 2011/12.
- **Teaching Retirement Policy** – in the financial year 2011/2012 there were no voluntary early retirals under the teacher’s retirement policy.

3.4 Details of the Council’s financial commitments relating to pensions are included in the 2011/12 Financial Statements. As a result of ongoing pension costs arising from decisions taken in earlier years, in addition to the “up-front” strain costs now due in the year they accrue, during 2011/12 the Council spent £2.128 million (in 2010/11 £1.175 million) on early retirements for Local Government Workers and £591,848 (in 2010/11 £606,000) on early retirements for teachers.

3.5 The Council has a liability to pay pension costs in the future. At 31 March 2012 this liability was actuarially assessed at £94.03 million (and in 2011 at £79.9 million). As this liability is unfunded, it is a liability to be met from future Council Tax and grant income. The intention of the Pension Fund is to recover this liability over the next 20 years.

3.6 In addition to the above figures, the Council also makes ‘ex gratia’ pension payments to 136 former employees who worked less than 16 hours per week and were aged under 50 at 31 December 1993 and were unable to join the LGSS pension scheme under the statutory rules at the time. The value of these payments during 2011/2012 was £66,870 (and in 2010/11 it was £66,843). The Council took the decision to remove this discretion at Cabinet on 9 June 2009. No new ex gratia pension payments will arise and the existing estimated value of future liabilities based on actuarial mortality estimates is £898,862 - and will therefore reduce over time.

4 POLICY IMPLICATIONS

- 4.1 The Council is required to report its pension activity annually to Elected Members.

5 EQUALITY IMPACT ASSESSMENT

- 5.1 It would not be applicable to undertake an Equality Impact Assessment. However, any relevant associated policies would be subject to an Equality Impact Assessment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - Early retirement decisions taken in earlier years have created a significant liability for current and future Council Tax payers. In the future it may be necessary to make provisions against the liability.
- 6.2 Human Resources - Finance and Human Resources continue to ensure that any retirements are in accordance with Council Policy and within the Standing Orders and the supporting Scheme of Delegation and also that managers are aware that any pensionable retirement meets the strict efficiency or redundancy requirements and generates the necessary savings.
- 6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Future Application of Discretionary Policies relating to Early Retirement and/or Severance – East Lothian Council 7 December 2010.
- 7.2 Policy on Enhanced Compensation for early Retirement on Grounds of Redundancy and Efficiency– December 2010
- 7.3 Lothian Pension Fund Website: www/lpf.org.uk

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DATE	October 2012

REPORT TO: Cabinet
MEETING DATE: 13 November 2012
BY: Executive Director (Support Services)
SUBJECT: Freedom of Information

3

1 PURPOSE

- 1.1 To report on the Council's compliance with the timescales laid down by the Freedom of Information (Scotland) Act 2002 for the period from 1 April 2012 to 30 September 2012.
- 1.2 To inform Cabinet of the Assessment to be carried out by the Scottish Information Commissioner in December 2012.

2 RECOMMENDATIONS

- 2.1 To note the statistical information and confirm that such information should be reported to Cabinet on a half yearly basis.
- 2.2 To authorise officers to report the outcome of the Scottish Information Commissioner's assessment together with any action plan proposed.

3 BACKGROUND

- 3.1 During the period 1 April 2012 to 30 September 2012, East Lothian Council operated in accordance with the statutory requirements, namely:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner (SIC).

- 3.2 Freedom of Information statistics are recorded by Law & Licensing. Guidance on how to handle requests and requests for review are on the intranet, accessible to all employees.
- 3.3 The total number of requests received between 1 April 2012 and 30 September 2012 was **502**, a slight increase from the previous half year. Numbers of FOI requests have been increasing steadily since the Act came into force.
- 3.4 The total number of requests for review received between 1 April 2012 and 30 September 2012 was **20**, a slight increase from the previous half year (17).
- 3.5 The table below provides a breakdown of the response timescales for Freedom of Information requests between 1 April 2012 and 30 September 2012:

On time: Within 20 Working Days	379
Late	94
Lapsed/Written Off	0
Date of Completion Unknown	0
Cancelled/Withdrawn	9
Suspended	8
TOTAL RECEIVED	502
TOTAL ACTIONED	490
TOTAL STILL OUTSTANDING	12

- 3.6 The table below provides a breakdown of the response timescales for requests for review between 1 April 2012 and 30 September 2012:

On time: Within 20 Working Days	15
Late	4
Suspended	1
TOTAL RECEIVED	20
TOTAL ACTIONED	19
TOTAL STILL OUTSTANDING	1

- 3.7 The number of reviews that upheld, partially upheld or overturned the original decision was as follows:

Upheld	12
Partially Upheld	5
Overturned	2

- 3.8 Pie charts showing a breakdown of enquirers and departments are attached at Appendices 1a and 1b.
- 3.9 The top three enquirers were:
- 1) General Public
 - 2) Commercial Organisations
 - 3) Journalists
- 3.10 The departments receiving the largest number of requests were:
- 1) Corporate Resources
 - 2) Community Services
 - 3) Education and Children's Services¹
- 3.11 It is pertinent to note the number of complaints upheld and partially upheld. This demonstrates that review officers carry out rigorous reviews, demonstrating a willingness to review the original decision in an objective way.
- 3.12 Of the 20 requests for review, 3 were appealed to the SIC. The appeals are currently ongoing.

Assessment by Scottish Information Commissioner

- 3.13 Cabinet members may wish to note that on 12th and 13th December 2012, representatives from the Scottish Information Commissioner's office will be visiting the Council to assess its compliance with the Freedom of information (Scotland) Act 2002 ('the Act').

4 POLICY IMPLICATIONS

- 4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other - None

¹ Since the statistics were started before the restructuring, the old system is used in this report. In future reports, the new structure will be reflected.

7 BACKGROUND PAPERS

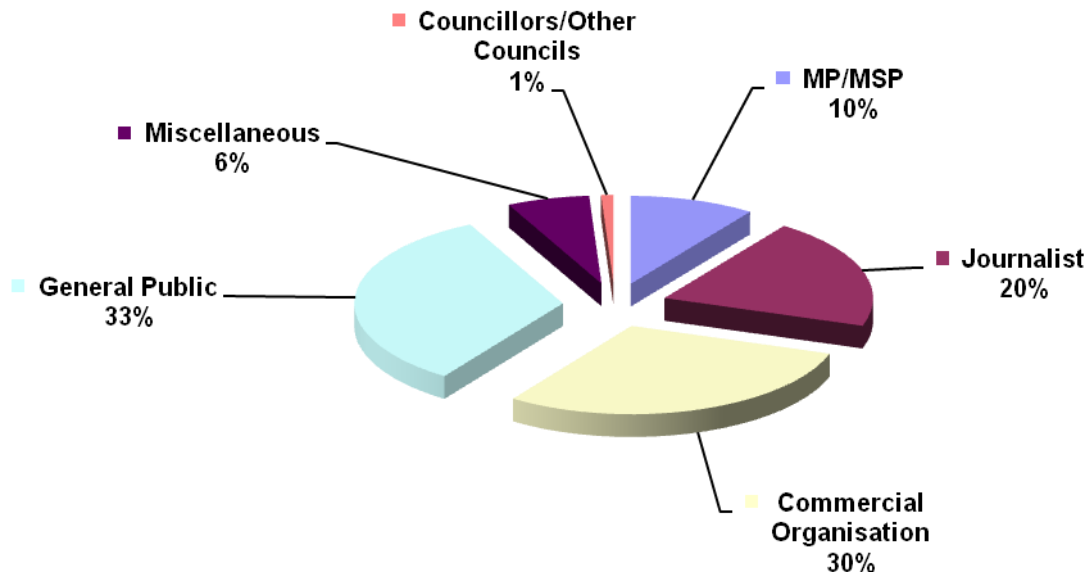
7.1 Appendix 1 a – Pie chart showing overview of requesters

7.2 Appendix 2 b – Pie chart showing breakdown of departments

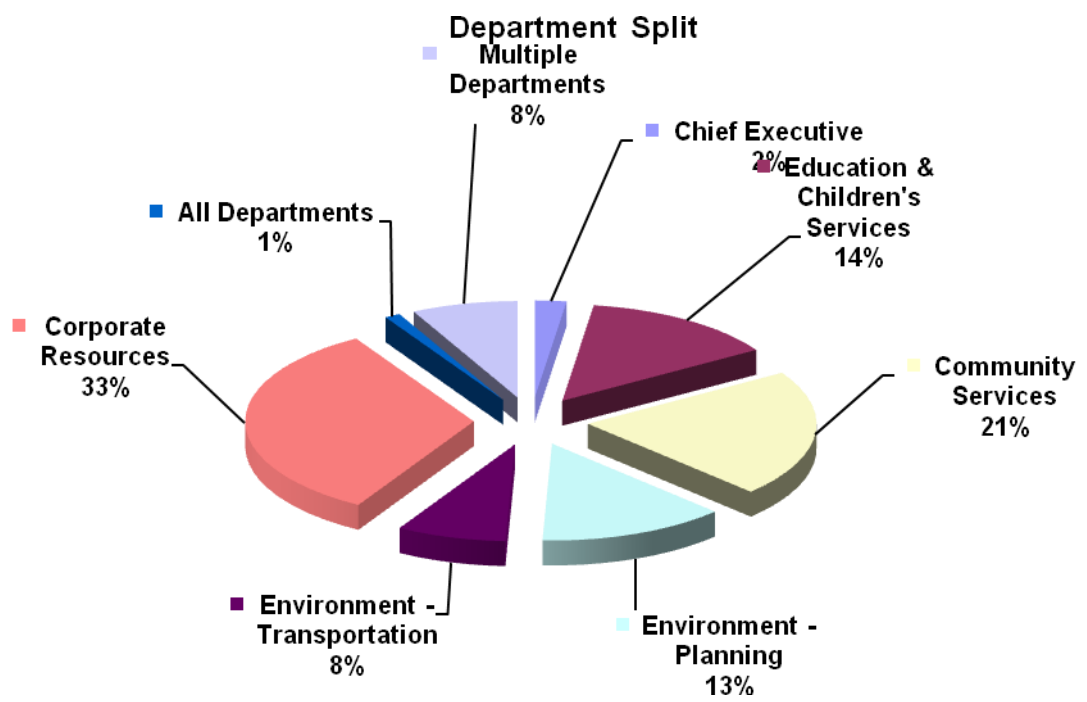
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DATE	1 November 2012

Appendix 1 a

Breakdown of Enquirers



Appendix 1 b



REPORT TO: Cabinet
MEETING DATE: 13 November 2012
BY: Executive Director (Services for Communities)
SUBJECT: Extensions Policy

4

1 PURPOSE

- 1.1 To seek Cabinet approval for the new Extensions to Council Houses Policy.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the new Extensions to Council Houses Policy, which amongst a range of other measures seeks to ameliorate overcrowding in Council houses.

3 BACKGROUND

- 3.1 Due to high demand and the shortage of affordable housing a number of households are living in an overcrowded situation. In some cases it is not possible to meet these housing needs through re-housing.
- 3.2 It may be that by extending an existing property housing need could be met where re-housing is not possible or appropriate.
- 3.3 This is recognised in the recently approved Council Plan commitment to reintroduce and review the provision of loft conversions and extensions for council tenants.
- 3.4 The attached policy has been discussed and agreed by the Senior Housing Management Team.
- 3.5 Discussions have also taken place with East Lothian Tenants and Residents Panel (ELTRP) who have agreed that the policy can be introduced without the need for a full consultation exercise. Both the Council and ELTRP recognise that there are a number of significant consultations already underway or about to come forward (rent proposals

and Antisocial Behaviour Strategy) and that it would not be possible or appropriate to conduct a similar scale consultation at the same time, which in essence only affects a small number of council tenants.

- 3.6 Further procedural work is required to implement the extensions policy and this is underway.

4 POLICY IMPLICATIONS

- 4.1 The Extensions Policy meets the Council Plan commitment to reintroduce and review the provision of loft conversions and extensions for council tenants.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment has been carried out and no negative impacts have been found with the policy itself. Care will be taken to ensure that the policy is clearly communicated to all council tenants. A copy of the EIA has been lodged in the Members Library.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – A new budget provision of £230,000 was approved by Council at its meeting on 23 October 2012. Future year allocations will be determined with reference to the HRA budget development process and agreed by Council at the appropriate time.
- 6.2 Personnel – Staff will be required to develop, implement and manage the procedures supporting the policy and this will be done from within existing resources but may result in increased workloads. This will be kept under review.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Extensions Policy.

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**Extensions Policy
Consultation Draft**

November 2012

East Lothian Council can provide information in user friendly versions in other formats, for example, braille, large print, audiotape. We can also provide signers and interpreters for council business. Phone **01620 827199** for more information.

Urdu

ایسٹ لوڈین کونسل آپ کو ایک آسان انداز میں آپ کی اپنی زبان میں معلومات فراہم کر سکتی ہے۔ ہم کونسل کے کام کیلئے ایک مترجم کا انتظام بھی کر سکتے ہیں۔ مزید معلومات کیلئے برائے مہربانی رابطہ فرمائیں: **01620 827199**

Punjabi

ਈسٹ لੋڈیਅਨ کੌਂਸਲ ਭੁਗਾਭੀ ਜ਼ਬਾਨ ਵਿਚ ਸੌਖੇ ਢੰਗ ਵਾਲੀ ਜਾਣਕਾਰੀ ਪ੍ਰਦਾਨ ਕਰ ਸਕਦੀ ਹੈ। ਕੌਂਸਲ ਦੇ ਕੰਮ ਕਾਰ ਵਾਸਤੇ ਅਸੀਂ ਇੰਟਰਪਰੀਟਰ ਵੀ ਪ੍ਰਦਾਨ ਕਰ ਸਕਦੇ ਹਾਂ। ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣ ਲਈ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ ਤੇ ਡਾਲ-ਮੋਲ ਕਰੋ: **01620 827199**

Polish

Samorząd Regionu East Lothian dysponuje informacjami w Twoim własnym języku. W razie potrzeby zapewniamy również pomoc tłumaczy. Więcej informacji pod numerem: **01620 827199**

Chinese

東路芙茵郡議會可以使用你的語言提供服務使用者容易明白的資料。我們可以為郡議會的服務提供翻譯。如果需要進一步的資料。請電：**01620 827199**。

Bosnian

Vijeće za područje East Lothian-a u mogućnosti je pružiti Vam informacije na Vašem jeziku u pristupačnom i jednostavnom formatu. Osiguravamo usluge prevodioca za zdravstvo, školstvo, socijalni rad, i ostale vladine i lokalne službe. Za informacije molimo Vas obratite se na telefon: **01620 827199**.

Albanian

Keshilli i East Lothian ju ofron informata ne gjuhen e juaj ne nje version te afert. Ne gjithashtu ofrojme perkthyes per punet e keshillit. Per informata me te shumta, ju lutem kontaktoni : **01620 827199**.

Contents Page

- Section 1: Introduction
- Section 2: Policy Objectives
- Section 3: Legal & Regulatory Framework
- Section 4: How the Extensions Policy Works
- Section 5: Performance Management
- Section 6: Appeals and Complaints

This Policy is available on request in different languages and in other formats such as large print, tape, Braille.

Section 1: Introduction

The Extensions Policy as well as being a Council Plan commitment forms part of the Council's general policy framework. For example, it is linked to other Council policies and strategies such as the Local Housing Strategy, Homelessness Strategy and the Community Housing Allocations Policy.

Due to high demand and the shortage of affordable housing a number of households are living in an overcrowded situation. In some cases, it is not possible to meet these housing needs through re-housing.

Extensions or loft conversions are an important tool for helping address housing need but they are not an absolute right. Any tenant will need to demonstrate that all other housing options have been considered, such as transfers, mutual exchanges and alternative landlords before being considered for an extension. Other qualifying conditions exist and these are explained in Chapter 4.

The policy applies to Council tenants who are experiencing some form of overcrowding as per the Council's Housing Allocations Policy. Different policies and procedures exist for those tenants who require adaptations and/or extensions because of a medical need and these should be dealt with through the appropriate Community Care/Access Teams.

East Lothian Council has adopted the definition of equal opportunities presented in the 2007 UK Equality Review. The definition presents the concept of an 'equal society' seeks equality in the freedoms that people have to lead a fulfilling life.

'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would chose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.' UK Equalities Review 2007.

This definition of equality captures three aspects of equality:

Opportunity - whether everyone really has the same substantive freedom to flourish.

Agency - what degree of choice and control an individual has in achieving the valued activity.

Process - whether discrimination (or some barrier or process) causes or contributes to a particular inequality.

We consider that the development of this extensions policy is an important development to ensure that all council tenants are treated fairly and equally in regard to the provision of loft conversions and extensions.

Section 2: Policy Objectives

2.1 The main objectives of our Extensions Policy are:

- providing applicants with detailed advice and information about their housing options
- deciding on extensions based on a detailed evaluation of an individual's or family's need after a thorough examination of their housing options
- being clear on the criteria and process for extensions
- meeting legal and good practice standards, in particular addressing housing need where overcrowding exists in council houses
- delivering suitably-sized accommodation to applicants with different housing needs in order to achieve balanced and sustainable communities
- working in partnership with all stakeholders and the community to meet our required standards
- to assist in preventing homelessness in line with our Homelessness Strategy
- applicants for extensions will not be discriminated against because of age, disability, language, religion or belief, race, sex, gender reassignment, sexual orientation or marriage or civil partnership, as well as discrimination on grounds of class or social origin or personal beliefs or opinions
- processing applicants' personal details in line with legal obligations to ensure confidentiality
- informing applicants about our appeals and complaints system so that applicants can obtain a fair hearing if they are not happy with Council decisions
- monitoring how we perform through all the stages of the extensions process
- reviewing our policy every three years in consultation with tenants, tenant groups and other stakeholders

Section 3: Legal & Regulatory Framework

3.1 Reasonable Preference

The **Housing (Scotland) Act 1987** tells us that certain sections of our community are to be given reasonable preference when allocating houses. Reasonable preference simply means the priority given to these applicants for housing as detailed below. We have made the overcrowding element the key component of our Extensions Policy.

These groups are:

(a) homeless people or people threatened with homelessness and

(b) people living in:

- housing below the tolerable standard
- overcrowded houses or in large families
- unsatisfactory housing conditions

3.2 Homelessness Responsibilities

It is important to stress that the **Housing (Scotland) Act 1987** also deals with homelessness law; and that applicants have specific housing rights under homelessness law.

Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 and 2003 Acts) sets out the powers and duties of local authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

These duties include providing temporary or permanent accommodation where appropriate and, more generally, the duty to give advice and assistance to anyone threatened with homelessness.

3.3 Housing Information Supplied by Applicants

Applicants are entitled to view personal information supplied in connection with their application for housing including requests for an extension. This is a right contained in the **Housing (Scotland) Act 1987**.

They are also entitled to access personal information as permitted under the **Data Protection Act 1998**.

We provide this information, on request, within **forty** working days.

3.4 Tenant Consultation

The **Housing (Scotland) Act 2001** states that landlords must consult with tenants and registered tenants organisations on proposals that affect them, such as housing management and related standards of service. The **Housing (Scotland) Act 1987** states that any changes must be made publicly available within six months of the alteration being made - this is a legal requirement.

The Extensions Policy is an important housing management policy. It is critical that we involve tenants and other stakeholders in its development and implementation.

3.5 Equalities Issues

All requests for extensions will be handled in a non-discriminatory way. We work to ensure that we meet our obligations under the Equality Act 2010 and other European Directives in relation to equal opportunities.

East Lothian Council's Single Equality Scheme sets out our commitment to equality, diversity, and human rights. This strategy is principally concerned with tackling discrimination and prejudice and the barriers faced by individuals and community groups on the grounds of:

- Race
- Disability
- Sex
- Age
- Sexual Orientation
- Gender reassignment
- Religion or Belief
- Pregnancy and Maternity

It should also be noted that the Housing (Scotland) Act 2001 requires both Registered Social Landlords and Local Authorities to follow Equal Opportunities law.

In line with East Lothian Council's positive approach to achieving equal opportunities, a full Equalities Impact Assessment was carried out on this policy in October 2012. For a copy of this assessment please email policy@eastlothian.gov.uk

Section 4: How the Extensions Policy works

This Policy sets out the criteria by which East Lothian Council considers requests for extensions and/or loft conversions.

Extensions or loft conversions are an important tool for helping address housing need but they are not an absolute right. Any eligible applicant (i.e. a family who is overcrowded as per the occupancy levels set out in the Council's Housing Allocations Policy) must apply in writing.

The tenant should also ensure that there have been no breaches of their tenancy agreement prior to submitting an application for extension. A tenancy breach could be, but is not limited to, any breach of the Council's Serious Tenancy Breaches Policy, outstanding rent arrears, antisocial behaviour or any legal action against the tenant, joint tenant or other household member.

Following a successful written request (i.e. where no tenancy breach exists) a housing options interview will be conducted to ensure that the exploration of an extension is the most appropriate route to meeting the tenant's housing need. Extensions will only proceed on the basis that this condition has been met and it is technically feasible to do so and that the budget can sustain the construction and project costs.

The tenant will also be made aware that should an extension be possible, and prior to any works starting, of the estimated change in rent as a result of the extension in line with the Council's Rent Setting Policy. The tenant will be required to confirm in writing their agreement to any rent increase as a result of the extension.

East Lothian Council will assess all requests in a fair, transparent and equitable manner.

The policy aims to approve extensions to eligible applicants based on the following criteria.

- No tenancy breaches exist
- Full consideration that all suitable housing options have been exhausted
- The needs of the overcrowded household
- A technical feasibility study
- Time spent on the housing list

4.1 Extension/loft conversion requests

Any eligible applicant (i.e. a council tenant who is overcrowded as per section 4.1 above) must apply in writing in the first instance. This can be in the form of a letter or email.

4.2 An Assessment of Need

Following checks on any tenancy breaches the applicant will be invited to a Housing Options Interview where an application form will be completed. The interview will explore other possible options such as Mutual Exchanges, Transfers, other housing tenures or providers.

Following completion of the form and the Housing Options Interview, if none of these options is suitable or appropriate the case will go forward to the Community Housing Managers Team (CHMT) meeting. The CHMT will then consider the request and if in agreement request a technical feasibility study to determine that an extension/loft conversion is technically possible.

4.3 Feasibility Requests

The CHMT will decide on the number of bedrooms/other rooms required to address the housing need who will then instruct the feasibility study on this basis.

The feasibility study may determine that it is not possible to extend the property or convert the loft because of existing property features, available space etc. In these instances a further Housing Options Interview will be offered.

The feasibility study must also determine that any possible extension will meet the Council's Value for Money criteria.

4.4 Budget/Prioritization

In the event of more requests coming forward which meet the qualifying criteria but cannot be delivered because of budget constraints a further assessment of need will determine the priority in which these extensions will be carried out by the CHMT. Where the same level of need exists the CHMT will then prioritize on the time the applicant has spent on the housing list. This may result in an extension waiting list whereby cases will only come forward where the budget allows i.e. in a future financial year.

4.5 Change in circumstances

Once an application has been received and registered, the applicant is responsible for informing the Council of any changes in their circumstances that may affect the extension request, for example, any change in household circumstances or contact details. Prior to any extension project going ahead circumstances will be verified to ensure that all criteria are still met.

4.6 When an extension won't be given

East Lothian Council reserve the right to cancel any application should there be any tenancy breaches such as rent arrears or as defined within the serious tenancy breaches policy, antisocial behaviour policy or any criminal behaviour. Similarly, where the applicant has provided misleading information or relevant information is withheld by the applicant, then this too will mean that the extension request will not be considered. In all cases we will write to the applicant informing them of our decision and of their right of appeal.

4.7 When an extension is approved

When an extension is approved the tenant will be advised of the estimated rent increase and will confirm acceptance in writing of that increase (estimated and final) prior to the work commencing.

The extension process will be managed by the Council's Project Team who will contact the tenant in all matters relating to the works.

4.8 Review

We will undertake a yearly review of all extension requests; the review date is based on date of application. This ensures that an accurate list is maintained and the information we hold is up to date.

If applicants fail to respond to the review, we send out a reminder allowing a further **fourteen day** period.

If applicants still fail to respond, we remove applications from the extension request list.

4.9 Cancellation

Applications are also cancelled if the applicant (a) requests this, for example, because she or he no longer requires an extension, or (b) if she or he has died. Applications will also be cancelled when the applicant has received and accepted an offer of suitable housing.

5.0 Performance Management

We will monitor all elements of the Extensions Policy so that practice can be modified as required; this supports the corporate organisational commitment to achieving continuous improvement in service delivery.

The issues that we monitor are as follows: -

- Number of extension requests
- Number of requests refused because of tenancy breaches
- Number of Housing Option interviews
- Number of cases where other housing options is preferred route (with breakdown of option reasons)
- Number of cases where extension is the preferred route
- Number of feasibility requests - successful and unsuccessful
- Number of extensions/loft conversions delivered
- Spend against budget
- Performance of contractors
- appeals and complaints
- equality information by reference to issues concerning age, disability, ethnicity and gender

Information on all of the matters that we presently monitor is available on request.

We present information monitored to Policy & Performance Review Panel on a six-monthly basis.

We also provide information on extensions to tenant groups and to tenants generally through the Homefront Newsletter, our website, and regular meetings with the East Lothian Tenants & Residents Panel.

5.1 Documentation

Extension policy documentation to meet agreed equality and plain language standards, for example, the policy and the information leaflet.

Section 6: Appeals and Complaints

This section provides information on our appeal and complaints systems. Details of how to appeal or complain are provided to all applicants as part of general information that they receive when applying for a pitch.

If you want to make a comment, suggestion or complaint about a council service, you can get a Feedback form from your local office. This tells you about the Council's complaints procedures. It includes a form where you can make your comments. Post the form to the council. You do not have to pay for stamps - just use the Freepost address on the leaflet. Or, you can phone the Complaints Officer to discuss the issue on 01620 826600.

6.1 Appeals

Applicants may appeal against decisions with which they are dissatisfied. Further information can be found in the 'Appeals for Community Housing Services' Leaflet.

6.2 Feedback to the Scottish Public Services Ombudsman

Applicants have the right to complain if we **don't**:

- apply policy principles properly or
- meet our standards, for instance, not providing accurate advice and information

We give tenants a copy of our complaints procedure when they sign their Tenancy Agreement.

We also provide information about the Scottish Public Services Ombudsman; this officer investigates complaints that concern maladministration. Tenants must, in general, use the internal complaints system before contacting the Ombudsman. You should contact the Scottish Public Services Ombudsman within 12 months of the date that you first noticed the problem you are complaining about. In special circumstances the Ombudsman may be prepared to deal with matters that have gone on longer than 12 months. Please write to the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh. EH3 7NS. Freephone tel: 0800 377 7330, freephone fax: 0800 377 7331. Email: enquiries@scottishombudsman.org.uk

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Services for Communities)

SUBJECT: 142nd Open Golf Championship 2013, Muirfield -
Traffic Management Arrangements & Temporary Traffic
Regulation Order (TTRO)

5

1 PURPOSE

- 1.1 The 142nd Open Golf Championship will be contested at the Honourable Company of Edinburgh Golfers, Muirfield, Gullane during July 2013.
- 1.2 To assist in the safe and effective control of vehicle and other traffic during the event a Temporary Traffic Regulation Order (TTRO) is to be promoted. The timing and use of these restrictions shall be at the discretion of the Chief Constable. This will manage :
- waiting, loading and unloading in Aberlady, Dirleton, Gullane, Longniddry and North Berwick as described in the attached Schedules, and
 - the closure of specified roads to general “through traffic” near Drem and Gullane as described in the attached Schedules, and
 - the directional flow (one-way) of traffic as described in the attached Schedules.
- 1.3 The County of East Lothian (Waiting Restrictions) (Gullane Village) Traffic Regulation Order 1974 will be suspended during the period only where it relates to the roads described in the attached Schedules.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the content of this report, and that following further consultation with the Royal and Ancient Golf Club, Lothian & Borders Police and the community a further report for approval will be presented at a future Cabinet meeting.

3 BACKGROUND

- 3.1 The 142nd Open Golf Championship will be contested at the Honourable Company of Edinburgh Golfers, Muirfield, Gullane, during the period Sunday 14th to Sunday 21st July 2002. The Championship proper takes place between Thursday 18th and Sunday 21st July.
- 3.2 This event was last held in East Lothian during July 2002. It is again anticipated that a large number of spectators will arrive by car and therefore it is intended to promote a TTRO to assist traffic management during the event. In practice this Order will prove invaluable to the police in maintaining a safe, steady flow of traffic to and from the event whilst minimising disruption to local residents. The number of visitors attracted to the event is expected to be between 200,000 and 250,000. This will lead to a substantial increase in traffic volumes during the event and to a lesser extent on the practice days. It is intended that any part of the TTRO will be available to the police throughout the period 07:00 hours on Sunday 14th July to 12:00 hours on Tuesday 23rd July. It is expected that the TTRO will be fully utilised 07:00 hours on Wednesday 17th July to 22:00 hours on Sunday 21st July, 2013.
- 3.3 All traffic movement will be under the direction of the police and it is considered that the measures recommended are essential in ensuring public safety and the efficient management of vehicular traffic.
- 3.4 These exceptional traffic flows will be experienced throughout each day in Aberlady, Dirleton, Gullane, Longniddry and North Berwick and a prohibition on
- waiting, loading and unloading on the roads described in Schedules 1 and 2
 - waiting between on the roads described in Schedule 3
- 3.5 The existing Traffic Regulation Order (TRO) is deemed insufficient to effect the necessary control although its provisions will continue to apply on roads not described by the TTRO and outwith the periods covered by that Order.
- 3.6 Those lengths of roads identified in Schedule 4 are vital links to and from Drem Railway Station, the associated “Golflink” bus route and the planned Park and Ride service sites at Ballencrieff and Muirton. Due to the characteristics of these roads and the volume of traffic using them, it is considered that they should operate a “Closed To Through Traffic” (except for local businesses / residents, pedestrians, cyclists and emergency access) system at the discretion of the police. Signs effecting the system will be deployed by the traffic management contractor.
- 3.7 Those lengths of roads identified in Schedule 5 are vital links in Gullane, the planned Park and Ride sites, and the “Golflink” drop off and pick up routes. Due to the characteristics of these roads and the volume of traffic using them it is considered that they should operate under a “One

Way” system at the discretion of the police. Signs effecting the one way system will be deployed by the traffic management contractor.

- 3.8 Those lengths of roads identified in Schedules 6 and 7 are parking areas on Goose Green Road, Brighton Terrace, Saltcoats Road, Main Street (Bank Buildings, Summerside Place, Rosebery Place and Stanley Road) Gullane. It is intended to make these locations available for short stay “shoppers” wishing to access the village businesses. The TTRO will allow one hour parking with a one hour no return period during the periods stated.
- 3.9 An extensive route signing exercise will be undertaken by the Automobile Association on behalf of the tournament organisers (Royal and Ancient Golf Club).

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial -
- 6.2 Personnel -
- 6.3 Other -

7 BACKGROUND PAPERS

- 7.1 Environment & Technical Services Committee 1st February 2002

AUTHOR'S NAME	Ray Montgomery
DESIGNATION	Head of Infrastructure
CONTACT INFO	Colin Baird
DATE	11 October 2012

SCHEDULE 1

Roads within East Lothian where waiting, loading and unloading is prohibited between 07:00 hours and 22:00 hours daily on both sides, unless otherwise directed by or with the permission of a police constable or traffic warden in uniform.

(a) Gullane

- (1) All that part of the Drem – Dirleton Road (B1345) from its junction with the Prestonpans – North Berwick Road (A198) southwards to the south junction with the U223 Fenton Barns Loop Road.
- (2) Broadgate, Gullane for its entire length.
- (3) Muirfield Park, Gullane for its entire length but excluding that part listed in Schedule 4.
- (4) Middleshot Road, Gullane for its entire length
- (5) Goose Green Road for its entire length but excluding that part listed in Schedule 6.
- (6) Erskine Loan, Gullane for its entire length.
- (7) The Hawthorns, Gullane for its entire length on the north side.
- (8) The Paddock, Gullane for its entire length on the west side.
- (9) Vardon Road, Gullane for its entire length on the north side.
- (10) The Finches, Gullane for its entire length on the east side.
- (11) The Falcons, Gullane for its entire length on the east side.
- (12) The Beeches, Gullane for its entire length on the north side.
- (13) The Rowans, Gullane for its entire length on the north side.
- (14) The Pines, Gullane for its entire length on the south side.
- (15) Muirfield House, Gullane for its entire length on the west side from its junction with the Prestonpans – North Berwick Road (A198).
- (16) Broadgait Green, Gullane from both its junctions with Broadgait on the south side.
- (17) Broadgait Court, Gullane for its entire length on the west and south sides.
- (18) Erskine Road (south cul-de-sac), Gullane on the west and north sides.
- (19) Hill Road, Gullane for its entire length on the south side.
- (20) Nisbet Road, Gullane for its entire length on the south side.
- (21) Hopetoun Park, Gullane for its entire length.

(b) Aberlady

All that part of the High Street, Aberlady from its junction with the Prestonpans – North Berwick Road (A198) eastwards to its junction with the Gardens, Aberlady, on the north side.

SCHEDULE 1 CONTINUED

(c) Longniddry

- (1) All that part of the Prestonpans – North Berwick Road (A198) from its junction with the east end of Kitchener Crescent, Longniddry, eastwards then northwards to lamp standard JA65, Wemyss Terrace, Longniddry, on the north and west sides.
- (2) All that part of the Prestonpans – North Berwick Road (A198) from opposite lamp standard JA65, Wemyss Terrace, southwards then eastwards on the Longniddry – Drem Road (B1377) to lamp standard JA45, on the east and north sides.
- (3) All that part of the Longniddry – Drem Road (B1377) from opposite lamp standard JA45, westwards to opposite the junction with the east end of Kitchener Crescent, Longniddry, on the south side.

SCHEDULE 2

Roads in Gullane, Aberlady, Dirleton and North Berwick where waiting, loading and unloading is prohibited from 07:00 hours to 10:00 hours and 16:00 hours to 22:00 hours daily on both sides, unless otherwise directed by or with the permission of a police constable or traffic warden in uniform. Except where Schedule 7 applies.

(a) Gullane

- (1) All that part of the Prestonpans – North Berwick Road (A198) extending from the east most speed restriction signs at Aberlady in an easterly direction, through Gullane, to its junction with the Dirleton Station Road (C107).
- (2) Sandy Loan, Gullane for its entire length.
- (3) Hopetoun Terrace, Gullane for its entire length.
- (4) Erskine Road, Gullane for its entire length but excluding that part listed in Schedule 1.
- (5) Muirfield Drive, Gullane from its junction with the Prestonpans – North Berwick Road (A198) southwards to the junction with Muirfield Terrace.
- (6) Muirfield Drive, Gullane from its junction with Muirfield Terrace southwards to lamp standard GJ13 on the east side.
- (7) Marine Terrace, Gullane for its entire length.
- (8) Marine Road Gullane for its entire length.

(b) Aberlady

- (1) All that part of the Prestonpans – North Berwick Road (A198) extending from the east most speed restriction signs at Aberlady westwards to the west most speed restriction signs at Aberlady, on the east and south sides.
- (2) All that part of the Prestonpans – North Berwick Road (A198) extending from lamp standard AA27, The Wynd, Aberlady westwards to lamp standard AA22, Main Street, Aberlady, on the west and north sides.

(c) North Berwick

- (1) Dirleton Avenue, North Berwick (Prestonpans – North Berwick Road (A198)) extending from the west most 40 mph speed restriction signs eastwards to the junction with Station Road on the north side.
- (2) St Baldred's Road, North Berwick (Prestonpans – North Berwick Road (A198)) extending eastwards from the junction with Law Road, North Berwick (B1346) to the junction with Dunbar Road, North Berwick on the north side.

(d) Dirleton

- (1) Castle View (Village Green Road), Dirleton – extending eastwards from the gates of Archerfield Estate at East Lodge, for a distance of 254 metres or thereby, to the junction with the B1345 at the Open Arms Hotel.

SCHEDULE 3

Roads in Gullane, Aberlady and North Berwick where waiting is prohibited between 10:00 hours and 16:00 hours daily on both sides, unless otherwise directed by or with the permission of a police constable or traffic warden in uniform.

(a) Gullane

- (1) All that part of the Prestonpans – North Berwick Road (A198) extending from the east most speed restriction signs at Aberlady in an easterly direction, through Gullane, to it's junction with the Dirleton Station Road (C107).
- (2) Sandy Loan, Gullane for its entire length.
- (3) Hopetoun Terrace, Gullane for its entire length.
- (4) Erskine Road, Gullane for its entire length but excluding that part listed in Schedule 1.
- (5) Muirfield Drive, Gullane from its junction with the Prestonpans – North Berwick Road (A198) southwards to the junction with Muirfield Terrace.
- (6) Muirfield Drive, Gullane from its junction with Muirfield Terrace southwards to lamp standard GJ13 on the east side.
- (7) Marine Terrace, Gullane for its entire length.
- (8) Marine Road Gullane for its entire length.

(b) Aberlady

- (1) All that part of the Prestonpans – North Berwick Road (A198) extending from the east most speed restriction signs at Aberlady westwards to the west most speed restriction signs at Aberlady, on the east and south sides.
- (2) All that part of the Prestonpans – North Berwick Road (A198) extending from lamp standard AA27, The Wynd, Aberlady westwards to lamp standard AA22, Main Street, Aberlady, on the west and north sides.

(c) North Berwick

- (1) Dirleton Avenue, North Berwick (Prestonpans – North Berwick Road (A198)) extending from the west most 40 mph speed restriction signs eastwards to the junction with Station Road on the north side.
- (2) St Baldred's Road, North Berwick (Prestonpans – North Berwick Road (A198)) extending eastwards from the junction with Law Road, North Berwick (B1346) to the junction with Dunbar Road, North Berwick on the north side.

SCHEDULE 4

Roads within East Lothian which will be closed to through traffic between 07:00 hours and 22:00 hours on and between Wednesday 17th July and Monday 22nd July 2013, unless otherwise directed by or with the permission of a police constable or traffic warden in uniform. Local, pedestrian, cyclist and emergency access will be maintained.

- (1) All that part of the Drem – Dirleton Road (B1345) from its junction with the Longniddry – Drem Road (B1377) northwards to the south junction with the U223 Fenton Barns Loop Road.
- (2) All that part of the Longniddry – Drem Road (B1377) from its junction with the Haddington – Aberlady Road A6137 at Ballencrieff eastwards to its junction with the A199 – North Berwick Road (B1347) at Betony Bridge.
- (3) All that part of the Haddington – Drem Road (C106) from its junction with the West Garleton – Merryhatton Road (B1343) northwards to its junction with the Longniddry – Drem Road (B1377).
- (4) Muirfield Road (C111) extending from its junction with the Prestonpans – North Berwick Road (A198) southwards to the junction with the Fenton – Kingston Road (C110).
- (5) Fenton – Kingston Road (C110) extending from its junction with the Drem – Dirleton Road (B1345) westwards to the junction with the C108.
- (6) All that part of the Mungoswells – Luffness Mains Road (U138) from its junction with the Longniddry – Drem Road (B1377) to the Myreton Motor Museum.
- (7) All that part of the Athelstaneford - Drem Road (U147) from its junction with the Longniddry – Drem Road (B1377) to its junction with the West Garleton – Merryhatton Road (B1343).
- (8) Duncur Road, Gullane for its entire length.
- (9) All that part of Muirfield Park, Gullane to the north of a point parallel to the south boundary wall of No.31 Muirfield Park.

SCHEDULE 5

Roads within Gullane, East Lothian where a One Way (clockwise) direction of traffic flow will be introduced on and between 07:00 hrs Wednesday 17th July and 22:00 hrs Monday 22nd July 2013, and determined at the discretion of the Chief Constable.

- (1) All that part of Broadgate (east) from its junction with Main Street, Gullane (Prestonpans – North Berwick Road (A198)) northwards to its junction with Muirfield Park.
- (2) All that part of Muirfield Park from its junction with Broadgate, Gullane eastwards then southwards to its junction with Main Street, Gullane (Prestonpans – North Berwick Road (A198)).

SCHEDULE 6

Roads within Gullane, East Lothian where short stay (1 hour) parking (no return within 1 hour) will be introduced between 08:00 hours and 20:00 hours daily at the direction of the Chief Constable.

- (1) That part of designated perpendicular off-street parking (20 spaces) on the east verge of Saltcoats Road, Gullane.
- (2) That part of designated perpendicular off-street parking (12 spaces) on the west verge of Brighton Terrace, Gullane.
- (3) That part of Goose Green Road from a point 20 metres north of its junction with Main Street, Gullane (Prestonpans – North Berwick Road (A198)) northwards for a distance of 50 metres on both sides.

SCHEDULE 7

Roads within Gullane, East Lothian where short stay (1 hour) parking (no return within 1 hour) will be introduced between 10:00 hours and 16:00 hours daily at the direction of the Chief Constable.

- (1) That part of the existing designated short stay parking (3 spaces) on the south side of Main Street (Bank Buildings), Gullane.
- (2) That part of existing designated short stay parking (5 spaces) on the south side of Summerside Place, Gullane.
- (3) That part of existing designated short stay parking (20 spaces) on the south side of Rosebery Place, Gullane.
- (4) That part of existing designated short stay parking (10 spaces) on the north side of Main Street (Stanley Road), Gullane.

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Services for Communities)

SUBJECT: Road Traffic regulation Act, 1984 Proposed Experimental Traffic Regulation Order – 20mph Speed Limits – Hallhill Area, Dunbar

6

1 PURPOSE

- 1.1 To seek Cabinet approval to commence the statutory approval necessary to promote an Experimental Traffic Regulation Order to prohibit the driving of motor vehicles in excess of 20mph within the specified area.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the initiation of the statutory procedure necessary to make the Order in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such amendments that are in force.

3 BACKGROUND

- 3.1 East Lothian Council as Local Roads and Traffic Authority is responsible for the setting of speed limits on the local road network. All mandatory speed limits (other than national limits) are made by speed limit order under Section 84 of the Road Traffic Regulation Act 1984
- 3.2 The East Lothian Council Plan 2012-17 identifies the introduction of measures to reduce speeding as a key action to grow our communities. The introduction of 20mph limits should assist with meeting this objective.
- 3.3 East Lothian Council has been working with Sustaining Dunbar (a local development trust set up to promote sustainability) - primarily encouraging walking and cycling but also actively engaging with the local community promoting the ethos of a 20mph limit.

- 3.4 Sustaining Dunbar is a member of '20 is plenty for us' - a campaign for the reduction of lower vehicle speeds nationally.
- 3.5 Subject to successful 'buy-in' by the community the Experimental Order will come into effect on 1st April 2013 for a period of 18 months. Speeds will be recorded before during and after to establish the Order's effectiveness. A follow-up report will be submitted to Cabinet on conclusion of the trial for members' consideration in respect of making the Order permanent.
- 3.6 The Experimental Order will cover all roads south of the East Coast Main Line west of Spott road with the exception of Kellie Road.
- 3.7 Preliminary discussions with Lothian and Borders Police indicates no significant objection to making of this Order.

4 POLICY IMPLICATIONS

- 4.1 These proposals are expected to contribute towards *Providing a Safer Environment* - a key priority for East Lothian Council.
- 4.2 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 9 – East Lothian roads will be safer for all users.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – All costs involved in the consultation, advertising, design, staff time and implementation associated with the making of this Order can be accommodated within the 2012-13 Transportation Road Network revenue budget.
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Speed Limit Review and Proposed Speed Limit Policy 9th November 2010

AUTHOR'S NAME	Brian Cooper
DESIGNATION	Senior Transportation Manager
CONTACT INFO	Tel 01620 827150 or bcooper@eastlothian.gov.uk
DATE	26 October, 2012

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Services for Communities)

SUBJECT: Neilson Park Road and Victoria Road, Haddington –
Proposed Experimental Traffic Regulation Order –
Prohibition of Vehicular Traffic (During School Travel
Periods)

7

1 PURPOSE

- 1.1 To advise Cabinet of the proposal to introduce an Experimental Traffic Regulation Order at two locations near to schools in Haddington. The purpose of the Order will be to prohibit vehicular traffic at the critical school travel times.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the initiation of the consultation process and Traffic Regulation Order statutory procedures in connection with the Experimental Traffic Regulation Order to prohibit vehicular traffic in Neilson Park Road and Victoria Road in Haddington, during specified school traffic time periods.

3 BACKGROUND

- 3.1 Two locations near schools in Haddington

- Victoria Road – Haddington Infant & St Mary's RC Primary School
- Neilson Park Road – Kings Meadow Primary School

are experiencing ongoing significant pedestrian road safety issues caused by drivers bringing their vehicles too close to the school gates. The behaviour of these drivers, who make dangerous turning and reversing manoeuvres and contribute to congestion, cause difficulties for the majority of the pupils and parents who walk or cycle to and from school.

- 3.2 Following representations from the Parent Councils of the three schools it was agreed to introduce an Experimental Traffic Regulation Order prohibiting vehicular traffic on these streets during specified school travel time periods. It is intended that this Order will come into force on Monday 8th April 2013 and would continue to 30th June 2014
- 3.3 The proposed locations are shown on the plans in Appendix A.
- 3.4 Two draft sign variations are shown on the drawings in Appendix B. It should be noted that the use of these signs is currently permitted in The Traffic Signs Regulations and General Directions 2002. Vehicular access for residents and blue badge holders will still be permitted during the restricted periods.
- 3.5 An enquiry into practice and use of a prohibition of this type was carried out with all local authorities in Scotland but no other Councils said they had implemented a prohibition of this nature. An query lodged on the Road Safety GB, Road Safety Knowledge Centre website forum was also unable to establish use of these in the UK, so this may well be the first use of these signs for this purpose.
- 3.6 Support and a commitment to enforce these proposals will be sought from Lothian and Borders Police.

4 POLICY IMPLICATIONS

- 4.1 These proposals can contribute towards The East Lothian Council Plan 2012-17 and Our Objectives - Growing Our Communities
- 4.2 These proposals can contribute towards East Lothian's Single Outcome Agreement Outcome 9 - East Lothian's roads and homes are safer.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - all costs involved in the design, processing, staff time and implementation associated with these proposals can be accommodated within the current Transportation – Road Network revenue budget.
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS


None

AUTHOR'S NAME	Brian Cooper
DESIGNATION	Senior Transportation Manager
CONTACT INFO	Colin Baird
DATE	26 October, 2012




Appendix A

Neilson Park Road, Haddington



PEDESTRIAN ZONE 	except residents and blue badge holders	Mon - Thurs 8.30 - 9.30 am 3.00 - 4.00 pm Fri 8.30 - 9.30 am 11.45 - 12.45 pm during School Term
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Width: 805mm; Height: 1444mm; x-Height: 50mm; Area 1.16 sq m

PEDESTRIAN ZONE 	except permit holders  	Mon - Thurs 8.30 - 9.30 am 3.00 - 4.00 pm Fri 8.30 - 9.30 am 11.45 - 12.45 pm during School Term
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Width: 805mm; Height: 1543mm; x-Height: 50mm; Area 1.24 sq m



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 13 SEPTEMBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

8

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Williamson
Councillor D Grant
Councillor J Caldwell
Councillor J McMillan

Council Officials Present:

Ms C Molloy, Legal Adviser
Ms D Richardson, Licensing Administration Officer
Ms F Currie, Committees Assistant (Items 1-3)

Others Present

Insp S Broadhurst, Lothian & Borders Police
PC H Bowsher, Lothian & Borders Police

Clerk:

Mrs F Stewart

Apologies:

Councillor F McAllister

1. CRIMINAL JUSTICE & LICENSING (SCOTLAND) ACT 2010- CHANGES TO CIVIC LICENSING REGIME

A report had been submitted by the Executive Director (Support Services) to advise the Sub-Committee of changes being introduced to the Civic Government Licensing regime by the Criminal Justice & Licensing (Scotland) Act 2010. A summary of the changes were given in Appendix 1 of the report.

The Legal Adviser stated that Late Hours Catering licences under Section 42 of the Civic Government (Scotland) Act 1982 were discretionary licences in terms of the Act, meaning that a licence would only be required if the Local Authority made a resolution to that effect. In East Lothian, the resolution to grant late hours catering licences was made on 21 November 1991.

She advised that Section 177 of the 2010 Act would amend Section 42 by substituting reference to “meals or refreshments” to “food” as defined in the Food Safety Act 1990. This would mean that not only restaurant/chip shop and similar premises were included but also late night grocers, garages and 24 hour supermarkets would require a licence if selling “food”. This would apply even if the food was pre-packaged and not a prepared “meal” or cooked product prepared on the premises. The proposed change would take effect from 1 October 2012.

Members were asked to grant permission to begin the advertising process and formal adoption of the amended resolution (subject to any objections and/or representations) would be made following the 28 day consultation period and at the next Sub Committee meeting.

Councillor Caldwell enquired how affected businesses would be notified of any change and was advised by the Legal Adviser that most companies would already be aware of the proposed changes. A notice would also appear in local newspapers.

Decision

The Sub-Committee:

- i. considered the terms of the amending legislation relative to Late Hours Catering licences, and approved an amended resolution to reflect the terms thereof, as proposed at paragraph 3.3 of the report; and
- ii. authorised the Corporate Legal Advisor and such officers as she may determine to proceed to advertise the amended resolution referred to at paragraph 2.1 of the report, as required by Section 9 of the 1982 Act.

2. TAXI FARE REVIEW

The Executive Director (Support Services) had submitted a report to advise the Licensing Sub-Committee on the outcome of the newspaper advertisement of the scale of taxi fares and charges proposed by the East Lothian Taxi & Private Hire Association.

At the Licensing Sub Committee meeting on 14 June 2012, Members had agreed to authorise the Council to proceed with the consultation process on a review of taxi fares in East Lothian. At this meeting, the East Lothian Taxi and Private Hire Association had proposed a new scale of fares and other charges, and, in

accordance with statutory process, the proposed tariff was advertised in the local East Lothian newspapers on 27 July 2012. A copy of the information advertised was attached in Appendix 1 to the report, together with the current tariffs operating in other Lothian Authorities, for information. Members of the public had been given until 27 August 2012 to make representations and, to date, no representations had been received.

The Legal Adviser stated that Members now had to decide whether to approve or not approve the proposals put forward by the East Lothian Taxi and Private Hire Association.

The Convener outlined the proposed changes noting that the tariff on certain dates over the festive period would be doubled; the initial hire payment would rise from £2.50 to £5.00 and the cost of each additional 145 yards would rise from 20p to 40p. Standard tariffs would also increase considerably as the number of yards for the initial hire charge would be reduced from 793 yards to 674 yards and further increments would be reduced from 171 yards to 145.35 yards. The cost of cleaning related to alcohol sickness would also rise from £60 to £100. In light of these proposals, he expressed surprise that no member of the public had contacted the Council to express concern. He personally, was not comfortable with the changes proposed.

Councillor Williamson stated that the double fares over the festive period could be considered excessive and suggested that, should the proposals be agreed, it was possible that not all taxi companies would charge the double fares.

Councillor Grant shared the concerns of his colleagues, describing the proposed tariff as a substantial increase. He appreciated that it was a difficult time for taxi drivers but nonetheless, he was uneasy about the proposed changes.

Councillor Caldwell agreed, considering that the percentage increase was unacceptable. He called for a fair increase that would be acceptable to everyone, adding that the Sub-Committee wanted to encourage the public to use taxis.

Councillor MacMillan considered that the percentage increase proposed appeared excessive and he hoped that the consultation period could be extended to allow further investigation to take place.

The Convener put the proposals of the East Lothian Taxi and Private Hire Association to the vote. He advised that, should the proposals not be approved, the Association could elect to come forward with new proposals or to retain the current tariffs. Should new proposals be forthcoming, these would require to be advertised in a new consultation process.

Decision

The Sub-Committee unanimously agreed to reject the proposals presented by the East Lothian Taxi and Private Hire Association (ELTPHA).

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. Applications for Grant of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered seven applications for grant of a licence; four were granted, two continued and one refused.

4. Application for Renewal of Taxi/Private Hire Driver's Licence

The Sub-Committee considered four applications for renewal of a licence; three were granted for 12 months and one was granted for 6 months.

5. Application for Renewal of Taxi Operator's Licence

The Sub-Committee considered one renewal of a licence and agreed to renew it for a period of 6 months.

6. Notification of Offence

The Sub-Committee considered three notifications of offence and agreed to take no further action in each case.

7. Notification of Complaint

One notification of complaint had been received and the Sub-Committee agreed to take no further action.

8. Applications for Grant of a Licence to Act as a Street Trader

Two applications had been received and the Sub-Committee agreed to refuse both applications.



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 11 OCTOBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Williamson
Councillor D Grant
Councillor J McMillan
Councillor F McAllister

Council Officials Present:

Mr I Forrest, Legal Adviser
Ms M Winter, Licensing Administration Officer
Mr P Forsyth, Senior Area Transport Officer
Mr I Dagleish, Transportation Manager
Ms F Currie, Committees Assistant

Others Present

Insp S Broadhurst, Lothian & Borders Police
PC H Bowsher, Lothian & Borders Police
Councillor J Goodfellow (Item 1 only)

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor J Caldwell (Retrospective)

1. AMENDMENT OF RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING REGIME

A report had been submitted by the Executive Director (Support Services) to inform the Sub-Committee of the outcome of the consultation process relative to the proposed amendment to the resolution on Public Entertainment licensing in the light of recent legislation.

The Legal Adviser presented the report. He advised that a report to the Sub Committee on 8 March 2012 had stated that various provisions of the Civic Government (Scotland) Act 1982 as regards licensing were the subject of amendment by virtue of the Criminal Justice & Licensing (Scotland) Act 2010.

With particular reference to Public Entertainment licensing, the then current definition of "Place of public entertainment" given in Section 41 of the 1982 Act was "any place where, **on payment of money or money's worth**, members of the public are admitted or may use any facilities for the purposes of recreation." This helped to ensure that an event which was free to enter did not require a licence under Section 41. Section 176 of the 2010 Act had amended Section 42 by deleting the words in bold above, resulting in free to enter events being caught by the licence regime with effect from 1 April 2012.

At their meeting on 8 March 2012, the Sub-Committee had agreed that the categories of activities which would require to be licensed under Section 42 should be reviewed and consideration given to specific exceptions to protect free local and charitable events from being unduly penalised. Accordingly, the wording of the resolution was amended and the current proposed wording, similar to neighbouring Local Authorities, was advertised in the local press on 31 August 2012 giving a 28 day period for the submission of objections. As a result of this consultation process, one objection had been received. This objection followed receipt of correspondence from North Berwick Community Council to the Chair of the Sub-Committee regarding the wider issue of Public Entertainment and had suggested that a full public consultation process regarding public entertainment licensing would be more appropriate.

The Legal Adviser outlined the options open to the Sub-Committee. However, he advised that Members had to agree to the omission of '*on payment of money or moneysworth*' from the resolution in order to comply with national legislation.

The Chair advised that the objector, Mr Robin MacEwan, was unable to attend the meeting today but had invited Councillor Goodfellow to appear on his behalf. For clarification, Councillor Goodfellow pointed out that the objection had been received from Mr MacEwan in a personal capacity and not from North Berwick Community Council. He also made it clear that Mr MacEwan was not suggesting that there should not be a change to the resolution, but was rather taking issue with the procedures adopted by the Sub-Committee relating to the proposed amendment.

The Chair noted that Mr MacEwan was suggesting that the Council had '*misled the public*' in his email dated 28 September 2012 and vigorously denied that this was the case. He advised that he had been present at the Sub-Committee on 8 March 2012 and on this occasion Members had agreed to authorise the Council's Legal Department to draft a new resolution. Subsequently, the Local Government Elections in May 2012 had delayed until August the advertising of the amended resolution. Following today's meeting, the Sub-Committee would write to Mr MacEwan to respond to his concerns and update him on the outcome of today's meeting.

The Chair invited Members to consider a number of changes to the proposed wording of the resolution and invited any further recommendations.

In conclusion, the Chair thanked Mr MacEwan for bringing his concerns forward and asked Councillor Goodfellow to take the good wishes of the Sub-Committee to Mrs Pat Burton who recently retired as Chair of the North Berwick Community Council after giving many years service.

Decision

The Sub-Committee approved the proposed wording of the amended resolution subject to the following changes and authorised the Corporate Legal Adviser and such staff as she may designate to advertise the proposed amended wording in the local press.

- a) Section (C) 1, “small scale” to be amended to “all”;
- b) Section (C) 5, to include all community festivals and fetes; and
- c) Section (C), ‘small scale’ to mean less than 150 persons.

2. TRADE REQUEST FOR ADDITIONAL TAXI RANKS IN HADDINGTON, DUNBAR AND TRANENT

The Executive Director (Support Services) had submitted a report to advise the Licensing Sub-Committee of the request received from East Lothian Taxi & Private Hire Association for the creation of additional taxi ranks in Haddington, Dunbar and Tranent. Location plans for the proposed new taxi ranks were attached to the report.

The Legal Adviser informed Members that the East Lothian Taxi & Private Hire Association (ELTHA) had approached the Council with a request that additional stances for taxis be created in Haddington (3 cars), Dunbar (6 cars) and Tranent (3 cars). The report today was seeking the authority for the Licensing Office to commence the consultation process in respect of the new taxi ranks and to proceed with advertising the proposals.

There was no representative from the ELTHA present at the meeting, however, spokespersons from the Police and the Council’s Transportation Department were present to provide further information to Members.

The Transportation Officer advised that the Community Business Association had newly launched their Vision for Haddington which sets out plans for revitalizing the town centre. He considered, therefore, that it was premature to create new taxi ranks on the High Street and revoke the present taxi stances at this time. He proposed instead that new arrangements for taxi ranks could be considered as part of the Vision for Haddington.

Local Member, Councillor McMillan, agreed and favoured engagement with the whole community as part of a wider consultation process. The Police Inspector advised that the Police would also be involved in the long term Vision for Haddington. He approved of a central location for the taxi ranks but agreed that such a proposal should be included in the town’s long term plans.

The Transportation Officer proposed that the additional taxi stances requested for Dunbar should also be considered as part of a balanced long term plan and opened to wider consultation. He had, however, no objection to the request for additional taxi ranks in Tranent.

The Police Inspector outlined his concerns regarding the additional taxi spaces in Tranent, advising that they could lead to obstruction on the narrow High Street and the loss of a busy loading bay. The Inspector therefore suggested that an alternative site for the taxi ranks could be considered. Local Member, Councillor Grant, advised that he had received no representations on the proposal and had no objection to it going out to consultation.

Members discussed the merits of the proposed additional taxi ranks in Haddington, Dunbar and Tranent.

Decision

The Sub-Committee agreed:

- i. to consider the Trade request outlined in the report and to proceed further with the consultation process for additional taxi ranks in Tranent and not to proceed presently with the request for additional taxi ranks in Haddington and Dunbar.
- ii. to authorise the Corporate Legal Adviser and such staff as she may designate to proceed with the necessary public advertising process relative to the creation of new taxi ranks in Tranent; and
- iii. to receive a further report from the Corporate Legal Adviser advising of the outcome of this process and of any objections received, with a view to formally establishing said taxi ranks in Tranent thereafter.

3. PROPOSED AMENDMENTS TO CONDITIONS OF LICENCE – TAXI AND PRIVATE HIRE

The Executive Director (Support Services) had submitted a report to advise the Licensing Sub-Committee of the proposed changes to the conditions of Taxi and Private Hire car licences relative to the age of vehicles and signage.

The Legal Adviser presented 3 proposals to Members. The first proposal related to the terms of the taxi/private hire car licence issued by East Lothian Council and concerned the acceptable age of vehicles for which a licence may be granted. He proposed that, in the interests of clarity, the words '*prima facie*' contained within Condition 9 should be removed. This Condition would then state clearly that a vehicle would be unsuitable for renewal if more than six years old (or 12 years for purpose built taxi cabs). The Legal Adviser suggested that Members might also wish to consider removing the last paragraph of Condition 9.

The second proposal concerned withdrawing the illuminated screen light and disc which showed taxi vehicles to be properly licenced. Such screen lights, which cost in the region of £40 to install, would be replaced by a sign costing £3 which would be affixed to each side of the vehicle. The third proposal recommended that a new system was adopted when a taxi or hire car is taken out of service whereby the

licence plate was covered by an adhesive 'suspended' notice. The present 'red sticker' system was considered to be unsatisfactory. The Legal Adviser expected that any changes agreed would come into effect at the beginning of 2013.

Members discussed the proposals in detail, consulting the police, the Legal Adviser and the Transportation Manager.

Decision

The Sub-Committee agreed:

- (i) to the proposed changes to the conditions of Taxi and Private Hire Car licences as detailed in the report;
- (ii) to authorise the Corporate Legal Adviser and such officers as she may designate to consult with the taxi trade on the proposed changes; and
- (iii) to accept a further report in November, following said consultation and, after considering any objections and comments received, approve the amended wording to a date to be decided by the Sub-Committee.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

4. Applications for Grant of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered four applications for grant of a licence and all four were refused.

5. Application for Renewal of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered three applications for renewal of a licence; one was agreed and two were refused.

6. Civic Government (Scotland) Act 1982 - Notification of Offence

The Sub-Committee considered one notification of offence and agreed to take no further action.

7. Suspension of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered one suspension of licence. The licence holder indicated that he no longer wished to have a taxi licence and the Sub-Committee agreed that there would be no further proceedings.

