

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Support Services)

SUBJECT: Summary of Contracts Awarded by East Lothian Council,
28 February - 26 March 2013

1

1 PURPOSE

- 1.1 To advise Members of all contracts awarded by the Council from 28 February – 26 March 2013 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 28 February – 26 March 2013, 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

AUTHOR'S NAME	Jill Totney
DESIGNATION	Democratic Services Manager
CONTACT INFO	jtotney@eastlothian.gov.uk x7225
DATE	26 March 2013



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE
FOR THE PERIOD 28 FEBRUARY – 26 MARCH 2013**

Originator	Report Title/Project Summary	Contract Awarded To	Contract Value	Members' Library Bulletin & Reference
Executive Director (Services for Communities)	Proposed Extension to Dirleton Primary School	Messrs Hadden Construction Ltd, Auchterarder	£839,286.29	March 2013 (Ref: 60/13)

26 March 2013

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Support Services)

SUBJECT: Policy & Partnerships - Partnership Funding
Recommendations 2013/14

2

1 PURPOSE

- 1.1 To report on the applications received from various organisations seeking financial assistance for 2013/2014 and to obtain Cabinet approval for the recommendations, as set out in Appendix 1 attached.

2 RECOMMENDATIONS

- 2.1 The voluntary effort in East Lothian has a huge impact upon the wellbeing of individuals and communities. The recommendations contained in this report will enable organisations to continue with the excellent work and services that they currently provide. Cabinet is, therefore, asked to:-
- (i) Approve the recommendations for individual awards, as set out in Appendix 1, which total £969,685;
 - (ii) Remit officers to continue to review all grants awarded during financial year 2013/2014;
 - (iii) Note that it is a condition of all grant awards that organisations provide reports on progress, expenditure and outcomes achieved; and
 - (iv) Note that a Short Life Working Group is examining grant and financial assistance provided across all Council services, with a view to developing a more structured approach to grant and partnership funding administration to ensure that the Council secures Best Value and embraces best practice following the principles contained in the *Code of Guidance on Funding External Bodies and Following the Public Pound*.

3 BACKGROUND

- 3.1 The Policy & Partnerships Service annually receives a significant number of applications from organisations seeking financial assistance to support either project costs or ongoing revenue costs associated with their activities.
- 3.2 Demand for financial assistance year on year far exceeds budgetary provision. The recommendations contained in this report and attached as Appendix 1 are determined following careful assessment of the known activities of each organisation and, in particular, attention is focussed upon the quality of service and the contribution that the organisation or initiative provides to the vibrancy and wellbeing to the communities and citizens of East Lothian. In addition, attention is paid to applications that contribute to the Single Outcome Agreement and the Council Plan.
- 3.3 A Short Life Working Group has been established in the Council, led by the Head of Policy & Partnerships and comprising representatives from all Council functions that have an interest in grant administration. The purpose and scope of the Group is to review partnership funding arrangements across the Council, with a view to rationalising arrangements to ensure that the Council follows best practice, as contained within the Guidance produced by the Accounts Commission and COSLA.
- 3.4 The primary focus of the Short Life Working Group is to:-
- Establish a single portal for all applicants approaching the Council for grant assistance/financial assistance.
 - Create a set of documentation to be consistently applied across all grant and external funding arrangements.
 - Seek to ensure that, in considering recommendations for financial awards, primary consideration is given to activities that focus upon prevention activity, e.g. early intervention initiatives; alignment with the Single Outcome Agreement; alignment with the Council Plan priorities; targeting community infrastructure weaknesses that emerge from Local Area Partnerships intelligence; mobilising as effectively as possible constrained and limited resources; and ensuring that funding activity aligns very clearly with the Council's drive towards Local Area Management arrangements.
- 3.5 The outcome of the Working Group's deliberations will be reported to the Council's Cabinet in due course for consideration.

4 POLICY IMPLICATIONS

- 4.1 The range of activities supported by the voluntary sector and other organisations throughout East Lothian make a significant contribution to the vibrancy and health of the East Lothian community; in particular, the Single Outcome Agreement, Council Plan and Business Group and Business Unit Plans within Policy & Partnerships functions.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 The report, at this stage, has not been Equality Impact Assessed. However, future arrangements for partnership funding activity will be the subject of Equality Impact Assessment across all Council grant and financial assistance awards.

6 RESOURCE IMPLICATIONS

- 6.1 **Financial** - The 2013/2014 Partnership Funding budget available for grant awards has been calculated having taken account of mandatory and discretionary rate relief provided to charitable organisations. The recommendations for financial awards, as set out in [Appendix 1](#), can be contained within the 2013/2014 Policy & Partnerships budget. It should, however, be noted that the Partnership Funding budget is required to secure Efficiency Workforce Management savings target as approved in the Council budget, which may require a contribution from this balance to secure efficiency savings.
- 6.2 **Personnel** - There are no personnel implications arising from this report at this stage.
- 6.3 **Other** – None.

7 BACKGROUND PAPERS

- 7.1 Pro forma applications submitted by bodies seeking funding.
- 7.2 Special Council Budget Meeting Report & Minute of 12 February 2013.

AUTHOR'S NAME	Tom Shearer
DESIGNATION	Head of Policy & Partnerships
CONTACT INFO	Tel: 01620 827560 E-Mail: tshearer@eastlothian.gov.uk
DATE	22 March 2013

APPLICATIONS FOR PARTNERSHIP FUNDING 2013/2014

Appendix 1

ORGANISATION	CAT	12/13 AWARD	13/14 REQUEST	13/14 RECOMM.	COMMENT
Bronx Boxing Gym	1	Nil	£500	£500	Costs associated with sending 15 Juniors to USA to visit and train with local Boxing Clubs.
Cockenzie & Port Seton Bowling & Recreation Club	1	Nil	£18,500	£10,000	Costs associated with replacement of locker room roof and refurbishment of toilets.
Deantown Bowling Club & Community Association	1	Nil	£500	£350	Contribution towards replacement storage shed.
Dunbar Community Tennis Centre	1	Nil	£4,000	Nil	Contribution towards fencing repair costs. To be addressed through other ongoing funding activity.
Dunbar United Football Club	1	Nil	£5,000	£3,000	Operational costs.
East Lothian Cage Bird Society	1	£300	£300	£300	Costs associated with Annual Show.
East Lothian Indoor Bowling Club	1	£6,000	£6,000	£6,000	Operational costs.
East Lothian Junior Golf League	1	£1,000	£1,750	£1,000	Costs associated with the County Championships 2013, travel costs and coaching costs.
East Lothian Swim Team	1	Nil	£2,250	£2,250	Operational costs.
East Lothian Yacht Club	1	Nil	£3,000	£2,000	Operational costs.
Fidra Lions Hockey Club	1	£920	£1,554	£1,000	Operational costs.
Fisherrow Yacht Club	1	Nil	£1,760	£1,000	Operational costs.
Gullane Tennis Club	1	Nil	£918	£500	Improvement of practice wall area.
Lothian Colts Football Club	1	Nil	£250	£200	Contribution towards purchase of equipment.
Musselburgh Old Course Golf Club	1	Nil	£800	£500	Costs associated with Junior coaching team competitions.
Musselburgh Rugby Football Club	1	£10,000	£10,000	£10,000	Operational costs.
North Berwick Rugby Football Club	1	Nil	£105,000	£10,000	Contribution towards costs associated with completion of internal clubhouse development Phase 2. External funding has been secured by the Club; therefore, financial assistance of up to £10,000 being sought from ELC.
North Berwick Tennis Club	1	Nil	£5,000	£3,000	Contribution towards upgrade of pavilion.
Preston Athletic Football Club	1	Nil	£6,000	£6,000	Contribution towards maintenance and rent of Temporary Unit at Pennypit.
Scottish Sidecar Racing Club	1	Nil	£6,000	£5,000	Contribution towards 30th Anniversary memorial event.
Stenton Bowling Club	1	Nil	£612	£600	Costs associated with clubhouse refurbishment.
Winterfield Golf & Sports Club	1	£6,500	£8,000	£17,500	Operational costs (includes payment of £11,150 previously made by Healthy Living Service which has now transferred to the Partnership Funding budget.

ORGANISATION	CAT	12/13 AWARD	13/14 REQUEST	13/14 RECOMM.	COMMENT
<u>Additional Activities/Projects Supported by Partnership Funding Budget</u>					
Nil.					
East Lothian Swim Team	1	£10,000	£10,000	£10,000	Three-year SLA contribution for Swimming Development Officer.
New Year Sprint	1	£3,000	£3,000	£3,000	Guarantee Against Loss.
Sports Award Scheme	1	£10,000	N/A	£10,000	Individual awards.
CATEGORY 1 TOTAL				£103,700	
Aberlady Conservation & History Society	2	Nil	£25,000	£10,000	Contribution towards Aberlady Streetscape & Heritage Access Project.
Belhaven Best Dunbar Traditional Music Festival	2	£700	£2,000	£1,000	Operational costs.
Coastal Communities Museum Shadow	2	Nil	£500	£500	Operational costs.
Dalkeith & Monktonhall Colliery Brass Band	2	£1,000	£3,580	£1,000	Operational costs.
Dunbar Art Club	2	Nil	£250	£250	Operational costs.
Dunbar Lyric Group	2	£2,500	£3,000	£2,500	Operational costs.
The Garleton Singers	2	£1,500	£1,500	£1,500	Operational costs.
Haddington Music Initiative	2	£1,700	£2,000	£1,700	Operational costs.
Lamp of Lothian Trust	2	£20,000	£30,500	£20,000	Operational costs.
Lamp of Lothian Trust	2	£8,500	£15,000	Nil	Costs associated with the Lammermuir Festival 2013. Funded from Economic Development Festivals Budget.
Music in Hospitals	2	£1,700	£3,000	£1,700	Provision of concerts in East Lothian Care Homes/Day Centres.
Musselburgh Amateur Musical Association	2	£3,000	£4,300	£3,000	Operational costs.
North Berwick Highland Games	2	£2,500	£5,000	£3,000	Operational costs.
North Light Arts	2	Nil	£3,500	£2,000	Operational costs.
Ormiston Horticultural Society	2	£200	£200	£200	Contribution towards costs associated with annual flower show and plant sale.
Peter Potter Gallery	2	£10,000	£30,000	£15,000	Operational costs.

APPLICATIONS FOR PARTNERSHIP FUNDING 2013/2014

Appendix 1

ORGANISATION	CAT	12/13 AWARD	13/14 REQUEST	13/14 RECOMM.	COMMENT
<u>Additional Activities/Projects Supported by Partnership Funding Budget</u>					
Arts, Drama, Music Awards	2	£1,700	N/A	£1,700	Individual awards.
Dunbar Pipe Band	2	£6,500	Not Specified	£6,500	Operational costs.
Fringe by the Sea	2	£2,550	Not Specified	£2,550	Operational costs.
John Muir Birthplace Trust	2	£8,500	Not Specified	£8,500	Operational costs.
3 Harbours Arts Festival	2	£4,250	Not Specified	£4,250	Operational costs.
CATEGORY 2 TOTAL				£86,850	
Anti Bullying East Lothian (ABEL)	3	£79,000	£79,000	£79,000	SLA - Operational costs.
Borders Scrap Store	3	£7,140	£8,000	£7,140	Operational costs.
The Bridge Centre	3	£15,000	£15,000	£15,000	Operational costs.
Carefree Kids	3	£5,000	£5,000	£5,000	Operational costs.
Gullane Community Association Village Hall	3	Nil	£2,500	£2,000	Contribution towards upgrade/refurbishment of Disabled Toilets.
Lammermuir Community Transport	3	Nil	£5,000	£3,000	Operational costs.
Sandcastle Playgroup	3	Nil	£500	£300	Playgroup resources and equipment.
St Martin's RC Primary School	3	Nil	£850	£500	Establishment of P5 Youth Club to assist pupils in the community, at a younger age, to develop relationships before moving on to secondary school; aid the transition for small primary schools; and develop skills for life.
Stoneyhill Community Centre	3	£25,000	£30,000	£25,000	Operational costs.
Stoneyhill Playgroup	3	£2,000	£2,000	£2,000	Operational costs.
Whittingehame/Biel Water Hogweed Initiative	3	Nil	£500	£500	Eradication of giant hogweed and two other invasive species in Whittingehame/Biel Water.
<u>Additional Activities/Projects Supported by Partnership Funding Budget</u>					
Dunbar Harbour Trust	3	£17,300	N/A	£17,300	SLA - Operational costs.
Dunbar Community Development Company (Hallhill)	3	£52,560	N/A	£52,560	SLA - Operational costs.
East Lothian Playschemes	3	£4,600	Not Specified	£4,600	Operational costs.

APPLICATIONS FOR PARTNERSHIP FUNDING 2013/2014

Appendix 1

ORGANISATION	CAT	12/13 AWARD	13/14 REQUEST	13/14 RECOMM.	COMMENT
East Lothian Roots & Fruits	3	£5,100	Not Specified	£5,100	Operational costs.
East Lothian Young Carers	3	£45,000	Not Specified	£45,000	Operational costs.
First Step	3	£184,700	N/A	£184,700	SLA - Operational costs.
Fisherrow Trust	3	£30,000	N/A	£30,000	SLA - Operational costs.
Haddington Garden Trust	3	£10,200	Not Specified	£10,200	Operational costs.
Pennypit Trust	3	£74,400	N/A	£74,400	SLA - Operational costs.
CATEGORY 3 TOTAL				£563,300	
Archaeology Scotland	4	Nil	£1,500	£1,000	Operational costs.
University of the Third Age - East Lothian	4	£1,000	£1,000	£1,000	Accommodation hire costs.
CATEGORY 4 TOTAL				£2,000	
The Bridge Centre Motorcycle Project	5	£22,000	£25,000	£22,000	Contribution towards annual salary cost of the project's full-time Senior Project Worker.
Friday Friends	5	£4,500	£5,000	£4,500	Contribution towards part-time Project Administrator salary.
Friday Friends - Jericho Café	5	£5,000	£5,000	£5,000	Operational costs.
Lothian Association of Youth Clubs	5	£850	£1,000	£1,000	Operational costs.
North Berwick Youth Project/Dry Bar Association	5	£30,000	£40,000	£30,000	Operational costs.
Scottish Seabird Centre	5	£12,750	£20,000	£12,750	Contribution towards core support for Education Project.
Volunteer Centre East Lothian	5	£3,500	£3,500	£3,500	Costs associated with Inspiring Volunteering Awards 2013.
<u>Additional Activities/Projects Supported by Partnership Funding Budget</u>					
John Muir Award	5	£8,500	Not Specified	£8,500	VDEL - Grow Your Own project.
Volunteer Development East Lothian	5	£6,125	Not Specified	£6,125	Operational costs and premises rent.
Uprising East Lothian	5	£14,000	£10,000	£10,000	Operational costs.

ORGANISATION	CAT	12/13 AWARD	13/14 REQUEST	13/14 RECOMM.	COMMENT
CATEGORY 5 TOTAL				£103,375	
Pennypit Special Needs Youth Club	6	£32,160	£36,650	£32,160	Operational costs.
<u>Additional Activities/Projects Supported by Partnership Funding Budget</u>					
Muirfield Riding Therapy	6	£3,000	Not Specified	£3,000	Operational costs.
Star Youth Club	6	£2,500	Not Specified	£2,500	Operational costs.
Stepping Out	6	£6,800	Not Specified	£6,800	Operational costs.
CATEGORY 6 TOTAL				£44,460	
Voluntary Action East Lothian (VAEL)	7	£66,000	£66,000	£66,000	Year 2 of 3 Year funding agreement as approved by ELC.
<u>Additional Activities/Projects Supported by</u>					
Nil.					
CATEGORY 7 TOTAL				£66,000	
			GRAND TOTAL	£969,685	
1 Sport & Recreation					
2 Arts/Culture					
3 Community Associations/Village Halls					
4 National Organisations					
5 Youth Organisations					
6 Special Needs					
7 Community Improvement Initiatives					

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Services for People)

SUBJECT: Corporate Parenting: New Commitments and Policy

3

1 PURPOSE

- 1.1 To inform the Cabinet of the key priorities identified at the Corporate Parenting Conference held on 28 November 2012, so that the Council and all associated agencies are working together to achieve the best outcomes for Looked After Children (LAC).

2 RECOMMENDATIONS

- 2.1 The Cabinet is asked to approve and adopt each of the commitments laid out in section 4 below and the refreshed action plan for the Corporate Parenting Policy. Appendix 1
- 2.2 The Cabinet is asked to delegate to the Corporate Parenting Planning Group (see Appendix 2) the overview of the implementation of the commitments and to ask it to report to it at regular intervals about progress.
- 2.3 The Cabinet is asked to support Who Cares? Scotland's '*Give me a chance: phase II*' campaign to tackle the stigma and discrimination faced by children and young people in care and care leavers.

3 BACKGROUND

- 3.1 The role of councils as corporate parents was central to the conclusions and recommendations of Extraordinary Lives (2005) which was based on listening to the views of young people who had been looked after, along with those of staff, and foster carers and kinship carers. These themes were developed in Looked after children and young people: we can and must do better (2007), and in the guidance for councils and community planning partnerships, These Are our Bairns (2008), on improving opportunities for looked after children.

Nationally the Scottish Government and Association of Directors of Social Work are currently supporting Who Cares? Scotland's '*Give me a chance: phase II*' campaign which will directly tackle the stigma and discrimination faced by children and young people in care and care leavers.

- 3.2 At a conference in May 2008, entitled “*Looking after our looked-after children*”, East Lothian Council and its partner agencies made a series of commitments to looked after children and young people which are the basis for the current Corporate Parenting Policy approved by cabinet in June 2010 (placed in the Members’ Library). The aim of this policy is to ensure a common vision and a set of standards and responsibilities to continually improve the life chances of looked after children and care leavers. The policy is council wide and also includes key responsibilities for partner agencies.
- 3.3 In November 2012 the Council organised a second Corporate Parenting conference. At this conference East Lothian Council and its partner agencies further developed the policy and made a series of fresh commitments to help improve the outcomes of the 203 children and young people currently looked after in East Lothian, with a particular focus on those looked after at home and in kinship care, for whom some of our current models of provision are less appropriate.
- 3.4 These commitments were considered and supported by the Corporate Management Team in January 2013 and worked up in a series of action plans which will be taken forward by the Corporate Parenting Group subject to Cabinet approval of the new commitments.
- 3.5 Intent on working as “One Council” to support children and families, deliver our corporate parenting responsibilities, and improve the long-term outcomes for all children, we will do this by:
- Delivering family interventions that work to strengthen families so that children can safely stay with them
 - Reducing the rate per thousand (0-18 population) of looked-after children and young people in East Lothian [ELC current rate 9.4; Scottish average (2011) 14.7]
 - Reducing the number of looked-after and accommodated children and young people [ELC current rate 73.1%, up from 70.3% in 2012]
 - Keeping more looked-after children and young people locally placed, either with their families or in other placements
 - Reducing placement moves and helping looked-after children and young people to build secure attachments [ELC current rate 22.5%, up from 19.1 % in 2012]
 - Improving the educational attainment of looked-after children and young people.

4 POLICY IMPLICATIONS

NEW CORPORATE PARENTING COMMITMENTS 2013 ONWARDS

Arising from the November 2012 conference, a number of new Corporate Parenting commitments are proposed (see Appendix 1):

- 4.1 **Business Planning:** Recognising that all parts of the Council have a contribution to make to improve the outcomes for Looked After Children, the Chief Executive has suggested that all Departments have, as part of their annual Business Plan, commitments as to how they are meeting the

needs of Looked After Children. This means that all Council services accept a responsibility for looked after children, make their needs a priority and seek the same outcomes for them as any good parent would. This is now in place.

- 4.2 **Access to Leisure Activities:** Ensuring that there are no barriers to Looked After Children accessing mainstream leisure activities - can we offer more concessions to them, their parents, their foster parents? How can we include them in our youth clubs, playgroups, library services, summer activities? Looked After and Accommodated Children and their carers have been eligible for leisure passes for some time, and the Leisure Pass Plus Review Report approved at Cabinet on 12 March expands access for children looked after at home or in kinship care and also their kinship carers. But, how can we target these vulnerable, frequently excluded children and young people, and encourage and support them to become more involved? It may involve rethinking the design of leisure services, involving volunteers, reaching out to hard to reach families etc.
- 4.3 **Internship/Employability Skills:** We will aim to offer every looked after young person aged 15+ an internship with the council or its partners for a minimum of 6 months after they leave school. This will support them into appropriate employment, training or further education opportunities. It will be a corporate responsibility and will be led by the Education Service's Skills Centre within the Council's Employability Centre 'East Lothian Works' under the oversight of the Corporate Parenting Planning Group for LAC. We are also exploring ways to allow looked after young people access to East Lothian Council vehicles so they can learn to drive and enhance their employment opportunities.
- 4.4 **Developing Community Capacity:** There are opportunities in East Lothian for private sponsorship and support from local businesses for children who are looked after or on the cusp of being looked after, and their carers. We are tapping into this to some extent through initiatives such as Community Benefits, but there are opportunities within the Economic Development Strategy to focus on looked after young people and for Community Learning and Development to make linkages between businesses willing to offer support to families who need services, but also meaningful occupation. Such developments would need support from across the Council and its partner agencies, but also from the development of a network of volunteers through the implementation of a Volunteering Strategy.
- 4.5 **Educational Attainment:** We will continue to develop learning and support opportunities responsive to the needs of each LAC, to enable each young person to maximise the opportunities, potential and outcomes open to them throughout their education journey with East Lothian Council, to improve their future life chances beyond their school education.
- 4.6 **Care Leavers and Housing:** A protocol operates between Children's Wellbeing and Housing to ensure that the housing needs of ex looked after children are met. However there is a shortage of appropriate

properties, in particular for those young people with more complex needs.

- 4.7 **Looked after at home and Kinship Care:** We need to develop “new” and appropriate models for different kinds of care and levels of need. For instance, we need to work out how best to provide aftercare services for young people who have been in kin care or living at home, recognising the roles of their families. We may do this best in conjunction with the 3rd sector. Similarly, Health services are working on appropriate models for supporting the health care of children who are looked after at home or with relatives.
- 4.8 **Involvement of Young People:** The council should continue to consult with children and young people about how they would like to link with Council Management Team and Elected Members and how the Council might celebrate their achievements. We also need to consider how we can involve LAC in the recruitment and selection of a wider range of Council and partner agency staff whose remits focus on working with LAC.
- 4.9 **Development of Fostering Services:** To keep more looked-after children and young people locally placed in family placements, reduce placement moves and help looked-after children and young people to build secure attachments, we need to support families and kinship carers, but also to increase the capacity of our fostering service, maintaining and improving the buoyant fostering provision in East Lothian with minimal use of external agencies. Where children cannot remain with their own families, home grown fostering is the most effective and economical form of placement. We need to make Foster Caring more viable for people, in particular encouraging ELC employees to become foster carers.

Since the Conference funding has been identified in the 2013/14 Children’s Wellbeing budget for the development of fostering and kinship care, and corporate support has been offered to foster carers with:

- Credit Union - preferential rates as council staff
- Health Care cash plan at same rates as council staff
- mobile phone cash-back scheme
- appropriate e-learning.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment is not required at this time. However should this situation change an Equalities Impact Assessment will be carried out in the future if appropriate.

6 RESOURCE IMPLICATIONS

- 6.1 There are no immediate resource implications for this, however, there is an imperative to make better use of our existing council-wide resources

and services to meet the needs of our most vulnerable children and young people.

7 BACKGROUND PAPERS

7.1 “Give me a chance: phase II”: <http://www.whocarescotland.org/pledge/>

Appendix 1: Updated Corporate Parenting Action Plan

Appendix 2: Integrated Children’s Services Planning Group for LAC - Members

AUTHOR’S NAME	Marion Wood: Service Manager Children’s Wellbeing Gill McMillan: Service Manager Children’s Wellbeing Sharon Saunders: Head of Children’s Wellbeing
CONTACT INFO	mwood@eastlothian.gov.uk / 01620 828116 gmcmillan@eastlothian.gov.uk / 01620 829910 ssaunders@eastlothian.gov.uk / 01620 827632
DATE	25 February 2013

Appendix : 1

**Corporate Parenting Action Plan: East Lothian, April 2010-14
(updated February 2013)**

Policy Objectives:

- Delivering family interventions that work to strengthen families so that children can safely stay with them
- Reducing further the rate per thousand of looked-after children and young people in East Lothian
- Reducing the number of looked-after and accommodated children and young people
- Keeping more looked-after children and young people locally placed, either with their families or in other placements
- Reducing placement moves and helping looked-after children and young people to build secure attachments
- Improving the educational attainment of looked-after children and young people.

Desired Outcomes/ Action Points	How	Lead Agencies/ Officers	Timescale/ progress
1. All relevant council services are clear about their responsibilities towards LAC and support them in consistent and comprehensive way	All ELC Services have, as part of their annual Business Plan, commitments as to how they are meeting the needs of Looked After Children.	<ul style="list-style-type: none"> • Paulo Vestri Corporate Policy and Improvement 	Guidance issued January 2013
	This will also be taken forward by our Community Planning Partners through the GIRFECYP Group.	<ul style="list-style-type: none"> • Don Ledingham, Chair of GIRFECYP Group 	Agenda Item: GIRFECYP meeting of 25 April 2013

Desired Outcomes/ Action Points	How	Lead Agencies/ Officers	Timescale/ progress
2. Ensure that there are no barriers to Looked After Children accessing mainstream leisure activities	Target looked after children and young people, and encourage and support them to become more involved in community activities.	<ul style="list-style-type: none"> • Tom Shearer, Policy and Partnerships • Bill Axon, Enjoy Leisure, • Eamon John, Healthy Living, Active Schools, 	Leisure Pass Plus Review Report approved at Cabinet on 12 March. A new scheme named "Access to Leisure" expands access for children looked after at home or in kinship care and also their kinship carers.
	Community Learning and Development Service will signpost and support all LAC referred and advise on other appropriate services.	<ul style="list-style-type: none"> • Heather Fleming, CLD 	Agreement now in place with CLD to further engage Looked After Children
3. Internships - increase the number of work experience placements through the development of an internship programme within ELC/partner agencies	We will aim to offer every looked after young person aged 15+ an internship with the council or its partners for a minimum of 6 months after they leave school. This will support them into appropriate employment, training or further education opportunities. It will be a corporate responsibility and will be led by the Education Service's Skills Centre within the Council's Employability Centre 'East Lothian Works' under the oversight of the Corporate Parenting Planning Group for LAC.	<ul style="list-style-type: none"> • Alison Hood, Education Service's Skills Centre • Greg McKenzie, Children's Wellbeing • Susan Smith, Economic Development Manager 	To be in place by Sep 2013 Discussions underway with partner agencies.

Desired Outcomes/ Action Points	How	Lead Agencies/ Officers	Timescale/ progress
	We are also exploring ways to allow looked after young people access to East Lothian Council vehicles so they can learn to drive and enhance their employment opportunities.	<ul style="list-style-type: none"> • Ray Montgomery Head of Infrastructure • Jim Lamond Head of Council Resources 	To be in place by June 2013
4. Explore opportunities in East Lothian for private sponsorship and support from local businesses for children who are looked after or on the cusp of being looked after, and their carers.	<p>Further develop Community Benefits and opportunities within the Economic Development Strategy.</p> <p>Make linkages between businesses willing to offer support to families who need services and meaningful occupation.</p>	<ul style="list-style-type: none"> • Julie Caughey, Procurement Manager, Finance, • Susan Smith, Economic Development Manager, • Employability Centre 'East Lothian works' Manager, • Colin Forbes, Community Learning and Development 	<p>Policy in operation.</p> <p>Discussion started. Actions to be agreed by June 2013.</p>
	Develop Council Volunteering Strategy and network of volunteers/mentors.	<ul style="list-style-type: none"> • Murray Leys, • Elliot Stark, VDEL 	Proposals to be developed by August 2013

<p>5. Looked After Children achieve their full potential. Continue to develop learning and support opportunities responsive to the needs of each LAC, to enable each young person to maximise the opportunities, potential and outcomes open to them throughout their education journey with East Lothian Council, to improve their future life chances beyond their school education.</p>	<p>Each school improvement plan to contain specific proposals for improving the attainment of looked after children.</p>	<ul style="list-style-type: none"> • Darrin Nightingale, Head of Education 	<p>Proposals to be in place June 2013, implemented, September 2013</p>
	<p>Achieve greater involvement in education for parents and carers of LAC</p>	<ul style="list-style-type: none"> • All Head Teachers, • Sheila Ainslie, Education Quality Improvement Manager 	<p>Academic Sessions 2013/13 and ongoing</p>
	<p>Contribute to a flexible curriculum for LAC</p>	<ul style="list-style-type: none"> • School staff, • Education Skills Centre Manager Alison Hood, • 16+ Hubs School Staff 	<p>As above.</p>
	<p>Develop prevention, early intervention and support in early years</p>	<ul style="list-style-type: none"> • Don Ledingham, Early Years Collaborative 	<p>Joint East and Midlothian Councils Collaborative team: National learning sessions January, May and October 2013</p>
	<p>Develop Council Volunteering Strategy and network of volunteers/mentors</p>	<ul style="list-style-type: none"> • Murray Leys, • Elliot Stark, VDEL 	<p>Proposals to be developed for CMT by August 2013</p>
	<p>Use Corporate IT contracts to obtain PCs for LAC</p>	<ul style="list-style-type: none"> • Alan Cruickshank IT Services Manager, • Karen Haspolat, Education Quality Improvement Officer 	<p>Proposals to be finalised for CMT consideration by June 2013</p>
<p>6. Ensure that the housing needs of ex looked after children are met, in particular for those young people with more complex needs.</p>	<p>Develop more specialised housing provision. Support for Young People who go away and need somewhere to return to (incl those in crisis).</p>	<ul style="list-style-type: none"> • Richard Jennings, Housing & Environment • Sharon Saunders Children's Wellbeing 	<p>Meeting between Housing and Children's Wellbeing 17 April 2013 to consider achievement of 2 dedicated units to be available by September 2013: item for</p>

Increase amount of accommodation available to meet needs of LAC	Explore joint arrangements with 3 rd sector.		Corporate Asset Management Group meeting
7. Provide appropriate services for all LAC, including LAC/Kincare Aftercare clients.	Develop “new” appropriate models for different levels of need. Create new support Hub for vulnerable young people, including LAC/Kincare Aftercare clients.	<ul style="list-style-type: none"> • Sharon Saunders Children’s Wellbeing • 3rd Sector 	CW and 3 rd Sector exploring options with Life Changes Trust re possible funding streams for Aftercare and Kincare.
	Implement Health and Mental Health assessment for all LAC resulting in a care plan and review (CEL 16) for each LAC young person.	<ul style="list-style-type: none"> • Anne Neilson, Public Protection, NHS Lothian • Annemarie Burgess, CHP 	Plans in place for NHS health assessments in 2013.
8. Involvement of Young People	Consultation with young people on how they would like to link with Corporate Management Team and Elected Members	<ul style="list-style-type: none"> • Lisa Shine, Young People’s User Involvement Officer • Council Management Team 	Proposals to CMT by August 2013
	Consultation with our looked after children about how the Council might celebrate their achievements.	<ul style="list-style-type: none"> • Lisa Shine, User Involvement Officer 	Proposals to CMT by August 2013

	Wider involvement of young people who are LAC in Community Planning.	<ul style="list-style-type: none"> Local Community Planning Officers 	Proposals to GIRFECYP Theme Group by August 2013
	Consider how we can involve LAC in the recruitment and selection of a wider range of Council and partner agency staff whose remits focus on working with LAC.	<ul style="list-style-type: none"> Sue Cormack, HR Manager 	Refresh current recruitment guidelines by June 2013.
	Promote positive image of LAC in the press and corporate communications	<ul style="list-style-type: none"> David Russell, Corporate Communications Manager 	Proposals to CMT by June 2013
9. Development of Fostering Services. Where children cannot remain with their own families, home grown fostering is the most effective and economical form of placement. We need to make Foster Caring more viable for people, in particular encouraging ELC employees to become foster carers.	Funding identified in 2013/14 Children's Consider how we can involve LAC in the recruitment and selection of a wider range of Council and partner agency staff whose remits focus on working with LAC. Wellbeing budget for development of fostering and kinship care.	<ul style="list-style-type: none"> Celia Borland, Children's Wellbeing Resources Manager 	Feb 2013: Launch by Chief executive and Cabinet Member at Carers' Forum in April/May 2013
	Corporate support with: <ul style="list-style-type: none"> Credit Union -preferential rates as council staff Health Care cash plan at same rates as council staff mobile phone cash-back scheme appropriate e-learning 	<ul style="list-style-type: none"> Paulo Vestri Corporate, Policy & Improvement 	Now in place.

Appendix 2: Corporate Parenting Planning Group - Members

Marion Wood	Service Manager, Children's Wellbeing, ELC, (Chair)
Gill McMillan	Service Development Manager, Children's Wellbeing, ELC
Celia Borland	Service Manager -Resources, Children's Wellbeing, ELC
Fraser Parkinson	Principal Inclusion & Equality Officer, Education, ELC
Lois Wilson	Educational Psychologist, Education, ELC
Alison Hood	Skills Centre/MCMC Lead Officer
Lisa Shine	Young People's Involvement Officer, ELC
Eileen McHendry	Training Officer, Children's Wellbeing, ELC
Carole Lesenger	Reviewing Officer (LAAC), Children's Wellbeing, ELC
Carol Watson	LAC Nurse, NHS Lothian
Charmian Currie	CAMHS, NHS Lothian
Greg McKenzie	Area Manager - Young People's Team, ELC
Lorraine Moore	Who Cares Scotland
Sheila Laing	Head Teacher, ELC
Raymy Boyle	Integration Manager, Children's Wellbeing, ELC
Carol Frith	Integration Manager, NHS Lothian
Sean Rafferty	Area Manager Practice, Children's Wellbeing, ELC
Paul Mulvanny	Reporter, SCRA

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Services for People)

SUBJECT: Children's Wellbeing Kinship Care and Fostering Strategy: Payments to Foster Carers and Kinship Carers

4

1 PURPOSE

- 1.1 To update Cabinet and seek agreement on proposed increases to payments to Foster Carers and to Kinship Carers 2013-2014.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to approve this report, increasing payments to Foster Carers and Formal and Informal Kinship carers as detailed in paragraphs 3.8 and 3.15 below.

3 BACKGROUND

Foster Care

- 3.1 East Lothian continues to recruit, support and retain a very committed cohort of foster carers who provide placements for 92 East Lothian children and young people. The Family Placement Team has, over the past two years through sustained recruitment, preparation and assessment ensured that new, skilled and enthusiastic carers are joining our East Lothian carer community as some of our most experienced foster carers retire.
- 3.2 East Lothian has experienced an increase of 52% in the numbers of looked after children who are accommodated in foster care since 2010; an increase from 65 to 99 between March 2010 and February 2013. This is commensurate with the national trend in Scotland. A recent review of all our children and young people in foster care has highlighted that a lower percentage of children in foster care are reunified with their birth families once they have been accommodated than in the past. This is due to improved multi-agency working and the range of interventions now available to strengthen families in the

community before consideration is given to remove children from their families. When decisions are taken to accommodate children all other options including kinship care have been explored. This results in more of our foster carers making a commitment to care permanently for the children they are caring for. For some carers they are making a 12 year commitment to care for the child or children in placement.

- 3.3 There has been a sharp growth in the number of independent fostering agencies operating in Scotland in recent years. Many local authorities have purchased placements from them to meet the increase in numbers of children being looked after and accommodated. A number of independent fostering agencies now actively recruit foster carers in East Lothian as do the City of Edinburgh Council. These independent fostering agencies and the City of Edinburgh Council offer Fostering Allowances at the Fostering Network's recommended allowances which are higher than that paid to foster carers in East Lothian.
- 3.4 The growth of these voluntary and independent fostering agencies and management fees charged has prompted Scotland Excel and COSLA to negotiate a National Fostering Contract to ensure realistic management charges and best value in the current economic climate. An announcement is imminent regarding which independent fostering agencies have successfully applied onto the two year national framework contract. There is not full buy-in to the national fostering contract as some local authorities have negotiated service contracts with specific voluntary and independent fostering providers. However, Children's Wellbeing supports the National Fostering Contract and if required to seek a placement outwith our own resources would first approach the agencies on the National Framework. At the present time East Lothian has 7 children placed in external foster placements: 4 of these are specialist placements. These placements are monitored regularly by senior managers.
- 3.5 The Scottish Government has recently set up a short life advisory group to look at proposals about fostering generated from the Scottish Children's Reporter's Association report on permanence planning for looked after children and the national consultation on the Children and Young People's Bill as follows:
 - Variability in the standard of management, training and support available to foster carers
 - Restrictions on the movement of foster carers
 - A national register
 - Foster carers place in the 'team around the child'
 - Variability in the quality of carers (between authorities, between sectors)
 - Number of placements within one foster care household

- Variability in the payment of allowances and fees
- The market and foster care provision; has it delivered improvements in standards in a cost efficient manner?

This Fostering Review advisory group will report by December 2013 and may make recommendations with regard to a national rate of fostering allowances and fees.

3.6 Foster carers receive two types of financial support:

- The **FOSTERING ALLOWANCE** is intended to cover the cost of caring for the child. It includes an element for clothing and personal spending, as well as a general maintenance allowance for food, contribution to household expenses, day- to -day living costs and social activities. The amount of Fostering Allowance payable depends on the age of the child. The Fostering Allowance is calculated as 56 weeks to include a week's standard allowance paid for child's birthday, a December payment and two weeks to cover additional expenditure over the school holidays.
- The **FOSTERING FEE** is a financial reward for the carer, which acknowledges the time, skill and effort involved in caring for children who are looked after away from home. East Lothian has three levels of Fostering Fees. These are calculated over 55 weeks to include 3 weeks holiday payment.

3.7 Although East Lothian does not pay the Fostering Network recommended rate for fostering allowances, our terms and conditions and foster carer fees compare favourably with other local authorities in terms of a 12 week retainer being paid to carers who do not have a child in placement and are available for placements and three weeks paid holiday . We continue to explore how we can offer benefits available to employees of the council to our foster carers and kinship carers. The independent agencies generally pay higher fees and allowances to carers and to provide intensive support. East Lothian Council has not lost carers to independent fostering agencies or higher paying local authorities. Our foster carers value the professional support provided by members of the Family Placement Team and are committed to provide East Lothian foster placements for East Lothian Children. However, we need to remain competitive in this current complex foster care market. The last increase in foster carer payments was made was in 2011/12 with significant increases made in fees for level 1 and Level2 carers and a 2% uplift in fostering allowances, share the care, adoption and kinship care allowances.

3.8 The Fostering Network recommends a certain level of fostering allowances that are intended to cover the cost of caring for the child. East Lothian Council has so far been unable to implement these rates of allowance. The Fostering Network has recommended increases in

fostering allowances of 2% for 2013/14 and an increase in fees aligned to increase in salary of employees of the agency. This report is proposing a 1% increase in foster carer fees and a 2.7% increase in fostering allowances.

Kinship Care

- 3.9 The Scottish Government has convened a short life working group to look specifically at payments to kinship carers. Originally due to make recommendations in January 2013, the date has been extended with no identified reporting date at the time of writing this report. However, the consultation on the Children and Young People's Bill also includes a proposal for kinship care orders which are intended to reduce families' reliance on local authorities for income support. There will be a one-off cost to put these orders in place. Details will be in secondary legislation at a later date.
- 3.10 Kinship carers are defined as "a relative or close friend who cares for a child or young person where":
- The local authority places the child or young person with the carer on an informal basis.
 - Or an order is made by the Children's Hearing, which means the child young person is formally looked after.

The current national guidance in relation to payment to kinship carers is that formal kinship carers should be paid the equivalent of the Fostering Network recommended fostering allowance (less child benefit). In East Lothian currently formal kinship carers are paid at 60% of what foster carers receive and are paid for 52 weeks rather than the 56 weeks that foster carers receive. Any income they receive from the state is deducted from this. There is no national guidance about what informal carers should be paid.

3.11 Local authorities must explore all kinship care options before accommodating a child into foster care or a residential placement. In East Lothian our numbers of children in kinship care where we provide financial support have not grown at the same rate as some local authorities. The evidence from consultation with kinship carers both nationally and locally is that they are not seeking a lot of financial support but value practical support and advice to manage the complexity around relationships with the child's parents. This is evidenced by the fact that in East Lothian we have contact with around 100 kinship carer households through distribution of our kinship care newsletter but offer financial support to 48 households. Many of these other arrangements are ones where families themselves have made decisions about relatives bringing up children without the involvement of the local authority.

- 3.12 In East Lothian we have a specialist kinship care worker. We are also working in partnership with Mentor UK who secured Big lottery funding

for 2 Family support workers and 10 volunteers to support both formal and informal kinship carers in East Lothian. At present the Mentor UK workers are supporting 40 kinship care households, facilitating 2 kinship care support groups, arranging family events and activity camps for the children and young people. This enables the specialist worker to focus on complex assessments and support. Children 1st have the national training contract for kinship carers and East Lothian kinship carers participate in some of this formal training. Citizen's Advice Bureau staff are trained to undertake specific benefits checks for kinship carers and a benefits check for kinship carers is routine in East Lothian.

- 3.13 In Children's Wellbeing a key part of our Business Plan over the next 3 years is to explore resources within families in a more rigorous way so that fewer children require to be accommodated with strangers. It is envisaged that this will be achieved through the use of the principles of the of the Strengthening Families approach in our work with service users. This approach empowers families to find their own solutions to the care and support children and young people need as appropriate. We hope through this strategy to achieve an increase from the current 48 to 70 kinship placements. We hope to do this with an increase of 7 in the first year. This could prompt a decrease in foster care and longer term; an adjustment may be made to the kinship care budget from the fostering one.
- 3.14 As part of a recent overview of how we are paying kinship carers in East Lothian we benchmarked across other local authorities. This has highlighted a wide range of approaches to the implementation of kinship care payments. Some areas have introduced flat rate schemes, others are paying the equivalent rate to foster cares and others are paying a percentage of what they pay their foster carers.
- 3.15 In East Lothian it is proposed that we implement a flat rate of £80 for formal kinship carers and £50 for informal kinship carers and that this is paid over 56 weeks like Foster Carers providing an additional week's allowance in December, child's birthday and two weeks to cover additional holiday expenses. Benefits received from the state will not be deducted from this. Analysis indicates that most kinship carers would gain but a few could lose 'income' as a consequence of the introduction of a new flat-rate payment structure. It is proposed that these kinship carers would be given transition protection at their current payment rate for the duration of the current placements within their households.
- 3.16 These payments are not income maintenance. They are being made to meet the social and emotional and recreational needs of the child rather than accommodation and maintenance costs. They are also recognition in particular for formal kinship carers of the complexity of the task they undertake. In all circumstances income maximisation will take place to ensure that all benefits are in place and that the payment of the allowance does not negatively impact on benefit entitlement.

- 3.17 When appropriate kinship carers should be encouraged to apply for a residence order. This legally secures a child in the family. Families should be encouraged and supported to apply for legal aid but where appropriate reasonable legal costs should be paid. These cases should be considered by the Kinship Care Panel and a recommendation made as to the level of payment to be made. These limited costs will be met from within the allocated Children's Wellbeing budget. These carers will continue to receive the flat rate kinship care allowance until the child young person reaches the age of 16.

4 POLICY IMPLICATIONS

- 4.1 There are no new policy implications associated with this report.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – This report proposes a 1% increase in foster carer fees and 2.7% increase to fostering allowances, alongside the implementation of a flat rate of £80 per week for formal kinship carers and £50 per week for informal kinship carers. As part of the 2013/14 Council budget £150,000 was added to Children's Wellbeing to provide additional support for the care of children in the community. Staff from Finance have reviewed the proposals and have assessed that the increased costs arising will be managed within the approved Children's Wellbeing Budget 2013-2014.
- 6.2 Personnel - There are no personnel issues related to this report.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 None.

AUTHOR'S NAME	Celia Borland: Acting Service Manager - Resources, Children's Wellbeing Marion Wood: Service Manager, Practice, Children's Wellbeing Sharon Saunders: Head of Children's Wellbeing
CONTACT INFO	Tel: 01620 827930 email: cborland@eastlothian.gov.uk Tel: 06120 820116 email: mwood@eastlothian.gov.uk Tel: 01620 827632 email: ssaunders@eastlothian.gov.uk
DATE	12 March 2013

REPORT TO: Cabinet
MEETING DATE: 9 April 2013
BY: Executive Director (Services for People)
SUBJECT: Adult Wellbeing Payments to Voluntary Organisations
2013/14

5

1 PURPOSE

- 1.1 To seek Members' approval to make grants, in terms of Section 10 of the Social Work (Scotland) Act, 1968, to voluntary organisations for the financial year 2013/2014.

2 RECOMMENDATIONS

- 2.1 Members are asked to:-
- (i) Note the contents of this report;
 - (ii) Agree to award grants, for 2013/2014, as shown at Appendix B. This funding can be met from within the Adult Wellbeing budget.

3 BACKGROUND

- 3.1 A review of agencies funded through the Section 10 programme has been undertaken over the past two years and is now complete. The outcomes of reviews carried out in 2012/13 are summarised at Appendix A.
- 3.2 Following these reviews, recommendations have been made that financial support should be withdrawn from seven organisations and payments reduced to another two, while for other agencies, funding should remain unchanged and should roll forward.
- 3.3 Overall, this process will result in a saving of £106,447 in the 2013/14 financial year.
- 3.4 Recommended awards for 2013/14 are shown at Appendix B.

4 POLICY IMPLICATIONS

- 4.1 The recommendations in this report are consistent with both the Adult Wellbeing Service Plan and the Council Plan.

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 – See Appendix B
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None.

AUTHOR'S NAME	David Heaney
DESIGNATION	Senior Manager (Strategy & Policy)
CONTACT INFO	Tel. 7551
DATE	22 March 2013

Appendix A

Grants to Voluntary Organisations: Outcome of Service Reviews 2012/13

ORGANISATION	2012/13 Roll Forward Position	Recommended for Funding Following 2012/13 Review	Recommended Award 2013/14	Review Outcome
Alzheimer's Scotland	£2,739	Continue	£2,739	Strategic Fit
Changes	£41,263	Continue	£41,263	Strategic fit
Crossroads	£74,633	Reduce funding	£70,896	Strategic fit
Deaf Action	£50,025	Continue	£50,025	Strategic Fit
ELCCF	£52,152	Continue	£52,152	Strategic fit
ELCA	£5,269	Continue	£5,269	Strategic Fit
ELVON	£3,656	Cease Funding	£0	Withdraw Funding
Haddington CAB	£17,000	Continue	£17,000	Strategic fit
Huntingtons Soc	£7,159	Continue	£7,159	Strategic Fit
Lammermuir Community Transport	£19,356	Cease Funding	£0	Withdraw funding
Lothian Centre for Integrated Living	£42,201	Continue	£42,201	Strategic Fit
Lothian Centre for Integrated Living (Grapevine)	£2,631	Cease Funding	£0	Withdraw funding
Macmerry Day Centre	£742	Continue	£742	Strategic fit
MELD	£11,406	Cease Funding	£0	Withdraw funding
North Berwick Voluntary Car Scheme	£1,887	Reduce funding	£943.50	Strategic fit
Pencaitland Day Centre	£1,626	Continue	£1,626	Strategic fit
RNIB	£61,887	Continue	£61,887	Strategic Fit
Signposts (East Lothian Employment Support) SAMH	47,987	Cease Funding	£0	Withdraw funding
Stepping Out	£60,207	Continue	£60,207	Strategic Fit
SOLAS	£4,731	Cease Funding	£0	Withdraw Funding
VDEL	12,000	Cease Funding	£0	Choose Life Funding Ceased
Whitecraig & Wallyford Lunch Club	789	Continue	£789	Strategic fit
Total	£521, 346		£414,899	

Appendix B

Organisation	Recommended Award
Aberlour Childcare Trust	£2,168
Alzheimer's Scotland	£4,548
CAPS	£57,830
Capability Scotland	£126,202
Carers of East Lothian (including payment for mental health collective carers support)	£63,503
Changes	£41,263
Crossroads	£70, 896
Deaf Action	£50, 025
Dunbar Day Centre	£39,545
East Lothian Community Care Forum	£59,230
East Lothian Council on Alcohol (to be paid to MELDAP)	£10,755
East Lothian Handicapped Children's Play Scheme	£1,272
Gullane Day Centre	£48,769
John Bellany Day Centre	£106,640
Haddington CAB	£17,000
Haddington and District Day Centre	£61,258
Harlawhill Day Centre	£106,406
Hollies Dementia Group	£18, 422
Hollies Day Centre	£23,225
Hollies Musselburgh Lunch Club Transport	£39,041
Lothian Centre for Integrated Living	£42,201
Lynton Day Centre	£42,690
Macmerry Day Centre	£742
North Berwick Day Centre	£99,465
North Berwick Voluntary Car Scheme	£943.50
Partners in Advocacy	£37,800
Pencaitland Day Centre	£1,626
Places for People	£4,865
Primrose day Centre Ormiston	£36,137
Respite Unit	£133,750
RNIB	£61,887
Scottish Huntington's Association	£7,159
Stepping Out	£60,207
Tranent Day Centre	£64,570
VDEL Befriending Service	£14,359
Whitecraig & Wallyford Lunch Club	£789
WRVS	£14,677
Total	£1,571,866

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Services for Communities)

SUBJECT: HRA Housing Capital Investment Plan 2013/14

6

1 PURPOSE

1.1 To advise Cabinet of the detail of the HRA Housing Capital Investment Plan for 2013/14 and seek approval for the Programmes contained within the Plan.

2 RECOMMENDATIONS

2.1 It is recommended that Cabinet approve the detailed HRA Housing Capital Investment Plan for 2013/14.

3 BACKGROUND

3.1 The budget provision for 2013/14 was reported to and approved by Council on the 12 February 2013. The budget for 2013/14 is £25.6m and is set out in Table 1.

Table 1

HRA Housing Capital Investment Plan	2013/14 (£m)	2014/15 (£m)	2015/16 (£m)	2016/17 (£m)	2017/18 (£m)
Modernisation/Extensions (Existing Stock)	10.135	10.231	10.328	10.4	10.525
Leasing	0.514	0.011	0.001	0.000	0.000
New Affordable Housing	14.335	10.000	10.000	10.000	4.250
Mortgage to Rent	0.646	0.662	0.678	0.695	0.713
TOTAL	25.6	21.0	21.0	21.1	15.4

3.2 Close financial monitoring of each of the programmes making up the Housing Capital Investment Plan will be undertaken routinely to ensure that expenditure is managed within budget. Any 'slippage' identified within any of the Programmes will be used to accelerate alternative projects or works within that Programme or alternative projects or works in other Programmes making up the overall Plan.

3.3 **The Plan**

3.4 The Plan is separated into 4 main programmes:

- Modernisation/Extensions (Existing Stock)
- Leasing
- New Affordable Housing
- Mortgage to Rent

3.5 **Modernisation/Extensions (Existing Stock) Programme**

3.6 £10.135m has been allocated to the delivery of the Council's Modernisation/Extensions (Existing Stock) Programme. The majority of this programme delivers improvements to the Council's stock to meet the Scottish Housing Quality Standard (SHQS). This programme includes the following:

- kitchen, bathroom, central heating, window and door replacements
- energy efficiency works (mainly in the form of insulation)
- re-roofing
- dry dash roughcast repair programme
- stair improvement programme

3.7 It is anticipated that the programme will deliver in the region of 550 kitchen replacements, 250 bathroom replacements and 450 replacement heating systems.

3.8 The programme also delivers

- Disabled Adaptations
- Local Initiative Projects
- Extensions to alleviate overcrowding

3.9 Annually, the Council provides a range of major and minor adaptations to council stock to meet the assessed needs of its tenants. The proposed budget will continue to allow for a full range of adaptations to council stock, as required.

3.10 Appendix 1 sets out the proposed budget for each area of work.

3.11 Leasing

3.12 This programme of £0.514m is to fund End of Lease arrangements for windows, doors and central heating equipment which have reached their termination date.

3.13 Council House New Build Programme

3.14 £14.3 million has been allocated to the delivery of the Council's New Affordable Housing Programme. It is anticipated that 116 council units will be completed during 2013/14. Appendix 2 outlines in detail, the projects which will be delivered through this programme. The total in Appendix B differs from the budget figures noted above as a result of re-profiling of project spend and project slippage during 2012/13.

3.15 To date, the Council has received £7.2m through the Council House Building Grant and a further £4.32m through the Innovation and Investment Fund. A total of £10.175m has currently been drawn from these funds.

3.16 In 2012 East Lothian Council was allocated new funding for the delivery of affordable housing for the period 2012-15. The initial award was £3.296, with a further three allocations of £0.527m, £0.649m and £0.864m, bringing the total to £5.336m. It is likely that £1.68m will require to be reallocated to new projects as original grant offers were for projects that are no longer being brought forward. This brings the total to £7.01m. This funding is for both the Council and Registered Social Landlord new build affordable housing programmes. ELC will continue to work closely with the Scottish Government to allocate this fund and anticipate that a programme will be confirmed in late spring. Registered Social Landlords continue to experience challenges in securing private finance through the markets which is impacting on our ability to finalise the programme.

3.17 Mortgage to Rent Programme

3.18 £0.6m has been allocated to enable the Council to participate in the National Mortgage to Rent scheme, which aims to prevent repossession and homelessness. Purchase and repairs subsidy is received from the Scottish Government for each property which the Council purchases through this Scheme. It is anticipated that this budget will facilitate around six purchases. When that total is reached, the Council will review its continued participation in the scheme for the remainder of the financial year.

4 POLICY IMPLICATIONS

4.1 There are no policy implications arising from this report.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The capital spend outlined above has been included within the current approved Housing Revenue Account budget.
- 6.2 Personnel - There are no personnel implications arising from this report.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Administration HRA Budget Proposals 2013/2018
- 7.2 Appendix 1 Modernisation Existing Housing Stock 2013/14
- 7.3 Appendix 2 New Affordable Housing Programme

AUTHOR'S NAME	Richard Jennings
DESIGNATION	Head of Housing and Environment
CONTACT INFO	rjennings1@eastlothian.gov.uk
DATE	25 March 2013

APPENDIX 1

Modernisation/Extensions (Existing Stock) Programme		2013/14
		£
1	Disabled Adaptations	0.750
2	Re-roofing	0.300
3	Roughcast	0.300
4	Window & Door Replacement	0.010
5	Electrical Re-wiring	1.700
6	Central Heating	1.600
7	Energy Efficiency	0.050
8	Fencing Programme	0.050
9	Local Initiatives	0.200
10	Play Areas	0.050
11	Building Envelope Projects	0.500
12	Stair Improvement	0.030
13	Kitchen Replacement	1.650
14	Bathroom Replacement	0.942
15	House Extensions	0.600
16	Lead Water Service Pipes	0.200
17	Asbestos Survey and Removal Works	0.400
18	Sheltered/Amenity Housing Alarm Renewals	0.050
19	Internal Fees	0.528
20	Groundcare Projects	0.100
21	IT System	0.125
		<hr/> 10.135 <hr/>

APPENDIX 2**Council House New Build Programme 2013/2014**

Project	Units	Est Programmed Spend (£m)	Stage
North High Street, Musselburgh	9	0.019	C
Kilwinning St, Musselburgh	26	1.500	S
Goosegreen, Musselburgh	19	1.805	S
Joogie Brig, Musselburgh	14	1.684	P
Pinkie Mains, Musselburgh	23	2.500	T
Whitecraig Avenue, Whitecraig	28	0.040	C
Muirpark Wynd, Tranent	100	0.168	C
Labour Club, Tranent	10	0.020	C
Rollos Yard, Prestonpans	9	0.020	C
Lidl, Prestonpans	24	0.800	S
Station Court, Macmerry	14	0.040	C
Nethershot Road, Prestonpans	9	0.870	T
Victoria Park, Haddington	20	0.500	P
Law Site, North Berwick	42	4.000	S
Abbeylands, Dunbar		0.300	A
Kellie Road, Dunbar	16	1.776	P
Other Opportunities			
TOTAL	363	16.042	

A – Acquisition, F- Feasibility, P- Planning, T- Tender, S – On Site, C - Complete

REPORT TO: Cabinet
MEETING DATE: 9 April 2013
BY: Executive Director (Services for Communities)
SUBJECT: Affordable Housing Agreement with Taylor Wimpey UK Ltd

7

1 PURPOSE

- 1.1 To seek approval from Cabinet to enter into an Affordable Housing Agreement with Taylor Wimpey UK Limited to facilitate the delivery of education infrastructure and affordable housing units at the strategic housing site at Pinkie, Musselburgh.

2 RECOMMENDATIONS

Cabinet is requested to:

- 2.1 Approve the entering into of an Affordable Housing Agreement with Taylor Wimpey UK Limited to facilitate the delivery of education infrastructure and affordable housing units at the strategic housing site at Pinkie, Musselburgh;
- 2.2 Delegate authority to the Executive Director (Services for Communities), after consultation with legal and finance officers, to finalise the terms of the said Affordable Housing Agreement, which is currently in draft form.

3 BACKGROUND

When planning permission is granted for residential development, it is normal practice that the applicant is obliged to make a financial contribution towards necessary infrastructure required as a direct consequence of that development. This can include the cost of providing additional classroom accommodation and other education infrastructure. In addition, the Council's Affordable Housing policy requires the provision, as a minimum, of serviced land for affordable housing and provides the basis for a variety of mechanisms for the delivery of affordable housing units. These obligations are usually secured by means of a Section 75 Agreement entered into by the developer, the

landowner (if different) and the Council. This ensures the obligations are secured against the land and pass to subsequent purchasers of the site. These Agreements often provide that certain payments must be made before construction can commence on a site or before an agreed number of houses can be occupied to ensure that the necessary infrastructure is in place in sufficient time to meet the needs of children who are due to attend the school in question.

- 3.1 Prior to the economic downturn, developers funded the payment of these financial contributions by means of borrowing and this ensured that they could commence construction and sale of the houses in accordance with their phasing plans. However, as a consequence of tighter lending rules and a general reluctance on the part of funders to meet these costs, this is no longer a feasible method of funding infrastructure costs. Without payment of these contributions, construction cannot commence on a number of development sites. This has led to a number of strategic housing sites having been granted planning permission but where no construction can commence.
- 3.2 Following discussions with Taylor Wimpey UK Limited, the developers of the strategic housing site at Pinkie, Musselburgh, Council officers have proposed that the Council may be able to assist to resolve this position at that site. The proposal is that, in addition to the Section 75 Agreement that sets out the developer contributions required, the parties enter into an Affordable Housing Agreement in which the Council would undertake to fund the provision of the necessary education infrastructure at a cost of £2,580,436.60 and the developer would construct Affordable Housing units in accordance with the Council's Affordable Housing policy. A number of these Affordable Housing units would, when completed, be transferred to the ownership of the Council and the notional costs of these, at an agreed valuation, would be off-set against the cost of the developer contribution due in respect of the education infrastructure. The developer will go on to construct additional Affordable Housing units up to the required 25% in accordance with the Council's Affordable Housing policy and these would be transferred to the Council at the price agreed between the parties.
- 3.3 The Council is notionally at risk if it constructs additional infrastructure at its own cost and the development does not proceed. To address this risk, it is proposed that Taylor Wimpey UK Limited provide security by provision of a Bond to the value of the education contribution. This Bond would only be discharged when a sufficient number of Affordable Housing units had been transferred to off-set the Council's costs or, if this had not happened by an agreed long-stop date, the developer had repaid the Council's costs.
- 3.4 An Affordable Housing Agreement, reflecting this position, has been drafted and negotiated between the Council and Taylor Wimpey UK Limited and is currently in an almost complete form. It is recommended that Cabinet delegate authority to the Executive Director (Services for Communities) to negotiate and agree the final details of the Agreement

taking account of legal and financial advice provided, and to enter into the Affordable Housing Agreement when terms acceptable to the Council can be agreed.

4 POLICY IMPLICATIONS

- 4.1 The provision of a mechanism to facilitate commencement of development in these circumstances will assist in the provision Affordable Housing and will assist in ensuring that the strategic housing site at Pinkie, identified in the East Lothian Local Plan 2008, is effective in maintaining an adequate housing land supply. It will also contribute to the Council's economic development objectives by providing a mechanism to enable construction to commence earlier than might otherwise be the case.

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 – An internal transfer of funds between the HRA and the Education budget will be required to effect payment for the infrastructure required.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Richard Jennings
DESIGNATION	Head of Housing and Environment
CONTACT INFO	Ext 7572 rjennings@eastlothian.gov.uk
DATE	21 February 2013

REPORT TO: Cabinet
MEETING DATE: 9 April 2013
BY: Executive Director (Services for Communities)
SUBJECT: Scottish Government Consultation: Better Dispute Resolution in Housing

8

1 PURPOSE

- 1.1 To advise Cabinet of the proposals being consulted on by the Scottish Government to introduce a new Housing Panel model for Scotland.
- 1.2 To seek approval for a response to be submitted on behalf of East Lothian Council.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approve the Council's response to the consultation (Appendix 1).

3 BACKGROUND

- 3.1 The Scottish Government is working to deliver a well functioning housing system for the people of Scotland and states that an important element of that is to ensure that where housing problems and disputes arise, they can be resolved effectively and efficiently.
- 3.2 The majority of housing disputes are resolved between parties involved without recourse to a court or decision-making body. In circumstances where an agreement cannot be reached, someone else needs to make a binding decision. In most housing cases this decision-maker will be a court. The sheriff courts currently consider most but not all types of housing disputes in Scotland.
- 3.3 The main exceptions are issues related to the statutory repairing standard for private rented dwellings, rent determination cases in the private rented sector, and property disputes between property factors and homeowners. These cases are considered by the Private Rented Housing Panel / Homeowner Housing Panel, Scotland's only specialist housing panel.

- 3.4 The Consultation Paper sets out views gathered from a range of stakeholders that the current dispute resolution system is not working well enough for parties involved in housing disputes. The problems relate to housing cases reaching court which could have been resolved at an earlier stage, delays in cases reaching court, the adversarial nature of court action, a lack of legal representation for people involved in cases and court decisions being unpredictable – partly attributed to concerns about the inexperience of some sheriffs in housing law.
- 3.5 The Consultation Paper proposes three options for changing the way housing disputes are handled, to be applied across all tenures. These options are not considered to be mutually exclusive.
- Option 1 – Actively promote the use of early preventative action and mediation in resolving housing disputes.
- Option 2 – Creating a Pre-Court Housing Panel to which disputes could be referred soon after it became apparent that attempts by the parties to resolve the problems had failed. This would take a problem solving approach and would make and monitor compliance with enforceable interim decisions. If those orders were not complied with, the case could follow an accelerated path to court. Under this option, it would still be for the court, not the panel to end tenancies and evict tenants.
- Option 3 – Creating a Housing Panel replacing the court as the main forum for resolving some housing disputes. This kind of panel would be able to end tenancies and evict tenants.
- 3.6 The response prepared on behalf of East Lothian Council broadly supports the principal of a system which can better resolve disputes in a less formal setting however makes clear that there are strengths within the current system which should not be lost. Whatever system is in place there must mechanisms for dealing with the most serious cases. A number of issues are raised in terms of how the Panel would interact with other legislation and how it will be resourced and delivered.
- 3.7 The response acknowledges the important role preventative action and mediation should play within a new Housing Panel system (Option 1). The response does not support the creation of a Pre-Court Housing Panel (Option 2) as it is considered this would introduce additional complexity and bureaucracy.
- 3.8 The proposals included in the consultation should be considered in the context of wider reforms planned for civil courts and tribunals. A separate consultation, Making Justice Work – Courts Reform (Scotland) Bill considers proposals to restructure the way civil cases and summary criminal cases are dealt with by the courts in Scotland.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications arising from this report.

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 Better Dispute Resolution in Housing: Consultation on Introduction of a New Housing Panel for Scotland is available at <http://www.scotland.gov.uk/Publications/2013/01/6589>
- 7.2 Making Justice Work – Courts Reform (Scotland) Bill – a consultation paper is available at <http://www.scotland.gov.uk/Publications/2013/02/5302>
- 7.3 East Lothian Council response – Appendix 1

AUTHOR'S NAME	Esther Wilson
DESIGNATION	Housing Strategy and Development Service Manager
CONTACT INFO	Catherine Johnson – Ext 7390
DATE	26 March 2013

**Annex A
CONSULTATION ON DISPUTE RESOLUTION IN HOUSING**



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

East Lothian Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Johnson

Forename

Catherine

2. Postal Address

Penston House

Macmerry Industrial Estate

Macmerry

East Lothian

Postcode EH33 1EX

Phone 01620 827390

Email

3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

ANNEX B

CONSULTATION QUESTIONS

Option 1: Preventative Action

1. Do we need to consider legislation to assist the early resolution of disputes, for example by imposing additional legal duties on landlords or other public bodies?

Yes No Don't Know

If "yes" please provide reasons for your answer.

Comments

1a. If yes, in what areas should these duties be imposed and for what purpose? e.g. should we impose wider pre-action requirements before landlords could raise eviction proceedings in any case?

Please explain your own views.

Comments

2. Would this sort of upstream action be preferable and achieve better outcomes than a new Housing Panel or reformed courts?

Yes No Don't Know

3. Are there non-legislative measures we could take to encourage the prevention and early resolution of housing disputes between parties?

Yes No Don't Know

3a. If yes, what measures would these be?

Comments

Option 1: Mediation

4. Do you think mediation should be made more widely available for housing disputes?

Yes No Don't Know

4a. If no, please explain your views.

Comments

4b. If yes, what sort of housing issues would mediation be most effective at resolving?

East Lothian Council considers that mediation can be successful at resolving housing disputes in some circumstances however it forms only part of the picture. The nature of mediation means that parties have to engage and there may be reasons that why a particular case or set of circumstances make mediation inappropriate.

Mediation is successfully used by East Lothian Council in relation to anti-social behaviour cases. A contract is currently in place and this is operating well. The Council is also investigating the possibility of making mediation available for owners involved in common repairs where agreement cannot be reached.

The Council also funds a mediation service to assist with 'asked to leave' homelessness cases where appropriate. The service aims to resolve disputes which have led to a young person being asked to leave the family home, avoiding the need for crisis response and enabling planned moves.

Mediation is currently available in relation to cases referred to the Private Rented Housing Panel (PRHP) however it is understood that this facility is currently under used. The type of landlord and tenant dispute the PRHP currently deal with may be particularly suited to mediation.

Mediation may also be successful in relation to some cases relating to tenancy breaches, particularly where the relationship between the tenant and landlord has broken down.

The Council considers that mediation is less likely to be successful in relation to rent arrears cases (both social and private rented) unless there is an element of dispute involved i.e. the tenant is withholding rent.

4c. If yes, would it be better to do this be expanding existing provision or by creating a new housing mediation service?

Expanding existing provision New mediation service

4d. If yes, how can parties be encouraged to use mediation to resolve housing problems?

East Lothian Council considers that encouraging use of mediation services requires parties to be convinced of its merits and willing to engage. Not all

cases will be suitable for mediation and the Council does not consider that imposing legislative requirements in relation to mediation is appropriate.

4e. If yes, how might mediation be funded?

East Lothian Council considers that expanding existing mediation services is more appropriate than establishing a new service where mediation is used as part of a package of measures to improve dispute resolution. This will enable local authorities the flexibility to design mediation services in a way which best meets local needs.

As mentioned previously East Lothian Council currently funds a mediation service in relation to anti-social behaviour cases. The Council is committed to continuing to fund this service however ongoing budgetary constraints mean that if the use of mediation is to be expanded to other tenancy disputes it is unlikely the Council could meet the increased cost associated with providing this service within existing resources and top-up funding would be required.

The Council is concerned that increasing the role of mediation could overwhelm existing services, many of which rely on volunteers. It is recognised that housing professionals often provide informal mediation in a range of capacities. While the independence of a mediator can often be crucial in parties engaging with mediation services there may be a role for housing officers and other housing professionals to receive greater training in mediation skills. This could enable the principles of mediation to be applied more broadly in relation to housing disputes, particularly those requiring a lower level response.

As stated the Council considers that mediation is most appropriate to be included as part of a package of measures rather than as a requirement for particular disputes. The support for expanding existing mediation services are given on this basis. Notwithstanding this view, the Council considers that should engaging mediation services become a statutory requirement for landlords in relation to any aspect of housing disputes (particularly where there may be recourse to end a tenancy) a national mediation service should be established in order to ensure consistency and availability of services across the country.

4f. If yes, do you feel there are enough mediators across Scotland to deal with housing cases?

East Lothian Council do not believe there to be an adequate number of mediators in Scotland to deal with any expansion in housing dispute mediation. Many mediation services currently rely on volunteers and the availability of service varies from local authority to local authority.

Increasing pressure on mediation services which are not capable of dealing with increased demand will have a detrimental effect on mediation as a solution to housing disputes. The introduction of waiting lists for example, is likely to turn people off from considering mediation.

5. What can we do to improve public awareness of mediation as a way of solving housing disputes?

No comment

Option 2: Pre-court Housing Panel

6. Do you think there should be a Housing Panel as a pre-court dispute resolution forum for some housing disputes?

Yes No Don't Know

6a. If yes, which cases should the panel handle?

Comments

6b. If yes, are there cases which would not be appropriate?

Comments

6c. If yes, who should be able to refer cases to the panel?

Comments

6d. If yes, who should be panel members and would they require particular qualifications?

Comments

6e. If yes, how long should panel orders remain in place for?

Comments

6f. If yes, if panel orders (e.g. to pay rent arrears) were not complied with, how and when should the case be escalated to court for a final decision (e.g. on whether to evict the tenant)?

Comments

6g. If yes, in addition to the management activities of landlords and regulatory bodies, what added value would a Housing Panel provide?

Comments

6h. If no, what alternative form of formal dispute resolution might better apply to the cases described here?

The Council considers that a Pre-court Panel is likely to add an additional layer of complexity and bureaucracy.

The Council does agree that the principles of the Pre-Court Panel as described in the consultation paper could be incorporated into a new Housing Panel system. The ability of a Panel to provide quick and easy access to arbitration and make binding orders could be particularly useful in cases which could otherwise be unlikely to end up in the tribunal system. For example, private rented sector arrears cases or common repair cases.

6i. If no, do you think improvements to the dispute resolution system would be better delivered through proposals for civil court reform as outlined in paragraphs 4.5 to 4.9?

Yes No Don't Know

Option 3: Housing Panel Replacing the Courts as Decision Maker

7. Should there be a new housing tribunal, to be called the Housing Panel?

Yes No Don't Know

7a. If yes, who should be members of this type of Housing Panel?

Should a Housing Panel be established East Lothian Council considers that the membership is extremely important to the ability of the Panel to deal with the wide range and complex nature of issues which will be referred to it.

The Panel should include members capable of dealing with the broad range of topics it is anticipated the Panel will hear. Panel make up should vary depending on the cases to be heard and therefore the knowledge and skills required. The Council considers that it may be appropriate to require the Chair to be a legal professional as with the current PRHP and the members must be suitably qualified to ensure sound judgements and decisions can be made.

Consideration must be given to the extent to which the Panel will require knowledge in other areas of law (such as social work legislation, mental

health legislation and anti-social behaviour legislation) and the skills and knowledge Panel members will require to enable this.

The volume of cases likely to be referred to the Panel may dictate that it must employ full time panel members.

7b. If yes, should the Housing Panel be created by expanding the caseload of the Private Rented Housing Panel?

Yes No Don't Know

7c. If yes to question 7, which housing cases should a new Housing Panel consider?

East Lothian Council considers that the Housing Panel should consider all cases which relate to tenancy rights and responsibilities as well as all cases relating to repairs and factoring. This should include cases currently heard by the PRHP and the Homeowners Housing Panel as well as cases relating to common repairs.

The broad range of cases to be considered may require a Panel structure to be created which reflects the different skills and knowledge required to hear cases. For example, it may not be appropriate for members with expertise in social housing management to hear cases relating to factoring. The structure may also reflect the type of decision the Panel is making.

The Council considers that while many of the principles of the PRHP may be used to establish a Housing Panel it is not clear, just by the sheer volume of cases likely to be added to the caseload, that expanding the role of the PRHP is appropriate.

7d. If yes to question 7, should parties be charged a fee for raising actions before a new Housing Panel?

Yes No Don't Know

7e. If no to question 7, what do you see as the main difficulties and challenges in establishing a Housing Panel?

(It is presumed that this question should be 'if yes')

East Lothian Council agrees with the principal of a system which can better resolve disputes in a less formal setting and which may have the potential to better engage tenants and landlords, particularly where vulnerable tenants with complex needs are involved.

The Council is clear that there are strengths within the current system which should not be lost, these include rigorous decision making and

comprehensive assessment of facts and reasonableness. Whatever system is in place there must be mechanisms for dealing with the most serious cases.

The Council would like to highlight a number of issues which are not addressed within the consultation paper:

1. It is not clear how the Panel would interact with existing legislation and what primary legislative change would be required. As noted in the answer to question 7a there are a range of issues which may relate to a 'housing dispute' case which are governed by non-housing legislation. The consultation paper does not make any reference to how the Panel would interact with other legislation. There can be significant crossover between housing legislation and other issues, particularly in relation to anti-social behaviour legislation.
2. It is not clear how the Panel will be funded. Landlords are currently charged a fee for raising Court action against a tenant and East Lothian Council would support a fee structure for landlords referring cases to the Housing Panel. However, fees could be prohibitive to tenants seeking to raise action against a landlord.
3. The potentially large caseload poses significant questions in relation to the personnel resource required to operate the Panel. The Panel must be able to hear cases across the country and be able to take account of local circumstances. The Panel must also be well resourced and able to hear cases quickly. A Panel which relies on professional members must ensure that it is sufficiently resourced so as not to place too great a burden on members. It may be necessary for the Panel to employ at least some full time Panel members.
4. The number of cases which the Panel may deal with also requires consideration in terms of its set up. Although the Council does not consider extending the remit of the PRHP to be appropriate (primarily for reasons of the vast increase in caseload) it is likely that lessons could be learned from its experience in delivering a tribunal system in a housing context. The Council believes that if a Panel is to be established a regional pilot may be the best approach to establishing the Panel. The Council considers that establishing a Panel to deal with only some case types in the first instance is inappropriate due to the importance of all aspects of a dispute / tenancy being taken into account in making a determination.

7f. If no to question 7, do you think improvements to the dispute resolution system would be better delivered through proposals for civil court reform as outlined in paragraphs 4.5 to 4.9?

Yes No Don't Know - The Council will respond separately to the consultation Making Justice Work – Courts Reform (Scotland) Bill – a consultation

Equality issues

8. Which equality groups, if any, do you think will be differently affected by each of the options in this consultation paper?

None

9. How do you think they will be affected by each option (positively or negatively)?

Comments

10. What changes could we make to each of the options to mitigate or remove any adverse effect on the equality groups you have identified?

Comments

11. What opportunities do the changes/options present for equality of opportunity to be advances, and/or the fostering of good relations between and among different people?

No comment

Business and Regulatory Impact Assessment

12. Are there businesses, public bodies or 3rd sector organisations not already listed in the BRIA that we should engage with in developing one or more of these policy options?

Yes No Don't Know

If yes, please provide details of these organisations.

13. Which options will impact on these organisations and what would the impact be?

Comments

14. Could the enforcement, sanctions or monitoring of any of the options have a disproportionate impact on any organisation or group of organisations within the public, private or third sectors?

Yes No Don't Know

If yes, please explain what the impact will be

Comments

REPORT TO: Cabinet

MEETING DATE: 9 April 2013

BY: Executive Director (Services for Communities)

SUBJECT: Proposed Additional Car Park Sites, North Berwick

9

1 PURPOSE

- 1.1 To advise Cabinet of the recommendations made by external consultants, MVA Consultancy in the North Berwick car park site appraisal report over the short, medium and long term. A copy of the consultancy report has been placed in the Members Library.

2 RECOMMENDATIONS

- 2.1 To note the recommendations within the report to increase parking provision in North Berwick; to review the residents parking scheme and re-designate the existing car parks as short, medium and long stay parking based on a demand management model.
- 2.2 To agree to provide additional parking provision as 3.11 and to start the statutory procedure necessary to change the residents parking scheme subject to a review and designate car parks as short, medium and long stay.

3 BACKGROUND

- 3.1 MVA Consultancy was commissioned in 2011 to undertake an appraisal of potential car parking sites in North Berwick taking into account, generally, the principles of the Scottish Transport Appraisal Guidance (STAG).
- 3.2 The brief specifically required the Consultants to examine sites where additional parking provision could be delivered and generally to review parking practice throughout the town such that the competing issues can be understood.

- 3.3 North Berwick with its harbour, Seabird Centre, coastal location and golf courses, is a major tourist destination in East Lothian. The High Street is the traditional town centre with a range of smaller shops, forming part of a wider conservation area. The town's main supermarkets are on Dunbar Road and Tantallon Road, to the south east of the town. The town has effectively expanded in a semi circle away from the town centre with arterial routes from the west (Dirleton Road, Dirleton Avenue) south (Law road) and east (Dunbar Road and Tantallon road) connected via Station Road, Clifford Road and St Baldred's Road.
- 3.4 During the summer months the town experiences a high proportion of visitors, causing congestion and placing extra demand on the limited parking availability. A significant number of people are visiting East Bay beach.
- 3.5 To fully understand the issues; afternoon and evening public meetings were held to identify problems and suggest potential solutions. These workshops were well attended with good public participation.
- 3.6 The study's approach was evidence driven and objective based. Detailed parking surveys were carried on Thursday 29th September and Saturday 1st October 2011 and the objectives requiring each solution to be considered in terms of their impact on the environment; economy; safety; integration and accessibility and social inclusion.
- 3.7 The ten sites identified were: **(a)**. Dirleton Road (Park and Ride); **(b)**. Beach Road (West End); **(c)**. Reclaimed seafront land adjacent to the Seabird Centre; **(d)**. Law Road/ St. Margarets Road; **(e)**. Extend Glebe car park; **(f)**. Multi-storey Glebe car park; **(g)**. Recovered area of the cemetery; **(h)**. Extension to Gardener's car park; **(i)**. Tantallon Terrace, west of the Glen Golf Course car park; and **(j)**. Dunbar Road/ Rugby club.
- 3.8 A detailed assessment of each sites is contained within the report but the main issues that restrict development are categorised in Table A – Site Categorisation – Main Issues

Table A – Site Categorisation – Main Issues

Adverse Impact on:	Site(s)
environment	(a), (b), (c), (d), (f), (g), (h), (l)
Costs	(a), (c), (f), (g), (j)
safety	(c),
integration	(d), (f), (l),
Accessibility and social inclusion	(a), (h), (l),

- 3.9 No categorical conclusions were reached but a set of approaches that could be employed by means of an appropriate parking management policy that suits the town dynamics. The consultant advised that 'new capacity only' would be unlikely to resolve the problems long term and that an element of 'Incremental change' and 'relocate long stay parking' would provide a more coherent and consistent approach reducing environmental impacts.
- 3.10 The consultant's report has been made widely available for comment and discussions have taken place with the North Berwick community Council.
- 3.11 In association with the Community Council four sites have been identified:
- Recreation Park (Rugby Club) – Long stay car park (Resurfacing of hard standing area and overflow reinforced grass system area) – total spaces 107
 - Extending Glebe car Park – Short Stay (Extension of existing car park) – spaces 26
 - Law Road/St. Margaret's Road – Medium stay car park – (Construction of new car park) – spaces 99
 - Tantallon Terrace – Seasonal car park available during busy periods only (reinforced grass system area) – spaces 114
- 3.12 All proposals will be subject to a further consultation period, the purchasing of land where necessary, negotiating access issues, safety audits, obtaining planning permissions, and addressing environmental and visual issues.
- 3.13 Currently, planning permission is being sought to provide additional parking provision on Recreation Park and resurface the hard standing area. This work is being advanced prior to The Open Golf Championship.
- 3.14 No proposals are to be taken forward with regard to providing a park and ride facility on Dirleton Road at this time. This is not considered a viable option and would require a sustained revenue investment to provide this service. However, this option should not be discounted over the long term and may be worth re-considering in future, subject to a significant growth in population, attraction or amenities.

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 involving consultation, planning, design, and construction can be accommodated within the 2013/14- 2015/16 Capital Projects budget.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 MVA Consultancy Report – Lodged in the Members Library – April 2013

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Senior Area Officer
CONTACT INFO	Peter Forsyth – 01620 827724
DATE	22 March 2013



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

**THURSDAY 14 FEBRUARY 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

10

Committee Members Present:

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

Council Officials Present:

Mr I Forrest, Legal Adviser
Ms M Winter, Licensing Administration Officer
Mr I Dagleish, Transportation Manager

Others Present

Insp A Harborough, Lothian & Borders Police (Items 1-4)
PC H Bowsher, Lothian & Borders Police
Mr C Paxton, Co-Chair of the Taxi Association (Items 4, 7 and 8)
Ms R Lees, representing M & F Funeral Services (Item 4)
Ms S Dougall, Elite Private Hire (Item 7)

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor J Caldwell

Declarations of Interest:

None.

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.

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

The Sub-Committee considered one application for grant of a licence and this was granted for a period of 6 months.

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

The Sub-Committee considered four applications for renewal of a licence; three were agreed and one licence was revoked with immediate effect.

PUBLIC ITEMS

3. COMPLAINT RE USE OF BLEACHINGFIELD, DUNBAR AS A VENUE FOR FUNFAIRS

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee of the complaint received concerning the Bleachingfield, Dunbar being used as a venue for funfairs.

The Legal Adviser presented the report, advising that Bleachingfield was an area of ground owned by the Council and had been an official showground site for some time. A complaint had been received regarding the use of the site for this purpose, and relevant departments and officials had been contacted for comments. Lothian & Borders Police had indicated that they would support the complaint and suggested Winterfield Park as an alternate venue and Environmental Health had confirmed that they had received one complaint about noise during the last funfair. Landscape and Countryside advised that they had no issue with the site being used as a funfair and the show people had indicated that they were not in favour of Winterfield as an alternative show site due to lack of facilities and the reluctance of the public to travel to this location.

The Chair stated that further consultation would be required before any decision could be taken on the future of the funfair at Bleachingfield. The funfair would be visiting again in March and that would afford an opportunity for local Councillors to receive further feedback and for Environmental Health officials to attend. The Chair added that the public had enjoyed visiting the funfair on this site and noted that only one complaint had been received. Further investigation would indicate whether more local people were unhappy with the present arrangement. He stressed that there were no safety issues in relation to the funfair.

Councillor Grant supported the Chair's view on the matter and Councillor McAllister proposed that, in the absence of other reports, the complaint was noted and no further action taken unless further complaints were received.

The Police spokeswoman advised that she had consulted the local police on the matter and they had agreed that it could be noisy and that there was an element of anti social behaviour to be expected at such events.

Decision

The Sub-Committee agreed to continue this matter until April to allow further consultations to take place during March when the funfair will return to Bleachingfield.

4. TRADE REQUEST FOR ADDITIONAL TAXI RANK IN TRANENT

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee of the outcome of the consultation on the proposal for an additional taxi rank at Winton Place, Tranent.

Colin Paxton, Co-Chair of the East Lothian Taxi and Private Hire Association (ELTPHA), and Ros Lees, representing M & F Funeral Services were present.

The Legal Adviser presented the report, stating that the Sub-Committee had considered at the meeting on 11 October 2012 a request from the East Lothian Taxi and Private Hire Association for the creation of additional taxi ranks. They agreed that the proposal relative to Tranent should proceed to public consultation as provided for in terms of Section 19 of the Local Government (Scotland) Act 1982. The proposal had been advertised in the local press on 7 December 2012 and letters of objection had been received from 4 parties based in the locality of the proposed stance. The main concerns of the objectors had related to increased congestion, loss of parking facilities, increased noise and an adverse impact on local businesses fronting onto the proposed location. A response from the Council's Transportation Department had been received which did not support the proposal and Lothian and Borders Police had suggested that additional stances opposite the current taxi rank in the High Street would be a better option to the proposed site.

Colin Paxton had no objection to considering alternative locations for the new taxi stances, but strongly believed there should be additional stances at this end of Tranent. He sympathised with local businesses, but, in his view, there was a need for a taxi rank in this location as there was currently no safe place to pick up or drop off passengers.

The Chair acknowledged the need for additional taxi stances but agreed that there was an alternative location 2-3 minutes distance away from the proposed location which could be considered.

Mrs Lees stated that M & F had purchased their property in this location specifically because there was access to the property, adding that it was not dignified or respectful for coffins to be carried into their premises from locations further down the High Street.

Councillor Grant, Local Member, stated that he was not convinced that the proposed taxi rank was the best solution and he welcomed the view from the Trade that they would consider alternative locations.

The Legal Adviser advised that if Members were minded to consider an alternative proposal, the ELTPHA would have to submit a new proposal and this, in turn, would need to go out to consultation.

Decision

Having considered the terms of the objections and observations received during the consultation, the Sub-Committee agreed not to approve the proposed new taxi rank. However, the Chair advised Mr Paxton that the Sub-Committee would be willing to consider a new proposal for Tranent.

5. CONSULTATION ON REPEAL OF PEDLARS ACTS

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee of the issues raised by the ongoing Consultation on the proposed repeal of the Pedlars Acts and the proposed response on behalf of the Council.

The Legal Adviser presented the report stating that, in November 2012, a Consultation was launched jointly by the UK Government, the Scottish Government and the Northern Irish Assembly, on proposals to repeal the Pedlars Acts 1871 and 1881. The proposed changes were to comply with European Union legislation which aimed to make it easier for businesses to set up or sell their services anywhere in the EU. Under the Pedlars Acts, a trader had to have resided in the area where he intended to trade for one month before applying, be over the age of 17 and be of good character. The first two conditions were considered to be discriminatory and there was no clear test for establishing 'good character'. One consequence of the change would be that pedlars may need to obtain a street traders licence, although technically, the activity of pedlar would not fall in the ambit of street trader.

The Legal Adviser advised that the Consultation period on these proposals closed on 15 February. Due to the imminent deadline, he had outlined a response from the Council at paragraphs 3.8 and 3.9 for Members to consider.

Decision

The Sub-Committee considered the terms of the proposed response to the Consultation laid out at paragraphs 3.8 and 3.9 in the report and agreed to authorise the Corporate Legal Adviser to issue same.

6. AMENDMENT OF RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING REGIME

The Executive Director (Corporate Resources) had submitted a report to the Sub-Committee of the outcome of the resumed 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, advising that a report had come before the Sub-Committee on 8 March 2012 advising that various provisions 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 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'. The key part of that definition was the section shown underlined and effectively meant that an event which was free to enter did not require a licence under Section 42. With effect from 1 April 2012, Section 42

of the Act had been amended by deleting the words underlined above meaning that free to enter events would now be caught by the licensing regime. The Sub Committee had also agreed at their meeting in March that the categories of activities which would require to be licensed under Section 42 should be reviewed and updated to avoid charitable events being unduly penalized. The proposed wording of the amended resolution was subsequently advertised in the local press on 31 August 2012 giving a 28 day expiry for the submission of objections. A further report had been submitted to the Sub-Committee meeting on 11 October 2012 which advised of one objection to the proposals. The Sub-Committee did not accept the objections submitted but agreed that the proposed wording of the resolution be further amended to charitable activities and the numerical limit for 'small scale' events. One further objection had been received and was considered by the Sub-Committee on 13 December. As a result, the Sub-Committee had agreed to make some further alterations to the wording and the amended resolution was advertised again.

The current proposed wording, a copy of which was attached to the report, had been advertised in the local press on 11 January with a consultation period of 28 days. At the date this report was written, no further objections had been received, however, the Legal Adviser reported that one objection had since been received from North Berwick Community Council. A further late letter of comment had been received from North Berwick Rotary Club. Both letters highlighted concerns that clubs and societies would require a Public Entertainment Licence if they raised funds for charitable causes outside their organization.

The Legal Adviser advised Members that they had to decide today whether to further amend the wording of the resolution and re-advertise or to adopt the resolution as changed.

Members discussed the proposals and objections in detail and consulted the Legal adviser for guidance.

Decision

The Sub-Committee agreed to approve the proposed wording of the amended resolution, which wording was attached to this report, and authorised the Corporate Legal Adviser and such staff as she may designate to advertise the adoption of the amended wording in the local press.

7. PROPOSED AMENDMENTS TO CONDITIONS OF LICENCE – TAXI & PRIVATE HIRE

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee on progress on the issues of amending licensing conditions in respect of the age of vehicles, and on the issue of new signage for private hire cars, following the decision of the Sub-Committee at the meeting on 13 December 2012.

Colin Paxton, Co-Chair of the East Lothian Taxi and Private Hire Association (ELTPHA) and Ms Sheila Dougall of Elite Private Hire were present.

The Legal Adviser advised that a report submitted to the Licensing Sub-Committee on 11 October 2012 had proposed changing the wording of certain taxi licence conditions so as to remove the words '*prima facie*' where they appeared in Condition 9, relative to the age of vehicles, as these words were considered to serve little

purpose other than to add uncertainty to the particular licence condition. Removal of the wording would make it clear that vehicles would no longer be suitable for renewal of licence once they had reached the age of 6 years (or 12 in the case of custom built vehicles).

The same report had also proposed that the current electric screen light and disc used for private hire cars be placed by adhesive labels which would be affixed to the doors of vehicles which would provide a financial saving to the Council in that the proposed labels cost in the region of £3 each and the current screen lights cost nearly £40.

The taxi trade had been consulted on these proposals and a subsequent report was presented at the meeting on 13 December 2012. At this meeting, the Taxi Association requested that the matter be deferred to allow them to consult with their members on these issues.

The proposed redesign of the adhesive label for private hire cars, with the Council logo removed and in black and white rather than colour, was attached to the report.

The Chair addressed the matter of the changes to the adhesive sticker first of all and asked Ms Dougall if she was satisfied with the changes made and she agreed that it was an improvement on the original sticker design. The Chair of the ELTPHA indicated that he had no objection to the amended sticker, but enquired if the taxi trade would receive a reduction in their licence fee as the fee included the cost of a screen light. However, Mr Dalgleish advised that this was not possible and explained how the costs were calculated.

In respect of Condition 9, Mr Paxton stated that the 6 year rule for non purpose built taxis would be harsh on taxi operators and pointed out that the largest producer of purpose built taxis had entered administration for the third time. Therefore, if a taxi was still in good condition, he saw no reason for it not to remain in service.

Responding to a comment from Mr Paxton, Mr Dalgleish advised that the back seat measurement was not included in vehicle inspections as a vehicle could carry 3-5 passengers in the back of the taxi providing there was one seatbelt per person. The Chair advised that the reference to the length of back seat could therefore be removed from the Conditions of Fitness of Taxis and Private Hire Cars. Mr Dalgleish also responded to Mr Paxton's comment that there were occasions when taxi drivers were told not to bring their vehicles back for testing. In Mr Dalgleish's view, this was one person's opinion on the fitness of the vehicle and it was more satisfactory to have set criteria. He accepted there was an argument for cars being allowed to continue after six years and stated that the term of new education contract would be seven years. Ms Dougall indicated that she was in favour of limiting the service of non purpose built taxis to six years.

The Chair stated that the crucial issue was ensuring that passengers in East Lothian were carried safely.

Members discussed the terms of Condition 9 in detail, considering whether non purpose built taxis should be allowed to operate for 6 years or 7 years and if the phrase 'prima facie' should be deleted. The Chair also proposed that, for clarity, the last paragraph of Condition 9 was removed in its entirety.

Decision

The Sub-Committee considered the terms of the letter received from the ELTHA and also considered the amended signage which had been produced relative to private hire cars and agreed:

- i. unanimously to adopt the proposed adhesive label for private hire cars, as amended, in place of the current screen light; and
- ii. by a majority to approve the proposed alteration of the wording of the licence conditions relative to the age of vehicles by deleting the words '*prima facie*' and to delete the last paragraph of Condition 9.

8. TAXI & PRIVATE HIRE CAR LICENSING – PROPOSALS FOR CHANGE

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee of the scope of the current Scottish Government Consultation on proposed changes to taxi and private hire car licensing. The Consultation questionnaire was attached to the report.

The Legal Adviser presented the report, advising that the Scottish Government had launched a consultation on proposals to reform taxi and private hire car licensing in November 2012 and this consultation exercise would remain open until 15 March 2013. This consultation was aimed to address concerns about the influence of organised crime on the trade and also the variability in how legislation was interpreted and enforced. He also highlighted the proposal to restructure the Booking Office requirements to remove current exclusions for businesses with fewer than four cars and with no physical 'premises'. This legislation, in particular, had been considered flawed since its inception.

The Legal Adviser also outlined the objectives of the proposals, highlighting that the onus of proof of the 'fit and proper' test would now be placed on the applicant. The Consultation did not propose new areas of licensing per se, but contained a number of questions relating to the issue of 'special event vehicles' which did not necessarily fall within the ambit of the current regime.

The Chair stated that placing the onus on taxi drivers and operators to prove that they were a fit and proper person to hold a licence was an important change. He noted that there were 30 questions in all in the questionnaire and therefore suggested that Members consider the document further in detail and email their responses directly to him within 14 days.

Decision

The Sub-Committee agreed:

- i. to consider the questions raised as part of the consultation and considered the general tenor and direction of the Council response.
- ii. to accept a further report to the next meeting of the Licensing Sub Committee with a view to approving the proposed response as formulated taking account of the views expressed relative hereto.



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

**THURSDAY 14 MARCH 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor D Grant
Councillor J Caldwell
Councillor F McAllister

Council Officials Present:

Ms C Molloy, Legal Adviser
Mr I Forrest, Senior Solicitor
Ms D Richardson, Licensing Administration Officer

Others Present

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

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor J Williamson
Councillor J McMillan

Declarations of Interest:

None

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.

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

The Sub-Committee considered two applications for grant of a licence; one was continued and one was granted for a period of 6 months.

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

The Sub-Committee considered one application for renewal of a licence and it was agreed.

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

The Sub-Committee agreed to extend the suspension of one licence until the date of its expiry on 23 September 2013.

SUPPLEMENTARY AGENDA ITEM

TAXI & PRIVATE HIRE CAR LICENSING – PROPOSALS FOR CHANGE

The Executive Director (Support Services) had submitted a report presenting the Sub-committee with the proposed response to the above Consultation on behalf of the Council.

The Senior Solicitor presented the report, stating that a report had been submitted to the Sub-Committee on 14 February 2013 providing an introduction to the Scottish Government Consultation on Taxi and Private Hire Car Licensing and detailing the various questions being raised as part of that consultation.

Members had agreed to provide comments on the consultation questions and the Senior Solicitor had now drafted a proposed response for consideration and approval. He advised that the consultation closed tomorrow (15 March 2013) but there was still an opportunity to incorporate any changes today.

Members considered the Consultation responses and discussed a number of issues arising from the questions including training opportunities for taxi drivers and operators, the procedures and record keeping of taxi operating companies and the Conditions of Taxi Operators' licences.

Decision

The Sub-Committee agreed to approve the proposed response to the Consultation questions and authorise the Corporate Legal Advisor to issue same.