

**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Support Services)

**SUBJECT:** Summary of Contracts Awarded by East Lothian Council,  
27 March – 30 April 2013

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**1**

## **1 PURPOSE**

- 1.1 To advise Members of all contracts awarded by the Council from 27 March – 30 April 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 27 March – 30 April 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](http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102)

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 EQUALITIES IMPACT ASSESSMENT**

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

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

- 7.1 None

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<b>DATE</b>	30 April 2013



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE  
FOR THE PERIOD 27 MARCH – 30 APRIL 2013**

<b>Originator</b>	<b>Report Title/Project Summary</b>	<b>Contract Awarded To</b>	<b>Contract Value</b>	<b>Members' Library Bulletin &amp; Reference</b>
Executive Director (Services for Communities)	Proposed Alterations and Extensions (Stair Enclosure and Lift) at Macmerry Primary School, Macmerry	Messrs Hadden Construction Ltd	£395,905.40	72/13 (March 13 Bulletin)
Executive Director (Services for Communities)	Proposed External Works to Steeple at Haddington Town House	Messrs LTM Group Ltd	£220,213.47	98/13 (April 13 Bulletin)

30 April 2013



**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Services for People)

**SUBJECT:** Children's Wellbeing Payments to Voluntary/Partner Organisations 2013-2014

**2**

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**1 PURPOSE**

- 1.1 To seek approval for the payment to voluntary/partner organisations of the amounts specified in Appendix 1 , for the financial year 2013-2014.

**2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to agree to award grants, for 2013-2014, as shown in Appendix 1.

**3 BACKGROUND**

- 3.1 Section 10 of the Social Work (Scotland) Act 1968 allows local authorities to make grants to voluntary organisations whose sole purpose is to promote social welfare.
- 3.2 The Council also has the power to purchase certain services, which it is obliged to provide, from the independent sector using other funding streams. Under certain circumstances the council can tender for such services, for example 'Who Cares? Scotland' provide advocacy and support to children and young people who are looked after away from home, in foster care or residential care.
- 3.3 A summary of the organisations to be funded for 2013/14 is attached, along with the amount provisionally allocated.
- 3.4 Cabinet should note that the Children's Wellbeing budget for payments to voluntary organisations has reduced from £850,231 in 2012/13 to £768,231 in 2013/14.
- 3.5 Various models to achieve this budget efficiency were explored including a reduction of 11% to all partner agencies. However, after much consideration and a focus on essential core complimentary service provision, this was not a model proportionate to our strategic and operational service needs.

- 3.6 It is recommended that all of the efficiencies are met through a 49% reduction to our contract with Children 1<sup>st</sup> Young Families Outreach Project, from £185,000 to £95,000. Children 1<sup>st</sup> currently partner with us under a two separate 'service level agreements' which on introduction in 2009 addressed the core needs of the service at that time, however, our service requirements and priorities have varied in the intervening period. We have been working closely with Children 1<sup>st</sup> to agree the level of service required for 2013/14. We have agreed to amalgamate the funding to the Family Group Conference and the Young Families Outreach Projects to maximise financial and operational efficiencies and use staff skills flexibly between both projects. Children 1<sup>st</sup> will restructure their staffing in East Lothian as a result with some posts now working across their projects in East Lothian and Midlothian. Children 1<sup>st</sup> are committed to working creatively and constructively, co-located with us in Randall house, in 2013/2014 to provide early years and early intervention projects supporting these priorities in the Integrated Children's Services Plan and in the Children's Wellbeing Service Plan, continuing our established partnership with them.
- 3.7 All other organisations have been allocated levels of funding that were provided last year (2012-2013) and one organisation, Richmond's Hope, no funding. Richmond's Hope is a voluntary organisation providing a bereavement service for children. The organisation has approached Children's Wellbeing for funding for the fourth year, but again it has not been possible to award any grant in view of the service's budget allocation for 2013/14 and proposed allocation of funding to existing partner organisations. Children's Wellbeing have prioritised funding to those organisations providing specialised services for the children and families that are supported by the service. Efforts have been made and advice given to enable Richmond's Hope to explore option funding streams for this organisation.
- 3.8 It should also be noted that Children's Hospice Association Scotland (CHAS) have successfully made representations directly to COSLA for the past two years which has resulted in securing uplift on all local authorities' contributions to CHAS. A national funding agreement, which took effect part-way through 2012/13, has resulted in an increase to East Lothian's contribution from £3,460.00 to an expectation of funding to the sum of £11,887.00.

## **4 POLICY IMPLICATIONS**

- 4.1 There is currently a short life working group looking at a One Council Approach to future grant funding chaired by the Head of Policy and Partnerships, Children's Wellbeing is represented on this group. A full report will be presented to Cabinet when the work of the group has concluded. It is anticipated a more efficient and equitable approach to and experience of grant funding will result and deliver best value. Some existing Children's Wellbeing service level agreements may be subject to respecification and retender in accordance with the Council's Procurement Policy as a consequence.

- 4.3 Staff directly involved in procurement are currently benefiting from comprehensive procurement training that links directly with the East Lothian Council Procurement Strategy 2012.
- 4.3 The East Lothian Children's Commissioning Strategy requires consultation with service users and engagement with providers to ensure that the services we are procuring from the voluntary sector meet the specific needs of the children and families we support. This has informed our commissioning of services for this coming financial year 2013-2014.
- 4.4 The Council will require to deliver services in a way that is person centred with the advent of Self Directed Support, which will impact on future commissioning of services. This is likely to mean that in future services will increasingly be commissioned by service users rather than by the Council. It is anticipated this legislation will be implemented in Spring 2014. Children's Wellbeing and Adult Wellbeing are jointly exploring this way of working which for Children's Wellbeing is particularly relevant for disabled children and their families and care leavers, and for partner organisations currently funded to provide services to them. It is anticipated a Services for People report about Self Directed Support will be presented to Cabinet later in the year.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.2 Financial: This report proposes awards of funding to voluntary organisations for 2013-2014, at a total cost of £768,231. The actual amounts finally payable to specific voluntary organisations (Children 1<sup>st</sup> and Aberlour) may differ from the figures detailed at Appendix 1 as discussions are continuing with regard to the use of previous years' carry-forwards. Resources to support the recommendations in this report are contained in the Children's Wellbeing budget for 2013-2014 and the budget available, as proposed for payment, is fully allocated.
- 6.2 Personnel - There are no personnel implications arising from this report.
- 6.3. Other - None.

## **7 BACKGROUND PAPERS**

- 7.1 Summary of financial assistance provided to voluntary organisations and sources of funding (Appendix 1).

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## Grants to Voluntary Organisations – Children’s Wellbeing – Summary Position

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<b>ADOPTION</b>					
<p><b>Scottish Adoption Association</b></p> <p>Scottish Adoption provides expertise in this complex aspect of family placement work. The agency focuses on the recruitment of prospective adoptive parents. They also provide Post Adoption Support. The independence they offer in some cases is extremely helpful.</p> <ul style="list-style-type: none"> <li>• Provide adoption placement for 1 child 0-8 years per annum at reduced rate to spot purchase price £27,000</li> <li>• Adoption Counselling for adopted adults.</li> <li>• Positive feedback from staff.</li> </ul>	£25,000.00	£25,000.00	<b>£25,000.00</b>	Propose another annual Service Contract letter starting April 2013.	<b>S10 - Children Ext Prov (5036)</b>
<p><b>St Andrew’s Children’s Society</b></p> <p>St Andrew’s Children’s Society recruits Roman Catholic and non-Roman Catholic adopters and provides post adoption support. Legal requirement to give consideration to birth parent’s views regarding the religious upbringing of the child.</p> <ul style="list-style-type: none"> <li>• Provide adoption placement for 1 child 0-8 years per annum at reduced rate to spot purchase price.</li> <li>• Post placement support after one year is covered in placement price</li> <li>• Pre Adoption work with relinquishing women/parents with Roman Catholic heritage</li> <li>• After Adoption Support/Adoption Counselling can be spot purchased</li> <li>• Service Manager is one of our Adoption Panel chairs providing valuable independence</li> </ul>	£21,000.00	£21,000.00	<b>£21,00.00</b>	<p>Propose a Service Level Agreement for 3 years starting April 2013.</p> <p>The cost of spot purchasing an adoption placement (BAAF Interagency Fees) is £27,000.00</p>	<b>Payments to Voluntary Organisations</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<p><b>Adoption UK</b></p> <p>National self-help organisation for prospective and adoptive parents and long term foster carers providing, information, advice support and training. The professionals providing the support and training are very skilled adoptive parents.</p> <ul style="list-style-type: none"> <li>Promoting education and training on therapeutic parenting strategies for children placed for adoption or long term fostering.</li> <li>Run regular support sessions for adopters in East Lothian</li> <li>Arrange a family day for adopters in East Lothian</li> <li>Provide resources e.g. books, DVDs for use by the East Lothian group</li> <li>Very positive feedback from adopters, carers and workers who have been involved in Adoption UK training.</li> </ul>	£1,000.00	£1,000.00	<b>£1000.00</b>		<b>S10 Children Ext Prov (5036)</b>
<p><b>Birthlink</b></p> <p>Provides service to adopted adults, birth parents of people adopted as children and their families, local authorities and voluntary agencies.</p> <ul style="list-style-type: none"> <li>Maintains the Scottish Adoption Registry – computerized index of available adoption records</li> <li>Telephone information service – After Adoption Information Line</li> <li>Counselling, mediation and support to those seeking further information on birth relatives and reunion</li> <li>Volunteers do the public records searches</li> </ul>	£1,340.00	£1,340.00	<b>£1,340.00</b>		<b>S10 Children Ext Prov (5036)</b>
<b>LOOKED AFTER CHILDREN - ACCOMMODATED</b>					
<p><b>Who Cares? Scotland</b></p> <p>3 year Service Contract (2008-2011) – extended contract for 2nd year whilst explore Shared Service Level Agreement with Midlothian. Providing advocacy and support to children and young people who are Looked After away from home, in foster care or residential care. Who Cares? Scotland provides 365 day cover</p>	£33,817.50	£33,818.00	<b>£33,817.00</b>		<b>SLA - CCSF &amp; Ext Prov (5036)</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<ul style="list-style-type: none"> <li>Obtain feedback from service users about services offered, including exit interviews when young people have a placement ending using a range of consultation methods.</li> <li>Facilitate focus groups of Young People e.g. Corporate Parenting event, involvement of young people in recruitment and selection of professional staff: positive feedback from Children's Wellbeing staff re service provided.</li> </ul>					
<b>CARE LEAVERS</b>					
<b>Places for People</b> <ul style="list-style-type: none"> <li>Voluntary Housing Support Agency providing support to young people 16-25 with care background or mental health issues to develop skills in independent living, including how to manage a tenancy. Tenancies in Edinburgh – demand for these tenancies continues</li> <li>One to one support provided to 2 East Lothian young adults</li> <li>Group support via Drop in Centre and planned activities</li> <li>Very positive feedback from Children's Wellbeing</li> <li>Throughcare After Care Team</li> </ul>	£9,500.00	£9,500.00	<b>£9500.00</b>		<b>S10 - Children Ext Prov (5036)</b>
<b>CHILDREN AND FAMILIES</b>					
<b>Children 1st - Family Group Conference Project</b> <p>Three year service contract in place until March 2012 which will be extended for a second year, whilst SLA renegotiated.</p> <ul style="list-style-type: none"> <li>1 full time FGC Co-ordinator</li> <li>Opportunity to explore whether there is a safe solution to the child's future care and support within the family</li> <li>Family Plan is reviewed</li> <li>Established integrated, co-located project within Children's Wellbeing</li> </ul>	£46,240.00	£46,240.00	<b>£46,240.00</b>	Children 1st makes contribution of an additional 20%.	<b>SLA – Partnership funding (5041)</b>
<b>Children 1st –Young Families Outreach Project</b>	£185,000.0	£185,000.00	<b>£95,000.00</b>	£4,187.00 from Lloyds/TSB.	<b>SLA Partnership</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<p>Three year Service contract in place until March 2012 has been extended for a second year, providing family support – review of service has commenced.</p> <ul style="list-style-type: none"> <li>• Enable parents to strengthen communication with partners and children</li> <li>• Establish routines and structures for children</li> <li>• Support to understand child's behaviour and develop strategies to promote positive behaviour using a range of techniques e.g. Video Interactive Guidance (VIG)</li> <li>• Co-deliver Incredible Years training to groups of parents</li> <li>• Contribute to multi- agency assessments</li> </ul>	0			Children 1st contribute 25 % of the cost of the project.	<b>Funding (5041)</b>
<p><b>Family Mediation Lothian</b></p> <ul style="list-style-type: none"> <li>• Provides information, advice and mediation to families experiencing difficulty as a result of separation and divorce.</li> <li>• Focus on supporting children.</li> <li>• One parent must live in East Lothian</li> <li>• Sustain contact arrangements between parents and their children</li> <li>• Supervised Child Contact Centre in East Lothian is Olivebank, Musselburgh</li> <li>• 44 families and 59 children used Musselburgh contact centre</li> <li>• 60 Client Intake appointments from East Lothian</li> <li>• 26 Family Mediation appointments from East Lothian</li> </ul>	£9,740.00	£10,000.00	<b>£9,740.00</b>	Request for reimbursement of £960.00 to cover heating and lighting costs of Olivebank, by budget holder.	<b>S10 Children Ext Prov (5036)</b>
<p><b>Homestart</b></p> <ul style="list-style-type: none"> <li>• Established in East Lothian in August 2000</li> <li>• Located at Sanderson's Wynd Early Years Centre, Tranent. Council provides accommodation.</li> <li>• Service providing regular parenting support to parents of children 0-8 years in East Lothian via volunteer befrienders. Currently work with 57 families, 144 children with 82 under 5 years.</li> </ul>	£56,370.00	£56,370.00	<b>£56,370.00</b>		<b>Payments to Voluntary Organisations</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<ul style="list-style-type: none"> <li>Strong demand for service via other agencies and self referral</li> <li>Strong community links</li> <li>Ongoing recruitment, training and support of volunteers</li> <li>Positive feedback from parents and Children's Wellbeing staff</li> </ul>					
<b>DISABILITY</b>					
<b>East Lothian Special Needs Playscheme</b> <ul style="list-style-type: none"> <li>Provision of specialist school holiday playschemes (Easter, summer, October) for about 70 East Lothian disabled children with a range of complex and enduring needs.</li> <li>Providing social recreation for the children and respite for their families.</li> <li>Playschemes located at North Berwick, Prestonpans and The Hub, Tranent.</li> <li>Use over 100 volunteers each year recruited from local secondary schools and further education colleges.</li> </ul>	£62,955.00 plus transport costs up to £39,908	£62,955.00 plus transport costs up to £39,908	<b>£62,955.00 plus transport costs up to £38,982</b>	Transport costs for 2013-2014 will not exceed £38,982. Discussed and agreed with Playscheme Co-ordinator	<b>Children Ext Prov (5036)</b>
<b>Star Youth Club</b> <p>Weekly youth club at North Berwick Community Centre for disabled young people aged 12 – 18 years, transport provided, valued by families.</p> <ul style="list-style-type: none"> <li>S10 grant contributes £47.36 per member per year</li> <li>Positive feedback from young people and Children's Wellbeing.</li> <li>Provide a residential weekend for young people– video evidences enjoyment of all who attend</li> <li>Run by experienced workers and 15 volunteers per session</li> </ul>	£1,180.00	£1,180.00	<b>£1,180.00</b>	Also receives £2,500.00 from Community Wellbeing for Star Youth Club and £2,100.00 from Community Wellbeing for Star Youth Club residential weekend.	<b>S10 Children Ext Prov (5036)</b>
<b>Bankfoot, Aberlour</b> <p>Provide residential respite places to children and young people with disabilities in a small unit in Prestonpans.</p> <ul style="list-style-type: none"> <li>The children referred have the most complex needs for</li> </ul>	£294,000.00	£294,000.00	<b>£294,000.00</b>	Service Level Agreement until 31 <sup>st</sup> March 2013. Agreed to extend for further year to	<b>Partnership Funding (5041)</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
<p>example children with physical disabilities who need specialist equipment for moving and lifting and sleeping arrangements and children on the autistic spectrum who present with challenging behaviour.</p> <ul style="list-style-type: none"> <li>• Small outreach service also provided (see below)</li> <li>• Placements usually provided at weekends plus holiday respite week.</li> <li>• Packages of support agreed and reviewed at Multi-Agency Respite Support Panel.</li> <li>• Flexibility to spot purchase placement midweek when crises have arisen with known children or young people.</li> <li>• Feedback from Service User's families and Children's Wellbeing is positive.</li> </ul>				further consult with service users and their families regarding future wishes post Self Directed Support implementation	
<p><b>Aberlour - Outreach</b></p> <p>See above</p>	£19,220.00	£19,220.00	<b>£19,220.00</b>		<b>Partnership Funding (5041)</b>
<p><b>Action for Children – Gilmerton Road, Edinburgh</b></p> <ul style="list-style-type: none"> <li>• SLA : 50% Health 50%/East, Mid, West Lothian and Edinburgh Currently updating SLA with partners to run until March 2014</li> <li>• Respite provided for 4 children with complex needs and challenging behaviour.</li> <li>• 3 children provided with Outreach Service</li> <li>• East Lothian children identified and reviewed for this service via Multi-Agency Respite Support Panel using Vulnerability Tool.</li> <li>• Action for Children Psychologist offers training to carers and parents which has been greatly appreciated</li> </ul>	£41,000.00	£41,000.00	<b>£41,000.00</b>		<b>Partnership Funding (5041)</b>
<p><b>Children's Hospice Association Scotland</b></p> <ul style="list-style-type: none"> <li>• Provide comprehensive professional care, help and support to children and young people under 16 years and their families and who have a terminal illness or condition.</li> <li>• Hospices - Rachel House, Kinross and Robin House, Balloch</li> <li>• Support from referral to death of the child and beyond.</li> <li>• Provide bereavement support, through one to one counselling, support groups, siblings group, spiritual and religious support, and</li> </ul>	£11,000.00	£11,887.00	<b>£11,887.00</b>	COSLA national funding agreement regarding local authority contributions concluded 25 <sup>th</sup>	<b>S10 Children's Ext Prov (5036)</b>

Organisation and Service Description	2012/13 Award	2013/14 Award Sought	Recommended for 2013/14	Notes	Funding Source
Remembering Days. <ul style="list-style-type: none"> <li>Feedback from parents and Children's Services staff rate the service very highly.</li> <li>Provide support to families not known to Children's Wellbeing</li> </ul>				January 2013.	
<b>2013/14 Total Budget Available for Allocation £768,231.00</b>	<b>£858,267.50</b>	<b>£866,793.00</b>	<b>£768,231.00</b>		
<b>UNABLE TO OFFER GRANT in 2013/14</b>					
<b>Richmond's Hope</b>  Applications made in each of last 4 years. Bereavement project for children and young people between ages of 4-18 years based in Niddrie, Edinburgh and Dalkeith. The children are supported through their grief by project workers on a one to one basis for 12 sessions using therapeutic play and art activities.  <ul style="list-style-type: none"> <li>Very positive feedback from staff.</li> <li>Representations from bereaved parents that service not available to East Lothian children free of charge</li> <li>Offering 15 places to East Lothian Children for 1:1 bereavement counselling @ £551 per child</li> <li>Spot purchase @ £1150 per place</li> </ul>		£8,265.00	<b>£0.00</b>	Unable to offer funding in view of budget position	<b>S10 Children's Ext Prov (5036)</b>
<b>TOTAL</b>	<b>£858,267.50</b>	<b>£866,793.00</b>	<b>£768,231.00</b>		





**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Services for People)

**SUBJECT:** Client Contributions for Adult Wellbeing Care Services

**3**

**1 PURPOSE**

- 1.1 To set out the arrangements for financial assessment of Adult Wellbeing service users for 2013/14.
- 1.2 To set revised rates for client contributions within Adult Wellbeing for 2013/14.
- 1.3 To provide information on the way forward in respect of the Self Directed Support (SDS) for Adult Wellbeing Charging Policy.

**2 RECOMMENDATIONS**

- 2.1. Members are asked to approve the recommended changes for 2013/14 as summarised below and which are fully detailed in the body of this report:

<b>Service</b>	<b>Change</b>
Residential Care	Increase weekly rate for ELC managed homes from £513 to £525
Emergency Respite care	Waive charges for first 2 nights, (reduced from first three nights).
Adult Carers	Increase nightly rate from £8.80 to £11.50 per night
Care at Home/ Home Care	Increase hourly rate from £10.68 to £11.50
Meals/ Lunch Clubs	Charges kept in line with rates charged by commercial provider, (£2.57)  Discontinue free meals for first four weeks following hospital discharge.
Community Alarms	Increase charge to £1.65/week (in line with charge to ELC tenants)

Night-time Services/ Sleepovers	Cost of £32.00 per night based on actual costs of provision.
Capital Threshold	Increase upper limit to £16,000 for self funding service users.
Charging Thresholds	Updated in line with revised DWP rates and national guidance.
Tapers	Taper reduced to 40% (from 45%) for first £50 Increased to 55% for available income more than £50.

2.2 Members are asked to approve the treatment of compensation payments set out in section 3.17 being incorporated into the charging policy.

2.3 If approved, all these changes will be effective from 20 May 2013.

2.4 Members are asked to note that a further report will be provided covering the impact of Self Directed Support on the current charging policy.

## **1 BACKGROUND**

1.1 The existing arrangements for financially assessing clients have been in place since 2007. This report sets out proposed measures to update the policy to reflect the annual review of charging. The report also considers the implications of the introduction of Self Directed Support (SDS).

1.2 Income from Adult Wellbeing service users currently amounts to £2.1 million and represents a significant contribution to the overall Adult Wellbeing budget. The largest part of the income (£1.4 million) comes from residents in the council's four residential homes for Older People. The balance of the income comes from service users receiving community based care services.

- Approximately 1,500 clients receive care and support in their home with approximately 65% (1,000) of them receiving a chargeable service.
- Approximately 380 paying clients contribute to the cost of their care at home service and pay a total of £700,000.
- The largest group of clients are older people, with around 170 service users paying an average of £16 per week.
- In Adult Wellbeing there are around 210 clients who pay contributions to the cost of their care with average contributions ranging between £30 and £45 per week.

### **3.3 Residential Care**

Charging for residential services is governed by statute with guidance issued by the Scottish Government. Local Authorities have very limited discretion in charging for residential care. Charges are increased annually in line with revised Scottish Government decisions in relation to free residential and nursing care and the updating of benefits and pensions.

### **3.4 Non-Residential Services**

There is no statutory framework for charging for non residential services, although under the legislation governing the provision of free personal care in Scotland authorities are not allowed to charge people over 65 for personal care including food preparation. Local authorities are expected to co-operate over charging policies for non-residential services to achieve a consistent approach and to this end national guidance is issued by COSLA each year. The Scottish Government reserves the right to direct local authorities on their charging policies.

The national guidance for 2013/14 has been issued and, whilst there are few significant substantive changes to the guidance, it now includes a set of principles to guide councils. These stress the need for charging policies to be accessible and transparent, fair and equitable and to be developed from a human rights perspective that promotes participation of service users in an honest dialogue about the rationale for charging whilst recognising that the provision of community care services can be a pre-requisite for participation in civic life.

The national guidance also notes the financial and policy context within which charges operate, including the contribution that charging income makes to council budgets and signals the need for charging policies to be overhauled to deal with the introduction of Self Directed Support (SDS).

Self Directed Support (SDS) will have a profound impact on the way in which service users are assessed for care. In future the assessment process will focus on identifying and agreeing outcomes, with service users having greater choice and control over the care services they access. Under SDS the Council will be required to consider the total level of resources being awarded to a service user and the contribution a service user makes from their own resources. This development presents significant challenges to the existing approach to charging that is based on charging for specific services.

### **3.5 The Financial Assessment Process**

The Financial Assessment process is designed to assess how much a service user should contribute towards the cost of their care. The process considers a service user's income and compares that against an income threshold. Once the amount of income above the threshold has been calculated a given percentage of the available income, known as the

taper, is taken into consideration to determine the upper limit on the level of contribution.

For non-residential charging there is some discretion over what are considered to be allowable expenses and the level at which they are set.

With regard to capital, clients are allowed to hold up to £10,000 in capital before this is taken into account within the financial assessment process as notional income. Under the Council's current arrangements for financial assessment clients with more than £12,000 capital are treated as full payers with no upper limit to the level of contribution.

### 3.6 Charging Thresholds

Charging thresholds are the level at which clients begin to make a contribution towards the cost of their care. Clients with income below this threshold make no contribution towards the cost of their care.

The national guidance provides that there should be a common threshold across Scotland at which charges begin to apply to remove the current variation between councils and establish a common income level at which clients begin to pay for services. Local authorities continue to have discretion to set the level of charges

Charging Thresholds are linked to rates set by the UK Government Department for Work and Pensions together with a buffer of 16.5% which provides a top up of weekly income to a guaranteed minimum amount. Taking into account the uplifting of benefit levels the thresholds for 2013/14 are set out below:

	2012/13	2013/14	Increase %
<b>Over 60 Years</b>			
Single Person	<b>£167</b>	<b>£170</b>	1.80%
Couple	<b>£254</b>	<b>£259</b>	2.00%

<b>Under 60 Years</b>			
Single Person	<b>£119</b>	<b>£120</b>	0.84%
Couple	<b>£181</b>	<b>£183</b>	1.10%

The detailed calculation of the Threshold levels for 2013/14 is shown in Appendix A (attached).

### 3.7 Taper Arrangements

The Taper is used to calculate how much of a client's income above the threshold figure is taken into account in charging. This is currently set at 45%, meaning that 55% of a service user's income is not subject to charging.

The national guidance recognises that Councils will wish to take a number of factors into account when setting the taper, not least the requirement to raise income which is required to support the provision of good quality services.

It is recommended that for 2013/14 the current taper is revised with the existing single banding of 45% being replaced by two bands as set out below

<b>Band</b>	<b>Income</b>	<b>Taper</b>
Band 1	First £50	40%
Band 2	All income after first £50	55%

This change will reduce contributions for those clients at the starting point of charging, whilst increasing contributions for those on at the upper limit of charging threshold. Service users paying the full cost of their service owing to their level of capital will not be affected by the change in threshold.

Service users over 60 with an income of £220/week will see their maximum contribution fall by around £2.50 per week, whilst someone with income of £260/week will see their maximum contribution increase by around £1.50. This is equivalent to 4 hours of non personal care per week and in practice the numbers of older service users affected by this change is estimated to be less than 50.

Service users under 60 years with an income up to £170 per week will see a fall in their assessed maximum contribution, with service users with £160 per week seeing a fall of around £2 per week. A service user with income of £220 per week will see this increase by around £2.50 per week.

### 3.8 Capital Thresholds

At present clients with more that £12,000 capital are regarded as self funders and pay the full hourly charge. Clients with more than £10,000 capital will have this taken into account in the financial assessment

through the inclusion of tariff income in their financial assessment at a rate of £1 for every £500<sup>1</sup>.

National guidance recommends that capital should be treated in a similar way as means tested benefits with a disregard limit of £6,000 for service users under 60 and £10,000 for service users over 60 years old. Implementing such a measure would disadvantage existing service users with capital between £6,000 and £10,000 and on that basis it is recommended that this measure is not implemented. Instead it is proposed to extend the upper capital limit to £16,000 which will harmonise capital thresholds with benefit levels and mean that clients with capital between £12,000 and £16,000 will be protected from the impact of being a full payer.

The operation of Thresholds and Tapers for an older person over 60 years and a younger person, both with incomes of £200/week is illustrated in Appendix B (attached).

### 3.9 2013/14 Charges

The current legislative framework for charging includes services provided under the Social Work (Scotland) Act 1968 Section 87 which gives councils the power to charge for a range of adult non-residential social care services as set out below:

#### Current Charging Arrangements in East Lothian

Services for which charges can be levied	ELC Position
Day care;	x
Transport	x
Frozen Meals/Lunch clubs;	✓ charge for meal only
Domiciliary services, including meals on wheels;	✓
Reablement	x
Wardens in sheltered housing;	✓
Community alarms	✓ nominal
Telecare	x
Laundry services	x
Aids and adaptations	x
Practical assistance in the home and meals provided	✓
Night time care/Sleepovers	x
After-care services for people with a mental illness.	✓

<sup>1</sup> The charging report for 2012 quoted the residential figure for tariff income of £1 for £250 in error.

The legislation also sets out what services cannot be charged for and these include:-

Advice information about the availability of services
Assessment of care needs or care management
People with a mental illness who are subject to a Community Care Order or a Supervision Order
Nursing Care and Personal Care for people aged over 65. This includes Food Preparation.
Councils are encouraged to exempt people who are terminally ill

The recommended changes to charges for 2013/14 are set out below.

### 3.10 Residential Contributions within ELC Managed Care Homes

Whilst residential charging is largely governed by Scottish Government guidance, the Council is required to set a weekly rate for the clients living within the 4 ELC care homes. These charges should reflect the actual cost of providing the service.

To reflect the actual costs of providing care it is recommended that the weekly charge is increased from £513 per week to £525 per week an increase of 2.5%.

The weekly charge is the maximum net contribution after an allowance for free personal care. All residents are financially assessed to determine how much they can afford to contribute towards the costs of their care.

### 3.11 Respite Care

Service users are financially assessed for respite care under a modification of the residential charging rules. It is current policy not to charge for the first 3 nights of emergency respite. It is recommended that this period of free care is reduced to 2 nights with service users being financially assessed and contributing from the third night of emergency respite.

### 3.12 Care at Home/ Home Care

The existing client contribution of £10.68 per hour applies to clients receiving care who are assessed as able to pay. The provision of personal care for service users over 65 years will remain free.

The actual cost of this service depends on the type of service provided. The cost of purchased home care is £13.80 per hour, with specialist services costing approximately £16.50. The salary costs for the internal Domiciliary Care Service cost is in excess of £14.10 per hour, this does not include the costs of management and overheads.

Arrangements are being made to convert the existing block contract for Crossroads sitter services to individual purchase arrangements. Once these arrangements are concluded it is recommended that this service is charged on the same basis as the care at home service. It is expected that this will be completed by autumn 2013.

It is recommended that the charge for Care at Home/Home Care is increased to £11.50 from £10.68 per hour as a further step towards aligning charges with the costs of delivery. Whilst this increase is above the current rate of inflation service users will be protected by their financial assessment that will set their maximum contribution.

### **3.13 Adult Carers**

This service currently costs £48 per day. It is recommended that the charge for this service is set at £11.50 and linked to the charge for an hour of Home Care, an increase from the current charge of £8.80, recipients of this service will be financially assessed.

### **3.14 Meals/Lunch Clubs**

This service is currently provided by a private contractor to over 500 clients at cost. Clients are not financially assessed for this service and pay the cost of provision directly to the provider. The contractor has informed the Council of its intention to increase charges to £2.57 per meal (from £2.51); it is recommended that this increase is passed on to service users.

Currently service users leaving hospital are provided with free meals for four weeks following discharge. It is recommended that this practice ceases and service users requiring prepared meals pay from the start of the service.

### **3.15 Community Alarms**

This service is currently provided to approximately 1,200 clients who pay a contribution of 1.59 per week. The actual cost of providing the service is estimated at £2.70 per week. It is recommended to increase this charge to £1.65 per week, this is an increase of 4.3% that is in line with the fee paid by ELC tenants.

### **3.16 Points of Clarification**

In recent years steps have been taken to harmonise East Lothian Charging policy with national guidance. In this regard guidance is sought on the following issues:

### **3.17 Compensation Payments**

National guidance recommends that Councils establish the breakdown of any compensation payment and consider whether some elements of



compensation payments should be included when assessing a service user's ability to pay a charge. It is recommended that East Lothian adopt the following practice in financially assessing service users.

*East Lothian Council's policy on charging is based on the principle that service users will contribute towards the cost of services they use, on the basis of their available income and assets based on national Guidance. The Council will as part of this process consider all funding streams and whether a client has sufficient reliable access to resources other than his or her own resources including compensation payments held in trust, for these resources to also constitute his or her means when making assessments.*

### **3.18 Night Time Services/Sleepovers**

At present there are no agreed charges in relation to night time care/sleepovers.

It is recommended that a charge is set at £32/night based on the actual costs of purchasing this service. Where a sleepover service is shared with other service users the costs will be shared equally. All service users receiving a night time service would be subject to a financial assessment.

### **3.19 Services where there is no current charge**

As set out in 3.9 there are a number of services where there is discretion to levy a charge to service users but where there is currently no charge. This includes

- Day Care,
- Transport,
- Telecare,
- Aids and adaptations.

It is recommended that the charging arrangements for these services are considered alongside the changes to the charging policy that will be required to support the introduction of SDS.

### **3.20 Effective Date**

It is recommended that the above changes take effect from 20th May. For existing clients new charges will be co-ordinated with the annual financial re-assessment which is currently underway for residential care and scheduled to take place in August 2013 for care at home clients

### **3.21 Self Directed Support**

On 10 January 2013 the Social Care (Self-directed Support) (Scotland) Act 2013 received Royal Assent. The Act places duties on local authorities to provide a spectrum of Self-Directed Support options, to people with eligible support needs. Self-Directed Support (SDS) is the term used to describe how people can exercise choice and control over the support or services that allows them to live independently. The national guidance describes the radical changes to the way in which Social Care services are delivered following the introduction of SDS.

*“Whereas the 1968 Social Work (Scotland) Act defines a two-stage process which begins with an assessment of a person’s needs and ends with a judgement about whether the needs of that person call for the provision of services, the Social Care (Self-Directed Support) Bill will require the assessment to give consideration to personal outcomes and, subsequent to eligibility criteria being met, to attribute a financial value to the support mechanisms that are required to meet those outcomes. In other words, it does not necessarily relate ‘the assessment of need’ to ‘the provision of services’ but instead to the provision of a budget to meet agreed outcomes.*

*In view of these changes, a conceptual shift will have to be made in respect of how councils charge for services. The underlying structure of the traditional system of charging is linked to the use of services. However, in a personalised system of support, the focus shifts to enabling people to control and adjust their support at the point of delivery in order to meet their needs and achieve their outcomes. As such, the connection between ‘the service’ and ‘the charge’ becomes less well defined – and in some cases will disappear altogether.”*

SDS will have wide reaching implications for the way in which service users contribute towards the costs of services, we will require simpler arrangement that set out clearly the total value of the resources allocated to a service user to meet their needs (their individual budget), and the level of contribution they are expected to make.

### **3.22 The Challenge of SDS**

Charging for social care has traditionally been based around a detailed specification of the services to be provided and the associated charges to be applied. In contrast SDS involves empowering service users to design their own care plan to allow them to achieve agreed outcomes. This provides the service user with greater choice and control but also presents serious challenges to the traditional approach to charging. Under SDS service users will be encouraged to seek out new ways to achieve agreed outcomes and decide for themselves what services they access and when. Under such circumstances it will be an ongoing challenge for the Council to keep track of what services have actually been accessed and how much they should be charged. One of the challenges within SDS is, therefore, how to share the costs of care in a situation where service users can put together their own basket of

services that may not fit with the traditional definitions of chargeable and non chargeable services.

For these reasons a number of Councils are looking to introduce a contributions based approach where there is agreement on how the costs of care are shared between the service user and the Council. Once this is agreed the service user is able to make choices based on what will help them to achieve their outcomes, without being unduly influenced by the financial consequences.

### 3.23 **A Way Forward**

We are looking at an approach that builds on the experience of other Councils such that following the assessment and the completion of the Self Assessment Questionnaire the service user knows:

- What their total care needs are
- The total level of resources the Council is able to allocate towards meeting these needs
- How much the Council will contribute towards the cost of their care and support
- How much they are expected to contribute towards the cost of care and support
- Direct Payments normally funded on a net basis, with service users paying their contribution into a dedicated account.
- For clients over 65 receiving personal care, the cost of personal care would be subtracted from the overall cost of the service package and the net sum is used to calculate the level of contribution due.

Whilst these arrangements will involve some significant changes to the current charging they essentially represent an extension of the approach that currently applies to Direct Payments and will establish greater clarity.

Service user contributions would be pegged to a maximum level set by the financial assessment and a service user would never pay more than the cost of their care.

Work is currently ongoing to develop such an approach, taking into account the experience of other Scottish Councils. This exercise will examine financial modelling to assess the potential impact on service users and consider what steps may be required to protect service users. It should be noted that a report will be submitted to a future meeting of Cabinet that builds on the result of this work and sets out proposals for the operation of a contributions policy in the context of SDS.

## **4 POLICY IMPLICATIONS**

- 4.1 The measures set out in this report are a development of the existing policy for charging set out in the 2007 charging policy and subsequently amended to achieve greater harmony with national guidance.
- 4.2 The extension of the capital limit will mean service users with between £12,000 and £16,000 will no longer pay the full charge for their care. The changes to the taper arrangements will assist service users with incomes close to the margin of charging whilst those with higher incomes will see their contributions increase.
- 4.3 The charging for meals following hospital discharge will remove an anomaly in charging as this is not a service that is subject to financial assessment and which all service users normally pay for.
- 4.4 Service user contributions represent an important source of income to Adult Wellbeing and overall the measures in this report seek to rebalance the level of service users' contributions whilst increasing the income to the service.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 Based on an initial Equalities Impact Assessment a full impact assessment is not considered necessary, as the proposed changes will take place within existing Council policies and financial assessment process. These are designed to determine how much clients can afford to contribute to the cost of the services and protect them from charges that they cannot afford to pay.
- 5.2 Whilst some negative consequences are acknowledged, in the face of growing demand and additional responsibilities the additional income from these proposals will help to offset the cost of providing services and will allow limited budgets to go further.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - The recommendations in this report will allow the service to achieve the target of £50,000 for additional income included within the approved 2013/14 budget for Adult Wellbeing.
- 6.2 Personnel – None
- 6.3 Other – None

## 7 BACKGROUND PAPERS

### 7.1 Charging Policy for Non Residential and Residential Care

Community Services Department

August 2007.

[http://www.eastlothian.gov.uk/downloads/file/1090/charging\\_for\\_residential\\_and\\_non-residential\\_care](http://www.eastlothian.gov.uk/downloads/file/1090/charging_for_residential_and_non-residential_care)

### 7.2 Client Contributions for Adult Social Care Services

Executive Director of People

2 May 2012

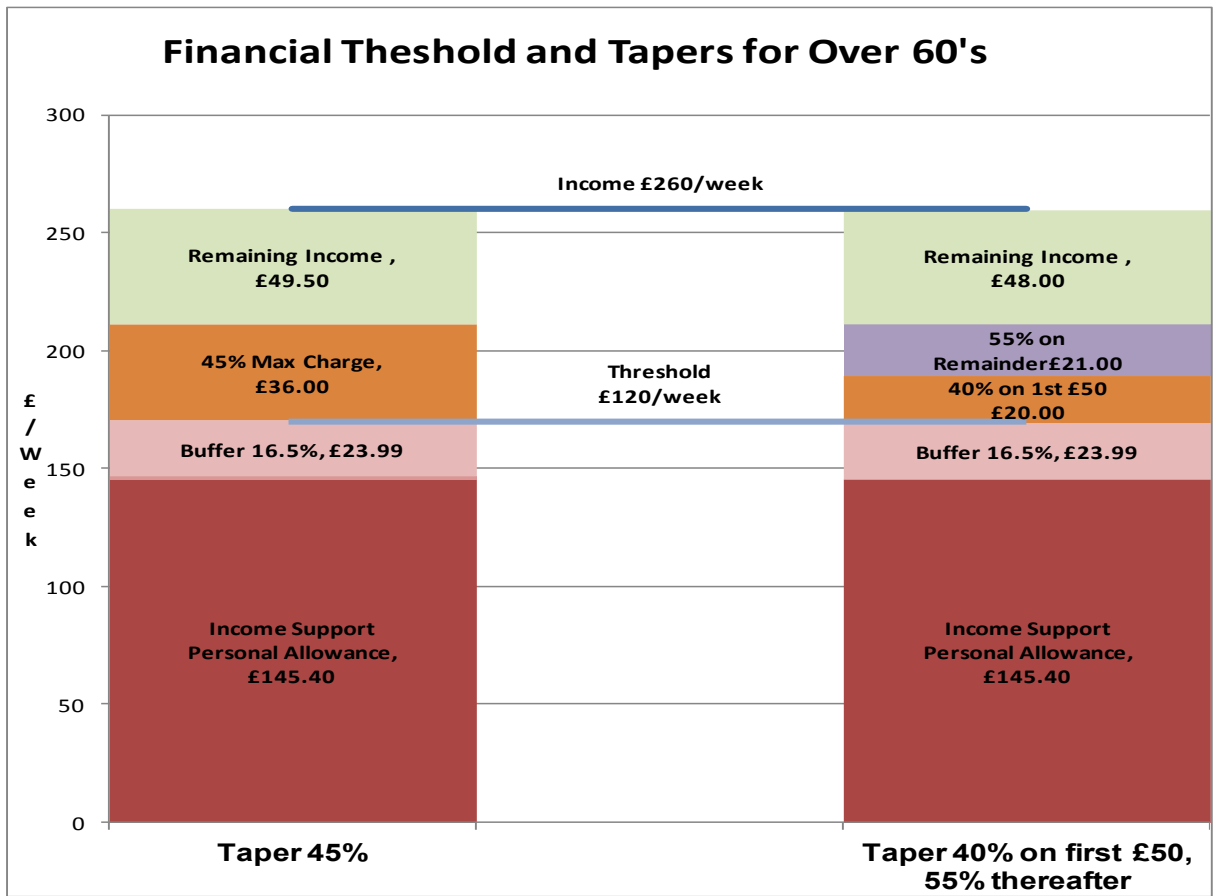
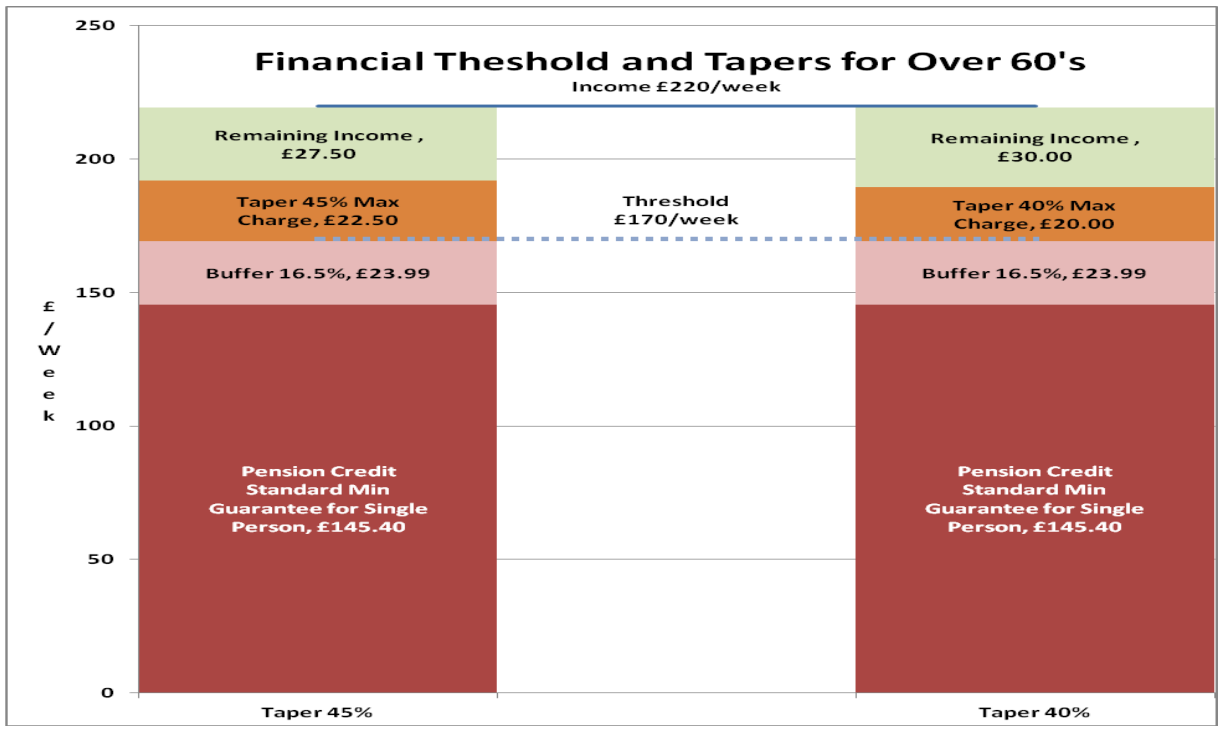
[http://www.eastlothian.gov.uk/info/1347/social\\_care\\_and\\_health/1403/adult\\_social\\_care\\_charging\\_policy](http://www.eastlothian.gov.uk/info/1347/social_care_and_health/1403/adult_social_care_charging_policy)

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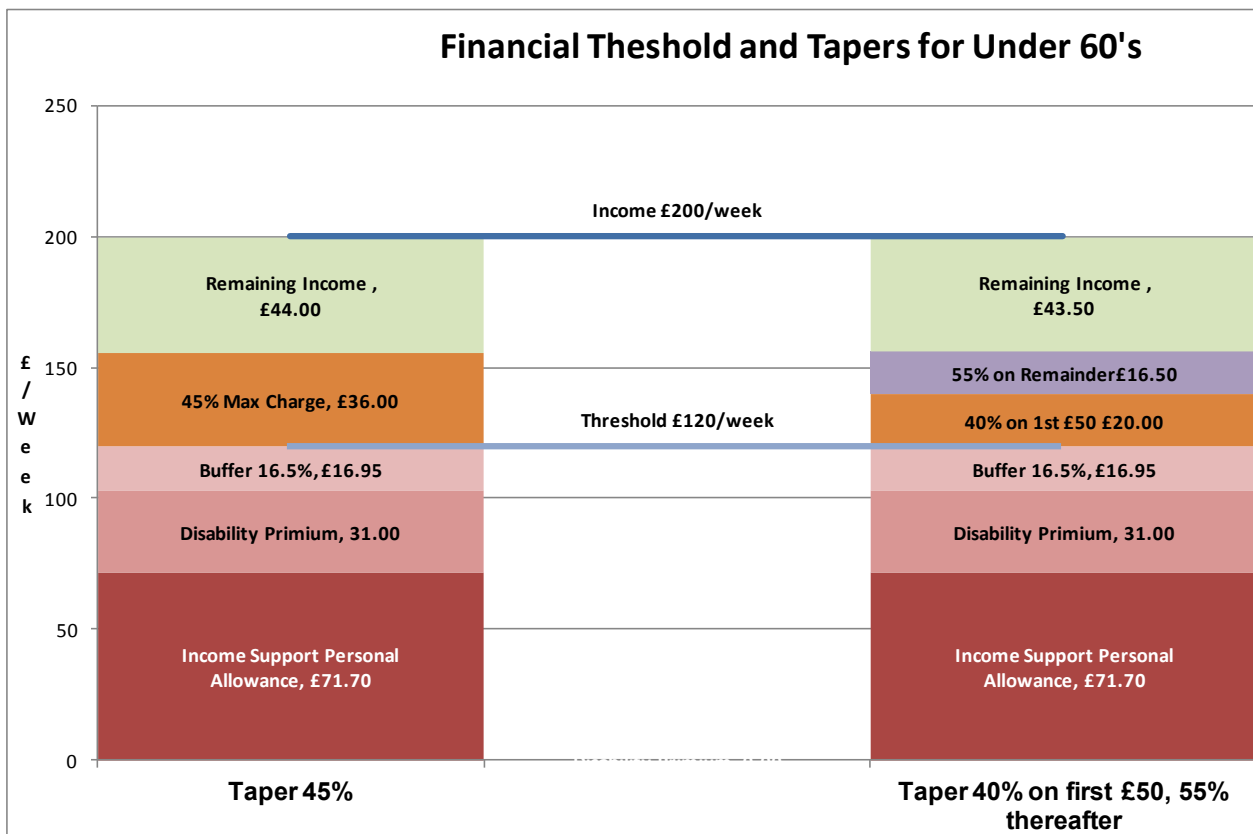
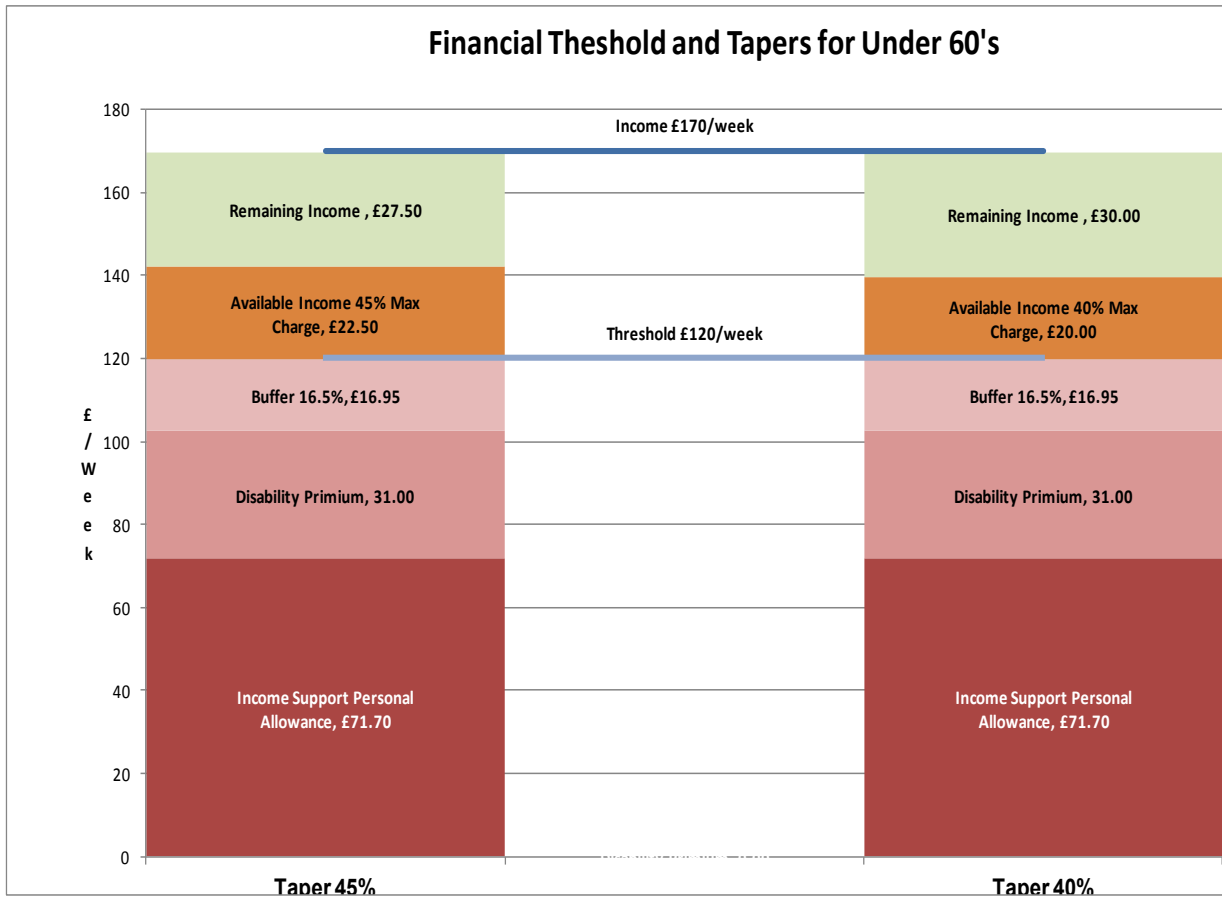


**Appendix A**

**Over 60's**



## Under 60's





**Appendix B**  
**2013/14 Threshold levels**

	2012/13	2013/14	Increase
<b>Over 60 Years (Pension Credit Guarantee)</b>			
Single Person	142.70	145.40	1.90%
Couple	217.90	222.05	1.9%
<b>Under 60 Years (Income Support Personal Allowance)</b>			
Single Person	71.00	71.70	1.00%
Couple	111.45	112.55	1.00%
	2012/13	2013/14	Increase
<b>Disability Premium (Age &lt;60)</b>			
Single Person	30.35	31.00	2.14%
Couple	43.25	44.20	2.19%

<b>Over 60 Years</b>	<b>Pension Credit Guarantee</b>		<b>Buffer 16.5%</b>	<b>Weekly Charging Threshold*</b>
Single Person	145.40		23.99	<b>£170</b>
Couple	222.05		36.64	<b>£259</b>
<b>Under 60 Years</b>	<b>Income Support Personal Allowance</b>	<b>Disability Premium</b>	<b>Buffer 16.5%</b>	<b>Weekly Charging Threshold</b>
Single Person	71.70	31.00	16.95	<b>£120</b>
Couple	112.55	44.20	25.86	<b>£183</b>



**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Services for Communities)

**SUBJECT:** East Lothian Council Scheme of Assistance, Below Tolerable Standard Strategy and Housing Renewal Area Policy

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**4**

## **1 PURPOSE**

- 1.1 To propose changes to the Council's Scheme of Assistance and seek approval thereof;
- 1.2 To seek Cabinet approval of a Below Tolerable Standard (BTS) Strategy; and
- 1.3 To seek Cabinet approval of a Housing Renewal Area Policy

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet approve changes to the Council's Scheme of Assistance as outlined in paragraphs 3.8 to 3.20
- 2.2 It is recommended that Cabinet approve the Council's Below Tolerable Standard (BTS) Strategy
- 2.3 It is recommended that Cabinet approve the Council's Housing Renewal Area Policy

## **3 BACKGROUND**

- 3.1 The Housing (Scotland) Act 2006 requires local authorities to set out:
  - (a) a strategy for ensuring compliance with section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26);

- (b) the authority's policy for identifying parts of its area for designation under section 1 (housing renewal areas) of the Housing (Scotland) Act 2006 (asp 1);
  - (c) a strategy for improving the condition of houses by providing or arranging for the provision of assistance under Part 2 of the Housing (Scotland) Act 2006 (asp 1).
- 3.2 The Council has not yet met the requirements set out in (a) and (b) above.
- 3.3 In relation to (c) above, Part 2 of the Housing (Scotland) Act 2006 requires local authorities to provide a range of information and advice, practical and financial assistance to support owners and private tenants to repair, maintain, improve and adapt their properties. Section 72 of the Act requires local authorities to prepare and make publicly available a statement setting out the circumstances in which assistance will be provided and the form such assistance will take. These duties are underpinned by the general principle of promoting responsible home ownership to homeowners and private landlords. To comply with Section 72 of the Act, the Council approved and published its Scheme of Assistance in April 2010. Minor amendments have been made to the Scheme since its approval to reflect changes in the Council's Financial Assistance Policy, as approved by Cabinet on an annual basis. (Private Sector Housing Grants)
- 3.4 Subsequent to the publication of the Scheme of Assistance and prior to the development of a Below Tolerable Standard (BTS) Strategy and Housing Renewal Area Policy, the Council undertook a Private Sector Stock Condition Survey.
- 3.5 Results from the stock condition survey indicate that housing conditions in East Lothian are generally better than or in line with the Scottish average across all key condition indicators. Some of the key findings are:
- 55% of private sector housing fails the Scottish Housing Quality Standard (SHQS) and 9% of dwellings require extensive repairs;
  - Just over 2% of dwellings fall below the tolerable standard (BTS). Dwellings which are BTS are predominantly semi-detached or detached houses. Just under 40% of all households living in BTS housing have a low income;
  - Disrepair and poor energy efficiency are most prevalent in the private rented sector and just over 17% of private rented properties fail the Repairing Standard<sup>1</sup>;
  - Geographically, disrepair is most prevalent in rural areas and in some town centres, notably Haddington and Prestonpans;

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<sup>1</sup> The Repairing Standard sets out the minimum standard that private rented housing must meet. Private landlords have a statutory obligation to ensure that their properties meet the standard.

- Low income households and households headed by someone aged over 65 are most likely to live in a property which is in need of extensive repair or has low energy efficiency;
- Only 22% of households perceive there is a requirement to repair their property and only 2% consider there to be major repairs required.

### **Scheme of Assistance**

- 3.6 A number of initiatives have been developed since the Council's initial Scheme of Assistance was put in place which now need to be reflected within the policy document and a number of further changes need to be made to reflect priorities identified through the stock condition survey.

### **Advice and Information**

- 3.7 The Council itself provides a range of advice and information in relation to repairs, maintenance, adaptations and energy efficiency. This, in the main, takes the form of leaflets and information sheets which are available to download from the Council's website. The Council also supports the provision of advice through a range of partner organisations.

- 3.8 Difficulty in finding a tradesperson to carry out work is a common barrier for owners organising repairs. The Council launched a Trusted Trader Scheme in 2012 which helps consumers in East Lothian to find reliable and trustworthy tradespeople. There are currently 32 businesses that are signed up to this scheme. The Scheme of Assistance therefore needs to be amended to reflect this initiative.

### **Practical Assistance**

- 3.9 The Council's Scheme of Assistance recognises that there will be cases when a higher level of assistance is required. In limited circumstances, 'practical assistance' is available which provides more dedicated support to some groups of owners and tenants. This assistance is provided either by the Council or through a partner agency. Practical Assistance currently takes the following form:

- Provision of a range of 'Care and Repair' services to assist homeowners, private landlords and tenants over the age of 60 or aged over 50 and disabled to maintain, repair or improve their home;
- Provision of services to alleviate fuel poverty and improve the energy efficiency of stock through the Energy Saving Scotland advice centre, East Lothian Energy Advice Centre and the Warm and Well Project
- Provision of assistance to carry out common repairs through a service provided by the Council's Private Sector Housing Team

- Provision of assistance to help owners of properties which are BTS and / or in serious disrepair to bring the property up to a reasonable standard. This service is provided by the Council's Private Sector Housing Team.
  - Taking of enforcement action in the form of Work Notices to ensure property is brought up to a reasonable standard.
- 3.10 It is proposed that the current provision of practical assistance to assist older and disabled homeowners maintain, repair and adapt their home remains unchanged along with the provision of services to alleviate fuel poverty and improve energy efficiency.
- 3.11 It is proposed that the provision of services to assist owners and landlords carry out common repairs and to bring properties up to a reasonable standard are amended.
- 3.12 East Lothian Council has to prioritise delivering the Council's statutory obligations in relation to the administration of grants to provide disabled adaptations in the private sector – a growing service area. It is therefore proposed that the Scheme of Assistance is amended to reflect this position. It is recognised that organising repairs to common parts of a building with a number of different owners can be difficult. It is often the case that the main issue faced by owners trying to organise common repairs is communicating and reaching agreement with their neighbours. The Council is therefore in the process of putting in place a contract so that mediation services can be provided in common repair cases, where appropriate. It is considered that the provision of mediation by skilled volunteers is a better way of assisting those involved in common repairs projects. It is proposed that the Scheme of Assistance is amended to reflect the changes outlined in this paragraph.
- 3.13 This report brings forward a revised strategy to tackle housing which is Below the Tolerable Standard. This contains actions to proactively target households most at risk of living in a BTS property with advice and information (3.23 – 3.31). This is considered to be the most effective response within constrained resources. Additionally, over the past year, the Council has participated in a 'Homes Again Project' which provides owners with a range of services aimed at bringing properties back into use, a number of which need to be brought up to the relevant standard. This can include specialist advice and help to identify the extent of repairs and maintenance required. This service will continue in 2013/14. It is proposed that the Scheme of Assistance is amended to reflect the changes outlined in this paragraph.
- 3.14 The current Scheme of Assistance sets out enforcement action in the form of a Work Notice as a type of assistance. It is proposed that reference to enforcement action is not included within the section on assistance to reinforce the message that the Scheme of Assistance seeks to encourage owners, landlords and tenants to maintain, repair and improve properties themselves, without the need for statutory action. Enforcement action, instead, should be referred to in a separate section

as a separate course of action the Council has to power to take if it chooses to do so.

### **Financial Assistance**

3.15 The Scheme of Assistance currently sets out the financial assistance which can be provided to fund repairs, maintenance and improvements as follows:

- Historic Buildings Grants/Conservation Area Grants (provided by Historic Scotland)
- Grants or Loans to improve the energy efficiency of properties (provided by government programmes, fuel companies and private sector initiatives)
- Priority Works Grants for common repairs and to bring BTS Empty Homes back into use (provided by the Council)

3.16 Financial assistance in the form of Historic Buildings Grants/Conservation Area Grants and grants or loans to improve the energy efficiency of properties remain available as currently set out. In line with the paper approved at Cabinet on the 12 March 2013, no grants will be available for common repairs or to bring BTS Empty Homes back into use (Priority Works Grants) and the Council's Scheme of Assistance will be amended to reflect this position.

3.17 The Council has recently been successful in bidding for funding from the Scottish Government's Empty Homes Loan Fund in conjunction with Scottish Borders, West Lothian and Fife Council. The aim of the fund is to bring empty properties back into use as affordable housing. The Council is currently finalising details of how the fund will operate and will launch the fund in the first quarter of 2013/14. Full details of the scheme will be lodged in the Members Library in due course and it is proposed that the Scheme of Assistance is amended to reflect the availability of this additional finance when the scheme is launched.

### **Meeting the Needs of Older and Disabled People**

3.18 The Scheme of Assistance also sets out the assistance available to older and disabled homeowners to carry out adaptations to their properties to ensure their home is suitable for their needs. This includes practical and financial assistance to carry out adaptations provided by the Council and East Lothian Care and Repair. It is proposed that this assistance remains unchanged.

### **Below Tolerable Standard (BTS) Strategy**

3.19 As outlined in 3.1, the Housing (Scotland) Act 2006 requires the Council to put in place a strategy for ensuring compliance with section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26).

- 3.20 The tolerable standard is the principal measure of housing quality in Scotland. The current standard is set out in the Housing (Scotland) Act 1987 with changes introduced through the Housing (Scotland) Act 2001 and Housing (Scotland) Act 2006.
- 3.21 The tolerable standard is a condemnatory standard; a house that falls below it is not acceptable living accommodation. It applies to all housing tenures.
- 3.22 East Lothian Council has a duty to secure that all houses within the area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within a reasonable period of time.
- 3.23 The findings of the Private Sector Stock Condition Survey indicate that around 2% of private housing in East Lothian is BTS. This equates to around 701 dwellings. This is lower than the national average.
- 3.24 Identifying properties that fail the tolerable standard is extremely difficult and it is not possible to undertake a programme of individual inspection. Therefore an approach which targets households most likely to be living in a BTS dwelling is required. The BTS Strategy seeks to reduce the number and proportion of dwellings which fail the tolerable standard by raising awareness of the tolerable standard among 'at-risk' households, particularly those living in the private rented sector.
- 3.25 The Council will only use enforcement action to deal with BTS dwellings as a last resort.
- 3.26 The Council's proposed BTS Strategy is attached at Appendix 1.

### **Housing Renewal Area Policy**

- 3.27 Again, as outlined in 3.1, the Housing (Scotland) Act 2006 requires the Council to put in place a policy for identifying parts of its area for designation under section 1 (housing renewal areas) of the Housing (Scotland) Act 2006 (asp 1). Housing Renewal Areas (HRAs) were introduced by the Housing (Scotland) Act 2006 and replace Housing Action Areas (HAAs).
- 3.28 Local authorities can designate an HRA on either or both of the following grounds:
- Where a significant number of the houses are sub-standard; or
  - Where the appearance or state of repair of any house is adversely affecting the amenity of the area.
- 3.29 The HRA Policy sets out the circumstances in which the Council may consider designating an HRA, the extent of works which may be included in an HRA, the process for designating and implementing an HRA and varying or revoking an HRA Designation Order.
- 3.30 The Council's proposed policy is attached at Appendix 2.



#### **4 POLICY IMPLICATIONS**

- 4.1 The policy implications arising from this report are set out within the report and its appendices.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equality Impact Assessment has been carried out and no negative impacts have been found.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – Financial implications arising from this report will be contained within current budgets.
- 6.2 Personnel - There are no personnel implications arising from this report.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Housing (Scotland) Act 2006
- 7.2 Report to Cabinet: Housing (Scotland) Act 2006: Scheme of Assistance, 30 March 2010
- 7.3 Implementing the Housing (Scotland) Act 2006, Parts 1 and 2 Advisory Guidance for Local Authorities Volume 2: Housing Renewal Areas and Repair, Improvement and Demolition, Scottish Government, 2009
- 7.4 Implementing the Housing (Scotland) Act 2006, Parts 1 and 2: Advisory and Statutory Guidance for Local Authorities: Volume 4 Tolerable Standard

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<b>DATE</b>	25 April 2013



## Draft Strategy for Tackling Below Tolerable Standard (BTS) Housing

### 1. Context

- 1.1. The Strategy for Tackling Below Tolerable Standard (BTS) Housing sets out how the Council will deal with BTS housing.
- 1.2. This Strategy sits within a range of policies and strategies which collectively aim to improve the condition of private sector housing including the Scheme of Assistance<sup>1</sup> and the Housing Renewal Area (HRA) Policy<sup>2</sup>.

### 2. The Tolerable Standard

- 2.1. The tolerable standard has been the principal measure of housing quality in Scotland for over 40 years. Introduced for the first time through the Housing (Scotland) Act 1969 the current standard is set out in the Housing (Scotland) Act 1987. Both the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2006 introduced changes to the tolerable standard.
- 2.2. The tolerable standard is a condemnatory standard; a house that falls below it is not acceptable living accommodation. It applies to all housing tenures.
- 2.3. A house meets the tolerable standard if it:
  - Is structurally stable;
  - Is substantially free from rising or penetrating damp;
  - Has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
  - Has satisfactory thermal insulation (this criteria was introduced through the Housing (Scotland) Act 2006);
  - Has an adequate piped supply of wholesome water available within the house;
  - Has a sink provided with a satisfactory supply of both hot and cold water within the house;
  - Has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
  - Has an effective system for the drainage and disposal of foul surface water;
  - In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply (this criteria was introduced through the Housing (Scotland) Act 2006);
    - The 'electrical installation' is the electrical wiring and associated components and fittings, but excludes equipment and appliances

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<sup>1</sup> The Scheme of Assistance sets out the Council's approach to providing information, advice and assistance to homeowners, private landlords and private tenants in relation to repairs and maintenance. See <http://www.eastlothian.gov.uk/privatehousing> for more information.

<sup>2</sup> Currently under development.

- The 'relevant requirements' are that the electrical installation is adequate and safe to use.
- Has satisfactory facilities for the cooking of food within the house;
- Has satisfactory access to all external doors and outbuildings.

2.4. To meet the tolerable standard a house must comply with all the criteria. If a house does not meet even one of the criteria, then it is BTS.

### **3. Local Authority Duties and Powers**

3.1. East Lothian Council has a duty to secure that all houses within the area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within a reasonable period of time.

3.2. The Council also has a duty to publish a strategy for ensuring compliance with 3.1 above.

3.3. There are a range of powers available to East Lothian Council to enable it to comply with its duties in relation to BTS housing. These powers are primarily aimed at encouraging homeowners to deal with the issue themselves, without the need for statutory action. Powers include;

- Providing information, advice and assistance through the Scheme of Assistance.
- Serving a statutory notice requiring an owner to take action. A notice may be served under Housing, Building, Planning or Environmental Health legislation and could include a requirement for the owner to carry out repairs, prevent occupation of a property or require the property to be demolished;
- Designating a HRA to tackle poor house condition on a geographic basis; and
- Enforcing necessary work and recharging costs as a last resort.

3.4. While the duties and powers relating to BTS housing are not tenure specific, social housing stock must meet the higher Scottish Housing Quality Standard (SHQS) by 2015.

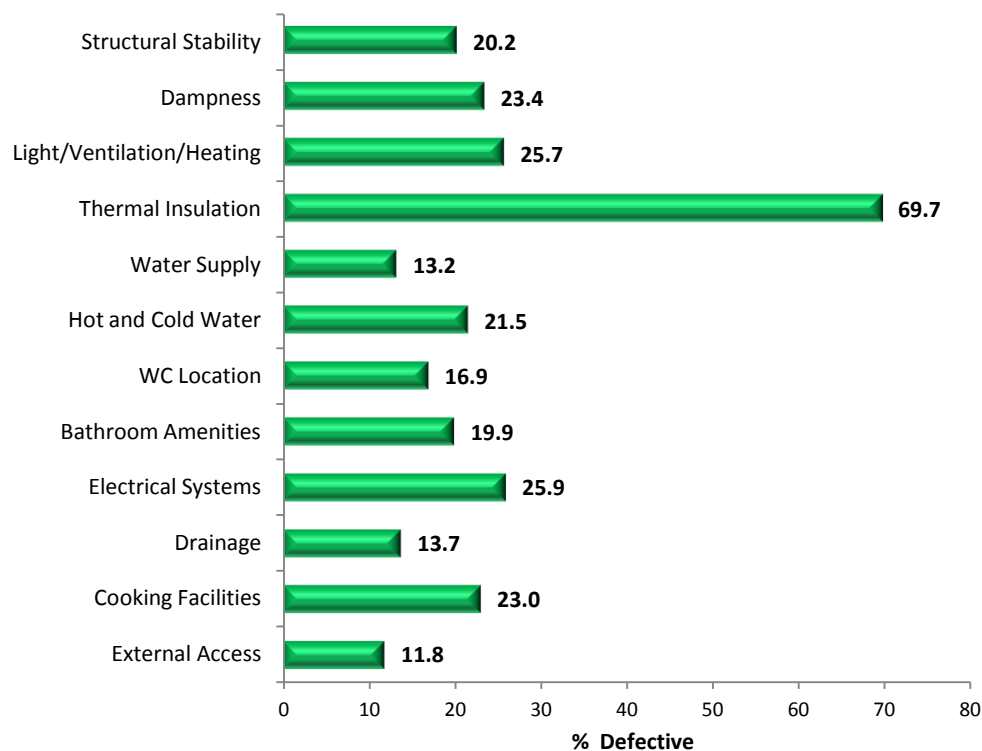
### **4. Below Tolerable Standard Housing in East Lothian**

4.1. A Private Sector Housing Condition Survey was carried out in 2010/11. The findings of the survey indicate that around 2.1% of private housing in East Lothian is BTS. This equates to around 701 dwellings.

4.2. A broad range of defects are evident however the most common reason for failure is as a result of insufficient thermal insulation. Table 1 outlines the proportion of properties which fail under each defect.

**Table 1: BTS Dwellings by Defect**

Base = 701 BTS dwellings



East Lothian Council, 2011

4.3. Of the total BTS stock around half of the properties fail only on one or more of the criteria introduced through the Housing (Scotland) Act 2006, these new measures relate to the thermal insulation of the property and the electrical system meeting 'relevant requirements'. The remaining properties fail on one of more of the pre-2006 standard but may also fail on thermal insulation and / or the electrical system.

4.4. The rates of BTS failure vary depending on geographic area and property type. Geographically the highest rates of BTS failure are recorded in the Rural East sub-area and in Haddington and North Berwick town centres. BTS failures are also higher within the private rented sector, in pre-1919 housing and in detached properties. Table 2 shows the distribution of BTS dwellings by geographic area and house type.

**Table 2: Distribution of BTS Housing by Area and Housing Type**

	Post-2006 BTS		Pre-2006 BTS	
	dwgs	%	dwgs	%
<b>SUB-AREAS</b>				
West	58	0.7	56	0.7
Central	216	1.9	185	1.6
Non-Rural East	88	0.9	33	0.3
Rural East	338	8.2	81	2
<b>TOWN CENTRES</b>				
Not in Town Centre	634	1.9	326	1
Musselburgh	11	2.6	11	2.6
Prestonpans	2	1.6	0	0
Tranent	4	3.1	4	3.1
North Berwick	12	5.3	4	1.8
Haddington	34	10.6	9	2.8
Dunbar	3	1	0	0
<b>DWELLING TENURE</b>				
Owner occupied	483	1.6	295	1
Private-rented	219	5.4	60	1.5
Unobtainable	0	0	0	0
<b>DATE OF CONSTRUCTION</b>				
Pre - 1919	350	5.4	142	2.2
1919 - 1944	105	2.5	26	0.6
1945 - 1964	105	2.3	105	2.3
1965 - 1974	122	2.4	82	1.6
1975 - 1989	20	0.4	0	0
Post-1989	0	0	0	0
<b>MAIN HOUSE TYPE</b>				
Detached House	245	2.9	133	1.5
Semi-Detached House	218	2.6	152	1.8
Terraced House	106	1.2	17	0.2
Four-In-Block	43	1.2	13	0.3
Tenement Flat	77	2	38	1
Other Flat	12	1.8	2	0.3
<b>Table Total</b>	<b>701</b>	<b>2.1</b>	<b>355</b>	<b>1</b>

East Lothian Council, 2011

- 4.5. The Scottish House Condition Survey Key Findings Report 2011<sup>3</sup> indicates that overall the private sector in East Lothian shows lower levels of BTS housing than nationally, where 4% of private sector properties are BTS compared to 2.1% in East Lothian. However, the private rented sector in East Lothian shows slightly higher rates of BTS housing than nationally, where 5% of private rented homes are BTS compared to 5.4% in East Lothian.

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2012/12/4995/7>

- 4.6. Unsurprisingly the Private Sector Stock Condition Survey findings show that geographic areas and house types with higher than average rates of BTS housing also show higher incidences of other house condition and socio-economic issues such as extensive disrepair, dampness and condensation, poor energy efficiency and fuel poverty.
- 4.7. Household circumstances also impact on the prevalence of BTS housing with a bias towards older households, in particular two person adult non-pensioner households where the head of household is aged between 55 and 64 years old. Low income households are also over represented in BTS housing, these households account for 39.7% of households in BTS dwellings. Consequently there is a divergence in the average household income of those households that occupy a BTS dwelling and those that do not. Average net household income for households in BTS housing is estimated at £23,451 per annum compared to £28,884 per annum for households living in dwellings which are non-BTS.
- 4.8. There are relatively low levels of awareness regarding repairs among households living in properties which are BTS. In the owner occupied sector only one third of households in BTS properties considered that their home needed either major or minor repair work.
- 4.9. Costs to improve BTS housing are estimated at £1.892M, at an average of £2,698 per defective dwelling. Costs range from under £1,000 to over £12,000 per dwelling although the dominance of thermal insulation improvements required moderates the average improvement cost.

## **5. Reducing and Preventing Below Tolerable Standard Housing**

- 5.1. The aim of the BTS Strategy is to reduce and prevent BTS housing in East Lothian by 2017. This will be achieved through a combination of supporting owners of housing which is currently BTS to bring the property up to standard and by preventing properties which are currently in disrepair or likely to deteriorate, from falling below the tolerable standard in the future.
- 5.2. There is a strong correlation between housing which fails the tolerable standard and other house condition and socio-economic issues. As such, where appropriate the actions contained within this strategy will be implemented in conjunction with other activities aimed at improving property condition and living standards in East Lothian in order to maximise use of resources.

### **Identifying Below Tolerable Standard Housing and Raising Awareness**

- 5.3. Pro-actively identifying properties that fail the tolerable standard is not an activity the Council has previously undertaken and is by its very nature extremely difficult. At present BTS dwellings are primarily identified following contact from the owner, tenant or neighbour.

- 5.4. Resources do not allow the Council to undertake a programme of individual inspection to identify BTS dwellings and therefore an approach that targets households most likely to be living in a BTS dwelling is required. The Action Plan contained within this strategy outlines the steps East Lothian Council will take to secure that BTS dwellings are identified and appropriate action taken to ensure the house is closed, demolished or brought up to standard in a reasonable time.
- 5.5. The findings of the Private Sector Stock Condition Survey indicate that a significant number of households living in BTS properties are not aware that their home does not meet the minimum standard for satisfactory living standards. It is anticipated that by raising awareness of the tolerable standard and housing maintenance issues owners will be more likely to deal with disrepair without the need for further assistance.

### Information and Advice

- 5.6. The BTS Strategy places a significant emphasis on the importance of owners taking responsibility for the repair and maintenance of their properties. The Council will provide support and assistance to owners of BTS properties through the Scheme of Assistance which is published at [www.eastlothian.gov.uk/privatehousing](http://www.eastlothian.gov.uk/privatehousing).

### Enforcement Action

- 5.7. The Council will only use enforcement action as a last resort. The extent of any enforcement action will be largely dependent on the potential impact on the health and safety of the property residents and the general public as well as resource availability.

## 6. Action Plan

### Outcome

The number and proportion of dwellings which fail the tolerable standard is reduced.

Action	Priority	Completion Date
Develop a software solution for recording data relating to BTS housing to be used by Housing and Environment	High	June 2013
Develop and implement a standard format for assessing dwellings against the tolerable standard including technical aspects for use by Housing Environment	High	October 2013
Carry out a mapping exercise to identify dwellings at risk of BTS because of two or more characteristics i.e. location, tenure, property type, household	Medium	December 2013



Develop and implement a programme for raising awareness of the tolerable standard and Scheme of Assistance among residents in at-risk geographic areas/socio-economic groups	Medium	December 2014
Develop and implement a programme for raising awareness of tolerable standard, repairing standard and Scheme of Assistance among private landlords and private tenants	High	December 2014
Carry out analysis of dwellings in at-risk geographic areas to determine those most likely to fail on thermal insulation	Low	December 2013

## 7. Monitoring and Evaluation

- 7.1. It is important to ensure that progress towards achieving the outcome of this strategy is clearly measured and reported. It is acknowledged however that the evidence base for this strategy represents a snap shot in time and as it is unlikely that another Private Sector Stock Condition Survey will be completed in the short to medium term, therefore a pragmatic approach must be taken to evaluating the impact of the strategy.
- 7.2. While it is possible to monitor the number of dwellings which have been closed, demolished or improved through this strategy it is not possible to measure whether other dwellings have become BTS nor is it possible to monitor the number of properties which have been prevented from falling below the tolerable standard.
- 7.3. The Private Sector Stock Management and Standards Group will have overall responsibility for monitoring this strategy. A monitoring and evaluation framework will be developed in order to measure progress against the Action Plan and key milestones in achieving the outcome.
- 7.4. The implementation of this strategy will also be monitored as an action of the wider LHS 2012-17 and progress will be reported annually to the East Lothian Housing Partnership.



## Draft Housing Renewal Areas (HRA) Policy

### 1. Context

- 1.1. The Housing Renewal Area (HRA) Policy outlines how the Council will identify areas for designation of a HRA under the Housing (Scotland) Act 2006<sup>1</sup>. The Council will only pursue the designation of a HRA where the same outcome cannot be achieved through the voluntary engagement of owners.
- 1.2. This policy sits within a range of policies and strategies which collectively aim to improve the condition of private sector housing including the Scheme of Assistance<sup>2</sup> and the Strategy for Tackling Below Tolerable Standard (BTS) Housing<sup>3</sup>.
- 1.3. The HRA Policy acknowledges that areas requiring regeneration or renewal present a complex range of issues which may require involvement from a range of partners.

### 2. Designation of a HRA

- 2.1. Local authorities can designate a HRA on either or both of the following grounds:
  - Where a significant number of the houses are sub-standard; or
  - Where the appearance or state of repair of any house is adversely affecting the amenity of the area.
- 2.2. A locality may contain housing under both categories above, or may only satisfy one of the criteria.
- 2.3. For the purposes of this policy the following definitions in relation to sub-standard and significant apply:
  - 2.3.1. 'Sub-standard' housing is housing which is:
    - Below the tolerable standard;
    - In a state of serious disrepair; or
    - In need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it.
  - 2.3.2. 'Significant' is a majority of the houses.
- 2.4. The Council will consider designating a HRA where the following criteria have been met:
  - Evidence has been gathered which indicates that the locality is suitable for designation of a HRA as per the permissible grounds outlined in 2.1. This may

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<sup>1</sup> As amended by the Housing (Scotland) Act 2010.

<sup>2</sup> The Scheme of Assistance sets out the Council's approach to providing information, advice and assistance to homeowners, private landlords and private tenants in relation to repairs and maintenance. See <http://www.eastlothian.gov.uk/privatehousing> for more information.

<sup>3</sup> Currently under development.

include data from local or national surveys and administrative records and other relevant information from local services and the community;

- Other means of improving the area to a satisfactory standard, particularly through the encouragement of property owners to participate on a voluntary basis in improvement and / or repair schemes, have not been successful in improving the quality of the housing or the amenity of the area;
- Consultation has taken place with residents and owners in the area; and
- An assessment has taken place of the estimated resources required to implement an Action Plan in the HRA.

2.5. Where a locality is subject to other regeneration or renewal activity the Council will consider designating a HRA where it will support the aims of the strategy and broadly meets the criteria as described.

### **3. HRA Action Plan**

3.1. Prior to designating a HRA a draft Action Plan will be prepared. The Action Plan will identify each house in the area which requires action, either on the house or in relation to the house, and what that action is.

3.2. An Action Plan for a HRA to deal with sub-standard housing will:

- Identify which housing ought to be closed or demolished; and
- Identify sub-standard housing and set out what work is needed to bring the housing up to, and keep it in, a reasonable state of repair.

3.3. An Action Plan for a HRA to deal with housing which is affecting the amenity of an area will identify housing which requires work to enhance the amenity of the area, and set out that work.

3.4. The Action Plan will also set out any standard which the house must meet on completion of the work.

3.5. The Action Plan can specify work to any house within the boundaries of the HRA. The Action Plan can also include works to non-residential premises where it is required to deal with sub-standard housing or housing which is affecting the amenity of the area.

### **4. Extent of Works**

4.1. Designating a HRA enables the Council to secure an improvement in the condition and quality of housing in the HRA. This may be through carrying out works to, or demolition of, properties. The Council will consider the extent of works required to ensure that the HRA designation results in sustainable improvements in an area.

4.2. Works may be specified in a HRA which cannot be contained in an individual work notice for a house outside a HRA. Works may extend to:

- Improving the safety and security of any houses or person;
- Reducing long term maintenance costs of any houses; and

- Enhancing the amenity.

4.3. The definition of a house includes facilities or areas which are communally owned as well as other related areas such as gardens or outhouses (including stairwells, bins stores, boundary walls, roofs, gardens, drying greens, yards and gardens).

## **5. Designation of a HRA**

5.1. Prior to the designation of a HRA the Council will carry out a three-month public consultation with owners on the draft designation order. Consultation will be carried out in accordance with the National Standards for Community Engagement.

5.2. The draft designation order will include:

- The reasons for the designation;
- An Action Plan; and
- A map delineating the HRA.

5.3. Formal notification will be made in the following ways at the outset of the three-month consultation:

- Serving notice to the owner and occupier of each house in the area;
- Publishing a notice in at least two newspapers, one of which will be local; and
- Posting a notice in public buildings such as local area offices, libraries, community centres or health centres as appropriate.

5.4. The notice will set out how the Council will apply its Scheme of Assistance arrangements to implementation of the HRA.

5.5. Following the public consultation the Council will make a decision on designating the HRA taking into account the responses received. The order can be modified in any way other than extending the area of the HRA.

5.6. If it is decided to proceed with the HRA an authorised signatory will sign the designation order on behalf of the Council, at which time the order is made. Notice will be given as soon as practicable after the designation is made as per 5.3. The notice will include a statement of how the local authority will support owners of the houses which the plan identifies through the Scheme of Assistance.

## **6. Variation or Revocation of a HRA Designation Order**

6.1. The Council can vary the designation order under two circumstances:

- If the owner of a house asks for a variation – this can only vary the Action Plan and any variation may only affect the house belonging to that owner.
- If it is considered that the variation will not significantly adversely affect anyone. This type of variation can be made at any time.

6.2. The Council must revoke the HRA designation order when the Action Plan has been fully implemented.

6.3. The Council can also revoke a designation order at any time if it considers it is no longer appropriate due to a change in circumstances.

6.4. In all cases the Council will notify anyone who the revocation affects. On revocation of a HRA any work notice which has been served to implement the Action Plan will also cease to have effect.

## **7. Implementing a HRA**

7.1. The Action Plan identifies the houses in the HRA which require work or demolition, and gives details of what that will involve. It may be that owners carry out work at some point during the consideration of the HRA designation order.

7.2. Where work is not otherwise carried out the Council can serve a notice on owners of houses and non-residential premises which the HRA Action Plan identifies, to implement the plan.

## **8. Resources**

8.1. The designation of a HRA will be based on a realistic assessment of staff resources and funding to support the HRA. The Council will take reasonably practicable steps to secure implementation of the HRA Action Plan within a defined timescale set at the time of designation.

**REPORT TO:** Cabinet  
**MEETING DATE:** 14 May 2013  
**BY:** Executive Director (Support Services)  
**SUBJECT:** East Lothian Equality Plan 2013-2016

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**5**

## **1 PURPOSE**

- 1.1 This report seeks approval for the Council's draft Equality Plan 2013-2016, which seeks to meet the requirements of the public sector equality duty arising from the Equality Act 2010.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is recommended to agree the outcomes identified in the Equality Plan 2013-2016 and to support the work towards achieving these outcomes. The Equality Plan 2013-2016 has been published in the Members' Library, Ref: 102/13 (May 2013 Bulletin).

## **3 BACKGROUND**

- 3.1 The key purpose of the Equality Act 2010 is to ensure that any individual is treated fairly at work and when using services. As a local authority, East Lothian Council is required to implement the Public Sector Equality Duty (PSED), in addition to the provisions relating to employment, education and training. The purpose of this duty is to ensure that public authorities consider how they can positively contribute to a more equal society through advancing equality and good relations in our day to day business. The general duty requires the Council to
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - advance equality of opportunity between people who share a protected characteristic and those who do not

- foster good relations between people who share a protected characteristic and those who do not.
- 3.2 The Council also needs to meet the requirements of the Equality Act, including the specific duties as the Education Authority and as administrator of the Licensing Board. Therefore the Equality Plan incorporates sections relating to the specific requirements relating to the Education Authority and the Licensing Board.
- 3.3 The purpose of East Lothian Council's Equality Plan is to clearly state the Council's commitment to equality and diversity and to demonstrate how we are meeting the requirements of the Equality Act 2010. Together with its action plan, it identifies key priorities for achieving improved equality outcomes in a targeted and consistent way across the Council.
- 3.4 The outcomes (see para 4.4 below) are related closely to the priorities identified in the Council Plan and in the current Single Outcome Agreement. The plan may need to be updated to take account of any new outcomes included in the new Single Outcome Agreement 2013.

#### **4 POLICY IMPLICATIONS**

- 4.1 East Lothian Council is required to publish a set of equality outcomes which it considers will help it to implement the general equality duty as outlined above. Equality outcomes should be seen as 'results intended to achieve specific and identifiable improvements in people's life chances'. The equality outcomes will provide the focus for equality work over a three year period.
- 4.2 The Council is required to demonstrate that equality is mainstreamed across the organisation. Therefore, the outcomes that are proposed strongly reflect the outcomes set within the East Lothian Single Outcome Agreement. They are informed by a number of stages of consultation with relevant community and voluntary sector organisations, including a four week presence on the Council's Consultation Hub.
- 4.3 The Equality Plan also sets out our approach to ensuring that equality is considered as part of key business planning and self assessment processes. It also outlines a fresh approach to Equality Impact Assessment which will support the Council to ensure that equality is considered as part of the decision making process and the links between work to tackle inequality and discrimination is more closely aligned with other social policy areas such as the economy, health inequality and tackling poverty.
- 4.4 The Equality Plan outcomes are outlined below. Performance indicators have been identified to track progress against achieving the shorter term outcomes identified and can highlight progress for particular equality characteristics.



## ***East Lothian Council Equality Outcomes 2013 -2016***

- 1. East Lothian Council is a positive workplace for all employees**
  - East Lothian Council will be a workplace free of harassment and discrimination
  - East Lothian Council will eliminate the pay gap between employees and have a range of flexible working policies in line with business need.
- 2. All of East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens**
  - Close the gap in literacy rates between boys and girls in primary school
  - Reduced incidence of identity based bullying in youth settings e.g. homophobia
  - All children are ready to start primary school
- 3. In East Lothian we live healthier, more active and independent lives**
  - People have more choice and control over the services that they access.
  - Increased positive mental health and well being
- 4. Everyone in East Lothian has access to quality sustainable housing**
  - People with particular needs are able to get and sustain their choice of housing, including independent living
  - Increase housing supply and improve access to housing, including affordable housing
- 5. Fewer people are the victim of crime, disorder and abuse in East Lothian**
  - Improved levels of safety for women and children experiencing domestic abuse
  - Reduced incidence of hate crime
  - Increased confidence in reporting hate crime
- 6. East Lothian has strong, vibrant communities where residents have a sense of belonging**
  - East Lothian communities are places where people from different backgrounds and cultures get on well together
  - East Lothian Communities are well informed and can influence decisions that matter in their local areas
- 7. Fewer people experience poverty in East Lothian**
  - People in East Lothian are financially capable and less financially excluded
  - People in East Lothian are supported to manage the impact of welfare reform
  - The cycle of poverty is broken for individuals in East Lothian

## 8. East Lothian Council services will meet the needs of all those in the community

- Equality is taken into account when making decisions
- East Lothian Council has increased knowledge and competent to deal with equality issues.
- East Lothian Council Procurement Practices ensure equality is a core part of the tendering process.

## 5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been undertaken and no negative impacts have been identified.

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – the Equality Plan focuses on mainstreaming equality into existing services and therefore no additional financial resources are required. The Plan is also supported by the Corporate Equalities Budget.
- 6.2 Personnel – none
- 6.3 Other – the development of the Equality Plan is a key step in ensuring that the Council meets its legal obligations set out in the Equality Act 2010.

## 7 BACKGROUND PAPERS

- 7.1 Get in on the Act- A Guide to the Equality Act for Elected Members
- 7.2 ‘East Lothian Single Equality Scheme’ 2010-2012

<b>AUTHOR'S NAME</b>	Rebecca Spillane
<b>DESIGNATION</b>	Equalities Officer
<b>CONTACT INFO</b>	<a href="mailto:rspillane@eastlothian.gov.uk">rspillane@eastlothian.gov.uk</a> 01620 827134
<b>DATE</b>	30-04-2013

**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Victoria Park, Haddington - Introduction of a Prohibition and Restriction on Waiting, Loading and Unloading - Traffic Regulation Order 2013

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**6**

## **1 PURPOSE**

- 1.1 To seek Cabinet approval to commence the statutory procedure necessary to introduce a Traffic Regulation Orders to prohibit waiting, loading and unloading, in Victoria Park, Haddington.

## **2 RECOMMENDATIONS**

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

## **3 BACKGROUND**

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending Traffic Regulation Orders as necessary; to avert danger to road users; to prevent damage to the road; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property and to improve the amenity of the area.
- 3.2 New housing is proposed at the Tenterfield site off Victoria Park, Haddington. In order to achieve the most desirable form of access; to minimise disruption and accommodate larger vehicles specifically refuse carts; to meet the existing site limitations; to minimize visual impact and to comply with the traffic criteria in 3.1 above there is a need to implement waiting and loading restrictions within the street.

3.3 Police Scotland will be fully consulted on the introduction of these regulations.

#### **4 POLICY IMPLICATIONS**

4.1 These proposals are expected to contribute towards *Providing a Safer Environment* - a key priority for East Lothian Council.

4.2 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 9 – East Lothian roads will be safer for all users.

#### **5 EQUALITIES IMPACT ASSESSMENT**

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

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial - All costs involved in connection with consultation, advertising, design, and implementation associated with the making of this Order can be accommodated within the Housing Strategy and Development project budget

6.2 Personnel - None

6.3 Other - None

#### **7 BACKGROUND PAPERS**

7.1 None

<b>AUTHOR'S NAME</b>	Peter Forsyth
<b>DESIGNATION</b>	Senior Area Officer
<b>CONTACT INFO</b>	William Laird
<b>DATE</b>	17 <sup>th</sup> April 2013



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

**THURSDAY 11 APRIL 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**7**

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**Committee Members Present:**

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

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms D Richardson, Licensing Administration Officer

**Others Present**

PC H Bowsher, Lothian & Borders Police

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

Councillor F McAllister

**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 four applications for grant of a licence, two of which were granted and two continued.

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

The Sub-Committee considered two applications for renewal of a licence and both were agreed.

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

The Sub-Committee agreed to suspend one licence until the date of its expiry on 29 September 2013.