



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 10 JUNE 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor S Akhtar
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor L Broun-Lindsay
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director of East Lothian Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Ms S Saunders, Head of Children's Wellbeing
Mr T Shearer, Head of Communities and Partnerships
Mrs M Ferguson, Service Manager – Legal Services
Mr A Fitzgerald, Records Manager
Ms S Fortune, Service Manager – Business Finance
Ms J McCabe, Senior Solicitor

Clerk:

Mrs L Gillingwater

Apologies:

Councillor T Day

Declarations of Interest:

None

Prior to the commencement of business, the Convener welcomed Sarah Fortune, the Council's new Service Manager – Business Finance, to the meeting.

1. MINUTES OF THE MEETING OF THE CABINET OF 13 MAY 2014

The minutes of the meeting of the Cabinet of 13 May 2014 were approved.

Matter arising: Item 4 – Councillor Berry asked about the timescale for the development of the new approach to housing allocations. Councillor Innes advised that a further report on this issue would be presented to Cabinet within 6 months of the date of the May Cabinet meeting.

2. CORPORATE RISK REGISTER

A report was submitted by the Chief Executive seeking approval of the updated Corporate Risk Register for 2014.

The Chief Executive presented the report, drawing attention to the 14 risks included in the Corporate Risk Register, particularly those considered to be in the Very High and High categories. She advised of the steps taken to mitigate and manage risks, which had resulted in a number of risks being reclassified at a lower level.

Councillor Berry suggested that Risk Ref ELC CR1 (Resourcing) should be given a higher 'likelihood' rating. As regards CR6 (Development Plan) he commented that the 'impact' rating may be too low. The Chief Executive pointed out that risk assessment was not an exact science and that many factors were taken into account. She noted that a benchmarking exercise had been undertaken and that mitigation had also reduced the ratings. On CR6, she explained the process to Members, noting that the risk rating would be increased should this process be delayed. She advised that a plan was in place and expected a report on the Development Plan to come forward in September/October 2014. The Deputy Chief Executive (Partnerships and Community Services) added that mitigation measures had reduced the risk rating but that other factors, such as the planning process and the role of the Reporter, would have an impact.

Councillor Currie warned of the potential impact of welfare reform on the Council. He also questioned the inclusion of the Council Tax freeze as a risk, remarking that most Members had supported the freeze. He pointed out that two of the biggest risks to the Council were the reduction in budgets to support vulnerable people and the Council not achieving efficiency savings.

Councillor Hampshire argued that the Council Tax freeze had impacted on the Council's ability to protect budgets. On the Development Plan, he highlighted the problems experienced as regards the allocation of land, and the need to address infrastructure issues, particular secondary school capacity. He added that SESplan 2 would require the Council to identify additional land for housing. His concerns were shared by Councillor Berry, who spoke of the importance of a new train station at East Linton, improved road networks around Haddington and Tranent, and additional parking provision in North Berwick.

In relation to welfare reform, Councillor Veitch stated that he hoped the overall impact would be positive, with more people being in employment and fewer depending on welfare. Councillor McAllister commented that much of the impact of welfare reform was still to come and that this would have a significant effect on the Council.

Councillor Grant advised that, while he recognised the risks facing the Adult Wellbeing service, he was confident that the staff would make every effort to mitigate those risks.

Councillor Innes thanked officers for their work in preparing the Risk Register, and in introducing measures to ensure services are delivered and the public protected.

Decision

The Cabinet agreed to approve the updated Corporate Risk Register, and in doing so:

- i. agreed that the relevant risks had been identified
- ii. agreed that the significance of each risk was appropriate to the current nature of the risk
- iii. agreed that the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk
- iv. recognised that, although the risks presented were those requiring close monitoring and scrutiny throughout 2014, many were in fact longer term corporate risks for the Council that would likely be a feature of the risk register over a number of years
- v. noted that the Council Management Team would review risks in the Corporate Risk Register on a regular basis.

3. PROPOSED REVISIONS TO THE MANAGING ATTENDANCE POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of revisions to the Council's Managing Attendance Policy.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to the key changes and additions to the policy.

In response to questions from Councillor Berry, Mr Lamond estimated that the cost to the Council of sickness absence was approximately £4m per year. He advised that the Trades Unions had been consulted on the revisions to the policy but that they had not responded within the given timescale, even with an extension to this timescale. He noted, however, that the Trades Unions had indicated at a late stage in the process that they would like the policy to be a collective agreement, a request that was turned down by both HR and the Council Management Team (CMT). He noted that the majority of other Scottish councils did not have a collective agreement on their absence policies. He added that there had been a good response from managers and staff to the proposals.

Councillor Currie commented on the importance of the views of the Trades Unions and also questioned the trigger and monitoring periods for short-term absences. Mr Lamond advised that the Trades Unions had indicated their preference for the Council to withdraw the policy and try and reach a collective agreement, but that the CMT did not agree with this position. On the issue of short-term absences, he confirmed that the 6-month monitoring period would apply to all employees who had reached the short-term absence trigger (other than for pregnancy-related absences), but that the automatic referral to Occupational Health had been withdrawn.

Councillor Currie maintained that a collective agreement was always preferable to a management policy. He also warned that the policy on short-term absence triggers and monitoring could be problematic, especially for staff receiving ongoing treatment for health conditions. He was concerned that this could have a negative effect on those staff affected, and asked the Cabinet to reconsider this aspect of the policy.

The Chief Executive explained that there had been extensive consultation on the policy, including attempts to engage with the Trades Unions. As regards the short-term trigger and monitoring aspect, she advised that this process may result in issues that could be resolved through intervention and positive measures. Mr Lamond pointed out that there was no punitive action taken during the monitoring period, and support could be identified and arranged for staff, as appropriate.

Councillor McMillan welcomed the report, commenting that a referral to Occupational Health should not be seen as a sanction, but is concerned with a duty of care.

Councillor Berry expressed his disappointment that the Trades Unions had chosen not to engage with the consultation process, noting that they also had a duty of care towards employees.

Councillor Veitch pointed out that prior to 2009 there was a collective agreement on this policy but that the Trades Unions had opted not to continue with that.

Councillor Innes welcomed the report, highlighting the importance of having an absence management policy that helps and supports staff. He also welcomed the introduction of flexibility for managers for particular circumstances. He concluded the debate by advising that he would be happy to discuss collective agreements with the Trades Unions in the future but that this policy should be approved by Cabinet.

Decision

The Cabinet agreed to approve the revisions to the Policy (attached as Appendix A to the report), which had been fully consulted upon with the Trades Unions and workforce and had been endorsed by the Council Management Team.

4. EAST LOTHIAN COUNCIL RETENTION SCHEDULE

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the East Lothian Council Retention Schedule, which was required by the Public Records (Scotland) Act 2011, in advance of the submission of the Records Management Plan.

The Head of Council Resources, Jim Lamond, presented the report, advising that the Retention Schedule was a key element of the Council's Records Management Plan (RMP), and that the RMP would be submitted in October 2014.

Decision

The Cabinet agreed:

- i. to approve the Retention Schedule for adoption as the position of East Lothian Council in relation to its records retention (noting that the Schedule had been published in the Members' Library, Ref: 91/14, June 2014 Bulletin); and
- ii. to delegate authority to the Head of Council Resources to approve any further adjustments to individual entries within the Schedule, reflecting its status as a working document that represents the sometimes rapidly changing needs of the organisation.

5. CHILDREN'S WELLBEING – PAYMENTS TO PARTNERS AND VOLUNTARY ORGANISATIONS (SERVICE LEVEL AGREEMENTS) 2014/15

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the payments to partners and voluntary organisations providing services for service users of Children's Wellbeing for the amounts specified, for the financial year 2014/15. The report also advised that three organisations previously funded by Children's Wellbeing – Adoption UK, Birthlink and Family Mediation – had been moved to the Partnership Funding stream, with £12,080 being transferred from Children's Wellbeing to the Partnership Funding budget.

The Head of Children's Wellbeing, Sharon Saunders, presented the report, drawing Members' attention to the funding allocations in Appendix 1, and providing an explanation on the funding decisions relating to a number of the organisations listed. She also noted that there was a small budget available which would allow the Council to work with the Third Sector in developing further partnership arrangements to provide services for children with disabilities. She reported that during 2014/15, work would be undertaken to review self-directed support (SDS), and that a number of service level agreements (SLAs) had been extended for a further year.

Councillor MacKenzie asked for further information on how SDS would work. Ms Saunders explained that, in hypothesis, that with SDS, if it were agreed that a family would have control over sourcing their own care package, they would not then also require additional funding/care to be provided by the Council. As a consequence of this there may need to be financial and service level adjustments made in the Council's partnership arrangements, and this would be reviewed.

In response to a question from Councillor Currie as regards the procurement of services, Ms Saunders advised that SLAs were in place as appropriate with partner organisations and that normal procurement procedures would be followed in the event that a decision was taken to market test services. She added that the partner organisations outlined in the report were specialist providers and therefore, in consultation with corporate procurement services, a procurement process may not be deemed appropriate.

Councillor Williamson asked if applications had been received from organisations other than those mentioned in the report. Ms Saunders advised that those organisations listed were the only continuing contracted organisations the Children's Wellbeing Service had SLAs and grant arrangements with, and that had made repeat funding requests. She pointed out that approaches from other organisations had been made and these had been referred to the Council's Partnership Funding stream for consideration.

Councillor Currie urged caution as regards using the procurement process to secure these types of services, and suggested that other groups in East Lothian could benefit from this funding stream. Paying tribute to the contribution made by the organisations outlined in the report, Councillor Currie commented that budgets used to support vulnerable people should be protected.

Councillor Akhtar pointed out that payments were being made to all the organisations listed and praised the role of these groups in supporting families. She also commended the efforts of these organisations in securing external funding. She remarked that the previous Administration had not invested enough in Children's Wellbeing services.

Councillor MacKenzie welcomed the report, drawing attention to the work undertaken by a number of those organisations listed, and referring to the SHANARRI principles in relation to ensuring the wellbeing of children.

Responding to comments made by Councillor Innes as regards the under-funding of the Children's Wellbeing budget by the previous Administration, Councillor Currie raised a point of order, stating that in its 2013 budget, the SNP Group had committed an additional £750,000 of funding to this budget. Councillor Innes pointed out that his comments had related to the funding of this budget when the SNP were in Administration and not the budget proposals for 2013.

Decision

The Cabinet agreed to award the payments for 2014/15, as outlined in Appendix 1.

6. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 8 MAY 2014

The public minutes of the meeting of the Licensing Sub-Committee held on 8 May 2014 were approved.

7. MINUTES FOR NOTING

The minutes of the Safe and Vibrant Communities Partnership meeting held on 10 February 2014 and the Resilient People Partnership meeting held on 19 February 2014 were noted.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 1 and 6 (information relating to any particular employee of the Authority; 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.

Sub-Committee Minutes

The private minutes of the meeting of the Licensing Sub-Committee held on 8 May 2014 were approved.

The private minutes of the meeting of the Employee Appeals Sub-Committee held on 1 May were approved.

REPORT TO: Cabinet

MEETING DATE: 21 October 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Summary of Contracts Awarded by East Lothian Council,
1 May to 8 October 2014

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1 PURPOSE

- 1.1 To advise Members of all contracts awarded by the Council from 1 May to 8 October 2014 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 1 May to 8 October 2014, as listed in Appendix 1 to this report.

3 BACKGROUND

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.

- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

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

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 None

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DATE	8 October 2014

**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE
FOR THE PERIOD 1 MAY TO 8 OCTOBER 2014**

Originator	Report Title/Project Summary	Contract Awarded To	Contract Value	Members' Library Reference
Depute Chief Executive (Partnerships and Community Services)	Tender Acceptance for the Delivery of External Wall Insulation and Loft Insulation in Macmerry and Musselburgh	Messrs Keepmoat	c. £1,498,565.00	Ref: 174/14 (Sept 14 Bulletin)
Depute Chief Executive (Partnerships and Community Services)	Proposed Extension to Pinkie St Peter's Primary School, Musselburgh	Messrs Hart Builders (Edinburgh) Ltd	£3,687,029.11	Ref: 186/14 (Sept 14 Bulletin)

8 October 2014

REPORT TO: Cabinet
MEETING DATE: 21 October 2014
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Financial Review 2014/15 - Quarter 1

3

1 PURPOSE

- 1.1 To record the financial position at the end of the 1st quarter of the financial year 2014/15. Recent practice has been to report the Quarter 1 position to Cabinet in September. Given the cancellation of the September Cabinet meeting, this report is being presented to the October Cabinet for consideration.

2 RECOMMENDATIONS

- 2.1 Members are recommended to;
- Note the financial performance of services at the end of June 2014.
 - Note that a refreshed General Services and HRA Capital Plan will be presented to Cabinet as part of the Q2 review.

3 BACKGROUND

Budget Summary

- 3.1 At its meeting of 11 February 2014, the Council approved a budget for the 2014/15 financial year and an outline budget for two subsequent years.
- 3.2 The 2014/15 budget can be summarised as follows;
- Government general revenue grant initially confirmed as £169.7 million.
 - Expenditure of £217.954 million.

- The removal of reliance in 2014/15 of General Reserves, with a transfer from the Housing Revenue Account of just under £1.0 million.
- The requirement to deliver £3.6 million of efficiency measures / savings / increased income across Business Groups, including a further £1 million of VERS (Voluntary Early Release Scheme) savings, recognising the full year impact of VERS departures during 2013-14.
- Gross General Services capital budget of £19.941 million.

2013/14 Financial Year

3.3 At the 26th August 2014 Council meeting, the Head of Council Resources reported on the unaudited results of the 2013/14 financial year. The results indicated that the Council used fewer reserves than planned and was able to add to the balance to a General Services Capital Fund. A breakdown of the reserves is detailed below in Table 1 below.

Table 1	General Services Reserves at 31 March 2014 (£m)
Required to support current and future budgets	0.044
Civil Emergency	2.000
Cost Reduction Fund	3.578
DSM Earmarked Reserves	0.489
MELDAP/DAAT Earmarked Reserves	0.192
Insurance Fund	1.520
General Services Capital Fund	2.920
Total	10.743

General Services Summary for Quarter One – 2014/15

3.4 The structure of the report and accompanying appendices continue to reflect the amended Chief Officer structure agreed at the June 2013 Council meeting. In addition, for each of the Business Groups outlined at **Appendix A**, we have continued to include an assessment of their progress in implementing the efficiency measures/savings/increased income required for the 2014/15 financial year. Based upon our

judgement and knowledge, each Business Group has been assigned a category when we come to assess the progress likely to be made with the 2014/15 efficiency savings. The categories are as follows;

- Red – Less than 50% of budgeted efficiency savings are likely to be achieved by end of the year;
- Amber – Between 50%-100% of budgeted efficiency savings are likely to be achieved by the end of the year;
- Green – 100% of budgeted efficiency savings are likely to be achieved by the end of the year.

- 3.5 The overall position at the end of June is an under-spend when compared to budget of £1.758 million (4.2%). An initial assessment of all service budgets has been made in order to assess the likely net expenditure levels at the financial year end. However, it is important to note that such assessments are based primarily upon activity to the end of June and are therefore made with a high degree of uncertainty. From a financial management perspective, it is our intention to provide early warning of potential overspending thus allowing appropriate, remedial management intervention to take place. A summary of the financial position across each of the Business Groups at the end of June 2014 is detailed at **Appendix A**, along with the accompanying Finance Risk Rating and Efficiency Progress Rating.
- 3.6 At the end of June 2014 the **Resources and People Services** were reporting an overall over-spend of £183,000 (0.7%). Most of the service areas performing in line with expectations, with some emerging pressure areas identified within the Children's Wellbeing Group, and Primary and Secondary Group.
- 3.7 The first quarter of 2014/15 is reporting an actual under-spend on the **Health & Adult Care Partnership** budgets of £176,000. Despite this, there continues to remain pressures within the Adult Wellbeing budget in particular around the purchase of care packages for the Elderly and individuals with Learning Disability.
- 3.8 All of the **Partnerships & Services for Communities** budgets are performing as expected at the end of Quarter One.

Housing Revenue Account

- 3.9 As a result of the 2013/14 financial year-end, the Housing Revenue Account currently sits with reserve balances totalling £4.610 million. At the end of June 2014 the Housing Revenue Account was reporting an actual over-spend of £32,000 (1.0%), and is performing broadly in line with expectations.
- 3.10 Details of the Housing Revenue Account capital budgets are included at **Appendix C**. The total capital budget approved for the HRA was £21.871

million. To the end of June 2014 the actual spend was £2.172 million (10%) with most HRA capital budgets progressing as expected. Work is currently underway to refresh and update the HRA and General Services capital plans in light of year-end position, and an updated position will be reported to Cabinet as part of the Q2 review.

General Services Capital Budgets

- 3.11 The original General Services capital budget which was approved by Council on 11 February 2014, planned for gross capital spending of £19.941 million. The actual spend at the end of June totalled just over £3 million which represents around 15% of the annual total. Spending on the various projects within the Plan is detailed at **Appendix D**.
- 3.12 As highlighted in section 3.10 above, a refreshed General Services Capital Plan will be presented to Cabinet as part of the Quarter 2 financial update. This will take into consideration the revisions to the Capital Plan for 2014-17 which were presented to Council on 22 April 2014.

Budget Adjustments

- 3.13 The review of Senior Management which was carried out in 2013/14 has resulted in a major service redesign to ensure that the services best meet the needs of the services and communities, whilst continuing to realise efficiencies. A number of Service Reviews have been carried out since the budget approval in February 2014, all of which have been reported through Members Library Reports, and these reviews are likely to continue throughout 2014/15.

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 – as described above
- 6.2 Personnel - none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Council 11 February 2014 – Item 1 – Council Financial Strategy 2014/17

7.2 Council 22 April 2014 – Item 5 – Revisions to Capital Plan 2014-2017

7.3 Members Library 139/14 – ELC Draft Statement of Accounts 2013-14

7.4 Council 26 August 2014 – Item 4 – 2013/14 Financial Review

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REVENUE BUDGET PERFORMANCE at 30 June 2014

Appendix A

	Budget for the year £000	Actual to 30/06/14 £000	Budget for the period £000	(Surplus) / Deficit for period £000	(Surplus) / Deficit %	Financial Risk Assessment	Change since last assessment	Progress with efficiency savings etc	Notes
Resources & People Services									
Children's Wellbeing	11,761	3,051	2,996	55	1.8%	Medium	No change		
Pre-school Education & Childcare	6,074	3,929	3,987	(58)	(1.5%)	Low	No change		
Additional Support for Learning	7,824	4,299	4,317	(18)	(0.4%)	Medium	Decrease		
Schools - Primary	29,657	3,371	3,291	80	2.4%	Medium	No change		
Schools - Secondary	36,086	7,270	6,963	307	4.4%	Medium	Increase		
Schools Support Services	2,731	947	991	(44)	(4.4%)	Low	No change		
Financial Services	1,522	528	583	(55)	(9.4%)	Low	No change		
Revenues & Benefits	1,524	53	79	(26)	(32.9%)	Low	No change		
IT Services	1,743	425	420	5	1.2%	Low	No change		
Law & Licensing	608	98	124	(26)	(21.0%)	Low	No change		
Human Resources	1,261	291	306	(15)	(4.9%)	Low	No change		
Democratic Services	1,866	395	417	(22)	(5.3%)	Low	No change		
	102,657	24,657	24,474	183	0.7%				
Health & Adult Care Partnership									
Adult Wellbeing	44,395	10,159	10,336	(177)	(1.7%)	Medium	Decrease		
	44,395	10,159	10,336	(177)	(1.7%)				
Partnerships & Services for Communities									
Planning & Environmental Services	2,250	308	598	(290)	(48.5%)	Low	No change		
Economic Development & Strategic Services	2,370	540	521	19	3.6%	Low	No change		
Asset Planning & Engineering	2,451	712	842	(130)	(15.4%)	Low	No change		
Property Maintenance	(490)	(174)	(185)	11	(5.9%)	Low	No change		
Facility Support Services	3,250	(956)	(955)	(1)	0.1%	Low	Decrease		
Landscape & Countryside Management	5,618	1,020	1,190	(170)	(14.3%)	Low	No change		
Roads, Transportation & Waste Services	12,885	2,221	3,014	(793)	(26.3%)	Low	No change		
Healthy Living	3,984	506	522	(16)	(3.1%)	Low	No change		
Community Housing	2,660	1,171	1,247	(76)	(6.1%)	Low	No change		
Housing Revenue Account (HRA)	0	(3,073)	(3,105)	32	(1.0%)	Low	No change		
Communications & Marketing	391	80	107	(27)	(25.2%)	Low	No change		
Policy & Improvement	1,719	261	300	(39)	(13.0%)	Low	No change		
Community Partnerships	1,358	577	577	0	0.0%	Low	Decrease		
Arts, Museums & Music	1,879	377	372	5	1.3%	Low	No change		
Community Development	2,629	474	546	(72)	(13.2%)	Low	Decrease		
Customer Services, Libraries & Safer Communities	3,713	1,087	1,186	(99)	(8.3%)	Low	No change		
	46,667	5,131	6,777	(1,646)	(24.3%)				
Total All Departments	193,719	39,947	41,587	(1,640)	(3.9%)				
Corporate Management									
Revenue Support Grant (inc. NNDR)	(169,706)	(40,505)	(40,505)	0	0.0%	Low	No change		
Council Tax	(47,280)	(48,276)	(48,331)	55	(0.1%)	Low	No change		
Debt Charges/Asset Management	14,239	53	53	0	0.0%	Low	No change		
Joint Board Requisitions	674	169	169	0	0.0%	Low	No change		
Other	9,179	5,308	5,481	(173)	(3.2%)	Low	No change		
HRA Transfer	(995)	0	0	0	0.0%	Low	No change		
Transfer to Reserves	170	0	0	0	0.0%	Low	No change		
	(193,719)	(83,251)	(83,133)	(118)	0.1%				
Total All Council	0	(43,304)	(41,546)	(1,758)	4.2%				

Appendix B

Financial Risk	Factors	Implications
<p>High</p>	<ul style="list-style-type: none"> - The Business Group has been assessed as likely to overspend in the financial year - There has been a history of overspending within Units / Groups - There are new or revised funding arrangement and / or legislature changes with financial significance - Trading Accounts are in deficit for the year. -Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed -The service is demand led and the Council has restricted control over the level and form of service - New Services are planned 	<ul style="list-style-type: none"> -Cabinet & Members Library reports with financial implications are not passed under delegated powers -Directors / Heads of Service will be asked to prepare a financial recovery plan -The Head of Council Resources may take enforcement action to ensure budgetary control
<p>Medium</p>	<ul style="list-style-type: none"> - There is significant potential that Business Group could overspend in the financial year - There have been previous incidences of some overspending within Units / Groups - There are new or revised funding arrangement and / or legislature changes with financial significance - Trading Accounts are having difficulty meeting financial targets -Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed 	<ul style="list-style-type: none"> -Members library reports are only passed when financial implications are addressed -Directors / Heads of Service will be asked to identify actions necessary to ensure expenditure is within budget by the year-end.
<p>Low</p>	<ul style="list-style-type: none"> -Finances are generally under control for the current financial year -Stable legislature, trading and funding environment -The service is supply led - i.e. the Council can decide the level and form of service -Finances in previous financial years have been controlled -Grant schemes are stable and not anticipated to change significantly 	<ul style="list-style-type: none"> -Members library reports are approved promptly under delegated powers

Appendix C

GENERAL SERVICES CAPITAL SPEND - TO JUNE 2014

Name of Project	Budgeted Spend	Actual Spend	Over/(Under)
	2014/15	2014/15	(£000s)
	£000	£000	£000
New Day Centre - Gullane	42	2	(40)
Fa'side Tranent - New residential home and day centre	1,798	1,162	(636)
Haddington Day Centre	5	99	94
Gypsy Traveller Site	20		(20)
Property Renewals	800	57	(743)
Property Fees/Internal Architect etc fees	1,445	-	(1,445)
Environment Fees	111	1	(110)
Brunton Hall - Theatre and Main Hall refurbishment	225	2	(223)
Dunbar Town House Museum	-	16	16
Whitecraig Community Centre	50		(50)
Tranent Library	-	1	1
North Berwick Museum - refurbishment	20	-	(20)
North Berwick Community Centre - Lift	70	2	(68)
Community Intervention	200	-	(200)
Red School Prestonpans	101	-	(101)
Support for Business - Land Acquisition/Infrastructure/Broadband	300	-	(300)

Support for Business - Town Centre Regeneration	650	-	(650)
Reprovision of Pathways Home	425	-	(425)
Haddington IS / St Mary's RCPS - New shared Campus	-	149	149
Sandersons Wynd PS - additional Classrooms	100	-	(100)
Dunbar Grammar School Extension	20	-	(20)
Dirleton Classroom Extension	13	3	(10)
Dunbar Primary - Phase 2 Comms Unit	-	2	2
Macmerry PS Extension	12	1	(11)
Pinkie St Peter's PS Extension/Levenhall Nursery reprovision	2,172	24	(2,148)
Law Primary School	80	-	(80)
Windygoul PS additional Classrooms	100	-	(100)
Wallyford PS - New PS/Pro-rata ELC share	50	-	(50)
Replacement Vehicles	2,000	-	(2,000)
Pavilions	250	10	(240)
East Lothian Legacy Project - Meadowmill Alterations	-	2	2
Sports Centres - refurbishment & Equipment	200	20	(180)
Musselburgh Tennis Court Upgrade	60	-	(60)
Expansion of 3G pitch provision	40	40	-
Schools IT	545	196	(349)
Corporate IT Program	216	86	(130)
Core Path Plan Implementation	100	-	(100)
Amenity Services Machinery & Equipment - replacement	124	-	(124)
Cemeteries - Extensions/Allotments	344	-	(344)
Coastal Car Parks/Toilets	550	-	(550)
Peppercraig Depot Haddington	200	174	(26)

Coastal Protection/Flood	300	-	(300)
Promenade Improvements - Fisherrow	25	5	(20)
Cycling Walking Safer Streets (Ring-fenced grant funded)	153	-	(153)
Roads/CWSS/Hotspot Safety Improvements	5,250	855	(4,395)
Parking Improvements	300	-	(300)
Purchase of New Bins/Food Waste Collection	475	36	(439)
Ormiston Bowling Club	-	130	130
	19,941	3,075	(16,866)

Appendix D

HOUSING CAPITAL SPEND & FINANCING 2014/15

	Budgeted (£000s)	Actual (£000s)	Over/(Under) (£000s)
Mortgage to Rent	662	0	(662)
Modernisation Spend	10,231	1,261	(8,970)
Fees	533		(533)
Disabled Adaptations	758	86	(672)
Central Heating/Leasing Purchases	1,616	333	(1,283)
Electrical Re-wiring	1,717	270	(1,447)
Fencing Programme	201	3	(198)
Energy Efficiency	351		(351)
Kitchen Replacement Prog.	1,788	298	(1,490)
SHQS Abeyance incentive	50		(50)
Roofing / Roughcasting	606	2	(604)
Stair Improvement Programme	30	1	(29)
Roads / Walkway pre-adoption works	246		(246)
Structural surveys / works	200	25	(175)
Dispersed Alarms	51		(51)
Local Initiatives:Projects	202		(202)
Window & Door Replacement Prog.	20	3	(17)
Bathroom Replacement	951	145	(806)
Extensions	306	34	(272)
Lead Water Pipes	202		(202)

Asbestos Works	353	61	(292)
IT Projects	50		(50)
Gross Affordable Homes spend	10,978	911	(10,067)
Gross Total Housing Capital Spend	<u>21,871</u>	<u>2,172</u>	<u>(19,699)</u>
Financed By;			
Grants	5,761		(5,761)
Assets Sales/Capital Reserves	2,268	522	(1,746)
Borrowing	13,842	1,650	(12,192)
	<u>21,871</u>	<u>2,172</u>	<u>(19,699)</u>

REPORT TO: Cabinet
MEETING DATE: 21 October 2014
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Revised Scheme of Conditions of Service for Chief Officials

4

1 PURPOSE

- 1.1 The purpose of this report is seek approval from Cabinet for local agreements in relation to Chief Officials following the revised national terms and conditions of employment at 1 April 2014.

2 RECOMMENDATIONS

- 2.1 Following consideration of the revised national terms and conditions of employment for Chief Officials, it is recommended that:
- application of the Local Government Employee Discipline and Grievance Policies (as amended) be extended to Chief Officials.
 - that Chief Officials retain an entitlement to 27 days annual leave.
 - the scope of local policies relating to salary preservation be extended to include Chief Officials. (Relevant Policies are the Policy and Procedure for Dealing with Redundancies and the Protocol on the Conduct of Service Reviews).

3 BACKGROUND

- 3.1 A revised Scheme of Conditions of Service for Chief Officials was circulated by COSLA at the end of March, effective from 1 April 2014 (with revised leave provisions to be effective from the start of new leave year i.e. 1 October 2014 for Chief Officials in East Lothian Council). This is attached as Appendix A.
- 3.2 The main changes to the revised national conditions of service are:

- Entitlement to permanent salary preservation where the salary is down-graded has been removed. Any future salary preservation arrangements to be determined locally.
 - Previous annual leave entitlement of 27 days reduced to 20 days, increasing to 25 days after 5 years service in line with the national Local Government Employee entitlement.
 - Introduction of Disciplinary and Capability Frameworks for Chief Executives.
 - Chief Officials entering local government after 31 March 2014 requiring 26 weeks continuous service before being entitled to occupational sick pay, in line with entitlement for Local Government employees.
 - Previous Grievance provisions and right of appeal to national level have been removed. The grievance process for Chief Officials is to replicate that for Local Government Employees. Should a Chief Executive have a grievance they should raise this with the Leader and thereafter to the Appeal Sub Committee if not resolved.
 - There is a new national Disciplinary Framework for Chief Executives with any sanctions to be applied locally in line with those that would be applied to other Chief Officials. Disciplinary Procedure for Chief Officials to replicate that for Local Government Employees.
- 3.3 The Council's Policies relating to Discipline and Grievance have had amendments drafted so that they can be applied to all Chief Officials. This has required minor adjustments to the wording which are not substantive to the Policies. The Joint Trades Unions Side Secretary and UNISON Regional Officer have been consulted and have agreed the revisions. The Joint Trades Union Side Secretary indicated that whilst the Policy states that an external Investigating Officer will be appointed if there are any allegations of misconduct made against the Chief Executive, there might also be circumstances where this would be appropriate in relation to allegations made against another Chief Official.
- 3.4 Chief Officials have also been consulted on the revisions to the Policies.
- 3.5 The new Chief Official Conditions of Service removes the previous "Clause 60" protection which provided permanent conservation to a Chief Official whose salary was down-graded.
- 3.6 COSLA circular IR/01/14 indicates that "Councils may wish to consider extending the scope of any local policy on salary preservation for employees under the purview of the SJC Scheme for Local Government Employees, to include chief officers".
- 3.7 In East Lothian Council, where a Local Government Employee is either redeployed as an alternative to redundancy, or whose post is down-graded as part of service review process, under the terms of the Policy and Procedure for Dealing with Redundancies, and the Protocol on the

Conduct of Service Reviews, would be entitled to 3 years cash conservation of salary.

- 3.8 It is proposed that the same conservation arrangements are extended to Chief Officials.
- 3.9 With regard to the national changes to annual leave for Chief Officials i.e. the reduction of annual leave entitlement from 27 days to 20 days, rising to 25 days after 5 years continuous local government service with effect from the next leave year, it is proposed that chief officials retain an entitlement to 27 days. This would be retrospectively applied with effect from 1 October 2014.
- 3.10 Whilst the Flexible Working Hours Policy is available to mainly office based/professional employees covered by the Local Government Employees Conditions of Service in East Lothian, it is not proposed to extend this to Chief Officials.

4 POLICY IMPLICATIONS

- 4.1 If the recommendations are approved they will formally incorporate National Changes to Conditions of Service and harmonise Chief Officials Terms and Conditions with those of other SJC employees in relation to Discipline and Grievance Policies and conservation arrangements. If the recommendation in relation to annual leave is approved this will form a local agreement relating to Chief Officials in East Lothian. These Policies and proposals have been made available to the affected employee group, the Joint Trade Side Secretary and UNISON Regional Officer.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been carried out and no negative impacts have been found. Accordingly, this assessment reflects responses to the consultation and extensive discussion with stakeholders that was undertaken as part of the equality assessment process.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There will be no additional costs to the Council.
- 6.2 Human Resources – The agreed application of Policies will be communicated directly with all Chief Officials and Policies amended accordingly and made available on ELnet.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Discipline Procedure with changes
- 7.2 Grievance Procedure with changes
- 7.3 Equality Impact Assessment
- 7.4 New Chief Officials Scheme can be made available on request
- 7.5 Updated Policy and Procedure for Dealing with Redundancies and Protocol on the Conduct of Service Reviews can be made available on request.

AUTHOR'S NAME	Zoe Thomson
DESIGNATION	HR Business Partner
CONTACT INFO	Ext 6772
DATE	16 th September 2014

PERSONNEL SERVICES CIRCULAR

APRIL 2014

INDUSTRIAL RELATIONS: 04/14

April 2014

Dear Chief Executive

REVISED SCHEME OF SALARIES AND CONDITIONS OF SERVICE FOR CHIEF OFFICIALS

IR/01/14

1. Councils will have now received by e-mail the new SJNC Scheme of Salaries and Conditions of Service for Chief Officials. It will be known as the Chief Officials Book and is available on the COSLA Employers website.
2. The new agreement supersedes the previous one and is fully effective from 1 April 2014.
The purpose of this circular is to outline the main changes in the new agreement and the impact of these changes on chief officials as of 1 April. It also highlights matters which will need to be considered by councils as a consequence of the new agreement including the need for councils to inform chief officials of the new agreement and its effects on their contracts.

MAIN CHANGES

Preservation

3. The previous national agreement on preservation, including salary preservation, no longer applies. The only reference to preservation in the new national agreement (paragraph 5.4) enables future salary preservation arrangements, if any, to be determined locally.
4. The new agreement in effect means that anyone on salary preservation or indeed any other form of preservation as a result of application of the old national agreement should no longer receive such preservation after 31 March 2014.
5. Councils may wish to consider extending the scope of any local policy on salary preservation for employees under the purview of the SJC Scheme

for Local Government Employees, to include chief officers. Whether chief officers coming off the national preservation arrangement on 31 March are offered a further period of preservation by the adoption of such a policy would be for each council to determine.

6. If a council has not applied the terms of the previous national agreement and a locally determined preservation arrangement is in place as a result of a local agreement, then this should continue in accordance with the terms of that agreement.

Annual Leave

7. Annual leave entitlement, which was 27 days, is now harmonised with that within the SJC Scheme for Local Government Employees giving an entitlement of 20 days increasing to 25 after 5 year's service.
8. In agreeing this change it was recognised that the 20/25 day entitlement is a minimum entitlement which has been improved at a local level by many councils. The essence of the new agreement is that the entitlement which applies to SJC employees within the council should also apply to chief officials.
9. Should this mean that chief officers will see an actual reduction in their current entitlement of 27 days, it is suggested that assimilation to the reduced entitlement take effect from the start of the next annual leave year within the council.
10. If a council has not applied the terms of the previous national agreement and a locally determined annual leave arrangement is in place as a result of a local agreement, then this should continue in accordance with the terms of that agreement.
11. Discussions on this particular aspect of the national agreement also focused on flexitime arrangements within councils which apply to SJC employees but not to chief officers. In light of the changes to chief officers annual leave entitlement and from an equalities perspective it is suggested that councils which currently exclude chief officers from their flexitime arrangements give consideration to their inclusion.

Disciplinary Framework

12. The national agreement introduces a new Disciplinary Framework for chief executives (Appendix A). That framework may only be modified at a local level in regard to timescales, disciplinary sanctions, length of time warnings remain 'live' and representation, to ensure that there is consistency with that which applies within the council's disciplinary procedure which applies to other chief officers.

Capability Framework

13. The national agreement also introduces a new framework for councils to deal with any question or complaint as to the capability of the chief executive to fulfil the duties and responsibilities of the post (Appendix B).

Again that framework may only be modified at a local level, as per the Disciplinary Framework outlined above.

Sick Pay

14. Employees who start employment after 31 March 2014 will only be entitled to receive occupational sick pay if they have 26 weeks or more continuous service as defined as per paragraph 10.1 of the national agreement at the start of the period of sickness absence.

Appeals and Grievances

15. The previous provisions for local appeals and settlement of grievances no longer apply and there is no longer any right of appeal at a national level. The agreement indicates the route by which a chief executive should pursue a grievance within a council. The procedure to be followed by a council should as far as possible replicate the arrangements for other chief officers.

Other Conditions

16. The above outlines the main changes arising from the new agreement. It is suggested that councils undertake an audit of the old national agreement to determine whether there are any other conditions which they have applied to their chief executive and other chief officers and which are now withdrawn from the national agreement.

Incorporation

17. It is understood that all councils have a policy to automatically adopt national agreements i.e., this is reflected in the contracts/written statement of particulars of employees. Accordingly no decision of the council is required to adopt the new national agreement and the national agreement will have effect from 1 April 2014. Councils may however wish to give consideration to the issues raised in relation to salary preservation and annual leave which in turn may require council decision.

Notification

18. Councils should advise chief officers of the new agreement and its effects on their contracts. It would not be feasible to outline all the changes resulting from the new agreement but councils may wish to make reference to the main issues – preservation and annual leave and in addition for the chief executive, the Disciplinary and Capability Frameworks. Councils should also make a copy of the Chief Officials Book available to the chief executive and other chief officers.
19. The new agreement will automatically apply to any employee appointed on or after 1 April 2014.
20. Any question on the terms of this circular should be directed to the Employers Team, COSLA.

Yours sincerely

Tom Young
Employers Side Secretary

To: Chief Executives
Heads of Personnel
Directors of Finance

DISCIPLINARY PROCEDURE

(COLLECTIVE AGREEMENT COVERING ALL EMPLOYEES EXCEPT TEACHING STAFF AND THOSE COVERED BY THE SNCT CONDITIONS OF SERVICE)

SECTION

- 1 INTRODUCTION**
 - 2 COUNSELLING**
 - 3 DISCIPLINARY PROCEDURE – GENERAL**
 - 4 VERBAL WARNINGS**
 - 5 WRITTEN WARNINGS**
 - 6 FINAL WRITTEN WARNINGS**
 - 7 PUNITIVE DISCIPLINARY ACTION**
 - 8 GROSS MISCONDUCT**
 - 9 FINANCIAL IRREGULARITIES**
 - 10 CRIMINAL OFFENCES**
 - 11 APPEALS AGAINST DISCIPLINARY ACTION**
 - 12 EXPIRY OF WARNINGS**
 - 13 MEDIATION**
 - 14 TRADES UNION OFFICIALS**
 - 15 TIME LIMITS**
 - 16 REFERRAL TO PROFESSIONAL BODIES**
 - 17 REFERRAL TO DISQUALIFIED FROM WORKING WITH CHILDREN/AND OR VULNERABLE ADULTS L1ST**
- APPENDIX A : CHIEF EXECUTIVE’S DISCIPLINARY FRAMEWORK**
- APPENDIX B :APPEALS PROCEDURE**

This Procedure replaces the previous version dated Sept 2013. Changes to take account of revisions to National Conditions of Service for Chief Officials. To be agreed at Cabinet 21st October 2014.

**Revised
October
2014**

Disciplinary Procedure

EAST LoTHIAN COUNCIL DISCIPLINARY PROCEDURE

COLLECTIVE AGREEMENT COVERING ALL EMPLOYEES EXCEPT TEACHING STAFF AND THOSE COVERED BY THE SNCT CONDITIONS OF SERVICE

1. INTRODUCTION

- 1.1 The Council and the Trades Unions agree that discipline is essential for the conduct of the Council's affairs and for the safety and well-being of all employees. It is further agreed that disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and in the conduct of employee relations.
- 1.2 This procedure takes full account of the provisions contained within the various Schemes of Pay and Conditions of Service as applied to employees of the Council. The procedure also reflects the guidance contained within the ACAS Code of Practice on Disciplinary Practice and Procedures in Employment.
- 1.3 Within the limitation of powers delegated by the Council, the Chief Officials shall be responsible for the management and discipline of employees.. The Chief Officials may delegate authority within the terms of this procedure to Nominated Officers who may issue verbal or written warnings or take punitive disciplinary action as defined in paragraphs 7.1 to 7.5 of this procedure. A list of Officers so authorised is attached at Appendix B.
- 1.4 Where an allegation of misconduct is made against the Chief Executive the Disciplinary Framework detailed at Appendix A will be followed. Where the Disciplinary Framework is silent, the relevant procedures as outlined below, will also be applicable to the disciplinary proceedings relating to the Chief Executive.

2. COUNSELLING

- 2.1 It is accepted by the Council and the Trades Unions that this procedure should be viewed as a means of encouraging an improvement in an individual's conduct or performance and not as merely a method of applying sanctions. It is further accepted that supervisors play an important role in the day-to-day management of employees and should seek to deal with minor lapses in conduct or performance through informal counselling in the first instance
- 2.2 Counselling should normally be a one-to-one discussion between an employee and his /her supervisor. During counselling the supervisor should discuss with the employee the required standards, the manner in which the employee has failed to meet those standards and the possible reasons for that failure. The supervisor should indicate clearly to the employee the improvement required and should consider taking other action which might assist the employee to achieve this improvement e.g. closer supervision, additional training etc. Counselling does not form part of the formal disciplinary procedure and therefore no formal warnings can be given.
- 2.3 No record of counselling interviews will be kept on the employee's personal file. The supervisor shall however make a personal record showing the date of and

reason(s) for the counselling interview and shall inform the employee accordingly.

- 2.4 Where counselling does not result in the required improvement or where the alleged failure to meet the required standards is considered to be of a more serious nature, the formal procedure should be followed.

3. DISCIPLINARY PROCEDURE – GENERAL

Whenever formal disciplinary action is being contemplated the points of procedure set down in paragraphs 3.1 to 3.5 shall be adhered to.

Investigation

- 3.1 A disciplinary hearing shall not be convened until the circumstances of the case have been fully investigated. All investigations will be completed as soon as is reasonably practicable, with due regard to the matters being investigated and service requirements. When the investigation has been completed the employee shall be advised accordingly.
- 3.2 Where an allegation of misconduct has been made against a Chief Official, an external investigating officer may be appointed.
- 3.3 The Officer conducting the investigation shall seek to establish the facts by carrying out investigatory interviews with relevant persons and, where possible, shall obtain written, signed statements from witnesses who will be advised that they may be requested to appear at any subsequent disciplinary hearing.
- 3.4 If following investigations, a disciplinary hearing is deemed to be unjustified, any written statements obtained and any other documents relating to the investigation shall, subject to below, be destroyed.
- 3.5 Where the investigations concern matters relating to the safety and well-being of young and /or vulnerable people in receipt of Council Services, or where the nature of the alleged misconduct, in combination with the employee's current post [and foreseeable future employment] causes such concern it is decided that the contents should be available for future consideration the documents shall be retained.. The documents shall be available for inspection by the employee who may add a personal note to the record.
- 3.6 If there is a further disciplinary investigation relating to the employee, the documents referred to in paragraph 3.4 above shall be examined and may be taken into account to the extent required by the circumstances of the case. Where an unsubstantiated allegation is taken into account in any disciplinary decision, the written notification shall indicate this fact and the reasons for doing so.

Arranging a Disciplinary Hearing

- 3.7 If, following investigations, a disciplinary hearing is deemed necessary, the employee concerned shall be given at least five working days notice in writing of the hearing and shall also be informed in the same letter of:-
- a) the fact that it will be a formal disciplinary hearing;

- b) the nature of the complaint(s) with copies of all of the documentation to be presented at the hearing;
 - c) the name(s) of any witness(es) who will present evidence at the hearing;
 - d) the right to call witnesses or submit statements or other documentation subject to the names of any such witnesses and /or any written submissions being provided in advance to the Officer conducting the hearing; and
 - e) the right to be accompanied /represented at the hearing by a trade union official or some other person of his /her choice.
- 3.8 Documentation not submitted in accordance with above may only be presented at the hearing with the agreement of the employee and the Officer conducting the hearing otherwise the hearing shall be adjourned and reconvened for a later date.
- 3.9 Copies of any written statements made by individuals who are not available to give evidence in person at the disciplinary hearing shall normally be enclosed with the letter referred to in paragraph above. Where this is not possible, the written statements shall normally be made available with the letter of notification of the hearing.

Conducting a Disciplinary Hearing

- 3.10 As far as possible, the Officer who conducted the investigation shall not also conduct the disciplinary hearing.
- 3.11 The Officer conducting the hearing shall ensure that the facts gathered during the investigation are presented to the employee. These facts may be presented by the Officer who conducted the investigation and, if so, this Officer shall remain in attendance at the hearing until the presentation of evidence is completed. The Officer conducting the hearing may be advised by another Council employee(s) or by an Officer of the Human Resources Division.
- 3.12 Witnesses, if any, shall be called to give their evidence and, after questioning by both parties, shall withdraw but shall be subject to re-call.
- 3.13 The employee, assisted by his /her representative, if any, shall be given adequate opportunity to put forward an explanation and /or defence.
- 3.14 The Officer conducting the hearing, assisted by any advisory staff, shall consider all the evidence presented with a view to arriving at a decision, which is reasonable in all the circumstances.

Action following a Disciplinary Hearing

- 3.15 Except in the case of verbal warnings, any disciplinary action shall be notified or confirmed in writing within five working days of the hearing and the letter notifying or confirming such action shall be handed to the employee personally or sent by recorded delivery.
- 3.16 A copy of this letter shall be sent to the employee's representative, if any.

- 3.17 If, following a disciplinary hearing, the Nominated Officer considers that no formal disciplinary action is justified, he /she shall inform the employee accordingly and in these circumstances no documents relating to the hearing shall be placed on the employee's personal file.

4. VERBAL WARNINGS

- 4.1 In the case of a minor offence relating to an employee's conduct or performance the appropriate Nominated Officer shall give a verbal warning to the employee and inform him /her that this warning constitutes the first stage in the formal procedure. The employee shall be informed of the reason(s) for the warning and of the likely consequences of further offence(s). The employee shall be informed of the date from which the warning will normally be disregarded for disciplinary purposes, if no future disciplinary action is taken and the right of appeal against the verbal warning.
- 4.2 The Nominated Officer shall make a written record of the verbal warning. A copy of this record shall be placed on the employee's personal file and a further copy given to the employee with the date that this warning shall be disregarded for disciplinary purposes.

5. WRITTEN WARNINGS

- 5.1 A written warning may be issued: -
- a) where an employee who has been issued with a verbal warning fails to achieve and maintain the required improvement in conduct or performance or where a further act or omission warranting disciplinary action occurs, or
 - b) where the misconduct or failure in performance is considered to be sufficiently serious to warrant this form of disciplinary action.
- 5.2 A letter of formal warning shall be issued in the name of the Officer who conducted the disciplinary hearing and shall state: -
- a) that a formal written warning is being given;
 - b) the nature of the unsatisfactory matter(s) dealt with at the hearing;
 - c) the date of any previous verbal warning where appropriate;
 - d) the action required by the employee to remedy the matter;
 - e) that subsequent failure(s) in conduct or performance will normally result in more serious disciplinary action;
 - f) that a copy of the warning letter will be placed on the employee personal file;
 - g) the date from which the warning will normally be disregarded for disciplinary purposes ;

- h) the employee's right of appeal.

6. FINAL WRITTEN WARNINGS

6.1 A final written warning may be issued: -

- a) where an employee who has been issued with a written warning fails to achieve and maintain the required improvement in conduct or performance or where a further act or omission warranting disciplinary action occurs; or
- b) where the misconduct or failure in performance is of a serious nature warranting this form of disciplinary action.

6.2 A letter of final warning shall be issued in the name of the Officer who conducted the disciplinary hearing. The letter shall contain all the information described in paragraph 5.2 and in particular shall state that any subsequent failure in conduct or performance will normally result in dismissal.

7. PUNITIVE DISCIPLINARY ACTION

7.1 Punitive disciplinary action may be taken where: -

- a) following a final warning, the employee fails to achieve and maintain the required improvement in conduct or performance or a further act or omission warranting disciplinary action occurs; or
- b) a failure in conduct or performance occurs of a sufficiently serious nature to justify such disciplinary action without prior warning(s).

7.2 Punitive disciplinary action refers to any of the following sanctions: -

- a) the withholding of an annual increment in conjunction with a final written warning;
- b) suspension without pay for a period normally not exceeding three working days, in conjunction with a final written warning;
- c) demotion and /or transfer to another job, place of work or department, in conjunction with a final written warning;
- d) dismissal with due notice; or
- e) summary dismissal i.e. dismissal without notice, only in cases of gross misconduct.

7.3 Where the possibility of punitive disciplinary action arises, the relevant Chief Officer or another Senior Nominated Officer shall hold a disciplinary hearing with the employee concerned. The hearing shall be convened and conducted in accordance with the procedure set down in paragraphs 3.6 to 3.13 following consultation with the Service Manager – HR and Payroll. The Service Manager - HR and Payroll shall attend or be represented at the hearing in an advisory capacity.

- 7.4 Where punitive disciplinary action is taken the decision of the Officer who conducted the disciplinary hearing shall be notified or confirmed in writing by the Head of Council Resources and the letter shall: -
- a) refer to previous warnings, if appropriate;
 - b) state clearly the punitive disciplinary action taken and the effective date;
 - c) specify the reason(s) for this action;
 - d) refer to the employee's right to appeal to the Appeals Sub-Committee of the Cabinet Committee and indicate the date by which notice of appeal should be received.
- 7.5 In the case of dismissals, the Elected Member Spokesperson for the appropriate Service Area shall be informed of the action taken.

8. GROSS MISCONDUCT

- 8.1 Under this disciplinary procedure an employee shall normally be given a final written warning regarding his /her conduct or performance before dismissal is contemplated. It is recognised however that an employee may be dismissed without previous warning where gross misconduct is deemed to have occurred.
- 8.2 For the purpose of this procedure, gross misconduct is behaviour of such a nature that the Council is unable to tolerate the continued employment of the individual concerned.
- 8.3 Where gross misconduct is alleged, the Chief Officer or another Senior Nominated Officer, in consultation with the Service Manager - Human Resources and Payroll (or nominee), may suspend the employee on full pay: -
- a) pending further investigations into the circumstances of the case, and /or
 - b) when it is considered to be undesirable for the employee to remain at work prior to the disciplinary hearing.
 - c) Written confirmation of the suspension shall be forwarded to the employee by recorded delivery within five working days and shall state the reason(s) for the suspension. Suspension in these circumstances shall not be regarded as a form of disciplinary action.
- 8.4 An employee suspended in the circumstances described in paragraph shall receive full pay during the period of suspension. For this purpose full pay shall consist of an employee's normal salary or wage, including elements such as shift allowances, unsocial hour's premia and contractual overtime where appropriate.
- 8.5 In certain circumstances [e.g. where an incident occurs on a nightshift or in an isolated location] it may be necessary for a supervisor who has not been delegated formal powers of suspension to effectively suspend an employee on full pay by sending the employee home or removing him /her from duty without consulting an authorised Senior Nominated Officer. In such circumstances the

Chief Officer or another Senior Nominated Officer shall be informed as soon as possible and shall consult the Service Manager – Human Resources and Payroll(or nominee) before deciding whether or not to formally suspend the employee concerned on full pay.

9. FINANCIAL IRREGULARITIES

9.1 Senior Officers are responsible for dealing promptly with any financial irregularities, through normal disciplinary processes when employees are involved. In cases of exceptional complexity, Internal Audit may be able to assist in the investigation. A financial irregularity is something a council employee has done in their work which either leads to a financial loss for the Council which should have been avoided and/ or a gain for the employee which they should not have taken. Following an investigation the Chief Executive/Depute Chief Executive (or their designated representative) may consider the available evidence sufficient to justify consideration under the Disciplinary Procedure.

The relevant Chief Officer or another Senior Nominated Officer may suspend the employee on full pay in accordance with paragraph 8.3.

10. CRIMINAL OFFENCES

10.1 An employee shall not be disciplined solely because he /she has been charged with or convicted of a criminal offence. In all such cases consideration shall be given to whether the alleged or proven offence is of a serious nature and the relevance of the offence to the employment relationship between the Council and the employee.

10.2 In all cases where disciplinary action is being contemplated due to an alleged or proven criminal offence, the matter shall be investigated by Officers of the Council as thoroughly as the circumstances and advice from the police.

10.3 Following investigations, the Chief Officer or another Senior Nominated Officer may determine that the available evidence is sufficient to justify holding a disciplinary hearing prior to the outcome of any criminal proceedings.

10.4 Where investigations reveal insufficient information to justify holding a disciplinary hearing, consideration of the case shall be deferred until further information is available. In these circumstances the employee may be suspended on full pay until further notice.

10.5 If it is discovered that an employee has failed to disclose a criminal conviction where such disclosure is required, the matter may be dealt with under the terms of this disciplinary procedure.

10.6 Where there is clear evidence of criminal activity the Police should be notified. Agreement should then be reached with the Police as to whether the Council can undertake a disciplinary investigation including interviewing the employee who the allegation has been made against, or whether the internal investigation needs to put on hold to avoid the potential for tainting the evidence trail for the police.

11. APPEALS AGAINST DISCIPLINARY ACTION

Appeals Against Warnings

- 11.1 Appeals against warnings, verbal or written, may be made to the relevant Chief Officer and shall be submitted in writing, indicating the grounds of the appeal, within ten working days of the employee receiving confirmation of the warning. An employee shall have the separate right of appeal against a decision that a warning will never be disregarded for disciplinary purposes.
- 11.2 Appeals against warnings shall be heard as soon as possible and normally within ten working days of receiving the written notice of appeal.
- 11.3 Appeals against warnings shall be heard by the Chief Officer or a nominated officer who is more senior than the Manager who issued the original warning. In the case of appeals against final warnings, the appeal shall be heard personally by the relevant Chief Officer. The employee shall be given at least five working days notice in writing of the appeal hearing and shall be informed of his /her right to be accompanied at the hearing by a trades union official or some other person of his /her choice. (The appeal hearing shall be conducted in accordance with the procedural rules governing the operation of the Appeals Sub-Committee, appropriately adapted for the purpose, contained in paragraphs 5.1 to 6.15 of Appendix B to the procedure.)
- 11.4 The Officer hearing the appeal may confirm, amend or withdraw the disciplinary action but may not substitute it for disciplinary action of a more severe nature.
- 11.5 The decision shall, if possible, be made known to the employee at the end of the appeal hearing and shall in any case be confirmed in writing within five working days. There shall be no further right of appeal.
- 11.6 Where, in exceptional circumstances, a warning is issued by a Depute Chief Executive in person, any appeal shall be heard by the Chief Executive or representative. If a warning is issued by the Chief Executive, any appeal will be heard by the Appeals Sub Committee.

Appeals Against Dismissal and Punitive Disciplinary Action

- 11.7 Appeals against dismissal and punitive disciplinary action will be heard by The Appeals Sub-Committee of the Council. Appeals should be made, in writing to the Head of Council Resources, East Lothian Council, John Muir House, Haddington within 10 working days of the receipt of the Dismissal or warning letter. In all cases the date by which the Head of Council Resources should receive notice of an appeal shall be included in the written notification.
- 11.8 The Head of Council Resources shall arrange for the appeal to be considered by the Appeals Sub-Committee of the Cabinet within twenty working days of receipt of the letter of appeal or as soon as possible thereafter. The appeal shall be heard in accordance with the procedure set out in Appendix B to this procedure.

11.9 The Appeals Sub-Committee of the Cabinet may confirm, amend or withdraw the disciplinary action but may not substitute it for disciplinary action of a more severe nature.

Effect of Appeals on Disciplinary Record

11.10 If as a result of an appeal, any disciplinary action is withdrawn or modified, any written reference thereto on the employee's personal file shall be expunged or appropriately amended and the employee and his /her representative, if any, notified accordingly.

11.11 Employees will have a right of access to their personal file to ensure the written reference has been removed or appropriately amended.

12. EXPIRY OF WARNINGS

12.1 Warnings and other formal disciplinary action short of dismissal shall normally be disregarded for disciplinary purposes after a period of satisfactory employment. The relevant periods shall be as follows: -

Verbal warnings	-	to be disregarded after six months
Written warnings	-	to be disregarded after nine months
Final written warnings	-	to be disregarded after twelve months

Punitive disciplinary Action short of Dismissal in conjunction

With a final warning	-	to be disregarded after eighteen months
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12.2 A decision not to disregard a warning for disciplinary purposes may be taken where an employee's persistent misconduct warrants such action. The employee shall have the separate right of appeal against such a decision not to disregard a warning.

12.3 A warning will not be disregarded when the misconduct for which the warning was issued related to the safety and well being of young and /or vulnerable people in receipt of Council Services from the Council unless a specific decision was made at the time disciplinary action was taken that the warning would be disregarded for disciplinary purposes.

13. MEDIATION

Mediation can be applied in the following situations: –

13.1 Informal Resolution process - where a Manager considers that formal disciplinary action is not appropriate and a mediator may help resolve any remaining issues.

13.2 Formal Resolution process- where formal Disciplinary warnings/ sanctions have been in taken, and relationships have broken down as a consequence, a mediator may be able to assist helping the parties involved to rebuild working relationships.

- 13.3 Any request for mediation should be made initially to the appropriate Operational Human Resource Adviser for that area.

14. TRADES UNION OFFICIALS

- 14.1 A disciplinary hearing involving an employee who is an accredited Trades Union representative shall not be convened until the circumstances have been discussed with a full-time official of the Trades Union concerned. Where the possibility of disciplinary action against a Trades Union representative arises, the Service Manager - Human Resources and Payroll shall be consulted at the earliest opportunity.
- 14.2 Where gross misconduct is alleged of an accredited Trades Union representative, the employee may be suspended on full pay after consultation with the Service Manager – Human Resources and Payroll. A full-time official of the Trades Union concerned shall be informed of this action as soon as possible and written confirmation of the suspension shall be sent to the Trades Union within five working days. A copy of this letter shall be forwarded to the Service Manager - Human Resources and Payroll.

15. TIME LIMITS

The time limits contained within this procedure may be varied by mutual agreement.

16. REFERRAL TO PROFESSIONAL BODIES

The Regulation of Care (Scotland) Act 2001 requires the Scottish Social Services Council to be notified, immediately, in writing of any misconduct cases involving employees who are required to register with this body. In the following circumstances:

Where an employee is dismissed.

Where an employee resigns during a disciplinary investigation/ hearing.

Where a worker is suspended pending the outcome of a disciplinary investigation/ hearing

Where East Lothian Council becomes aware of a conviction against an employee

Any other circumstances which East Lothian Council feels may have a bearing on the employee's registration with the Scottish Social Services Council.

17. REFERRAL TO DISQUALIFIED FROM WORKING WITH CHILDREN AND/OR VULNERABLE ADULTS LISTS.

The Protection of Children (Scotland) Act 2003 places a legal obligation on the Council to refer to Scottish Ministers any individual working in child care or with vulnerable adults, either paid or unpaid who: harms a child or puts a child/vulnerable adult at risk of harm and is dismissed or moved away from access to children as a consequence, or harms a child or puts a child at risk of harm, if they would have been dismissed had they not resigned, retired, been made redundant or left at the end of a temporary contract.

Chief Executive's Disciplinary Framework

1. When faced with an allegation(s) of misconduct against the Chief Executive, initial consideration will be given to the allegation(s) to determine whether the matter should be formally investigated and whether suspension is appropriate.

The allegation(s) will initially be discussed between an appropriate senior officer(s) e.g. the Service Manager – HR & Payroll and/or the monitoring officer and the Leader of the council.

The Leader will appoint an Assessment Group. This group will be made up of a cross party group of elected members representing, as far as is practicable, the political balance of the Council. Members of the group will not participate in the remaining stages of the procedure, unless the size of the council is such that there are insufficient numbers of elected members to resource each of the stages independently.

The Service Manager – HR & Payroll will be available to assist the group.

The Service Manager – HR & Payroll will verbally make the Chief Executive aware of the allegation(s) and that an Assessment Group is being called to consider the matter. The Chief Executive may wish to make initial observations to the Service Manager – HR & Payroll. If agreed with the Chief Executive the Service Manager – HR & Payroll will share these with the Assessment Group.

The Assessment Group will be advised of the allegation(s) against the Chief Executive, and if previously agreed, initial observations from the Chief Executive. It is unlikely that much detail will be known, but in any event, the purpose of the group at this stage is solely to decide whether a formal investigation is required. If the decision is taken to proceed to formal investigation the Assessment Group will also, depending on the nature of the allegation(s), consider whether suspension, which must be on full pay, is appropriate.

A note of the meeting and decision will be taken.

The decision of the Assessment Group will be communicated in writing to the Chief Executive.

2. Should the matter proceed to formal investigation, an Investigating Officer will be appointed to conduct a formal investigation into the allegation(s).

The Investigating Officer will be agreed between, and be independent of both, the Council and the Chief Executive. In the event of a failure to agree it will be for the Joint Secretaries to the SJNC to recommend an Investigating Officer.

The investigation should be conducted within a reasonable period. If the investigation is likely to extend beyond 4 weeks following appointment of the Investigating Officer, the chief executive will be kept informed of progress.

It is for the Investigating Officer to determine how best to investigate the

allegation(s). However, the Investigating Officer will be expected to:

- Meet the Chief Executive to discuss, and question the Chief Executive on, the allegation(s). The Chief Executive should be given a minimum of 5 working days notice of such a meeting and be advised of the right to be accompanied at that meeting.
- Meet with and interview any witnesses to or parties associated with the allegation(s), a statement being prepared to record each interview.
- Review any documentation associated with the allegation(s).

At the conclusion of the investigation, the Investigating Officer will prepare a report for the Assessment Group outlining the findings of the investigation. The report will include a recommendation as to whether the Investigating Officer considers there are sufficient grounds to the allegation(s) to warrant proceeding to a disciplinary hearing.

The Assessment Group will be reconvened to consider the report from the Investigating Officer.

The group, following consideration of the report from the Investigating Officer, will decide if a disciplinary hearing should be convened. The group will also indicate whether, having considered the report, they consider the allegation(s), if substantiated, constitute misconduct or gross misconduct. If gross misconduct and the Chief Executive has not already been suspended, then they will reconsider suspension at this stage, such suspension being on full pay.

The Chief Executive will be advised in writing of the decision of the Assessment Group no later than 5 working days following the meeting of the group. A copy of the report from the Investigating Officer will accompany that letter.

Where the Assessment Group decision is that no further action is necessary, no record of the allegation(s) will be entered on the Chief Executive's personal file.

3. Should the Assessment Group consider that the matter should proceed to a disciplinary hearing, a Hearing Committee will be set up and formal notification issued to the chief executive of the hearing.

The Hearing Committee will exclude members of the Assessment Group and, as far as is practicable, be made up of a cross party group of Elected Members representing the political balance of the Council.

The Service Manager – HR & Payroll will advise the Committee. A record of the meeting and decision reached will be taken.

The Chief Executive will be given a minimum of 5 working days prior notice in writing of the Hearing. The letter will provide full details of the allegation(s), an indication of whether the allegation(s) if substantiated, may constitute misconduct or gross misconduct and the implications of this, i.e. gross misconduct may result in dismissal, advise that the Committee will refer to the report from the Investigating Officer and advise of any witnesses that may be called. The letter will also advise the Chief Executive of their right to be represented at the hearing

and ask the Chief Executive (or their representative) to provide in advance of the hearing any relevant papers that they may present as part of their case and the names of any witnesses they may wish to call.

The Chief Executive may seek a postponement of the hearing to enable representation; such postponement should be for no more than 10 working days.

Conduct of the Hearing: The purpose of the Hearing Committee is to ensure that a fair hearing is conducted into the allegation(s) so that a reasonable decision can be made, based on the information presented. The conduct of the hearing will be as follows:

- A representative on behalf of the Assessment Group will present their case.
- Members of the Hearing Committee and the Chief Executive (or their representative) will have the opportunity to question the Assessment Group representative and any witnesses called.
- The Chief Executive (or their representative) will present their case.
- Members of the Hearing Committee and the Assessment Group representative will have the opportunity to question the Chief Executive (or representative) and any witnesses called.
- The representative of the Assessment Group will summarise their case, introducing no new evidence.
- The Chief Executive (or their representative), will summarise their case introducing no new evidence.
- Both parties will withdraw to enable the Hearing Committee to make a decision in private.
- Following the recess, the parties will reconvene and the convener of the Hearing Committee will advise the Chief Executive of the Committee's decision. If the Hearing Committee is unable to provide a decision on the day of the Hearing, they will reach a decision as soon as possible but in any event, the decision will be confirmed in writing to the Chief Executive within 5 working days. The letter will also include details of to whom the Chief Executive can appeal the decision of the Hearing Committee, should they wish to do so, together with the associated timescale.

Sanctions: If the allegation(s) against the Chief Executive are considered to have been substantiated, any disciplinary action taken should be reasonable in the circumstances taking into account the seriousness and any mitigation presented.

In the case of a first offence, other than for gross misconduct, the sanction should normally be a written or final written warning. Where a written warning had previously been issued and the Chief Executive has committed a similar offence or a subsequent different but equally serious offence, the Hearing Committee may issue a final written warning or more serious sanction. A Chief Executive should normally be given a final written warning regarding their conduct before dismissal is contemplated. However, it should be noted that there may be cases of gross misconduct so serious that summary dismissal without notice is

appropriate.

Notwithstanding the above, the disciplinary action taken will be in line with the sanctions contained within the Council's disciplinary procedure for all other Chief Officers.

Similarly, examples of what constitutes gross misconduct will be as per the disciplinary procedure for other Chief Officers.

Should the allegation(s) be found to be not substantiated and no disciplinary action taken no record of the allegation(s) will be entered on the Chief Executive's personal file.

4. Should the Chief Executive appeal the decision of the Hearing Committee, a meeting of the Appeal Sub Committee will be arranged to consider the appeal.

The Appeal Sub Committee will exclude members of the Hearing Committee and as far as is practicable, be made up of a cross party group of Elected Members representing the political balance of the Council.

The Service Manager – HR & Payroll will advise the Committee. A record of the meeting and decision reached will be taken.

The Appeal Sub Committee will ideally be held within 20 working days of receipt of the appeal.

The Chief Executive will be given a minimum of 5 working days prior notice in writing of the date of the Appeal Hearing and be provided with a copy of any associated paperwork that will be presented on behalf of the Hearing Committee. The letter will advise the Chief Executive of their right to be represented at the Appeal, advise of any witnesses that may be called and ask the Chief Executive (or their representative) to provide in advance of the appeal any documentation that they intend to refer to and the names of any witnesses they may call.

The conduct of the Appeal Hearing will follow that of the Disciplinary Hearing, however it will be for the Chief Executive (or representative) as appellant to present their case first and be allowed to summarise their case last.

It is the responsibility of Appeal Sub Committee to determine whether the appeal from the Chief Executive should be upheld, upheld in part or dismissed. If upheld in part the Appeal Sub Committee must also determine the impact of this decision on any sanction implemented by the Hearing Committee.

The convener of the Appeal Sub Committee will advise the Chief Executive of the decision of the Appeal Sub Committee. If the committee is unable to reach a decision at the conclusion of the Hearing they will do so as soon as possible but in any event the decision will be confirmed in writing to the Chief Executive within 5 working days of the date of the hearing.

Please Note: Elected members and professional advisers will declare any personal interest they have in the case and consideration will be given to them not taking part in any proceedings depending on the nature of that interest.

EAST LoTHIAN COUNCIL

APPEALS SUB-COMMITTEE

PROCEDURE FOR CONSIDERATION OF APPEALS AGAINST DISCIPLINARY ACTION

1 TERMS OF REFERENCE

- 1.1 The Appeals Sub-Committee shall be convened to hear an appeal against a decision to dismiss or take other forms of punitive disciplinary action as defined in paragraph 7.2 of the disciplinary procedure.
- 1.2 The Appeals Sub-Committee shall have delegated power from the Cabinet to decide appeals and shall be the Council's final arbiter on such matters.

2 CONDITIONS RELATING TO AN APPEAL

- 2.1 For the Appeals Sub-Committee to be convened notice of appeal against disciplinary action must be lodged with the Head of Council Resources within ten working days of the appellant receiving written notification of the decision arising out of the disciplinary hearing.
- 2.2 The notice of appeal, which must be in writing, may be lodged by the appellant or his /her trade union or by some other person of the appellant's choice acting as a representative.
- 2.3 The appellant and his /her representative, if any, will be given a minimum of ten working days notice in writing of the date, time and place of the appeal hearing.

3 MEMBERSHIP OF THE APPEALS SUB-COMMITTEE

- 3.1 The Appeals Sub-Committee shall be a Standing Sub-Committee of the Cabinet and shall comprise:
 - The Council Leader
 - The Provost
 - The Depute Provost
 - Leader of the Opposition
 - Cabinet member of relevant area
- 3.2 Where, for any other reason, a vacancy or vacancies exist in the membership of the Sub-Committee at any meeting that vacancy or those vacancies may be filled for that meeting by the substitution of another member or other members of the Council from within the same political group.
- 3.3 Where a meeting of the Appeals Sub-Committee is adjourned for any reason, the provision in paragraph 3.2 above concerning substitutes shall not apply and

only those members in attendance at the original hearing shall be eligible to attend the reconvened hearing.

- 3.4 Three members shall form a quorum at meetings of the Appeals Sub-Committee.

4 REPRESENTATION AND ATTENDANCE OF OFFICERS

- 4.1 The relevant Chief Officer or other appropriate Senior Officer (s) shall act as the Council's representative(s) at the appeal hearing.
- 4.2 The appellant shall have the right to be represented at the appeal hearing by a Trade Union official or officials or by some other person(s) of his /her choice.
- 4.3 The Service Manager Legal and Procurement or representative shall act as advisor to the Appeals Sub-Committee.
- 4.4 The Committees Officer or representative shall act as clerk to the Appeals Sub-Committee.
- 4.5 The Service Manager - Human Resources and Payroll or representative shall act as advisor to the Appeals Sub-Committee.
- 4.6 If an appeal hearing is adjourned, all parties involved shall ensure that, other than in exceptional circumstances, the original representatives attend the reconvened hearing for continuity purposes.

5 PROCEDURE PRIOR TO APPEAL HEARING

- 5.1 Following submission of a written notice of appeal, the appellant or his /her representative shall submit to the Head of Council Resources: -
- (a) a written statement indicating the grounds of the appeal;
 - (b) copies of any written statements made by witnesses for the appellant which were considered at the original disciplinary hearing;
 - (c) a copy of any other document(s) to be placed before the Appeals Sub-Committee; and
 - (d) the name(s) of any witness(es) to be called to give evidence on behalf of the appellant.
- 5.2 The relevant Chief Officer or nominated Senior Officer shall submit to the Head of Council Resources: -
- (a) a written statement of case against the appellant;
 - (b) copies of any written statements made by witnesses for the Council which were considered at the original disciplinary hearing;
 - (c) a copy of any other document(s) to be placed before the Appeals Sub-Committee; and

(d) the name(s) of any witness(es) to be called to give evidence on behalf of the Council.

5.3 The Head of Council Resources shall issue the agenda for the meeting of the Appeals Sub-Committee, which shall contain all the documents submitted under paragraphs 5.1, 5.2, not less than five working days in advance of the appeal hearing.

5.4 The Appeals Sub-Committee may order such other information and /or documents to be submitted, as it may consider appropriate.

6 PROCEDURE TO BE FOLLOWED AT APPEAL HEARING

6.1 Witnesses shall be excluded until called unless it is agreed that they should be present from the start of the hearing.

6.2 The Council's representative(s) shall put the case, in the presence of the appellant and his /her representative(s), and may call witnesses.

6.3 The appellant or his /her representative(s) shall have the opportunity to ask questions of the Council's representative(s) and witnesses.

6.4 The members of the Appeals Sub-Committee shall have the opportunity to ask questions of the Council's representative(s) and witnesses.

6.5 The Council's representative(s) shall have the opportunity to re-examine witnesses on any matter referred to in their questioning by members of the Appeals Sub-Committee, the appellant or his /her representative(s).

6.6 The appellant or his /her representative(s) shall put the case in the presence of the Council's representative(s) and may call witnesses.

6.7 The Council's representative(s) shall have the opportunity to ask questions of the appellant, his /her representative(s) and witnesses.

6.8 The members of the Appeals Sub-Committee shall have the opportunity to ask questions of the appellant, his /her representative(s) and witnesses.

6.9 The appellant or his /her representative(s) shall have the opportunity to re-examine witnesses on any matters referred to in their questioning by the members of the Appeals Sub-Committee or the Council's representative(s).

6.10 Firstly, the Council's representative(s) and then the appellant or his /her representative(s) shall have the opportunity to sum up their cases if they so wish. The summing up shall not introduce any new matter.

6.11 If at any stage new facts are alleged or new evidence produced, the Appeals Sub-Committee, either at the request of one or both parties or of its own volition, may adjourn the hearing for such period as it may deem reasonable.

6.12 At the conclusion of the evidence the Council's representative(s), the appellant and his /her representative(s) and any witnesses shall withdraw.

- 6.13 The Appeals Sub-Committee, together with the Officers appointed to assist the Sub-Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant and his /her representative(s) to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.
- 6.14 The Appeals Sub-Committee shall, if practicable, announce its decision to the parties at the conclusion of the hearing. In any event, the decision shall be notified, in writing, to the appellant and his /her representative(s) by the Chief Executive within five working days of the date of the hearing.
- 6.15 The Appeals Sub Committee shall record reasons for their decision. These reasons shall be notified to the Appellant and his representative(s) at the same time as written notification is given of the decision of the Appeals Sub Committee. The reasons and the written notification shall be copied to the appropriate Chief Officer.

7 POWERS OF THE APPEALS SUB-COMMITTEE IN DISCIPLINARY CASES

- 7.1 The form of the decision of the Appeals Sub-Committee shall be announced and confirmed in one of the following, as appropriate: -
- "that the grounds of the appeal have been substantiated and the appeal be upheld"
 - "that the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that"
 - "that the grounds of the appeal have not been substantiated and the appeal be not upheld".
- 7.2 If the appeal is upheld, the disciplinary action shall be withdrawn and any monies due to the appellant shall be payable in full. Where the appeal was against a decision to dismiss, the appellant shall be reinstated to his /her former post or, exceptionally, if this is not practicable, to another similar post on terms and conditions no less favourable than those applying to the post formerly held by the appellant.
- 7.3 If the appeal is substantiated in part, the disciplinary action shall be withdrawn and an alternative, less serious form of disciplinary action substituted. Where the appeal was against a decision to dismiss, the appellant shall be either: -
- (a) reinstated to his /her former post or a similar post on no less favourable terms except that a lesser disciplinary penalty shall apply; or
 - (b) re-engaged in some other post on terms and conditions which may be determined by the Appeals Sub-Committee.
- 7.4 If the appeal is not upheld, the disciplinary action shall stand and be regarded as confirmed or some other form of disciplinary action taken as decided by the

Appeals Sub-Committee, but may not substitute it for disciplinary action of a more serious nature.

7.5 Where the appeal is against a dismissal and that appeal is not upheld, the Appeals Sub-Committee may decide that the appellant shall be offered re-employment with the Council on such terms and conditions as the Appeals Sub-Committee may determine.

7.6 For the purpose of paragraphs above the terms "reinstatement", "re-engagement" and "offer of re-employment" shall be defined as follows: -

- (a) "reinstatement" is the restoration of the contract of employment between the appellant and the Council as if the dismissal had never taken place. Thus, the outstanding salary /wages for the period the contract ceased to operate shall be payable in full unless the Council impose an alternative disciplinary penalty of a financial nature i.e. a period of suspension without pay or the withholding of an annual increment. In addition, all rights arising out of continuous employment shall be restored as necessary to ensure reinstatement is without detriment;
- (b) "re-engagement" is the engagement of the appellant to another post and /or in another location with effect from the date of dismissal on terms and conditions which may be less favourable than those of the appellant's former post e.g. demotion to a lower graded post. Thus, salary /wages for the period since the dismissal took effect may be payable in accordance with the terms and conditions of re-engagement determined by the Appeals Sub-Committee. In addition, all rights arising out of continuous employment shall be restored; and
- (c) "an offer of re-employment" is an offer to employ the appellant under a new contract of employment from a future date which may be determined by the Appeals Sub-Committee. The post, its grade, location and other terms and conditions of employment may also be determined by the Appeals Sub-Committee. If an offer of re-employment on the specified terms is accepted, the appellant's continuity of service shall be regarded as broken and continuous employment shall be calculated for future purposes from the date re-employment takes effect.

8 REPORTING TO CABINET

The decision of the Appeals Sub-Committee shall be reported to the Cabinet at the earliest opportunity.

9 TIME LIMITS

The time limits in this procedure may be varied by mutual agreement.

**Disciplinary Procedure
(covering all employees other than those covered by the SNCT provisions for
Teaching Staff)**

Designation of Officers and Levels of Disciplinary Action

Level of Action	Officer Responsible
Counselling	Supervisor Team Leader Team Manager Service Manager Chief Officer
Verbal Warning	Supervisor Team Leader Team Manager Service Manager Chief Officer
Written Warning	Supervisor Team Leader Team Manager Service Manager Chief Officer
Final Written Warning	Chief Officer or Nominated Senior Officer
Punitive Action Including Dismissal	Chief Officer or Nominated Senior Officer

Any disciplinary action being taken against the Chief Executive will be carried out in accordance with the Chief Executive's Disciplinary Framework set out at Appendix A

PROCEDURE FOR HEARING EMPLOYEE GRIEVANCES

**COLLECTIVE AGREEMENT COVERING ALL EMPLOYEES EXCEPT TEACHING
STAFF AND THOSE COVERED BY THE SNCT CONDITIONS OF SERVICE**

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CONSIDERATION OF EMPLOYEE GRIEVANCES**

Grievance Procedure updated from September 2013 version to incorporate changes to Chief Officials National Terms and Conditions. To be agreed at Cabinet on 21 October 2014.

Revised

**October
2014**

EAST LOTHIAN COUNCIL

COLLECTIVE AGREEMENT FOR HEARING EMPLOYEE GRIEVANCES

1. INTRODUCTION

- 1.1 The Council and Trades Unions recognise that on occasions employees will wish to raise concerns about their employment on an individual or collective basis. The Council and Trades Unions agree that there is a need to provide a mechanism for raising such concerns with a view to resolving them, whenever possible, through discussion and agreement and as speedily as possible. The aim of this procedure therefore is to provide such a mechanism.
- 1.2 Whilst recognising the need for a formal procedure the Council and Trades Unions accept as a general principle that grievances are best resolved informally and as close the point of origin as possible. In accordance with this principle it is agreed that the formal procedure should not normally be used until attempts at informal grievance resolution, as described in paragraphs 3.1 – 3.3 below, have been tried and have failed.
- 1.3 With regard to Stage 2 of the formal procedure detailed below, Chief Officers may delegate authority to nominated senior officers who shall hear the grievance and reach a decision.

2 SCOPE OF PROCEDURE

- 2.1 Matters which fall to be dealt with in accordance with this procedure are as follows: -
 - (a) any question as to an employee's rights generally under the relevant Scheme of Conditions of Service;
 - (b) any question as to whether there has been discrimination against an employee contrary to the terms of the relevant Scheme of Conditions of Service or the Council's Policies or the relevant statutory provisions;
 - (c) any question as to the rights in respect of which an employee has a right to complain to an Employment Tribunal, excluding termination of employment on disciplinary grounds; and
 - (d) all other employee grievances, excluding any matter related to disciplinary action for which a right of appeal is provided under the Council's Disciplinary Procedure.
- 2.2 Any matter relating to an employee's salary or wage grading shall be dealt with under the procedure to be established for this purpose and shall not come under the scope of this grievance procedure.
- 2.3 Where the grievance relates to allegations of harassment, the procedure set up to deal with these matters should be adhered to.

- 2.4 This procedure shall not be activated in circumstances where the grievance issue is the subject of a report to be considered, or under consideration, by the Council or its appropriate Committee. In such circumstances, the Council must adopt its policy prior to the procedure being activated. It is accepted, however, that this would not preclude the procedure being used where the grievance concerns other aspects of the issue [e.g. lack of timeous progress].
- 2.5 The right of appeal contained in paragraphs 2.1(c) and 2.1(d) above shall not preclude an employee from registering a complaint on the same or similar grounds with an Employment Tribunal.

3 INFORMAL GRIEVANCE RESOLUTION

- 3.1 Employees should normally raise any concerns informally in the first instance with their line manager. Should the Chief Executive have a grievance, he/she should initially raise the grievance with the Leader of the Council.
- 3.2 Both the employee and his/her line manager should aim to resolve any problems at this stage.
- 3.3 An employee may raise their concern informally in one of the following ways:
- Discuss the issue with their line manager, however if the subject of the grievance is the employee's line manager, the complaint should be addressed to their line manager's manager.
 - If the concern relates to another employee, and it is relevant and appropriate to do so, speak directly to the employee who is potentially the subject of the grievance.
- 3.4 During these informal discussions, the employee should discuss their grievance in detail. Often issues can be resolved at this point through discussion and clarification. The employee may be accompanied by a work colleague or Trades Union official who may act in the capacity of an adviser.
- 3.5 Equally, the line manager should attempt to identify the nature and cause of the employee's concerns, the possible courses of action or responses and the implications of adopting any particular course of action.
- 3.6 If the issue is more complex, the line manager may need to investigate the complaint further, in order to fully understand the nature and circumstances of the grievance.
- 3.7 At the conclusion of these discussions, or within three working days thereafter, the manager should inform the employee of the action, if any, he/she intends to take in response to the issue raised.

4 GRIEVANCE PROCEDURE – GENERAL

- 4.1 At Stages 1 and 2 of the formal procedure, the following procedural requirements shall be adhered to: -
- (a) the employee or his/her representative shall submit a written statement, and supporting documentation if appropriate, setting out the nature of the grievance to be considered on the forms provided for this purpose;
 - (b) following receipt of this written statement and any supporting documentation, the appropriate officer shall decide whether any investigation or further information is required prior to arranging a hearing to consider the grievance;
 - (c) the officer conducting the hearing shall ensure that all relevant information is presented and considered. Where appropriate officers involved at an earlier stage shall attend the hearing to facilitate discussions on the issue in question;
 - (d) the officer conducting the hearing may be advised by departmental staff or by an officer of the Human Resources Division;
 - (e) the employee shall have the right to call witnesses on his/her behalf subject to the names of any such witnesses being provided in advance to the officer conducting the hearing;
 - (f) the employee shall have the right to be accompanied/represented by a trade union official or some other person of his/her choice; and
 - (g) where the issue relates to a group of employees, up to three spokespersons, together with their representative, if any, may attend the hearing.

5 STAGE 1 HEARING

- 5.1 Following receipt of the written notification of a formal grievance, the immediate supervisor shall arrange a grievance hearing. This hearing shall normally be held within ten working days of the necessary written submission being received.
- 5.2 Following the above hearing, a written response shall be given to the employee, with a copy to his/her representative, if any, within five working days of the hearing.
- 5.3 In some instances depending on the nature of the grievance, it will be inappropriate for the matter to be considered by a first-line supervisor and in these circumstances the matter shall be referred directly to the relevant Chief Officer to be considered under Stage 2 of the formal procedure. A grievance shall not be referred to a Chief Officer solely on the grounds that the employee's supervisor has already considered the matter informally under the terms of paragraphs 3.1 – 3.7 above.

6 STAGE 2 HEARING

- 6.1 If the employee remains dissatisfied, the matter may be referred by the employee or a representative to the relevant Chief Officer or another nominated senior officer, with a request for a further hearing. This request must be submitted within ten working days of the employee being notified of the outcome of the Stage 1 hearing.
- 6.2 Following receipt of the necessary written submission, the Chief Officer or a senior nominated officer shall arrange a further grievance hearing, following consultations with the Human Resources Division, with a view to resolving the matter within the Service Area. This meeting shall be held within ten working days of the employee's written submission being received.
- 6.3 If appropriate, a full-time official of the relevant Trades Union shall, if not already involved, be contacted regarding the above hearing. The full-time official may be invited to attend the hearing where this is considered to be appropriate in seeking an agreed resolution to the grievance.
- 6.4 Following the above hearing, a written response shall be given to the employee, with a copy to his/her representative, if any, within five working days of the hearing.

7 FURTHER INVESTIGATION REQUIRED

- 7.1 Having met with the employee, at either Stage 2 or Stage 3, the manager/Appeals Sub-Committee may have decided that the issues raised require further investigation. If this is the case, the manager/Appeals Sub-Committee should inform the employee of this, adjourn the meeting, and start the investigation process. The decision to adjourn should be confirmed in writing.
- 7.2 If another employee is the subject of the grievance, they must be provided with a copy of the written grievance and any other relevant documentation to be considered, prior to the investigation meeting. They should also be informed of their right to be accompanied.
- 7.3 On completion of the investigation, the manager will make a decision as to whether or not the grievance raised by the employee has been substantiated, and reconvene the meeting in order to inform the employee of their decision, confirming their decision as in 6.4 above.

8 MEDIATION

- 8.1 Mediation is a process by which an impartial third party works with people who have a disagreement or dispute to help them repair the relationship, restore communication and trust and find some common ground to work out an agreement.

8.2 A mediator acts as a facilitator to discussion making positive suggestions on the way forward but they will not impose their own views. The emphasis is on facilitating the people in disagreement to find their own solution, rather than imposing one. The disputants, not the mediator, decide the terms of any agreement. Mediation usually involves individual face- to face discussions and joint discussions with all those directly involved in the dispute.

8.3 Mediation is most effective when:

- Both parties are willing to work together to resolve their differences.
- Room exists for an improvement in working relationships
- Allegations and counter allegations have been made
- There is a dispute over a workplace situation
- No serious breaches of workplace policy re procedure have occurred.

9 STAGE 3 HEARING - APPEALS SUB-COMMITTEE

9.1 If the employee remains dissatisfied the matter may be referred to the Appeals Sub-Committee by the employee or a representative by writing to the Head of Council Resources with a copy to the officer who heard the Stage 2 Grievance. Any such appeal must be submitted within ten working days of the employee being notified of the outcome of the stage 2 hearing.

9.2 In the case of a grievance having been raised by the Chief Executive, and after consideration by the Leader, the Chief Executive remains dissatisfied, then the matter should be considered by the Appeals Sub-Committee. In such circumstances the Leader would not also be a member of the Appeals Sub-Committee.

9.2 The Head of Council Resources shall arrange for the matter to be considered by the Appeals Sub-Committee of the Cabinet within twenty working days of receipt of the letter of appeal or as soon as possible thereafter. The appeal shall be heard in accordance with the procedure set out in Appendix A to this procedure.

10 APPEALS TO THE NATIONAL JOINT NEGOTIATING COMMITTEE

10.1 In the event of an employee, covered by the Scottish Joint Negotiating Committee for Local Authority Services (Craft Operatives) remaining dissatisfied following the decision of the Appeals Sub-Committee, and the appeal is in respect of a matter covered by paragraphs 2.1(a) to 2.1(d) above, the employee shall be entitled to appeal to SJNC(Craft Operatives) in accordance with the time limits contained in the National Scheme of Pay and Conditions of Service (Craft Operatives).

10.2 In the event of any other employee remaining dissatisfied following the decision of the Appeals Sub-Committee, the grievance shall end at the level of the Council.

11 TIME LIMITS

11.1 The time limits relating to Stages 1, 2 and 3 of this procedure may be varied by mutual agreement.

EAST LOTHIAN COUNCIL

APPEALS SUB-COMMITTEE

PROCEDURE FOR CONSIDERATION OF EMPLOYEE GRIEVANCES

1 TERMS OF REFERENCE

- 1.1 The Appeals Sub-Committee shall be convened to hear an appeal against a decision taken by any Chief Officer, or his/her nominee, under Stage 2 of the Procedure for Hearing Employee Grievances.
- 1.2 The Appeal Sub Committee shall also be convened to hear an appeal from the Chief Executive where the Leader of the Council has already considered the grievance but the Chief Executive remains dissatisfied.
- 1.3 The Appeals Sub-Committee shall have delegated power from the Cabinet to decide grievances and shall be the Council's final arbiter on such matters.

2 CONDITIONS RELATING TO AN APPEAL

- 2.1 For the Appeals Sub-Committee to be convened notice of appeal must be lodged with the Head of Council Resources within ten working days of the appellant receiving written notification of the decision arising out of the Stage 2 grievance hearing.
- 2.2 The notice of appeal, which must be in writing, may be lodged by the appellant or his/her trade union or by some other person of the appellant's choice.
- 2.3 The appellant and his/her representative, if any, will be given a minimum of ten working days notice in writing of the date, time and place of the appeal hearing.

3 MEMBERSHIP OF THE APPEALS SUB-COMMITTEE

- 3.1 The Appeals Sub-Committee shall be a Standing Sub-Committee of the Cabinet and shall comprise the Council Leader, the Provost, the Depute Provost, the Leader of the Opposition, and the Cabinet member of the relevant service area.
- 3.2 Where, for any reason, a vacancy or vacancies exist in the membership of the Sub-Committee at any meeting that vacancy or those vacancies may be filled for that meeting by the substitution of another member or other members of the Council from within the same political group.
- 3.3 Where the Appeal Sub-Committee has been convened to hear a grievance from the Chief Executive that has already been considered by the Leader of the Council, the Leader should stand down from the Appeal Sub-Committee.

3.4 Where a meeting of the Appeals Sub-Committee is adjourned for any reason, the provision in paragraph 3.2 above concerning substitutes shall not apply and only those members in attendance at the original hearing shall be eligible to attend the reconvened hearing.

3.5 Three members shall form a quorum at meetings of the Appeals Sub-Committee.

4 REPRESENTATION AND ATTENDANCE OF OFFICERS

4.1 The relevant Chief Officer or other appropriate senior officer(s) shall act as the Council's representative(s) at the appeal hearing. The Leader of the Council shall act as the Council's representative where the appeal has been submitted by the Chief Executive. In cases of appeals against grading the Council's representatives may include an officer from the Human Resources Division.

4.2 The appellant shall have the right to be represented at the appeal hearing by a Trades Union official or officials or by some other person(s) of his/her choice. Where the grievance or appeal is of a collective nature the appellants shall nominate a representative and a maximum of three spokespersons from within their number.

4.3 The Service Manager – Legal and Procurement or representative shall act as an adviser to the Appeals Sub-Committee.

4.4 The Committees Officer or representative shall act as Clerk to the Appeals Sub-Committee.

4.5 The Service Manager - Human Resources and Payroll or representative shall act as adviser to the Appeals Sub-Committee.

4.6 If an appeal hearing is adjourned, all parties involved shall ensure that, other than in exceptional circumstances, the original representatives attend the re-convened hearing for continuity purposes.

5 PROCEDURE PRIOR TO APPEAL HEARING

5.1 Following submission of a written notice of appeal, the appellant or his/her representative shall submit to the Head of Council Resources.:-

- (a) a written statement indicating the nature of the grievance;
- (b) copies of any written statements made by witnesses for the appellant which were considered at the Stage 2 hearing;
- (c) a copy of any other document(s) to be placed before the Appeals Sub-Committee; and

- (d) the name(s) of any witness(es) to be called to give evidence on behalf of the appellant.
- 5.2 The relevant Chief Officer (or Leader where the grievance has been submitted by the Chief Executive) shall submit to the Head of Council Resources:-
- (a) a written statement indicating the response to the appellant's grievance;
 - (b) copies of any written statements made by witnesses for the Council which were considered at the Stage 2 hearing;
 - (c) a copy of any other document(s) to be placed before the Appeals Sub- Committee; and
 - (d) the name(s) of any witness(es) to be called to give evidence on behalf of the Council.
- 5.3 The Head of Council Resources shall issue the agenda for the meeting of the Appeal Sub-Committee, which shall contain all the documents submitted under paragraphs 5.1 and 5.2 above, not less than 5 working days in advance of the appeal hearing.
- 5.4 The Appeals Sub-Committee may order such other information and/or documents to be submitted, as it may consider appropriate.

6 PROCEDURE TO BE FOLLOWED AT APPEAL HEARING

- 6.1 Witnesses shall be excluded until called unless it is agreed that they should be present from the start of the hearing.
- 6.2 The appellant or his/her representative(s) shall put the case in the presence of the Council's representative(s) and may call witnesses.
- 6.3 The Council's representative(s) shall have the opportunity to ask questions of the appellant his/her representative(s) and witnesses.
- 6.4 The members of the Appeals Sub-Committee shall have the opportunity to ask questions of the appellant, his/her representative(s) and witnesses.
- 6.5 The appellant or his/her representative(s) shall have the opportunity to re-examine witnesses on any matters referred to in their questioning by the members of the Appeals Sub-Committee or the Council's representative(s).
- 6.6 The Council's representative(s) shall put the case, in the presence of the appellant and his/her representative(s), and may call witnesses.
- 6.7 The appellant or his/her representative(s) shall have the opportunity to ask questions of the Council's representative(s) and witnesses.

- 6.8 The members of the Appeals Sub-Committee shall have the opportunity to ask questions of the Council's representative(s) and witnesses.
- 6.9 The Council's representative(s) shall have the opportunity to re-examine witnesses on any matter referred to in their questioning by members of the Appeals Sub-Committee, the appellant or his/her representative(s).
- 6.10 Firstly, the appellant or his/her representative(s) and then the Council's representative(s) shall have the opportunity to sum up their cases if they so wish. The summing up shall not introduce any new matter.
- 6.11 If at any stage new facts are alleged or new evidence produced, the Appeals Sub-Committee, either at the request of one or both parties or of its own volition, may adjourn the hearing for such period, as it may deem reasonable.
- 6.12 At the conclusion of the evidence the Council's representative(s), the appellant and his/her representative(s) and any witnesses shall withdraw.
- 6.13 The Appeals Sub-Committee, together with the officers appointed to assist the Sub-Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant and his/her representative(s) to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.
- 6.14 The Appeals Sub-Committee shall, if practicable, announce its decision to the parties at the conclusion of the hearing. In any event the decision shall be notified, in writing, to the appellant and his/her representative(s) by the Committees Officer within five working days of the date of the hearing.
- 6.15 The Appeals Sub Committee shall record reasons for their decision. These reasons shall be notified to the Appellant and his representative(s) at the same time as written notification is given of the decision of the Appeals Sub Committee. The reasons and the written notification shall be copied to the appropriate Chief Officer or other nominated officer.

7 POWERS OF THE APPEAL SUB-COMMITTEE IN GRIEVANCE /APPEAL CASES

The form of the decision of the Appeals Sub-Committee: -

"that the grounds of the grievance have been substantiated and the appeal be upheld"

"that the grounds of the grievance have been substantiated in part and the appeal be upheld to the extent that"

"that the grounds of the grievance have not been substantiated and the appeal be not upheld".

8 REPORTING TO THE EXECUTIVE COMMITTEE

The decision of the Appeals Sub-Committee shall be reported to the Cabinet at the earliest opportunity.

9 TIME LIMITS

The time limits in this procedure may be varied by mutual agreement.

EAST LOTHIAN COUNCIL
PROCEDURE FOR HEARING EMPLOYEE GRIEVANCES
WRITTEN STATEMENT OF EMPLOYEE'S GRIEVANCE

SERVICE AREA

NAME

POST DESIGNATION

STAGE OF GRIEVANCE *(Please tick appropriate box)*

Stage 1 Grievance

Stage 2 Grievance

NATURE OF GRIEVANCE

(Please describe in precise terms what it is you are dissatisfied with)

.....
.....
.....
.....
.....

(continue on additional sheets if necessary)

ACTION REQUESTED

(Please state what action you are seeking in response to your grievance)

.....
.....
.....

SUPPORTING DOCUMENTATION

Are you submitting any other documents in support of your grievance? YES /NO

If yes, please list these documents in order that receipt of these documents can be confirmed: -

.....
.....
.....

WITNESSES

Will any witnesses be attending the grievance hearing to speak in support of your grievance? YES /NO

If so, please give the name and post designation(s) of any witness(es): -

.....
.....
.....

SIGNATURE.....

DATE:.....

REPORT TO: Cabinet

MEETING DATE: 21 October 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Local Lettings Plans and Revisions to Council House Allocations Targets 2014/15

5

1 PURPOSE

- 1.1 To seek Cabinet approval of the Prestonpans High Street Local Lettings Plan.
- 1.2 To seek approval for revised Council House Allocations targets from 1 November 2014 subsequent to the adoption of this lettings plan.
- 1.3 To note the development of further Local Lettings Plans is underway and proposals will come forward for these in April 2015.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the Prestonpans Local Lettings Plan with effect from 1 November 2014.
- 2.2 That Cabinet approves the new recommended allocations targets to take effect from 1 November 2014.
- 2.3 That Cabinet notes that new targets will be set for 2015/16 to take into account the other three lettings plans currently in development.

3 BACKGROUND

- 3.1 The main purpose of the Allocations Policy is to meet the Council's legal obligations specified by Allocations and Homelessness legislation. The policy, along with other associated actions, also assists the Council to make best use of Council housing stock. In addition, the policy helps the Council to meet the Council Plan objective, along with other complementary actions, of balanced and sustainable communities through Local Lettings Plans.

- 3.2 The Local Lettings Plan model was approved by Cabinet in March 2007 and has been retained through several reviews of the allocations policy albeit with some minor modifications through the most recent review (effectively to widen tenure attributes).
- 3.3 Details of how Local Lettings Plans work can be found in the March 2007 report to Cabinet. Essentially these lettings plans operate alongside the Council's needs based allocations policy but will allocate vacancies according to the particular circumstances of the estate or area by letting to a household that will contribute to the sustainability of that community. A Lettings Plan may be required where there are subsequent issues that have occurred within an established community, and action is required to assist that community to become sustainable.
- 3.4 The attached Local Lettings Plan has been developed in tandem with staff, tenant representatives and elected members through their respective Local Housing Partnerships.
- 3.5 It is important to note that this lettings plan and future ones will not be used in isolation, but will form part of other regeneration and local initiatives and also work alongside other policies such as estates management and antisocial behaviour.
- 3.6 This lettings plan will be monitored and reviewed after one year of operating to ensure that the aims and objectives of the plans are being met
- 3.7 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation.

Revised Housing Allocations Targets 2014/15

- 3.8 Taking account of all recent data, legal obligations such as homelessness duties and to the reasonable preference groups, optimum stock utilisation and sustainability objectives senior management within Community Housing propose the following percentage targets from 1 November 2014 to 31 March 2015 as set out in the table below.

Group	Proposed Targets
General Needs	65%
Transfers	30%
Sustainable Communities	5%

4 POLICY IMPLICATIONS

- 4.1 The proposed targets should enable the Council to meet its legal obligations under the Housing (Scotland) Act 2001 and Homelessness etc (Scotland) Act 2003 as well as help towards achieving the Council Plan objective to create balanced and sustainable communities.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 A Combined Impact Assessment was undertaken as part of the implementation of the new Allocations Policy and was separately lodged in the Members' Library.
- 5.2 The Combined Impact Assessment has found no negative impacts.

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Attached Appendix 1 – High Street, Prestonpans, Local Lettings Plan
- 7.2 Cabinet Report – Local Lettings Plans – March 2007
- 7.3 Council Report – Review of the Housing Allocations Policy – February 2014
- 7.4 Cabinet Report – Council House Allocations Targets for 2014/15 – May 2014

AUTHOR'S NAME	James Coutts
DESIGNATION	Service Development Manager, Community Housing
CONTACT INFO	01620 827483
DATE	September 2014

Local Lettings Plan (LLP)

LLP Name:	High Street, Prestonpans (PP03 including The Antiquaries and Rollo Court)
Proposed Start Date:	1 November 2014
Proposed End Date:	31 October 2015
Date:	17 September 2014
Author:	Val Hynd

Reason for the introduction of a local lettings plan

- Please provide details outlining the need for a local lettings plan i.e. high demand for housing in rural communities or where there is an increasing incidence of anti-social behaviour. What are the aims & objectives of the plan?

Stock Profile of the local lettings plan area.

High Street	2 Apt	3 Apt	4 Apt	5 Apt
4 in block ground	4	16	6	0
4 in block upper	4	22	9	0
Double Storey	0	19	3	1
Maisonette	0	2	5	0
Tenemental Flat Ground	4	5	2	0
Tenemental Flat Upper	8	10	5	0
Rollo Court				
Tenemental Flat Ground	0	2	0	0
Tenemental Flat Upper	3	4	0	0
The Antiquaries				
Tenemental Flat Ground	3	6	0	0
Tenemental Flat Upper	5	10	0	0
Total	31	96	30	1

Total of 158 properties.

Over the past few years The High Street has been more problematic from a housing management perspective and statistics show that there has been a growing number of ASB cases, some of which have been serious cases resulting in 3 tenancies being converted to SSSTs. In addition demand for the area is low. The plan aims to introduce a more balanced profile of people living in the area and to promote greater sustainability for the community.

The objectives of the plan are as follows:

To lower the level of ASB complaints/management issues

To increase demand for the area.

To increase access to social housing for those with lower housing needs.

- Please provide evidence and/or sources of data analysis that supports the introduction of the local lettings plan.

Evidence obtained from the ASB database shows the number of cases for the High Street has increased year on year:

January to December 2011 - 2 cases

January to December 2012 - 6 cases

January to December 2013 - 5 cases

January to May 2014 - 5 cases

The cases above include:

1 drugs case

4 high level cases

3 cases resulted in the tenancy being converted to a SSST

In comparison to other streets in Prestonpans the level of cases is higher as the evidence below shows:

January to December 2011 - no more than 2 cases for other streets

January to December 2012 - no more than 2 cases for other streets with the exception of Acheson Drive, which had 5 cases

January to December 2013 - no more than 2 cases for other streets with the exception of Longdykes Road, which had 4 cases

January to May 2014 - no more than 2 cases for other streets

Void turnover:

The area is generally less popular than other lettings areas reflected in higher turnover of stock and number of offers made to re-let vacant properties.

2011/12 - 12 properties (1 x 4apt, 8 x 3apt and 3 x 2apt) 9 properties banded to General Needs and 3 properties to Transfer (one property was re-banded to General Needs). Average number of offers to acceptance was 2.75

2012/13 -9 properties (1 x 4 apt and 8 x 3apt) 8 properties banded to General Needs and 1 property to Transfer. Average number of offers to acceptance was 2.77

2013/14 - 33 properties includes 24 new build (4 x 4apt, 17 x 3apt, 11 x 2apt and 1 x 1 apt) 21 properties banded to General Needs and 12 to Transfer(one property re-banded to General Needs). Average number of offers to acceptance was 2.18

2014 to date - 7 properties (2 x 4 apt, 3 x 3apt and 1 x 2apt) 3 properties banded to General Needs and 4 to Transfer. Average number of offers to acceptance was 4.0

Allocations Analysis for local lettings plan area by year.

Year	Allocations	Refusals
2011/12	12	18
2012/13	18	11
2013/14	30	29
2014	8	8

The average number of offers to acceptance is higher than the average across East Lothian which was:

Year	Allocations	Refusals
2011/12	609	448
2012/13	578	391
2013/14	533	420
2014	245	108

Allocations Targets

- For allocations quotas out with Cabinet approved targets - please provide allocation breakdown by group targets and property type/size.

Local Lettings Plan Attributes

- If additional attributes form part of the local lettings plan, please provide details below i.e. no ASB, any age criterion. Please provide information as to how these attributes contribute to achieving the aims and objectives of the plan.

No history of ASB

Tenure - sub tenant/private tenant

Economically active

All of the above would help to increase demand, reduce management and ASB issues and increase access to the social rented sector for applicants with lower housing needs.

Consultation

- Have you discussed the introduction of the local lettings plan with local tenants & residents groups (where applicable)?

No active group for the LLP area, however, the lettings plan has been sent to East Lothian Tenants and Residents Panel for their information.

- Has the local TRA agreed to the introduction of the lettings plan?

Not applicable.

- Has the Local Housing Partnership considered and approved the introduction of the local lettings plan?

Yes - the proposal was discussed at the LHP meeting on 02/10/2013.
Final agreement was sought at the LHP meeting on 30/07/2014.

- Are strategic partners aware of the development of an LLP in their area, it makes sense for all social landlords operating within the same housing area to understand each other's initiatives and they are developed in a planned and coordinated way

No other social rented housing provider in the area.

Monitoring

- Is there an effective monitoring framework in place to make sure the aims of the local lettings plan are being met and there are no unforeseen consequences?

Yes, outcome will be monitored through Void and ASB database.

Review

- A local lettings plan should be reviewed on a regular basis, both on an operational and strategic basis and a decision made on whether to continue. Local lettings initiatives which go on too long are unlikely to be meeting their original aims.

Plan will be reviewed at the end of March 2015.

REPORT TO: Cabinet

MEETING DATE: 21 October 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Flood Risk Management Strategy

6

1 PURPOSE

- 1.1 To update Cabinet on the Flood Risk Management Strategy process and to seek approval of the draft Strategy including the Short List of Actions prior to a period of public consultation.

2 RECOMMENDATIONS

- 2.1 That Cabinet note the Characterisation Reports lodged within the Members' Library and approve the Objectives and Short List of Measures attached to this report as part of the ongoing Flood Risk Management Strategy process.

3 BACKGROUND

- 3.1 A report to the May 2014 Cabinet meeting outlined the requirements of the Flood Risk Management (Scotland) Act 2009 and recommended approval of the Coastal Characterisation Report as part of the ongoing Flood Risk Management Strategy process.
- 3.2 The Flood Risk Management Strategy process has produced further Characterisation Reports for River (Fluvial) Flooding and Surface Water (Pluvial) Flooding; Characterisation Summary Reports for the 5 Potentially Vulnerable Areas (PVA) in East Lothian (PVA 10/21 – 10/25); Objectives for the management of flood risk within the PVAs; and a Short List of Actions that will ensure the most sustainable combination of actions is selected to manage the identified flood risk.
- 3.3 These papers were tabled at the SEPA Briefing held on 7 October 2014 and have been lodged in the Members' Library.

- 3.4 The LPD Overview, Objectives and the Short List of Actions for the East Lothian PVAs are attached to this report.
- 3.5 Phase 1 (Characterisation Reports) of the Flood Risk Management Strategy Public Consultation will commence on 22 December 2014 with Phase 2 (Characterisation Reports, Objectives, Actions and Local Flood Risk Management Plan delivery plans) running from March to June 2015.
- 3.6 The Final Flood Risk Management Strategy will be published in December 2015 and the Final Local Flood Risk Management Plans will be published in June 2016.

4 POLICY IMPLICATIONS

- 4.1 The Flood Risk Management (Scotland) Act 2009 places a statutory responsibility on the local authority to exercise their flood risk related functions with a view to reducing overall flood risk and complying with the EC Floods Directive. A key responsibility is the preparation of a Flood Risk Management Strategy and Local Flood Risk Management Plan in accordance with the Directive.

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 - The financial provision for the preparation of the Flood Risk Management Strategy and Plans will be allocated from the 2014/15 Flooding and Coastal Protection budgets.

Provision for Flood Protection Schemes identified in the Flood Risk Management Plan will be required in future years and will be influenced by future settlements from the Scottish Government

- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Local Plan District Overview
- 7.2 Appendix 2 – Flood Risk Management Initial Objectives for East Lothian Council area (October 2014)

7.3 Appendix 3 – Flood Risk Management Short List of Actions for East Lothian Council area (October 2014)

AUTHOR'S NAME	David Northcott
DESIGNATION	Team Manager - Structures, Flooding & Street Lighting
CONTACT INFO	David Northcott
DATE	9/10/14

SECTION 2:

FORTH ESTUARY LOCAL PLAN DISTRICT

CHAPTER 3: LOCAL PLAN DISTRICT OVERVIEW

3.1 Forth Estuary Local Plan District

The Forth Estuary Local Plan District (LPD) has an area of 3,256km² with a population of approximately 1.4 million and includes Edinburgh, Livingston, Cumbernauld, Falkirk, Dunfermline, Kirkcaldy and Glenrothes (Figure 1).

The main river catchments in the LPD include the River Leven, River Carron, River Avon, River Almond, Water of Leith, River Esk, River Tyne and the Eye Water.

The Largest Lochs in the LPD include the Carron Valley and Loch Coulter reservoirs that are in the River Carron catchment. Loch Leven in the River Leven Catchment, Cobbinshaw Reservoir in the River Almond Catchment and Harperrig, Threipmuir and Harlaw Reservoirs in the Water of Leith Catchment.

The LPD has 375km of coastline that includes the Firth of Forth and the Berwickshire coast. The Firth of Forth is the largest estuary on the East coast of Scotland and extends 95km from Stirling in the West, where the River Forth flows into estuary, to Fife Ness in the East where it meets the North Sea.

The Forth Estuary LPD includes part of the Scotland central belt and is relatively urbanised. The areas in the North of the Firth of Forth in Fife, and along the Berwickshire coast in East Lothian and the Borders are more rural in nature. The main types of land cover in the LPD are:

- 10% Urban
- 35% Arable and Horticulture
- 31% Grassland
- 13% Woodland
- 6% Heather and heather grassland
- 5% Other

Flood Risk in the Forth Estuary Local Plan District

The National Flood Risk Assessment (2011) identified 27 Potentially Vulnerable Areas (PVAs) in the Forth Estuary LPD, where flood risk is considered nationally significant. Subsequently, a review of flood risk identified two further PVAs for further analysis. The location of the 29 areas is shown in Figure 1. It is estimated that 87% of residential and non-residential properties at a medium likelihood of flooding from all sources are located within these PVAs.

Approximately 14,000 residential properties and 3,700 non-residential properties are at a medium likelihood of flooding from all sources.

The total Annual Average Damages (AADs) caused by all sources of flooding are approximately £34 million (this includes damages to residential properties, non-residential properties, transport and agriculture).

River flooding is the main source of flooding in the LPD, followed by surface water flooding (Figure 2). The damages caused by river flooding are approximately £18 million AADs, damages caused by surface water flooding are approximately £12 million AADs and damages caused by coastal flooding¹ are approximately £4 million AADs.

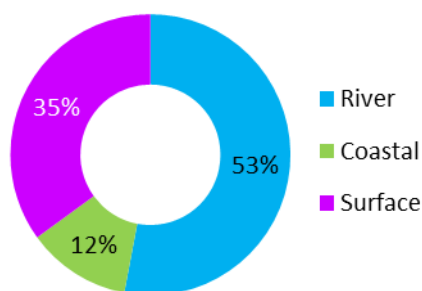


Figure 2: Sources of flooding in the Forth Estuary Local Plan District (based on contribution to Annual Average Damages)

The main urban areas with a medium likelihood of flooding from all sources can be seen in Table 1. Table 1 shows the number of residential properties at risk and the total Annual Average Damages (AADs) caused by flooding, which includes damages to residential properties, non-residential properties, transport and agriculture.

Table 1 – Main urban areas with a risk of flooding from all sources²

Locations	No of residential properties at a medium likelihood of flooding	Total Annual Average Damages
Edinburgh	6,500	£8,500,000
Musselburgh	1,400	£3,300,000
Dunfermline	270	£1,300,000
Buckhaven-Methil-Leven	200	£860,000
Grangemouth	720	£782,000
Linlithgow	310	£750,000
Airth	100	£670,000
Falkirk	310	£650,000
Glenrothes-Markinch-Leslie	140	£600,000
Haddington	230	£560,000

¹ The term coastal flooding is used under the Flood Risk Management (Scotland) Act 2009, but in some areas it is also referred to as tidal flooding and cover areas such as estuaries and river channels that are influenced by tidal flows.

² Table 1 does not show properties at risk if they are protected by a formal Flood Protection / Prevention Scheme with a known standard of protection of 1 in 200 years.

3.2 Administrative arrangements within the Local Plan District

Roles and responsibilities

SEPA is responsible for producing the Flood Risk Management Strategy for the LPD. The City of Edinburgh Council is the lead local authority responsible for producing the Local Flood Risk Management Plan for the LPD.

A Local Plan District Partnership has been set up that includes the responsible authorities, to develop the Flood Risk Management Strategies and Local Flood Risk Management Plans. The members of the LPD partnership are:

- SEPA
- Scottish Water
- City of Edinburgh Council
- Clackmannanshire Council
- East Lothian Council
- Falkirk Council
- Fife Council
- Midlothian Council
- North Lanarkshire Council
- Perth and Kinross Council
- Scottish Borders Council
- Stirling Council
- West Lothian Council

Stakeholder engagement

A National Flood Management Advisory Group (NFMAG) is in place to provide advice to SEPA on the preparation of the Flood Risk Management Strategies. NFMAG has a wide variety of members reflecting the impact of flooding on communities, the environment, cultural heritage, the economy and human health. This group also includes representation from national transport and utilities providers.

Local Advisory Groups are in place to provide advice to SEPA and the Lead Local Authority on the production of the Flood Risk Management Strategies (FRM Strategies) and Local Flood Risk Management Plans (LFRMPs).

The Forth Local Advisory Group provides advice on the FRM Strategies and LFRMP's for the Forth LPD and Forth Estuary LPD. Membership of the Local Advisory Group comprises stakeholders representing organisations who have an interest in flood risk management and how it is delivered. Organisations invited to attend include Scottish Natural Heritage, Royal Society for the Protection of Birds and the main land managers.

The Local Advisory Groups work closely with the River Basin Management Plan, Area Advisory Groups. It is important that the activities of these two groups are coordinated so that improvements in water quality can be achieved in conjunction with managing flood risk in a sustainable manner.

Wider engagement with the public is through a statutory consultation process for the Draft Flood Risk Management Strategies and Local Flood Risk Management Plans due to run from late December 2014. Comments received will be considered by the Partnership in the preparation of the final Flood Risk Management Strategies in December 2015 and final Local Flood Risk Management Plans in June 2016.

Flood risk management initial objectives for East Lothian council area (October 2014)

PVA Description (PVA ref)	Objective type	Source	Scale	Objective description	Indicator	Baseline
Forth Estuary	Avoid	All	LPD	Avoid an overall increase in flood risk	-	-
Musselburgh (10/21)	Reduce	Surface Water	PVA	Reduce number of residential properties at risk of surface water flooding as far as practical	No. RP at risk 1 in 200 Surface Water	50
Musselburgh (10/21)	Reduce	Surface Water	PVA	Reduce economic damages from surface water flooding as far as practical	Total AAD Surface Water	£149,370
Musselburgh (10/21)	Reduce	River and coastal	PVA	Reduce economic damages to residential and non-residential properties in Musselburgh caused by flooding from the River Esk and coastal flooding	AAD RP	£1,574,382
					AAD NRP	£1,228,273
					Type and No. of Community Facilities 1 in 200	1 x Care Home, 1 x Educational Building
Musselburgh (10/21)	Reduce	River	PVA	Reduce risk to people in Musselburgh from flooding from the River Esk	No. of People at Risk 1 in 200	2844
Lasswade, Penicuik, Dalkeith, Musselburgh (10/22)	Reduce	River	PVA	Reduce economic damages to residential and non-residential properties caused by river flooding	AAD RP	£65,151
					AAD NRP	£38,917
Lasswade, Penicuik, Dalkeith, Musselburgh	Reduce	River	PVA	Reduce economic damages to residential and non-residential properties in Musselburgh caused by flooding from the River Esk	AAD RP	£95,939
					AAD NRP	£392,846

(10/22)						
Lasswade, Penicuik, Dalkeith, Musselburgh (10/22)	Reduce	River	PVA	Reduce risk to people in Bilston, Dalkeith and Musselburgh from river flooding	No. of People at Risk 1 in 200	366
Cockenzie & Port Seton, Longniddry, Prestonpans (10/23)	Reduce	River and Coastal	PVA	Reduce economic damages to residential and non-residential properties caused by river and coastal flooding	AAD RP	£225,705
					AAD NRP	£40,262
Cockenzie & Port Seton, Longniddry, Prestonpans (10/23)	Reduce	River	PVA	Reduce risk to people in Tranent from river flooding	No. of People at Risk 1 in 200	85
Haddington (10/24)	Reduce	River	PVA	Reduce economic damages to residential and non-residential properties in Haddington caused by flooding from the River Tyne	AAD RP	£373,576
					AAD NRP	£183,265
Dunbar, West Barns (10/25)	Reduce	River and Coastal	PVA	Reduce economic damages to residential and non-residential properties caused by river and coastal flooding	AAD RP	£65,625
					AAD NRP	£32,490

Flood risk management short list of actions for East Lothian council area (October 2014)

Measure Category	PVA 10/21 Source: Fluvial	PVA 10/21 Source: Coastal	PVA 10/22 Source: Fluvial	PVA 10/22 Source: Fluvial	PVA 10/23: Source: Fluvial	PVA 10/23 Source: Coastal	PVA 10/24 Source: Fluvial	PVA 10/25 Source: Fluvial	PVA 10/25 Source: Coastal
Maintenance of existing flood protection schemes	N	N	Y	N	N	Y	N	N	N
Relocation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Application of National Planning Policies	Y	Y	Y	Y	Y	Y	Y	Y	Y
Application of Local Planning Policies	Y	Y	Y	Y	Y	Y	Y	Y	Y
Runoff control	N	N	Y	N	N	N	Y	Y	N
River/floodplain restoration	N	N	N	N	N	N	Y	Y	N
Sediment management	Y	N	Y	Y	Y	N	Y	Y	N
Wave attenuation	N	Y	N	N	N	Y	N	N	Y
Surge attenuation	N	N	N	N	N	N	N	N	N
Construction of Online and Offline storage	N	N	N	N	N	N	N	N	N
Modification of Conveyance	N	N	N	N	Y	N	Y	Y	N
Installation / modification of fluvial control structures	N	N	N	N	Y	N	Y	N	N
Installation / modification of coastal control structures	N	N	N	N	N	N	N	N	N
Construction of Direct flood Defences	Y	Y	Y	Y	Y	N	Y	Y	Y
Sustainable Urban Drainage	N	N	N	N	N	N	N	N	N
Watercourse Maintenance	Y	N	Y	Y	Y	N	Y	Y	N
Property level protection	Y	Y	Y	Y	Y	Y	Y	Y	Y
Flood Forecasting & Warning	Y	Y	N	Y	N	Y	Y	N	Y
Self Help	Y	Y	Y	Y	Y	Y	Y	Y	Y
Emergency Plans	Y	Y	Y	Y	Y	Y	Y	Y	Y
Site Protection Plans	Y	Y	Y	Y	Y	Y	Y	Y	Y
Improved Understanding through modelling and assessment	Y	Y	Y	Y	Y	Y	Y	Y	Y
No. of Actions	12	11	13	12	13	11	16	14	11

REPORT TO: Cabinet

MEETING DATE: 21 October 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Local Air Quality Management – Air Quality Management Area (AQMA) in Musselburgh: Update

7

1. PURPOSE

- 1.1. This report informs Cabinet of the outcomes of a Further Assessment of local air quality in Musselburgh in fulfilment of the Council's obligations under Section 84(2)(a) of the Environment Act 1995, the UK National Air Quality Strategy and Scottish Air Quality Regulations.
- 1.2. The report seeks approval to progress the development of an Air Quality Action Plan required by section 84(2)(b) of the Environment Act 1995 to work towards compliance with air quality objectives and relevant Regulations.

2. RECOMMENDATIONS

- 2.1. It is recommended that Cabinet:
 - a) Note the conclusions of the 2014 Further Assessment and 2014 Air Quality Progress Report;
 - b) Acknowledge that further actions through developing an Air Quality Action Plan are required in order that air quality objectives are achieved in Musselburgh; and
 - c) Acknowledge that Environmental Protection will liaise with colleagues in Transportation to develop options that will be considered for inclusion within the Air Quality Action Plan, with a further report being submitted for consideration by Cabinet in 2015.

3. BACKGROUND

3.1 Legislation

3.1.1 Part IV of the Environment Act 1995 requires the UK Government and devolved administrations to publish a National Air Quality Strategy. The air quality objectives in Scotland are set out in the Air Quality (Scotland) Regulations 2000 and the Air Quality (Scotland) (Amendment) Regulations 2002. These objectives provide the statutory basis for the system of Local Air Quality Management (LAQM) to protect public health.

3.1.2 The regulations define air quality standards for a number of pollutants: lead; benzene; 1,3 butadiene; carbon monoxide, sulphur dioxide; nitrogen dioxide and small particulate matter (PM₁₀). These pollutants are primarily related to thermal combustion processes including road traffic emissions.

3.1.3 Section 82 of the 1995 Act places an obligation on all local authorities to regularly review and assess air quality in their areas and to consider the current and likely future air quality in their areas. Under the LAQM process local authorities also have a duty to continue to work towards meeting the objectives beyond the deadlines set out in the regulations. This review and assessment work is reported to Scottish Government & the Scottish Environment Protection Agency (SEPA) annually.

3.1.4 Where exceedences are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) through issuing a formal order and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. In November 2013, East Lothian Council declared an Air Quality Management Area (AQMA) in Musselburgh in relation to breaches and likely breaches of the nitrogen dioxide annual mean air quality objective. The extent of the AQMA covers High Street, Musselburgh from the junction with Newbigging to the junction at Bridge Street as delineated on the map shown in Appendix 1.

3.1.5 Currently there are 34 AQMAs in Scotland within 14 local authority areas, with the vast majority of these having been declared for transport related emissions of nitrogen dioxide and/or particles (PM₁₀). The actions outlined in the Air Quality Action Plans vary for each authority, depending on the local air quality issues and the air quality objectives exceeded. AQMA's can be revoked at a future time if air quality within an AQMA is brought back within the air quality objective limits.

3.2 Assessment of Air Quality in East Lothian

3.2.1 The Council has been annually reviewing and assessing local air quality since 2003. The majority of pollutants (benzene, 1,3-butadiene, carbon monoxide, sulphur dioxide and lead) have been screened out in previous assessments and exceedences of air quality objectives for these pollutants across East Lothian are not considered likely.

3.2.2 The pollutants of greatest concern are particulate material (PM₁₀) and nitrogen dioxide (NO₂), principally from road traffic sources. For both of these pollutants air quality objectives are unlikely to be exceeded outwith the existing AQMA. PM₁₀ levels are not considered likely to breach the air quality objectives at this time but monitoring continues in Musselburgh.

3.2.3 The main issue relates to nitrogen dioxide (NO₂). In June 2012, the air quality Detailed Assessment for Musselburgh was completed. It concluded that the highest annual average NO₂ concentrations, using monitoring data from 2011 and also computer modelling, were predicted at receptors located on High Street and Bridge Street close to bus stops and that the majority of the predicted annual mean exceedences were marginal.

3.2.4 Additional monitoring of NO₂ levels took place in 2012-13 to verify the computer modelling. The results have confirmed that parts of the High Street are exceeding the nitrogen dioxide annual mean objective, which is a measure of longer term exposure. The 1-hour mean objective for NO₂ (a measure of short term exposure) is unlikely to be breached.

3.2.5 Monitoring of NO₂ outwith the Musselburgh AQMA does not indicate any exceedence of the air quality objectives at this time, however monitoring of NO₂ levels will continue at locations both within and outwith the AQMA.

3.3 Air Quality and Transportation

3.3.1 Town centre improvement works are currently ongoing and due for completion late November 2014. Included within this work is the upgrading of the traffic signals at the High Street / Newbigging junction and removal of the car park access arm from the junction. This will improve the operation and reduce the average cycle time under SCOOT (Split Cycle Offset Optimisation Technique) operation and reduce the overall delay to pedestrians by lowering the maximum waiting times.

3.3.2 Queue length reductions are expected to be achieved and the traffic modelling undertaken confirms this, however, in order to effectively measure this, a post installation survey will be carried out.

3.3.3 At this time, East Lothian Council has engaged a Transport Planning Consultant (SYSTRA) to enhance the SESTRAN Regional Saturn traffic model to provide increased detail within East Lothian. This exercise is running in conjunction with Transport Scotland – Cross Boundary modelling exercise to identify key strategic routes and junctions which will be placed under stress due to future demand.

3.3.4 A further contract will be let (mid November 2014) for a transport consultant to develop a more detailed traffic model of Musselburgh and the Tranent area based on the model currently being developed by SYSTRA, representative of the current traffic volumes, public transport

routes, travel patterns and behaviour so an accurate picture of traffic issues and problems can be understood.

3.3.5 The base model will then be used to test the effect of increased traffic volumes on the road network as a consequence of the current housing and business land allocations. The model will also be able to forecast future demands and examine potential solutions to achieve compliance with the annual mean nitrogen dioxide objective.

3.4 2013 Air Quality assessment report and next steps

3.4.1 The results of the 2013 and 2014 Air Quality Progress Reports, 2014 Further Assessment and monitoring data from 2012-13 indicate that the objectives for all other pollutants are being met across East Lothian. However, monitoring of nitrogen dioxide in Musselburgh continues to show concentrations at various locations in Musselburgh High Street have been exceeded, or are very close to, the annual mean objective. The results of automatic monitoring of PM₁₀ confirm that both the annual and 24-hour mean objectives continue to be met in Musselburgh.

3.4.2 The Further Assessment in 2014 concluded that:

- Ambient NO_x reductions of up to 27% are required within the AQMA to achieve compliance with the annual mean NO₂ Objective.
- Emissions from buses form the largest contribution of NO_x emissions with 29% attributed to bus activity.
- Queuing traffic is more of an issue than numbers of moving vehicles.
- A 30% reduction or greater in queuing traffic is required to bring NO₂ levels to below or equal to the annual mean objective.
- An integrated package of interventions that reduce overall traffic, reduce queuing and reduce bus numbers will provide the best NO_x reductions.
- The boundaries of the current AQMA do not require amendment or revocation at this time and were sufficient to include all relevant sources and receptors.

3.4.3 An Air Quality Action Plan has to be developed which must focus on effective, feasible, proportionate and quantifiable measures as the top priority in ensuring improvement in local air quality and future compliance with air quality objectives. These measures may be radical in nature if the Council is to meet the annual mean air quality objective for NO₂ in Musselburgh. The Air Quality Action Plan should include:

- quantification of the source contributions to allow measures to be effectively targeted
- evidence that all options have been considered on the grounds of cost effectiveness and feasibility
- how the local authority will use its powers and work with other

organisations in pursuit of air quality objectives

- clear timescales in which the authority and other organisations propose to implement the measures identified
- quantification of the expected impacts of the proposed measures and an indication if these measures will be sufficient
- how the local authority proposes to monitor and evaluate the effectiveness of the action plan

3.4.4 The 1995 Act does not specify any timescales for preparation of an Air Quality Action Plan but the Scottish Government would normally expect this to be completed within 12-18 months following AQMA declaration. Consultation should take place during the preparation of an Air Quality Action Plan to ensure consultees can make known their preliminary views about what the plan should include.

3.4.5 The types of measures that may feature in an Air Quality Action Plan are:

- Liaison with transport operators about vehicle emission levels in Musselburgh
- Reviewing traffic management arrangements in the town centre
- Measures to reduce engine idling
- Air quality monitoring
- In the longer term there may be considerations around roads infrastructure and public transport routes.

3.4.6 A further report will be prepared for Cabinet in 2015 detailing the measures to be considered for adoption within the proposed Air Quality Action Plan.

4. POLICY IMPLICATIONS

- 4.1. Assessment of local air quality is a statutory obligation on the Council.
- 4.2. Air quality is a key performance measure of East Lothian's environmental quality in the East Lothian Environment Strategy 2010-15 and in the East Lothian Single Outcome Agreement 2013
- 4.3. The existence of an Air Quality Management Area and the conclusions of the Further Assessment may have implications for development proposals in the Musselburgh area particularly any development which may generate significant additional traffic movement or involve thermal combustion processes.
- 4.4. Meeting air quality standards will have implications for traffic management through Musselburgh town centre.

5. EQUALITIES IMPACT ASSESSMENT

- 5.1. This report is not applicable to the well being of equality groups and an Equality Impact Assessment is not required although the development of an Air Quality Action Plan may require more detailed consideration of equalities related issues.

6. RESOURCE IMPLICATIONS

- 6.1. Financial - There are no direct financial implications related to this report, although development and consultation on an Air Quality Action Plan will incur some administrative costs. These costs will be assessed during preparation of the Air Quality Action Plan and a further report submitted if necessary. Scottish Government grant funding has been awarded for financial year 2014/15 to assist the Council with the development and implementation of its Air Quality Action Plan. Further funding may be available for future financial years.
- 6.2. Personnel - There will be no immediate impacts upon personnel resources as a consequence of this report
- 6.3. Other - None

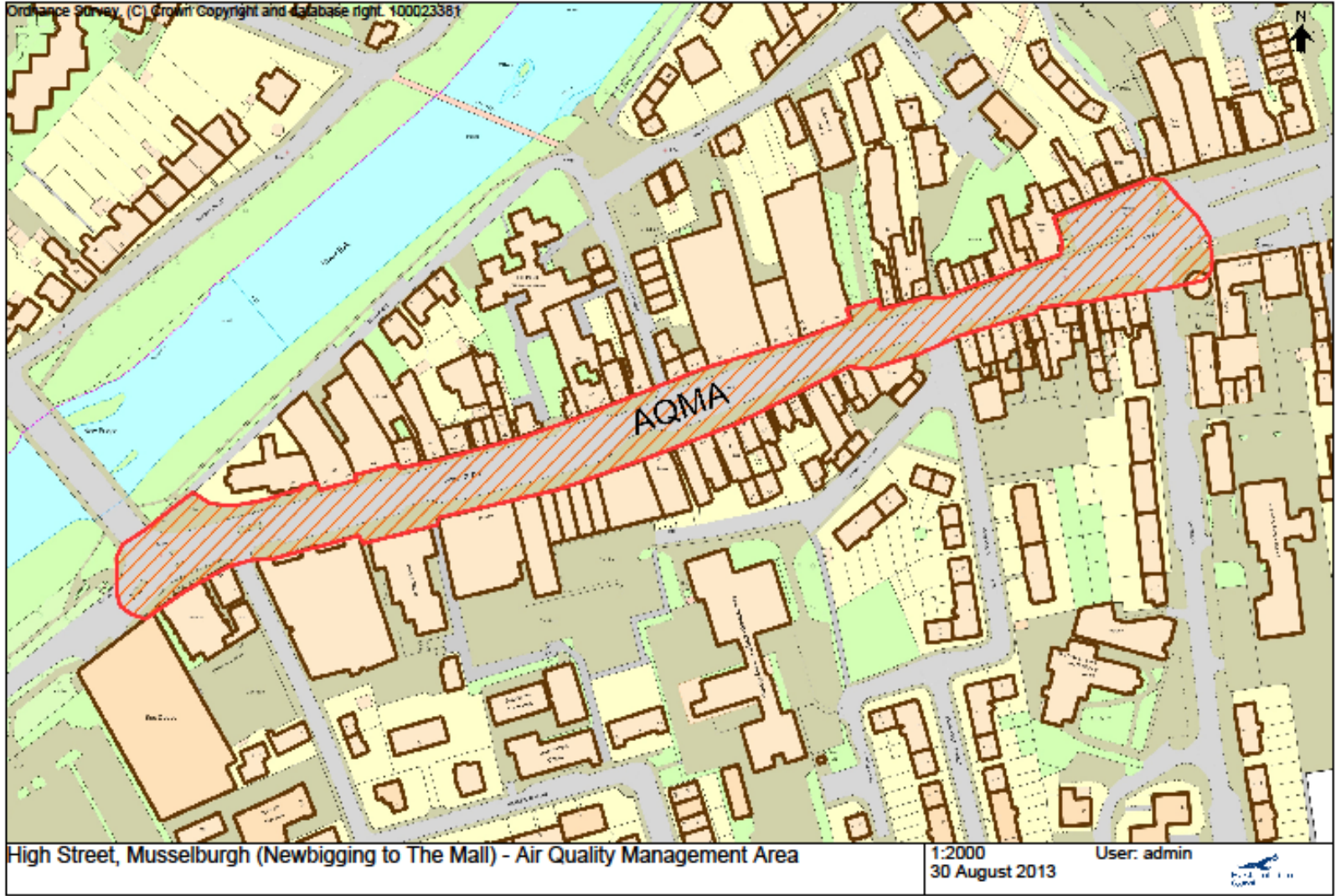
7. BACKGROUND PAPERS

- 7.1. 2013 Air Quality Progress Report for East Lothian Council, August
- 7.2. 2014 Air Quality Further Assessment for Musselburgh, Ricardo-AEA for East Lothian Council, September 2014
- 7.3. 2014 Air Quality Progress Report for East Lothian Council, September 2014

AUTHOR'S NAME	Douglas Proudfoot
DESIGNATION	Acting Head of Development
CONTACT INFO	Tel: 01620 827543 or d.proudfoot@eastlothian.gov.uk
DATE	08 th October 2014

APPENDIX 1:

EXISTING AIR QUALITY MANAGEMENT AREA, HIGH STREET, MUSSELBURGH





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

**THURSDAY 12 JUNE 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

8

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Caldwell
Councillor J McMillan
Councillor John Williamson

Council Officials Present:

Ms C Molloy, Legal Adviser
Mr I Forrest, Senior Solicitor
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic
Services (Item 3)
Mr I Dalgleish, Service Manager – Transport (Item 3)
Ms D Richardson, Licensing Administration Officer (Item 3)

Others Present

Insp A Harborow, Police Scotland

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor D Grant
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 had received one application for a licence and this was granted.

Public

2. TAXI FARE REVIEW

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

Mr George Brooks, Co-Chair of the East Lothian Taxi and Private Hire Association (ELTPHA) was present for this report.

Catherine Molloy, the Council's Legal Adviser presented the report. She advised that, following the decision of the Sub-Committee on 13 February 2014, the Licensing Authority had advertised the scale of taxi fares and charges (as proposed by ELTPHA) in the local newspaper. No representations had been received. Given the time to notify, allow time for appeals and to calibrate the taxi meters to the new rates, it was suggested that the new rates become operative in August 2014.

The Chair announced that a Public Notice displaying the new tariffs had been published in the East Lothian Courier on 28 March 2014. He also pointed out that taxi drivers and operators had not had a review of fares for 3 years during which time they had experienced an increase in costs. He was therefore satisfied with this report and invited comments from Members.

Councillor McMillan enquired if a date in August had been finalised for introducing the new rates and asked if it would present an operational problem if taxis were calibrated at different times. Mr Brooks advised that all taxis would be calibrated within 48 Hours at the VPMU.

Decision

The Sub-Committee agreed:

- i. To consider the advertised scale of taxi fares and charges and if approved to fix same

- ii. To note that the scale of the taxi fares and charges, as may be fixed by the Licensing Authority is to be given to the East Lothian Taxi & Private Hire Association (by virtue of Section 17 (4) of the Civic Government (Scotland) Act 1982.
- iii. To approve that the new rates become operative in August 2014
- iv. Approval to advertise the approved scales in the local newspaper

3. AGE OF TAXI VEHICLES

The Depute Chief Executive (Resources and People Services) had submitted a report to advise the Sub-Committee of the outcome of discussions with Transportation on the practicalities surrounding the proposals for 6 monthly “walk round” tests of older vehicles following the decision of the Sub-Committee on 13.2.14.

Mr George Brooks, Co-Chair of the East Lothian Taxi and Private Hire Association (ELPHTA) was present for this report.

Ian Forrest, a Senior Solicitor of the Council, presented the report. He stated that, at their meeting of 14 November 2013, the Sub-Committee had agreed to public consultation on proposals to remove Condition 9 of the standard conditions of a taxi licence. This had the effect of removing the age limit which prevented taxis more than 6 years old (or twelve for custom made vehicles) from being submitted for renewal of licence. The consultation, open from late November until 29 January 2014, had resulted in 13 representations being received and those had been submitted to the Sub-Committee on 13 February 2014. Following consideration of the responses received, the Sub-Committee had agreed to implement the proposed change of conditions on the basis that affected vehicles would be subject to an additional ‘walk round’ examination six months after the usual full annual test. During subsequent discussions between the licensing team and the Council’s Transportation Department, it became apparent that Transportation were of the view that this proposal would not be workable in practice. Transportation pointed out that the purpose of the examination was to confirm that older vehicles are safe and reliable and therefore any examination carried out on a vehicle must be the full test which is carried out annually at present. As a result, the decision taken by the Sub-Committee on 13 February 2014 was unenforceable. Mr Forrest outlined the options open to the Sub-Committee, assuming that the decision to remove the age limit was to be upheld; Members could either proceed on the basis that the older vehicles are only tested on an annual basis or that the older vehicles undergo the full examination at the Council’s Vehicle Plant Maintenance Unit (VPMU) every six months, at the full cost on each occasion.

Ian Dalgleish, Service Manager for Transport, stated that it would be more satisfactory to do the same test on a vehicle every time. He pointed out that some vehicles with an MOT were failing on certain items when tested at the VPMU. Also, a ‘walk round’ system of checking would require guidance to be circulated so that the trade and garage knew exactly what was being checked. He proposed that the Council could consult with other local authorities which carry out two tests in a year. The Councils he had knowledge of carried out the same test on each occasion.

Mr Dalglish confirmed for the Chair that he was proposing that the full test was carried out at the 6 monthly check on vehicles over 6 years of age and that the full test fee was charged.

Mr Brooks, Co-Chair of ELPHTA, could not understand how a Hackney cab was permitted to operate for up to 12 years and have up to 600,000 miles on the clock. He was also aware that other Councils carried out a 'walk round' check at the 6 month point when vehicles were over 6 years old. Mr Dalglish's proposal would cost taxi operators over £300 for every 6 monthly check. While Mr Brooks' company used only new cars, he was aware of operators in East Lothian with cars 8 or 9 years old which had low mileage. He therefore proposed that the age limit on vehicles was extended to 8 years before a 6 monthly check became necessary. However, the Chair advised that the age limit would not be open to further negotiation at today's meeting.

Councillor Caldwell referred to an earlier comment and enquired if only one MOT for a vehicle would be acceptable and this could be reflected in the cost of the test. However, Mr Dalglish replied that the Council's VPMU was not big enough to be granted a licence to issue MOTs.

Councillor McMillan enquired what the proposed time scale would be for the new consultation and the Council's Senior Solicitor advised that this process normally took up to 3 months. Councillor McMillan also stated that the safety of passengers was paramount and the quality of the taxi vehicles used in East Lothian was also important.

Councillor Williamson pointed out that the additional cost of the 6 monthly test would still be considerably cheaper for operators than the expense of purchasing a new vehicle.

The Chair stated that Mr Brooks was present to represent the members of the East Lothian Taxi and Private Hire Association, adding that it was unfortunate that not all taxi drivers and operators in East Lothian were members of the Association and therefore did not have a voice on such matters.

Decision

The Sub-Committee agreed to:

- (i) Note that Transportation were of the view that the proposed "walk round" test was unworkable and that full tests would be required.
- (ii) Authorise the Manager, Licensing, Administration & Democratic Services and such officers as she may appoint to implement a further public consultation exercise with a view to determining alternative arrangements in respect of a testing regime for older vehicles.

4. LICENSING OF WINDOW CLEANERS AND SECOND HAND DEALERS

The Depute Chief Executive (Resources and People Services) had submitted a report to advise the Sub-Committee of the proposed conditions to apply to the licensing of window cleaners and second hand dealers, and the proposed fee structure.

Ian Forrest, a Senior Solicitor of the Council presented the report. He advised that the Council had received a letter from Police Scotland dated 30 May 2013, requesting that the Council make resolutions to licence the activities of window cleaning and second hand dealing, activities which had not until now been licensed in East Lothian. The Sub-Committee had agreed to this request on 13 June 2013 and authorised officers to produce initial drafts of the proposed resolutions and liaise with the Police regarding their terms. The Sub-Committee had approved draft resolutions at its meeting on 10 October 2013 and authorised officers to advertise and consult on the proposals. The consultation period had ended on 25 November 2013 and no representations had been received. The Sub-Committee had formally approved the resolutions on 12 December 2013 and the new licensing regime would be effective from 15 September 2014. The proposed Conditions for both licences were contained in Appendices 1 and 2. It was also proposed that the window cleaners licence would last for one year and cost £50 and that the second hand dealers licence would last for 3 years and cost £220.

The Chair commented that he was pleased the Sub-Committee was working with Police Scotland to make East Lothian a safer place.

Councillor McMillan enquired about the type of ID card which would be provided to licence holders and was advised by the Senior Solicitor that it would be laminated and waterproofed.

The Chair pointed out that it would be a Condition of these licences, in common with taxi licences, that licence holders would be required to notify the Licensing Office of any offences/convictions.

The Police Inspector referred to Paragraph 12 (b) of the Conditions of Licence for Second Hand Dealers and stated that the Police would need to record proof of identity of the person goods were purchased from and the name and address of the buyer. He requested if this could be added to the Conditions. He also requested that Second Hand Dealers install CCTV cameras and retain footage for a certain period of time. The Legal Adviser agreed to consult the Council's Data Protection Officer on these requests.

Councillor Williamson referred to Paragraph 7 of the Conditions of Licence for Second Hand Dealers which states that licence holders must comply with any instruction given by a police officer in uniform and enquired about visits by plain clothes police officers. The Inspector replied that one dedicated plain clothes police officer would visit these businesses to build up a relationship with business owners and to avoid confusion or uncertainty.

The Council's Senior Solicitor advised that final proposals would be brought to the Sub-Committee for approval on 11 September 2014, after further consultations had taken place.

Decision

The Sub-Committee approved the proposed licence conditions for window cleaners and second hand dealers and the proposed fee structures.



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

**THURSDAY 14 AUGUST 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor S Currie
Councillor T Day
Councillor John Williamson

Council Officials Present:

Mrs K MacNeill, Legal Adviser
Mr E Ritchie, Development Officer, Private Sector
Ms S Martin, Principal Environmental Protection Officer

Others Present

Mr C McIvor, Scottish Fire and Rescue Service
Ms V Moffat, Trustee of Daniel Hynd's Personal Injury Trust
Ms J Flowerdew, Brodies LLP
Mr J Nisbet, Brodies LLP
Ms S Leslie, Adult Wellbeing, ELC
Ms G Morris, Adult Wellbeing, ELC
Mrs D Tod, Objector
Ms R Tod, Objector

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor D Grant
Councillor F McAllister
Councillor J Caldwell
Councillor J McMillan

Declarations of Interest:

None

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of paragraph 2 (information relating to individual tenants), paragraph 3 (information relating to any particular applicant for, recipient or former recipient of a service provided by the Authority) and paragraph 4 (information relating to any particular applicant for, recipient or former recipient of financial assistance provided by the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

1. Housing (Scotland) Act 2006, Part 5 - Application for Grant of a Licence to Operate a House in Multiple Occupation

The Sub-Committee had received an application for grant of a licence to operate a house in multiple occupation and agreed, by a majority, to refuse this application as it was considered not suitable for occupation as an HMO.

East Lothian Partnership

MINUTES OF THE MEETING OF THE SUSTAINABLE ECONOMY PARTNERSHIP

WEDNESDAY 30 APRIL 2014, 14.00

EAST Lothian COUNCIL, COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Partnership Members Present:

David Leven, Head of Energy and Infrastructure, Scottish Enterprise (SEP chair) (DL)
Niall Corbett, Scottish Natural Heritage (NC)
Councillor Stuart Currie, East Lothian Council (SC)
Councillor Norman Hampshire, East Lothian Council (NH)
Angela Leitch, East Lothian Council (AL) (part)
Grant McDougall, Skills Development Scotland (GM)
Jim McGonigle, JobCentre Plus (JMcG)
Councillor John McMillan, East Lothian Council (JMCM)

Others Present:

Richard Jennings, Head of Service, East Lothian Council (RJ)
Esther Wilson, Service Manager, East Lothian Council (EW)

Partnership Members Apologies:

Manuela Calchini, Visit Scotland
Andrew White, Federation of Small Business (Vice-Chair)

1. WELCOME/APOLOGIES

David Leven welcomed everyone to the fourth meeting of the Sustainable Economy Partnership.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the SEP of 8 January 2014 were approved.

3. MATTERS ARISING

Employability

- NC asked what ELC are doing directly to support the creation of job opportunities.
- EW reported that through the YES Fund, the Council had set a target to create 42 opportunities through work experience placements/modern apprentices/graduate

trainees and that with the extension of the availability of the YES Fund to December 2014, this target had been increased.

- JmcG highlighted that JCP was working in partnership to promote opportunities in EL – eg. work placement/experience, Hospitality Academy, SEEL funding. JCP currently has 43 clients in sector based work placements and are working with employers to encourage them to use the universal job market and have delivered 4 new accounts through this work

Town Centre Regeneration

- NH commented that it was important to the Partnership does not consider the issue of town centre regeneration solely about the high street, but within the context of the whole town.
- RJ confirmed that this approach was consistent with the proposal which would be presented later in the agenda.

Cockenzie

- NC asked if there was any update in relation to Cockenzie
- DL confirmed that Cockenzie had been identified as a key site in National Planning Framework (NPF) 3 and that SE were looking at various options for the site with Scottish Power. A PIN was issued as a market testing exercise which has been responded to and an Environmental Impact Assessment report will be submitted to ELC this week.

4. EAST LOTHIAN STRATEGIC ASSESSMENT AND STRATEGIC OUTCOME INDICATORS, REPORT BY THE CHIEF EXECUTIVE, EAST LOTHIAN COUNCIL

Angela Leitch spoke to the report. Key points:

- This paper went to the EL Partnership on the 21 January
- The indicators seek reflect the SOA and Economic Development Strategy
- Key aspect is to consider whether we are satisfied that the indicators adequately test what we are seeking to achieve
- If there are any gaps, we need to consider how to fill these

Points raised

Strategic Assessment

- There was discussion about increasing the density of jobs and the infrastructure challenges this will bring. In terms of relocating out of the city, there needs to be a critical mass and our location centres may be too small – we may need to grow our

communities to enable this. It was noted that Dunbar had experienced significant growth but that there remained a high level of out-commuting.

- There are key Scottish Government targets to be met in terms of housing delivery and EL will require to delivery land for 10,500 additional homes. In Autumn EL will publish its Main Issues Report which will set out options for delivering this and other policy requirements. Work has been completed or is underway in relation to transport modelling and water/sewage capacity.
- There was consensus that it will be critical to establish how the infrastructure required to support delivery of this and wider economic objectives eg. QMU aspirations, delivering greater job density, will be funded. AL highlighted the need to consider all options, eg. Tax Incremental Finance. RJ highlighted 3 pieces of relevant work in relation to infrastructure – exploratory work on a ‘City Deal’ which was being carried out through the Scottish Cities Alliance which may generate an investment fund for the city region, work being carried out by SESTran and joint work between SESplan and Homes for Scotland.
- AL suggested QMU be invited to present their development plans at the next meeting of the Partnership
- SC highlighted the recently announced plans to revamp the St. James Quarter in Edinburgh and the opportunities this may bring in respect of the hospitality sector
- SC highlighted the importance of being able to make the case for public sector/quasi public sector jobs being relocated to EL
- JmcG highlighted that CEC have identified 12 major sites as their priority propositions for investment.

Strategic Indicators

- SC suggested it would be useful to have short term indicators as milestones to measure progress over time and to demonstrate whether we’re on the right track.
- SC highlighted that there didn’t appear to be an indicator to reflect the Contributory Outcome ‘Our towns and villages are thriving and well-maintained places, where new development reflects their distinctive identity
- The need for a measure in relation to job density was discussed – EL job density is currently 0.5, while Scotland job density is 0.78
- There was discussion around the need to measure the quality and type of jobs being created – how is the aspiration for higher quality jobs being reflected
- GM highlighted local skills investment plans and regional skills assessments and whether the value of and type of skills activity and skills are leading to the jobs we want to deliver

Decision on the Recommendations/Action

- **In broad terms the Partnership are content with the current indicators, however, there is a need to closely monitor the numbers of jobs/job density being created**
- **There is a need to understand the strategy on economic growth/population which is not housing driven**
- **There is a need to monitor the value of jobs being created as well as the number**
- **There is a need for milestones and smart targets to demonstrate along the way**
- **Invite QMU to present their plans to the next meeting of the Partnership (RJ)**

5. EAST Lothian SINGLE OUTCOME AGREEMENT DEVELOPMENT PLAN UPDATE, REPORT BY THE CHIEF EXECUTIVE, EAST Lothian COUNCIL

Esther Wilson spoke to the report. Key points:

- The report presents a progress update in relation to the SOA Development Plan and the Partnership is being asked to note the contents of the report
- The reports highlights progress on the 3 priority actions identified for this year
- 6 Area Partnerships have been or are in the process of being established across East Lothian
- A project manager and team have been established to take forward the development of Joint Asset Management Plan
- A Project Board and team have been established to take forward a Total Place pilot across the Musselburgh wards and meetings are underway.

Points raised

- AL provided a further background in relation to the Joint Asset Management Plan, highlighting the critical link to future growth and the need to recognise the collective resources in place and how jointly the Partnership can redesign services for better service delivery. It is about more than the management of physical assets and there will be the opportunity to better integrate service delivery within communities, in line with the public sector reform agenda.
- AL stated that the Scottish Futures Trust (SFT) will outline how it can provide support for this work to the next East Lothian Partnership meeting in May.
- SC referred to a previous SFT report and the potential identified for savings across public sector bodies through more efficient collective management but recognised the need for courage to take forward the delivery envisaged to achieve this
- JMcM stressed the need to be innovative in relation to assets – broadband investment in schools/community facilities could be used to support business development

Decision on the Recommendations/Action

- **The Partnership noted the contents of the report and the further updates provided**

THE EAST LOTHIAN PALN (SOA) – THIS PARTNERSHIP’S OUTCOMES

6. OUTCOME 1: EAST LOTHIAN HAS A GROWN AND SUSTAINABLE ECONOMY

PRIORITY ACTION AREAS

Infrastructure and Investment

6a Joint Asset Management Strategy

It was agreed that this had been covered by a previous agenda item

6b Transport – Old Craighall Junction

RJ provided an update. Key points:

- Transport Scotland (TS) continue to look for investment from developers to upgrade the junction
- The recent planning permission for the expansion of Wallyford (1000 houses) generated a contribution of £150/house
- Scottish Government/Midlothian Council/City of Edinburgh Council and Transport Scotland are looking at the impact of on the junction of cross local authority border developments
- There is general agreement that development does have an impact and it is a case of whether there is sufficient development in the pipeline to fund the upgrade.

Points raised:

- NH highlighted that TS are seeking investment to make improvements. Other improvements are needed to the local road network off the A1, depending on growth. Town Centres require investment to make them work efficiently when towns are expanded
- DL highlighted the critical role of Scottish Water who have major investment requirements which will hold up developments if not resolved. A Scheme of Infrastructure will be required to meet the requirements of the Local Development Plan

6c Broadband Connectivity

EW provided an update. Key points:

- Next Generation Broadband Project – the Council has just received the initial draft coverage and phasing maps for EL. BT identify that EL will have 95% coverage as a whole although exact speeds will vary.
- Phases 2 and 3 of the above project, appear to involve work to exchanges at Cockenzie, Haddington, Tranent, Gifford, Gullane, Longniddry and Pencaitlane from the information available to the Council currently
- The Council is currently in the process of finalising a Broadband Strategy.

Points raised:

- NC queried why EL would not be wholly covered.
- JMcM stated that the Step Change contract took a long time to agree and that there will always be some areas that are difficult to service. There was the ability to supplement the contract with additional funding direct from the Council but there were state aid issues with this approach and the Council would have had no input into where the money was used, so chose not to.

Decision on the Recommendations/Action

- **The finalised draft of the Broadband Strategy to be circulated to the Partnership (EW)**
- **Project lead to be invited to next meeting of the Partnership to present/discuss the Strategy**

Employability

6d Total Place/Early Intervention Model incorporating ELW approach (see SOA development plan update)

EW provided an update. Key points:

- Background to the project is provided in the SOA Development Plan update paper
- The Council's East Lothian Works Manager is representing the Council's employability services on the group
- The initial meeting had involved internal council departments only but future meetings will extend to include relevant partners

Points raised:

- JMcG confirmed that his team was involved in a meeting of the group at the beginning of May. JMcG also confirmed that Jim Mulholland was JCP new Partnership and Engagement Manager for Edinburgh and East Lothian
- JMcG spoke about learning from England on similar types of projects – successful projects required focused engagement by all partners and in particular a project in Margate had articulated very powerfully the findings and outcomes from the process.
- AL identified that a Head of Service, Sharon Saunders, had been tasked with taking forward this piece of work and that a focused piece of data gathering had taken place. Now, the key task was to ask the question 'so what?'. Key areas of focus are likely to be skills/jobs/employability/positive destinations

Town Centre Regeneration

6e Develop a proposal for a more consolidated approach towards town centre regeneration – prioritise Dunbar

RJ circulated a paper which he talked through (attached). Key points:

- It is important to note the importance of town centres and understand the diversity and distinctiveness of each town centre in EL
- When considering EL town centres it is important to understand the hierarchy of town centres in EL and the role of commercial centres outwith EL.
- In EL primary towns are views as Musselburgh, Haddington and Dunbar in terms of economic activity and diversity of offering. Tranent and North Berwick are secondary town centres, albeit that North Berwick has a key role to play in relation to tourism. Prestonpans town centre is considered tertiary, based on its size and range of services offered
- The population of the Dunbar ward has grown almost twice as fast as the growth rate of EL as a whole
- Pedestrian count data between 2011 and 2012 show that footfall increased in Dunbar
- Between 2009 and 2012 overall visitor numbers to Dunbar Town Centre increased by 1.8% over the week, decreased by 2.2% on Friday and increased by 5.2% on Saturday.
- There have been many capital initiatives in Dunbar over time – transport, Conservation Area Scheme
- It is important to take a step back and look at the context of the town and the role of the town centre within that.
- Key questions are:
 - How best to engage and coordinate the wide range of stakeholders around a coherent and cohesive vision for the Town?
 - Should the focus be on the Town with the Town High Street as one component?
 - What role can development on the Town's periphery play in economic development?
 - How can attractions best be linked up?
 - What role should the town centre play in meeting the priorities of the town of Dunbar as a whole?

Points raised:

- NC highlighted it would be useful to see figures for the total spend from EL residents and how much is spent in EL and how much is spent at/in Fort Kinnaird/Edinburgh
- RJ highlighted that that out of town supermarket in Dunbar had helped retain people in the town.
- NH felt that the town centre was as successful as it had been for some time. This was in the main down to some new retailers who were more proactive in attracting people to the High Street. People don't get the train from Edinburgh

out to Dunbar and back again – some marketing is required. Dunbar is not attractive to coach parties as coaches can't park on or close to the High Street.

- DL asked how work would be taken forward in relation to this proposal.
- RJ stated that it was important to feed this work through the Area Partnerships being put in place and identify through the Partnership what the priorities of the area are and how the town centre fits with that. It is considered important not to put in place another initiative.
- SC stressed the importance of facilitating some quick wins through the Partnership model as many local participants are sceptical
- NH stressed the need for funding to accompany the area partnership model in order that spend and service can be clearly influenced
- NC highlighted the difficulty with the timing of the rail service and that attractions are too far to walk to from the train station
- JcMM felt that it was important to give people the opportunity to talk about what they don't like and that this has to happen in order for a community collectively to move forward
- SC suggested the use of discounted rates during the off season, one ticket to access a range of activities at discount in order to attract day visitors.
- SC remarked upon the number of empty shops which he noticed when in Dunbar for the John Muir Festival, highlighting the building which used to house council offices and suggested that there needs to be more joined up thinking from the Council, eg. In Musselburgh, a key issue is car parking, yet the Council has allowed Sky to take up 4 spaces on the High Street.
- NH identified that the building SC referred to had structural issues and that the Council may need to sell. Adjacent to the building is a vacant hotel which is in poor condition. There may be a need for a development brief covering the 2 buildings.
- DL summed up the discussion as follows:
 - This is a work in progress which will feed through the Area Partnership
 - There is a need to work out how to best engage the many and diverse stakeholder interests in Dunbar collectively
 - Some thoughts need to be given to marketing

Decision on the Recommendations/Action

- **RJ to take forward with Dunbar and East Linton Area Partnership Interim Chair**

Business Growth

6f Develop and enhanced proactive intervention programme to support growth – identify 20 business with potential

EW provided an update. Key points:

- EW has had an initial discussion with SE regarding account managed companies and different way of working across Scotland and has identified a number of authorities to discuss this with further including looking at the approach in North Ayrshire as circulated by DL to the group following the last meeting.

Decision on the Recommendations/Action

- **EW to follow up with other local authorities**
- **EW to meet with SE Stakeholder and Partnership contact**
- **EW to bring forward a proposal**

Proposition Development and Marketing

6g Develop a proposal to refresh and enhance current proposition and associated marketing – illustrate and demonstrate how EL is relevant to national and international businesses

EW provided an update. Key points:

- ELC met with VS following the Partnership meeting in January and VS suggested they could facilitate a ‘brand wheel’ session to assist EL distill its key attributes which, while focusing on tourism, will be transferable to messages in relation to inward investment and useful as a marketing resource
- The session was held this morning with industry representatives which was very productive and engaging with broad consensus around the EL ‘message’
- MC will report to the next meeting about the outcome from this morning and progress between now and then

Points raised:

- RJ reflected on the session this morning, with a key message being a lifelong association with East Lothian. A key issue highlighted was how to attract visitors to EL in the shoulder/winter seasons.
- RJ suggested the outputs from the brand wheel workshop be circulated to the Partnership

Decision on the Recommendations/Action

- **MC to report on progress to next meeting**
- **EW to circulate outputs from brand wheel workshop to Partnership**

7. ANY OTHER BUSINESS

There was no further business.

8. NEXT MEETING

25 June 2014, 14.00-16.00, Council Chambers, Town House, Haddington

29 October 2014, 14.00-16.00, Council Chambers, Town House, Haddington

East Lothian Partnership

MINUTES OF THE MEETING OF THE RESILIENT PEOPLE PARTNERSHIP

Wednesday 21 May 2014
STRIVE Organisational Development, High Street, Tranent

Partnership Members Present:

Mike Ash, Chair, Health and Social Care Partnership – CHAIR (MA)
Alex McCrorie, Depute Chief Executive – Resources and People Services, East Lothian Council (AMcC)
Brian Currie, substitute for Jackie Philip, Scottish Care (BC)
Cllr. Donald Grant, Spokesperson for Health and Social Care, East Lothian Council (DG)
Cllr. Shamin Akhtar, Spokesperson for Education and Children’s Wellbeing, East Lothian Council (SA)
Cllr. Stuart Currie, Leader of the SNP Group, East Lothian Council (SC)
Danny Harvie, Director ELCAP, Coalition of Community Care and Support Providers in Scotland (DH)
David Small, Director OF Health and Social Care, East Lothian Health and Social Care Partnership (DS)
Eliot Stark, Chief Executive, STRIVE, VAEL (ES)
Linda Jardine, Assistant Director, Children 1st (LJ)
Sally Egan, Associate Director and Child Health Commissioner, NHS Lothian (SE)

Others Present:

Darrin Nightingale, Head of Education, East Lothian Council (Item 7) (DN)
David Milne, Team Leader, Community Planning and Empowerment Team, Scottish Government (DM)
Eamon John, Service Manager, East Lothian Council (Item 6) (EJ)
Jon Turvill, Clinical Director, East Lothian Health and Social Care Partnership (Item 6) (JT)
Mary Horsburgh, Executive PA, East Lothian Council (Minutes)
Ray Montgomery, Head of Infrastructure, East Lothian Council (Item 6) (RM)
Sharon Saunders, Head of Children’s Wellbeing, East Lothian Council (Item 5) (SS)
Veronica Campanile, Policy Officer, East Lothian Council (VC)

Partnership Members Apologies:

Alison Meiklejohn, Non Executive Board Member, NHS Lothian
Jackie Philip, Regional Manager, Good Companions, Scottish Care

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the RPP of Wednesday 19 February 2014 were approved.

2. MATTERS ARISING

Introductions / partner contributions

- Complete document circulated following the previous meeting.

Mental Health

- The briefing on mental health was not included as it was agreed no longer necessary after the briefing to Elected Members and the Health & Social Care Partnership.

MELDAP

- A governance paper will be presented to East Lothian Council and the Health Board in June and then reported on to this partnership.

East Lothian Strategic Assessment and Outcome Indicators

An abridged version of the report to the East Lothian Partnership meeting on 19 May on the review of the East Lothian Strategic Assessment and the Strategic Outcome indicators was tabled. The report identified gaps in data of the East Lothian Profile, which meant that some key topics were not included in the updated Strategic Assessment. The report included the final set of strategic outcome indicators.

Link to the report: www.eastlothian.gov.uk/download/meetings/id/15431/8_review-strategic_assessment_and_strategic_outcome_indicators

Link to the Strategic Assessment:

www.eastlothian.gov.uk/downloads/file/8302/east_lothian_strategic_assessment

- Work to be continued on the Integrated Children's Service Plan – information will be shared later re reducing inequalities.
- Total Place pilot in Musselburgh may identify further gaps.

Decision on the Recommendations/Action

That the Resilient People Partnership note the content of the report, in particular

- *That the report has been accepted by East Lothian Partnership - **Noted***
- *The final 20 strategic outcome indicators have been identified - **Noted***

SOA Development Plan – actions for this partnership

- Action on the workshop proposal was pending – the following was agreed:

Decision on the Recommendations/Action

- *Aim of the half-day workshop is to understand where we are and identify challenges ahead (also consider moving formally to a life-stage model and the implications).
Workshop to be early Autumn - **MA / SA / AMcC/ DS – comments welcome via VC.***

3. PARTNER'S STRATEGIC ISSUES

Presentation by Eliot Stark, Chief Executive of STRiVE, VAEL.

The presentation was based on slides on STRiVE's vision, mission and work.

- There are 129 sector stakeholders; 4232 active volunteers in East Lothian; 269 volunteering opportunities with an increase in environmental based activities.
- STRiVE has two offices, a base in Prestonpans and two outdoor activity centres (available for hire).
- Of the 1444 active young volunteers, 612 have achieved Saltire Awards.
- STRiVE supports 146 organisations in East Lothian.
- Works is ongoing to identify support for older people and there is a commitment to work with Day Centres for the next 12 months.
- The governance model depends on what the group wants to do. Most groups opt for the SCIO (Scottish Charitable Incorporated Organisation) model. Some become social enterprises which are not obliged to register as SCIOs.
- Eliot reported that over 4,000 young people have worked with STRiVE over the last two years. He agreed to report on the gender ratios of volunteers post meeting.
- It is estimated that the third sector is worth £80M to the East Lothian economy.
- Opportunities in relation to the SOA: STRiVE is engaged with Adult Wellbeing and Children's Services and Education, and other services; there is an opportunity to build volunteering into all schools, starting with S1-3 and then under 12s at Primary.

Decision on the Recommendations/Action

- *Eliot Stark to forward details of the gender ratios to members.*

4. Feedback from the East Lothian Partnership 13 May meeting

Mike Ash reported that the meeting on 13 May had been well attended and very positive.

a. SOA Development Plan

MA and Veronica Campanile spoke to the report.

The report gave an update on progress on the 12 actions with completion dates.

- Discussion focussed on Action 4 - Area Partnerships (APs).
- Meetings progressing well and all six will be established by June 2014.
- The membership model has core members from statutory community groups (community councils, tenant's panels and parent councils) and additional members agreed locally taking account of the diversity of local groups and concerns. Therefore the APs are developing differently in each area.
- The 2nd meeting focuses on analysis of data from the Area Profile as the first stage in developing Area Plans – to be completed within 9 months. A schedule for the AP

meetings was tabled. Meeting information is publicly available at:
<http://www.eastlothian.gov.uk/meetings>. VC to circulate AP meeting dates.

b. Partnership Priority Actions

The report was noted. Key points had been discussed in 4a) and in 2. Matters Arising / action on this partnership's priority actions.

Decision on the Recommendations/Action

- Dates of Area Partnership meetings to be circulated (VC)
- Partnership Priority Actions for the first year **noted**.

c. Integrated locality working and strategic planning

David Small spoke to the report. He noted that this followed discussion at the previous meeting and that the approach had been agreed in principle by East Lothian Partnership on 13 May. Key points:

- The Health and Social Care Strategic Plan (SP) will show how services will change and develop in 3-10 years.
- Shadow Strategic Planning Group to be set up with staff and community members, to oversee the production of the SP. Balance needed between East Lothian wide services and a sense of the unique needs of local areas. Engagement and Consultation will take place via the Area Partnerships.
- Paper to Council and Health Board - December 2014.
- Consultation - December/January/February 2015.
- The Scheme of Integration to Council and Health Board - March 2015.
- Submission 1 April 2015.
- Acceptance of the Scheme of Integration is necessary for responsibilities to be delegated to the new Health and Social Care Partnership.

d. East Lothian Community Hospital Initial Agreement

David Small spoke to the report. Key points:

- Looking at capital investment of £50-£70M
- Hospital will contain 40-50 beds. First phase due for completion by 2017.
- Hope for approval by August 2014.
- ES preferred the most ambitious design option and asked if GP and voluntary sector co-location could be incorporated into the proposed option to aid joint-thinking and joint working.
- DS noted that lots of comments had been received to this effect and a phased development might be possible.
- MA agreed to aim for as ambitious an option as possible to achieve wellbeing.

5. Outcome: East Lothian's Children have the best start in life and are ready to succeed.

a. Inspection of Services for Children 2014 Report and Improvement Plan

Sharon Saunders presented the report. Key Points:

- 119 improvement actions have been condensed into 45 improvement points. The 45 point plan will be a public document
- A review of oversight arrangements to be carried out.
- Report encouraged ELC to revise SHANARRI and GIRFEC and re-align strategic leadership.
- Permission sought to replace the GIRFECYP group with the Children's Strategic Partnership.
- RPP asked to endorse the work carried out to date, agree remit of groups and the actions to conclude the IP.
- SC asked about resource implications given reducing budgets as highlighted in the action on the impact of reducing resources. SS explained that there is to be maximisation of co-operation with other agencies; as new priorities arise each agency in the CSP will decide within their organisations how to support these.
- SE commented that the plan format is in line with other authorities – noted that East Lothian now had a full complement of health workers and a chief nurse.
- SA expressed thanks to all involved in getting the Improvement Plan to this stage.

Decision on the Recommendations/Action

The Resilient People Partnership **noted** the content of the report, in particular:

- i Note the Report of the Joint Inspection of Services for Children and Young People in East Lothian (Appendix 1: web link) – **Noted**
- ii Submit comment on the draft Improvement Plan for Services for Children (Appendix 2) to the Head of Children's Wellbeing by 5pm on 28 May 2014 – **Agreed**
- iii Delegate authority to the Head of Children's Wellbeing to finalise the draft Improvement Plan in liaison with the Chair of the Resilient People Partnership regarding any amendments to the draft Improvement Plan, for submission to the Care Inspectorate by 5pm on 2 June 2014 – **Agreed**
- iv Approve the proposals depicted in Appendix 4 for the dissolution of the current GIRFECYP Group and creation of, and membership for, a new senior officer East Lothian Children's Strategic Partnership (CSP) as outlined in this report and remit the Head of Children's Wellbeing to convene and Chair (as interim Chair) the first meeting of the new Partnership by 30 June 2014 – **Agreed**
- v Approve the transitional Planning / Implementation Group structure proposed in Appendix 4 and appoint an appropriate partnership Chair for each group – **Agreed**
- vi Agree to the CSP, as a matter of priority, reviewing and updating the Integrated Children's Services Plan in light of the joint inspection – **Agreed**
- vii Approve the creation of, and identify appropriate officers from across the East Lothian Partnership to form a short-life working group, as described in

Paragraph 6.2 below, to support the CSP implement the Services for Children Improvement Plan and undertake the review of the East Lothian Integrated Children's Services Plan – **Agreed**

viii Participate in future personal development opportunities around partnership self-evaluation, performance management and quality assurance - **Agreed**

ix Call for a progress report from the CSP for consideration at the next RPP meeting on 10 September 2014 – **Agreed**

Action

- *Members to consider the Improvement Plan and send comments/amendments as early as possible and at latest by 28 May - **Members***
- *SS to follow up on all the above actions and in particular to finalise the remit and make-up of groups and present a progress report to the September meeting - **SS***

6. Outcome: In East Lothian we live healthier, more active and independent lives

a. Open discussion on action underway to deliver the contributory outcome 'People are more physically active'

Eamon John opened the discussion setting out the policy context and information on the sport and leisure aspect. Jon Turvill followed with the health focus. Key Points:

- There is a long and strong commitment to physical activity for young people in East Lothian. There is a strong focus nationally on physical inactivity.
- The 2003 strategy 'Let's Make Scotland more Active' has recently been reviewed.
- New National Physical Activity Implementation Plan and local authority plans to be in place by end 2014.
- Physical activity levels are static across Scotland (Scottish Household Survey).
- East Lothian Active Schools shows favourable performance, especially in sport, when benchmarked with other areas.
- ELC working in partnership with Enjoy Leisure and membership is increasing.
- Health specific professionals are being sought to join the Enjoy Leisure Board.
- EJ recommended that it would be sensible to look at the advisory grouping, contextualise the Scottish Plan into a local Plan and do it collegiately.
- JT commented that it was an exciting opportunity for partnership working and the need to have a health voice on the Enjoy Board has been recognised.
- JT involved in the Active East Lothian steering group.
- Noted the prevention agenda and need to consider preventative spend
- Could the Musselburgh Total Place pilot be involved?
- Issue of accessibility in spite of the high level of facilities e.g. working poor earning £16,000+ don't qualify for reduced cost access.
- Need to increase activity for everyone and to recognise the health benefits.

- Changing behaviour is stubbornly difficult – need to build activity into normal working/daily life; increase physical activity of older people for health benefits; entice rather than hector.
- EJ reported that 100% of primary schools are now delivering 2 hours of PE per week.
- 84% currently in secondary schools, soon to reach 100%.
- Challenge is changing parental behaviour and encouraging outdoor play and learning and work on this is underway with parent councils.
- MA – RPP needs to have performance outcomes and asked EJ and JT to come back with a proposal to measure / deliver this and report progress within 12-18 months.
- Questions on physical activity are urgently needed to finalise the East Lothian Citizen's Panel Questionnaire as the first survey will be in June.
- Need to get the views of people who do and do not use our services.
- Could a pilot of accessibility be carried out in an area of deprivation? Commented that we should also consider a whole area approach.
- SS pointed out that the new ICSP and Older People's Strategy is built around all aspects of well-being and work is underway. This is a life-stage approach and any physical activity plan needs to be fully integrated into existing plans.
- Need to engage with people at work and particular shift workers who are often low paid – consider how we engage with them and also identifying economic barriers.
- Important to help people be more active in normal functions/make active choices.

Decision on the Recommendations/Action

- *Performance framework and update on delivery of the contributory outcome to be reported in 12/18 months – Ray Montgomery / Eamon John / Jon Turvill / VC (support)*
- *Look at physical activity questions from Citizens Panel – VC/ES/JT/EJ*

7. Outcome: East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens

a. SQA Performance in East Lothian Schools 2013

Darrin Nightingale presented the report, which had been to the Education Committee. He noted that head teachers had contributed to the report. Key Points:

- Generally comparable with other Authorities - results have been better.
- Decline is a concern and middle secondary S4 will be the real area of focus.
- S5/6 holding up and improving.
- Aware of gender split – girls performing better than boys. This is not impossible to change as shown in London inner city examples
- DN outlined the actions taken to address the issues:
- Senior Management Education Board (SMEB) created with membership from primary and secondary head teachers and JMH management. The aim is to use the

experience of head teachers/education specialists and create a 3-year strategy to drive the Education Service Plan.

- 4 key areas – Achievement / Attainment / Leadership / Additional Support Needs.
- Build strategy around ICSP, working collaboratively with SS and focusing on the EDI (Early Development Instrument).
- Each school to have its own Improvement Plan.
- Attainment is affected by many things - attendance, behaviour and parental support.
- Watching closely the NURTURE pilot project, working with individuals.
- The new reporting focus will be positive destinations rather than attainment.
- SE noted the importance of the 27-30mth checks and raised concerns that the new 600 hours may mean children have less time with parents – relevant for the possible link between the increase in ADHD and parental behaviours.
- DN - there is a large hard-to-reach group and that staying-on rates are rising; key joint working with East Lothian Works to improve options in and out of school.
- ES - parenting is a major underlying issue. Need to improve school and 3rd sector joint-working and spread volunteering options throughout the week.

Decision on the Recommendations/Action

- *Report back to December meeting with a focus on appropriate progress; a new performance framework and on positive destinations – **Darren Nightingale / Alison Hood (Lead Officer, More Choices More Chances)***

8. Any Other Business

DS tabled a report on the Community Justice Redesign Consultation.

- There was little time to discuss the report and members were asked to send comments to meet the timescales in the report

Decision on the Recommendations/Action

- 1.1 That the RPP considers the implications that the Scottish Government's new model for community justice will have on the partnership. Further, to make comment on the pertinent questions posed in the consultation document. - **Agreed / All members**
- 1.2 To forward any comments to Fiona Duncan to help inform/contribute to the consultation report (to be submitted 2nd July). – **Agreed / All members**

9. Items for information

- Noted and no comments were made.

Date of Next Meeting - Wednesday 10 September 2014, 2-4pm in Musselburgh Primary Care Centre, Large Meeting Room, 2nd Floor, Inveresk Road, Musselburgh EH21 7BP.

**MINUTES OF THE MEETING OF THE
SAFE AND VIBRANT COMMUNITIES PARTNERSHIP
HELD ON 26th MAY 2014**

Partnership Members Present:

Councillor Tim Day (Chair)
Chief Superintendent Gill Imery, Police Scotland (PS)
Chief Inspector Ian Mackay, Police Scotland (PS)
Elliot Stark, STRiVE
Julie Hayward, East Lothian Tenants and Residents Panel (ELTRP)
Peter Heath, Scottish Fire and Rescue Service (SF&RS)
Dean Mack, Scottish Fire and Rescue Service (SF&RS)
Councillor Jim Gillies
Councillor Peter MacKenzie
David Rose, Association of East Lothian Community Councils (ELCC)

Others Present:

Claire Goodwin, Policy Officer, ELC
Maureen Heron, PA, ELC (Minute Taker)
Patsy King, Development Officer, East Lothian Tenants and Residents Association (ELTRP)
William McQueen, Board Member Scottish Fire and Rescue Service (SF&RS)
Paolo Vestri, Service Manager, Corporate Policy and Improvement, ELC
Steve Cairns, Lothian and Borders Community Justice Authority (L&B CJA)
Wendy McGuire, Senior Development Officer, ELC
Alastair Ranyard, Development Officer, ELC
Esther Wilson, Service Manager, Economic Development and Strategic Development, ELC
Ian Patterson, Homelessness Manager, ELC
Fiona Duncan, Criminal Justice Manager, ELC

Partnership Members Apologies:

Monica Patterson, Depute Chief Executive- Partnerships and Community Services (Chair)
James Bruce, Development Manager, STRiVE

1. WELCOME/APOLOGIES

Councillor T Day welcomed everyone to the meeting and thanked STRiVE for hosting the meeting.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the S&VCP meeting of 10th February, 2014 were discussed. D Rose asked that the minute be amended to reflect that he is not Chair of the Association of East Lothian Community Councils. Otherwise the minute was approved. The minute has been amended and is attached.

3. MATTERS ARISING

- Indicator 8 - P Vestri advised that a pilot project to assist communities to develop local resilience is being set up. S Baptie, the Council's Emergency Planning Officer is arranging a workshop for October involving local communities.
- P Heath reported that work was ongoing to provide composite figures on reduction of calls across Scotland.
- It was noted that M Leys, Head of Adult Wellbeing, ELC has been invited to become a member of the S&VC Partnership although he is currently on sick leave.

3.2 Item 7 (f) - Road Safety in East Lothian

- It was noted that the reconvened Road Safety Working Group is due to meet in October with a pre-meet to be held on 26th June, 2014.

4 FEEDBACK FROM THE EAST LOTHIAN PARTNERSHIP MEETING – 13TH MAY 2014

4.1 a) SOA Development Plan Update

P Vestri provided an update on the progress in relation to the SOA Development Plan.

Key points

- 4 Area Partnerships have now been established and the Chairs selected.
- Preston/Seton/Gosford meets next week.
- Dunbar/East Linton are holding the first meeting on 30th June.
- The other two Partnerships have already met.
- "Total Place" Pilot – P Vestri reported that progress has been made. The pilot will look at vulnerable families and work has already been done to identify the families. A further meeting will take place later this week. It is planned to report to East Lothian Partnership in September and will in turn feed down to the S&VCP.

Points Raised

- In response to a query from Councillor MacKenzie, it was noted that the decision had been taken to look specifically at vulnerable families in the area.

4.2 b) Partnership Priority Actions

- P Vestri referred Item 3b – a report from the East Lothian Partnership outlining the key priorities identified by the S&VCP and other supporting Partnerships which has been remitted to the S&VCP for information / comment.

Key Points

- P Vestri referred to Page 37 – Identify key priorities for each of the Partnerships.
- It was noted that each supporting Partnership will be required to report progress in relation to its key priority actions.
- It is planned to have lead officers to provide reports to the next meeting.

Points Raised

- Councillor Day asked whether local Police Plans were now in place and CS Imery replied that this had been agreed on 22nd May, 2014.

Decision on the Recommendations/Action

The Partnership agreed to note the update on the report.

The East Lothian Plan (SOA) 2013 – This Partnerships’ Outcomes

5. Outcome 9: Everyone in East Lothian has access to quality sustainable housing

a) Affordable Housing

W McGuire spoke to this item and provided some background information. She referred to the Local Housing Strategy which sets out a vision for housing across all tenures. Wendy also provided an update on the Strategic Housing Investment Plan (SHIP).

Key Points

- Need for close links with planners
- South East Scotland Strategic Development Plan (SESplan) estimates land requirement and demand for a 15 year period
- Draft ELC Local Housing Strategy was based on the Proposed Strategic Development Plan
- Following examination of the SDP, modifications were made by Scottish Ministers. The main modifications were that Supplementary Guidance be prepared by SESplan and to increase the overall housing requirement for the period up to 2019 and 2019 -2024.
- SESplan has prepared its Supplementary Guidance on Housing Land which was ratified by ELC on 22nd April 2014
- If no changes made by Scottish Ministers, the housing land requirement for East Lothian will become 10,050 homes for the period 2009 – 2024 of which land for 6,250 homes would be available for the period up 50 2019 with land for the balance of 3,800 homes to be available in the period 2019 – 2024.
- Need to review the Local Housing Strategy on a regular basis to ensure that the housing supply target remains connected with the development planning process
- Scottish Government is producing new guidance which will look for a Strategic Housing Investment Plan to be produced every 2 years with a 5 year projection period instead of the current annual report
- Consideration being given to other types of tenures and different housing models

Points Raised

- Councillor Day said one of the issues raised was the number of one bedroom properties required to meet demand and asked whether this would be reflected in the SHIP and was advised that it would.
- D Rose asked if the figures included those in the private sector and was advised that they did.
- D Rose asked about Blindwells and was advised that that and a number of other sites were being considered as part of the Main Issues Report.
- Councillor MacKenzie asked whether there were any plans to have greater involvement with organisations such as Blue Triangle and was advised that although these type of organisations

have been successful, that they were not high on the Council's agenda because of the impact of Welfare Reform and high support costs. Councillor MacKenzie asked for figures on the use of Blue Triangle and was advised that there were 38 bed spaces, in a combination of supported hostel and in flats.

Councillor Day thanked W McGuire for her report

b) Local Housing Strategy – Fuel Poverty Update

- Alistair Ranyard spoke to this report which provides detail on the nature and extent of fuel poverty in East Lothian and the services and projects which have been put in place to address this.

Key Points

- Scottish Government has set a target to eradicate fuel poverty, as far as reasonably practical, by 2016.
- Addressing fuel poverty is a key priority for ELC and the Local Housing Strategy provides a framework for tackling fuel poverty.
- People on low incomes are most at risk of fuel poverty.
- Main source of evidence is from the House Condition Survey which was last carried in 2009/10
- ELC commissioned a Private Sector Stock Condition Survey in 2010/11 to provide better information on the scale and nature of private sector stock condition issues. At this time, 3,870 households in East Lothian found to be in fuel poverty representing 11.9% of all private households. 1.88% were found to be in extreme poverty.
- ELC has put a number of projects in place including funding Changeworks to provide the East Lothian Energy Advice Service, Warm and Well and Canny Budgeting.

Points Raised

- Councillor Day referred to newly completed properties at Law View, North Berwick and the energy efficiency measures incorporated in the build process
- Councillor Day asked about encouraging landlords to address this issue.
- A Ranyard advised that newsletters distributed targeting landlords and tenants.
- J Hayward asked about the Air Source Heat Pump and it was explained that this was available to council tenants only and was being targeted at areas where gas was not available.
- Councillor Mackenzie suggested advertising the Fuel Switching scheme.

Councillor Day thanked A Ranyard for his report

c) Homeless Prevention

- Ian Patterson spoke to this report advising that the Homeless Team deals with around 1600 applicants per year and offers 2 homeless preventions services.
- The Homeless Prevention Team deal with around 450 to 500 applicants per year where there is a danger of homelessness in the future but that is not imminent.
- The Housing Options service deal with around 550 cases per year and focuses on assisting applicants to look at housing opportunities to prevent potential homelessness.

- The Homeless Team also deal with traditional homelessness assessments where it is found that there are no alternatives available.

Key Points

- Currently 450 - 500 cases per year of potential homelessness, many of these suffering financial difficulties.
- The team are currently seeing a 10% closure rate.
- Housing Options Service introduced in 2011/12 - this is a voluntary approach with clients seeking information and advice on housing options available to them. This service has seen a reduction in around 40% of homeless assessments.
- The referral rate for a homeless assessment is around 20% which is a standard rate of referral across the country.

Points Raised

- Councillor Mackenzie referred to the drop in the number of cases being referred for homeless assessments and expressed thanks to the team for their hard work in achieving this.
- Councillor Day concurred with these comments.

Councillor Day thanked I Patterson for his report

Decision on the Recommendations/Action

**The Partnership agreed to note the contents of the report on Affordable Housing.
The Partnership agreed to note the contents of the report on the Fuel Poverty Update.
The Partnership agreed to note the contents of the report on Homeless Prevention.**

***Sederunt : W McGuire, E Wilson, I Patterson and A Ranyard left the meeting.**

6. Outcome 10: East Lothian has stronger, more resilient, supportive, influential and inclusive communities

a) Presentation by Eliot Stark, Director of STRiVE, VAEL

E Stark began by providing some background to STRiVE. He advised that STRiVE provide support, learning and development opportunities for individuals and organisations through volunteering, organisational support, youth adventure and wellbeing teams. Their mission to ensure that the third sector is effectively supported and represented at the local level to build empowered and resilient communities.

Key Points

- Over 4,000 volunteers signed up with 1,600 youth volunteers
- 612 Saltire Awards delivered. It was noted the Saltire Awards is a national volunteering programme designed for young people aged 12 to 25. The awards are supported and endorsed by the Scottish Government.
- E Stark outlined the different areas of STRiVe support:

Organisational Support

STRiVE Wellbeing

STRiVE Adventure and Youth - offers a variety of events for young people and works closely with schools, particularly with schools in Musselburgh, Tranent and Prestonpans

- 8 Young apprentices working around the John Muir Way.
- Two outdoor centres are used for those volunteers working on the leadership awards.

Points Raised

- Councillor Day asked about work done on early intervention and whether there was a way to quantify the benefits of this. E Stark advised that it was estimated around £80m across the country but that work needed to be done to quantify this.
- Councillor MacKenzie mentioned The Shed operated by STRiVE. He spoke about the suicide rate amongst men in East Lothian, particularly young men and asked whether it would be possible to extend The Shed for potentially vulnerable young men. E Stark replied that there were likely to be significant cost implications involved. STRiVE are currently looking to introduce a women's shed in the future.

Councillor Day thanked E Stark for his presentation

Decision on the Recommendations/Action

The Partnership noted the content of the report and undertook to contact E Stark direct for any further information

7. Outcome 8 – East Lothian has quality natural environments

It was agreed to defer this item to the next meeting.

8. Outcome 7 - East Lothian is an even safer place

a) Police Scotland, Local Authority Scrutiny Report, East Lothian, April 2013-March 2014

CS Imery spoke to the report and went through each of the performance indicators in turn

Points Raised

- The overall detection rate for Groups 1 to 5 Crimes has slightly decreased.
- Detection rate for crimes of domestic abuse has slightly increased but number of reported crimes more than doubled. Officers are taking action to respond to domestic incidents.
- Detection rate for sexual offences has increased along with the number of incidents reported.
- Detection rate for hate crime has slightly reduced but the reporting of incidents is rising.
- Licensed premises visits – significant increase on last year's figures.
- Following a number of fatal and serious road incidents over the past year, road safety is a high priority for the local area.

Points Raised

- Councillor Day asked where the figures in the report are presented and referred in particular to the Local Police Board which used to receive more detailed reports.

- High number of house break-ins across the county were highlighted by D Rose who asked about police initiatives to inform householders to be extra vigilant. CI Mackay advised that it was a balancing act to ensure that householders were vigilant but did not become overly anxious.
- Mobile council employees have been asked to report any suspicious behaviour to the Police.
- CI Mackay suggested that Community Councils speak to their local police liaison officer if they would like any further information.
- Councillor Day spoke about door to door crime and suggested that it might be possible to use the Council's Living newspaper to highlight Police initiatives.
- J Hayward asked replacing the police Road Safety Officer and CS Imery replied that this was under consideration.
- D Rose asked whether CAPS meetings were continuing and was advised that this is the case
- Road safety measures were briefly mentioned, including speed prevention.
- The introduction of the pilot exclusion zone round schools has been very well received.

Councillor Day thanked CI Mackay and his team for all the work at local level and thanked CS Imery for her report

b) East Lothian Fire and Rescue Quarter 4 2013-14, Performance Report

P Heath spoke to the report saying that he had contacted the Chair, Monica Patterson on how the information is provided to the Partnership. Mr. Heath explained the layout of the report and advised that the target figures are provided by Scottish Government. He went on to say that additional narrative will be provided to the next meeting and that they were looking at new ways of providing information to the Partnership. D Mack advised he would welcome feedback to ensure that the information provided is meaningful.

Key Points

- Decrease in accidental dwelling fires from 25 to 18.
- 100% of these fires occurred in single occupancy households. Work is continuing with ELC and a Service Level Agreement has been completed to allow information sharing on single occupancy households.
- P Heath undertook to check on the cause of the fires.
- Query on whether fire prevention can be taken into account in producing housing strategies.
- Slight reduction in the number of non-fatal fire casualties over the past year.
- 1 fatal accidental dwelling fire casualty recorded although still no final response from the Procurator Fiscal. Once this is received, a case study will be brought forward.
- Slight increase in non-fatal accidental fire casualties from last year.
- Community Councils have been asked to advise people to contact the Scottish Fire and Rescue Service for advice on home safety.
- Slight increase in deliberate fires in the past year but it was noted there had been a significant reduction over the past five years.
- Figures for deliberate primary fires show significant reduction over the past 5 years.
- Deliberate secondary fires have reduced slightly over the past year.
- Deliberate secondary refuse fires have reduced again.
- Increase in the number of fatal casualties from road traffic collisions. It was noted that only road traffic incidents where SF & RS are called out are recorded.
- The number of false alarms is slight down on last year although there has been a significant increase over the previous 3 years. Work is ongoing with local businesses.
- Brief discussion on the lettering system to businesses where persistent false alarms are recorded.

Councillor Day thanked P Heath, D Mack and B McQueen for their report and contribution

Points Raised

- Councillor Day expressed concern at the report layout suggesting it was visually difficult to navigate.
- Bill McQueen identified that the London F&RS have recently adopted a policy of charging for repeat unwanted fire signals (nationally 56% of calls to the Service are unwanted fire alarms) and that this has had a good degree of success - he suggested this may work locally.
- Councillor Day stated that he was aware that the Scottish F&RS has prepared a draft policy which encourages contact with repeat offenders and that this will be considered by the Board later this year. It was also noted that contact had been made with a small number of local repeat offenders.

c) Road Safety in East Lothian - Update

It was agreed to defer this item to the next meeting.

d) Community Justice Redesign Consultation

Fiona Duncan introduced herself as Criminal Justice Service Manager at ELC. Ms Duncan referred to the report prepared for the Partnership meeting which outlined the consultation process currently underway by the Scottish Government on a new model for community justice.

Key Points

- Scottish Government consultation underway
- Scottish Government taken decision to remove Criminal Justice Boards
- Scottish Government feel that a local model for criminal justice should be introduced with a national body overseeing matters
- Ms Duncan welcomed feedback and comment on the report and consultation process

Councillor Day thanked F Duncan for her report

Decision on the Recommendations/Action

The Partnership noted the report from Police Scotland Local Authority Scrutiny Report

The Partnership noted that report on EL Fire and Rescue Q 4

The Partnership noted the report on Community Justice Redesign Consultation

9. Any Other Business

No issues raised.

10. Date of Next Meeting

The next meeting will be held on **Monday, 18th August, 2014 at 2pm in Saltire Room 1 and 2, John Muir House.**

