



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 21 OCTOBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod

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 Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr T Shearer, Head of Communities and Partnerships
Mr D Proudfoot, Acting Head of Development
Mrs M Ferguson, Service Manager – Legal and Procurement
Ms S Fortune, Service Manager – Business Finance
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Ms C McCorry, Service Manager – Community Housing
Ms E Ryan, Environmental Health Partnership Manager
Mr J Coutts, Service Development Manager, Community Housing
Mr C Clark, Principal Environmental Protection Officer
Mr S Baxter, Operations and Engineering Manager Road Services
Mr D Northcott, Team Manager – Structures, Flooding and Street Lighting
Ms Z Thomson, HR Business Partner

Clerk:

Ms A Smith

Apologies:

Councillor S Akhtar

Declarations of Interest:

The Chief Executive declared an interest on behalf of the Council Management Team in relation to item 4; it was not the intention for those officers to leave the Chamber as they would not be involved in the debate or decision.

Prior to commencement of business Councillor Veitch paid tribute to John Stephenson, a former Conservative Councillor who had represented both East Lothian District Council and Lothian Regional Council, who had recently passed away.

1. MINUTES OF THE MEETING OF THE CABINET OF 10 JUNE 2014

The minutes of the meeting of the Cabinet of 10 June 2014 were approved.

**2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL
1 MAY – 8 OCTOBER 2014**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 1 May to 8 October 2014, with a value of over £150,000.

Councillor Currie welcomed the extension to Pinkie St Peter's Primary School and also welcomed that the contract had been awarded to a local company.

Councillor McMillan echoed those comments.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

3. FINANCIAL REVIEW 2014/15: QUARTER 1

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the first quarter of the financial year 2014/15.

The Head of Council Resources, Jim Lamond, presented the report. He also informed Members that the statutory audit process for 2013/14 had been completed and the external auditors had signed off the accounts with a clean audit opinion, the auditors would be reporting to Council on 28 October. He provided an overview of the Quarter 1 position. He drew attention to the overall position on General Services Revenue expenditure, which reflected an underspend at the end of June. In relation to risk and efficiency ratings progress was generally positive however three areas were showing some adverse signs regarding realising the level of savings and efficiencies planned within the 2014/15 budget. Mr Lamond also highlighted the position as regards the Housing Revenue Account and General Services Capital budgets. He advised Members that the Quarter 2 position would be reported to the November Cabinet and this would also include a refresh of the capital programme.

Councillor Berry referred to the relatively low capital spend and asked for reassurance that this would not adversely affect any particular projects. Mr Lamond gave such assurance, but added that he would further review the Quarter 2 figures. Councillor Berry then referred to

Appendix A, to the Planning and Environmental Services underspend, and asked if there was a mechanism to determine at what point an underspend was to the detriment of the service. Mr Lamond indicated there was no mechanism as such; budgets were set at operational levels by service managers to deliver planned requirements and that in conjunction with their financial advisors, service managers would need to ensure that resources were being applied effectively to deliver planned outcomes. He confirmed this particular service area would be reassessed as part of the Quarter 2 report.

In response to a question from Councillor MacKenzie, Mr Lamond provided further details regarding progress with efficiency savings for primary and secondary schools and the difference between the two school sectors.

Councillor Currie queried slippage in relation to capital underspend stating this was an inherent issue. He welcomed the inclusion of Ormiston Bowling Club in the list of projects, but queried the revenue consequence. As regards slippage, Mr Lamond referred to the lower than planned capital spend last year and highlighted the need for a refresh of the Capital Plan to take account of the now audited year end position; he indicated he would carry out a validation regarding the nature of any slippage on a project by project basis. In relation to Ormiston Bowling Club he was not in a position to be able to provide an update regarding the revenue implications. The Head of Infrastructure, Ray Montgomery, added that work was being progressed, there would be a return to bowling in Ormiston but an actual date had yet to be determined.

Councillor Hampshire welcomed the report; there were some areas of concern but generally the position was positive. He made reference to the severe pressures staff were working under, stating that the Council had to seriously review service provision as current levels of provision could not be sustained.

Councillor Currie agreed with comments about staff pressures. He referred to the budget approved by Council, commenting that below a certain level it was not beneficial to have an underspend; after sight of the Quarter 2 report and the mid-year review, there may be a need to revisit revenue allocations.

Councillor Innes stated that the general position was quite positive although there were areas of challenge as highlighted. He added that it was not the intention of this Administration to deliberately underspend either in relation to revenue or capital.

Decision

The Cabinet agreed:

- i. to note the financial performance of services at the end of June 2014; and
- ii. to note that a refreshed General Services and HRA Capital Plan would be presented to Cabinet as part of the Q2 review.

4. REVISED SCHEME OF CONDITIONS OF SERVICE FOR CHIEF OFFICIALS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for local agreements in relation to Chief Officials following the revised national terms and conditions of employment at 1 April 2014.

The HR Business Partner, Zoe Thomson, presented the report, outlining the main changes to the revised national conditions of service. She advised Cabinet that the Council's policies relating to discipline and grievance had amendments drafted to be applicable to all Chief Officials. It was also proposed that there be a local agreement for Chief Officials to retain an

entitlement to 27 days annual leave and to have the salary preservation provisions that applied to other Local Government Employees extended to Chief Officials. Consultation had taken place with the employee group and Unison. She drew attention to the policy implications, informing Members that the aim of the recommendations was harmonisation with other employee groups.

Ms Thomson responded to several questions from Councillor Berry regarding the revised conditions. She reiterated that the aim was to move towards harmonisation of terms and conditions for this employee group with those of other employees. The reason for the proposal for Chief Officials to retain 27 days annual leave rather than reduce to 20/25 days was that it had not been considered appropriate to extend the Flexible Working Hours Policy to Chief Officials. Councillor Berry made reference to terms and conditions for senior employees in the private sector.

Councillor Currie remarked, in response to Councillor Berry's points, that this was not the private sector, there were significant differences in the public sector which needed to be recognised. Harmonising conditions was a good idea; to be able to do this with no additional costs to the Council was welcomed.

Councillor Berry expressed his highest regard for the senior officials but disagreed with his colleague. The Council was not being realistic and was not operating in the best interests of public sector employees; it was up to this Council whether to implement these changes or not. He asked that his dissent be recorded.

Councillor Innes stated that the trade unions had been consulted as required and agreement regarding the revised conditions had been reached.

Decision

The Cabinet agreed:

- i. that the application of the Local Government Employee Discipline and Grievance Policies (as amended) be extended to Chief Officials;
- ii. that Chief Officials retain an entitlement to 27 days annual leave; and
- iii. the scope of local policies relating to salary preservation be extended to include Chief Officials, (relevant policies – Policy and Procedure for Dealing with Redundancies and Protocol on the Conduct of Service Reviews).

5. LOCAL LETTINGS PLANS AND REVISIONS TO COUNCIL HOUSE ALLOCATIONS TARGETS 2014/15

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the Prestonpans High Street Local Lettings Plan and the revised Council House Allocations targets from 1 November 2014 subsequent to the adoption of this lettings plan. Cabinet was also asked to note that the development of further Local Lettings Plans was underway and proposals would come forward for these next April.

The Service Manager for Community Housing, Caitlin McCorry, presented the report, outlining the purpose of the Allocations Policy. She drew attention to the Local Lettings Plan attached to the report, advising Cabinet this had been developed with staff, tenant representatives and elected members through their respective Local Housing Partnerships. She stated that lettings plans would not be used in isolation but would form part of other regeneration and local initiatives and work alongside other policies such as estates

management and antisocial behaviour. The plan would be monitored and reviewed after one year. Ms McCorry also drew attention to the revised housing allocations targets for 2014/15.

In response to questions from Councillor Currie regarding the proposed percentage targets, Ms McCorry advised that demands would be analysed to ensure that priorities were being achieved.

Councillor MacKenzie welcomed this Local Lettings Plan for Prestonpans. He noted that the stock profile referred to a total of 158 properties. He made reference to the Scottish Index of Multiple Deprivation and the key role of these plans.

Councillor Hampshire also welcomed this report; lettings plans would be a useful management tool to deal with issues in particular areas of the community. He noted that other lettings plans would be developed and rolled out in due course.

Councillor Currie remarked that the test of any lettings plan was outcomes and effectiveness. He referred to the attributes as detailed, stating that first one, no history of antisocial behaviour, was key. This would be a tool, amongst others, to create sustainable communities. These plans would play a key role in areas of multiple deprivation.

Councillor Innes welcomed the report and the Prestonpans Local Lettings Plan. The Administration had given a commitment to endorse policies that would create balanced and sustainable communities. He looked forward to the development of other lettings plans.

Decision

The Cabinet agreed:

- i. to approve the Prestonpans Local Lettings Plan with effect from 1 November 2014;
- ii. to approve the new recommended allocations targets to take effect from 1 November 2014; and
- iii. to note that new targets would be set for 2015/16 to take into account the other three lettings plans currently in development.

6. FLOOD RISK MANAGEMENT STRATEGY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating Cabinet on the Flood Risk Management Strategy (FRMS) process and seeking approval of the draft Strategy including the short list of actions prior to a period of public consultation.

The Team Manager for Structures, Flooding and Street Lighting, David Northcott, presented the report, referring to earlier reports to Cabinet regarding the ongoing Strategy process. He drew attention to the appendices; the Local Plan District (LPD) overview, initial objectives and short list of actions. East Lothian was within LPD District 10, as shown on the map at Appendix 1, which also detailed the Potentially Vulnerable Areas (PVAs). He informed Members that the Flood Risk Management Plan (FRMP) would also consider flooding issues not considered at strategy level. Phase 1 of the public consultation, when the Characterisation Reports would be made available for review, would run from December 2014 to June 2015; phase 2 which would include the Objectives and Short List of Actions, from March to June 2015. The final FRMS would be published in December 2015 and the final local FRMPs in June 2016.

In response to questions from Councillor Currie, Mr Northcott advised that a number of schemes were ongoing, including various issues following on from flooding at Macmerry. Regarding major issues at the Esk and Tyne rivers, the Council received warnings from SEPA and measures were put in place to mitigate any issues. With regard to future financial provision, the Short List of Actions were being analysed by SEPA for March 2015.

Councillor Berry asked if SEPA had selected the PVAs. Mr Northcott advised that PVAs were determined from the national flood risk assessment by SEPA, 5 PVAs had been identified in East Lothian and the draft Strategy was based on these. Any other areas would be considered at local level and in local FRMPs. Councillor Berry expressed concern that North Berwick had not been marked as a PVA, making specific reference to the harbour area and sewage works; he asked for assurance that these 2 points would be looked at. Mr Northcott confirmed that these 2 areas would be considered in the local FRMP.

In response to questions from Councillor McAllister, Mr Northcott advised that groundwater in Musselburgh was recognised by SEPA, but at a strategic level no measures were proposed; this would be looked at in the local FRMP. Regarding dredging, this would be included in sediment management in the Short List of Actions.

Councillor Currie referred to recurring reports regarding the flood strategy process, but remarked that the public perception was that action was not being taken to alleviate issues. He referred to the Capital Plan, stating that the capital required to deal with flooding matters would be considerably more than anticipated. The work carried out by staff when flooding occurred was recognised, but was not a long term solution. He stressed that the Council had to communicate directly and effectively to residents about actions and progress.

Councillor Hampshire referred to the SEPA briefing on 7 October and to the stated requirement that local authorities had to fund problems associated by flooding. Often flooding was caused by other peoples' land mismanagement, which the Council had no control over. This was a major issue.

Councillor Berry agreed that the powers available to local authorities were not sufficient to deal with these issues. He also agreed that local communities wanted to see evidence of progress. He referred to the installation of floodgates at Biel Water, beneficial to local residents of West Barns; there were some works the Council could progress without SEPA.

Councillor Caldwell referred to flooding problems in the Pinkie area of Musselburgh, where there were old mine shafts/workings. He appreciated the work carried out by the Council; however a lot more was still required. He stated that the Coal Authority had to be involved and had to share the costs.

In relation to responsible authorities included in the Local Plan District Partnership, Councillor MacKenzie noted that the Coal Authority was not listed and agreed with his colleague that they should be involved.

Councillor Grant also expressed concern that the Council had to meet the cost of flooding incidents caused by others, echoing that the relevant agencies had to be involved and contribute as appropriate.

Councillor Innes stated that this Administration had increased the budget for flood management, a considerable amount had been spent, however the sum required to address these issues would be significant. He agreed that other agencies had to be involved in resourcing. He also drew attention to coastal erosion, which was a major issue.

Decision

The Cabinet agreed to approve the objectives and short list of actions (attached as appendices to the report) as part of the ongoing Flood Risk Management Strategy process and to note that the characterisation reports had been lodged in the Members' Library (October 2014 bulletin, ref 193/14).

7. LOCAL AIR QUALITY MANAGEMENT – DESIGNATION OF AIR QUALITY MANAGEMENT AREA IN MUSSELBURGH: UPDATE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing 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; and seeking 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.

The Acting Head of Development, Douglas Proudfoot, presented the report, drawing particular attention to the assessment of air quality in East Lothian. He referred Members to the conclusions of the air quality detailed assessment for Musselburgh that had been completed in 2012 and to the additional monitoring of nitrogen dioxide (NO₂) that had taken place in 2012-13. The monitoring results confirmed that parts of the High Street were exceeding the nitrogen dioxide annual mean objective, which was a measure of longer term exposure. A further update report would be brought to Cabinet in 2015.

In response to questions from Members Mr Proudfoot referred to the conclusions of the 2014 further assessment, adding that in relation to the Air Quality Management Area the statutory obligation now was to develop the Air Quality Action Plan.

Councillor Hampshire queried timescales for the High Street works. The Operations and Engineering Manager for Road Services, Stuart Baxter, advised that improvement works were ongoing, included within these works was the upgrading of the traffic signals at the High Street/Newbigging junction which should reduce queue lengths.

In response to questions from Councillor McAllister regarding bus emissions, queuing, timetables and bus stop separation, Mr Baxter confirmed that ongoing discussions were taking place with bus companies. He advised that bus stop separation had been looked at and while this may improve traffic flow it would not however improve air quality management.

Councillor Berry stated that one single street could not cope with all the traffic, in a town the size of Musselburgh this created obvious problems. The only options were to open Inveresk Road or the Scottish Power Bridge, or both; anything else would not have a meaningful result.

Councillor Currie stressed that this was an issue that had to be addressed however the options put forward by his colleague were not viable, outlining the reasons against those suggestions.

Councillor Caldwell agreed that the proposals put forward by Councillor Berry were not feasible. The short term solution was to ensure that as many people as possible used the bypass and did not go through Musselburgh town centre.

Decision

The Cabinet agreed:

- i. to note the conclusions of the 2014 Further Assessment and the 2014 Air Quality Progress report;
- ii. to acknowledge that further actions through developing an Air Quality Action Plan were required in order that air quality objectives were achieved in Musselburgh; and
- iii. to acknowledge that Environmental Protection would liaise with Transportation to develop options that would be considered for inclusion within the Air Quality Action Plan, with a further report to be submitted for consideration by Cabinet in 2015.

8. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 12 JUNE AND 14 AUGUST 2014

The public minutes of the meetings of the Licensing Sub-Committee held on 12 June and 14 August 2014 were approved.

9. MINUTES FOR NOTING

The minutes of the Sustainable Economy Partnership held on 30 April 2014, the Resilient People Partnership held on 21 May 2014 and the Safe and Vibrant Communities Partnership held on 26 May 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, 3 and 6 (information relating to any particular employee of the Authority; information relating to any particular applicant for, recipient or former recipient of a service provided by 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 meetings of the Licensing Sub-Committee held on 12 June and 14 August 2014 were approved.

The private minutes of the meetings of the Homelessness Appeals Sub-Committee held on 17 July, 21 August 1 September and 25 September 2014 were approved.

The private minutes of the meetings of the Employee Appeals Sub-Committee held on 24 July and 4 September 2014 were approved.

The private minute of the meeting of the Social Work Appeals Sub-Committee held on 2 October was approved.

REPORT TO: Cabinet
MEETING DATE: 11 November 2014
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Financial Review 2014/15 – to end of September (Q2)

2

1 PURPOSE

- 1.1 To record the financial position at the end of the 2nd quarter of the financial year 2014/15.

2 RECOMMENDATIONS

- 2.1 Members are recommended to;
- Note the financial performance of services at the end of September 2014 and also the continued actions being taken by management to ensure that services are delivered within approved budgets.
 - Apply appropriate control measures within the identified 'High Risk' areas as set out in section 3.13;
 - Approve the proposed Open Market Acquisitions proposal as detailed in Section 3.18;
 - Approve the revised Capital Plan as set out in Appendix D.

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.
- 3.3 Members will be aware that on 9th October the Cabinet Secretary for Finance and Sustainable Growth presented the draft Scottish Government budget for 2015/16. Since then we have continued to review the budget figures and monitor discussions between COSLA and the Scottish Government. At this point, our assessment of spending plans for 2015/16 remains relatively static and that other than in relation to funded new burdens, the Council can expect little change to the forecast level of the current Revenue Support Grant. This position will be confirmed in December 2014.

General Services Summary for Quarter Two

- 3.4 A summary of the financial position across each of the Business Groups at the end of September 2014 is detailed at **Appendix A**.
- 3.5 The unadjusted position at the end of September 2014 is an under-spend compared to budget of £957,000. A further under spend of £646,000 relates to the Devolved School Management budgets, which taking both into consideration presents a total under spend as at September 2014 of £1.575 million.
- 3.6 We have continued to provide an assessment of the 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 reflecting our assessment of progress being made against the planned 2014/15 efficiency savings. The categories are as follows;
- Red – Less than 50% of budgeted efficiency savings are likely to be achieved by the 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.
- 3.7 In overall terms there has been a reduction of £183,000 in the reported under spend from the Q1 position reported to Cabinet in October of

£1.758m. A risk assessment of all service budgets has been made in order to assess the likely net expenditure levels at the financial year end. The risk categories are set out in more detail within **Appendix B**, with the assessment on a service level set out in **Appendix A**. In summary, whilst overall the Finance Risk Ratings have remained fairly static from the Q1 position, two service areas have now been upgraded from 'Medium' to 'High', with an additional area downgraded from 'Medium' to 'Low'.

3.8 All the Corporate Income budgets such as Council Tax, Joint Board requisitions and debt charges are performing in line with expectations.

3.9 The majority of the budget pressures are a continuation of emerging trends noted in the Q1 report. Within Resources and People Services this includes;

- **Children's Wellbeing Group** – the Children's Wellbeing Group has overspent the approved 6 monthly budget by £374,000 and there is a high likelihood they will overspend their budget allocation for 2014/15. Current cost pressures mainly include; forecast reductions in the number of children requiring external residential school placements have not materialised and secure residential accommodation placements have been required; cost of providing specialist disability care packages; numbers of children being adopted incurring increased adoption and legal costs; numbers of children requiring fostering placements; through care and aftercare supports for care leavers (corporate parenting); and informal and formal kin care numbers which have increased by 30% since 2013/14. Given the level of pressures which have been identified the Children's Wellbeing Group has now been categorised as 'High Risk'. The Head of Children's Wellbeing continues to apply control measures aimed at reducing expenditure in a variety of areas to help offset these spending pressures nevertheless it is unlikely that this budget pressure will be fully mitigated.
- **Within the wider schools group**, both Primary and Secondary School budgets have a number of pressures arising. Whilst overall the **Primary School budget** is showing an actual under spend of £109,000, this figure is inclusive of individual primary school budgets with a total reported under spend of £501,000, and which is likely to fall within their current approved carry forward limits. Centrally held budgets for the primary sector remain under pressure; with a reported overspend of £499,000, largely due to delays regarding the wider review of Janitorial Services which is unlikely to deliver the efficiency savings identified within the 2014/15 budget.
- In addition, the **Secondary Schools budget** to the end of September 2014 is reporting an actual under spend of £58,000. This figure includes individual secondary school budgets with 4 out of the 6 schools currently reporting an under spend against their budget. Despite this, there remain challenges around the delivery of DSM

Review planned efficiencies of £240,000 and this will be an area which will continue to be closely monitored. The centrally held Secondary Schools budget is reporting a small overspend of £20,000. The extent to which any pressure within the Education budget can be managed will be influenced by a range of factors including: actual probationary teacher numbers and absence management. The Head of Education remains actively engaged in identifying solutions to manage the range of budget pressures within the schools group and it is still anticipated that overall, this service will spend within approved budget at the year end.

- 3.10 Within the **Health & Adult Care Partnerships Directorate** the second quarter of 2014/2015 is reporting an actual overspend of £579,000. (2.6%)
- 3.11 The main pressure areas continue to be in line with those areas first identified as part of the closing position in 2013/14 and reported to Cabinet more recently as part of the Quarter 1. Particular pressure is evident with the purchase of care packages for the elderly and individuals with learning disability, both of which have seen an increase in the number of referrals and also an increase in the average cost of care packages. In addition, there remain pressures associated with delayed discharges, increased home care hours and care home placements. The service has made some progress around delivery of previously planned efficiencies; however there remain some concerns around the ability to deliver all efficiencies due to the current pressures. Implementation of previously agreed fees and charges has been delayed pending input from service users, carers and other stakeholders. It is now unlikely that the level of planned savings will be achieved for 2014/15 and a further statement on how and when revised charges will be introduced will be reported separately. The Director of Health and Social Care and Head of Adult Wellbeing are fully aware of the need to manage their services within approved budgets and are actively pursuing appropriate control measures and efficiencies which could reduce/constrain expenditure in the current year and for the future. The continuing development of the Health & Social Care Partnership will be instrumental in obtaining the most efficient use of resources. However, significant financial and demographic pressures exist within this Group and it is now unlikely that expenditure will be contained within approved budget levels.
- 3.12 The majority of **Partnerships & Services for Communities** budgets are performing well within approved budgets as at Q2, with a reported under spend against budget of £1.455m. The majority of savings are accruing on staffing budgets, expenditure profile of budgets being targeted towards the remainder of 2014/15, including increased planning fee income. Whilst it is anticipated that most areas are likely to deliver well within approved annual budgets, current projections suggest that the degree of under spend will substantially reduce from the current position. Many of the service areas are subject to on-going Service Reviews, and as these reviews are completed it is likely that a number of staffing positions will be filled. In addition, any volatility in terms of weather can

substantially impact on the expenditure projections within the Roads service area. More details around some of the specific pressures are set out below:

- **Community Development** - whilst it remains likely that this service area will remain within budget, there remains some concern around the full achievement of efficiencies relating to Cluster Management Committees / non-domestic rate relief. Discussions are well advanced, however the ability to deliver these efficiencies will continue to be reviewed.

3.13 Whilst the overall position set out at Quarter 2 suggests expenditure could be contained within existing approved budgets, there remains significant challenges for the Council in being able to deliver this position, particularly given the 'High Risk' areas which have been highlighted within the report. In line with the agreed Finance Risk ratings register as set out in **Appendix B**, a recovery plan for both Adult Wellbeing and Childrens Wellbeing will now be put in place in an attempt to control and mitigate the extent to which these pressures materialise.

Housing Revenue Account

3.14 As a result of the audited 2013/14 financial year-end, the Housing Revenue Account currently sits with reserve balances totalling £4.610 million.

3.15 At the end of September 2014 the Housing revenue budgets was reporting an under spend of £45,000 (less than 1%). Most areas of expenditure remain broadly in line with budgets. The exception to this includes; the recovery of income is less than anticipated, and this; alongside an increase in voids levels are together showing a budget pressure of £193,000. Furthermore there remain some pressures relating to the costs associated with satisfying delivery of SHQS. These pressures will be closely monitored throughout the year. 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 September 2014, the actual spend was £5.313 million representing only 24% of the annual total.

3.16 The 2014/15 budget includes £10.231m relating to Modernisation improvements. The actual expenditure incurred in September was £3.134m, representing 30% of the budget. Despite the slippage, it is expected that most of the larger budgets are expected to deliver broadly in line with expectations. Work is continuing to review this position, and a more detailed update will be provided at Quarter 3 report.

3.17 To the end of September only one Mortgage to Rent application had been received with actual expenditure of £84,000. There is one further Mortgage to Rent application which has been processed since September during 2014/15, with a further one application in the 'pipeline'.

3.18 The 2014/15 approved housing budget for affordable housing was £10.978 million. A number of proposed new developments/sites have been slower to come forward than expected e.g. Kellie Road, and Hallhill. These delays are often beyond the direct control and influence of the Council but work remains on-going to review the progress with the various affordable housing projects and their likely delivery dates. As a result of these delays the new housing subsidy provided by the Scottish Government is at risk and we have therefore explored a wide range of options to ensure that this subsidy is protected where possible. The one feasible alternative proposal is to consider the proposal to purchase a number of Open Market Acquisitions (OMA), which would be used in part to deliver the Housing Strategy investment needs whilst allowing us to maximise available Housing Subsidy. Discussions with the Scottish Government suggest that they would be prepared to support an acquisitions programme of around 15 units.

General Services Capital Budgets

3.19 As part of the Q1 report I highlighted the work that was underway to refresh the capital plan in light of the now available audited 2013/14 year-end position and the need to reflect other known additions to the capital plan approved by Council in April 2014.

3.20 This work has now been completed resulting in an amended Capital Plan for 2014/17 which has been included at **Appendix D**. The main changes in relation to 2014/15 are as follows;

- The inclusion of project carry-forwards from 2013/14 on areas of project slippage. In total £5.649m from the reported under spend of £7.645m has been carried forward and included within 2014/15 budgets.
- The inclusion of those projects which were approved by Council in April 2014 as part of the revisions to the Capital Plan 2014/17.

3.21 All of these changes can be accommodated within the revised capital spending limits previously agreed by the Council at its meeting in February 2014.

3.22 **Appendix E** sets out the 2014/15 expenditure against the revised Capital budget, with actual expenditure totalling £7.392m.

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

7.5 Cabinet 21 October 2014 – Item 3 – Financial Review 2014/15 Quarter 1

AUTHOR'S NAME	Jim Lamond
DESIGNATION	Head of Council Resources
CONTACT INFO	jlamond@eastlothian.gov.uk
DATE	3/11/2014

REVENUE BUDGET PERFORMANCE at 30 September 2014

Appendix A

	Budget for the year £000	Actual to 30/09/14 £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	11,749	6,474	6,100	374	6.1%	High	Increase		
Pre-school Education & Childcare	6,074	4,641	5,104	(463)	(9.1%)	Low	No change		
Additional Support for Learning	7,857	5,485	5,416	69	1.3%	Low	Decrease		
Schools - Primary	29,624	12,847	12,956	(109)	(0.8%)	Medium	No change		
Schools - Secondary	36,086	17,153	17,211	(58)	(0.3%)	Medium	No change		
Schools Support Services	2,731	1,477	1,558	(81)	(5.2%)	Low	No change		
Financial Services	1,522	244	315	(71)	(22.5%)	Low	No change		
Revenues & Benefits	1,524	309	408	(99)	(24.3%)	Low	No change		
IT Services	1,743	973	984	(11)	(1.1%)	Low	No change		
Law & Licensing	608	316	342	(26)	(7.6%)	Low	No change		
Human Resources	1,261	593	650	(57)	(8.8%)	Low	No change		
Democratic Services	1,879	781	842	(61)	(7.2%)	Low	No change		
	102,658	51,293	51,886	(593)	(1.1%)				
Health & Adult Care Partnership									
Adult Wellbeing	44,395	22,473	21,894	579	2.6%	High	Increase		
	44,395	22,473	21,894	579	2.6%				
Partnerships & Services for Communities									
Planning & Environmental Services	2,250	864	1,067	(203)	(19.0%)	Low	No change		
Economic Development & Strategic Services	2,370	963	957	6	0.6%	Low	No change		
Asset Planning & Engineering	2,451	1,669	1,798	(129)	(7.2%)	Low	No change		
Property Maintenance	(490)	(285)	(139)	(146)	105.0%	Low	No change		
Facility Support Services	3,295	938	942	(4)	(0.4%)	Low	No change		
Landscape & Countryside Management	5,548	2,584	2,689	(105)	(3.9%)	Low	No change		
Roads, Transportation & Waste Services	12,885	5,146	5,648	(502)	(8.9%)	Low	No change		
Healthy Living	3,984	1,710	1,708	2	0.1%	Low	No change		
Community Housing	2,660	1,939	2,151	(212)	(9.9%)	Low	No change		
Housing Revenue Account (HRA)	0	(5,877)	(5,832)	(45)	0.8%	Low	No change		
Communications & Marketing	391	192	218	(26)	(11.9%)	Low	No change		
Policy & Improvement	909	386	451	(65)	(14.4%)	Low	No change		
Community Partnerships	2,180	1,160	1,165	(5)	(0.4%)	Low	No change		
Arts, Museums & Music	1,879	859	861	(2)	(0.2%)	Low	No change		
Community Development	2,629	1,377	1,344	33	2.5%	Low	No change		
Customer Services, Libraries & Safer Communities	3,725	2,219	2,271	(52)	(2.3%)	Low	No change		
	46,666	15,844	17,299	(1,455)	(8.4%)				
Total All Departments									
	193,719	89,610	91,079	(1,469)	(1.6%)				
Corporate Management									
Revenue Support Grant (inc. NNDR)	(169,706)	(73,880)	(73,880)	0	0.0%	Low	No change		
Council Tax	(47,345)	(48,409)	(48,390)	(19)	0.0%	Low	No change		
Debt Charges/Asset Management	14,239	4,715	4,715	0	0.0%	Low	No change		
Joint Board Requisitions	674	337	337	0	0.0%	Low	No change		
Other	9,244	5,909	5,996	(87)	(1.5%)	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)	(111,328)	(111,222)	(106)	0.1%				
Total All Council									
	0	(21,718)	(20,143)	(1,575)	7.8%				

Appendix B

Financial Risk	Factors	Implications
High	<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
Medium	<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.
Low	<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

HOUSING CAPITAL SPEND & FINANCING TO SEPTEMBER 2014

	Approved Budget	Actual (£000s)	Over/(Under) (£000s)	
Mortgage to Rent	662	84	(578)	13%
Modernisation Spend	10,231	3,134	(7,097)	31%
Fees	533		(533)	
Disabled Adaptations	758	172	(586)	
Central Heating/Leasing Purchases	1,616	543	(1,073)	On course to meet targets
Electrical Re-wiring	1,717	525	(1,192)	
Fencing Programme	201	86	(115)	
Energy Efficiency	351	9	(342)	
Kitchen Replacement Prog.	1,788	574	(1,214)	On course to meet targets
SHQS Abeyance incentive	50		(50)	
Roofing / Roughcasting	606	270	(336)	
Stair Improvement Programme	30	10	(20)	
Groundcare		30	30	
Roads / Walkway pre-adoption works	246		(246)	
Structural surveys / works	200	10	(190)	
Dispersed Alarms	51	0	(51)	
Local Initiatives:Projects	202	4	(198)	
Window & Door Replacement Prog.	20	35	15	
Bathroom Replacement	951	412	(539)	On course to meet targets
Extensions	306	59	(247)	
Lead Water Pipes	202	118	(84)	
Asbestos Works	353	246	(107)	
IT Projects	50	31	(19)	
Gross Affordable Homes spend	10,978	2,095	(8,883)	19%
Gross Total Housing Capital Spend	21,871	5,313	(16,558)	24%

Financed By:

Grants	5,761		(5,761)
Assets Sales/Capital Reserves	2,268	1,016	(1,252)
Borrowing	13,842	4,297	(9,545)
	<u>21,871</u>	<u>5,313</u>	<u>(16,558)</u>

Appendix D

Revised Capital Plan - 2014-17

	2014/15	2015/16	2016/17	Total Planned Spending (2014- 2017) Notes
	£000	£000	£000	£000
Abbey, North Berwick Care Home refurbishment		-	500	500
New Day Centre - Gullane	62	-	-	62 Budget adjusted for 13/14 cfwd
Fa'side Tranent - New residential home and day centre	2,141	131	-	2,272 Budget adjusted for 13/14 cfwd
Haddington Day Centre	100	-	500	600 Budget adjusted for 13/14 cfwd
Haddington Town House - Steeple Work	104	-	-	104 Budget adjusted for 13/14 cfwd
Gypsy Traveller Site	31	-	-	31 Budget adjusted for 13/14 cfwd
Property Renewals	965	900	900	2,765 Budget adjusted for 13/14 cfwd
Capital Plan Fees/Internal Recharges	1,445	1,370	1,370	4,185
Environment Fees	111	111	111	333
Brunton Hall - Theatre and Main Hall refurbishment	225	-	-	225
John Gray Centre Haddington	79	-	-	79 Budget adjusted for 13/14 cfwd
Prestongrange Museum	-	-	140	140
Port Seton Sports Hall	-	150	500	650
Whitecraig Community Centre	62	400	650	1,112 Budget adjusted for 13/14 cfwd
Tranent Library	40	-	-	40 Budget adjusted for 13/14 cfwd
North Berwick Museum - refurbishment	110	-	-	110 Budget adjusted for 13/14 cfwd
North Berwick Community Centre - Lift	70	-	-	70
Community Intervention	330	200	200	730 Budget adjusted for 13/14 cfwd
Red School Prestonpans	200	-	-	200 Budget adjusted for 13/14 cfwd
Support for Business - Land Acquisition/Infrastructure/Broadband	800	300	300	1,400 Agreed per April Council Report
Support for Business - Town Centre Regeneration	650	350	500	1,500
Reprovision of Pathways Home	925	-	-	925 Budget adjusted for 13/14 cfwd
Dunbar - Lochend Campus/Additional Classrooms		500	800	1,300
Haddington IS / St Mary's RCPS - New shared Campus	210	-	-	210 Budget adjusted for 13/14 cfwd
Sandersons Wynd PS - additional Classrooms	100	400	10	510
Dunbar Grammar School Extension	66	-	100	166 Budget adjusted for 13/14 cfwd
Secondary School Communication Provision	300	580	20	900 Agreed per April Council Report
Dirleton Classroom Extension	13	-	-	13 Budget adjusted for 13/14 cfwd
Dunbar Primary - Phase 2 Comms Unit	-	150	-	150
Macmerry PS Extension	12	-	-	12
Pinkie St Peter's PS Extension/Levenhall Nursery reprovision	2,422	1,900	100	4,422 Budget adjusted for 13/14 cfwd
Law Primary School	97	1,500	2,500	4,097 Budget adjusted for 13/14 cfwd
Windygoul PS - Permanent Additional Classrooms	750	2,450	1,200	4,400 Agreed per April Council Report

Wallyford PS - Temp Units	-	120	-	120	
Wallyford PS - New PS/Pro-rata ELC share	50	50	500	600	
Replacement Vehicles	2,200	1,350	1,350	4,900	Budget adjusted for 13/14 cfwd
Pavilions	250	50	-	300	
East Lothian Legacy Project - Meadowmill Alterations	59	-	-	59	Budget adjusted for 13/14 cfwd
Sports Centres - refurbishment & equipment	200	200	200	600	
Musselburgh Tennis Court Upgrade	60	-	-	60	
Expansion of 3G pitch provision	305	-	-	305	Budget adjusted for 13/14 cfwd
Schools IT	764	923	675	2,362	Budget adjusted for 13/14 cfwd
Corporate IT Program	316	316	316	948	Agreed per April Council Report
Server Room Upgrade	130	0	0	130	Budget adjusted for 13/14 cfwd
Core Path Plan Implementation	137	50	50	237	Budget adjusted for 13/14 cfwd
Cuthill Park	79	-	-	79	Budget adjusted for 13/14 cfwd
Amenity Services Machinery & Equipment - replacement	124	153	100	377	
Cemeteries - Extensions/Allotments	813	54	20	887	Budget adjusted for 13/14 cfwd
Coastal Car Parks/Toilets	1,231	450	250	1,931	Budget adjusted for 13/14 cfwd
Peppercraig Depot Haddington	558	50	-	608	Budget adjusted for 13/14 cfwd
Coastal Protection/Flood	466	423	623	1,512	Agreed per April Council Report
Promenade Improvements - Fisherrow	50	-	-	50	Budget adjusted for 13/14 cfwd
Pencaitland Paths/Community Car Park	200	-	-	200	Budget adjusted for 13/14 cfwd
Cycling Walking Safer Streets (Ring-fenced grant funded)	153	120	120	393	
East Linton Rail Stop/Infrastructure	-	-	200	200	Agreed per April Council Report
Roads	5,250	5,500	5,500	16,250	
QMU Triangle	-	500	2,000	2,500	
Parking Improvements	300	250	250	800	
Purchase of New Bins/Food Waste Collection	475	63	63	601	
	26,590	22,014	22,618	71,222	

Appendix E

GENERAL SERVICES CAPITAL SPEND - TO SEPTEMBER 2014

Name of Project	Revised Budget	Actual Spend	Over/(Under)
	2014/15 £000	2014/15 £000	(£000s) £000
New Day Centre - Gullane	62	7	(55)
Fa'side Tranent - New residential home and day centre	2,141	2,065	(76)
Haddington Day Centre	100	117	17
Haddington Town House - Steeple Work	104	80	(24)
Gypsy Traveller Site	31	4	(27)
Property Renewals	965	118	(847)
Property Fees/Internal Architect etc fees	1,445	-	(1,445)
Environment Fees	111	-	(111)
Brunton Hall - Theatre and Main Hall refurbishment	225	121	(104)
Dunbar - new Community facility	-	11	11
Dunbar Town House Museum	-	16	16
John Gray Centre Haddington	79	-	(79)
Whitecraig Community Centre	62	-	(62)
Tranent Library	40	1	(39)
North Berwick Museum - refurbishment	110	-	(110)
North Berwick Community Centre - Lift	70	45	(25)
Community Intervention	330	-	(330)
Ormiston Bowling Club (Community Intervention)	-	130	130
Red School Prestonpans	200	-	(200)
Support for Business - Land Acquisition/Infrastructure/Broadband	800	4	(796)
Support for Business - Town Centre Regeneration	650	3	(647)
Reprovision of Pathways Home	925	-	(925)
Haddington IS / St Mary's RCPS - New shared Campus	210	152	(58)
Sandersons Wynd PS - additional Classrooms	100	6	(94)

Dunbar Grammar School Extension	66	-	(66)
Secondary School Communication Provision	300		(300)
Dirleton Classroom Extension	13	5	(8)
Dunbar Primary - Phase 2 Comms Unit	-	6	6
Macmerry PS Extension	12	1	(11)
Pinkie St Peter's PS Extension/Levenhall Nursery reprovision	2,422	239	(2,183)
Law Primary School	97	-	(97)
Windygoul PS additional Classrooms	750	3	(747)
Wallyford PS - New PS/Pro-rata ELC share	50		(50)
Replacement Vehicles	2,200	-	(2,200)
Pavilions	250	12	(238)
East Lothian Legacy Project - Meadowmill Alterations	59	2	(57)
Sports Centres - refurbishment & Equipment	200	133	(67)
Musselburgh Tennis Court Upgrade	60	-	(60)
Expansion of 3G pitch provision	305	15	(290)
Schools IT	764	407	(357)
Corporate IT Program	316	245	(71)
Server Room Upgrade	130		(130)
Core Path Plan Implementation	137	-	(137)
Cuthill Park	79	-	(79)
Amenity Services Machinery & Equipment - replacement	124	-	(124)
Cemeteries - Extensions/Allotments	813	-	(813)
Coastal Car Parks/Toilets	1,231	14	(1,217)
Peppercraig Depot Haddington	558	541	(17)
Coastal Protection/Flood	466	319	(147)
Promenade Improvements - Fisherrow	50	5	(45)
Pencaitland Paths/Community Car Park	200	-	(200)
Cycling Walking Safer Streets (Ring-fenced grant funded)	153	-	(153)
Roads/CWSS/Hotspot Safety Improvements	5,250	2,516	(2,734)
Parking Improvements	300	-	(300)
Purchase of New Bins/Food Waste Collection	475	49	(426)
	26,590	7,392	(19,198)

REPORT TO: Cabinet
MEETING DATE: 11 November 2014
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Strategy for Next Generation Internet Connectivity

3

1 PURPOSE

- 1.1 To provide the Council with a Strategy in support of Next Generation Internet Connectivity across East Lothian. A full copy of the proposed Strategy has been published in the Members Library (Ref 216/14, November bulletin).

2 RECOMMENDATIONS

- 2.1 The Cabinet is asked to approve the adoption of the Strategy for Next Generation Internet Connectivity across East Lothian.

3 BACKGROUND

- 3.1 The last two years have seen significant developments in the roll out of superfast broadband (defined as speeds greater than 24Mbps). BT have almost completed their commercial deployment and the early phases of the Digital Scotland Superfast Broadband Project are underway.
- 3.2 Current indications are these initiatives will deliver superfast broadband to between 90% and 95% of premises within East Lothian. The Digital Scotland programme also aims to deliver at least 2Mbps capability to the remaining 5% by 2018. The majority of premises who do not receive superfast broadband as part of these roll outs are likely to be in rural areas.

These projects have raised awareness and expectation across East Lothian. However despite their high profile nature there is still a lot of misunderstanding, misinformation, and exaggeration about what will be delivered, the technologies involved, and the timescales.

Although not a direct provider, the Council has a key role to play in ensuring the best possible outcome for East Lothian, especially with respect to the 5%-10% of premises that are unlikely to receive superfast

broadband. Consequently this Strategy, aimed at supporting and maximising Next Generation Internet connectivity has been developed. It will help ensure a consistent and coherent approach that will enable best use of the Council's limited resources and options for intervention.

- 3.3 Approval was given to tender for specialist consultants to assist with the development of the Strategy as the Council did not have the relevant skills or experience. Farrpoint, a well respected organisation with an impressive track record in this field were subsequently appointed.

In developing the Strategy Farrpoint undertook an extensive series of stakeholder meetings. The stakeholders included local businesses, residents, Elected Members, representatives from Community Councils and Council Officers.

Whilst still in draft form, the Strategy was presented to both the Sustainable Economy Partnership and also the Council Management Team before being finalised.

- 3.4 The strategy document is intended to serve a number of purposes.
- It sets out an approach for the Council to help ensure the best possible connectivity outcome for East Lothian is achieved.
 - It provides clear information about broadband and its associated technologies in an East Lothian context.
 - The background section sets out the relevant demographics of East Lothian, the linkages with existing Council policies / strategies and details the benefits of broadband to businesses and residents as identified by research carried out by the Department of Culture, Media and Sport.
 - The summary of existing telecoms provision across East Lothian will act as a reference point against which progress made in implementing this and against which related action plans can be measured.
 - The expected outcomes from the Digital Scotland Superfast Broadband Project are detailed along with an outline of the other Scottish and UK wide initiatives intended to improve connectivity.

- 3.5 The Strategy identifies four key areas of focus that require co-ordination and leadership by the Council to ensure a coherent approach is adopted.

These are:

- Maximise the outcomes of the superfast broadband programme in East Lothian to ensure the greatest possible coverage.

90% - 95% of premises in East Lothian are likely to be enabled for superfast connectivity. The key roles for the Council will be to

ensure Macmerry Industrial Estate is covered and to promote and encourage take up of Superfast Broadband across the county.

- Enhance the funding opportunities for improving internet connectivity to rural communities in East Lothian.

Rural areas are likely to make up the bulk of the 5% - 10% of premises that will not receive superfast broadband. State Aid rules make it difficult for the Council to intervene directly. However a key role will be to identify and support funding opportunities which can be accessed by Community Councils through Community Broadband Scotland.

- Investigate methods for attracting infrastructure suppliers to deliver services in East Lothian.

A number of smaller niche infrastructure suppliers have been identified that have the potential to deliver services that could benefit businesses and residents within East Lothian. A key role for the Council will be to make East Lothian an attractive business proposition.

- Develop a Strategy Working Group to ensure a co-ordinated approach and drive progress, this was a key part of the advice provided by Farrpoint.

3.6 An action plan to assist in the delivery of the Strategy is included in Appendix A. In anticipation of the strategy being adopted, significant work has already been undertaken on a number of the items included in the plan.

- A good relationship has been forged between East Lothian Council and the Scottish Government's Superfast Broadband Team. There is regular dialogue between East Lothian Council and the team on matters such as planning, communication, the phasing of the project and the areas likely to be included.
- Relationships have been forged with Community Broadband Scotland who will have a key role to play in working with communities to enable connectivity to the 5% to 10% of, primarily rural, premises unlikely to receive superfast connectivity.
- An event was run during the recent East Lothian Business Week to bring together local businesses, providers such as BT and the Scottish Government's Superfast Broadband Team.
- A similar event for Community Councils has also taken place and attempts are being made to aggregate demand through the Community Planning processes. This will enable Community Broadband Scotland to work with these communities to deliver suitable connectivity solutions.

4 POLICY IMPLICATIONS

- 4.1 Access to affordable high speed broadband is a key priority for the Council and is in support of The Council Plan 2012-17, the East Lothian Community Planning Economic Development Strategy, Single Outcome Agreement and Digital Inclusion objectives. There are particularly close tie ins with the Digital Inclusion strategy which is currently providing free wifi access to three community centres and the Economic Development strategy which is trialling free wifi in public spaces in Haddington Town Centre.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – Officer support mainly from those involved in Economic Development, Community Planning and IT will be required to deliver the action plan (see Appendix A) associated with the Strategy.

7 BACKGROUND PAPERS

- 7.1 Report to Members Library Service - East Lothian Next Generation Internet Connectivity Strategy (Ref 216/14, November bulletin)

AUTHOR'S NAME	Alan Cruickshank
DESIGNATION	Service Manager – IT Infrastructure
CONTACT INFO	acruickshank@eastlothian.gov.uk
DATE	30/10/2014

Appendix A - Action Plan

Action Ref	Outcome A: Maximise/Optimise the outcome of the Step Change Programme in East Lothian	Action	Indicator of success	Timescale	Lead
A1	Develop relationship and ongoing engagement with SG, BT and other providers	Exert influence at key decision points in the management of the BT contract to ensure that local priorities are considered in any decision that impacts the planned premises to be served in East Lothian and that East Lothian achieves the same if not better outcome as to what was initially planned by BT. Identify priority areas in East Lothian where the need for broadband is greatest (in support of East Lothian aims and objectives) and assess the likelihood of Step Change not delivering in these areas.	Close and trusted relationship formed with Scottish Government Digital Scotland team and BT.	Lifespan of Digital Scotland Project	Economic Development Manager & Service Manager – IT Infrastructure
A2	Contribute to the debate on effective use of the innovation/investment fund	Provide an informed and practical view on technologies that can achieve a better outcome for those premises earmarked for an 'in-fill' solution in the context of East Lothian (potential to use outcomes from Humbie broadband project/trials and external advisors to inform the debate).	Successfully guide the Step Change team on effective use of the innovation_/ investment fund based on transfer of knowledge from East Lothian.	Lifespan of Digital Scotland Project	Economic Development Manager & Service Manager – IT Infrastructure

A3	Digital Participation	Provide local assistance to Programme 4 of the Infrastructure Action Plan covering Digital Participation to ensure highest take-up of broadband within the Council area.	East Lothian recognised by the Digital Scotland team/BT for high take-up relative to other Local Council areas. Effective correlation with the Digital Inclusion Action Plan.	Lifespan of Digital Scotland Project	Economic Development Manager & Equalities Policy Officer
	Outcome B: Enhance funding opportunities for improving Internet connectivity in East Lothian	Action	Indicator of success	Timescale	Lead
B1	Assist communities to help themselves	Identify active community projects in rural areas unlikely to be covered through Step Change, and with them submit expressions of interest to CBS for these projects bringing together communities where appropriate	Number of active communities created and projects submitted	2014/15	Economic Development Manager
B2	Support an overarching joined up approach for delivery in hard to reach areas	Take the initiative to capture the make-up, requirements and firm demand of the hard to reach areas across East Lothian to raise the profile of East Lothian to Scottish Government and allow the Council to be prepared and ready to take advantage of any funding opportunities.	Targeted investment at East Lothian from the funding available.	2014-16	Economic Development Manager & Service Manager – IT Infrastructure
B3	Raise the profile of East	Identify areas suitable for a	Operation of a	2014/15	Economic

	Lothian as an innovation hub	broadband trial with the £10m trial fund in mind. Engage with Suppliers early highlighting key areas primed and ready for a trial in East Lothian.	successful trial that raises the profile of East Lothian nationally, allows suppliers to demonstrate what is feasible in rural areas and promotes the advantages of Internet connectivity in support of the Digital Inclusion Strategy.		Development Manager
B4	Capture mobile requirements	Gain a thorough understanding of areas where mobile voice and data coverage is insufficient to meet the needs of businesses and residents in the region.	Reduction in 2G and 3G not spots. Penetration of 4G coverage.	2014/15	Service Manager – IT Infrastructure
	Outcome C: Attract suppliers to improve Internet connectivity in East Lothian	Action	Indicator of success	Timescale	Lead
C1	Understand the extent of Digital Infrastructure in East Lothian	Communicate with organisations in the area that have telecoms infrastructure to understand the extent of infrastructure and mechanisms of use for providing connectivity for community projects e.g. NR, JANET, SWAN, Renewables etc.	Successful capture of the extent of digital infrastructure in East Lothian and mechanisms for use.	On going	Service Manager – IT Infrastructure
C2	Support suppliers	Work with suppliers to assist in reducing any inhibitors/improving	Increased installation of telecoms	On going	Economic Development

		the business case for investment in East Lothian.	infrastructure in East Lothian. Increased presence of Suppliers in East Lothian.		Manager & Service Manager – IT Infrastructure
	Outcome D: Develop a Strategy Working Group	Action	Indicator of success	Timescale	Lead
D1	Working Group	Appoint a short-life Working Group to further develop, deliver and report on the actions set out in the East Lothian Next Generation Internet Connectivity Strategy. Develop measures for monitoring and reporting on delivery and benefits arising from the Strategy	Working Group established with an influential leader. Evidence of benefits arising from strategy	Establish group by March 2015	Head of Corporate Resources
D2	Digital Stimulation	Promote the benefits and effective use of internet connectivity to businesses (e.g. marketing, new sales channels, cloud computing etc).	Increased awareness of the benefits and need of Internet connectivity resulting in increased demand from business. Close working with the Digital Inclusion working group. Business broadband event during East Lothian Business Week	Ongoing	Economic Development Manager
D4	Champion the Internet Connectivity needs of	Represent the Internet connectivity needs of businesses and residents	One point of contact for capturing and	Ongoing	Economic Development

	businesses and residents in the region	in the region. Provide a forum for Community Councils and other interested organisations to contribute to the debate for improving Internet connectivity in East Lothian.	promoting the Internet connectivity needs of businesses and residents in East Lothian.		Manager
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REPORT TO: Cabinet

MEETING DATE: 11 November 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Freedom of Information (Scotland) Act 2002 and
Data Protection Act 1998 – Compliance Statistics

4

1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the period from 1 April 2014 to 30 September 2014.
- 1.2 To report on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period from 1 April 2014 to 30 September 2014.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During the period 1 April 2014 to 30 September 2014, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

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

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

3.2 Freedom of Information (FOI) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle information requests, and requests for review, are on the Council's intranet, accessible to all employees.

3.3 The total number of FOI requests received from 1 April 2014 to 30 September 2014 was **637**, a slight decrease from the previous half year (654). Overall numbers of FOI requests have, however, been increasing steadily since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received from 1 April 2014 to 30 September 2014 was **8**, an increase from the previous half year (4).

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests between 1 April 2014 to 30 September 2014:

	FOI		EIR	
On time	477	97.5%	86	99%
Late	12	2.5%	1	1%
Lapsed/Written Off	0		0	
Date of Completion Unknown	0		0	
Cancelled/Withdrawn	5		2	
Suspended	17		1	
Ongoing	30		6	
TOTAL ACTIONED	511		90	

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review between 1 April 2014 to 30 September 2014:

	FOI		EIR	
On time: Within 20 Working Days	5	83%	1	50%
Late	1	17%	1	50%
Original Decision Upheld	4		1	
Original Decision Partially Upheld	0		0	
Original Decision Overturned	1		1	
Additional Info Provided	1		0	
Total Received	6		2	
Total Actioned	6		2	
Still Outstanding	0		0	
Grand Total of Internal Reviews	8			

3.7 The top three enquirers were:

- 1) General Public
- 2) Commercial Organisations
- 3) Journalists

At the Cabinet meeting of 13 May 2014 it was asked if it is possible to provide a split of FOI enquiries received from local journalists and journalists from further afield. No FOI enquiries have been identified as coming from local journalists. It should be noted, however, that most media FOI enquiries are circulated to all local authorities from, for example, news agencies, the BBC, B Sky B, national newspapers etc. There may also be some enquiries from freelance journalists which we will not be aware of as they have not identified themselves as such.

3.8 **Data Protection Act 1998** – East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information (“Subject Access Requests”) – to be answered within 40 calendar days

3.9 Data Protection (DP) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle requests for personal information (“Subject Access Requests”) are on the Council’s intranet, accessible to all employees.

- 3.10 The total number of DP “Subject Access Requests” received from 1 April 2014 to 30 September 2014 was **31**, a slight decrease from the previous half year (42).

Completed on time (within 40 calendar days)	19	100%
Late	0	-
Suspended	10	
Withdrawn	2	
Ongoing	0	
Total Actioned	31	

4 POLICY IMPLICATIONS

- 4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The Charging Policy for Data Protection, Freedom of Information and Environmental Information was approved by Cabinet on 11 June 2013. In accordance with this policy, fees totalling £20.00 have been received from 1 April 2014 to 30 September 2014:

£20 (£10 x 2)	Data Protection
£0	Freedom of Information
£0	Environmental Information

FOI requests are managed by Licensing, Administration and Democratic Services (1 x FTE DP/FOI Officer and 1 x FTE DP/FOI Compliance Officer) with input from service areas as required.

In order to estimate the time spent by service areas when gathering information for FOI requests, a sampling exercise has been carried out. Service area staff are asked to record the length of time spent dealing with these requests. Based on information provided, it is calculated that each information request takes service areas, on average, approximately 126 minutes to process.

To demonstrate the approximate costs of service area staff time, the hourly rates of pay have been identified for the highest paid member of service area staff who dealt with these requests as well as that of the lowest paid member of service area staff:

Highest paid:

£32.97 per hour x 2.10* = £69.24 per request

Lowest paid:

£11.68 per hour x 2.10* = £24.53 per request

Average:

£69.24 + £24.53 / 2 = £46.88 per request

*2.10 = 126 minutes

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Dr Renate Gertz
DESIGNATION	DP & FOI Compliance Officer
CONTACT INFO	X 7993, email: rgertz@eastlothian.gov.uk
DATE	13 October 2014

REPORT TO: Cabinet

MEETING DATE: 11 November 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Safe Driving at Work Policy and Guidance

5

1 PURPOSE

- 1.1 For Cabinet to endorse the Safe Driving at Work Policy and Guidance for implementation as detailed below.
- 1.2 To ensure that the Council meets current Health & Safety guidelines and the Corporate Manslaughter and Corporate Homicide Act 2007 a Safe Driving at Work Policy and Guidance has been produced. The Policy and Guidance covers any driving operation undertaken by employees or Elected Members using personal, Council or hired vehicles, as well as any volunteers, agency workers or other authorised parties driving Council fleet vehicles, in connection with Council business.

2 RECOMMENDATION

- 2.1 It is recommended that Cabinet approve that the Safe Driving at Work Policy and Guidance are issued as Council Policy.

3 BACKGROUND

- 3.1 Health and Safety Executive (HSE) guidelines state that employers have responsibility under Health and Safety legislation to ensure so far as reasonably practicable the health and safety of their employees and others who may be affected by their work activities. This includes the activity of driving on public roads for on the road work activities as to all work activities.
- 3.2 Employers must put in place 'reasonably practicable' controls to ensure work related journeys are safe, employees are fit and competent, and vehicles are fit to be used and in good condition.
- 3.3 A Safe Driving at Work working group was set-up in 2010 to deal with all aspects of the HSE Guidelines in relation to work related driving activities. Membership of the working group is as follows:

- Emergency Planning and Risk Officer
- Service Manager, Transport
- Payroll Manager
- Human Resources Representative
- Insurance and Claims Officer
- Corporate Health and Safety Representative

- 3.4 An initial draft of the Policy and Guidance was distributed to Council Management Team and then made available to all Council employees and Unions to pass comment on and was then further reviewed by our Legal Advisers before all comments were taken into consideration, several amendments made and the final versions completed prior to being submitted to Cabinet.
- 3.5 The Safe Driving at Work Group will continue to meet on a bi-annual basis to review the Policy and ensure that it is updated to reflect any changes in legislation or best practice relating to safe driving. This will ensure it remains relevant and effective, meets all current legal requirements, and reflects best practice in relation to Safe Driving at Work.

4 POLICY IMPLICATIONS

- 4.1 The draft Policy has been amended as indicated above following feedback received from the employee consultation process, the Corporate Management Team and Council Legal Adviser, and is now subject to Cabinet's approval for implementation to ensure that safe driving principles are embedded across the Council.
- 4.2 The Trades Unions support the approval of this draft Policy.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment has been undertaken and no negative impacts were identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There are no direct financial implications associated with approving the policy and guidance although it is anticipated that implementation may give rise to measures which themselves have financial implications.
- 6.2 Personnel - There are no additional resource implications, this will be covered under individual normal work plans.
- 6.3 Other – Effective implementation of this strategy will require the support and commitment of all ELC employees, Elected Members, volunteers, agency workers and any other authorised party driving Council fleet vehicles.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Safe Driving at Work Policy
- 7.2 Appendix 2 – Safe Driving at Work Guidance
- 7.3 Appendix 3 – Safe Driving at Work Policy Acknowledgement Form
- 7.4 Appendix 4 – Driver Risk Assessment Form

AUTHOR'S NAME	Scott Kennedy
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DATE	30 th October 2014

Safe Driving at Work Policy

- 1. INTRODUCTION**
- 2. DEFINITION OF DRIVING AT WORK**
- 3. LEGISLATION**
- 4. SCOPE**
- 5. GENERAL STATEMENT OF SAFE DRIVING AT WORK POLICY**
- 6. BUSINESS MILEAGE REDUCTION**
- 7. ORGANISATION**
- 8. PLANNING AND IMPLEMENTATION**
- 9. MONITORING, AUDIT AND REVIEW**

1. INTRODUCTION

- 1.1 East Lothian Council is committed to protecting, so far as is reasonably practicable, the health and safety of all its employees and others who could be affected by the hazards associated with work related driving.
- 1.2 According to HSE figures, it has been estimated that up to a third of all road traffic accidents involve somebody who is at work at the time. This may account for over 20 fatalities and 250 serious injuries every week. "Health and Safety Law applies to on the road work activities as to all work related activities and the risks should be managed within a health and safety management system". HSE recommends that employers "ensure that privately owned vehicles are not used for work purposes unless they are insured for business use and, where the vehicle is over three years old, they have a valid MOT certificate".
- 1.3 Employers must therefore carry out risk assessments and put in place 'reasonably practicable' controls to ensure work related journeys are safe, employees are fit and competent, and vehicles are fit to be used and in good condition.
- 1.4 This Safe Driving at Work Policy has been created to support Depute Chief Executives, Heads of Service and Managers in the delivery of a high standard of safety in relation to driving at work.
- 1.5 The Policy is supported by:
 - The Council's Health and Safety Management System (HSMS)
 - The Transport Services Drivers Handbook
 - The Employee Information Booklet 'Safe Driving at Work'
 - East Lothian Council Terms and Conditions of Employment
 - Specific local guidance on work-related driving.
- 1.6 This policy applies to all Council employees and Elected Members.

2. DEFINITION OF DRIVING AT WORK

2.1 Driving at Work is;

'Any driving operation undertaken by employees or Elected Members using personal, Council or hired vehicles, as well as any volunteers, agency workers or other authorised parties driving Council fleet vehicles, in connection with Council business'.

3. LEGISLATION

- 3.1 This policy outlines the provisions East Lothian Council has made to discharge its duties regarding driving at work in relation to the following statutory requirements:-
 - a) The Health and Safety at Work etc Act 1974 – The duty to ensure so far as is reasonably practicable, the health and safety of all employees and others at work.
 - b) The Management of Health and Safety at Work Regulations 1999 – The duty to manage health and safety effectively and to undertake suitable and sufficient assessment of risk to employees and others affected by its work activities.

- c) Additional legislation includes the Road Transport (Working Hours) Regulations, the Road Traffic Acts and the Road Vehicle (Construction and Use) Regulations. This legislation is enforced by the Police and the Vehicle and Operator Services Agency (VOSA).
- d) Regulation 561/2006/EC of the European Union (European Drivers Hours) specifies the driving and rest times of professional drivers. These time periods can be checked by the employers, police and other authorities with the help of tachograph. The daily driving time shall not exceed 9 hours. Twice a week the daily driving time may be extended to 10 hours. The Regulation also specifies non-stop driving time, weekly and fortnightly driving time and daily and weekly rest periods.
- e) The Transport Act 1968 specifies the permitted time and period of duty for those who are employed to drive or those who drive as part of their employment for the UK.
- f) The Highway Code is not law but it contains many rules which are legal requirements, which if disobeyed, constitute a criminal offence. A failure to observe any of the provisions of the Highway Code may be used as evidence in legal proceedings.

4. SCOPE

- 4.1 This policy applies to the following categories of vehicle used in connection with the duties and activities of East Lothian Council:
 - Vehicles, including motorcycles and bicycles that are privately owned by employees and Elected Members known as the Grey Fleet.
 - Council fleet vehicles, leased vehicles and hired vehicles.
- 4.2 Employees and Elected Members driving from home to their normal place of work will be deemed to be commuting, which is not covered by this policy.
- 4.3 If an employee or Elected Member is driving in the course of their employment from home to a location which is not their normal place of work, it is classified as driving at work. Driving at work includes infrequent journeys such as driving to a training course or meeting.

5. GENERAL STATEMENT OF SAFE DRIVING AT WORK POLICY

- 5.1 In recognition of the legal and moral obligations for ensuring driver safety, East Lothian Council actively seeks to take all reasonably practicable measures to ensure safe systems of work are provided to those undertaking driving activities as part of their employment.
- 5.2 As an extension of this obligation the Council aims to provide a systematic and planned approach to road safety through a process of continuous improvement with the overall objective of achieving the highest standards of occupational road safety.
- 5.3 In discharging this responsibility the Council will ensure that:
 - Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles are maintained in accordance with the VOSA publication "Guide to Maintaining Roadworthiness". Employees are to submit on request their MOT certificate (VT20), for vehicles over 3 years old, for inspection to ensure Grey Fleet vehicles are properly maintained.
 - Arrangements are put in place to ensure the reporting and recording of all accidents and incidents arising from work related driving.
 - Arrangements are in place to identify and implement remedial actions following road traffic accidents.

6. BUSINESS MILEAGE REDUCTION

6.1 East Lothian Council supports business mileage reduction and all managers, employees and elected members must consider the following when planning a journey:

- Stage 1: Is the journey necessary?
Can the business be undertaken by e-mail, telephone or video conferencing?
Can the meeting be arranged such that travel sharing is possible or the venue/location chosen to minimise the number of those who require to travel?
- Stage 2: Is it possible to walk or cycle?
Is the meeting within walking/cycling distance?
- Stage 3: Can the journey be undertaken using public transport?
Can the meeting/event be arranged around arrival/departure times of public transport if appropriate?
- Stage 4:
Is permission required to undertake the journey?
Is a pool car available and have managers considered the use of hired vehicles (information available from Transport Services)?
Can the journey be shared?
If driving is necessary, driving efficiently will reduce fuels consumption and CO2 emissions.

7. ORGANISATION

7.1 Key responsibilities are detailed below to ensure that this Policy is implemented effectively.

Chief Executive

The Chief Executive has the responsibility for ensuring that:

- The Council's Safe Driving at Work Policy will be implemented with the responsibility for the implementation within each Service delegated to the appropriate Depute Chief Executive.
- Resources are made available to ensure the Safe Driving at Work Policy is implemented effectively.
- A regular review of road safety performance including accident statistics will be completed and the results will be used to highlight specific areas which require improvement and whether any drivers need to be re-assessed.

Depute Chief Executives and Heads of Service

Depute Chief Executives and Heads of Service are responsible for ensuring the standards contained in the Safe Driving at Work Policy and supporting guidance are implemented effectively. In discharging this responsibility they will ensure that:

- Managers are fully aware of their roles and responsibilities in managing safe driving at work as set out below.
- The policy and associated guidance is brought to the attention of all employees within the Service who are required to drive as part of their work. To validate this all ELC

employees and Elected Members must sign the Safe Driving at Work Policy Acknowledgement form.

- Resources are made available to enable the effective implementation of the policy and the health and safety management system.
- All managers are competent in the management of health and safety and in identifying and managing risks to employees undertaking work related driving activities by attending the relevant Health and Safety training organised by the Council.

Service Manager - Transport

The Service Manager is responsible for ensuring the standards contained in the Safe Driving at Work Policy and supporting guidance are implemented effectively. In discharging this responsibility he/she will ensure that:

- Annual checks of documentation are undertaken for employees who undertake work related driving activities in line with the requirement of the Council's Terms and Conditions of Employment.
- A register of designated and occasional vehicle users is kept up to date.

Managers

All managers are responsible for ensuring the health and safety of their employees and will ensure that:

- The health and safety arrangements comply with the Safe Driving at Work Policy and the Health and Safety Management System (HSMS).
- Work related driving risks to employees are identified, assessed and recorded and suitable controls to eliminate or reduce risks are implemented.
- Employees are provided with sufficient information, instruction, training and supervision on the procedures established to minimise the risks associated with work related driving activities.
- All accidents and incidents associated with work related driving activities, including near misses are recorded, monitored and investigated as far as possible and that appropriate support is provided to any employee who has been involved in and/or injured in a work related driving accident or incident. In addition managers should review the accident and, if judged sufficiently serious, managers should carry out an investigation to ensure any lessons are learnt to prevent a repetition in line with procedures relating to other Health and Safety incidents.
- All grey fleet accidents/incidents should be reported on the relevant Health and Safety Reporting system.
- Each employee has completed a full, clear and accurate record of each journey undertaken on Council business within their monthly mileage claim.
- Employees are referred to the Council's Occupational Health provider for advice on fitness for work when a driver declares a relevant health problem.
- Employees have been instructed to report medical conditions which affect their ability to drive to the Driver and Vehicle Licensing Agency (DVLA).
- They have completed Section 2 of the Corporate Drivers Risk Assessment with the employee and signed this.

Employees and Elected Members

All employees who undertake work related driving activities are responsible for ensuring that:

- They follow the procedures and arrangements established by management to ensure their health and safety while undertaking work related driving activities.

- They participate in any instruction or training required to ensure that they are aware of safe driving practices.
- Any unsafe situations, areas of concern or health issues affecting their ability to undertake driving activities are brought to the attention of their manager.
- Any situation where they have a second job which involves driving for a period of time before they are due to drive on Council business, or working in another job which may affect their ability to drive should be disclosed to their manager.
- They complete a full, clear and accurate record of each journey undertaken on Council business within their monthly mileage claim and hand this in timeously.
- They give due consideration to their own safety and that of others who may be affected when they undertake work related driving activities.
- They comply with the requirements of the Highway Code and associated legislation.
- They report any accident or incidents that occur while undertaking work related driving activities to their manager – all fleet vehicles accidents/incidents should be reported using the ELC report form.
- They participate in any investigation following a work related driving accident or incident in which they have been involved and contribute where appropriate to the improvement of work related driving practices.
- All road traffic and parking offences involving a Council vehicle must be immediately reported to local management. Where the Police or the Department of Transport have been in attendance, the incident must be reported to Transport Services.
- If legal proceedings are taken against the driver of a Council vehicle or any court action results in the withdrawal of, or application of, points to a driving licence this must be immediately reported to local management and Transport Services.
- They submit on request their driving licence, insurance and MOT certificate for inspection and bring it to the attention of their manager if disqualified from driving, or if any circumstance arises which may prevent them from driving.
- They have the appropriate business cover on their insurance to drive their car at work and a current MOT certificate where appropriate.
- Their vehicle is in a legal, safe and roadworthy condition and is suitable for purpose.
- They complete the Safe Driving at Work Policy Acknowledgement form on initial receipt of the Safe Driving at Work Policy and Guidance and re-submit the form if there are any subsequent changes to their details (vehicle, licence, address etc.)
- They complete Section 1 of the Corporate Drivers Risk Assessment and sign this off then complete Section 2 together with their manager.

8. PLANNING AND IMPLEMENTATION

8.1 Health and Safety Management System

This policy will be implemented throughout all Council Departments and forms part of the Health and Safety Management System.

8.2 Terms and Conditions of Employment

The Council's Conditions of Employment provides information on the employee terms and conditions of employment. In relation to driving at work it is necessary for designated or occasional vehicle users to submit driving licences, MOT (if applicable) and insurance documents for inspection on an annual basis.

8.3 Employee Information

Additional information and guidance is provided for designated and occasional users in the 'Safe Driving at Work Guidance'.

The Driver's Handbook has been developed and implemented specifically to provide guidance and information to employees required to drive fleet vehicles.

9. MONITORING, AUDIT AND REVIEW

- 9.1 This policy will be reviewed by the Safe Driving at Work Group in consultation with the Trade Unions to ensure its compatibility with current legislation and recognised best practice.
- 9.2 The Safe Driving at Work Group will meet on a bi-annual basis and is made up of:-
- Human Resources Representative
 - Corporate Health and Safety Adviser
 - Transport Services Manager
 - Risk Management
 - Insurance Section.
- 9.3 The policy and associated guidance will be updated following any changes in legislation or best practice relating to safe driving to ensure it remains relevant and effective, meets all current legal requirements and reflects best practice in relation to Safe Driving at Work. Management of Safe Driving at Work is also included as part of the Health and Safety Management System.
- 9.4 A regular review of road safety performance and insurance claims of all drivers as defined in 2.1 will be undertaken by Risk Management and the Insurance Section. The results from this review will be reported to the Corporate Management Team and will be used to review elements of road safety within the Council where further targeted work should be carried out.

November 2014

Further Advice

There is considerable information available on this subject; the following are some sources of further information if required.

www.rospa.com/roadsafety/info/worksafejourney.pdf 'Driving for Work: Safer Journey Planner'
www.rospa.com/roadsafety/info/workspeed.pdf 'Driving for work: Safer Speeds Policy'
www.rospa.com/roadsafety/info/workmobiles.pdf 'Driving for work: 'Mobile Phones'.
www.rospa.com/roadsafety/info/workdrinkdrugs.pdf 'Driving for work: Drink and Drugs'
www.orsa.org.uk
www.dft.gov.uk (Road Safety Section)



**SAFE DRIVING AT WORK
GUIDANCE**

DRAFT

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1. Introduction

The Health and Safety Executive (HSE) in conjunction with the Department for Transport have developed and issued guidance on Driving at Work. The document, entitled *Managing Work-Related Road Safety*, recognises the estimate that up to a third of all road traffic accidents occur during work time and provides practical guidance on managing work related road safety. It is aimed at employers, managers and supervisors who have employees driving vehicles at work. HSE recommends that employers “ensure that privately owned vehicles are not used for work purposes unless they are insured for business use and, where the vehicle is over three years old, they have a valid MOT certificate”.

This booklet, which complements the Council’s Health and Safety Management System and forms an integral part of the Council’s Safe Driving at Work Policy, sets out the preparations East Lothian Council will make to ensure the effective implementation of its Safe Driving at Work Policy and includes advice to all employees who are required to drive non-fleet vehicles on Council business.

A Driver Handbook is available for those employees who drive fleet vehicles - the guidance it contains is also useful for private car drivers.

This booklet supports the information within the Driver Handbook and is designed for:

- designated and occasional car users
- all employees, volunteers or Elected Members who are required to drive their own vehicle on Council business including motorcycles and bicycles

Employees commuting to and from their normal place of work will not be considered to be driving at work. For the purpose of Health and Safety legislation, if an employee is driving from home to a location that is not their normal place of work for work purposes, this is classed as driving at work. This can include infrequent journeys such as driving to a training course or a meeting. However, for Payroll purposes only excess travel would be considered for payment at the appropriate rate.

East Lothian Council has the same duty of care towards all of our employees driving at work, regardless of vehicle ownership. Employees who use their own vehicle for Council business must obtain authorisation to do so from their line manager.

The practical safe motoring information contained within the Driver Handbook and this Guidance is based on advice provided by the Automobile Association (AA).

2. Legislation

The Health and Safety at Work Act 1974 requires employers to ensure, as far as is reasonably practicable, the health, safety and welfare of all employees and others.

The Management of Health and Safety at Work Regulations 1999 impose a duty on employers to undertake suitable and sufficient assessments of risk for employees and others affected by its work activities.

Both pieces of legislation impose obligations on employees in terms of working together with their employer to ensure health and safety requirements are met and also to alert the employer to instances in which the health and safety arrangements may be insufficient.

Additional legislation includes the Road Traffic Act and the Road Vehicle (Construction and Use) Regulations. These pieces of legislation are enforced by the Police and the Vehicle and Operator Services Agency (VOSA). The Police will take the lead role in relation to investigating road traffic accidents.

2.1 The Highway Code

East Lothian Council requires all employees driving during the course of their work to comply with road traffic legislation and all conditions of the Highway Code. It is your responsibility as a driver to familiarise yourself with its contents. The Highway Code can be viewed at <http://www.direct.gov.uk/en/TravelAndTransport/highwaycode/index.htm>.

2.2 Traffic violations, fines and accidents

East Lothian Council accepts no responsibility for any fines or endorsements incurred while driving on council business.

If you are involved in any accident or are charged with a traffic or parking offence while working you should report it immediately to your line manager.

If you are involved in a collision while working which causes damage or injury to another person, vehicle, animal or property, you must:

- Stop the vehicle in a safe place, turn off engine and switch on the hazard lights;
- give your own and the vehicle owner's name and address, and the registration number of the vehicle, to anyone having reasonable grounds for requiring them;
- If you do not give your name and address at the time of the collision, report it to the police as soon as reasonably practicable, and in any case within 24 hours.

If another person is injured and you do not offer your insurance certificate at the time of the collision to a police officer or to anyone having reasonable grounds to request it, you must:

- report it to the police as soon as possible and in any case within 24 hours;
- produce your insurance certificate for the police within seven days.
- in addition to the above you must report, as soon as reasonably practicable, all road traffic incidents while working to your Line Manager and Departmental H&S Implementation Officer – all fleet vehicles accidents/incidents should be reported using the ELC report form while all grey fleet accidents/incidents should be reported on the relevant Health and Safety Reporting System.

2.3 Speed

Breaking the speed limit is unacceptable and illegal. Employees must obey displayed speed limits at all times and should drive no faster than prevailing conditions safely allow.

Different vehicles have different maximum speed limits on certain types of roads. It is the responsibility of the driver to ensure they know the speed limit for the vehicle they are driving. The following speed limit table explains the different speed limits that apply to different vehicles. This information can also be found in the Highway Code.

	Built up areas *	Single carriageways	Dual carriageways	Motorways
Vehicle type	mph**	Mph	mph	mph
Cars and motorcycles (including car derived vans up to two tonnes maximum laden weight)	30	60	70	70

Cars towing caravans or trailers (including car derived vans and motorcycles).	30	50	60	60
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* The 30mph limit usually applies to all traffic on all roads with street lighting unless signs show otherwise.

** Miles per hour

3. Driving policies

3.1 Alcohol, drugs and driving

It is against the law to drive or attempt to drive or be in charge of a vehicle when having consumed alcohol in such quantity that the proportion in the breath, blood or urine exceeds the prescribed limit' and 'you must not drive whilst under the influence of drugs or medicine'. The East Lothian Council Alcohol and Drugs Misuse Policy states that employees are forbidden from consuming alcohol during working hours while the consumption of alcohol during unpaid/paid meal breaks during the working day is discouraged, the only exception being for a designated function approved by a Director.

Employees must not drive if suffering from the effects of alcohol or any drugs or medication that may affect their ability to drive safely. Employees should be aware of the effects of alcohol the morning after drinking. It takes several hours for alcohol to disappear from the body. Someone who has been drinking late the previous evening could easily still be over the limit on their way to work the next morning. Even if under the legal limit, you may still be affected by the alcohol in your body.

If you are representing East Lothian Council at a function and intending to drink alcohol you should ensure that you do not exceed the legal limit of alcohol consumption.

3.2 Prescribed medication and notification of illness

You must always ensure that you are fit to drive. Some medical conditions may affect a drivers' entitlement to hold a driving licence for certain categories of vehicles. If you develop a health condition or are required to take any form of medication, including alternative remedies, you must check with your doctor or pharmacist whether or not the health condition, medication or alternative remedy is likely to affect your ability to drive. If so, you must notify your line manager immediately so that alternative arrangements may be made. You may also be required to notify the Driver and Vehicle Licensing Agency (DVLA).

All drivers holding a vocational driving licence (HGV & PCV) must have a medical test prior to being granted a licence. This now applies to all licence categories above Category B. After the age of 45 a medical has to be carried out every five years until the age of 65 when it becomes an annual requirement.

If a driver has a medical condition which has become worse since their last licence was issued, or they develop a new medical condition, which affects their ability to drive or hold a vocational licence they must inform their line manager. The Driver Medical Unit, DVLA, Swansea, SA99 1TU must also be informed and failure to do so is a criminal offence.

Managers should refer employees who drive at work to Occupational Health if they suspect or receive a report which indicates that they have a health problem which could affect their ability to drive safely.

Where necessary the employee should be suspended from driving activities until a medical opinion has been provided.

3.3 Eyesight

All drivers must be able to satisfy the eyesight requirements set out in the Highway Code (rule 92). The minimum eyesight requirement is for a driver to be able to read a standard vehicle number plate, in good daylight, from a distance of 20 metres (or 20.5 metres where the old style number plate is used). If you need glasses or contact lenses to do this, you must wear them at all times when driving. The police have the power to require a driver to undertake an eyesight test.

Drivers are encouraged to have their eyes tested at least every two years, or more often if advised by an ophthalmologist, to ensure that they meet the minimum legal eyesight standards. If you suffer from an eyesight condition which worsens and you cannot read a number plate from the distances noted above or you lose any of your field of vision you must inform the DVLA.

3.4 Document checks – driving licence, insurance and Ministry of Transport (MOT) Certificate

Transport Services will undertake annual checks to ensure the validity of all drivers' documents.

It is the responsibility of all employees driving at work to be in possession of a full and valid driving licence which covers the class of vehicle being driven on Council business.

In line with the Council's Conditions of Service car users must confirm that their car is insured for use at work, that is they have appropriate business use insurance, and that their vehicle has a current MOT certificate (for vehicles over three years old).

In cases where licences, MOT certificates or insurance policies are not in line with requirements, employees will not be authorised to drive on behalf of East Lothian Council.

Following a road traffic accident, traffic violation or during a spot check the Police may request documentation for inspection, for example insurance certificate, MOT certificate and drivers licence. These documents must be produced within the timescales indicated.

3.5 Vehicle safety and suitability

As a guide, all employee owned vehicles used in connection with Council business should:

- be fitted with seat belts, head restraints and a driver's airbag (not applicable for riders of cycles, motorbikes, mopeds and scooters);
- not have any unacceptable modifications which could compromise safety.

Under the Road Traffic Act it is the responsibility of the driver to ensure that any vehicle that they drive on public roads is maintained in a roadworthy condition and where applicable have a current MOT certificate. They must also ensure that they are insured for business use. If there is any doubt about the roadworthiness of a vehicle, it must not be driven until the problem has been rectified.

Possession of an MOT certificate does not necessarily guarantee the roadworthiness of a vehicle. It is good practice to follow the manufacturer's guidelines for the servicing of the vehicle.

3.6 Routine maintenance and checks

When using your own vehicle for work, it is advised that the following checks are carried out on a regular basis:

- tyres are undamaged, have enough tread depth and are at the correct pressure

- oil and coolant levels are correct
- brakes are working
- lights and indicators are clean and working
- there are no signs of vehicle damage
- mirrors are correctly positioned
- seatbelts working and head restraints correctly positioned (not applicable for riders of cycles, motorbikes, mopeds and scooters)
- windscreen and windows are not damaged (not applicable for riders of cycles, motorbikes, mopeds and scooters)
- washers and wipers are working (not applicable for riders of cycles, motorbikes, mopeds and scooters)
- windscreen wash levels are correct (not applicable for riders of cycles, motorbikes, mopeds and scooters)

3.7 Seat belts, restraints and child seats

All drivers, and anyone in a vehicle where seatbelts have been fitted, must wear a seatbelt, unless the operation of the vehicle is exempt or the driver holds a medical exemption certificate. It is the responsibility of the driver, but also the duty of any Council employee, to make sure that anyone in a vehicle used for East Lothian Council business is wearing a seatbelt or restraint, unless exempt (it is the passengers' responsibility to comply with the law in this respect).

Drivers must ensure that any passengers with a disability are wearing the appropriate seatbelt or restraint.

Where children under 12 years of age are carried on Council business, the following applies:

- All children under three years must use a child restraint with a car seat or booster appropriate for their weight in any vehicle.
- Children aged three years and over up to 1.35 metres in height (or 12th birthday, whichever comes first) must use the correct child restraint.
- A rear-facing baby seat **MUST NOT** be fitted into a seat protected by an active frontal airbag, as in a crash it can cause serious injury or death to the child.
- The driver is liable for prosecution if a child under 14 years does not wear a seat belt.

Only in exceptional or emergency circumstances would there be any exemptions to these rules, which are:

- children in licensed taxis or hire cars if an appropriate child restraint is not available, and in police or security or emergency service vehicles;
- a child aged three and over who, because of an unexpected necessity, is travelling over a short distance in a passenger car or light goods vehicle where there is no appropriate child restraint;
- a child aged three or more riding in the rear of a vehicle with two other children in child restraints where there is not room for a third child restraint;
- a disabled child who needs to use a disabled seat belt where none is available;
- children under 14 travelling in large buses or coaches
- children under three travelling in small buses
- children aged three and over but under 14 travelling in the rear of a small bus if there is no child restraint available; they must then wear an adult belt if there is one available

It is the responsibility of the driver to ensure that child seats or boosters are correctly fitted.

3.8 Equipment and hazardous goods

Council files, computer equipment and removable data such as memory sticks must never be left unattended in vehicles. Further information is available in the Council's Information Security Policy.

Employees should check with their insurers that they are covered for transporting Council equipment.

Drivers should ensure that their dashboard, rear seat and parcel shelf are clear of any items which could cause injury or damage in the event of an emergency stop. Where possible all such items should be stored in the boot of the vehicle.

Employees should not be carrying hazardous materials in their cars unless their insurance policy covers the transport of such items.

3.9 Use of mobile communication devices

On 1st December 2003 it became an offence under the Road Vehicles (Construction and Use) Regulations 1986 to use a hand held mobile phone while driving a vehicle.

You must exercise proper control of your vehicle at all times. Never use a hand-held mobile phone, computerised job management system or other similar devices whilst driving, stopped at traffic lights or during a traffic hold up. Using hands free equipment is also likely to distract your attention from the road.

It is also an offence for an employer to encourage or permit employees to use hand held mobile phones while driving.

The following instructions therefore apply to all East Lothian Council employees and Elected Members who drive vehicles in the course of their work and are noted in the Council's "Mobile Phones – Current Approved Guidelines":-

- Do not use a mobile phone whilst driving. This includes making or answering calls. Driving includes waiting at traffic lights etc. The mobile phone must be switched off and diverted to a recording system, if available.
- Do not carry out any mobile phone related activity whilst driving. This includes looking up numbers, taking notes, checking transmission stations, etc.
- If the mobile phone has been left switched on and an incoming call arrives whilst you are driving DO NOT answer. The caller can either leave a message on a recording system or can call back. Do not attempt to take numbers or notes from a mobile phone display screen whilst driving.
- When a mobile phone is to be used the driver must wait until they have parked in an appropriate place.
- If you have a passenger, then that person may receive or make phone calls on behalf of the driver.
- Because of the legal duty imposed on the Council as an employer, failure to comply with these instructions may be treated as a disciplinary matter.

<http://elnet.eastlothian.gov.uk/site/scripts/downloads.php?categoryID=20386>

3.10 Satellite navigation systems (SatNav)

SatNav may be used; however drivers must pay attention at all times to their route and roads they are using in case the system recommends an unsuitable route or manoeuvre.

Drivers must obey road signs and markings at all times, irrespective of the instructions give by the SatNav.

Data must not be entered into SatNavs whilst the vehicle is moving.

3.11 Smoking in Vehicles

East Lothian Council smoke-free policy states that smoking is prohibited throughout the entire workplace with no exceptions. This extends to council vehicles, including vehicles provided by employees during council business when they have a work colleague as a passenger. This policy, applies to all employees and 'others' (consultants, contractors, customers or members of the public and visitors).

The policy also states that if an employee is not complying with the policy then this will be treated seriously and disciplinary processes must be followed by their line manager in accordance with the Council's Disciplinary Procedure. Employees who do not comply with the smoking law should be aware that they are liable to a fixed penalty fine and possible criminal prosecution.

http://elnet.eastlothian.gov.uk/site/scripts/download_info.php?fileID=810

All Council owned vehicles must have the prescribed legal notice displayed to indicate that smoking is not permitted in the vehicle.

3.12 Mileage Reduction

East Lothian Council supports business mileage reduction and all managers, employees and elected members must consider the following when planning a journey:

- Stage 1: Is the journey necessary?
Can the business be undertaken by e-mail, telephone or video conferencing?
Can the meeting be arranged such that travel sharing is possible or the venue/location chosen to minimise the number of those who require to travel?
- Stage 2: Is it possible to walk or cycle?
Is the meeting within walking/cycling distance?
- Stage 3: Can the journey be undertaken using public transport?
Can the meeting/event be arranged around arrival/departure times of public transport if appropriate?
- Stage 4: Is permission required to undertake the journey?
Is a pool car available and have managers considered the use of hired vehicles (information available from Transport Services)?
Can the journey be shared?
If driving is necessary, driving efficiently will reduce fuels consumption and CO2 emissions.

4. Risk assessment

Line managers will only complete a Risk Assessment in exceptional circumstances.

The council's guide to Risk Assessments can be found using the following link:

<http://elnet.eastlothian.gov.uk/site/scripts/downloads.php?categoryID=20061>

5. Driving considerations

As well as complying with the findings of a risk assessment, drivers should take into account the following:

5.1 Starting up

Before you start the engine, you must always check that your seat and seat belt are correctly adjusted and comfortable and your driving mirrors are correctly positioned. Make sure that the handbrake is on and the gear lever is in neutral. All windows, roof and lights should be clear of snow, ice or mist.

5.2 Driving

Always be aware of what is happening around you; anticipate the actions of other drivers and stay in control at all times

In slow moving or stationary traffic, leave sufficient space between you and the vehicle in front so that if they were to stall or break down, you could pass with moderate amounts of steering and without using reverse gear. More importantly, if a vehicle fails to stop and hits you from behind, it will not shunt you into the car in front. When stationary in traffic, you should not have your steering wheel turned towards oncoming traffic so that if hit from behind, you will not be shunted into the path of oncoming traffic.

In faster moving traffic, you should always use the 'two second rule' to maintain a safe distance from the vehicle in front; as the vehicle in front passes an identifiable point, it should take you at least two seconds to pass the same point. N.B. The phrase 'only a fool breaks the two second rule' takes about two seconds to say. In traffic travelling in excess of 40mph, this gap should be increased to three seconds.

The brakes should be used to reduce speed and not the gearbox. Changing into a lower gear to slow down is not a good idea. Your brake lights do not come on and the driver who is behind you gets no warning of your reduction in speed.

Reversing should be avoided if possible and distances kept to a minimum.

5.3 Adverse weather

5.3.1 Rain

In wet weather the windscreen wipers should be used to clear the windscreen of rain and spray from other vehicles.

While driving on roads with standing water the tyres can lose contact with the road surface resulting in a loss of steering control; known as 'aquaplaning'. If you experience aquaplaning, hold the steering wheel lightly and ease off the accelerator until the tyres regain grip

Driving through standing water at speed can result in water being thrown onto pavements, soaking pedestrians or cyclists. You could face a fine with the extra punishment of penalty points if the Police believe you were driving without reasonable consideration to other road users.

5.3.2 Snow and Ice

It is important that drivers take great care before setting out on a journey and ensure that the vehicle is equipped for conditions that may arise.

Before you set off you must clear all snow and ice from the windows, lights, roof and number plate. Check that windscreen washers have sufficient anti-freeze and ensure that tyre pressures are correct and that tyre tread has plenty of depth.

Check your grip on the road surface by choosing a safe place to brake gently. If the steering feels unresponsive, this may indicate the road surface is icy and your vehicle may lose grip. When travelling on ice, tyres make virtually no noise.

Drive with care even if roads have been gritted and keep well back from the vehicle in front. Care should be taken particularly on bends and avoid sudden steering manoeuvres. Use as high a gear as possible and accelerate and brake gently.

Watch out for snowploughs, which may throw out snow on either side and do not overtake them unless the lane you intend to use has been cleared.

5.3.3 Fog

If you encounter fog reduce your speed accordingly. You must use your headlights and front fog lights, if fitted, when visibility is less than 100 metres. You must also use rear fog lights but must switch them off when visibility improves. Keep well back from the vehicle in front and use windscreen wipers and de-misters.

Check your mirror before you slow down and then use your brakes to warn drivers behind you that you are slowing down.

Stop in the correct position at a junction and listen for traffic. When you are sure it is safe to emerge, do so positively and do not hesitate and stop in a position that puts you directly in the path of approaching vehicles.

5.3.4 Heat

Hot weather poses problems for the car and its occupants. When caught in a traffic jam during high temperatures the driver and passengers may begin to suffer the effects of dehydration, such as tiredness, irritability and headaches. Take regular breaks to avoid fatigue and dehydration. In extreme cases, hot sunshine can melt the road surface and make it slippery, which could cause skidding. After a long dry period, rain mixes with accumulated dust, oil and tyre rubber to produce a greasy road surface.

5.3.5 Vision

Particularly during autumn and winter, dazzle from low sun can be a problem. Vision can be improved by ensuring the windscreen is clear inside and out, and by checking windscreen wipers are in good condition.

The inside surface of the windscreen will accumulate a hazy film caused by the dashboard and other interior materials. Scratches, abrasions and chips on the outside can intensify the sun's dazzle. Keep all windows clear; if your vision is obscured a fine could be imposed.

Headlights should be used when visibility is reduced. Front and/or rear fog lights may be used in appropriate circumstances but these should be switched off once visibility improves. Fog lights dazzle other road users and can obscure your brake lights.

- Check that all light bulbs are working and the headlights are clean and aimed correctly
- Drivers who blind other road users with their fog lights in clear conditions can be fined
- Dirty or illegible number plates can lead to a fine under the Vehicle and Excise Registration Act
- Windscreen washer fluid should be treated with an appropriate additive to reduce the chance of freezing in frosty weather
- Snow should be cleared from the windscreen, vehicle roof and bonnet. Snow on the car roof can fall onto the windscreen obscuring the view and can also be a hazard to

other road users. A fine and penalty points could be imposed if the Police consider your car to be a hazard to other road users

5.4 Vehicle breakdown

- A well maintained car is less likely to break down; have your car serviced in accordance with manufacturer's recommendations
- Make daily visual inspections of the vehicle to make sure there are no obvious defects
- It is strongly recommended that breakdown cover is arranged for the vehicle

5.4.1 Vehicle breakdown on the motorway

- Pull on to the hard shoulder and park well away from the main carriageway and leave the car by the passenger door. Walk to the nearest emergency telephone or use a mobile phone if the emergency telephone is not easily accessible.
- Arrows on marker posts at the edge of the hard shoulder indicate the direction to the nearest emergency telephone, which will be no more than half a mile away
- When walking to an emergency telephone, keep your distance from the traffic
- When using an emergency telephone, face oncoming traffic
- Emergency telephones will connect you to a motorway control centre
- Tell them: your exact location, car make, model and registration number, the nature of the problem and whether you are alone; the membership number if you belong to a motoring organisation
- Return to your vehicle, but don't get in unless you feel at risk. The driver and passengers should stand as far away from the motorway either on the embankment or the verge. If you feel unsafe, get into the vehicle on the passenger side, put the seatbelt on and lock all the doors.

5.4.2 Using the hard shoulder

Motorway hard shoulders are for emergency use only and you should only stop there if there is a real emergency and you have no other choice. Try to find a safe place off the motorway if you can rather than stopping on the hard shoulder.

You must not stop on the hard shoulder to:

- go to the toilet
- use a mobile phone
- check a route or map
- have a rest

5.4.3 Emergencies/Accidents

In the event of an emergency:

- use the hard shoulder to decelerate before coming to a halt
- be alert for debris that could damage your vehicle
- pull over to the left as far as possible and turn your front wheels to the left
- turn on your hazard lights
- if visibility is poor turn on the sidelights
- exit the vehicle via the passenger door and move as far away from the traffic as you can
- do not attempt to repair your vehicle
- Contact the emergency services
- wait for help behind the crash barrier if there is one. If not, wait next to your vehicle, as far up the bank or verge as possible
- once your vehicle has been repaired, return to the motorway using the hard shoulder as an acceleration lane. Merge with the lane when a similar speed has been reached and an appropriate gap is available

In the event of an accident the driver should gather the following information at the scene of the incident:-

- Name and address of any drivers involved.
- The details of other vehicles involved and/or any property damaged
- The name and address of any witnesses
- Insurance details of other drivers

Line managers should investigate accidents when necessary.

http://elnet.eastlothian.gov.uk/site/scripts/download_info.php?fileID=863

5.4.3 Vehicle breakdown on other roads

- If possible, get the vehicle out of the way of other traffic and switch on the hazard lights
- Use a mobile phone, or find the nearest public phone to call for help. Give details of your location, vehicle, cause of the breakdown and membership number if you belong to a motoring organisation.

5.5 Driving alone

The following guidance is useful for those who drive alone as part of their duties:

- keep valuables, briefcases, documents, handbags and mobile phones out of sight from other road users and pedestrians
- if someone tries to get into your car, attract attention by sounding your horn or personal alarm
- if you think another motorist is following you, drive to the nearest police station to get help
- beware of anyone who signals there is a defect with your car
- when selecting a car park choose one in a busy well-lit place
- any motoring organisation patrol or garage mechanic sent to help you will carry proof of identification, ask to see this before unlocking your car
- if requested to do so, you **MUST** stop for the Police. If you are worried, ask for identification through a closed window and keep the engine running until you are satisfied their identification is genuine
- never give lifts to strangers

Further information is provided under section 4.5 of the Council's Approved Lone Worker Guidelines.

http://elnet.eastlothian.gov.uk/site/scripts/download_info.php?fileID=525

5.6 Stress and fatigue

Stress and fatigue can reduce concentration and tolerance levels and increase your risk of having an accident. You are more likely to get frustrated with the behaviour of other motorists.

- Plan the route in advance; motorists waste more than 100 million gallons of fuel a year by not pre-planning their journey
- Get comfortable and ensure a correct driving position; adjust seats, mirrors, seatbelts and head restraints
- A poor driving position, such as a badly adjusted seat, can lead to postural problems including neck, arm, leg and back pain, which could exacerbate an existing condition or cause long term health problems. A correctly adjusted head restraint can prevent whiplash.

5.7 Long journeys

- Leave plenty of time to reach your destination
- Take short breaks as necessary
- Arrange work appointments realistically, with plenty of time to travel between offices
- Managers can help to ease stress among employees who travel by adjusting their demands and deadlines to take account of the delays and fatigue caused by congestion
- Drivers should take a break - if feeling tired during any point of their journey they should stop in a safe place until they feel capable of resuming their journey
- Managers should consider whether long road journeys can be avoided by the use of alternative forms of public transport. This may also assist the Council in meeting carbon reduction targets.
- Where long journeys are unavoidable then consideration should be given to means of preventing driver fatigue. This should include scheduling breaks and possibly organising overnight accommodation for the driver.
- All drivers should be made aware that if they feel tired whilst driving they must stop in a safe place and take a suitable rest. They should not recommence the journey until the feeling of tiredness has passed.

5.8 Routes & Scheduling

All fleet drivers are required to adhere to the Drivers Hours Regulations for their particular class of vehicle and to maintain a record.

5.9 Foreign Nationals

Please note that a translation of general driving rules and regulations is available from the police for foreign nationals driving in the UK. At the moment this is available in Chinese Mandarin and Polish using the link below:

http://www.lbp.police.uk/information/driving_uk/index.asp

6. Riders of motorbikes, mopeds and scooters

Riders must comply with the appropriate parts of this policy including:

- The driver holding a current licence relating to the class of vehicle following the Highway Code at all times
- The driver wearing a helmet and other protective clothing to comply with legal requirements and the relevant sections of the Highway Code.
- Motorcycles, mopeds and scooters must be fit for purpose, appropriate to the rider's competence and experience and be properly maintained in a roadworthy condition
- Not carrying items or equipment which may affect safety or balance

7. Cyclists

Responsibilities and advice for cyclists:

- follow the Highway Code at all times
- be visible. Ride clear of the kerb, wear light coloured or fluorescent clothing easily visible to other road users both during normal daylight and poor light.
- always use lights after dark or in poor daytime visibility
- wear a helmet which conforms to current regulations is the correct size and securely fastened.
- wear appropriate clothes for cycling, avoiding clothes which may get tangled in the chain or wheels or obstruct the lights.

- do not jump red lights
- do not ride on footways (unless they are shared paths or you are permitted by the authorities to do so)
- do not ride the wrong way in one-way streets (unless signs say that cyclists are permitted to do so)
- do not use pedestrian crossings when cycling
- always look and signal when starting, stopping or turning
- do not use mobile phones or portable music players whilst cycling
- do not carry items or equipment which may affect safety or balance
- undertake training, for example the National Cycling Proficiency Test
- cyclists should make suggestions for safer cycling to Roads and Transportation Services, Enterprise Resources

The bicycle must be maintained in a roadworthy condition and be suitably adjusted to fit the physical requirements of the rider as outlined in the Highway Code:-

http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_069866

The cyclist should also conform to all other requirements set out in sections 59 to 82 of the Highway Code:-

http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_069837

Safe Driving Information Summary

DRIVERS are responsible for ensuring that their vehicle is in a roadworthy condition at all times and that they comply with the relevant Legislation and Council policy at all times. In addition they should:

- Drive safely and in accordance with the Highway Code at all times.
- Be aware of and comply with Health and Safety requirements
- Never drive if they are under the influence of alcohol or drugs
- Observe speed limits
- Ensure that they hold a valid and current Licence for the category of vehicle they drive
- Ensure the safety and comfort of passengers
- Report any accidents whilst driving at work
- Never drive a vehicle whilst ill or taking medication unless a doctor has confirmed it is safe to do
- Inform the Council and the DVLA of any medical condition that affects their ability to drive
- Never drive with poor eyesight. If prescribed, spectacles or corrective lenses must be worn
- Always ensure that the vehicle is correctly loaded
- Never use a mobile phone whilst driving
- Maintain control of the vehicle at all times
- Never drive or continue to drive if tired
- Take particular care when reversing
- Ensure that the vehicle is insured for business use

Fleet Drivers should also:-

- Report defects immediately using the defect book
- Keep the vehicle clean
- Present the vehicle promptly for safety checks/ servicing
- Comply with the Regulations in respect of Drivers' Hours and the keeping of work records, where appropriate
- Advise their line manager of any work, especially driving, that they undertake for another employer
- In the event of an accident or breakdown do not put themselves or any passengers at risk.
- Carry out regular vehicle maintenance checks (see fleet drivers handbook)

You should familiarise yourself with the contents of this Guidance and if you are in any doubt about any aspect that may affect the safe and legal operation of your vehicle, you must check with your line manager before taking your vehicle out on the road.

8. References

The following documents are available on the Council's intranet:

Smoke-Free Policy

Lone Working Approved Guidelines

Information Security Policy

Mobile Phones – Current Approved Guidelines

Alcohol and Drug Misuse Policy

National Code of Conduct for Local Government Employees in Scotland

Useful internet references:

DVLA: www.dvla.gov.uk

Health and Safety Executive: www.hse.gov.uk

DRAFT

9. Useful telephone numbers

Corporate Health and Safety
Human Resources
John Muir House
Haddington
EH41 3HA
Tel: 01620 827337

Service Manager - Transport
Infrastructure
John Muir House
Haddington
EH41 3HA
Tel: 01620 827932

Risk Management
Corporate Policy and Improvement
John Muir House
Haddington
EH41 3HA
Tel: 01620 827900
Email: riskmanagement@eastlothian.gov.uk

Insurance and Claims
Council Resources
John Muir House
Haddington
EH41 3HA
Tel: 01620 827876

November 2014

SAFE DRIVING AT WORK POLICY ACKNOWLEDGEMENT

(To be returned to Service Manager - Transport)

IN ORDER TO USE/CONTINUE TO USE COUNCIL VEHICLES AND/OR BE APPROVED TO USE YOUR OWN VEHICLE FOR COUNCIL BUSINESS YOU MUST ACKNOWLEDGE THAT YOU HAVE READ, UNDERSTOOD AND AGREE TO ABIDE BY THIS POLICY

Please complete and return this page to Service Manager - Transport, East Lothian Council,
John Muir House, Haddington, EH41 3HA.

Note – You may either post the completed document to the above address or if you have the facility scan in the completed document and email it to transportservices@eastlothian.gov.uk. We do not accept faxes.

CAN BE COMPLETED ONLINE BY ENTERING DETAILS IN THE BOXES SHOWN – IF HANDWRITTEN PLEASE COMPLETE IN BLOCK CAPITALS AND BLACK INK ONLY

You must complete all fields

First Name:	Surname:
Job Title:	Payroll Number:
Line Managers Name:	
Service Area:	
Business Unit:	
Team:	
Vehicle Registration and year of registration (if own vehicle used):	
Internal Tel No:	External Tel No:

DATA PROTECTION: The information you provide on this form will be stored for as long as you use council vehicles or your own vehicle for council business and may be used for audit purposes.

<p>I acknowledge that I have read and understood the East Lothian Council Safe Driving at Work Policy and Guidance, I agree to abide by this policy at all times whilst on Council business</p> <p>By signing this document you are confirming that you are aware of your responsibility to ensure your vehicle is legal, safe and well maintained.</p>	
Signature:	Date:

COUNCIL DRIVERS RISK ASSESSMENT

Please complete and return this assessment to Service Manager - Transport, East Lothian Council,
John Muir House, Haddington, EH41 3HA.

Note – You may either post the completed document to the above address or hand it in in person. We do not accept scanned documents or faxes.

Section 1: To be completed by the driver (employee, elected member or volunteer)

Employees will be contacted to complete this form annually if you drive 'for work'.

A Your details			
Surname		Employee Number (if applicable)	
Other Names		Do you drive a Council-owned or hired vehicle?	
Service / School / Establishment			
Home Address			
B Details of any personal vehicles you may use for Council business			
Vehicle	Type eg Ford Ka		
	Vehicle Reg'n No. and year of registration		
Is there a current MOT certificate? (copy attached where applicable)		Insured for employers' business use? (copy attached)	
C Your driving licence			
Please attach both parts of your original driving licence.			

I confirm that the above details are true and correct. I also declare that any vehicles I plan to use on Council business are properly maintained, roadworthy and suitable for the work I carry out.

Employee signature: _____ **Date:** _____

DATA PROTECTION: The information you provide on this form will be stored for as long as you use council vehicles or your own vehicle for council business and may be used for audit purposes.

Section 2 To be completed by the manager (in consultation with driver)

This form is the **minimum corporate standard** for assessing the risks of an employee or volunteer driving on Council business. You will need to review this risk assessment annually, and if any of the factors in box D change.

D Determining risk factors						
Please tick the relevant boxes. The overall risk factor is the highest that is ticked. For example, if a driver travels over 12,000 miles on Council business, then this is high risk, regardless of the other factors.						
Risk Factors	Low risk		Medium risk		High risk	
Expected annual business mileage for driver:	Under 4,000		4,000 – 12,000		Over 12,000	
Does the driver transport service users or pupils?	No		No		Yes	
Number of active points on the driver's driving licence:	0 - 3		4-6		Over 6	
Average daily hours driving on council business:	0 - 2		3		4 and over	
Accident history (last 3 years)	None		1-2		3 and over	

E Control measures to reduce the risk			
If the driver is High risk or drives a minibus or HGV:	Has the driver completed a Council driver competence assessment within the last three years?	Done?	If no, contact Transport Services to arrange an assessment.
		Yes / No	
For all drivers:	Any other concerns to be addressed?		
<p>East Lothian Council supports business mileage reduction and all managers, employees and elected members must consider the following when planning a journey:</p> <p>Is the journey necessary? Is it possible to walk or cycle? Can the journey be undertaken using public transport? Is permission required to undertake the journey? Is a pool car available and have managers considered the use of hired vehicles (information available from Transport Services)? Can the journey be shared? If driving is necessary, driving efficiently will reduce fuels consumption and CO2 emissions.</p>			

I verify that I have seen documentation if required, and have recorded details appropriately.

Following completion, this form is to be placed on the employee's HR file.

Manager signature: _____ **Date:** _____

DATA PROTECTION: The information you provide on this from will be stored for as long as you use council vehicles or your own vehicle for council business and may be used for audit purposes.

REPORT TO: Cabinet

MEETING DATE: 11 November 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Managing Employee Performance Policy

6

1 PURPOSE

- 1.1 There is a need to revise and simplify the Council's Managing Employee Performance Policy.
- 1.2 The purpose of these proposed changes is to:
- Streamline the process for line managers in relation to managing employee performance.
 - Clearly define the responsibilities of managers and employees in regards to performance
 - Ensure consistency and fairness in the management of performance and application of the policy.
 - Support managers to identify performance issues, and ensure appropriately skilled employees are recruited
 - Improve both employee performance and the standards of service provided
 - Ensure that a common policy applies to all employees as far as possible, including the Chief Executive, Chief Officers and teaching employees, where the competence issues are not already covered by the General Teaching for Scotland Code of Practice on Competence – although this Policy will have to also be approved through the Local Negotiating Committee for Teachers (LNCT).
 - To document appropriate links between managing performance and other Policies

2 RECOMMENDATIONS

- 2.1 The Cabinet is asked to note/approve/accept the revisions to the Managing Employee Performance Policy. The Policy has been approved by the Corporate Management Team and has been open for consultation with staff and the Trade Unions, and amendments made in accordance with the feedback received from employees.
- 2.2 No feedback was received from the Joint Trades Unions.

3 BACKGROUND

- 3.1 Since the current Managing Employee Performance Policy was implemented in June 2008, very few employees have been managed under its auspices. Feedback would suggest that this is because managers find the current Policy too onerous.
- 3.2 It is felt that a clearer and more streamlined process would be beneficial in both indentifying and addressing employee performance issues.
- 3.3 Key changes to the Policy are:
- To cover all employee groups – except in relation to teaching duties which are covered by a separate policy.
 - Greater clarity about “What is Poor Performance”
 - Timescales
 - Reduction to 3 stages instead of 5
 - Introduction of the option for redeployment to be considered prior to moving to a Performance Capability Hearing.

4 POLICY IMPLICATIONS

- 4.1 The changes to this Policy simplify the procedure for Managers and Employees, and a separate guidance note is provided to ensure that the Policy is implemented appropriately.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment has been carried out for this Policy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There will be no additional costs to the Council.

- 6.2 Human Resources –Trades Unions have been consulted and have not commented. If approved by Cabinet, in order for the Policy to be applied to those staff covered by the Scottish Negotiating Committee for Teaching Staff (and associated professionals), it would still need to be approved through the LNCT.
- 6.3 Other – Additional support and training will be provided to line managers by the HR Operations team.

7 BACKGROUND PAPERS

- 7.1 Appendix A – Proposed Managing Employee Performance Policy
- 7.2 Proposed Managers Guidance (available on request)

AUTHOR'S NAME	Janette Horsburgh
DESIGNATION	HR Adviser
CONTACT INFO	Ext 7597
DATE	16 th October 2014

This policy applies to all employees of the Council except where matters relate to the Standards for Full Registration of a Teacher.

MANAGING EMPLOYEE PERFORMANCE POLICY

Section

- 1 Introduction
- 2 Recruitment and Selection
- 3 Learning and Development
- 4 What is Poor Performance
- 5 Managers Responsibilities
- 6 Employees Responsibilities
- 7 Salary Progression
- 8 Identifying Performance Issues
- 9 Timescales
- 10 Procedure for Managing Employee Performance
- 11 Appeals
- 12 Review

Appendix A – Chief Executive Capability Framework

This is a Council policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the Council will be following consultation with the Trades Unions.

**MANAGING EMPLOYEE
PERFORMANCE POLICY**

<date>

1. Introduction

1.1 The Council recognises that to achieve its objectives of delivering a high level of service to its citizens and communities, it is essential to establish and maintain relevant performance standards across the workforce. Generally employees perform to a high standard at work however this Policy aims to ensure that an employee is notified of any concerns with regards to their performance and that a reasonable amount of time and support are provided to the employee in achieving the required levels of performance. The Council aims to promote a high performance culture across the organisation using the following key principles:

- Promoting and applying effective recruitment and selection processes
- Ensuring that all employees know and understand the standards expected of them
- Ensuring that performance feedback is given on a regular basis and that poor performance is dealt with quickly, effectively and ensuring that clear outcomes are identified throughout the process
- Encouraging continuous learning, development and support
- Providing a supportive and constructive approach to the management of performance

1.2 All employees should have a clear understanding of the role they are employed to carry out and the performance standards they are expected to achieve through the recruitment and selection process, regular supervision meetings and their Performance Review and Development (PRD)/ Career Long Professional Learning (CLPL) meetings. Employees have a contractual duty to perform their duties to the standards required by their Employer. It is recognised that there will be occasions when an employee may fall below the required standards for a number of possible reasons and this Policy will ensure that fair and supportive procedures are in place to address these situations.

2. Recruitment and Selection (link to R&S Policy)

On appointment all employees should meet at least the minimum criteria for the position, measured against the Person Specification. The recruitment and selection process should enable objective evidence to be gathered to measure the employee's competence to perform the job to the required standard. This could be evidenced through appropriate skills testing at the recruitment process i.e. presentation, case study, in-tray exercise, skills test.

3. Learning and Development

It is recognised that the continuous development of employees is essential to maintain and enhance job performance and service delivery, as the skill requirements for jobs change. All employees should have access to appropriate learning in line with the [Learning at Work Policy](#) and every employee should have an updated personal development plan following their Performance Review and Development (PRD) or Career Long Professional Learning (CLPL) meeting.

4. What is Poor Performance?

Poor performance is when the employee does not meet the necessary standards of work for their job, or demonstrate the appropriate behaviours expected of an employee of the Council. This could include, but is not limited to: not meeting agreed targets or providing satisfactory service, and may be the result of a lack of necessary skills and/or other factors.

Poor performance can manifest itself in a number of ways that could include:

- Unacceptable quality of work
- Unacceptable quantity of work completed
- Not meeting timescales
- Poor judgement
- Behaviour leading or contributing to poor working relationships
- Poor practice, which does not follow Council Policy or service practice
- Poor attitude
- Not meeting the demands/requirements of the post due to skills or knowledge gaps
- Inappropriate behaviour e.g. lack of respect, not being courteous. Employees should adopt the principles defined within the [East Lothian Way](#), and within the [Customer Care Charter](#)
- Unwillingness to meet the demands/requirements of the post or to gain the necessary skills

Occasionally poor performance can be caused wholly or in part by health conditions. In this case, the employee should be referred to Occupational Health. Depending on Occupational Health advice, it may be appropriate to manage under the Council's Managing Attendance Policy.

5. Manager's Responsibilities

Line managers have a responsibility for ensuring that:-

- The performance standards expected of employees are based on job requirements as detailed in the job overview, job outline and person specification.
- All employees are aware of and understand the performance standards expected of them through the recruitment process, regular supervision meetings and their PRD/CLPL meetings.
- Individual employees are given regular, constructive feedback on performance and are informed of any failure to meet performance standards as soon as possible
- If changes are made to the Job Outline, all employees have an up to date copy
- Employees are given reasonable time, support and training to enable them to improve job performance
- An employee's workload is reasonable

6. Employee Responsibilities

Employees are responsible for ensuring that:-

- They make reasonable efforts to keep themselves up to date with the skills and knowledge needed to perform their duties to the standard required of them
- Where appropriate, they fulfil the continuous professional development (CPD) requirements of their profession, keeping records as appropriate
- They behave in a professional manner and are aware of how their behaviours affects others
- They inform their line manager of any potential difficulties or concerns including health issues that may affect their ability to carry out the duties of their post effectively.

7. Salary Progression

The Council's [Salary Progression Policy](#) identifies criteria for determining whether an employee should receive an annual increment and how the application of specific Council procedures may result in the withholding of an increment, where applicable.

Where an employee's unacceptable performance has been addressed under the Managing Employee Performance Policy their progression to a further increment may be affected.

For Craft Operatives please refer to the Performance Related Salary and Conditions of Service Agreement (Green Book).

8. Identifying Performance Issues

When assessing an employee's performance, an objective comparison should be made against the specific requirements of the job. Performance should be measured against:

- The job outline/job overview
- Person specification
- Recognised competencies for the job (if applicable)
- Individual work plans
- PRD/CLPL documentation
- Behaviours as defined in the East Lothian Way

In some instances poor performance may be related to specific individual issues, including health-related issues. It is essential that managers are aware of this and, where appropriate, respond positively by implementing measures that aim to remove any barriers, to satisfactory performance. This may include implementing "reasonable adjustments" in accordance with the requirements of the Equality Act 2010. HR in conjunction with Occupational Health, if required, will provide appropriate advice and support to managers.

9. Timescales

The line manager should agree a suitable period for reviewing the employee's performance. This period of time should be sufficient to allow any areas of necessary improvement to be addressed. This time period may vary depending on the improvements required, but should be for no more than a period of 8 working weeks for each of stages 1 and 2 of the Policy. If the necessary improvement has not been made within this time scale then the matter should be progressed to the next relevant stage of the Policy.

10. Procedure for Managing Employee Performance

Where performance matters relate to the Chief Executive the procedure set out in Appendix A should be followed.

This Policy need not stand alone, but should be used in conjunction with other policies where appropriate i.e. absence issues through the Managing Attendance Policy.

The procedure comprises 3 stages:

Stage 1 – Performance and Support Meeting

- Review. Outcome of review is either successful conclusion to stage 1, progression to stage 2, or conduct issue and therefore dealt with in accordance with the Disciplinary Procedure

Stage 2 – Formal Performance and Support Meeting

- Review. Outcome of review is either successful conclusion to stage 2, potential redeployment sought, progression to stage 3 (capability hearing)

Stage 3 – Performance Management Hearing

Stage 1 – Performance and Support Meeting

Where an employee is performing below the acceptable standard, the employee's line manager should raise their concerns with the employee and discuss what factors could be contributing to this.

Prior to this meeting the manager should prepare the facts and specific examples regarding the performance issues and have details of any concerns in relation to the employee's standards of work so that accurate information is available for this discussion.

This is an informal discussion between the line manager and the employee, with neither party requiring to be accompanied. It should be made clear to the employee that performance issues are being raised in accordance with this Policy.

Any issues to be addressed should be included within the **Performance Record**, along with any proposed support measures and required improvements/expected outcomes and timescales agreed for a Stage 1 review meeting.

Stage 1 – Review Meeting

If at the Stage 1 review meeting it is concluded that performance standards are now being achieved, the performance improvement will be noted within the Performance Record and normal supervision will be resumed.

If at the Stage 1 review meeting, the conclusion is that performance standards are still not being met the reasons for this will be confirmed in writing. If the issue relates to capability then the matter will be progressed to Stage 2.

If the performance issues are due to the employee's conduct, (where there is reasonable belief that the employee has the skills/abilities to perform the duties satisfactorily but the poor performance is a conduct/attitude /behavioural issue) then the matter should be addressed in accordance with the relevant Disciplinary Procedure. As the performance issues will have been considered informally, as part of this Policy, the matter will be addressed under the formal part of the Disciplinary Procedure. This should be confirmed to the employee in writing.

Stage 2 – Formal Performance and Support Meeting

If the required standard has not been achieved within Stage 1, a formal Stage 2 meeting will be held and any continuing or new areas of poor performance will be discussed, and recorded on the Performance Record along with proposed support measures and required improvements/expected outcomes.

The employee will be given 5 days notice of this meeting and may choose to be accompanied.

A date and time for the Stage 2 review meeting will be confirmed in writing.

Stage 2 – Review Meeting

If at the Stage 2 review meeting, the conclusion is that performance standards are still not being met, the manager will then decide whether to:

- Agree that an extension to the review period is given (where there is a genuine attempt to reach the required standard and some of these standards have been achieved, but additional development needs require to be met)
- Discuss the possibility of redeployment. This option will only be pursued if there is sound reason to believe that the employee may have the skills, experience and knowledge to satisfactorily fulfil a different role. If this is agreed the employee will be required to complete a personal profile form and will be placed on the re-deployment database for a period of 4 weeks. If no alternative employment is found then the performance management hearing process detailed in Stage 3 should be followed.
- Proceed to Stage 3 – Performance Management Hearing (where there has been a genuine attempt to reach the required standard but despite additional support and development the employee has failed to achieve or maintain this)

The line manager will confirm their decision in writing.

Stage 3 – Performance Management Hearing

If the required standard is still not achieved at the Stage 2 review meeting, despite reasonable efforts having been made by both parties and redeployment options considered, then the manager will prepare a report detailing the process, issues, support, resources, timescales put in place and submit to the relevant Head of Service. The relevant Head of Service/Senior Nominated Officer will convene a hearing and will forward the report to the employee explaining why the hearing has been called. The employee will be given a minimum of 5 working days notice of the hearing to give them time to prepare their response.

The Head of Service/ Senior Nominated Officer, with support from an HR representative, will make a decision based on the evidence presented as to whether a dismissal is justified.

The outcome of the hearing will be confirmed in writing to the employee, normally within 5 working days of the hearing. If a decision has been made to dismiss then the employee should be notified of their right to appeal.

11. Appeals

Any employee who feels that they have been unfairly dismissed on the grounds of their performance has the right to appeal that decision by setting out the ground(s) of their appeal in writing to the Head of Council Resources. The appeal must be submitted within 10 days of receipt of the letter confirming their dismissal and should detail clearly the grounds of the appeal. As this is a dismissal from employment the appeal procedure, as detailed within the relevant Council Disciplinary Procedure should be followed.

12. Review

This is a Council policy which is subject to review and amendment by the Council. The Policy will be reviewed and amended from time to time by the Head of Council Resources following appropriate consultation with the recognised Trades Unions.

Head of Council Resources
DATE

Chief Executive Capability Framework

The Chief Executive Capability Framework should be read in conjunction with Appendix A of the Council's Disciplinary Procedure which sets out the Chief Executive Disciplinary Framework.

1. In the first instance any question or complaint with regard to a Chief Executive's capability will be referred to an Assessment Group which will be appointed as per section 1 of Appendix A of the Disciplinary Procedure.
2. The Assessment Group will meet with the Chief Executive to discuss the nature of the complaint or question.
3. If the Assessment Group concludes that there is a question of substance as to the Chief Executive's capability they will advise the Chief Executive of the ways in which performance should improve and a period of time after which the matter will be reviewed. This period should be sufficient to allow the Chief Executive a reasonable opportunity to show the required level of improved performance.
4. If the Assessment Group consider that there is evidence of serious incapability which is not likely to be remedied within a reasonable period of time, or if a previous warning has been issued to the Chief Executive in regard to performance then the Assessment Group will refer the matter to an Investigating Officer.
5. Similarly if subsequent to 3 above there remains a question as to the capability of the Chief Executive the matter will be referred to an Investigating Officer.
6. The Investigating Officer will be appointed and the investigation conducted as per section 2 of Appendix A of the Disciplinary Procedure.
7. Upon receipt of the report from the Investigating Officer, the Assessment Group will decide whether or not the matter should proceed to a Hearing Committee.
8. The Hearing Committee will be appointed as per section 3 of Appendix A of the Disciplinary Procedure. The conduct of the hearing will be as per section 3 of Appendix A of the Disciplinary Procedure.
9. If the Hearing Committee conclude that the Chief Executive is not carrying out his/her duties and responsibilities to the level of capability that the Council believes is required, the Hearing Committee will consider issuing a written warning with the provision of a reasonable amount of time for the Chief Executive to meet the requirements of the post, or (if a previous warning has been issued or, the Hearing Committee judge the incapability to be fundamentally irremediable) confirm dismissal with notice. A satisfactory outcome may alternatively be achieved by the Chief Executive actively

seeking other employment, resigning or accepting retirement.

10. The Chief Executive will have the right to appeal the decision of the Hearing Committee to an Appeals Committee. The appointment of that Committee and conduct of the appeal will be as per Appendix A of the Disciplinary Procedure.

DRAFT

REPORT TO: Cabinet

MEETING DATE: 11 November 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Policy on Acceptance by Employees of Gifts and Hospitality

7

1 PURPOSE

- 1.1 There was a need to revise the Council's Policy on acceptance by employees of gifts and hospitality to clarify the legal position, to provide more guidance and to introduce a form to make it easier for any gifts and hospitality to be recorded.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the revisions to the Council Policy on acceptance by employees of gifts and hospitality to ensure that managers and employees are clear on the legal and Council position regarding gifts and hospitality and to make it easier for any gifts etc, received to be recorded.

3 BACKGROUND

- 3.1 The previous Policy on acceptance by employees of gifts and hospitality has been revised to clarify the legal position for employees and managers, to provide more detailed guidance and to introduce a form to make it easier for any gifts and hospitality to be recorded. The draft Policy was made available for consultation by employees and the Trade Unions and some employee comments regarding competitions, prize draws etc., have been incorporated.
- 3.2 In summary the main changes to the Policy are:
- More detail on the legal position with regards to gifts, prizes and hospitality.
 - Fuller guidance being included for Managers and employees.

- The introduction of a form to simplify the recording of any gifts or hospitality received.

4 POLICY IMPLICATIONS

- 4.1 The changes to this Policy simplify the procedure for any gifts or hospitality received to be recorded with the introduction of a form for this purpose.

5 EQUALITIES IMPACT ASSESSMENT

An Equalities Impact Assessment has been carried out for this Policy and no detrimental impact to any group has been identified.

6. RESOURCE IMPLICATIONS

- 5.1 Financial – There will be no additional costs to the Council
- 5.2 Human Resources – The trades union and employees have been consulted on the changes to the policy.
- 5.3 Other - N/A

6 BACKGROUND PAPERS

Nil

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DATE	30 October 2014

POLICY ON ACCEPTANCE BY EMPLOYEES OF GIFTS AND HOSPITALITY

SECTION

- 1. INTRODUCTION**
- 2. PRINCIPLES**
- 3. LEGAL POSITION**
- 4. GUIDANCE**
GIFTS
HOSPITALITY
- 5. RECORDING GIFTS AND HOSPITALITY**

**APPENDIX 1 – FORM FOR RECORDING GIFTS
AND HOSPITALITY**

1. INTRODUCTION

- 1.1 Your working relationships may bring you into contact with outside organisations where it may be business practice or social convention to offer hospitality or gifts. Offers of this kind to you or your family can place you in a difficult position. To refuse may cause misunderstanding or offence but to accept could involve criminal liability or otherwise give rise to questions of impropriety, obligation or conflict of interest.
- 1.2 The correct course to be followed will be determined by the context in which the offer is made. This Policy sets out the guiding principles on the acceptance of gifts; the law in relation to corrupt receipt of gifts; gives specific guidance on certain illustrative types of situation and how Employees can conform with the general principles and rules in relation to the acceptance of gifts in those circumstances; and how gifts and hospitality that are accepted are to be recorded. Notwithstanding the detail of this policy, if your role within the Council involves making procurement decisions, awarding contracts or making regulatory decisions, you should be particularly aware of the perception of bias or favour and should err on the side of caution when deciding whether or not to accept any gifts or hospitality.

2. PRINCIPLES

- 2.1 The Nolan principle for Conduct in Public Life should be observed and adhered to by all Council employees acting in the course of their duties. These are set out below:

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give

reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

- 2.2 Council employees should comply with this Policy in the conduct of their duties to ensure that these principles are upheld and that the public can have confidence that actions and decisions by Council employees have been taken on merit in the best interests of the Council and of the public. Your conduct must not foster the suspicion of any conflict between your official role and your private interest.

3. LEGAL POSITION

- 3.1 It is an offence under the Prevention of Corruption Act 1906 for a Council employee in their official capacity to corruptly accept any gift or consideration as an inducement or reward for doing or refraining from doing anything or showing disfavour or favour to any person.
- 3.2 Under the Prevention of Corruption Act 1906 any money, gift or consideration received by a Council employee from a person or organisation holding or seeking to hold a contract with the Council will be deemed by the courts to have been received corruptly, unless proved to the contrary.
- 3.3 In terms of the Bribery Act 2010, an offence will be committed if any person offers a Council employee a financial or other advantage where the gift is offered with the intention of persuading the employee to perform his or her function in an improper or impartial manner or in bad faith.
- 3.4 Accordingly, when offered a gift or hospitality you must consider whether accepting it could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by a member of your family can or would influence your judgement. The term "gift" includes benefits such as provision of services at a cost below that generally charged to members of the public.
- 3.5 You are personally responsible for all decisions connected with the acceptance of gifts or hospitality and if you are in any doubt about whether or not to accept a gift or an item of hospitality you must consult the Head of Council Resources.

4. GUIDANCE

4.1 GIFTS

- 4.1.1 As a general rule it is usually appropriate to refuse offers of gifts other than where the gift is inexpensive or of a trivial nature for example calendars, mugs, etc. As a guide, gifts that have a value of more than £20 should generally be refused. All gifts that have been accepted and that have an estimated or actual value of more than £20 should be recorded in accordance with Section 5 of this policy.
- 4.1.2 Council employees who work supporting vulnerable groups or individuals should be particularly careful when deciding whether or not to accept gifts from their client group and, if unsure, should decline the gift in question.
- 4.1.3 When Council employees are aware that a client/service user intends to leave them a legacy in a will, they should decline such a legacy by reference to this policy. Should a Council employee become aware of a legacy after the death of a client/service user, they should seek advice from their Head of Service before accepting this. The Head of Service should take account of the value of the legacy relative the value of the whole estate and the context in which the legacy was left when advising the employee whether or not to accept the legacy.
- 4.1.4 Civic gifts received by an employee on behalf of the Council should be declared in accordance with Section 5 of this policy and advice should be sought from the Chief Executive as to how the gift should be displayed or stored.

4.2 HOSPITALITY

- 4.2.1 Taking account of the Nolan Principles and the law, as a general rule, hospitality should normally be refused other than in the following situations:-
- Incidental hospitality associated with another event, e.g. refreshments at an event, conference or seminar.
 - Normal hospitality associated with your role in the Council and which would reasonably be regarded appropriate, e.g. attending an event where your role makes your attendance appropriate. You should exercise particular caution when the hospitality is being offered by a private sector organisation.
 - Civic hospitality where you are representing the Council and there is a legitimate interest in attending the event in question.
- 4.2.2 Should an employee wish to accept hospitality that does not fall into one of the above categories, he or she must seek prior approval from their Head of Service before accepting. A Chief Officer should seek prior approval from their Line Manager. If such hospitality is accepted, this must be recorded in accordance with Section 5 of this policy. In deciding

whether it is appropriate for the employee to accept such hospitality, the Head of Service will have regard to the whole circumstances of the offer, including, but not limited to, the role the employee plays in the Council, the particular status of the party offering the hospitality, the perception of influence, conflict of interest or bias that might arise from acceptance of the hospitality and the context in which the offer is being made.

4.2.3 Any item received by a Council employee should be considered as a gift regardless of whether they were given directly by a private company or offered indirectly via a different route e.g. "won" as a prize. You should not accept repeated hospitality or repeated gifts from the same source and you should never ask for gifts or hospitality.

4.2.4 Managers are responsible for ensuring that all employees are aware of the terms of this policy and that they are regularly reminded of their responsibilities

5.0 RECORDING GIFTS AND HOSPITALITY

5.1 Employees must record:-

- any gifts received that are valued at more than £20;
- any Civic gifts received on behalf of the Council; and
- any hospitality that they accept that does not fall into one of the three categories identified in Section 4 above.

5.2 The gift or hospitality in question must be recorded on the form attached to this policy, countersigned by the employee's Head of Service and submitted to the Service Manager Human Resources and Payroll.

5.3 The Council will retain a Register of Gifts and Hospitality and will update this regularly with the information submitted by officers in accordance with this Section. The contents of this Register will be regularly reported through the Members Library Service.

6.0 Policy Review

6.1 This policy will be reviewed on an annual basis.

Head of Council Resources
September 2014

APPENDIX 1

FORM FOR RECORDING GIFTS AND HOSPITALITY

Employee Name:	
Department:	
Business Unit:	
Job Title:	
Head of Service:	
DECLARATION OF GIFT	
Are you declaring a gift with a value of more than £20?	YES/NO*
Details of Gift (including description of gift, identity of party offering gift, circumstances of offer, relationship with giver of gift.	
Estimated Value of Gift	
DECLARATION OF HOSPITALITY	
Are you declaring hospitality that does not fall into the categories set out in the Policy.	YES/NO*
Details of Hospitality (including description of event/hospitality offered, identity of party offering hospitality, circumstances of offer, relationship with host.	
Signed:	Print Name:
Date:	

FOR COMPLETION BY HEAD OF SERVICE

Reason for approving acceptance of gift/hospitality as set out above.

Signed:	Print Name:
Designation:	Date:

Please return completed form to the Service Manager Human Resources and Payroll.

REPORT TO: Cabinet

MEETING DATE: 11 November 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Revision to Discretionary Housing Payment Policy

8

1 PURPOSE

- 1.1 To seek Cabinet approval for the revised Discretionary Housing Payment, (DHP) Policy.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the revised Policy.
- 2.2 That the Cabinet agrees to delegate authority to the Head of Council Resources to approve any further DHP Policy amendments which may be required to respond to a rapidly changing DHP environment.

3 BACKGROUND

- 3.1 The current DHP Policy was approved by the Head of Council Resources under delegated authority agreed at the Council Meeting on 26 February 2013. The Policy was drafted to inform the decisions taken by the Council's Benefits Service in light of the impact of Welfare Reform changes which were subsequently introduced on 1 April 2013.
- 3.2 Following a number of changes made to the DHP scheme the Council was notified on 16 September 2014 that additional Scottish Government DHP funding would be made available for the mitigation of the so called 'bedroom tax' (Housing Benefit Under Occupancy reductions) in 2014/15. As a consequence the existing DHP Policy now needs to be revised.
- 3.3 In order to achieve full mitigation of Under Occupancy benefit reductions the revised Policy allows for the streamlining of the DHP application process whereby applicants can either complete a shortened DHP claim form or have one completed on their behalf by an employee of East Lothian Council or other registered social landlord.

4 POLICY IMPLICATIONS

- 4.1 If approved, the revised Discretionary Housing Payment, (DHP) Policy becomes effective with immediate effect.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment carried out on the initial DHP confirmed that no negative impacts had been found. This latest review of the DHP Policy has expanded its reach therefore further reducing the likelihood of negative impacts on East Lothian Residents.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – East Lothian’s DHP funding for 2014/15 from all sources is as follows:

DWP	SG (Initial Award)	Sub Total	SG (Further Award)	Total
£122,558	£183,837	£306,395	£121,086	£427,481

- 6.2 Whilst current estimates show that DHP expenditure will exceed the funding level committed to-date East Lothian Council’s DHP funding in 2014/15 will be further supplemented by additional Scottish Government funds held in reserve to deal retrospectively with unforeseen ‘actual’ expenditure which may exceed funds currently committed.

- 6.3 Personnel – None

- 6.4 Other – None

7 BACKGROUND PAPERS

- 7.1 Appendix 1 - Approved Discretionary Housing Payment (DHP) Policy.

- 7.2 Appendix 2 – Copies of streamlined DHP claim forms.

- 7.3 Appendix 3 – Additional DHP briefing note.

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CONTACT INFO	01620 827706
DATE	2 November 2014

East Lothian Council

**Discretionary Housing Payment Policy,
(Revised 11 November 2014)**

2014/15

DRAFT

East Lothian Council – Discretionary Housing Payment Policy

Introduction

Discretionary Housing Payments (DHPs) provide customers with further financial assistance with their housing costs to alleviate hardship to allow customers time to find alternative solutions to housing issues and/or shortfalls in income. The availability of DHPs will be promoted by the benefits service and the Authority will do everything possible to make it easy for potential beneficiaries of DHPs to apply and assist claimants during the process.

Background

On 2nd July 2001 the DHP scheme was introduced. It granted all local authorities power to make a discretionary award to top up the Housing Benefits (HB) statutory schemes. The legislation governing DHPs can be found in the Discretionary Financial Assistance Regulations 2001 (SI2001/1167) and the subsequent amendment regulations.

Following recent welfare reforms, the Government contribution has increased to support specific groups of people, as follows:

- Those affected by the benefit cap
- Those affected by the size criteria in social rented sector
- Those affected by local housing allowance reductions

Traditionally DHP funding was provided by the DWP with provision allowing LAs to contribute 2 ½ times the UK government contribution. Following recent representation made by the Scottish Government this overall DHP expenditure limit has been lifted to allow greater scope to use additional Scottish Government funds for the full mitigation of hardship caused to by the social sector size criteria reduction.

Distribution of DHP Funding for 2014/15

In a letter dated 16th September 2014 Margaret Burgess, Minister for Housing and Welfare confirmed that in addition to the £20m SG funding already distributed, the lifting of the overall DHP expenditure limit would see ELC receive a further share of the £15m that the Scottish Government had previously been unable to distribute.

The distribution of the SG further award was based on average number of HB cases affected by under occupancy. However in recognition that the distribution methodology might not accurately forecast DHP expenditure on under occupancy £3m was held back in reserve to allow Councils to retrospectively claim against their 'actual' expenditure.

The ELC Benefit Service's analysis of projected DHP expenditure suggests that it's allocation of DHP funding (as @ 29th September 2014) will be insufficient to achieve the Scottish Government's objective of full mitigation of the social sector size criteria reduction without overspending the fund. Nonetheless, a decision to commit to further

DHP awards to achieve full mitigation has been taken. The Service will continue to update SG on the resulting overspend position in order to clearly flag the extent of the retrospective claim it will make for 'actual' expenditure.

Overarching Principles of the DHP Scheme

Although the scheme conveys a large degree of discretion, we will take account of the purpose of the increased funding when considering applications for DHPs.

DHPs can cover shortfalls between eligible rental liability and payment of Housing Benefit (HB) and help towards housing costs.

Consideration should also be given to the impact of recent welfare changes introduced with effect from April 2013.

The main features of the scheme are:

- The scheme is purely discretionary and a claimant does not have a statutory right to a payment
- Every year the Government allocate an amount that can be paid out by each local authority in any financial year. East Lothian Council is able to pay additional money but this must be funded from our own finances
- The administration of the scheme is for the local authority to determine
- DHP is not a payment of HB. However the minimum amount of HB must be in payment in the benefit week that a DHP is awarded for
- It cannot be used to offset overpayment recovery or to cover ineligible service charges

Purpose

The purpose of this policy is to specify how East Lothian Council will operate the scheme from November 2014, to indicate some of the factors that will be considered when deciding if a DHP can be made and to provide guidance on periods of awards and repeat claims. Each case will be treated strictly on its merits and all customers will be treated fairly and equally. East Lothian Council is committed to working with the local voluntary sector, social landlords and other interested parties to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP scheme. The main objectives when considering an award in East Lothian are:

- Alleviating poverty
- Mitigation of Social Sector Size Criteria reductions to Housing Benefit
- Encouraging and sustaining people in employment
- Tenancy sustainment and homeless prevention
- Safeguarding residents in their own homes
- Helping those who are trying to help themselves
- Keeping families together
- Supporting domestic violence victims who are trying to move to a place of safety
- Supporting the vulnerable in the local community
- Helping customers through personal and difficult events
- Supporting young people in the transition to adult life
- Promoting good outcomes for children and young people

Claiming a DHP

A claim for DHP must be made in writing or by telephone, (either by the customer, East Lothian Council employee, Registered Social Landlord employee or other person nominated to act on the customer's behalf). Anyone enquiring about a DHP (either by phone, in person or correspondence) will be asked whether they wish to apply for a DHP and their case will then be referred to the Benefit section. The advice, assistance and support will be holistic in nature and consider all options in relation to alleviating the reasons for the DHP application being submitted. Additionally the local authority will be able to work cooperatively with the applicant/claimant in submitting any relevant information needed for the application to be considered. In cases where a financial

assessment is required the form will incorporate a standard income and expenditure sheet that has been designed to ensure consistency of information and evidence gathering on financial matters. The council reserves the right to request any supporting evidence it deems to be relevant to the application. If the customer is unable or does not supply the required evidence, the benefits service will still consider the application and will take into account any other available factors. If the customer has no valid reason for failing to supply the required evidence, the DHP will be refused.

Matters for consideration

In considering whether to make a DHP award, the customers' financial situation may be looked at. Some other factors that may be taken into account are:

- The extent of the shortfall, including whether the customer has capital or disregarded income which can be used to meet it, or whether anyone else is able and willing to help meet the shortfall?
- Has the customer been affected by the Social Sector Size Criteria reduction?
- Is the reason for the shortfall due to other welfare reform changes?
- Is there a real risk of eviction because of the shortfall, or will the landlord accept a reduced payment?
- If the customer has recently taken up the tenancy, did they make enquiries with the local authority or any other service providers about how much benefit they could be expected to get prior to signing up? Could the recently signed tenancy agreement be considered as affordable in relation to the applicant's income?
- What steps has the customer taken to try to reduce their rental?
- What steps has the customer taken to alleviate the problem?
- Does the customer, or anyone in the household, suffer from a health problem, illness or disability, which means that their choice of housing is restricted?
- Does the customer have other debts to pay, which make meeting the shortfall more difficult?
- DHPs are not to be provided to pay off other debts. The dates the debts were incurred are relevant, particularly where arrangements were entered into when rent is being restricted. Customers should take some responsibility for their level of debt, and the amount they can afford to pay from their income
- If the customer has debts, have they taken advice on how to manage them effectively?

- Does the customer or anyone in the household have any unusual or unusually large expenses which make it harder than normal for them to meet the shortfall?
- Has there been a change of circumstances, which makes it more difficult to meet the shortfall?
- Could the customer reduce other outgoings so that they can meet the shortfall?
- Is this a repeat request for a DHP? If it is, what steps has the customer taken to try to alleviate the problem since the last application?
- Is the situation short term?
- If the DHP application is successful, what steps does the customer plan to take during the payment period to alleviate their position in preparation for when the payment ends.

Period of award

The benefit service will decide the length of time for which a DHP will be awarded on the basis of the known facts and evidence supplied. The award can be reviewed at regular intervals.

The minimum period of award will be one week, with the maximum of 52 weeks. The start date of a DHP award will usually be:

- The Monday following receipt of the DHP claim, or
- The date on which entitlement to HB commenced (providing the claim is received within one calendar month of the HB decision, or
- The Monday after a relevant change in circumstances giving rise to the need for the DHP
- In regards to Social Sector Size Criteria cases the start date of the DHP award will be determined by the extent of hardship caused by the claimant's under occupancy of their tenancy.

A DHP shall not be awarded for any period for which the customer has no entitlement to HB.

The benefits service may need to revise or revoke a DHP award where the customers' circumstances have materially changed. It is the customers' responsibility to notify the council as soon as any change occurs. Any amendment to the claim will be effective from the date of change.

The benefits service will exercise discretion when considering requests for backdating a DHP application.

The Decision

The Benefit service aims to deal with all applications for DHP within 14 days of the claim form and all accompanying information being received.

Customers will be notified in writing of the outcome and the letter will state the reasons for the decision.

Where the application is successful the notification will advise:

- The weekly amount of the DHP award
- The period of the award
- How, when and to whom the DHP will be paid
- The requirement to report any relevant change

All notifications of decisions on DHP claims will offer the opportunity for the customer to seek review.

The right to seek a review

DHPs are not payments of Housing benefit and are therefore not subject to the statutory appeals.

The benefits service will operate the following policy for dealing with appeals against any decision on a claim for DHP:

- A customer, or person nominated to act on their behalf, who disagrees with a DHP decision may dispute the decision in writing, within one month of the notification letter
- The Benefit Manager will consider the dispute. They will review all of the evidence held and make a decision within 14 days. Their decision will be deemed as final and the customer will only be able to make representations through the councils' corporate complaints procedure, seek a judicial review or by complaint to the Local Government Ombudsman.

Method of payment

The benefit DM will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- The customer
- Their partner
- An appointee
- Their landlord or agent
- Any third party to whom it might be most appropriate to make payment

We will normally pay an award of DHP by BACS. Payment frequency will normally be made in line with the HB award.

Overpayments

The Benefits Service will reserve the right to recover any DHP found to be overpaid. Normally this involves issuing an invoice to the customer or the person to whom the award was paid. Recovery may be made from any ongoing DHP entitlement. The overpayment notification letter will also set out the right of review.

Monitoring

All DHPs will be recorded on the benefits service software system (Capita). Total DHP expenditure will be monitored on a monthly basis by the Benefits Team Leader who will ensure expenditure is within budget and correctly profiled throughout the year.

Monthly reports will be submitted to the Benefits Manager.

A random sample of decisions will be checked for fairness and consistency. All checks will be recorded.

All claims for DHP will be treated equally and fairly in accordance with East Lothian Councils' policy on equal opportunities. East Lothian Council will endeavour to ensure that no-one who applies for DHP receives less favourable treatment on the grounds of any irrelevant consideration including

<ul style="list-style-type: none">• Age• Disability• Gender reassignment• Pregnancy and maternity	<ul style="list-style-type: none">• Race• Religion and Belief• Sexual Orientation• Sex
--	---

Fraud

East Lothian Councils' Benefit Service is committed to prevent any fraud and error, and to investigate and detect any fraud within the system.

A customer who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where East Lothian Councils' Benefit Service suspect that a fraud may have occurred, the matter will be investigated, and this may lead to criminal proceedings being instigated.

Review

This policy will be reviewed and revised to take into account any changes in legislation and to improve effectiveness. The effectiveness of this policy will be regularly monitored and results reported to senior officers and Members.

East Lothian Council reserves the right to adjust the way this policy operates from time to time, in all aspects, in the light of experience, prevailing economic climate and national benefit changes.

**Discretionary Housing Payment 2014/15 application form
Under occupation**

Housing Benefit Claimant's Name	
Home address	
Contact telephone Number	
Housing Benefit Claim Number (if known)	

Declaration

I declare that I am applying for a 2014/15 Discretionary Housing Payment due to under occupation of my rented property.

I give East Lothian Council's Benefits Service my permission to share information about this Discretionary Housing Payment application with my landlord.

I understand that, if my own or household circumstances change at any time, I must immediately notify East Lothian Council's Benefits Service and that any overpaid Discretionary Housing Payment may be recovered by the Council.

Signature of applicant:

Date of application:

**Discretionary Housing Payment 2014/15
Telephone application form**

Under occupation

Housing Benefit Claimant's Name	
Date of telephone call	
Home address	
Contact telephone Number	
Housing Benefit Claim Number (if known)	

Employee declaration

I declare that as a East Lothian Council employee / an employee of a Registered Housing Association that I have received consent from the above named housing benefit claimant to apply, on their behalf, for a 2014/15 Discretionary Housing Payment, on the grounds that the applicant is subject to under occupancy rules, as at the 1 April 2014 or later.

Employee Signature			
Print Name		Organisation	
Service		Job title	
Date		Employee contact telephone number	

DHP Briefing Note

11 November 2014 Cabinet Meeting

1. At the Council Meeting on 26 February 2013 the Council following consideration of a draft, agreed to delegate authority to the Head of Council Resources to finalise the Discretionary Housing Payment, (DHP) Policy. This initial DHP Policy was drafted to inform the decisions taken by the Council's Benefits Service in light of the impact of Welfare Reform changes which were subsequently introduced on 1 April 2013.
2. A revision of the draft Policy took place on 31 July 2013 to take account of the lessons learned since the implementation of the welfare reforms and the additional UK Government funding which was made available to the Council.
3. The DHP Policy was revised once more to take account of additional Scottish Government funding made available from 2 October 2013. Whilst full use was made of all additional funding to extend DHP awards to many Council and RSL claimants impacted by the size criteria change the funding was still insufficient to provide full mitigation for under occupancy. Although the Scottish Government sought to provide sufficient funds at this point, UK Housing Benefit legislation prevented Councils from topping up DHP funds by more than 1.5 x the DWP contribution towards DHP. During the remainder of 2013/14 the East Lothian Council Benefits Service disbursed 100% of the DHP funding allocated alleviating potential hardship caused by a range of welfare reform changes including under occupancy. In doing so the Service spent up to the overall DHP limit.
4. Following a request made by the Scottish Government in May 2014 the Under Secretary of State for the Department for Work and Pensions, (DWP) agreed that legislative changes would be made which would allow the Scottish Government to exceed the overall limit imposed on DHP funding. This in turn allowed the Scottish Government to allocate an additional £15m to assist Scottish Council's to mitigate for the impacts of under occupancy. The distribution of this funding was based on under occupancy caseload figures, however 20% of the fund, (£3m) was held back in reserve in order to meet any unforeseen levels of expenditure. It is understood that Council's which overspend their current DHP allocation will be able to submit a retrospective claim, (in May 2015) for the reserve funding based on their 'actual' under occupancy mitigation expenditure incurred during 2014/15.
5. The Council was advised on 16 September 2014 that additional Scottish Government DHP funding of £121,086 would be made available for the mitigation of under occupancy in 2014/15. East Lothian Council's DHP funding for 2014/15 from all sources is as follows:

DWP	SG (Initial Award)	Sub Total	SG (Further Award)	Total
£122,558	£183,837	£306,395	£121,086	£427,481

6. The latest additional funding allocation coupled with the Scottish Government's stated intent of providing full mitigation for the impact of under occupancy has provided the catalyst for this DHP Policy revision. In order to achieve full mitigation the revised Policy allows for the streamlining of the DHP application process whereby applicants can either complete a shortened DHP claim form or have one completed on their behalf by an employee of East Lothian Council or other registered social landlord.
7. The ELC Benefit Service's analysis of projected DHP expenditure suggests that it's allocation of DHP funding (as @ 29th September 2014) will be insufficient to achieve the Scottish Government's objective of full mitigation of under occupancy without overspending the fund. It will be necessary for the Council to commit to making further DHP awards in the knowledge that this will incur an overspend of the DHP budget. The Benefits Service will regularly update the Scottish Government on the resulting overspend position in order to clearly identify the extent of the retrospective claim it will submit for 'actual' DHP expenditure, (in May 2015).

John Cunningham
Service Manager – Benefits
2 November 2014



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

**THURSDAY 11 SEPTEMBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

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

Council Officials Present:

Ms C Molloy, Legal Adviser
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Ms D Richardson, Licensing Administration Officer

Others Present

Insp A Harborow, Police Scotland
PC Bowsher, Police Scotland

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor F McAllister

Declarations of Interest:

None

PUBLIC

1. 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 final confirmed conditions that shall apply to the licensing of window cleaners and second hand dealers.

The Legal adviser stated that, following a request from Police Scotland and a subsequent public consultation process in late 2013, the Sub-Committee had formally approved resolutions in respect of the licensing of window cleaners and second hand dealers at their meeting on 12 December 2013. Standard conditions for the new licences were produced and these were approved by the Sub-Committee on 12 June 2014, subject to an alteration to Condition 7 of the licences which stated that the licence holder shall comply with any instruction given by a Police Officer 'in uniform'. This condition had been amended to "Police Officers 'in the course of their duties' ".

The Legal Adviser advised that the Police had suggested further Conditions in respect of Second Hand Dealers, relating to premises being equipped with CCTV cameras and the obtaining of photographic proof of identity of customers. After due consideration, it was now proposed that these suggestions were not adopted at this time due to practicality of enforcement of such conditions.

The new licences for these activities would come into effect on 15 September 2014, the fee structure having been approved at the meeting on 12 June 2014. Application forms and guidance material had been prepared and a press release would be issued alerting members of the public to the new licences coming into effect.

Councillor Caldwell referred to Condition 1 of the Window Cleaners licence which states that the licence holder must at all times, while engaged in the business of window cleaning, display the identity card issued by the Council. He sought clarification on this point and the Legal Adviser confirmed that the identity badge must be worn by licence holders to allow any law enforcement offers to check the identity of a window cleaner.

The Chair was pleased to grant Police Scotland's request to introduce these licences in order to make East Lothian a safer place.

Decision

The Sub-Committee agreed the proposed licence conditions for window cleaners and second hand dealers as outlined in the report.

2. AIR WEAPONS AND LICENSING (SCOTLAND) BILL

The Service Manager, Licensing, Administration and Democratic Services, had submitted a report to inform the Licensing Sub-Committee of the proposed changes to the Civic Government (Scotland) Act 1982 contained within the Air Weapons and Licensing (Scotland) Bill.

The Legal Adviser presented the report and advised that the Air Weapons and Licensing (Scotland) Bill had been introduced in the Scottish Parliament on 14 May

2014. It was anticipated that it would take approximately one year to progress and was expected to become law in 2016. Meanwhile, consultation questions (Appendix 1) had been published and responses were required by Monday 29 September 2014. The Sub-Committee would receive reports on the progress of the Bill as it goes through Parliament.

Decision

The Sub-Committee agreed to note the report and to delegate authority to the Service Manager, Licensing, Administration and Democratic Services, to respond to the consultation on behalf of the Sub-Committee.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

3. APPLICATIONS FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received four applications for a licence; one was granted and three were refused

4. APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received four applications for a licence; three were agreed and one was refused.



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

**THURSDAY 9 OCTOBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor D Grant (Chair)
Councillor F McAllister
Councillor J Caldwell
Councillor J McMillan
Councillor John Williamson

Council Officials Present:

Mr I Forrest, Legal Adviser

Others Present

Insp A Harborow, Police Scotland
Insp A Hogarth, Police Scotland
PC Bowsher, Police Scotland

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor J McNeil

Declarations of Interest:

None

Councillor Donald Grant, Vice Chair of the Licensing Sub-Committee, announced that he would chair today's meeting in the absence of Councillor McNeil, Chair of the Sub-Committee. Councillor Grant also advised that the agenda for today's meeting was all private business.

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 four applications for a licence; three were granted, and one was continued.

2. APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received two applications for a licence and both were agreed.

3. APPLICATIONS FOR GRANT OF WINDOW CLEANER'S LICENCE

The Sub-Committee had received one application for a licence and it was granted.

MINUTES OF THE MEETING OF THE SUSTAINABLE ECONOMY PARTNERSHIP

Wednesday 25 June 2014, 14.00
East Lothian Council, Council Chambers, Town House, Haddington

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Partnership Members Present:

David Leven, Head of Energy and Infrastructure, Scottish Enterprise (SEP chair)
Manuela Calcinci, Visit Scotland (MC)
Niall Corbett, Scottish Natural Heritage (NC) Councillor
Stuart Currie, East Lothian Council (SC) Councillor
Norman Hampshire, East Lothian Council (NH) Grant
McDougal, Skills Development Scotland (GM)
Jim McGonigle, Job Centre Plus, (JM)
Councillor John McMillan, East Lothian Council (JMCM)
Monica Paterson, East Lothian Council (MP)

Others Present:

Richard Baty, East Lothian Council (RB)
Alan Cruikshank, East Lothian Council (AC)
Irene Ramsay, East Lothian Council (minute taker)

Partnership Members Apologies:

Richard Jennings East Lothian Council
Angela Leitch, East Lothian Council
Jim McGonigle, Job Centre Plus (Jim Mullholland representing)
Ray McGowan, Edinburgh College
Andrew White, Federation of Small Businesses
Esther Wilson, East Lothian Council

WELCOME/APOLOGIES

David Leven welcomed everyone to the fifth meeting of the Sustainable Economy Partnership and led introductions round the table.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the SEP of 30th April were approved.

2. MATTERS ARISING

Strategic Assessment

- JMcM asked about the Industry & Rural Economy Partnership. MP advised Esther Wilson to take forward.
- There was discussion regarding Queen Margaret University's Development Plans. There were no updates but Esther Wilson to liaise with the University and bring to the next meeting.

Actions: Esther Wilson

3. Feedback from the East Lothian Partnership 13 May meeting.

MP spoke to the report. Key points:

- Feedback has been very positive and bedding in very well.

Points raised

- NH is confident that it will make a difference in Dunbar.
- SC reported there are now 3 or 4 issues identified for Musselburgh so stressed the need for outcomes.
- JMcM reported that the Haddington meeting was very enthusiastically received. One comment he would like to be added in re Economic Development is that it is the best place for Business, Tourism etc and that the process has to link through to the Strategy.
- NC advised that rural communities are not well represented. NH suggested small rural groups could be started that could then feedback into the Partnership. DL felt that representatives should also be on this group. SC/NH advised that it would be difficult to get a representative with a broad enough view – each rural group has different priorities e.g. farmers very different to residents.
- DL asked if everyone was happy with the revised indicators on page 25. NH thinks that when towns/villages change this can affect their identities and change communities. All agreed that the wording in point 1 regarding 'identity' needs to be taken out and to stop after places – wording to be along the lines of 'Our towns and villages are thriving, well-maintained and sustainable places'. MP to feedback re amendment.

Decision on the Recommendations/Action

- Wording to be amended in Appendix 2.
- MP taking forward.

4. Cockenzie site – Presentation by David Leven, Scottish Enterprise

Key points.

Offshore wind

- Offshore wind a major part of future energy mix.
- 25% of Europe's OW resource is in Scotland.
- Competition for available jobs is stiff.

Cruise

- Scope exists for cruise sector growth.
- Investment in infrastructure generally only justified where other port uses exist.
- Forth Ports active in the market.

Cockenzie Energy Park – Progress to Date

- NRIP – need for a site in the right location, right scale, right facilities.
- Cockenzie Feasibility Study.
- SE Board and ministerial support for preparation of site to the next stage.

Cockenzie Energy Park – Current Work

- Market testing
- Procurement of an engineering team
- EIA scoping and consenting processes
- Successful outcome to consenting processes critical to credibility, market confidence and funding.

Cockenzie Energy Park – Future Step

- Secure property interest.
- Secure private commitment.
- Get clarity on funding gap/state aid implications.
- SE Board investment decision.
- Lease land to occupiers.
- Deliver quayside infrastructure.
- Outcome of all of this will be jobs and investment on site

Points raised.

- JMCM asked what comparison output the windfarms had with the power station and the cost of building. DL advised equivalent to 12 power stations and an approximate cost of 1 or 2 billion pounds.
- RB asked if this would be bigger than the Fife Energy Park. DL said that it will be 3 times the size.
- SC started discussions regarding the importance of this development and all agreed it will be a huge boost to the business economy, covering all areas including engineering and tourism. DL advised that potentially there would be jobs on site by 2016/17.
- NH asked what the potential investment required to build will be. DL advised approximately 160 million.
- DL noted that this was the preferred SE site in Scotland

Decision on the Recommendations/Action

- The Partnership to continue to closely track and consider the emerging proposals for the redevelopment of Cockenzie Power Station.

The East Lothian Plan (SOA 2013) – this partnership’s outcomes.

5. Outcome 1: East Lothian has a growing and sustainable economy Priority Action Areas.

Infrastructure and Investment

5a Joint Asset Management Strategy

5b Transport – Old Craighall Junction

5c Broadband Connectivity

Discussion of draft Broadband Strategy, lead by Alan Cruikshank, ELC

Key points

Broadband -

- Delivery to be by the end of 2017 with 75% coverage.
- White spots identified are Humbie and Fenton Barnes.
- Cannot actively fund without breaking state aid rules.

Points raised

- JMCM had a good meeting with Broadband Scotland. For the white spots he feels that the wireless infrastructure and technical solutions are there.

- DL asked if there was a good understanding of the strategy within the business community. AC said that understanding and demands are variable depending on size and location.
- Discussions took place regarding the expense and AC advised that BT focus round commercial service areas offering serviced lines that are expensive and that they try to encourage businesses along this route.
- Points were raised regarding attainment in schools - children that may study in a school that has fast broadband service but live in a rural area that does not, are put at a disadvantage in their studying.
- DL asked AC if the priorities were clear. AC reported that they were not clear as people have varying requirements within an area but they were sustainable - everyone moves forward and although may not use or be unhappy with current situation it doesn't take long for them to catch up and expect a better, faster service.
- DL asked if anything was in the way and if there was a degree of confidence? AC advised lack of information from the projects was a main factor but yes there was a degree of confidence as things were now happening on the ground.

-

Decision on the Recommendations/Action

None.

Employability

5d Total Place/Early Intervention Model incorporating ELW approach.

Key points.

- Employability - JM advised that it is measured and going well. They are looking at generating activity with a milestone plan around this topic.

Points raised

- JMcM said to ensure proper partnership to include East Lothian Works and Business Gateway.

Decision on the Recommendations/Action

An update to be provided at a future meeting.

Town Centre Regeneration

5e Develop a proposal for a more consolidated approach towards town centre regeneration – Prioritise Dunbar.

Carry forward to the next meeting.

Business Growth

5f Develop an enhanced proactive intervention programme to support growth – identify 20 businesses with potential for growth and provide proactive intervention to support.

Report on East Lothian Business Gateway Performance 2013/15, Richard Baty, Team Manager Business Development.

Key points.

- 201 starts in 2013 / 14 most ever in the county
- Higher values starts of 8 from a target of 10
- Account managed target achieved
- Edinburgh and Lothian Business Gateway contract area the most successful in Scotland – delivered by the 4 local authorities working in partnership.

Points raised.

- Discussion took place regarding the 24 month period and the 74% survival rate (target 85%), and what obstacles hinder sustainability. RB notified the group that businesses that there is no contact from are counted as ceased trading which does skew the figure - around 14% are currently non contactable.
- SC advised that he has had businesses tell him that it is the cost of premises and common services (e.g. postage) that eventually take its toll and asked RB is this is something known to him? RB agreed that premises were a major issue but hadn't come across the common services issue before. RB advised that lack of funding is a big contributor along with banks not lending. RB informed the group of the important gap filled by East Lothian Investments LTD over the last 5 years offering loans to start ups and growing businesses.. DL asked if businesses had access to funding. JMCM advised that ELI is very successful and that they are looking at ways to continue with this funding.
- DL asked about availability of premises. RB advised East Lothian is lacking in small industrial units due to issues with economic land being constrained by house builders but we are looking into creating incubator units possibly in property owned by the Council as well as the construction of 6 industrial units at Prestonpans
- Discussion on high streets and issues with empty shops. Why NOT In North Berwick mentioned which was supported by East Lothian Investments Ltd to set up – excellent model. RB also noted that an impact to Haddington town centre was East Lothian Council relocating staff to Macmerry.
- JMCM feels the more we can influence and offer what we need in the high streets the better sustainability will be.

centres and that they have to move outwith taking custom away.

- DL asked RB his perception on how businesses are pulled through the Growth Pipeline – RB advised it is very frustrating on a number of areas. Examples given - once a business is accepted onto account management ELC lose access to that company on CRM and cannot see what is then happening with them. . Additionally getting a company onto the growth pipeline prior to account management and keeping them on it can be challenging as each company is different – example major social enterprise has been now dropped of the growth pipeline due to the view from SE of being on it for too long a period.

Decision on the Recommendations/Action

- DL to see if access can be continued for businesses going into SE account management for Business Gateway adviser.

Proposition Development and Marketing

5g Develop a proposal to refresh and enhance current proposition and associated marketing – illustrate and demonstrate how East Lothian is relevant to national and international business.

Presentation and discussion on outputs from brand wheel workshop and next steps, lead by Manuela Calchini, Visit Scotland.

Key points.

Agenda

- What is a brand
- Case study – VisitScotland's brand
- Developing East Lothian's brand
- Next steps

East Lothian – Facts & Symbols

- Bass Rock
- Muirfield
- Firth of Forth
- Saltire
- Concorde
- Berwick / Traprain Law
- North Berwick
- Logo / Peregrine
- John Muir

Next Steps

- Finalise brand wheel
- Buy in and agreement from wider industry

- Development of key messages
- Branding toolkit
- Distribution and take up by industry / partners

Future Activity

- Repeat visits – tell people what’s going on – come back in November
- Identifying seasonal opportunities
- Information exchange for tourism operators
- Identifying opportunities / different target markets
- Events
- Walking / cycling – pub / cafe at the end of the trip / things to see & do along the way
- One off events – Christmas / Foxlake carnival
- Golf events – maximise ‘add ons’ – bring the family
- Replicate at other times of year
- Develop programme of activity – quick wins and longer term developments
- Use the buzz and emails to disseminate information

Points raised

- MC advised that more will be reported at the next meeting.
- East Lothian Council Tourism Team moving forward with future activity.
- JMcM reported that he attended the Brand Wheel Workshop and found it to be very engaging and useful. The Wheel was a good way of sharing the customer’s journey.
- JMcM likes the strap line that Edinburgh is on East Lothian’s doorstep and it should always be used this way round as opposed to us on Edinburgh’s doorstep.
- RB reported that Nike are going to be basing their European Nike golf centre at Archerfield Golf Club which is a fantastic coup not only for the club but also for the county and will boost and encourage more visitors to East Lothian.

Decision on the Recommendations/Action

- An update to be provided at the next meeting.

ANY OTHER BUSINESS

There was no further business.

NEXT MEETING

29 October 2014, 14.00 – 16.00, Council Chambers, Town House, Haddington.