

**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 12 APRIL 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Other Councillors Present:

Councillor S Brown
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor J Williamson

Council Officials Present:

Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Mr T Shearer, Head of Communities and Partnerships
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr A Fitzgerald, Records Manager
Ms C McCorry, Service Manager – Community Housing
Ms E Morrison, Service Manager – Customer Services
Mr I Patterson, Homeslessness Manager

Clerk:

Mrs L Gillingwater

Apologies:

None

1. MINUTES FOR APPROVAL – CABINET 8 MARCH 2016

The minutes of the meeting of the Cabinet of 8 March 2016 were approved.

Matter arising, Item 3 – Councillor Currie asked for an update on Area Partnership funding. Tom Shearer, Head of Communities and Partnerships, advised that a report on this matter would be presented to Council on 26 April.

2. MOBILE LIBRARY SERVICE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of a re-provision of the mobile library service within East Lothian.

Prior to the presentation of this report, Councillor Currie asked if consideration could be given to submitting the report to Council, in order to provide Members with an opportunity to put forward amendments or express a view on the matter. Having taken legal advice from Morag Ferguson, Service Manager – Legal and Procurement, Councillor Innes advised that as this was an operational matter, a decision had been taken by officers under delegated powers and was now being implemented, hence it coming to Cabinet only for noting. Councillor Currie observed that reports for noting would normally be lodged in the Members' Library, and reiterated his request for the matter to be brought before Council. Councillor Hampshire explained that the report had only been submitted to Cabinet as it was a matter of public interest. He added that the decision on the mobile library service had been taken following approval of the Council's budget, and that Councillor Currie could have put forward proposals on this issue at that time. Councillor Currie asked for confirmation that the decision taken did not preclude Members bringing forward proposals to change the position within six months. Mrs Ferguson confirmed that to be the case, noting that the approval of two-thirds of Members to directly rescind a decision taken within the previous six months did not apply to decisions made by officers under delegated authority.

Eileen Morrison, Service Manager – Customer Services, presented the report, advising Members of recent challenges facing the mobile library service, which had resulted in her taking a decision to cease the service in December 2015. She drew attention to the statistics within the report, which showed a significant reduction in mobile library users over the past five years. She advised that a survey had been undertaken with mobile library service users to gain their views about what their preference would be if a mobile library service could no longer be provided. She also pointed out the capital and revenue costs associated with replacing a mobile library vehicle. Ms Morrison informed Members of discussions with Midlothian Council and the Scottish Borders – Live Borders – Trust Library Service and of the proposed mobile library service that they could provide in East Lothian, commencing in April/May 2016. She also advised of other proposed initiatives, such as pop-up libraries in villages where a mobile library service would no longer be provided, and noted that the home delivery service would continue and could be used by anyone who wished to have books delivered to them.

In response to questions from Councillor Currie, Ms Morrison advised that all primary schools had a library resource and Library HQ also provided books and resources to all primary schools. She advised of an increase in class visits to branch libraries. She referred to a review of school library services which would conclude in August, where all primary and secondary students were being asked about reading and what they thought about their school library services. As regards consideration given to replacing the vehicle, Ms Morrison reported that all service managers had been advised that the Capital Plan was fully committed and that there were a number of other priorities within Customer Services, such as IT system upgrades/replacements to meet PSN requirements. She added that a case for replacing the vehicle would not have met the criteria given to managers for capital funding.

Concerning the impact of the changes, Ms Morrison advised that it was mainly older people and pre-school children that would be affected, but that she was continuing to provide a service at a time when use for that service was reducing and budgets were under significant pressure. She also made reference to a recent increase in the staffing resource for secondary school library services.

Ms Morrison confirmed that savings identified for the library service had been included in the budget papers.

Councillor McMillan asked how a pop-up library service would work. Ms Morrison advised that a selection of books, based on data from the library management system, would be made available for borrowers in a community centre or village hall.

Councillor McAllister questioned whether Ms Morrison had discussed her proposal with Cabinet members prior to making her decision. She advised that she had raised the matter with the Council Leader, but that he had not endorsed her proposal to cease the existing mobile library service just before Christmas 2015. As she could not continue to provide a mobile library service without staff or a reliable vehicle and the purchase of a new vehicle did not meet the criteria for capital funding, she had advised the Council Leader that she was in discussion with neighbouring authorities as regards providing a service on behalf of the Council.

Following questions, Ms Morrison provided further information on library-related initiatives taking place for pre-school children, school-age children, and older users, as well as explaining how the home-delivery system worked. She advised that it was important that older users made use of the branch libraries and the desire was for them to come to the library where there were a number of activities and other people using the library.

Councillor Day welcomed the report and the work undertaken by Ms Morrison. He also spoke in support of the partnership working between the three councils, and of the initiatives taking place in branch libraries. His comments were supported by Councillor Veitch, who commended the approach being taken and the savings being made, and by Councillor McMillan, who praised the work of volunteers involved in the home delivery service.

Councillor MacKenzie welcomed library-based activities for older people. However, he voiced his concern that the removal of the mobile library service in some areas may contribute to older people feeling socially isolated.

Councillor Currie expressed surprise at the support for the report, remarking that the change was a budget cut and there would be no improvement to the service. He argued that this decision should have been taken by Councillors, rather than officers. Referring to the Integrated Impact Assessment, he spoke of his concern about the impact the change would have on certain user groups. He indicated that a future SNP-led Administration would reinstate a Council-run mobile library service.

Councillor Akhtar expressed her disappointment in the views of the SNP Group and commended Ms Morrison for finding a way to continue providing a mobile library service and implementing other initiatives, in spite of funding reductions.

Councillor Hampshire pointed out that every area of the Council had to find ways of reducing the costs of providing services. He argued that the SNP Group's budget proposals for library services would have been insufficient to cover the cost of providing a mobile library service, and that the solution put forward by Ms Morrison would allow the Council to protect this service. He praised officers for their work on this issue.

Referring to comments made by Councillor MacKenzie, Councillor McAllister agreed that the change to the mobile library service would affect vulnerable groups. He expressed concern that the change had been implemented even though the Council Leader had not supported it, and questioned why Members had not had the opportunity to debate the issue. He also made reference to a feasibility study on the future of Musselburgh Library and claimed that library space would be significantly reduced should it be moved to Brunton Hall.

Councillor Innes concluded the debate by recognising that the use of library services was changing and that it was important that officers should look at providing services in new ways, especially in the current financial climate.

Decision

The Cabinet agreed to note the re-provision of a proposed new mobile library service within East Lothian by Midlothian Council Library Service and the new Scottish Borders Trust – Live Borders – Library Service.

3. PROVISION OF TEMPORARY ACCOMMODATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to increase the number of properties used to provide temporary accommodation to allow the Council to more effectively meet its statutory requirements under the homelessness legislation.

Ian Patterson, Homelessness Manager, presented the report, advising that this report was the second of a three-stage approach to the provision of accommodation for homeless families. He referred to the growth in demand for temporary accommodation and proposed that provision across all tenures should be increased. He added that a further report would be presented to Cabinet in due course on housing options.

Responding to questions from Councillor Goodfellow, Mr Patterson advised that the Council's main priority was to reduce the use of bed and breakfast accommodation, and that there was a success rate of 75% in allocating accommodation within the applicant's broad area of choice. He appreciated that there were difficulties for people who were located outwith their area of choice; however, the Council was required to meet its statutory obligations.

As regards the Council's recent breach of homelessness legislation (as set out in Section 3.8 of the report), Mr Patterson explained that a family with a child or a pregnant women should not be accommodated in bed and breakfast accommodation except in emergency circumstances. However, pressure in the system and a shortage of temporary accommodation had resulted in the breach.

Councillor Williamson asked about the number of people presenting themselves as homeless. Mr Patterson advised that the introduction of the housing options service in 2010/11 had led to a reduction of 30–40%. However, there had been an increase in the number of people requiring temporary accommodation and using bed and breakfast accommodation, hence the report on this particular issue. He provided further information on the success of the housing options service.

In response to a question from Councillor Currie on welfare changes, Mr Patterson advised that this had affected smaller households in particular, especially as there was a shortage of one-bedroom accommodation in East Lothian. He advised of action being taken to mitigate the impact, including working with housing associations and looking at new housing models,

such as flat shares and mid-market rental, etc. He anticipated that the introduction of Universal Credit may lead to further difficulties in relation to the payment of housing benefit.

Councillor Hampshire reported that the Council was delivering as many housing units as possible. He welcomed the range of options being considered, including an increase in temporary accommodation, and recognised the need for further investment from central government to meet the challenges facing the Council.

Councillor Currie called for the Council to meet with all other stakeholders to devise a housing plan for the next 5–10 years. He estimated that it would cost £250 million to build the affordable housing required in East Lothian and questioned how this would be paid for. He paid tribute to Mr Patterson and his team for their work in tackling homelessness.

Councillor Goodfellow suggested that a more flexible approach should be adopted as regards relocating families housed outwith their support network. Mr Patterson advised that the current pressures and legal requirements were such that the Council did not have this flexibility; however, his team would seek to place families appropriately should there be more flexibility in the system.

Councillor Innes accepted that the provision of temporary accommodation had always been challenging for the Council, and suggested that this matter should be continually reviewed. He also proposed that when the Council tenders for the private sector contract later in 2016, some flexibility should be built into that contract to increase capacity if required.

Decision

The Cabinet agreed:

- i. to approve the proposal to increase the provision of temporary accommodation across all tenures;
- ii. that within the increase, the property level within the contract for the provision of private sector leased temporary accommodation be increased to 200 properties, subject to a further financial review of the impact of Universal Credit on the financial viability of the contract; and
- iii. to continue the current housing allocation targets until the Cabinet has the opportunity to review these for the financial year 2016/17.

4. ARCHIVE ACQUISITION POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval of the Archive Acquisition Policy in order that the Council has a clear set of parameters for the collection and disposal of archival and local history materials.

The Head of Council Resources, Jim Lamond, presented the report, reminding Members of the approval in 2015 of the Records Management Plan, a mandatory requirement of the Public Records (Scotland) Act 2011. He advised that the Keeper of the Records considered an archive acquisition policy to be a mandatory requirement of the Records Management Plan. This policy would form the basis for the internal transfer of materials from active use into the Archive Service, and would also outline the process for transferring materials identified in the Retention Schedule for permanent preservation, as well as supporting the Council in the proper handling of archive materials. Mr Lamond also noted that the report author, Alex Fitzgerald, had recently been nominated for Professional of the Year by the Information and Records Management Society.

A number of Members commented positively on the archival material being made available by the Council, and congratulated Mr Fitzgerald on his nomination for Professional of the Year.

Decision

The Cabinet agreed to approve the Archive Acquisition Policy, attached at Appendix 1 to the report.

5. MINUTES FOR NOTING

The approved minutes of the Resilient People Partnership held on 18 November 2015 and the Safe & Vibrant Communities Partnership held on 23 November 2015 were noted.

DRAFT

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet

REPORT TO: Cabinet

MEETING DATE: 10 May 2016

BY: Depute Chief Executive - Resources and People Services

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

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 October 2015 to 31 March 2016.
- 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 October 2015 to 31 March 2016.

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 October 2015 to 31 March 2016, 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 October 2015 to 31 March 2016 was 659, an increase from the previous half year (571). Overall numbers of FOI requests have 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 October 2015 to 31 March 2016 was 14, a slight decrease from the previous half year (15).

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 October 2015 to 31 March 2016:

	FOI		EIR	
On time	502	97%	72	100%
Late	17	3%	0	
Lapsed/Written Off	0		0	
Date of Completion Unknown	0		0	
Cancelled/Withdrawn	6		0	
Suspended	26		5	
Ongoing	28*		3	
TOTAL ACTIONED	579		80	

*At the time of writing this report, one ongoing FOI has missed the 20 working day deadline so has been included in the “Late” figures.

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review between 1 October 2015 to 31 March 2016:

	FOI		EIR	
On time: Within 20 Working Days	11	92%	2	100%
Late	1	8%	0	
Upheld	8		1	
Partially Upheld	0		0	
Overturned	0		0	
Additional Info Provided	4		1	
Total Received	12		2	
Total Actioned	12		2	
Still Outstanding	0		0	
Grand Total of Internal Reviews	14			

3.7 The top three enquirers were:

- 1) General Public
- 2) Commercial Organisations
- 3) MP/MSP

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 October 2015 to 31 March 2016 was 22, a decrease from the previous half year (40).

Completed on time (within 40 calendar days)	11	100%
Late	0	
Suspended	10	
Withdrawn	0	
Ongoing		
	1	
Total Actioned	21	

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Dr Renate Gertz
DESIGNATION	FOI & DP Compliance Officer
CONTACT INFO	X 7993, email: rgertz@eastlothian.gov.uk
DATE	20 April 2016

REPORT TO: Cabinet

MEETING DATE: 10 May 2016

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Regulation of Investigatory Powers (Scotland) Act – Social Media Policy

3

1 PURPOSE

- 1.1 To set out the formal Council position on the use of Social Media within the context of the Regulation of Investigatory Powers (Scotland) Act, providing a clearer framework for how these areas of activity interact.

2 RECOMMENDATIONS

- 2.1 That the Cabinet approve the attached policy.

3 BACKGROUND

- 3.1 The Regulation of Investigatory Powers (Scotland) Act Policy which sets out the wider use of these powers by the Council was approved in March 2013, but did not address the specific nuanced concerns that existing within the sphere of social media.
- 3.2 This policy will show a positive development in our compliance with our obligations.

4 POLICY IMPLICATIONS

- 4.1 This policy is a continuation and clarification on the work already progressed within the Regulation of Investigatory Powers (Scotland) Act Policy and will support our overall compliance with the Act.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – all implications will be met from existing resources
- 6.2 Personnel - all implications will be met from existing resources.
- 6.3 Other – all implications will be met from existing resources.

7 BACKGROUND PAPERS

- 7.1 Regulatory of Investigatory Powers (Scotland) Act Social Media Policy.

AUTHOR'S NAME	Renate Gertz
DESIGNATION	DP & FOI Compliance Officer
CONTACT INFO	Ext 7993
DATE	26/04/2016

EAST LoTHIAN COUNCIL

Surveillance through Social Media Policy



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1. Introduction

- 1.1 This document sets out East Lothian Council's policy regarding internet surveillance using Social Media.
- 1.2 Reference is made to East Lothian Council's Regulation of Investigatory Powers (Scotland) Policy ('RIPSA Policy'), to which this policy is subsidiary.
- 1.3 In some circumstances, it may be necessary for East Lothian Council employees, in the course of their duties, to access social media websites either by creating covert identities or through the officer's private or departmental identity.

2. Statement of Intent

The aim of this policy is to provide the framework outlining the Council's process for authorising and managing internet surveillance operations using social media, and to set the parameters for expected good practice.

3. Objective

The objective of this policy is to ensure that all surveillance through social media conducted by East Lothian Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with East Lothian Council's RIPSA Policy, the relevant legislation, the Scottish Government's Code of Practice on Covert Surveillance ('the Code of Practice') and any guidance which the Office of Surveillance Commissioners may issue from time to time.

4. East Lothian Council's Social Media Presence

East Lothian Council has an internet presence as a corporate entity as well as different services and departments. The corporate entity currently has a Facebook page and a twitter account. Access to these is limited to the Communications Team. Various other business units within the council also have a Social media presence, however a documented procedure must be followed before access is granted, which includes a business case being presented and approved by the Head of Council Resources. . All approved services

utilise their respective corporate accounts to post information about the Council's activities and events. Also, individual schools have social media presence.

5. Types of Investigators' Accounts

There are three different ways in which social media websites may be accessed by council officers to carry out investigations:

- Using the officer's private social media account
- Through an identity created specifically as the department's representative
- Through a covert identity using a false name

6. Types of Surveillance

Investigators utilise social media in two different ways:

- By simply visiting/viewing third party accounts or groups
- By entering into a personal relationship with the third party/group member

7. Privacy Settings of Account under Investigation

Most social media websites will have a variety of privacy settings that users can apply to protect their accounts from others accessing the information contained therein. Facebook is the social media website that is most commonly used by East Lothian Council Officers to investigate service users or potential service users and it has several different privacy settings. Therefore, Facebook will be used as an example in this policy. Depending on what privacy setting a user chooses, different people can access the account and see all or some of its contents.

7.1 'Public': All Facebook users can see the account and all of its content, including the user's "friends", their timeline and photographs. Non-Facebook users can see photographs and posts published on the account, but not who has 'liked' a post or the marital status and geographic location of the user.

7.2 'Friends': Only those who the user has accepted as Facebook 'friends' are able to see the entire content of the user's page.

- 7.3 'Custom': The user can create lists of specific contacts and Facebook users and designate them as the audience for – or block them from view of – any posts.

Of these three options, the relevant ones for investigating officers are 'public' and 'friends', as option 3 is a subcategories of 'friends'.

8. Utilisation of Social Media

8.1 Directed Surveillance using the officer's private account

- 'Public' privacy setting

If an investigating officer views a service User's Facebook profile, with whom they are not 'Friends' via a normal route, and where the content is not protected by any privacy settings, then information on this profile can be treated as being in the public domain. Any viewing/visiting of this profile will be overt and no authorisation under RIPSAs will be required.

If the officer frequently or regularly views/visits the same individual's profile this must be considered as targeted. However if the service user posts publically, they can have no expectation of privacy and will give everybody the right to view their posts at any time and as many times as that person wishes to. Therefore, no authorisation under RIPSAs for directed surveillance is required.

If an investigating officer enters into a 'conversation' with the service user, and if the officer informs them that he is contacting them in his role as an employee of ELC, then this contact will be overt and no authorisation under RIPSAs will be required.

- 'Friends' privacy setting

To investigate a service user whose Facebook account is protected by privacy settings, the investigating officer will have to send the service user a 'friend request'.

8.2 Surveillance using identity as department's representative or departmental account

- 'Public' privacy setting

The same applies as when the investigating officer uses his private identity

- 'Friends' privacy setting

To investigate a service user whose Facebook account is protected by privacy settings, the investigating officer will have to send the service user a 'friend request'. As it is obvious from the department name that the person behind it is an East Lothian Council employee, then the action could not be classified as covert. No RIPSAs authorisation would be needed

8.2 Surveillance using covert identity

If an investigating officer befriends a service user under a covert identity, then a CHIS authorisation will always need to be in place before that is done.

9. Best practice for the use of social media in investigations

As a matter of best practice, whenever a Council officer intends to investigate a particular service user through social media, rather than conducting a general sweep of social media sites, an appropriate RIPSAs authorisation should be completed.

10. Authorisation for all types of surveillance

Please refer to East Lothian Council's Regulation of Investigatory Powers (Scotland) Act Policy.

11. Review of Policy

This policy will be reviewed every three years from the date of approval.

REPORT TO: Cabinet

MEETING DATE: 10 May 2016

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Local Flood Risk Management Plan

4

1 PURPOSE

- 1.1 To update Cabinet on the Flood Risk Management process and seek approval of the Local Flood Risk Management Plan (LFRMP) for the Forth Estuary Local Plan District (FELPD) which includes proposed Flood Protection Schemes (FPS) for Musselburgh and Haddington and further Flood Studies in various locations in East Lothian.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the Local Flood Risk Management Plan.

3 BACKGROUND

- 3.1 A report to the May 2014 Cabinet meeting outlined the requirements of the Flood Risk Management (Scotland) Act 2009 and recommended approval of the Coastal Characterisation Report as part of the ongoing Flood Risk Management Strategy (FRMS) process.
- 3.2 A report to the October 2014 Cabinet meeting recommended approval of the Objectives and Short List of Actions as part of the ongoing FRMS process.
- 3.3 A report submitted to the Member's Library Service in February 2015 informed Members of the Public Consultation and provided details of SEPA's Short List of Potential Actions and the Delivery Plan for those Actions.
- 3.4 A report to the September 2015 Cabinet meeting recommended approval of the inclusion of proposed FPS for Musselburgh and Haddington and further Flood Studies, in SEPA's List of Prioritised Actions in their FRMS.

- 3.5 The publication of Local Flood Risk Management Plans is a requirement of the Flood Risk Management (Scotland) Act 2009. The LFRMP for the Forth Estuary Local Plan District is being published in June 2016 by City of Edinburgh Council, as FELPD Lead Local Authority, on behalf of a partnership of the Local Authorities in the FELPD, and other Responsible Authorities. The full LFRMP is available to view using the following link: www.edinburgh.gov.uk/flooding
- 3.6 The Objectives and Actions for the East Lothian Potentially Vulnerable Areas (PVAs) are detailed in Appendices 1 and 2 which have been published in the Members' Library Service reference: 47/16, April 2016 bulletin.

http://www.eastlothian.gov.uk/meetings/meeting/5866/members_library_service

The main actions are summarised in the following paragraphs:

PVA10/21 & PVA 10/22 Musselburgh Coastal and River Esk

- 3.7 A Flood Protection Scheme (FPS) is proposed for Musselburgh to reduce flood risk from the River Esk and tidal surges. The scheme would consist of flood defences of walls and earth embankments and would provide protection from a 1 in 200 year flood event.
- 3.8 The scheme is under development with the Options Appraisal Report received at this stage. The next stage is Outline Design and Approvals followed by Detailed Design. Construction is estimated to start in 2019 but this programme is dependent on confirmation of funding contribution from the Scottish Government.
- 3.9 Consultation and Engagement Exercises with the public and local groups will be undertaken during scheme development.
- 3.10 A Natural Flood Management (NFM) study to assess whether wave attenuation could help reduce flood risk is proposed for the coastal area of Musselburgh.
- 3.11 A Surface Water Management Plan (SWMP) that sets objectives for the management of surface water flood risk and identifies the most sustainable actions to achieve the objectives will be produced. The SWMP will incorporate Scottish Water outputs from their ongoing Integrated Catchment Study (ICS) for this area.

PVA10/23 East Lothian Coastal from Prestonpans to Longniddry & Tranent

- 3.12 A Flood Protection Study is proposed for this area to reduce flood risk from watercourse and coastal flooding. The study will take a catchment approach and consider the interaction between upstream and

downstream actions and potential effects on coastal processes along the shoreline.

- 3.13 Scottish Water's Integrated Catchment Study (ICS) also covers a large part of this area. If any issues are identified in the ICS, these will be included in the SWMP.

PVA10/24 Haddington & R Tyne

- 3.14 A Flood Protection Scheme (FPS) is proposed for Haddington to reduce flood risk from the River Tyne. An Option Appraisal Study is currently being undertaken – investigating flood defences in combination with upstream storage.

PVA10/24 East Lothian Coastal – Dunbar & West Barns

- 3.15 A Flood Protection Study is proposed for this area to reduce flood risk from watercourse and coastal flooding. The study will take a catchment approach and consider the interaction between upstream and downstream actions and potential effects on coastal processes along the shoreline.

- 3.16 The study will also assess the risk and mitigation of wave overtopping at North Berwick.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The Local Flood Risk Management Plan for the Forth Estuary Local Plan District is being published in June 2016 by City of Edinburgh Council, as FELPD Lead Local Authority, on behalf of a partnership of the Local Authorities in the FELPD and other Responsible Authorities. The Flood Protection Schemes and Studies in the Plan will undergo individual Integrated Impact Assessments during their development.

- 5.2 A Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA) have been undertaken for the Flood Risk Management Strategy document that has informed this Plan. As the Plan is based on the Flood Risk Management Strategy, no further SEA assessment has been undertaken. In order to confirm this was appropriate the City of Edinburgh Council submitted an SEA screening report via SEA Gateway. Screening responses received via SEA Gateway confirmed that the Plan is consistent with the Flood Risk Management Strategy and therefore no

further assessment is required at this time. Project level impact assessments will be undertaken where required by planning and environmental regulations.

- 5.3 The City of Edinburgh Council as lead local authority and competent authority, also undertook a Habitats Regulations Appraisal to ensure that the Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protection Areas. Scottish Natural Heritage was consulted on the appraisal and their views have been taken into account. Mitigation has been applied where required to ensure that the Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protection Areas. For further detail see Annex 9 of the Local Flood Risk Management Plan.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The financial provision for the preparation of the Flood Risk Management Plan (to be published in June 2016) and implementation of Flood Protection Schemes and Studies will be allocated from the 2015/16 and future year Flooding and Coastal Protection budgets.

The Scottish Government will contribute 80% of the cost of Flood Protection Schemes and will allocate 20% of the annual flood budget to enable Councils to undertake Studies.

Provision for the Council's contribution towards the Musselburgh FPS (current estimate £1.77m) has been identified in the re-profiled capital budget for Coastal Protection / Flooding.

Provision for the Haddington FPS and other Flood Protection Studies identified in the Flood Risk Management Plan, will be required in future years and will be subject to confirmation of contributions from the Scottish Government.

- 6.2 Personnel - None

- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Local Flood Risk Management Plan (without Annexes)
- 7.2 Appendix 2 – Local Flood Risk Management Plan Annex 1 for East Lothian Potentially Vulnerable Areas (PVA)

7.3 Appendix 3 – Local Flood Risk Management Plan Annex 2 – 10

Appendices 1, 2 and 3 are published in Members' Library Services, Reference: 47/16, April 2016 bulletin.

http://www.eastlothian.gov.uk/meetings/meeting/5866/members_library_service

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