East Lothian
Council

MINUTES OF THE MEETING OF
THE CABINET

TUESDAY 10 MAY 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

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

Council Officials Present:
Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr D Small, Director of Health and Social Care
Mr J Lamond, Head of Council Resources
Ms F Robertson, Head of Education
Mrs M Ferguson, Service Manager – Legal and Procurement
Ms R Gertz, FoI and DP Compliance Officer
Ms J Mackay, Media Manager
Mr D Northcott, Team Manager – Structures, Flooding and Street Lighting

Clerk:
Mrs L Gillingwater

Apologies:
None

1. MINUTES FOR APPROVAL – CABINET 12 APRIL 2016

The minutes of the meeting of the Cabinet of 12 April 2016 were approved.

2. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 1998 – COMPLIANCE STATISTICS

A report was submitted by the Depute Chief Executive (Resources and People Services) advising of the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002, and the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period from 1 October 2015 to 31 March 2016.

The Head of Council Resources, Jim Lamond, presented the report, informing Members that there had been a significant increase in the number of FoI requests compared to the previous half year. He advised that 97% of requests had been responded to within the set timescale, that 100% of environmental request responses had been completed on time and that 100% of data protection requests had met the timescale.

Renate Gertz, the FoI and DP Compliance Officer, responded to questions from Members, advising that the Council was not permitted to ask why information was being requested, and that it was Council practice to anonymise requests before issuing them to officers for a response. She pointed out that requests were scrutinised to ascertain whether exemptions applied, such as commercial sensitivity, and where this was the case the request would be refused. She offered to review the anonymity procedure, in response to a concern raised by Councillor Goodfellow in relation to housing developers.

On the issue of the cost to the Council of complying with the legislation, Mr Lamond offered to provide this information to the Cabinet on an annual basis as part of the compliance report.

Councillor Currie paid tribute to Council staff for their efforts in responding to requests. He expressed concern at the way in which some commercial organisations were exploiting the legislation for their own benefit, and asked if this issue could be looked at.

Councillor Berry welcomed the report and the Council's willingness to provide information where requested. His views were echoed by Councillor McMillan and Councillor Innes, who indicated that the public should be reassured that the Council is acting in an open and transparent manner and handling requests in a professional way.

Decision

The Cabinet agreed:

i.   to note the report and feedback from Members on the compliance statistics, and

ii.   to receive, on an annual basis, details of the costs to the Council of dealing with Freedom of Information, Data Protection and Environmental requests.

3. REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT – SOCIAL MEDIA POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) setting out the formal Council position on the use of social media within the context of the

Regulation of Investigatory Powers (Scotland) Act, and providing a clearer framework for how these areas of activity interact.

The Head of Council Resources, Jim Lamond, presented the report, advising that the Regulation of Investigatory Powers (Scotland) Act (RIPSA) Policy, approved by the Council in 2013 had not addressed particular requirements as regards the use of social media, and that this new policy would meet the requirements of the Act in that respect. He explained that, in some limited circumstances, Council staff may be required to access social media by way of covert means, and advised that this policy would provide a framework for authorising the use of such surveillance in order to ensure that the Council was operating within the law. He reported that all Scottish local authorities were required to have a RIPSA policy, and that in accordance with the existing inspection regime, he expected that their policies would also need to cover the use of social media.

Responding to questions from Councillor Currie, Mr Lamond and Renate Gertz, the Council's FoI and DP Compliance Officer, advised that such powers may be used in investigations into anti-social behaviour and environmental protection, as well as benefit fraud, although it was pointed out that benefit fraud was now largely within the remit of the Department for Work and Pensions. Mr Lamond advised that two tests were applied prior to the powers being used – necessity and proportionality. He believed that there was a low level of activity in East Lothian, hence the infrequent use of these powers. Dr Gertz further advised that the policy would only apply in three circumstances – detection and prevention of crime; public health; and public safety. She added that, where possible, there was a practice of using overt surveillance, rather than covert surveillance.

Councillor Berry asked about the use of covert identities. Dr Gertz confirmed that false identities would not be authorised for the purpose of covert surveillance. She also pointed out that the policy applied to all forms of social media.

Councillor Currie welcomed the policy and the safeguards in place to ensure that it was enacted only for specific purposes.

Councillor Akhtar highlighted the importance of reassuring the public as to why and how the policy would be used.

Councillor Innes concluded the debate by reminding Members that the Council was required to have such a policy and that it would also provide protection to Council staff.

Decision

The Cabinet agreed to approve the Social Media Policy.

4.   **LOCAL FLOOD RISK MANAGEMENT PLAN**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Cabinet on the Flood Risk Management process and seeking 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.

The Team Manager – Structures, Flooding and Street Lighting, Dave Northcott, presented the report, advising Members of the progress made in relation to developing a LFRMP, and that the LFRMP would be published in June 2016 by the City of Edinburgh Council, as the lead authority. He drew attention to proposals in relation to various areas within East Lothian. As regards the funding of the Flood Protection Schemes, he clarified that whilst

there was a commitment from the Scottish Government to fund 80% of the cost of the schemes, confirmation of funding for individual FPSs had been delayed, and therefore, work to progress the Musselburgh and Haddington FPS would not commence until the Scottish Government's contribution had been confirmed; he anticipated that this would be confirmed at the end of May.

Referring to flood prevention in North Berwick, Councillor Goodfellow asked if this would extend to the east beach area and the sewage works. Mr Northcott explained that SEPA had not identified North Berwick as a Potential Vulnerable Area (PVA) in their Flood Risk Management Strategy; however, the LFRMP would include North Berwick in the wave modelling study carried out for the Dunbar and West Barns Flood Study.

Councillor Berry asked a number of questions in relation to flood risks in the North Berwick Coastal ward. Mr Northcott advised that SEPA's flood maps considered the impact of still water levels without wave effects. As regards Aberlady Bay, he noted that he would ask the consultants to look at the potential impact of surges on properties close to the Peffer Burn.

Councillor Currie asked if consideration had been given to flooding fields further upstream in order to prevent water from entering built-up areas. He also asked if the bridges in Musselburgh were strong enough to cope with a major flood. Mr Northcott pointed out that the option appraisal work considered Natural Flood Management (NFM). In relation to the bridge issue, he advised that Members would be briefed in due course.

Councillor MacKenzie questioned whether the Coal Authority managed its own flood risk plans. Mr Northcott confirmed that the pumping of the main workings had been raised as an issue and that the Council would identify the Coal Authority issues in any study being undertaken in the Preston/Seton/Gosford ward.

Councillor Berry asked Mr Northcott if he was satisfied that West Barns was now sufficiently protected. Mr Northcott stated that the measures put in place had prevented any further flooding, albeit there was a requirement for people to physically erect the barriers. He added that further measures that would dispense with the need for the barriers were under consideration, and that he anticipated that the study for the Dunbar and West Barns PVA would be carried out in early 2017.

In response to a question from Councillor McMillan as regards the effect of flood prevention measures on fishing in the Haddington and Lammermuir ward, Mr Northcott advised of a SEPA proposal to increase fish passage, but he did not have any further information at this time. The Haddington FPS was programmed to begin in 2020/21.

Councillor Currie expressed concern at the high number of residential and commercial properties in Musselburgh that were at risk from flooding. He highlighted the importance of the public consultation exercise and of the need to develop flood defences that would not have a detrimental impact on the community or on tourism. He hoped that funding would be made available to the Council in future years to invest in the infrastructure. His comments were supported by Councillor Williamson.

Councillor MacKenzie spoke of the risk of inland flooding should the Coal Authority cut back on pumping in the Blindwells area, and called on the Council to engage with the Coal Authority.

As regards the North Berwick area, Councillor Goodfellow welcomed the improvements to the sea wall but remained concerned about housing close to the harbour and the east beach.

Councillor Innes urged caution as regards the situation at Blindwells, stressing that there had been no suggestion of a change to the management of water in that area. He spoke of the importance of ensuring that any flood prevention measures were effective, and noted that the Council would assess risks in North Berwick, despite SEPA not including it as a vulnerable area. He welcomed the ongoing work with the Scottish Government to develop solutions to flooding across East Lothian.

Decision

The Cabinet agreed to approve the Local Flood Risk Management Plan.

Signed   ....

             Councillor Willie Innes
             Council Leader and Convener of the Cabinet

East Lothian Council

REPORT TO:	Cabinet
MEETING DATE:	14 June 2016
BY:	Chief Executive
SUBJECT:	Corporate Risk Register 2016

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1   PURPOSE

1.1   To present to Cabinet the Corporate Risk Register 2016 for discussion, comment and approval.

2   RECOMMENDATIONS

2.1   It is recommended that Cabinet approves the Corporate Risk Register for 2016.

2.2   In doing so, Cabinet is asked to:

- agree that the relevant risks have been identified;

- agree that the significance of each risk is appropriate to the current nature of the risk;

- agree that the total profile of corporate risk can be borne by the Council at this time in relation to the Council's appetite[1] for risk;

- recognise that, although the risks presented are those requiring close monitoring and scrutiny throughout 2016, many are in fact longer term corporate risks for the Council that are likely to be a feature of the risk register over a number of years; and,

- note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

3   BACKGROUND

3.1   In keeping with the Council's risk management strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk

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[1] How much risk the council can bear, or could be willing to take in pursuit of an opportunity (if it were judged to be (1) worthwhile pursuing and (2) the council was confident in its ability to achieve the benefits and justify the risk).

Management Group on behalf of and in consultation with Council Management Team.

3.2 In presenting the proposed Corporate Risk Register 2016 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).

3.3 The Council's response in relation to adverse risk or its risk appetite is such that:

- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position

- High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place

- Medium risk is tolerable with control measures that are cost effective

- Low risk is broadly acceptable without any further action to prevent or mitigate risk.

3.4 The 2016 Corporate Risk Register includes 1 Very High risk, 10 High risks, 5 Medium risks and 1 Low risk.

3.5 In accordance with the Risk Management Strategy 'Very High' and 'High Risks' identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee.

4 POLICY IMPLICATIONS

4.1 In approving this report the Council will be further establishing a policy that will ensure risk management principles are embedded across the Council.

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 – It is the consideration of the Corporate Risk Management Group that recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Corporate Risk Register for 2016 should be met within agreed budget

allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team and if required will be reported to Council.

6.2 Personnel – There are no immediate implications.

6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

7.1 Appendix 1 – Corporate Risk Register

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Service Manager - Corporate Policy and Improvement
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	1st June 2016

East Lothian Council Corporate Risk Register (V21: 3rd June 2016)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 1	Financial pressures: If the council's financial pressures were not to be successfully planned for and managed effectively over the medium to longer term (i.e. the next 3 and possibly up to 7 years), there would be a serious risk of unplanned/ reactive budget realignments with significant adverse impact on availability and quality of both front-line services and required investment in the Council's infrastructure and asset base. Over the medium term it is highly likely that the Council's income will, at best, remain static and may even reduce. At the same time it will have specific cost and demand pressures to deal with. These include: (1) demographic change and social-economic pressures - increasing pupil and elderly numbers; (2) general inflationary pressures and contractual commitments including pay and pensions; (3) specific cost pressures such as the affordability of the increasing number of high-cost individual care packages; and (4) potential financial costs associated with legislative changes such as a number of environmental issues, delivery of increased childcare commitments and Free Personal Care for all P1-P3 school children.	The Council has well developed short to medium term financial planning arrangements. These include: • Three year General Services revenue budgets; • Six year General Services capital plan budgets; • Ten year Housing Revenue Account revenue and capital budgets. In addition, it has cost control and financial management arrangements for managing in year budget performance. Both of which provide mitigating controls in terms of the immediate financial risk and pressures the Council is faced with. There continues to remain significant uncertainty in terms of the longer term financial projections for the public sector with the expectation that the current austerity measures will remain in place until at least 2019/20. The current financial strategy covers the medium term planning period of the next 3 financial years however this is likely to be extended to ensure that the Council is placed to meet the future challenges if current forecasts emerge. Partnership working with Midlothian Council and other partners is being developed to increase capacity to provide services within existing resources. The Council has also made significant progress towards implementation of the new Integrated Health and Social Care Partnership with effective shadow arrangements now in place and the statutory Integration Scheme close to being finalised. Continue to closely monitor information arising from both UK and Scottish Financial settlements through intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also professional commentators.	4	5	20	CMT/Managers continue to follow the financial strategy i.e. cost control/ cost minimisation to ensure delivery of agreed savings. This is also being monitored closely through the continued operation of the Chief Executive's Budget Review Group. Through the Corporate Asset Group and the newly formed Corporate Investment and Asset Management Group the Council will implement the approved Asset Management Strategy and related action plan. CMT will continue to monitor the impact of council restructuring and service re-design that flows from Efficient Workforce Management Planning. Further consideration will be given to increasing income where possible. The Workforce Development Plan is a key part of the Council's response to increasing financial pressures. It aims to support transformational change, build and sustain leadership and management capacity, sustain a skilled, flexible and motivated workforce and develop the workforce for the future. The Chief Executive has established a sub-group to the CMT that will oversee delivery of a programme of strategic change projects that will help improve services and secure planned efficiencies.	3	4	12	Chief Executive Depute Chief Executive – Resources and People Services Depute Chief Executive – Partnerships and Community Services Head of Council Resources Council Management Team	Action ongoing and continuous review. Monitoring arrangements will continue to be applied.	Risk reviewed by Head of Council Resources and Service Manager Business Finance May 2016. Risk reviewed by CMT in May 2014 and current score increased from 15 to 20.

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			L	I	L x I		L	I	L x I			
ELC CR 2	Welfare Reform A range of measures has been introduced to reform the welfare system and reduce the budget for welfare benefits. It is expected that East Lothian residents will continue to experience financial detriment as a result of ongoing changes. The rollout of Universal Credit in East Lothian started in April 2015. Whilst the volumes of new cases hasn't been as high as initially expected, the workload created by this change has been significant and has so far been managed within existing resource. The current working arrangements may not be sustainable once volumes match JCP/DWP projections and it is predicted that considerable investment in additional staffing resource will be required. The DWP will introduce its Full 'Digital' Universal Credit service in East Lothian on 23rd March 2016. This will see UC payment extended to all eligible claimants/households and will increase the live UC caseload significantly. It is anticipated that new claims to legacy benefits will be closed once claimants begin their transition to UC; Migration to Universal Credit of existing HB cases is expected to follow from July 2018. When full implementation of Universal Credit has been achieved (expected to be by 2018/19), it is estimated that the Council's Rent Income team would have to collect an additional £8.3m per annum from claimants whose rent is currently paid direct to their rent account by housing benefit. A reform which continues to pose a significant risk to rent collection is the removal of the spare room subsidy from those claiming housing benefit and under occupying their homes. This reform is also known as the 'bedroom tax'. Whilst this has been mitigated by funding made available by the Scottish Government there is a risk that this funding may still be inadequate for alleviating Housing related hardship and may not be sustainable in the longer term. Following the publication of the Smith Report recommendations the Scottish Government is considering how it may use its devolved powers provided for within the Scotland Bill (yet to be enacted). The outcome of these deliberations will introduce Scottish flexibilities to the delivery of UC in Scotland. Within the business areas covered by Council Resources, further changes could lead to: • Increase in rent arrears from reduced assistance with Housing costs and possible increase in evictions • increased pressures on rent collection teams • increase in Council Tax arrears and non-	The Council has received several update reports and will continue to be updated. The Council has established a Welfare Reform Task Group to plan for the changes to the welfare system. The Task Group has a detailed action plan to ensure that the Council takes the necessary measures to prepare for the changes to the welfare system. Up until now the work of the group has been based around communications; data sharing; training; and migration to the new benefits system such as the establishment of the Scottish Welfare Fund. However, the focus of the group will change as welfare reform evolves further. The Task Group and its work stream sub groups are continuing to meet regularly and will continue to report back to the Council Management Team and to the Council. The Benefit Service is continuing to make full use of additional Discretionary Housing Payment, (DHP) funding to mitigate for the impact of the removal of the spare room subsidy and other forms of housing related hardship wherever possible. An impact analysis report (UC on rent collection) has been produced and has been considered by Senior Management. The Welfare Reform Task Group, Welfare Reform Reference Group and Welfare Reform Liaison Group will all continue to implement their action plans to mitigate the impact of welfare reform. The Benefit Service will continue to monitor it's DHP expenditure and will regularly report the extent of any potential overspend to the CMT & Elected Members. Revenues & Benefits Services engage in meetings between other colleagues and DWP/Job Centre Plus staff to ensure a managed transition to Universal Credit is achieved. Castle Rock HA providing personal budgeting support for East Lothian UC claimants. Approval was given in December 2015 for additional staffing resource within the Rent Income team to help manage the impact of UC on rent collection. 0.5FTE with immediate effect and provision made to increase establishment by 1 additional FTE in 2016/17 and 1 additional FTE in 2017/18, subject to management review. Recruitment has been ongoing to maintain current benefits establishment. Promotion of ELC 'Right Benefit Campaign' objectives to maximise opportunity to qualify for FERIS incentive payments (to offset HB admin subsidy reductions).	4	4	16	Both the Revenues and Benefits Services will monitor the progress of the Scotland Bill recommendations and will engage in any consultation relating to its findings on further devolution of welfare.	4	4	16	Depute Chief Executive – Resources and People Services Welfare Reform Task Group Depute Chief Executive – Partnerships and Community Services	Risk is under constant review by the group.	Risk refreshed by Service Managers – Revenues & Benefits March 2016 with both current and planned scored increased to 16 due to current uncertainty. Risk further refreshed March 2015 with no further changes to scores. Risk reviewed April 2014. Current score reduced from 16 to 12 and predicted score reduced from 12 to 9.

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			L	I	L x I		L	I	L x I			
	payment of Council Tax • increase in Business Rates arrears and non-payment of Business Rates • continued loss of income the Council currently receives for administering Housing Benefits • an overspend of DHP if/when the Scottish Government fail to fully reimburse the Council for its expenditure relating to mitigation of the spare room subsidy. • Increasing footfall/demand for sign-posting, help and advice from customers who are required to claim Universal Credit and confused about which agency provides assistance with housing costs. Efficient Workforce Management, restructures, budget restrictions and DWP/Scottish Government cuts could result in both the Revenues and Benefits services not being able to maintain levels of staff to allow the services currently provided to continue in their present form.											

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			L	I	L x I		L	I	L x I			
ELC CR 3	Information Security and Data Protection Failure to have comprehensive council wide Information Security Management measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central I.T. systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event. Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels. The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). All Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN. Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of information (including information stored electronically) could result in - harm to individuals; - legal action; - fines of up to £500,000. - requirement to pay compensation; - adverse publicity; - damage to reputation.	The Council uses the international standard ISO 27001:2014 as the framework for its Information & I.T. Security Management system. This includes objectives, policy framework, internal audit, management support and treatment, training and awareness, risk assessment, measurement of effectiveness, management review, non-conformity management and continual improvement. As part of the security controls required by the standard to mitigate risks, several control areas are set out : Information security policy; Information security organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents etc); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security); Compliance - ELC takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (incl. DP Act and Public Records Act). There is a Council Information Security (IS) Forum hosted by the IT Security Officer. IS, DP and Records Management Awareness training now forms part of our induction process for new employees. Data Protection and Information Security awareness training is mandatory for all employees and must be renewed every two years. IT health checks on the existing infrastructure are carried out annually. New systems being introduced to our infrastructure are risk assessed and security checked before introduction to ensure they meet criteria. The Data Protection Officer carries out a series of "health checks"/audits in various Council departments to ensure compliance and to improve practice. Online Data Protection Training rolled out to all employees and repeated every 2 years. The Council's Records Management Plan was adopted in 2014 and approved by the Keeper in January 2015. This 5 year plan covers how the Council manages its records and includes links to our information security and data protection policies.	4	4	16	An implementation group has been formed to ensure improvements are made in relation to the Record Management Plan. I.T. has purchased additional logging system licenses and is investigating upgraded security gateway systems which will allow closer inspection of any suspected malicious activity on I.T which will be put in place later this year. The Council is carrying out a programme of Information Security Awareness sessions within all schools. Acceptable use policy for all ELC employees is to be refreshed during 2016 and all employees will be expected to sign.	3	4	12	Depute Chief Executive – Resources and People Services Head of Council Resources Depute Chief Executive – Partnerships and Community Services	March 2017 September 2016 July 2016 December 2017	Risk further reviewed and updated May 2016 with no chance to scores. Risk reviewed March/April 2015 with new measures now in place although risk score remains at 16 due to the increase of attacks via spam emails containing infected ransomware attachments amongst local authorities.

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			L	I	L x I		L	I	L x I			
ELC CR 4	Flooding and Coastal Erosion As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.	Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place and working effectively. The Severe Weather Response Plan has been developed over the past few years and ensures a co-ordinated and consistent multi-agency response across the county. Emergency surface water, coastal and river flood procedures in place and have proven effective. Shoreline Management Plan has been produced and Flood Risk Management Strategy and Plans are being prepared to meet the requirements of the Flood Risk Management (Scotland) Act 2009. Flooding advice is given on the Council website and directs people to the relevant pages on the SEPA website. The Council is working with the Community Councils to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Improved communication with vulnerable groups regarding access and assistance during severe weather events.	4	4	16	ELC have commissioned Flood Studies for Haddington and Musselburgh and are to engage a consultant to further develop Flood Protection works on the River Tyne and Esk. Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in SEPA's Flood Risk Management Strategy. The implementation of Flood Protection Works is reliant on funding availability. Currently it is envisaged the majority of schemes on SEPA's list will be funded in the 2016-2022 planning cycle.	3	3	9	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	June 2016	Risk reviewed January 2016.
ELC CR 5	Public Sector Reform Major elements of public sector reform have been or are being implemented including: • Integration of Health and Social Care and creation of a new H&SC Partnership; • Review of Community Planning; • New legislative duties in relation to procurement, community empowerment, regulation, and children and young people. However, the Scottish Government and the Accounts Commission have reflected that the pace of public sector reform across the Scottish public sector is slower than they had expected Following the Scotland Act 2016 there is continuing uncertainty about the future governance of Scotland, the future structure and governance of local government and the public sector and continuing pressure on public finances. The new Scottish Government's legislative programme is likely to include further proposals that, if implemented, could further centralise control over,	Effective working relations with key partners including Police Scotland, Scottish Fire and Rescue Service, NHS Lothian and the voluntary sector are being further developed through East Lothian Partnership and bi-lateral meetings and arrangements to prepare for public sector reform. The Council Management Team and Council or Cabinet receive reports on the implications of the reform proposals and on the Council's preparations, which are led by the Chief Executive and other senior officers. Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required. The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements. The Community Planning Partnership structure established in September 2013 provides a more strategic focus for the East Lothian Partnership including early intervention, tackling inequalities, joint resourcing, and joint asset management. This was	4	4	16	East Lothian Partnership and the Single Outcome Agreement are to be reviewed again in 2016/17 to ensure they meet new requirements set out in the Community Empowerment (Scotland) Act 2016 and the Scottish Government's new legislative programme. Continue to monitor developments in the Public Sector Reform agenda and Scottish Government's legislative programme and develop responses to exploit potential benefits from, or mitigate potential negative impacts of, different future scenarios CMT and elected members will work together to ensure that the Council is prepared for future public sector reform and differing scenarios for future governance, financial, operational and performance management arrangements are explored in order to minimise risk. Area Partnerships now established	3	3	9	Chief Executive	March 2017 March 2017 March 2017	Risk reviewed and refreshed May 2016 with Current Risk Score increased from 9 to 16.

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			L	I	L x I		L	I	L x I			
	and reduce the powers of, local government. Such proposals include moving responsibilities and funding for education and schools from Councils to Head Teachers; creating new 'educational regions'; decentralising local authority functions and budgets; setting arbitrary targets for devolving funding; and, further review and reform of community planning. The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding. In addition, the Scottish Government's commitment to protect and increase funding in priorities such as health and education run the risk of further eroding Scottish Government funding for other local government services. Existing public sector reforms and new reforms expected in the lifetime of the next term of the Scottish Government create uncertainty, additional workload, a requirement to restructure services and create new accountability, governance, scrutiny and partnership arrangements.	tested by a Self-Assessment carried out with the support of the Improvement Service in December 2014, which resulted in a detailed Improvement Plan.				and will be supported to enhance local service delivery. Maintain regular communication with employees to manage any uncertainty in times of change.						
ELC CR 6	Development Plan Failure to maintain an up-to-date Local Development Plan could lead to a shortfall in the effective 5 year housing land supply to meet the needs of our growing population and a lack of control over planning decisions due to planning by appeal. This could lead to unplanned development at odds with the Council's planning strategy for East Lothian, and consequent reputational damage. It could also contribute towards the Council not being able to achieve its Council Plan objectives – Growing our Economy and Growing our Communities – and related Single Outcome Agreement objectives. The Local Development Plan is also required to support and guide the provision of infrastructure required to meet the needs of our growing population and growing economy.	Staffing levels and other resources are stretched in fulfilling the task. Finalisation of the proposed Local Development Plan for examination is part of a Planning Business Plan objective (ongoing review). Details are set out in the Local Development Plan Scheme with timescales (to be reviewed by April 2016). Detailed timeline drawn up for LDP finalisation key stages, including internal consultation and allocation of tasks to staff in other services. Cumulative impacts require to be assessed. Education review and consultations require to be carried out and Transport modelling completed along with assessment of infrastructure requirements. ELC and SESplan Development Plan Schemes commit to a programme of Development Plan Scheme review (reviewed annually). SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland. Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group.	4	3	12	Draft proposed LDP approved with amendment November 2015. This gives a basis to consider the principle of housing development on sites that may contribute to a 5 year housing land supply, subject to further technical assessment including cumulative impacts. A fully collaborative and corporate approach is being taken to prioritise development of the Council's proposed plan for ratification and the representation/examination periods Work on schools consultation(s) and transport modelling being undertaken. These are not yet fully aligned and integrated with proposed plan development work due to site/type selection issues with schools and delay of Transport Scotland base model. Infrastructure constraints are being identified collaboratively in accordance with proposed plan development work and are being considered in terms of future financial planning. Housing Land Supply: Interim Planning Guidance as updated approved by East Lothian Council 23 February 2016.	3	3	9	Head of Development	December 2016	Risk Refreshed by Head of Development and Service Manager – Planning February 2016. Current risk score reduced from 15 to 12.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 7	Failure to maintain a highly skilled workforce While private sector wages are beginning to increase the public sector pay rates remain at a lower level with little chance of comparable rises. The Council's salary and grading structure may not be competitive against other local authorities and the private sector making it more difficult to recruit qualifies staff to certain posts. The high number of specialist roles/skills within the Council means that for example service reviews, budget restrictions, long-term absence, cessation of contract etc. would compromise service delivery. Reduction in skilled, qualified and experienced workforce would result in an inability to provide high quality services, increased pressure on existing staff and increased likelihood of poor operational performance. The age profile of the Council staff is a concern as a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas. There is a risk that the Council will not be able to provide the significant investment in time and resources is required to ensure staff maintain their professional and continuing personal development requirement in regulated services such as education and social work, but also to ensure that staff across all services are up-skilled and supported to develop their careers within the Council	The Council's People Strategy and Workforce Development provide the basis for addressing some of the key risks The Workforce Development Plan is informed by the feedback from the Employee Engagement Survey, Investors in People assessment and self-evaluations Annual analysis of age profile engagement survey. Ability to determine and assess staff turnover figures both Council wide and at service level, therefore able to assess any jobs or service areas where there is a higher turnover. Service Reviews take account of requirement for skilled workforce to deliver services. Staff encouraged and supported to work collaboratively where appropriate to share skills, experience and knowledge. Management training (Chartered Management Institute level 3 and 5) available to managers to enable them to develop their management and leadership skills. Performance Review and Development process rolled out across all services providing staff and managers with opportunity to review training and development needs of staff and services. Continue to Identify critical 'specialist' work and contingency measures such as cross-training, shadowing, alternative 'backup' provision and support arrangements. Continuous Professional Development and Supervision and ability to undertake training for professional qualifications in key professions, including teaching and social work to ensure staff maintain their professional accreditation. Programmes in place for graduates internships, apprentices and modern apprentices and school work placements for 16+ are increasing the number of young people employed by the Council. Continued development of skills academies e.g. Construction/ Hospitality will ensure that traditional crafts and skills are not lost and will provide a future pool of skilled labour to recruit from as vacancies arise. Programmes and initiatives in place to support staff and provide a range of benefits including worksmart policy and flexible working, Healthy Working Lives and Employee Benefits such as car leasing scheme, bike buying scheme, and childcare vouchers. Employees have access to the relevant pension scheme, either Lothian Pension Fund or Scottish Teaching Pension Scheme.	4	3	12	Review the Council's People Strategy Review Workforce Development Plan, including development of management and other staff training We have begun exploring implications of ELC's policy of recruitment to first point of pay scales, as part of our overall succession planning and allowing managers to bid to amend this on a case by case basis. Managing attendance policy currently being revised. Explore potential of additional employee benefits	3	3	9	Service Manager HR & Payroll Service Manager Corporate Policy & Improvement	December 2016 December 2016 December 2016 December 2016 December 2016	New Risk Created May 2016.

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			L	I	L x I		L	I	L x I			
ELC CR 8	Duty of Care to Public and Public Protection

The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.

Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.

A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Protection, Offender Management, Violence against Women and Girls and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.

The duty of care is at the heart of the Council's approach to risk management.

The likelihood of this risk occurring is influenced by a range of factors including for example:

(1) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;

(2)Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced
(3) Increasing population and the number of vulnerable people in East Lothian;
(4) Levels of deprivation in East Lothian;

(5) Capacity in partnership and purchased services. | The East and Midlothian Public Protection Committee (EMPPC) established in July 2014 to incorporate the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and to ensure robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP).

Governance and scrutiny arrangements in place through Critical Services Oversight Group (CSOG), including Self Evaluation. The Public Protection Office Business Plan is reviewed six monthly by CSOG.

East Lothian and Midlothian Public Protection Strategic Business Plan 2014-18 approved by CSOG 03/12/15.

Terms of Reference exist for :

- East and Midlothian Critical Services Oversight Group
- East and Midlothian Public Protection Committee
- East and Midlothian Performance and Quality Improvement sub-group
- Child Protection Inter-Agency Referral Discussion (IRD) Overview Group
- Adult Support and Protection IRD Overview Group
- MARAC steering group
- Violence Against Women and Girls Delivery Group

Public Protection Learning and Development and Engagement and Communications strategy developed and under implementation.

Policies, Protocols, Procedures and Guidance are in place and available on Public Protection website www.emppc.org.uk. A process is in place for distribution and implementation of policies, protocols, procedures and guidance via PPC members within their areas of influence   There is a programme of review of all policies, protocols procedures and governance arrangements.

Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members.

CSWO reports annually to Council giving oversight of Public Protection performance including assessment of risks and pressures.

Regular public protection performance reporting to PPRC.

The Council delivers services within a comprehensive framework of business control arrangements i.e. Single Outcome Agreement, Council Plan, Service | 3 | 4 | 12 | Review of Violence Against Women and Girls Services initiated April 2016.

Ongoing review of the Public Protection Performance Framework through the EMPPC Performance & Quality Improvement Sub Group.

New obligations of the Children & Young People Bill introducing the 'Named Person' role will be further developed and implemented during 2016/17.

Assess implementation of Adult Support and Protection procedures across partnership services to fully embed procedures in practice meeting legislative duties.

Suite of Health and Safety Management Arrangements being introduced.

The Council is working towards delivering the UK Governments Counter Terrorism strategy, known as Prevent, Contest. | 2 | 4 | 8 | Chief Executive / Critical Service Oversight Group

Depute Chief Executives, Director of East Lothian Health and Social Care Partnership and Heads of Service

Chief Social Work Officer

Public Protection Office

Health and Safety Team

Emergency Planning and Risk Management Team | March 2017

March 2017

March 2017

March 2017

March 2017

December 2016 | Former Public Protection and Duty of Care to Public Risks combined and reviewed May 2016. Current risk score reduced from 16 to 12 and Predictive Risk score reduced from 12 to 8 as likelihood reduced.

Risk reviewed and updated April 2015 by CMT with further review planned throughout 2015/16. |

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
		Plans, Service Business Continuity and Risk Management Plans, CONTEST and a suite of corporate health and safety policies. This framework provides a robust control and ongoing review for public duty of care and public protection risks. The Council employs staff through robust recruitment policies including pre-employment vetting through Disclosure Scotland and the Protecting Vulnerable Groups scheme. Details of the posts which are subject to the Disclosure process are published on the Council intranet. Council IT systems e.g. the Social Work Frameworki system and service specific systems are used to identify and record risk factors, relating to people, buildings and places, in a structured and consistent manner; this ensures appropriate legislatively compliant partnership information sharing. All employees access appropriate training/E-Learning covering core Public Protection and Health and Safety training e.g. GIRFEC, Child Protection, Prevent, Adult Protection and Health & Safety. All Regulated Services e.g. Homes for the Elderly, Schools are inspected by Care Inspectorate and HMiE. Action Plans are implemented following on from all Regulated Services inspections.										
ELC CR 9	Duty of Care to Council Staff (Health & Safety) East Lothian Council has a duty of care to all its employees across the full range of services and those who can be affected by the Council's activities. Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees. Lone Working Failure of the Council to provide employees with effective Lone Working Arrangements and the appropriate training could result in injury or death to those employees resulting in H&S prosecution, civil insurance liability, reputational risk, increased sickness absence and pressures on service delivery.	All employees receive an induction, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles. Quarterly Joint Health and Safety Committees oversee the Health and Safety Agenda of Council. This is supported by Departmental committees examining health and safety at a department level. Health and Safety Training needs are identified from project plans and Risk Assessment Findings. Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work. Safety Management System in place and supported by audit and inspection programme across the Council. Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place. Quarterly reviews of Occupational Health Service referral levels take place. Monthly Occupational health contract and work level review takes place along with a review of service need and demands.	3	4	12	A comprehensive suite of Management Arrangements and supporting Guidance are being developed. Managing Attendance Policy currently being reviewed following which a series of new workshops will be rolled out to managers. Explore implementation of Vehicle Tracking system into Fleet Vehicles used by lone staff working directly with clients. Review the Staff Domestic Abuse Policy. Implement and review Policy and Guidance through the Safe Driving at Work Group.	2	4	8	Head of Children and Adult Services Service Manager – Revenues SDAW Group Depute Chief Executive – Partnerships and Community Services Health and Safety Team Human Resources / Public Protection Office	March 2017 March 2017 March 2017 March 2017 November 2016	Risk reviewed and updated May 2016. Risk refreshed December 2015 by CMT with current residual score reduced from 15 to 12 and planned score reduced from 10 to 8. Risks on Lone Working, Safe Driving at Work and Duty of Care amalgamated into one Duty of Care (H&S of employees) Risk in May 2014 at the request of CMT.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	**I**	**L x I**		**L**	**I**	**L x I**			
	Safe Driving at Work "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". Failure to implement and maintain a Safe Driving at Work (SDAW) Policy and Guidance to ensure that the Council meets current Health & Safety guidelines could result in the Council facing legal action if a serious road accident were to take place involving any driving operation undertaken by employees, Elected Members, volunteers, agency workers or other authorised parties using personal, Council or hired vehicles, as well as any driving Council fleet vehicles, in connection with Council business.	Lone Working Information on Lone Working is part of the Service Level Induction process. Lone Working employees who require access to the lone worker system have received training on the use of this. Specific procedures are in place in services with a high level of lone working such as Children's Wellbeing and Revenues, including risk assessments, electronic diaries, mobile phones and signing in/out books. Lone workers register and use the Corporate Lone Working System operated through the Contact Centre. Revenues lone workers are allocated a Peoplesafe personal alarm that provides 24/7 monitoring using GPS. Lone workers can be tracked via a dedicated website and are able to raise an alarm by activating their device. http://peoplesafe.co.uk/services/identicom_877.asp A Potentially Violent Clients Register has been set up which enables the sharing of information relating to potentially violent clients across customer facing teams allowing managers to identify and implement control measures to protect employees from potential harm. Safe Driving at Work A Safe Driving at Work Policy and a Guidance Manual has been completed by the SDAW Group to ensure that safe driving principles are embedded across the Council. The draft policy has been consulted on and has been approved by Cabinet and is about to be publicised to all staff and implemented alongside new Transport checks. Arrangements in place to ensure the reporting and recording of all accidents and incidents arising from work related driving as well as identifying and implementing remedial actions following road traffic accidents. Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness".											
ELC CR 10	Corporate Events Management Effective preparation and co-ordination across a number of services, for high profile events coming to East Lothian is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action.	Currently for each *major event* considerable pre-event liaison with Council teams, event organisers and the Emergency Services takes place. However, there is no *overall co-ordination* of all events and no SAG process in place. Council staff involved in events have considerable experience and proven track records in organising and managing events.	3	4	12	Selected staff to attend SAG training and liaise with other Local Authorities and COSLA to determine and introduce 'best practice'. Corporate Events Management Group to be put in place and hold regular overarching SAG meetings (suggested quarterly) to decide which events require specific SAG.	2	4	8	Depute Chief Executive - Partnerships & Community Services Head of Service (Development)	December 2016 December 2016	New risk created May 2016.

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			L	I	L x I		L	I	L x I			
	COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior officer, who will meet to discuss all events taking place within their area over a pre determined period of time. This group would include the blue lights and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice. The following criteria would be considered by the 'over arching' SAG: • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser The council is involved in events as they tend to take place in Council parks or on our roads. ELC also provide infrastructure such as barriers and have staff working at events. We also issue licenses and permits and for many events we also provide grants. Whilst the majority of these events are organised by outside bodies, most will require a licence from the Council and while the Council will obviously do everything possible to help the organisers operate within the law, if they fail to have the correct licences in place then it is them that face the risk of criminal prosecution. The Council has a statutory role in enforcement /inspection (building control, food hygiene etc.) and we do help the organisers in relation to traffic management and other aspects but it would be the organisers themselves that carry the risk.	Event guidance for organisers of events is published on the Council website. Where a SAG group is set up, for a specific event, it has no statutory power to stop it taking place, however, it can withdraw its support and co-operation which means that the event cannot proceed. This is especially true in terms of their insurance cover. Police Scotland will always provide the final advice on public safety.				Corporate Events Management Group meetings to co-ordinate preparation for various events as per event schedule, with representation from all relevant Services areas and Multi-Agency Partners. Events Guidance Manual to be drafted and put online with information on Insurance, Communications, Travel Plans (bus routes) and Council and External Contact information. Single Point of Contact (SPOC) resource requirement to be quantified and assessed to maintain an overview of events and event notifications, awareness and assessment to support overarching SAG meetings and Corporate Events Management Group meetings and the actions that flow from these.				Service Manager – Environmental Health Team Manager, Economic Development	December 2016 September 2016 August 2016	
ELC CR 11	Contest Deliver the UK Governments Counter Terrorism strategy, known as CONTEST. All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015. Failure to discharge this duty could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity.	Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives. ELC has established a CT WG chaired by the Deputy Chief Executive with members consisting of the CMT. ELC has appointed a senior member of staff as SPoC for Prevent as per the guidelines issued. ELC has also appointed a SPoC for Prepare and Protect. A training gap analysis has been completed in respect of Prevent. Education personnel are fully engaged with Prevent.	4	3	12	Programme of awareness training and delivery of packages such as WRAP/ACT Now training to be followed in ELC. A good level of engagement to be sustained with Community Planning Partners. Head of Education to progress Prevent training for staff and pupils. School IT filters will follow Government Guidance. ELC will follow and contribute towards the 'J' Division Contest group implementation plan.	2	3	6	Chief Executive Depute Chief Executives Council Management Team	March 2017 December 2016 December 2016 September 2016	New risk created May 2016.

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			L	I	L x I		L	I	L x I			
		ELC Managers have received Prevent training. E Learning, level 1, training package available to all staff.				Reporting process will be established.					September 2016	
ELC CR 12	Severe Weather There is a risk that an extended period of severe winter weather will lead to an increase demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt. This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.	East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority. The ELC Severe Weather Response Plan has been developed over the past few years and ensures a co-ordinated and consistent multi-agency response across the county and is reviewed annually. Claims protocol in place within the Insurance section. Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. Snow clearing equipment has been supplied to Primary Schools and Community Councils on request. A number of grit bins are provided to enable self-help gritting of adopted roads and footways. Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level. Guidance and information on ELC website. Several Community Councils have started to create their own emergency response plans or asset registers of volunteers and skills available at a time of crises. A workshop, hosted by East Lothian Council, to further progress Resilient Communities, for the benefit of Community Councils and other voluntary organisations, took place in 2014 creating momentum in this area. As a direct result of this workshop ELC will now finance all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans. Training and awareness sessions for staff. Training and exercising with partner agencies.	3	3	9	The Council continues to work with the Community Councils and other voluntary groups including Tenants and Residents Associations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".	3	3	9	Depute Chief Executive – Partnerships and Community Services	Ongoing through 2016	Risk refreshed April 2016 with no changes to risk scores.

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			L	I	L x I		L	I	L x I			
ELC CR 13	Carbon Management There is a risk that the Council may fail to meet its public bodies duty under the Climate Change (Scotland) Act 2009 to reduce its carbon emissions, adapt to climate change and endeavour to act sustainably. Failure to mainstream and embed action to address climate change issues may harm the Council's reputation (in terms of corporate social responsibility) and increase the potential for unbudgeted costs and financial penalties. Such an example is the Carbon Reduction Commitment (CRC), which is essentially a carbon tax. In 2014/15, the CRC was extended to include emissions from street lighting. Additionally, the CRC cost per tonne of carbon emitted from energy and street lighting rose from £12 to £16 per unit.	A Climate Change Planning and Monitoring Group has been established, under the East Lothian Partnership (inaugural meeting February 2015). The Group will play a critical part in driving and coordinating the work of the Partnership to meet its climate change obligations and commitments. The Group will be responsible for developing and monitoring a Climate Change Strategy to replace the Environment Strategy and the Carbon Management Plan (2009-14, extended to 2015). Supporting the work of the Group will be a number of delivery subgroups, a number of which already exist (e.g. Carbon Management Team). The Subgroups will be tasked to implement relevant plans and projects identified in the Climate Change Strategy. Area Partnerships serving the six cluster areas of East Lothian were established in 2014, providing the main opportunities for local communities to contribute to the East Lothian Plan and influence service planning and delivery in their area. Each Partnership is responsible for developing a strategic level area Plan, linked to the priorities in the ELP, which will be delivered by partners and involve local communities. Sustainable travel has been identified as a key priority across all the Partnerships.	3	3	9	Develop a Climate Change Strategy. Update the Carbon Management Plan. Develop an Active Travel Improvement Plan, with input from the 'East Lothian on the Move' events held within each Area Partnership, as part of the Local Transport Strategy.	2	3	6	Depute Chief Executive – Partnerships and Community Services	March 2017 June 2016 December 2016	Risk refreshed January 2016 by Sustainable Development Officer.
ELC CR 14	Stability of the Council Plan The Council will begin drafting a new Council Plan for 2017 to 2022 in Autumn 2016. It will engage with communities and partners on a refresh of the council vision and priorities that will form the basis for the new plan. The Council Plan is a key element in securing long term stability for future service delivery planning. The risk of not fulfilling this would present challenge for the council in maintaining high quality service delivery, meeting the aspirations of our customers and the longer term effectiveness of the organisation.	The Plan is regularly monitored and reviewed by CMT and reported to Audit and Governance on an Annual basis. The following are all currently in place: Council Plan 2012-2017 Council Vision Strategic Objectives Single Outcome Agreement Long term budget planning	3	3	9	The Council will begin drafting a new Council Plan for 2017 to 2022 in Autumn 2016. It will engage with communities and partners on a refresh of the council vision and priorities that will form the basis for the new plan.	2	3	6	Council Management Team	April 2017	Risk created May 2016

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			L	I	L x I		L	I	L x I			
ELC CR 15	Business Continuity Non availability of: • premises, through fire, flood or other unexpected incident; • key staff or significant numbers of front-line staff for any reason including a Pandemic; and/or • systems (IT, telephony, power failure etc) • any form of transportation due to a fuel shortage The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. As a result of a Business Continuity (BC) review in 2015 each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Rivo software. ELC staff have access to an e-learning package on Business Continuity. IT –specific disaster recovery arrangements in place for the critical systems – e-mail and social care. These have duplicate services in place off site which can be brought into action if ELC lost its main data centre at JMH. For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues. Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH. The Council has a Fuel Plan in place and is able to call a Fuel Group at anytime. Fuel supply held at our depots and can be sourced externally from local fuel service stations and through shared services with other Local Authorities. Regular monitoring of current fuel stock and assessment of any weather predictions, political developments or industrial action etc that may affect fuel availability. An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres.	2	4	8	Progress Business Continuity 'alternative accommodation' plan and a 'site specific' plan. Replace the Rivo BC/EP software as it is not 'fit for purpose'. Organise and plan a full real time exercise, involving a facility (possibly JMH) to test the ELC BC plans once new software is introduced and staff are familiar with it.	2	3	6	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	March 2017 July 2016 March 2017	Refreshed April 2016
ELC CR 16	Equality Failure to meet duties and legislative requirements of the Single Equality Act 2010 The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to	ELC Equality Plan in place and available online A new Integrated Impact Assessment Process has been developed with Midlothian Council and NHS Lothian to support the Council to meet its legal duties The Senior Management Team received a presentation on the new IIA process in April 2016 to assist in embedding the new process across the	2	3	6	Embedding of new Integrated Impact Assessment procedure across all Council services.	2	3	6	Depute Chief Executive – Partnerships and Community Services	December 2016	Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	• report on mainstreaming the equality duty • publish equality outcomes and report progress • assess and review policies and practices • gather and use employee information • publish gender pay gap information • publish statements on equal pay • consider award criteria and conditions in relation to public procurement • publish in a manner that is accessible. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	Council. A programme of support, including training on the new IIA process is being put in place. The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package. HR is capturing the employment monitoring information required under the Act and reporting it appropriately and also carries out an annual Equal Pay Audit. E Learning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. An Equality Impact Assessment was carried out on the Council draft budget. Equality indicators have been included as part of the Performance Framework and SOA indicator set The Council has established a Poverty Commission to report on and make recommendations for actions to further the Council Plan and SOA objective to reduce inequalities										measures.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 17	Standards in Public Life

Failure of corporate governance or to meet standards in public life.

Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage. | The main internal controls are the Council's Code of Corporate Governance, the Annual Governance Statement, Standing Orders, Scheme of Administration and Financial Regulations. Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised and approved by Council in August 2013 and further revised on a regular basis since.

The conduct of elected members, officials and employees is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct. The Audit and Governance Committee also has a role in promoting good governance. The Council's Monitoring Officer and legal advisers provide advice as required. Internal Audit conducted a review of the process for Elected Members' Registers of Interests and Declarations of Gifts and Hospitality and a report was submitted to the Audit & Governance committee in March 2015. The report recommendations were implemented in May 2015 and remain current best practice.

A programme of briefings for Elected Members has been established since 2013 with events currently scheduled every month during the committee session. Ad hoc additional briefings are also held. Briefing topics for the 2015/16 session include: Performance Management, Developing the Young Workforce, Education- roll capping, Academies and Risk Management. Topics are already in the pipeline for session 2016/17.

The Council is developing its links with the Local Area Network of audit and inspection agencies and with its Auditors.

Elected Members have an ongoing opportunity to participate in the Improvement Service's CPD programme.

Elected Members have an ongoing opportunity to attend Master classes which are run by the Improvement Service. 2015/16 topics include: Strengthening Personal Resilience; Benchmarking; and Improving Economic Outcomes

Since May 2015, a six monthly reminder is issued to Elected Members regarding updating their Register of Interests and Declarations of Gifts and Hospitality. | 2 | 2 | 4 | Induction training for new members or re-elected members to ensure understanding of the importance of standards in public life. | 2 | 2 | 4 | Depute Chief Executive – Resources and People Services

Depute Chief Executive – Partnerships and Community Services | | Risk reviewed February 2016 with Current Score reduced from 6 to 4. |

Original date produced (Version 1)	13 April 2011		
File Name	East Lothian Council Corporate Risk Register		
Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	**Date**	**Author(s)**	**Notes on Revisions**
1	13/04//2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.
7	04/01/2013	S Kennedy	Updated following consideration by CMT
8	09/05/2013	S Kennedy	EP &BC Risks updated
9	31/07/2013	S Kennedy	Data Protection Risk Added
10	01/11/2013	S Kennedy	Welfare Reform Risk updated (no change to score)
11	04/03/2014	S Kennedy	New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working
12	March/April 2014	S Kennedy	All risks reviewed, refreshed and scores updated where required.
13	11/04/2014	S Kennedy	New Corporate Risk on Integration of Health &Social Care and Adult Wellbeing added.
14	25/04/2014	S Kennedy	Amendments following consultation with CMT and Risk Authors
15	01/05/2014	P Vestri	Amendments following review of latest draft by Chief Executive and Depute Chief Executives.
16	27/05/2014	S Kennedy	Final amendments following consultation with CMT and Risk Authors including addition of Development Plan and Public Protection risks
17	23/12/2014	S Kennedy	Climate Change Risk refreshed as well as adding column for date Planned Risk Measures will be completed by to the Register.
18	February-April 2015	S Kennedy	All Risks Refreshed by authors and reviewed by CMT
19	December 2015	S Kennedy	All Risks Refreshed by authors and reviewed by CMT
20	January 2016	S Kennedy	Carbon Management, Flooding and Equality Risks refreshed.
21	April – May 2016	S Kennedy	Amended following CMT meeting & further update of all risks including new risks created and Duty of Care and Public Protection Risks combined.

Risk Score	Overall Rating
20-25	Very High
10-19	High
5-9	Medium
1-4	Low

East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 14 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Council House Allocation Targets for 2016/17

3

1 PURPOSE

1.1 To seek Cabinet approval for Council House Allocation Targets for the period 1 July 2016 to 31 March 2017.

1.2 To explain the context, legal position and rationale for the proposed targets.

2 RECOMMENDATIONS

2.1 That Cabinet approves the recommended targets detailed in Section 3.25 of this report.

2.2 That Cabinet notes that performance against these targets is reviewed on a weekly basis and that such review forms part of the analysis in setting future targets in 2017/18 and beyond.

2.3 That Cabinet notes that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management Framework.

3 BACKGROUND

3.1 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007 following a major review of the previous Policy. Some small changes have been made to the policy over the last few years. The most recent ones are referred to in the report to East Lothian Council (25 February 2014).

3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy, along with other associated actions will also help the Council make best use of Council housing stock. In addition, the policy also

assists the Council to achieve, along with other complementary actions, balanced and sustainable communities through local lettings plans.

Legal Obligations

3.3   In setting any targets against each group the Council must give reasonable preference to certain statutory groups when allocating Council houses. These include applicants living in overcrowded or unsatisfactory housing conditions and those applicants who are homeless or threatened with homelessness.

3.4   Most of the statutory groups are found in the General Needs Group, although some applicants may fall into the Transfer Group, such as those who need re-housing because of overcrowding or whose health is being negatively impacted upon in their current accommodation.

3.5   The Homelessness etc. (Scotland) Act, which took effect from 1 January 2013, has abolished the "priority need" test and now places a duty on local authorities to provide settled accommodation to anyone found to be unintentionally homeless. This in turn places further demands on the Council's housing list.

3.6   The Children and Young People (Scotland) Act 2014 specifically impacts on the provision of accommodation to young people leaving the care system. The Council "Starter Flat" approach, which allocates these tenancies within the General Needs Group has already helped the Council deliver its corporate parenting objectives.

Target Principles

3.7   Scottish Government Allocations Guidance (2011) states that all targets should contain sufficient flexibilities to allow the landlord to continue to meet significant need when a target has been reached. The functionality to review targets against changing housing demand forms part of a responsive allocations policy.

3.8   With this in mind, the allocations targets will be reviewed within six months to ensure that they continue to reflect the greatest housing demand. If, after analysis, a change to the targets is deemed necessary, a paper outlining the change will be submitted to Cabinet for approval.

Making best use of stock

3.9   Significant effort has been made in the last few years to encourage transfer activity in order to make best use of stock i.e. by creating vacancy chains, which free up additional houses to those initially let to transfer applicants.

3.10   To help facilitate this, the Council has also 'incentivised' transfers for existing tenants in larger family-sized properties to move to smaller and more appropriately sized accommodation by awarding downsizing grants.

3.11 New housing benefit changes with effect from April 2013 affected those who have a "spare" bedroom deemed to be under-occupying. This has led to some tenants wanting to downsize, in turn creating greater demand for smaller sized accommodation.

3.12 Full mitigation of the Housing Benefit under-occupancy reduction through Discretionary Housing Payments has helped ease this pressure but this may not be a long-term solution and is the subject of various committee reports.

3.13 In recent times there have been a number of zero point transfer allocations, which has led to those with no housing need being re-housed before those with housing need. Allocations to those with no need places greater strain on supply for those in real housing need but just as importantly causes delays to the throughput of temporary accommodation, which has associated negative impacts for the Council.

3.14 Given the above, Cabinet approved revised allocations targets with effect from 1 November 2015 (Cabinet report dated 20 October 2015). This action reduced the transfer target and had a corresponding increase to the General Needs target where most of the reasonable preference groups' applicants can be found, not least those who are homeless.

3.15 As at the end of March 2016, 67% of all allocations for 2015/16 have gone to the General Needs group against a revised target of 75% and 32% of allocations have gone to the Transfer group (against a revised target of 20%).

3.16 The level of allocations for the five months from 1 November 2015 to 31 March 2016 is much closer to the revised target for General Needs (71% of allocations against a target of 75%) and 29% of allocations against a revised target of 20% for transfers.

3.17 The Council has been unable to meet these revised targets largely due to low numbers of voids coming through in the latter half of the 15/16 financial year giving little "turning room" to meet the new targets. In addition, some of the early voids in this period would already have been banded and offered out as per the previous targets. Furthermore, some properties would have been unsuitable for re-banding to meet the needs of homeless and other reasonable preference groups (such as amenity, adapted and sheltered accommodation).

Sustainable Communities

3.18 Good practice states that landlords should not exclude any prospective tenants from accessing housing.

3.19 Good practice also dictates that Local Lettings Plans can only be used where there is demonstrably good reason to do so, e.g. high turnover, anti-social behaviour etc. and to promote and enable balanced and sustainable communities.

3.20 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation. As such, this flexibility within the lettings targets to positively and materially impact on housing allocations should be retained.

3.21 Each local housing team has been asked to consider potential local lettings plans to help achieve balanced and sustainable communities. These plans will then be taken to their respective Local Housing Partnerships (LHP) for further consideration and support.

3.22 On support from their respective LHPs, Local Lettings Plans will be submitted to the Members Library. It is anticipated that the total target for Sustainable Communities will not exceed 5% but again will be subject to strict monitoring.

2015/16 Allocations against reported groups

3.23 There were a total of 403 allocations during 2015/16. The following table shows the numbers and percentages of allocations for the following groups from the start of the financial year 1 April 2015 – 31 March 2016 against the original targets (1 April – 31 October 2015) and the revised targets (1 November 2015 – 31 March 2016).

Type	Number	Percentage	Original Targets 2015/16	Revised Targets 2015/16
General Needs	271	67%	65%	75%
Transfers	127	32%	30%	20%
Sustainable Communities	5	1%	5%	5%
Total	403	100%	100%	100%

3.24 Taking account of the 2015/16 data, legal obligations such as the increased homelessness duties in 2013, increasing pressure on the provision of temporary accommodation, optimum stock utilisation and sustainability objectives, senior management within Housing propose the following percentage targets for 2016/17.

3.25 It is important to recognise these targets are more closely aligned with the relative housing need of both groups on East Lothian Council's housing list as well as more reflective of the national picture in terms of allocations from the Transfer and General Needs Groups.

Group	Proposed Targets
General Needs	70%
Transfers	25%
Sustainable Communities	5%

3.26 The introduction of these targets should be seen in the context of a range of measures required by the Council and its partners to increase the supply of affordable housing, temporary accommodation and to help provide those in housing need explore a fuller range of housing options, the detail of which will be the subject of a future report.

4 POLICY IMPLICATIONS

4.1 The proposed allocations targets will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.

4.2 The Council's allocations policy will be reviewed again to ensure compliance with the new Housing (Scotland) Act 2014. Detailed Scottish Government guidance on this is expected in the coming months.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report, i.e. the Allocations Policy has been through the Combined Impact Assessment process and no negative impacts have been identified. A copy has been separately lodged in the Members Library.

6 RESOURCE IMPLICATIONS

6.1 Financial – This change to targets will help reduce the overall financial strains on the provision of temporary accommodation by assisting throughput of all forms of temporary accommodation to settled accommodation.

This is notwithstanding the impact of the Universal Credit rollout as referenced in the recent Cabinet report on the Provision of Temporary Accommodation (April 2016).

6.2   Personnel – None.

6.3   Other – None.

7   BACKGROUND PAPERS

7.1   Council Report – Housing Allocations Policy Review 2013/14 – February 2014

7.2   Cabinet Report – Provision of Temporary Accommodation – April 2016

AUTHOR'S NAME	Tom Shearer
DESIGNATION	Head of Communities and Partnerships
CONTACT INFO	James Coutts x7483
DATE	31 May 2016

East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 14 June 2016

BY: Depute Chief Executive (Partnerships and Community
                   Services

SUBJECT: Proposed Housing Capital Investment Modernisation Plan **4**
                   – 2016/17

1   PURPOSE

1.1   The purpose of this report is to provide an update on the proposed
      expenditure plan for the modernisation element of the Housing Capital
      Investment Plan for 2016/17.

2   RECOMMENDATIONS

2.1   Cabinet is asked to approve the Housing Capital Investment Plan for
      housing stock modernisation for 2016/2017 and to note that Cabinet will
      be kept appraised of plan progress as covered in the Head of Council
      Resources' Quarterly Financial report.

3   BACKGROUND

3.1   The budget provision for 2016/17 was approved by Council on 9
      February 2016 at £22,509 million and is set under the following headings.

Housing Capital Investment	2016/17
	£ (million)
Modernisation [Existing Stock]	**10.933**
New Housing	10.881
Mortgage to Rent	0.695
Total	**22.509**

3.2   The recommended modernisation plan amounts to £10.933 million and is within the £22.509m Housing Revenue Account (HRA) capital budget total. The financial progress of the various planned projects will be closely monitored on a regular basis, with any identified slippage used to bring forward projects or accelerate existing programmes of work where possible to balance the overall expenditure to the available budget. The HRA Capital Programme Board meets quarterly to oversee this budget and provides a governance framework for decisions relating to the HRA.

3.3   The Scottish Government has set the Scottish Housing Quality Standard (SHQS) as a consistent minimum standard for all social landlords (local authorities and housing associations). By the end of March 2016, East Lothian Council achieved an improved position of 91.36% compliance; 0.67% fails, 0.21% exemptions and 7.75% in abeyance. Abeyances include properties which require work to be done to meet the SHQS where the tenant has refused this work. Another reason for abeyance is when work is required to a mixed tenure block of flats (e.g. door entry systems) where the private owners in the block have not agreed to pay their share of the cost of this communal work.   Efforts to date have been focussed on addressing the failures and this action has been successful in reducing these to less than 1%. This outstanding work will be addressed during 2016/17 and in addition, further efforts will be made to work with tenants and private owners to undertake the necessary work recorded as being in abeyance. Our staff will engage with tenants and private owners where applicable, to encourage them to agree to this improvement work proceeding.

3.4   The Scottish Government's new Energy Efficiency Standard for Social Housing (EESSH) has established a new more rigorous target for social landlords to meet by 2020 to improve energy efficiency in tenants' homes. This will help reduce fuel poverty and deliver associated health and wellbeing benefits. The most significant improvement is to install efficient central heating systems and the programme for this work will be increased over the next four years to achieve compliance by 2020.

3.5   The Council's stock condition management IT system, Keystone, retains property details of all 8,629 council houses. The information contained within Keystone informs the modernisation programme and the HRA Business Plan. It is therefore crucial that the information held on Keystone is accurate and up-to-date. A programme of stock condition surveys is being planned and we will also be considering the most cost effective method of keeping this information up-to-date in future. A Housing Asset Management Strategy is being developed and will be brought to Cabinet later this year for approval.

3.6   Tenant involvement in shaping the Council's housing investment priorities is provided through the annual rent consultation exercise. Our tenants have confirmed that they continue to be supportive of the modernisation programme to upgrade bathrooms, kitchens and improve energy efficiency. Through the East Lothian Tenants and Residents Panel (ELTRP) our tenants will also be involved in the development of

the Housing Asset Management Strategy and the review of standards for upgrade work including choice of kitchens available.

3.7   The Scottish Government's Guidance on the Operation of the HRA states that tenants should also be consulted on matters relating to the HRA. An HRA Consultation Group has been established in conjunction with East Lothian Tenants and Residents Panel (ELTRP) to develop an agreed process to ensure compliance with this part of the guidance.

The Programme for Modernisation of Existing Housing Stock

3.8   *Disabled Adaptations*
       £0.600 million – this programme will continue to provide disabled adaptations in council houses to improve the safety and quality of life for tenants with mobility issues. This important work supports independent living in the community and contributes to meeting the objectives of the Health and Social Care partnership.

3.9   *Central Heating*
       This budget is increased to *£2.1million* and will provide for replacement gas heating systems for around 750 houses. This investment will considerably improve the energy efficiency of our council houses and help reduce tenants' heating costs. This budget head also includes electric heating systems and will provide for replacement or upgrade of electric systems. The Council has 54 council houses which still have solid fuel heating and in order to maximise energy efficiency and compliance with EESSH we will work with the tenants in these properties to ensure all options are considered to help improve the energy efficiency of their home.

3.10   *Electrical Rewiring*
       This budget is set at *£1.800 million* and will provide for the rewiring of circa 550 houses. Properties being rewired are also fitted with new kitchens [from a separate budget heading] and, where applicable, extractor fans to eliminate condensation issues.

3.11   *Structural Surveys*
       £0.060 **million** to allow for specialist survey and other investigative works to be carried out prior to major repairs or similar projects.

3.12   *Projects/Works*
       £.0350 million for major structural works or stock which is beyond day-to-day repair.

3.13   *Fencing*
       £0.100 million for the continuation of this programme.

3.14   *Energy efficiency works*
       £0.350 million for energy efficiency enhancing measures to improve compliance with the new energy efficiency standard. This work will include cavity or external wall insulation and top-up loft insulation.

3.15 **Kitchen Replacement Programme** – this budget is set at **£1.600 million** and will fund the continuing annual kitchen replacement programme (circa 550 properties) in association with the electrical rewiring programme [from a separate budget heading].

Note: A full or partial rewire is carried out with the kitchen installation, as required, to meet the required electrical standards.

3.16 **Re-roofing and Roughcasting**
£0.400 million – the re-roofing and roughcasting projects are identified from both stock condition surveys and reports of disrepair.

3.17 **Stair Improvement Programme**
£0.050 million for the continuation of this programme, for example fitting new door entry systems to improve security for residents within the block.

3.18 **Sheltered housing projects**
£0.100 million – upgrades to lifts to ensure fully health and safety compliant.

3.19 **Roads and footpaths**
£0.100 million – investment in upgrading of roads and footpaths in estates where many properties are now in private ownership. This work will help bring these up to an improved standard to then be adopted by Transportation for ongoing maintenance thereafter.

3.20 **Local Initiatives**
£0.200 million – this fund enables the four local housing teams to arrange small scale environmental improvements in housing estates. Proposals for Local Initiatives are discussed and approved by the Local Housing Partnerships which include Council staff, elected members and tenant representatives.

3.21 **Window and Door Replacement**
£0.100 million to provide for properties that require window replacement due to age and condition.

3.22 **Bathroom Replacement Programme**
This budget has been increased to **£2.020 million** which will fund circa 500 bathroom replacements.

3.23 **Extensions**
£0.250 million – this programme will continue to provide extensions and conversions, where possible, to improve the quality of life for families living within Council houses where there are overcrowding issues.

3.24 **Asbestos Surveys & Removal Works**
£0.500 million to provide for survey works to identify and remove asbestos containing material preceding planned heating, electrical rewiring, kitchen or bathroom replacement programmes.

3.25   *Service improvements*
       £0.200 million – investment to improve infrastructure to enable better service delivery for tenants, e.g. upgrading of paintwork facilities.

3.26   ***Fees and Other Charges***
       Within the overall Housing Capital Investment Plan internal fees and charges amount to a total of **£0.733 million.**

4   POLICY IMPLICATIONS

4.1   The development of the Housing Asset Management Strategy will involve a review of standards involving tenant consultation. This will be brought to Cabinet for approval later this year.

5   INTEGRATED IMPACT ASSESSMENT

5.1   The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified. The investment programme has several positive benefits for East Lothian: health and wellbeing improvements, reducing fuel poverty, economic development opportunities through job creation, reduction in carbon emissions to minimise impact on climate change.

6   RESOURCE IMPLICATIONS

6.1   Financial – Funding provision for the 2016/17 Housing Capital Investment Plan was approved in the 2016/17 HRA budget.

6.2   Personnel - The level of staffing resource required to undertake stock condition surveys and related work by the Housing Asset team is being considered as part the Community Housing Service Review.

6.3   Other – None.

7   BACKGROUND PAPERS

7.1   Council 9th February 2016 Administration Rent proposals 2016/17.

AUTHOR'S NAME	Caitlin McCorry
DESIGNATION	Service Manager – Community Housing
CONTACT INFO	X7190
DATE	28th May 2016

MODERNISATION [EXISTING HOUSING STOCK]   2016/2017

Proposed HRA capital modernisation investment plan		**2016/2107**
Disabled Adaptations		600,000
Central Heating		2,100,000
Electrical Rewiring		1,180,000
Structural surveys		60,000
Fencing Programme		100,000
Energy Efficiency		350,000
Kitchen replacement programme		1,600,000
Projects/works		350,000
Roofing/roughcasting/external fabric		400,000
Stair Improvement Programme		50,000
Sheltered housing projects		100,000
Roads/walkway pre-adoption works		100,000
Local Initiatives		200,000
Window and Door replacement		100,000
Bathroom replacement programme		2,020,000
Extensions		250,000
Asbestos Works		500,000
Service improvements		200,000
	Sub-total:	**10,260,000**
Internal fees		673,000
	Total:	**10,933,000**

East Lothian
Council

REPORT TO: Cabinet

MEETING DATE: 14 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

5

SUBJECT: Tenant Participation Strategy 2016-19

1 PURPOSE

1.1 To seek approval of the Council's Tenant Participation Strategy as the basis for effective tenant participation between now and June 2019.

2 RECOMMENDATIONS

2.1 That Cabinet endorses the Tenant Participation Strategy publication in line with its legal requirements under the Housing (Scotland) Act 2001. The Tenant Participation Strategy is published in Members' Library Service (Ref: 72/16, June 2016 Bulletin).

2.2 That Cabinet recognises that the Strategy is a living document and that as such the action plan in particular will evolve as consultation with tenants and tenant organisations help inform the Council's future plans in this area.

2.3 That Cabinet notes that the success of the Strategy is dependent on good relationships being developed between the tenants' movement and Elected Members. To this end Elected Members will be invited to specific tenant participation training events in 2016/17 and are encouraged to attend.

3 BACKGROUND

3.1 The Housing (Scotland) Act 2001 introduced new rights for tenants and obligations for social landlords in relation to tenant participation and consultation.

3.2 These duties include:

- Councils and Registered Social Landlords (RSLs) must prepare and publish a Tenant Participation Strategy. The Strategy must include

an assessment of resources required to ensure effective tenant participation. The Strategy should show how the Council intends to take the views of tenants into account, what matters the Council is likely to consult tenants about and the information that it will provide to tenants.

- The requirement to set up a publicly available Register of Tenants Organisations (RTOs) in line with guidance from the Scottish Government.

- Landlords must ensure that the Tenant Participation Strategy complies with equal opportunities requirements.

3.3 The 2012–2015 Tenant Participation Strategy was approved by Cabinet in June 2012.

3.4 Prior to the conclusion of the 2012–2015 Strategy it was agreed with East Lothian Tenant's and Residents Panel (ELTRP), who are the umbrella organisation for tenants and residents groups in East Lothian, that the 2012–2015 Strategy should first be reviewed before embarking on the development of a new Strategy.

3.5 This review of the 2012 Strategy involved the Tenant Participation Strategy Group comprising both Council staff and tenant representatives looking at the successes and challenges of the old Strategy.

3.6 The review of the Strategy included, but was not restricted to, consultation with tenants, tenant groups and staff.

3.7 The new draft Strategy was fully consulted on during January and March 2016.

3.8 Consultation methods used included, but were not limited to, letter, email, website information, a consultation event and a freephone service.

3.9 Comments, views and opinions expressed during the consultation period were recorded and form part of the Tenant Participation Strategy Consultation Register. This register and a report on the consultation are publicly available on the Council's website or on request.

3.10 There was strong support for the new Strategy. All views were considered by the Tenant Participation Strategy Group and where appropriate reflected in the new draft Strategy.

3.11 Subject to formal approval, the Strategy will be formally launched at a joint event with ELTRP currently at the planning stage.

4   POLICY IMPLICATIONS

4.1 The Tenant Participation Strategy recognises, links to and underpins other Council Strategies, including the Local Housing Strategy.

5   INTEGRATED IMPACT ASSESSMENT

5.1   The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified. http://www.eastlothian.gov.uk/downloads/download/2321/tenant_participation_strategy

6   RESOURCE IMPLICATIONS

6.1   Financial – The existing tenant participation budget will not be significantly impacted by the new Strategy.

6.2   Personnel – None.

6.3   Other – None.

7   BACKGROUND PAPERS

7.1   East Lothian Council Tenant Participation Strategy 2016-19 lodged in the Members' Library (Ref: 72/16, June 2016 Bulletin).

http://www.eastlothian.gov.uk/meetings/meeting/5870/members_library_service

7.2   Tenant Participation Strategy Consultation Register & Report – available on Council's website.

AUTHOR'S NAME	Tom Shearer
DESIGNATION	Head of Communities and Partnerships
CONTACT INFO	James Coutts – ext. 7483
DATE	May 2016

REPORT TO: Cabinet

MEETING DATE: 14 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

6

SUBJECT: Air Quality Management Area: Action Plan Update

1 PURPOSE

1.1 This report informs Cabinet of the updated position of the development of an Action Plan, as required by the Environment Act 1995, with regards to the designated Air Quality Management Area (AQMA) of Musselburgh High Street.

2 RECOMMENDATIONS

2.1 Cabinet is asked to note the ongoing work that is being undertaken to develop the AQMA Action Plan in conjunction with road traffic modelling work that is being undertaken in relation to the Local Development Plan (LDP).

3 BACKGROUND

3.1 The Environment Act 1995 requires the UK Government and devolved administrations to publish a National Air Quality Strategy.

3.2 A set of air quality standards and objectives has been developed for several pollutants of concern for human health. Standards are concentrations of pollutants that are considered safe for humans and the environment. Objectives are derived from the standards and are a compromise between what is desirable purely on health grounds and what is practical in terms of feasibility and costs. Each objective has a date by when it must be achieved.

3.3 The objectives adopted in Scotland for the purpose of Local Air Quality Management are set out in the Air Quality (Scotland) Regulations 2000, the Air Quality (Scotland) Amendment Regulations 2002 and the Air Quality (Scotland) Amendment Regulations 2016. Similar targets are set

at EU level, where there are called limit or target values. These are set out in the European 2008 Ambient Air Quality Directive (2008/50/EC) and transposed into Scottish legislation by the Air Quality Standards (Scotland) Regulations 2010. It is the responsibility of EU Member States to achieve the limit and target values. A summary of the current UK Air Quality Objectives is provided in Appendix 1.

3.4   Since December 1997 each local authority in the UK has a statutory duty to review and assess air quality in their area on an annual basis.

3.5   Whenever it appears that one or more of the air quality objectives is unlikely to be met, the local authority concerned must declare an Air Quality Management Area (AQMA), covering the area of concern. The authority must then prepare and implement an Action Plan outlining how it intends to tackle the issues identified. The Plan will include timescales to indicate when the measures will be implemented.

3.6   The Environment Act 1995 does not prescribe any timescale for preparing an Action Plan but the Scottish Government expects Plans to be completed within 12-18 months following the designation of any AQMAs.

3.7   In March 2016, Scottish Government published revised Policy Guidance (PG(S)(16)) on Local Air Quality Management. The Scottish Government accepts that there will often be legitimate reasons for late submission of AQMA Action Plans. In such cases, a revised submission date can be agreed. Where no such contact is made (and in cases where the revised deadline is missed with no further contact) SEPA, with the support of the Scottish Government, is to introduce a new system of reminder and warning letters.

East Lothian Council Air Quality Management Area and Action Plan

3.8   The outcome of prescribed assessments and monitoring data in East Lothian indicate that the Objectives for all pollutants (particulates (PM_{10}), carbon monoxide, benzene, 1.3-butadiene, lead and sulphur dioxide), with the exception of nitrogen dioxide, are being met.

3.9   It was identified through passive diffusion tube monitoring, that in two sections of the High Street in Musselburgh, concentrations of nitrogen dioxide exceeded the respective annual mean air quality objectives. Results of diffusion tube monitoring along Musselburgh High street is shown in Appendix 2. The exceedences were consistent with emissions from local traffic congestion, with bus emissions arising from diesel fleet and particularly older fleet vehicles coupled with waiting and accelerating vehicles having significant impact.

3.10   In 2013 East Lothian Council designated and declared an Air Quality Management Area covering Musselburgh High Street, from its junction with Newbigging and extending westwards to the junction with Bridge Street, as illustrated in Appendix 3.

3.11 Following the declaration of the AQMA, East Lothian Council commissioned a Further Assessment of Air Quality in Musselburgh and this was completed in September 2014. This confirmed that the initial decision to declare an AQMA remained valid and more detailed information to contribute to the Action Plan was obtained.

3.12 East Lothian Council is required to prepare and publish an Action Plan focusing on effective, feasible, proportionate and quantifiable measures as the top priority in ensuring improvement in local air quality and future compliance with air quality objectives. Work remains ongoing to produce the Action Plan.

Development of the Action Plan

3.13 An Action Plan has to include quantification of the source contributions to allow measures to be effectively targeted; quantification of the expected impacts of the proposed measures and an indication if these measures will be sufficient. We must also ensure and evidence that all options have been considered on the grounds of cost effectiveness and feasibility.

3.14 It is important, that notwithstanding the current situation, the AQMA action plan must consider Local Development Plan (LDP) impact too. In order to effectively capture and assess the consequential impacts of housing and economic allocations on the AQMA, the Council must finalise technical work to assess the cumulative impacts of proposed growth and the impact of interventions designed to address transportation issues within the LDP itself. The traffic planning studies on impacts and interventions are forecasted for completion in July 2016.

3.15 Mitigation interventions identified as part of the technical transport work undertaken for the proposed plan will also be modelled by Scottish Government grant funded air quality consultants, Ricardo EE. This will identify the most effective collective measures for implementation and inclusion in the Action Plan.

Ongoing Monitoring

3.16 Ongoing studies confirm the exceedences of the annual mean nitrogen dioxide objective, where relevant exposure exists but that these levels are not rising.

3.17 The data from source apportionment studies provides statistics which identify and quantify extant sources of the specific air pollutant.

3.18 Data will be used to devise and deliver an effective policy and regulatory framework, with identified control strategies formulated from various mitigation scenarios, to reduce nitrogen dioxide levels in the AQMA to below Objective Levels.

Ongoing AQMA Positive Impact Work

3.19   Considerable work has been undertaken within the Council, in partnership with Scottish Government grant funded consultants, to address the air quality issue in Musselburgh High Street whilst awaiting the development of the LDP and the consequential modelling exercises.

3.20   A list of possible actions, ranging from strategic to practical measures has been devised for assessment of suitability and impact for inclusion in the Action Plan.

3.21   Sections 3.25 – 3.32 of this report outline practical initiatives currently in place and/or being developed within East Lothian Council that contribute to a positive impact on air quality and will constitute fundamental components of the final Action Plan, in addition to the specific measures realised from modelling outcomes.

Scottish Government Acknowledgement & Grant Funding

3.22   On 4 April 2016 the Air Quality Policy Manager of the Scottish Government acknowledged a progress update provided by East Lothian Council into the delay of finalising an Action Plan based upon the LDP modelling outcomes.

3.23   A submission date of 31 October 2016 has been set and agreed with Scottish Government for the Action Plan in recognition of the outstanding modelling work to be undertaken in relation to the LDP and associated development impact, together with a stakeholder consultation period that will follow on from the submission date.

3.24   On 23 May 2016 East Lothian Council was notified by the Air Quality Policy Manager of the Scottish Government of successful grant funding applications with regards to Local Air Quality Management (£10,000) and for Air Quality Management Area work (£21,000) in 2016-17.

Vehicle Emissions Partnership

3.25   Since 2003, East Lothian, Falkirk, Midlothian and West Lothian Councils have worked in partnership to provide a voluntary Vehicle Emission Testing Programme, aimed at raising awareness of vehicle emissions and air quality among the general public. The East Central Scotland Vehicle Emissions Partnership provides a service between March and October at sites in Musselburgh, Haddington and Dunbar. Last year, there were 36 full days of free emissions testing within East Lothian.

3.26   Together with the educational element to emissions, air quality and idling, this proactive programme helps East Lothian residents ensure that their cars will pass the MOT emissions test and be road legal. As opposed to serving Fixed Penalty Notices, the Partnership has been sending, where appropriate, advisory letters based on reports from members of the public who identify vehicles which are excessively smoky and also stationary vehicles which idle their engines for long periods.

3.27 Greater signposting and profile to the Vehicle Emissions Partnership has commenced, particularly within the Musselburgh area, for the coming year to enhance awareness of emissions from vehicles. An enforcement strategy for idling offences is currently being explored.

ECO Stars Fleet Recognition Scheme

3.28 The ECO Stars Fleet Recognition Scheme aims to help fleet operators improve efficiency, reduce fuel consumption and emissions and make cost savings.

3.29 The scheme provides recognition for best operational practices, and guidance for making improvements. The ultimate aim is to reduce fuel consumption which naturally leads to fewer vehicle emissions and has the added benefit of saving money.

3.30 The Council's own fleet, together with commercial transport companies will be encouraged to engage with the scheme which will have a positive impact on emissions throughout the area, with particular attention specifically targeting Musselburgh High Street.

3.31 The Environmental Health Service has been successful in applying to the Scottish Government for grant funding to initiate the Scheme within the East Lothian Council area from 2016/17.

Cleaner Vehicles

3.32 The Council's own fleet, as well as transport companies, particularly bus operators, contribute to improvements continually with newer, cleaner vehicles being programmed for phased commission and novel methods of reducing emissions being implemented, which will include the electrification of Lothian Buses travelling through Musselburgh High Street.

4 POLICY IMPLICATIONS

4.1 There is a direct correlation between the work being undertaken on air quality management and the development of the proposed LDP particularly in regard to traffic modelling and traffic flow interventions in the context of housing and economic land allocations.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The update position of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy although the development of an Air Quality Action Plan may require more detailed consideration of the integrated impact assessment process.

6 RESOURCE IMPLICATIONS

6.1 Financial – there are no direct financial implications related to this report, although development and consultation on an Air Quality Action Plan will incur some administrative costs. These costs will be assessed during preparation of the Air Quality Action Plan and a further report submitted if necessary. Scottish Government grant funding has been awarded for financial year 2016/17 to assist the Council with the development and implementation of its Air Quality Action Plan and initiation of the ECO Stars Fleet Recognition Scheme. Further funding may be available for future financial years

6.2 Personnel – there will be no immediate impacts upon personnel resources as a consequence of this report.

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Cabinet Report – Local Air Quality Management – Air Quality Management Area (AQMA) in Musselburgh: Update (October 2014)

Author's Name	Derek Oliver
DESIGNATION	Environmental Health Service Manager
CONTACT INFO	01620 827 286 doliver@eastlothian.gov.uk
DATE	30th May 2016

APPENDIX 1

SUMMARY OF OBJECTIVES OF THE NATIONAL AIR QUALITY STRATEGY

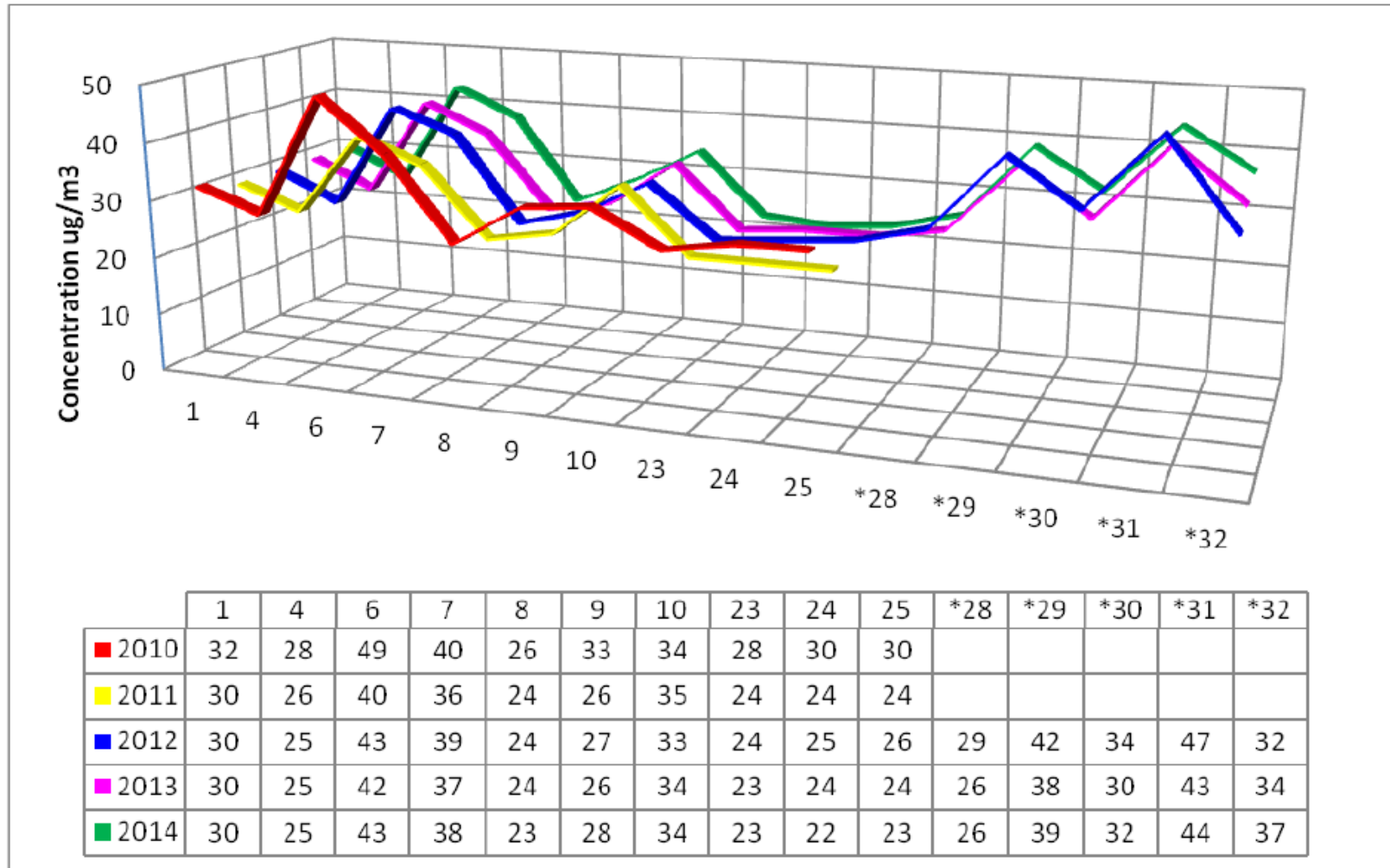| Pollutant	Air Quality Objective		To be achieved by
	Concentration	Measured as	
Benzene			
All UK authorities	16.25 µg m^{-3}	Running annual mean	31 December 2003
Authorities in Scotland and N. Ireland	3.25 µg m^{-3}	Running annual mean	31 December 2010
1,3-Butadiene	2.25 µg m^{-3}	Running annual mean	31 December 2003
Carbon Monoxide			
Authorities in Scotland Only	10.0 mg m^{-3}	Running 8-hour mean	31 December 2003
Lead	0.5 µg m^{-3}	Annual mean	31 December 2004
	0.25 µg m^{-3}	Annual mean	31 December 2008
Nitrogen Dioxide	200 µg m^{-3} not to be exceeded more than 18 times a year	1-hour mean	31 December 2005
	40 µg m^{-3}	Annual mean	31 December 2005
Particles (PM10) (gravimetric)			
All authorities	50 µg m^{-3}, not to be exceeded more than 35 times a year	24 Hour mean	31 December 2004
	40 µg m^{-3}	Annual mean	31 December 2004
Scotland Only	50 µg m^{-3}, not to be exceeded more than 7 times a year	24 Hour mean	31 December 2010
	18 µg m^{-3}	Annual mean	31 December 2010
Particles (PM2.5) (gravimetric) *	25 µg m^{-3} (target)	Annual mean	2020
All UK authorities	15% cut in urban background exposure	Annual mean	2010 - 2020
Authorities in Scotland Only	10 µg m^{-3} (limit)	Annual mean	2020
Sulphur dioxide	350 µg m^{-3}, not to be exceeded more than 24 times a year	1-hour mean	31 December 2004
	125 µg m^{-3}, not to be exceeded more than 3 times a year	24-hour mean	31 December 2004
	266 µg m^{-3}, not to be exceeded more than 35 times a year	15-minute mean	31 December 2005

APPENDIX 2

RESULTS & TRENDS OF NITROGEN DIOXIDE DIFFUSION TUBE MONITORING
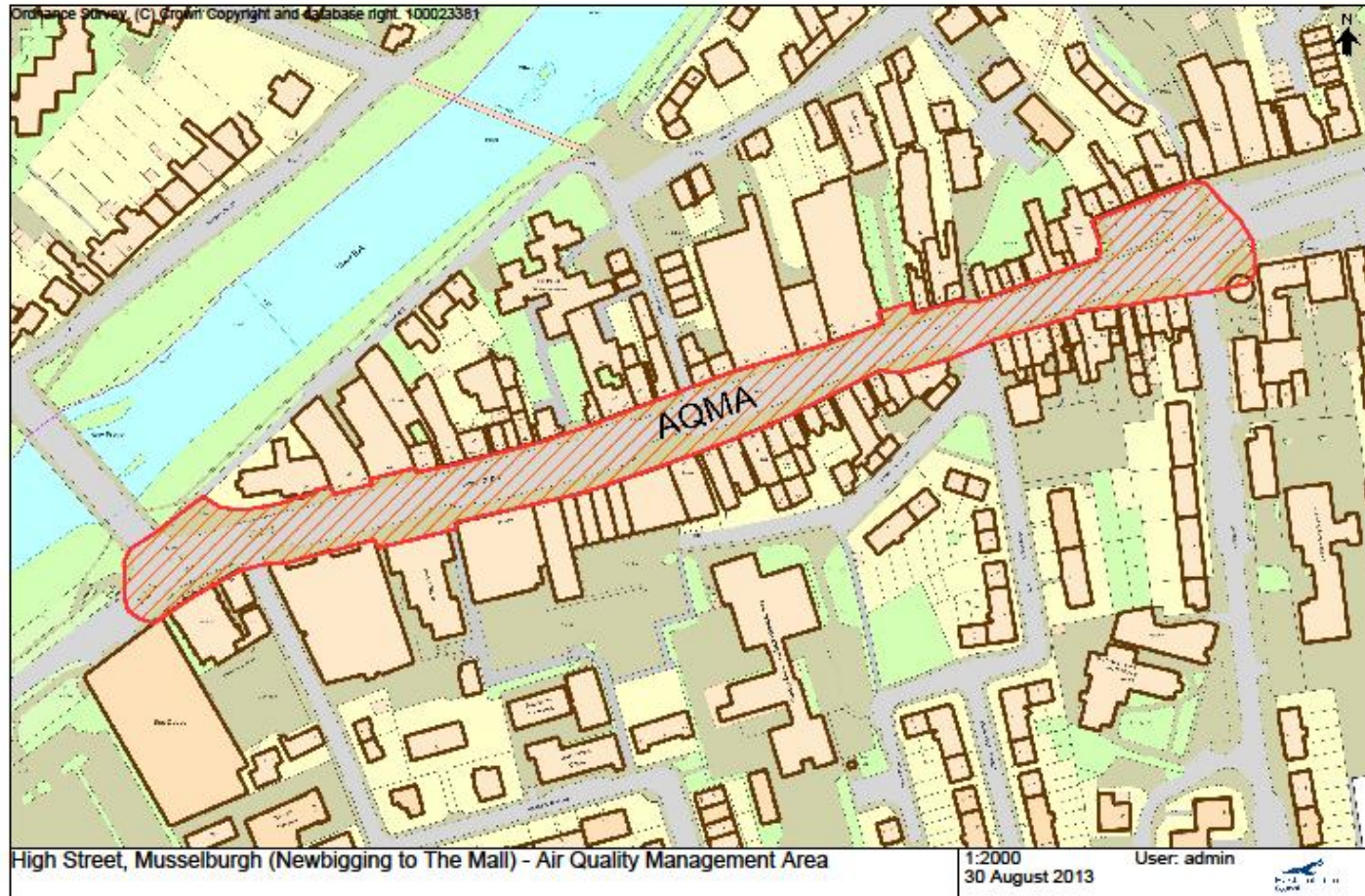
Table 2.6   Results of NO₂ Diffusion Tubes (2010 to 2014)

Site ID	Location	Site Type	Within AQMA?	Annual Mean Concentration (µg/m³) - Adjusted for Bias [a]				
				2010 (Bias Adjustment Factor = 0.97)	2011 (Bias Adjustment Factor = 0.8)	2012 (Bias Adjustment Factor = 0.8)	2013 (Bias Adjustment Factor = 0.8)	2014 (Bias Adjustment Factor = 0.86)
1	Musselburgh – Newbigging Junction	Roadside	Y	32	30	30	30	30
4	Musselburgh - 87 High St	Roadside	Y	28	26	25	25	25
6	**Musselburgh – 147 High Street**	**Roadside**	Y	49	40	43	42	43
7	Musselburgh – 183 High St	Roadside	Y	40	36	39	37	38
8	Musselburgh - Mall Av	Roadside	N	26	24	24	24	23
9	Musselburgh – 45 Bridge Street	Roadside	N	33	26	27	26	28
10	Musselburgh – 150 North High St	Roadside	N	34	35	33	34	34
11	Tranent – 89 High St	Roadside	N	33	22	30	32	33
12	Tranent – 82 High St	Roadside	N	32	24	28	28	25
13	Tranent – 55 High Street	Roadside	N	34	29	28	28	29
14	Tranent – 26 High St	Roadside	N	33	33	26	24	24
15	Tranent – 58 Bridge St	Roadside	N	27	19	19	19	17
16	Haddington - Lyn Lea	Urban	N	11	12	8	8	8
23	Musselburgh - 133 N High St	Roadside	N	28	24	24	23	23
24	Musselburgh - 133 N High St	Roadside	N	30	24	25	24	22
25	Musselburgh - 133 N High St	Roadside	N	30	24	26	24	23
26	Wallyford - 116 Salters Rd	Roadside	N	31	26	23	23	24
27	Wallyford - 71 Salters Rd	Roadside	N	28	20	23	24	22
*28	Musselburgh - 15 Bridge Street	Roadside	N	N/A	N/A	29	26	26
*29	Musselburgh - 167 High Street	Roadside	Y	N/A	N/A	42	38	39
*30	Musselburgh - 137 High Street	Roadside	Y	N/A	N/A	34	30	32
*31	**Musselburgh - 69 High Street**	**Roadside**	Y	N/A	N/A	47	43	44
*32	Musselburgh - 86 High Street	Roadside	Y	N/A	N/A	32	34	37

Figure 2.6 Trends in Annual Mean Nitrogen Dioxide Concentrations measured at Diffusion Tube Monitoring Sites in Musselburgh 2010-2014

	1	4	6	7	8	9	10	23	24	25	*28	*29	*30	*31	*32
■2010	32	28	49	40	26	33	34	28	30	30					
■2011	30	26	40	36	24	26	35	24	24	24					
■2012	30	25	43	39	24	27	33	24	25	26	29	42	34	47	32
■2013	30	25	42	37	24	26	34	23	24	24	26	38	30	43	34
■2014	30	25	43	38	23	28	34	23	22	23	26	39	32	44	37

APPENDIX 3
EXISTING AIR QUALITY MANAGEMENT AREA, HIGH STREET, MUSSELBURGH

High Street, Musselburgh (Newbigging to The Mall) - Air Quality Management Area

1:2000
30 August 2013

User: admin

REPORT TO: Cabinet

MEETING DATE: 14 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

7

SUBJECT: Consolidation of Traffic Regulation Orders, Various Locations, East Lothian

1   PURPOSE

1.1   To seek Cabinet approval to start the statutory procedure necessary to consolidate all existing Traffic Regulation Orders, amendments and Variations into 14 area and purpose based Orders to facilitate the enactment of Decriminalised Parking Enforcement (DPE) throughout East Lothian. The exercise will exclude all moving violation based Traffic Regulation Orders.

2   RECOMMENDATIONS

2.1   To approve the initiation of the statutory procedure necessary to consolidate all parking, waiting, loading and unloading Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

3   BACKGROUND

3.1   East Lothian Council as Local Traffic Authority is responsible for the making or amending of Traffic Regulation Orders as necessary; to avert danger to road users; to prevent damage to the road; to aid free, unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property and to improve the amenity of the area.

3.2   The above general provisions have been in existence since 1984 which is the most current iteration of Road Traffic legislation necessary to introduce Traffic related restriction Orders.

3.3   Over an extended period of time, the Council and preceding Authorities have overlain Orders and amended and varied the restrictions, making the TRO landscape difficult to interpret and read. To understand the

competence and validity of the Orders, an assessment of the known Orders was commissioned, which has recently been completed.

3.4 Regrettably, this exercise has highlighted various anomalies and inconsistencies which will require to be corrected. To avoid ongoing difficulties in interpreting the Orders, it is recommended that all Orders be consolidated onto a map based system.

3.5 At the East Lothian Council meeting of 15 December 2015, Council agreed to apply to the Scottish Minister to decriminalise Parking Enforcement in East Lothian. An undertaking of the application was for the Council to consider the creation of consolidated Traffic Regulation Orders for individual settlements to cover all existing orders.

3.6 Recent feedback from Transport Scotland on East Lothian Council's application for DPE seeks assurances and a commitment that the Council will consolidate and validate all Orders to ensure the requisite standards are met.

3.7 It is proposed to make the necessary consolidated Orders in accordance with Section 19 of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

3.8 The proposed consolidated Orders will include in a limited capacity existing restrictions (double / single yellow lines) not presently covered by a formal Order. Following discussions with the Council's Legal team it is proposed to include minor additions where it can be proven a system of restrictions has been in place over many years. This view, if taken on the basis that the restrictions have been visible to the public, is generally accepted and there is a need to maintain the restriction to meet the provisions of 3.1.

3.9 It is proposed to Consolidate the existing Orders into 2 broad categories: 1. settlements: Musselburgh and Wallyford, Tranent, Prestonpans, Cockenzie and Port Seton, Longniddry, Gullane, North Berwick, East Linton, Ormiston, Haddington, Dunbar and West Barns, coastal car parks. 2. Purpose: school restrictions and disabled persons' parking places.

4   **POLICY IMPLICATIONS**

4.1 These proposals will contribute towards The East Lothian Plan - Single Outcome Agreement (SOA) 2013 and our 3 strategic objectives - to create, support and maintain a Sustainable Economy, Resilient People and Safe and Vibrant Communities.

4.2 These proposals will add value to the Safe and Vibrant Communities Partnership and can contribute towards East Lothian's SOA Outcome 7 - East Lothian is an even safer place.

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 costs involved in connection with consolidating and making of the necessary Orders can be accommodated within the Roads Services Revenue budget 2016/17

6.2   Personnel - None

6.3   Other - None

7   BACKGROUND PAPERS

7.1

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Asset and Regulatory Team Manager
CONTACT INFO	Peter Forsyth Ext 7724
DATE	6 June 2016

East Lothian Partnership

ACTION NOTE OF THE MEETING OF THE SUSTAINABLE ECONOMY PARTNERSHIP

Thursday 14 January 2016, 10.00-12.00, Adam Room, East Lothian Council, John Muir House, Haddington EH41 3HA.

8

Partnership Members Present:
Nigel Paul, Chair (NP)
George Archibald, Mid and East Lothian Chamber of Commerce
Robert Carr, co-opted member
Manuela Calchini, Visit Scotland (MC)
Councillor Norman Hampshire, East Lothian Council (NH)
Angela Leitch, East Lothian Council (AL)
Councillor John McMillan, East Lothian Council (JMcM) (part)
Mike Pretious, Social Enterprise East Lothian
Jonathan Wilson, Scottish Enterprise

Others Present:
Frank Beattie, Scottish Enterprise (FB)
Douglas Proudfoot, East Lothian Council (DP)
Colin Forbes, East Lothian Council (CF)
Esther Wilson, East Lothian Council (EW)

Partnership Members Apologies:

Kenneth Bramham, Job Centre Plus
Frank Beattie, Scottish Enterprise
Niall Corbett, Scottish Natural Heritage
Margot Crosbie, Skills Development Scotland
Councillor Stuart Currie, East Lothian Council
Kenneth Bramham, Job Centre Plus
Frank Beattie, Scottish Enterprise
Phil Ford, Skills Development Scotland
Gordon Henderson, Federation of Small Businesses (GH)
Ray McCowan, Edinburgh College (RM)
Linda Prattis, Job Centre Plus
Andrew White, Federation of Small Businesses (Vice Chair) (AW)

1. **WELCOME/APOLOGIES**
NP welcomed Partnership members to the meeting and apologies were noted. It was agreed that agenda item 4b would be moved to the first item to be considered under agenda item 4 as the presenter of the related paper, Colin Forbes, has to leave at 11.00.

2.   MINUTES OF THE PREVIOUS MEETING

The minutes of the SEP of 23 September 2015 were agreed as an accurate record.

3.   MATTERS ARISING – Action Log

EW and GA to meet RE mentoring proposal	Staff from Mid and East Chamber of Commerce and EL Works are in discussion
Performance Report 2014/15 Outcomes 1-3 -All to share with Boards or equivalent -MP to provide additional information RE social enterprises -Accountable Officer for Outcome 2 to recommend targets in relation to child poverty -EW to include activity in relation to provision of financial products to assist money management in Outcome 2 in 2015/16 -EW to amalgamate paragraphs RE cycling -All to review Performance Framework long term incorporating: - Local data from Area Partnerships - Improved comparator information - New data available via UC implementation - Average earnings data	- Final version circulated 17/12/15 - Additional information re social enterprises included by EW - Not possible to set – translated to action point - Completed - Long term action around development of performance framework - EW - Discussion took place around connection between quality of public service provision, the economy and productivity. Connection between early years development/support and skills development. Report/discussion to be facilitated around this issue later this year.
Construction Skills Event	EW provided an overview of activities taking place following on from 'Call To Action' paper presented at 23 Sep meeting: - ELC Minor Works Construction Framework meet the Buyer Event - Industry Engagement Breakfast - Apprenticeship Week - SME Roadshow - Launch of Construction Academy - Careers events - Tranent Conservation Area Scheme investment - Development of shared apprenticeship model Importance of understanding context – ie what is shortfall and putting in place clear objectives for activities and evaluation

	methods to measure success emphasised by Partnership
Views from larger business to be sought. JMM happy to undertake joint visits with other members of the Partnership	RC and NP advised they would be happy to be involved in this.
Rural Economy Collaborative to be invited to nominate a non public sector representative for the SEP	Invite issued but no response as yet.

THE EAST LOTHIAN PLAN (SOA 2013) – THIS PARTNERSHIP'S OUTCOMES

4. **Update on Priority Action Areas Outcome 1: East Lothian has a growing and sustainable economy**

    b. **Priority Area 1: Employability**

        Report from Developing East Lothian's Young Workforce Group
        CF spoke to the report

        It was noted that the ELP had agreed an action at their meeting on 7 October for the DELYW Group regarding clear communication of the range of further education options open to young people and their families in East Lothian

---

Decision on the Recommendation/Action
The SEP members agreed to:
- Acknowledge the work ongoing in relation to evaluating progress of Developing East Lothian's Young Workforce noting that workplans and actions to date are broadly in line with or ahead of timescales/milestones set in the DYW action plan including mechanisms to identify and target resource at people at risk of a negative destination
- Note that work is currently in progress to enable a more comprehensive summary evaluation of DYW progress to date to be brought forward to the next SEP meeting on 16th March
- Task the DELYW Group to address the ELP action as part of the broader work on implementation of Developing the Young Workforce

Action
- Report incorporating a comprehensive summary evaluation of DYW progress to date to be brought forward to next meeting of Partnership on 16th March

---

    a. **Priority Areas 1 (Employability) and 2 (Company Growth)**
    City Deal Update – DP provided an update on the Edinburgh and South East Scotland City Deal Proposition. Key areas as follows:
    - Revised proposition submitted to both Governments, 18 December 2015 and continuing refinement thereof
    - Infrastructure Fund – unlocking of traditional barriers to growth.
    - Other workstreams include Skills and Innovation (EL leading through AL), Low Carbon, Digital and Housing

- How can private sector engage in process - difficult due to confidential nature of proposition and commercial sensitivities
- Engagement with key agencies and resulting collaboration has been very beneficial and encouraging

NP noted the importance and complexity of the governance aspect of any Deal.
Several members had attended a presentation to the Edinburgh CoC by Andrew Kerr, CEX of City of Edinburgh Council

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Decision on the Recommendation/Action
SEP members supportive of principle of Edinburgh and South East Scotland City Region Deal

Action:
DP to report progress to next meeting**.**

---

b. **Major Projects Update**
EW spoke to the report.

Cockenzie
EW advised that ITT had not yet been issued but that this was imminent.
GA asked how requests could be made to be included in the masterplanning process.
EW advised a stakeholder mapping process was to be undertaken which should capture all stakeholders.

QMU Innovation Hub
NP planning to visit. Steve Scott to be asked to present the QMU proposal to the SEP.

Viridor Energy Recovery Facility
NP queried how we are measuring success and how successful the meet the buyer and job fair events were

---

Decision on the Recommendation/Action

Action:
Steve Scott to be asked to present QMU proposal to the SEP – NP to determine best meeting
Viridor follow up data - EW

---

c. **Priority Area 2: Company Growth**
East Lothian Local Development Plan – Delivery of Employment Land and Premises
EW spoke to the report

There was a general discussion regarding the challenges of making employment land effective , the cost of servicing sites and the challenges of economic viability. There was a sense that local knowledge was key to delivering positive outcomes in this area.
Several members intimated their interest in working in detail on this issue – Cllr Hampshire, Jonathan Wilson, Robert Carr (making links to others who may be able to provide advice in legal and financial areas) and locally, Malcolm Gilles would be a good contact.

> **Decision on the Recommendation/Action**
> The SEP members agreed to:
> - Note the key employment policy and land-use allocations of the Proposed Local Development Plan
> - Establish a group to report back mid-year (June) which considers specific examples of economic land which has not been developed and the key issues and potential solutions

6. Feedback from East Lothian Partnership meetings of 7 October 2015 and 13 May 2015

These were noted.

7. Agenda Items for Future Meetings
Those highlighted were agreed as agenda items for the next meeting

Employability and Company Growth
City Region Deal update
Major Projects
Scottish Rural Parliament Action Plan and Scottish Government Respones

Employability
Report from Developing East Lothian's Young Workforce

Company Growth
SE Activity Report
Food and Drink Business Improvement District

Climate Change
Climate Change Report

8. A.O.C.B

NP initiated a discussion around the schedule of meetings for the year, given the number of call offs for the long-standing meeting scheduled in December last year which had to be postponed due to the number of apologies received. A discussion was held as to whether to retain a meeting in December or to reschedule this as standard to January or to drop to 3 meetings per year. It was decided that a December meeting should be retained but that this should be brought forward by one week.

> **Decision on the recommendation/action**
> SEP members confirmed the following meeting schedule for the remainder of 2016:
> - Wednesday 16th March 2016, 14.00-16.00, Saltire Rooms, John Muir House, Haddington
> - Wednesday 15th June 2016, 14.00-16.00, Adam Room, John Muir House, Haddington
> - Wednesday 21st September 2016, 14.00-16.00, Saltire Rooms, John Muir House, Haddington
> - Wednesday 7th December 2016, 14.00-16.00, venue TBC

NEXT MEETING: 16 MARCH 2016, 14.00-16.00, SALTIRE ROOMS, JOHN MUIR HOUSE, HADDINGTON