



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 16 JANUARY 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor L Bruce
Councillor S Currie
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor J Henderson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor B Small
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Ms S Saunders, Head of Children's and Adult Services
Ms F Robertson, Head of Education
Ms S Fortune, Service Manager – Business Finance
Ms L Shaw, Corporate Finance Manager
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Mr J Coutts, Service Manager – Community Housing and Homelessness
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Mr I Patterson, Homelessness Manager
Mr S Cooper, Team Manager – Communications
Mr D Northcott, Team Manager – Structures/Flooding and Street Lighting

Ms Z McFadzean, HR Business Partner
Ms N Sandford, Senior Strategy Officer

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 14 NOVEMBER 2017

The minutes of the meeting of the Cabinet of 14 November 2017 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 1 SEPTEMBER 2017 – 7 JANUARY 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 1 September 2017 to 7 January 2018, with a value of over £150,000.

Responding to a question from Councillor Small, Jim Lamond, Head of Council Resources, advised that the Council portion of the contract value featured in the draft Capital Plan budget (referred to in Item 8, Appendix 4).

Decision

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

3. REVIEW OF HOUSING ALLOCATIONS POLICY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for a review of the existing Housing Allocations Policy.

The Service Manager for Community Housing and Homelessness, James Coutts, presented the report. He outlined the context, drivers, scope and approximate timescale for the review. He referred to Cabinet's approval last November of the Homelessness Action Plan. He drew attention to the key elements within the report. He referred to the cross-party Programme Board, outlining the proposed membership: Housing Cabinet Spokesperson, Health and Social Care Cabinet Spokesperson and one Member from each of the Conservative and SNP Groups. He stated that the new draft policy would be subject to full tenant, housing applicant and stakeholder consultation prior to approval and implementation.

Responding to questions from Councillor Small, Mr Coutts advised that operationally the service always tried to address potential breaches of the Unsuitable Accommodation Order; the Council was also in constant dialogue with the Scottish Housing Regulator in respect of homelessness performance. Douglas Proudfoot, Head of Development, stated it was the intention to bring this budget area within performance. Regarding breaches, he assured Members that any periodic breach was addressed as a matter of urgency. Ian Patterson, Homelessness Manager, added that there had only been one breach in the recent past.

Councillor Currie asked if Members could be kept informed of the number of breaches; Mr Coutts confirmed this would be done. Councillor Currie asked if properties were still being removed from the housing stock to satisfy the need for temporary accommodation. Mr Coutts indicated this was being done on an ad-hoc basis but a Temporary Accommodation Strategy was being developed which would assist in this regard more formally. Mr Coutts also responded to further questions, clarifying issues regarding allocations and transfers. Councillor Currie sought assurance that the final policy would come forward to Council rather than Cabinet. Angela Leitch, Chief Executive, indicated that in accordance with Standing Orders the final policy would be brought forward to Cabinet.

In response to a question from Councillor Henderson regarding the scope of the policy, Mr Coutts advised that key staffing groups had been identified for the Policy Review Team and other staff groups would be co-opted onto the team as and when required.

Mr Coutts responded to questions from Councillor O'Donnell regarding aspects of medical priority and review, advising that a sub-group would be created to review this.

Councillor Goodfellow stated that Scottish Government guidelines were still awaited and not expected until the spring but stressed that this review could not wait any longer. The housing landscape had changed considerably since the last review in 2007. He was pleased that all political groups would be involved and that there would be full tenant and other stakeholder consultation.

Councillor McMillan welcomed the report; housing lists and allocations were a constant topic at Members' surgeries.

Councillor Currie welcomed the cross-party representation on the Programme Board.

Decision

The Cabinet agreed:

- i. to approve the review of the existing Housing Allocations policy; and
- ii. to note the context, drivers, scope and approximate timescale for the review.

4. COUNCIL HOUSE ALLOCATION TARGETS FOR 2018/19

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for Council House Allocation Targets for the period 1 April 2018 to 31 March 2019.

Mr Coutts presented the report, drawing attention to the table at section 3.22 of the report, which set out the proposed targets for 2018/19. The targets would be revisited after 6 months. He stated there were 3,600 applicants on the housing list. Homeless applicants came under the General Needs Group. He reiterated the significant pressures on demand for temporary accommodation and increased waiting times for homeless households. He referenced the importance of creating vacancy chains through a proportionate transfer target but that there should not be an imbalance between the transfer target and the proportion of transfer applicants on the housing list. He referred to good practice in creating sustainable communities, adding that each local housing team would consider potential local lettings plans (LLPs) to help achieve balanced and sustainable communities.

Councillor Currie, referring to LLPs, asked why it was not possible to consider these in relation to new council housing coming forward. Mr Coutts stated that new build lettings

plans could set a higher transfer target to create balanced communities and give existing tenants opportunities for a new council house; this was done separately from LLP arrangements and based on detailed demand analysis.

In response to Councillor O'Donnell's question, Mr Coutts advised that about one third of the transfer list related to under occupancy.

Responding to Councillor Small, Mr Coutts clarified that in respect of Registered Social Landlords (RSLs) dialogue did take place with housing associations. He indicated that approximately 50% of housing association stock was allocated to homeless applicants.

Councillor Goodfellow drew attention to the table at section 3.21 of the report, highlighting that 46% of housing went to tenants on the homeless list. He stated that the Council's new build developments would have new build lettings plans to help achieve sustainable communities. This paper setting out the recommended targets was urgently needed.

Councillor Currie remarked that it would be useful to know the situation as regards numbers of allocations and numbers relating to vacancy chains.

Councillor Ahktar referred to the legislative obligations under the Children and Young People (Scotland) Act 2014. She welcomed the Council "Starter Flat" approach, which had already helped the Council deliver its corporate parenting objectives

Decision

The Cabinet agreed:

- i. to approve the recommended targets detailed in Section 3.22 of the report;
- ii. to note that performance against these targets was reviewed on a weekly basis and that such review formed part of the analysis in setting future targets in 2018/19 and beyond; and
- iii. to note that ongoing regular monitoring of performance had been embedded within the Community Housing Performance Management Framework.

5. CONSULTATIVE DRAFT LOCAL HOUSING STRATEGY 2018-2023

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) outlining the key elements of the Consultative Draft Local Housing Strategy 2018-2023 (LHS) and seeking approval of the consultation exercise.

The Service Manager for Economic Development and Strategic Investment, Esther Wilson, presented the report. She informed Members that the LHS was the sole strategic document for housing in East Lothian. She drew attention to some of the key roles of the LHS. She referred to the key housing issues and challenges as set out in the report. She highlighted the Council's strategic vision for housing and the six priority outcomes that underpinned this vision. An Action Plan was attached as an appendix. She gave details of the consultation process and indicated that a Members' briefing would be arranged.

Councillor Currie requested a breakdown of the 189 units of affordable housing per annum to be delivered as per the Housing Supply Target. Ms Wilson confirmed this information would be provided to all Members post meeting. Referring to older people and the development of specialist accommodation as detailed in the report, Councillor Currie asked who would be taking this forward. Ms Wilson advised that the Council was working with the

Health and Social Care Partnership regarding how to take this forward. It would be public sector led initially, but the draft LHS allowed for private sector involvement; this was being looked at. Further details would be issued to Members.

Councillor O'Donnell, referring to allocations for people with a learning disability, which she understood could not happen until a care package was in place, queried if this would continue to be the case. Mr Coutts advised that it was not necessarily a pre-condition for a standard tenancy but was a requirement for a short-term tenancy.

Councillor Goodfellow commended the report. He stated it was always the Administration's aim to deliver social rented housing first and alternative tenancies where possible through Government grant. This LHS would produce more social housing than the 70% target set by the Scottish Government. East Lothian's population was both increasing and changing, needs were changing; there was a requirement to ensure a wide range of specialist housing to enable people to live independently for longer where appropriate. This LHS would deal with key housing issues.

Councillor Currie thanked Ms Wilson for her work for the Council, praising her professionalism. He commented on the very complex and completely different market housing had become over the years. He looked forward to the LHS coming forward, adding that it needed to have deliverable actions.

Councillor McMillan welcomed the paper, which linked into many other elements of Council services, including sustainable issues.

The Convener stated that the LHS was a hugely complex process that the Council was required to deliver. He paid tribute to Ms Wilson for her invaluable service to the Council and wished her every success for the future.

Decision

The Cabinet agreed to approve the consultation of the Draft Local Housing Strategy 2018-2023.

6. AMENDMENTS TO DISCIPLINARY PROCEDURES (TEACHING AND ASSOCIATED SNCT POSTS)

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for proposed amendments to the Disciplinary Procedure covering all teaching staff and other posts whose terms and conditions were regulated by the Scottish Negotiating Committee for Teachers (SNCT).

Mr Lamond presented the report, stating that the existing procedures had been in place since 2011 and a cyclical review had now been undertaken. The main areas of proposed change related to the role of witnesses and investigating officers but the opportunity had also been taken to provide a general refresh of post titles and better alignment with updated Standing Orders. The revised policy was attached as an appendix and included tracker to illustrate where changes had been made. The amendments had been agreed with all the teaching unions through the Local Negotiating Committee for Teachers.

Mr Lamond, responding to an update request from Councillor Akhtar regarding the Disciplinary Procedures covering all other employee groups, advised that discussions with the Joint Trades Union Side Secretary continued and he was hopeful that an agreement could be reached.

Councillor Akhtar expressed support for the proposed changes as outlined in the appendix.

Decision

The Cabinet agreed to approve the proposed changes to the Disciplinary Procedure covering Teachers and associated SNCT posts.

7. THE EAST LoTHIAN CORPORATE PARENTING PLAN 2017-2020

A report was submitted by the Chief Executive seeking endorsement of the East Lothian Corporate Parenting Plan 2017-2020.

The Head of Children's and Adult Services, Sharon Saunders, presented the report. She outlined the Council's long history of pro-active corporate parenting. She drew attention to the various corporate planning partners that had informed the Plan. She referred to the legislative duty of Corporate Parents to promote the interests of care-experienced children. She gave details of the numbers of looked after children in the county and their type of care. She outlined the ethos of the Plan informing Members that it had been co-produced by care-experienced young people. The Plan would go forward to the East Lothian Partnership on 24 January for their endorsement. A briefing for Members would take place on 24 March.

Councillor O'Donnell asked if cultural and spiritual needs were considered during an assessment. Ms Saunders confirmed these needs were taken into account.

In response to a query from Councillor Henderson about the involvement of the voluntary sector, Ms Saunders advised that Children's Services worked very closely with the third sector and the voluntary sector. There were also a range of charity organisations that engaged volunteers in local communities, providing support and befriending as required.

Councillor Akhtar asked for more details regarding the mapping exercise of all therapeutic mental health resources. Ms Saunders stated this came through development of the new Children and Young People's Services Plan, the need for further investigation into resources for mental health for young people had been highlighted. This was recognised as a significant issue of concern. A short-life working group had been established and would report back at the end of March; their findings would then come forward into this Plan.

Councillor McGinn commended the report and the role of young people on the Champions Board; East Lothian was leading the way. He welcomed the briefing for Members.

Councillor Akhtar stated this was a useful and meaningful document. She drew attention to the support provided by various officers to the Champions Board.

Decision

The Cabinet agreed to endorse the East Lothian Corporate Parenting Plan 2017-2020 and noted the new responsibilities in the Children and Young People (Scotland) Act 2014 to prepare, publish and review its Corporate Parenting Plan every three years.

8. BUDGET DEVELOPMENT 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update on matters affecting development of budgets including the draft budget proposals prepared on behalf of the Administration.

Mr Lamond presented a detailed report. He referred to the extensive public budget consultations for General Services and the annual statutory consultation with rent payers; Appendices 1 and 2 contained the summary findings. Based upon a draft Scottish Budget, the Council had received a written grant settlement offer from the Cabinet Secretary for Finance. He stressed that the draft Scottish Government Budget was not scheduled to complete the formal parliamentary process until 22 February and therefore, as with all other councils, the terms of the settlement offer were subject to change. Notwithstanding this, section 3.5 of the report provided information on the Local Government Finance Settlement both nationally and locally in relation to key features affecting this Council. He indicated that the settlement offer represented a significant reduction in Scottish Government funding and consequently the Council would require to make reductions to its cost base or generate additional income. He added that on this occasion the level of uncertainty and the potential for change to the Scottish Budget and perhaps the Local Government Settlement was higher than normal. He outlined the requirement as regards the terms of the settlement offer.

Turning to the Draft Administration Budget Proposals, Mr Lamond advised that these had been prepared in accordance with the resolution made by Council on 31 October and were contained within Appendices 3 and 4 for General Services and Appendix 5 for the HRA. Section 3.8 of the report gave information on the limitations associated with proposed service based reduction targets and the planning context within which these had been prepared. He outlined the next steps in the budget process including the arrangement for development and submission of amendments, which he reminded Members should be submitted in accordance with the Council resolution of 19 December.

Councillor Forrest, referring to the grant received in 2017/18 to deliver services this year asked if staff continued delivering the same level of services as this financial year meant that the grant available had reduced by £3,744m. Mr Lamond confirmed this was the case; he referred to the Scottish Parliament Information Centre (SPICE) briefing on the provisional settlement to local authorities, a “like for like” year on year comparison had been prepared that sought to strip out new policy burdens and inflationary drift, the Council’s reduction in core grant had been assessed to be -£3.9M.

Councillor Small asked if the declaration of council tax could be separated from setting the budget, i.e. could the budget meeting, set for 13 February, be moved. Mr Lamond outlined time pressures, more difficult in recent years, due to the UK Chancellor announcing his budget later, then the Scottish Government budget announcement and finally the local government settlement. He referred to other obligations including informing council tax payers of their new payment as of April; mid-February was the latest that the council tax could be set. He stressed that budgets that supported council tax were joined together; his strong recommendation would be for these to be considered at the same meeting.

Councillor Currie referred to the assessment of 3-year revenue support grant figures and the comparison against additional yield from council tax, seeking confirmation that the yield more than compensated for the loss in the grant. Mr Lamond advised that the revenue support grant figure, although correct, was some way from meeting new burdens. Regarding the council tax yield, there had been a slight change to the approach regarding the grant in years 2 and 3. The Scottish Government had greater fiscal autonomy now and the Council had accordingly modified its position. He stressed that it was very important that all of these factors were taken into consideration.

Councillor Dugdale queried, despite East Lothian being one of Scotland’s fastest growing areas, how the Scottish Government arrived at their figure, facing the Council with the fourth biggest reduction in grant of any mainland council. Mr Lamond referred again to the SPICE briefing paper. He stated there were multiple pressures, many shared by all local authorities, some unique to those facing rapid demographic growth. He referred to the distribution mechanism for local government, which was hugely complex. Population levels were simply

one amongst many other indicators used to distribute resource and even when used, there was a time lag such that validated data often ran several years behind the actual population, in times of rapid growth this would inevitably work against those councils.

Councillor Findlay asked why the Council Tax Reduction Scheme remained the same. Mr Lamond advised that in terms of performance in 2017/18 the figure might have come in slightly less than the £5M provision and might be deemed sufficient. He added that Universal Credit, which went live in March 2017, had impacted significantly.

Councillor O'Donnell referred to the £1.2M extra for social care obligations, stating that if this had been assessed per population then it should have been £3.2M; she asked if the figure allocated would be adequate. Sarah Fortune, Service Manager for Business Finance, advised that work was ongoing as regards verification; initial suggestions were that this figure was unlikely to cover all the Council's obligations but she hoped to get this validated quickly and the information circulated to Members.

Councillor Currie, referring to the level of miscellaneous savings and given the numerous unknowns, remarked that it would not be competent to approve the draft budget at present. Mr Lamond referred to section 3.8 of the report, which highlighted the uncertainty over the national settlement, stating that the approach taken had been to issue a draft set of proposals; he drew particular attention to the last sentence as regards reporting further detail. Regarding questions about the reporting route, Mr Lamond said it was the intention to report to Council not Cabinet. Councillor Currie asked, if those unspecified £M remained, if officers would come back to a special meeting of Council before the end of March outlining potential cuts. Mr Lamond confirmed this would be the scenario, adding that effectively these were unallocated cash targets; these had featured before in year 1 budgets.

Councillor McGinn, referring to the pay increase of 2.5% for all employees, asked how much funding had been provided by the Scottish Government to cover this increase. Mr Lamond advised that the draft budget proposals put forward by the Administration included a provisional uplift in relation to potential pay awards for all staff groups over the next 3 financial years of 2.5%, 2% and 2%. Within the settlement and with the exception of something for the full year effect of the 2017 teacher's pay award, he suggested that no uplift had been reflected and that the Council would need to meet the cost of any 2018 awards actually made from within the settlement grant offer.

Councillor O'Donnell, referring to the possibility of change to the settlement offer, asked, if it was a flat cash settlement, if targets would then be negated. Mr Lamond advised that in cash value terms another £150M would be needed from the national settlement; he referred again to the SPICE figure. Following further questions about the funding gap, Ms Fortune stated that when officers had circulate the draft the gap was £6.5M at that point, which included the pay award of 2.5%, the yield from pensions and a range of other inflationary options.

Responding to Councillor Goodfellow, Mr Lamond confirmed that on 22 December all Group Leaders were provided with the same information from officers in the form of an officer's draft base, subsequently updated to reflect the actual settlement offer, the results of the public budget consultations and a range of potential budget reductions identified by officers.

Councillor Henderson asked if the Council did any work on its own inflationary rate. Mr Lamond advised that in the last couple of years officers had begun to look at this and it was now built in as inescapable growth.

Councillor Akhtar asked if the Scottish Government had the ability to provide local authorities with more details of future settlements; it continued to provide only a 1 year settlement. Mr Lamond indicated this was a difficult question to answer. As Members were aware, the UK Chancellor had within his UK budget provided longer term spending plans covering the next

4 years and these provided indicative departmental totals that gave an indication of the likely funding to be made available for public services. However, that in itself did not necessarily mean that multi-year settlements at Scottish level should be a given. While Brexit negotiations took place, the UK and therefore the Scottish economy faced a period of unprecedented uncertainty and there were perhaps good reasons to exercise a degree of caution when forward planning. However, within their annual Local Government Overview Reports, Audit Scotland had emphasised that despite obvious challenges associated with uncertainty, it was more important than ever to formulate plans on a longer-term basis and a return to multi-year settlements in local government would be beneficial.

The Convener opened the debate, thanking Mr Lamond and his team for their work on development of the draft budget to this stage. He also gave thanks to the Chief Executive and the Council Management Team. He stated that this budget development process was completely innovative; the Administration's draft budget proposals were presented for discussion and amendment. Discussions had been held with both Group Leaders and he welcomed further debate. The Administration was willing to take on ideas to protect services in East Lothian. He urged all Members to come together for the benefit of the county. He outlined the next stages in the budget development process.

Councillor Small, Conservative Group Leader, stated that the public expected the Council to be run efficiently and wisely. Salaries accounted for a large part of the budget; staff had to be productive and efficient. There was a need to be far more innovative in how services were provided, a local authority could no longer provide everything for everyone; a major shift was needed between the Council and its customers. The core priority must be ensuring that children received the best start possible. There were three other issues: social housing, caring element and development of the Cockenzie site. All Members had to work together.

Councillor Currie, SNP Group Leader, said the Council needed to rise to the occasion and apply its best resources to facing the challenges ahead; this was what the public expected. Referring to section 3.8, he stressed that Members had to put forward what they felt was a correct budget, it was not acceptable for officers to put forward their proposals for Members to approve. The Council should wait until the final settlement on 22 February and then set the budget. The SNP Group would engage in trying to ensure there was a budget but stated that Members were within their rights to pursue their manifesto.

Councillor O'Donnell, Cabinet Member for Health and Social Care, stressed that integration of services needed moved forward swiftly. There was a need for a transformational move of funds from the NHS. Considerable good work was being done but the Council had reached the point where it needed to make changes in how it delivered social care. The scale of challenges facing Adult Wellbeing was unprecedented. She urged all Members for their support to enable delivery of high quality social care services.

Councillor Akhtar, Education and Children's Services Cabinet Member, reiterated the difficult and challenging set of circumstances facing the Council. The settlement figure had not taken into account that East Lothian was one of the fastest growing local authorities. The Administration's draft budget included investment in primary and secondary school estates, the Capital Programme listed improvements and upgrading required to facilities; the level of need and demand was considerable and required support.

Councillor McMillan, Provost and Cabinet Member for Economic Development and Tourism, indicated that this draft budget supported the Council Plan, it supported a financial strategy that valued people, services and staff. A change in the Council's culture was happening. The Council would work with external partners to be more innovative. He quoted from the Council Plan; the aim to make East Lothian the best place to live, work, learn and play.

Councillor Goodfellow, Cabinet Member for Housing, highlighted the Administration's record on housing. The Council provided some of the most affordable rents in Scotland but still managed to deliver a surplus, which had allowed improvement in the council housing stock and opportunities to purchase to add to the housing stock.

The Convener expressed his appreciation of the atmosphere in the Chamber and Members' understanding of the difficult situation facing the Council.

Decision

The Cabinet agreed:

- i. to approve the draft budget proposals as contained within the report appendices noting the intention of the Acting Council Leader to invite further discussion with other political groups via Group Leaders between now and the formal budget setting meeting of Council on 13 February;
- ii. to request that any formal amendments to the draft proposals be submitted in accordance with the terms of the Council resolution of 19 December 2017; and
- iii. that should any further, formal response to the Cabinet Secretary's settlement offer be considered necessary, the Depute Council Leader should do so in consultation with the other Group Leaders.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Mid-Market Rent Proposal – Bowmont Terrace, Dunbar

A private report regarding a Mid-Market Rent Proposal at Bowmont Terrace, Dunbar was approved by the Cabinet.

REPORT TO: Cabinet

MEETING DATE: 13 March 2018

BY: Director of Health & Social Care Partnership

SUBJECT: Non-Residential Social Care Charging

2

1 PURPOSE

- 1.1 To seek agreement to the proposed introduction of new non-residential social care charges.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the proposed new social care charges as outlined in this paper relating to Resource and Day Centre attendance and use of transport.

3 BACKGROUND

- 3.1 Council agreed on the 13th February 2018 that the strategic budget for the adult social care part of the Health & Social Care Partnership budget should include additional income for 2018/19 of £358,000 to be realised from a combination of increases to existing charges and the introduction of new charges.
- 3.2 The Health and Social Care Partnership has a well-established charging group with multi-stakeholder membership. This group oversaw the updating of the social care charging policy in 2017/18 The group has met regularly in order to play a lead role in the development and assessment of proposals which would realise the income generation agreed by the Council.
- 3.3 A benchmarking exercise was undertaken using a variety of sources. All of these sources together confirm that with the introduction of new charges East Lothian Council will be in the middle or lower half of the range of Councils as a charging authority.
- 3.4 The new charges proposed are:

Service	Charge
Resource and Day Centre Session (3 hours)	£2 per session
Transport (to destinations other than day centres and resource centres)	£2 per journey
Bundles (resource / day centre sessions and transport combined)	
1 session with transport	£3
2 sessions with transport	£5

- 3.5 The £358,000 income figure in the budget would have required a 25% increase in existing charges. The aim of this policy is to spread the charges over a larger group of people by introducing new charges. At present older people pay a charge for day services to their local provider. This policy introduces the same position for younger adults.
- 3.6 Detailed financial modelling has been undertaken in order to realistically calculate the income which will result from the introduction of these charges. Crucially the financial modelling has also involved the undertaking of a detail analysis of clients using our services in order to understand the impact on different clients depending on their financial circumstances and the services that they currently use. This analysis has resulted in the bundling proposals above to limit the impact on clients who are using both of the newly chargeable services.
- 3.7 The anticipated income from the introduction of these new charges is £87,000. The balance of the £358,000 agreed by the Council will be delivered through a range of changes to existing charges. These will ensure the Council remains in the middle of the range of charging levels across Councils. The charging group will continue to meet to be part of the charging review process and will consider such issues as: policy wording, development of accessible versions, a formalised appeals process, a review of disregards, and an improved financial assessment form and annual financial assessment process.
- 3.8 In addition to the work through the multi-stakeholder charging group a consultation page was developed to follow on from the Council consultation exercise on the proposed Council budget. The consultation ran for one month and finished on the 20th February with 99 people having responded. A summary of the results is that 72% strongly agree (18%) or tend to agree (54%) that increasing charges / introducing charges is acceptable if it means services can continue to be delivered. 80% strongly

agree (22%) or tend to agree (58%) that charges for social care services in East Lothian should be in line with the Scottish average. 65% strongly agree (35%) or tend to agree (30%) that those who can afford to should pay a bit more for social care services they receive. 94% strongly agree (70%) or tend to agree (24%) that help should be available to make sure people paying for services receive the financial support they are entitled to.

- 3.9 As well as the multi-stakeholder group three public meetings were held at the three resource centres, to provide information about the budget and charging policy processes, to listen to concerns, suggestions and answer questions. Two meetings were held in the evening and one during the day. These were all well attended by carers, service users, and workers. There will be on-going review of the council's social care charging regime to ensure delivery of the three year budget targets for charging income. This will also include further impact assessment, further benchmarking, exploring further potential for new chargeable services and exploring new models of charging in other Councils.

4 POLICY IMPLICATION

- 4.1 These proposals are in line with current COSLA 2017/18 Guidance on charging for non-residential social care services and deliver the Council's decision on the budget on 13th February 2018.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the first stage Integrated Impact Assessment process and a further two impact assessments will be undertaken, the second focussing on what charges have been agreed and the third as part of a review in six month's time. The assessment identified no disproportionate impact on equality groups and was positive about the contribution to maintain services. The assessment did flag up the issue of disability related expenditure and highlighted the importance of benefits maximisation. In addition the "bundling" of charges set out in the paper addresses the issue of disproportionate impact on high users of services.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - £87,000 towards the £358,000 target will be raised from the introduction of the two new charges. The balance will be raised from changes to existing charges.
- 6.2 Personnel - N/A
- 6.3 Other – It will be important that methods of collection are kept under review in order to realise the full income.

7. BACKGROUND PAPERS

7.1 Integrated Impact Assessment One.

AUTHOR'S NAME	Bryan Davies
DESIGNATION	Group Service Manager – Planning & Performance
CONTACT INFO	Ext 7384
DATE	01/03/18

REPORT TO: Cabinet
MEETING DATE: 13 March 2018
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: East Lothian Safety Advisory Group Policy

3

1 PURPOSE

- 1.1 To seek Cabinet approval of the East Lothian Safety Advisory Group Policy.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to:
- 2.1.1 approve the East Lothian Safety Advisory Group Policy;
- 2.1.2 accept the adoption of the recommendations made by the CoSLA Safety at Public Events Working Group as summarised in paragraph 3.4; and
- 2.1.3 note the significant work that has been undertaken to develop the process in conjunction with multi-agency partners.

3 BACKGROUND

- 3.1 For a number of years, East Lothian Council has had established processes in place to safeguard public safety at major events. Arrangements have also been in existence for smaller events that were brought to the Council's attention by event organisers. Generally, however, there is no standard approach to event planning within Scottish local authorities, with many managing the co-ordination of event planning in their area on an ad hoc basis. The Safety Advisory Group process aims to bring a standardisation and consistency to event planning arrangements with the aim of improving public safety.
- 3.2 A tragic accident occurred at the Highland Snowman Rally in 2013 where a spectator was killed and a child injured. Just over a year later, during the Jim Clark Rally on Saturday, 31st May 2014, two separate incidents left 3 people dead and another 6 injured. This prompted discussion on whether a common approach was required to improve safety at events held within Scotland.
- 3.3 Following a Police Scotland review into the tragedy, CoSLA chaired a Safety at Public Events Working Group with representation from key professional networks and agencies (including Police Scotland, Scottish Fire and Rescue Service and

Event Scotland) to look at developing a standard national approach to event safety.

- 3.4 A number of recommendations were developed and agreed, following a series of Working Group meetings. The Working Group strongly recommended that these are accepted by local authorities and other agencies working at a local level unless local processes are deemed to be adequate:

Recommendations of the CoSLA Safety at Public Events Working Group

- a. Each local authority should establish a system for planning events which should be referred to as the Safety Advisory Group (SAG).
 - b. Each SAG process will be compatible with the needs of national partner agencies.
 - c. The primary focus of each SAG will be the safety of all people participating in an event; however, consideration will also be given to the safety of members of the general public who could be affected by the event.
 - d. All SAG meetings will be chaired by a local authority officer. administrative support at SAG meetings should be provided by the local authority, where possible.
 - e. Senior officers from the local authority, Police Scotland, Scottish Fire and Rescue Service and Scottish Ambulance Service are encouraged to meet annually (the 'Core Group') to determine which regular events will be required to come under the scrutiny of the SAG process. Extraordinary meetings may be required to allow for new events to be identified and included as appropriate.
 - f. To assist in the process described at point 5, a risk profile should be developed for all of the events that will be considered.
 - g. Following the annual meeting of the Core Group, regular SAG meetings will take place to manage multi-agency and multi-departmental oversight of events.
 - h. Local authorities, in consultation with partner agencies, will produce a SAG policy document to provide clarity on the structure and purpose of the SAG group in each local authority area. This will include a section on debriefs following event completion.
 - i. Local authorities are also encouraged to implement the SAG process for events where they are recognised as the event organiser.
- 3.5 In order to formalise the SAG structure, the Working Group encourages local authorities to take the following steps:
- Form a multi-agency group of senior officers (the 'Core Group') to agree on what events will be included in the SAG process.
 - Agree a policy document on the SAG process for each Local Authority area.
 - Develop a risk profile for all significant events in a Local Authority area that will assist in the process in determining which events will be required to attend SAG meetings.

- 3.6 The Safety Advisory Group process is a multi-agency approach aimed at ensuring the organisers of significant events plan for and then execute their events in a manner that is safe for both participants and for members of the public.
- 3.7 The recommendations assume that Local Authorities will themselves adopt the same approach where they are organising significant events.
- 3.8 It is recognised that ensuring safety at an event is ultimately the legal responsibility of the event organiser.
- 3.9 There are clear multi-agency benefits from having a uniform approach to the planning and execution of events in Scotland. These include standardised terminology and processes. More importantly, there are several benefits of having a SAG process in place in each local authority area:
- It ensures that there is a consistent approach to safety at all of the events which come under the scrutiny of the SAG process
 - Safety Advisory Groups directly benefit event organisers by providing a 'one stop shop' for discussing their proposals and seeking advice from partner agencies
 - It also limits the number of interactions between event organisers and partner agencies, therefore potentially reducing workload.

3.10 EAST LOTHIAN SAFETY ADVISORY GROUP

- 3.10.1 East Lothian Council developed existing processes and introduced the Safety Advisory Group (SAG) process in late 2016. The process and guidance to event organisers has been evolving since the introduction of the SAG to ensure it has been practically tested and reviewed. It is now proposed to formalise arrangements through policy approval.
- 3.10.2 The SAG process is led by ELC Protective Services. By way of context, the total number of notified events considered by the SAG process and that took place in East Lothian in 2017 was 337, many of which will recur.
- 3.10.3 The guiding principle for determining which events will be invited to attend the Safety Advisory Group process is determined by the Strategic Event Safety Committee (SESC) and is as detailed within 4.3 of the ELSAG Policy. This includes events where East Lothian Council is recognised as the event organiser.
- 3.10.4 It is proposed that the SESC is chaired by a Head of Service from the Council and attended by Council services and partner agencies identified in the membership list. Through the course of 2017, the SESC has been chaired by the Head of Development and has involved partner agencies. The SESC has overseen the development of policy and detailed procedures as well the events considered through the SAG process.
- 3.10.5 The SESC core members will develop and maintain an events risk register and, so far as is reasonably practicable, through the provision of specialist advice ensure that event organisers instructed to attend the SAG process uphold the highest standards of public safety at public events.

- 3.10.6 The SESC objectives will be achieved through the formation of a Safety Advisory Group (SAG) for each event instructed to attend the SAG process. A specific SAG will be chaired and administered by East Lothian Council.
- 3.10.7 The arrangements for the operation of the Safety Advisory Groups are detailed in the Policy.
- 3.10.8 Multi-Agency Partners, including Police Scotland, Scottish Fire and Rescue Service and Scottish Ambulance Service, have been consulted on the draft policy and are in agreement with the proposal. Following Cabinet approval, the policy will also be presented to the East Lothian Partnership for approval.
- 3.10.9 It is the responsibility of East Lothian Council and all members of the East Lothian Safety Advisory Group to ensure that event organisers uphold a suitable and sufficient standard of public safety that ensures compliance with legislative obligations and promotes safety for/of the public, event staff and event participants. The policy developed confirms and ensures delivery of that responsibility when implemented.

4 POLICY IMPLICATIONS

- 4.1 Recommendations will contribute towards the East Lothian Plan: (Growing our Communities – Action Point 43: Continue to provide the maximum possible support to Community Councils, Area Partnerships and other community bodies and continue to promote and deliver greater partnership with local groups and active participation in community events supported by Council resources.

http://www.eastlothian.gov.uk/downloads/file/12503/the_east_lothian_council_plan_2017-22

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has a positive impact in the environment and as such does not affect the wellbeing of the community or have a significant detrimental impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – there are no financial implications arising from this report. Any additional costs arising from policy will be managed from existing resources.
- 6.2 Personnel – personnel resource as deployed in the SAG process is being met from existing budget arrangements.
- 6.3 Other – none

7 BACKGROUND PAPERS

7.1 East Lothian Safety Advisory Group Policy – Appendix 1.

7.2 East Lothian Plan

http://www.eastlothian.gov.uk/downloads/file/12503/the_east_lothian_council_plan_2017-22

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DATE	28 th February 2018



**EAST LOTHIAN
SAFETY ADVISORY GROUP
(ELSAG) POLICY**



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1. Introduction

- 1.1 East Lothian Council recognises that public events positively promote tourism, community development, social cohesion, civic and cultural identity and can enhance community life as well as benefit the local economy.
- 1.2 East Lothian Council recognises this value in hosting events and encourages their undertaking whilst operating safely and in consideration of those affected by the event. To aid this, East Lothian Council maintains a Safety Advisory Group (SAG) process for public events.
- 1.3 The East Lothian SAG process is a multi-agency approach towards ensuring that organisers of events plan for and then implement their processes in a manner that is safe for everybody involved with, and impacted by, the event.

2. East Lothian Safety Advisory Group Strategy

- 2.1 The East Lothian Safety Advisory Group (ELSAG) Strategy comprises two main elements:
 - Strategic Event Safety Committee (SESC)
 - Safety Advisory Group (SAG)
- 2.2 The SESC will prescribe criteria for which event organisers are invited to participate in the Safety Advisory Group process. The SESC will be Chaired by a Head of Service of East Lothian Council.
- 2.3 The Service Manager – Protective Services will Chair the SAG, except for any specific events where the SESC determines otherwise.
- 2.4 The Events Officer will maintain and make available an Events Register on behalf of the SESC.
- 2.5 Figure 1 below provides a brief summary of the ELSAG process. A contact list is maintained.
- 2.6 The ELSAG process shall be managed and administered by Protective Services.

3. East Lothian Safety Advisory Group Terms of Reference

- 3.1 The East Lothian Safety Advisory Group (ELSAG) will operate in accordance with the following Terms of Reference:
 1. To provide a multiagency forum within which SAG members will develop a co-ordinated approach to achieving high levels of public safety
 2. To promote good practice in safety and welfare planning
 3. To consider the advice published in all available statutory guidance documents and impart to event organisers
 4. To receive and discuss all proposals for public events within East Lothian as determined by the Strategic Event Safety Committee (SESC), with the emphasis on minimising the risk to public safety

5. To ensure that event organisers are aware of the roles of individual SAG members
 6. To ensure that there is, in existence, adequate planning and documentation before the event takes place
 7. To ensure that there are agreed contingency and emergency plans for dealing with major incidents at events
 8. To receive reports relevant to de-briefs, visits and / or inspections of the venue or event with the aim of improving safety arising from an event in future
- 3.2 The Core Members of the SAG must declare any material conflict of interest in relation to any item put before the Group, prior to any discussion on that matter. If the interest could be considered prejudicial, then the person should consider if they should withdraw and be replaced by an appropriate party agreed with the group.
- 3.3 Any Agency within the ELSAG process can recover costs / charge Event Organisers for services in line with their own policies and procedures. Such matters are independent from the scope of ELSAG.

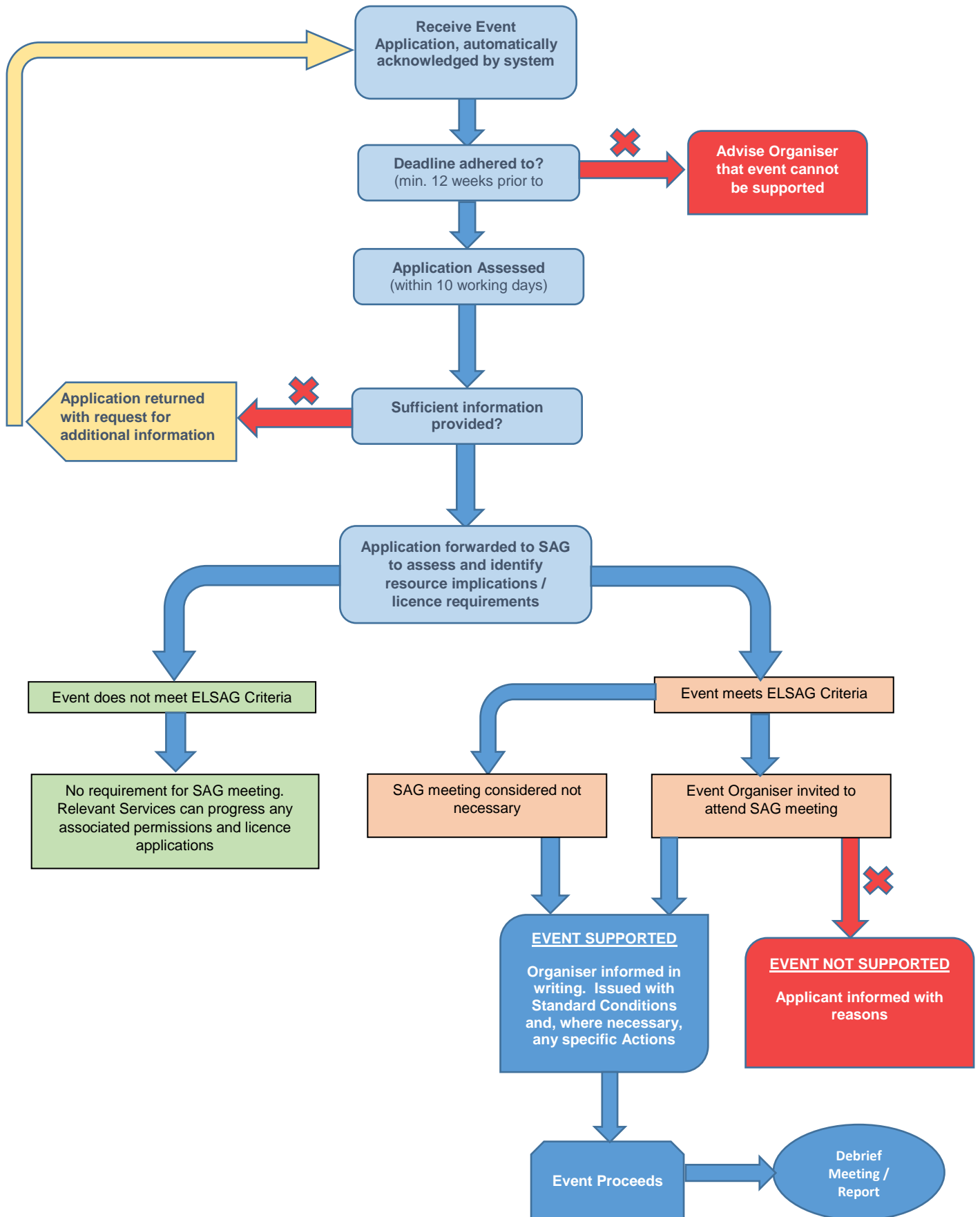


Figure 1 – Safety Advisory Group Process

4. Strategic Event Safety Committee (SESC)

Aim

- 4.1 The Strategic Event Safety Committee is established to determine and oversee the East Lothian Safety Advisory Group Strategy and process. It will ensure that the Safety Advisory Group process is followed by member agencies and event organisers.

Primary Focus

- 4.2 The primary focus of the SESC is the safety of all people working at, or participating in, an event and to the safety of members of the general public who may be impacted by the event.

Guiding Principle

- 4.3 The guiding principle for determining which events are covered by the ELSAG process are those events that may impact on public safety or the wellbeing of the community, considered on a risk-based approach through the following criteria:

- The status of the principal attending
- The status of the event organisers
- The profile of the event
- Event category and size – Appendix 1
- Type of Activity
- Event site
- Whether alcohol is available or any other licence is required
- Transport implications
- Event safety concerns raised by a SAG representative

- 4.4 The SESC will keep and make available, as appropriate, records of its activities in order that it effectively carries out its function ensuring the transparency of decision making. All records are subject to Freedom of Information requests and could be released publically subject to the exemptions provided.

Status and conflicts of interest

- 4.5 The SESC cannot take any decisions on behalf of East Lothian Council or other partners. The statutory decision making powers sit with East Lothian Council or other agencies where designated.
- 4.6 The ultimate responsibility for the event safety lies with the event organiser and event management team.
- 4.7 Members of the SESC must declare any material conflict of interest in relation to any item put before the group prior to any discussion on that matter. If the interest could be considered prejudicial, then that person should consider if they should withdraw and be replaced by an appropriate person agreed with the group.
- 4.8 All members of the SESC will retain a high degree of professionalism and probity at all times and will not at any time act in any way which may compromise the position of the Group or members of the Group.

SESC Composition

- 4.9 The SESC shall consist of persons with sufficient seniority / experience / competency / knowledge of their service / agency to be able to advise members on behalf of their service / agency. Membership will include:
- A Chair ((East Lothian Council, Head of Service) or delegated to another senior officer as required).
 - East Lothian Council Protective Services: Environmental Health Service (including Events)
 - East Lothian Council Protective Services: Emergency Planning Service
 - East Lothian Council Licensing Service
 - Police Scotland (Senior Officer)
 - Scottish Fire & Rescue Service (Senior Officer)
 - Scottish Ambulance Service (Senior Officer)
 - Amey / Transport Scotland
- 4.10 Invited representatives may be drawn from any body which the SESC considers appropriate.
- 4.11 The SESC may create focused sub-groups for specific events of a large or major nature. These Sub-Groups, which includes the SAG, will be convened to deal with specific operational issues or events as required. These Sub-Groups will only involve those representatives relevant to the issues in question. The Chair or any other core member may request the setting up of a Sub-Group, and the Chair shall invite such representatives as are considered appropriate to meetings of such a Sub-Group.

SESC Administration

- 4.12 The Chair will ensure that:
- The SESC will meet twice per calendar year. Any member may request an additional meeting or meetings of the group, whether in response to a particular event or otherwise
 - Due account is taken of the views of all members of SESC
 - Minutes are taken at each meeting and those minutes are retained
 - East Lothian Council will provide the administrative support to the SESC
 - All relevant agencies should be represented at a meeting of the SESC and representatives must be fully briefed to ensure a consistent approach and at a rank or level to enable decisions to be made and implemented where necessary
 - Each meeting of the SESC will be prearranged to an agenda published in advance of the meeting with minutes recorded
 - The minutes of the meetings will be circulated to all SESC members, and to such other parties as may be determined by the Chair

5. Safety Advisory Group (SAG)

SAG Aim

- 5.1 Event Organisers who have been invited to a meeting with the Safety Advisory Group, will be expected to attend. SAG meetings are scheduled monthly, with supplementary meetings programmed where deemed necessary.
- 5.2 So far as is reasonably practicable, through the provision of specialist advice, the aim of the SAG is to ensure that event organisers uphold the highest standards of public safety at public events. Where SAG members have concerns regarding Event Organisers participation in the process they should immediately bring their concerns to the attention of the SESC.

SAG Objectives

- 5.3 The SAG will:
- Provide specialist advice to Event Organisers to help them discharge their public safety functions
 - Encourage the safety and wellbeing of the public and staff at public events
 - Ensure as far as possible that any inconvenience to residents, businesses and the general public arising from events is minimised.

SAG Composition

- 5.4 The SAG shall consist of persons with sufficient experience / competency / knowledge of their service / agency to be able to advise members on behalf of their service / agency. Membership will include:
- A Chair ((East Lothian Council, Head of Service or Service Manger – Protective Services) or delegated to another senior officer as required).
 - East Lothian Council Environmental Health Service (including Events)
 - East Lothian Council Emergency Planning Service
 - East Lothian Council Roads Service
 - East Lothian Council Transport Planning
 - East Lothian Council Economic Development
 - East Lothian Council Landscape & Countryside
 - East Lothian Council Licensing Service (where event notification includes a Licence application)
 - Police Scotland
 - Scottish Fire & Rescue Service
 - Scottish Ambulance Service
 - Amey / Transport Scotland

SAG Administration

5.5 The Chair will ensure that:

- Meetings of the SAG take place on a monthly basis, with supplementary meetings scheduled where necessary
- Each meeting of the SAG will be prearranged to an agenda published in advance of the meeting
- Due account is taken of the views of all members of the SAG
- Notes of Meetings are taken at each meeting and those Notes are agreed, signed and provided to the Event Organiser at the close of the meeting and by email distribution to all SAG representatives, and to such other parties as may be determined by the Chair, following the meeting
- East Lothian Council will provide the administrative support to the SAG
- All relevant agencies should input and/or be represented at a meeting of the SAG and representatives must be fully briefed to ensure a consistent approach and at a rank or level to enable decisions to be made and implemented where necessary
- Details of events (dates, activities and locations) will be made public through the Council website. Elected Members and Community Councils and will also be informed of events within their respective areas

Appendix – 1: Event Category & Size

East Lothian Council will assess applications for all types of events. Applications are considered from all sections of the community. In order to allow us to give the best level of support and to help direct our resources better, East Lothian Council will use the following set of categories:

Category	Description
Active Recreation	These events encourage those who regularly participate in active lifestyles to engage in activities such as active play, recreational walking, running or cycling. These are free events, community focused, non-competitive and led by volunteers.
Charity (National)	This category covers those operated by national charities for the purpose of fundraising for the benefit of the charity.
Charity (Regional)	This category covers those operated by regional charities for the purpose of raising the profile and fundraising for the benefit of the charity.
Commercial	These events provide a commercial benefit to a profit making business or operation including product launches, corporate events, music festivals, concerts, and fun fairs as the principle component of the event, one-off boot fairs and trade shows.
Community	Any event organised by community or voluntary groups that directly benefit the residents and visitors to the area or the group members and do not provide significant advertising or other commercial benefit to a profit-making business or organisation. They are aimed at a social group, specific locality and have a common cultural or heritage link. There is no principle entry fee, activities are free or at reasonable costs. This includes village fetes, parades (e.g. Remembrance Day), community sports, fireworks, holiday celebrations and parades.
Not for Profit / Enthusiast	This category covers not for profit events, including specialist interest subjects such as motor vehicles and re-enactments. It could also cover specialist sports events. Likely to have small scale commercial activity for which money received is fully re-invested into the activity or not for profit group.

We recognise that some events may not exactly fit into these categories and Council Officers reserve the right to choose the category for the event. Events will be assessed on the information the Event Organiser provides in the Events Notification Form and organisers informed in the early stages of planning.

When considering events there is also a scale by their size:

Event Size	Numbers in Attendance (Participants & Spectators)
Small	Less than 500
Medium	500-999
Large	1000-4999
Major	5000+

REPORT TO: Cabinet

MEETING DATE: 13 March 2018

BY: Depute Chief Executive (Partnerships and
Community Services)

SUBJECT: Year of Young People and Investor in Young People
Gold Award

4

1 PURPOSE

- 1.1 To inform Cabinet of the plan to celebrate the Year of Young People in East Lothian and the success in the Council being awarded a “Gold” level award of Investors in Young People (IiYP).

2 RECOMMENDATIONS

- 2.1 To note the plans for East Lothian Year of Young People.
- 2.2 To congratulate the Council’s staff in achieving the ‘Gold’ level award of Investors in Young People.

3 BACKGROUND

- 3.1 2018 has been designated as the Year of Young People. The year is about inspiring the nation through its young people’s ideas, attitudes and ambitions and provides the opportunity to celebrate the talents of our young people.
- 3.2 The aim of East Lothian Year of Young People is to benefit the lives of young people by ushering in lasting change. The two objectives that have been set for East Lothian Year of Young People in East Lothian are:
- Create exciting new opportunities and give young people the chance to influence the decisions that affect their lives
 - Promote and talk about the amazing things that young people are doing every day that can sometimes go unnoticed.
- 3.3 Activity for the Year is based around six key themes, which were developed by young people. The themes are:

- Culture – share and celebrate young people’s talents and contribution to culture and arts
- Participation – give young people the chance to influence decisions that affect their lives
- Education – allow young people to have more say in their education and learning
- Enterprise and regeneration – celebrate young people’s role in innovation, entrepreneurship and the Scottish economy as well as making Scotland a greener and more pleasant place to live
- Equality and discrimination – recognise the positive impact of young people in Scotland and encourage them to take the lead in challenging all forms of prejudice and discrimination
- Health and Wellbeing – make sure young people have the chance to lead healthy, active lives and understand the importance of mental health and resilience.

3.4 An extensive programme of activities and events is being planned for the year. Key milestones include:

- The celebration of the award of the liYP Gold Standard to East Lothian Council (22nd January)
- The ‘Your Voice Your Choice’ participatory budgeting exercise run by Musselburgh Area Partnership with the decision day event on 27th February, where young people (aged 8-18) living in Musselburgh, Old Craighall, Wallyford and Whitecraig decided which projects submitted by young people received funding
- The ‘Ideas for Change, Ideas for Action’ Youth Summit held on 7th March engaging young leaders in shaping the Education Service Improvement Plan
- Making the Hidden Visible – Young Carers in East Lothian (15th March) aimed at staff from all sectors to gain a better understanding of what being a young carer means for children and young people
- ‘If I was Provost of East Lothian, I would...’ competition which will offer young people the chance to share their thoughts and ideas about how they would like to improve life for young people, and their vision for the future of East Lothian
- Enterprise and Resilience hub – a pop-up enterprising hub within Knox Academy supporting young people to develop their enterprising skills, resilience and life skills
- Mental Health Awareness Week – launch of North Berwick High School’s Mind Your Health app across all East Lothian High Schools.

- 3.5 The year of events will continue throughout 2018 with specific projects but also Year of Young People themes and elements in long standing and one-off events being held during the year including the summer programme of arts activities, the Haddington 700 years celebration and the Three Harbours Festival.
- 3.6 The East Lothian Year of Young People will be promoted widely through social media, including the launch of ELC Instagram, Council publications such as Living and Homefront and media outlets such as the East Lothian Courier.
- 3.7 As was noted above the launch event for East Lothian's Year of Young People was the celebration of the liYP 'Gold' standard to the Council. The Council submitted itself for an liYP assessment in 2017. The assessment was based on the liYP framework which tested how well the Council can:
- attract and recruit Young People
 - support, guide and develop Young People
 - retain Young People.
- 3.8 To achieve the Gold standard, the Council had to meet all 24 criteria at the Developed (Bronze) standard, 18 at the Established (Silver) and 12 at Advanced (Gold) standard.
- 3.9 The Council's preparation for the assessment and internal assessment was carried out by young employees – graduate interns, apprentices and other young staff.
- 3.10 After a rigorous internal and external assessment process the council was assessed as having achieved all 24 Developed criteria plus 23 in Established and 13 in the Advanced criteria. This meant it achieved the highest level of award, Gold (Advanced). The accreditation is valid for three years from October 2017.
- 3.11 Remarkable (the new name for Investor in People) have described the achievement as representing "a true commitment to the training and development of young people and demonstrates East Lothian Council as an employer of choice for young people." The approach for gaining the award has been unique for both the Council and for Remarkable as this is the first time that Young People have been engaged to facilitate the process.
- 3.12 The full report of the assessment provides a detailed appraisal of the Council's positive approach to young employees. However, as with any external assessment the report also includes some recommendations for future actions that will contribute to continuous improvement. These actions are being taken forward by East Lothian Works, HR and Organisational Development.

4 POLICY IMPLICATIONS

- 4.1 The extensive programme of activities and events being held to celebrate the Year of Young People in East Lothian builds on the Council's commitment to support young people as exemplified by the award of the liYP 'Gold' standard to the Council in October 2017.
- 4.2 The commitment to take forward the recommendations in the liYP assessment forms part of the Council's approach to Best Value through continuous improvement.

5 INTEGRATED IMPACT ASSESSMENT

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 – the expenditure on East Lothian's Year of Young People is being contained within exiting departmental and project budgets
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Investors in Young People – Feedback Report.

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Service Manager Corporate Policy & Improvement
CONTACT INFO	01620 827320 pvestri@eastlothian.gov.uk
DATE	1 st March 2018

Summary of Recommendations

Attract

- Communicate and continue to develop your Youth Strategy that you can communicate both internally and externally.
- Introduce a young person's section in Inform that is written by a young person with young people's topics in mind.
- Continue to remind managers to 'signpost' everyone to where the latest Council news can be found both on and offline.
- Include young people in your interview process whether as part of the actual interview, setting questions or giving prospective candidates a tour of the department.
- Give feedback to unsuccessful candidates and to signpost to both external and internal resources.
- Retain the momentum of using young people as part of your IIYP process by considering the future use of Internal Reviewers, or by Creating Young People Champions.
- Provide greater clarity around succession planning, the skills needed for progression and talent management activities.
- Consider developing coaching and mentoring programmes as part of the support for young people.
- Capture CPD opportunities as part of the PRD process.
- Create a Leadership Charter

Recruit

- Encourage peer mentoring and buddying as part of the settling in process.
- Find opportunities to repeat your values.
- Offer a wider introduction to the Council through cross-department visits.
- Map life and business skills as part of job progression.
- Introduce a Council wide feedback model.
- Encourage secondments and applying for part time posts as means of gaining knowledge and experience across the whole organisation
- Create and communicate clear career pathways through stories of progression and progression profiles.
- Include in 360 feedback the question of 'how would you like your success celebrated?'

Retain

- Encourage clarity of what happens next during placements and apprenticeships.
- Add the golden thread of a 'growth mindset' as part of the culture for continuous improvement.

REPORT TO: Cabinet

MEETING DATE: 13 March 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Bad Debt & Credit Balance Write Off Policy

5

1 PURPOSE

- 1.1 To seek Cabinet approval for a new Bad Debt & Credit Balance Write Off Policy.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the adoption of the new Bad Debt & Credit Balance Write Off Policy, as attached at Appendix 1.

3 BACKGROUND

- 3.1 The Revenues & Welfare Support Service has carried out a review of the existing Policy and has consulted with a range of Service Managers, Internal Audit and the Head of Council Resources.
- 3.2 The existing Policy needed to be expanded to include circumstances where accounts are closed with a credit balance, when there is no means of refunding those monies to the payee or when it is considered not to be cost effective to do so.
- 3.3 The powers for writing off debts are contained within the Council's Standing Orders and Scheme of Delegation.
- 3.4 The Council's Chief Financial Officer is responsible for the collection of all debt owed to the Council. A regular assessment of the outstanding debt is made and a list of debt that is not considered collectable is prepared.
- 3.5 It is proposed that write off of individual debts under £50,000 will be approved under delegated powers by the Council's Chief Financial Officer.
- 3.6 Individual debts of over £50,000 will require Cabinet approval prior to write off.

4 POLICY IMPLICATIONS

- 4.1 The new Policy will give assurance of compliance with legal requirements and the Council's Standing Orders and Scheme of Delegation.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – any bad debts are written off against a bad & doubtful debt provision which is reflected within the annual accounts and is used to recognise the value of debts which are deemed to be irrecoverable. This is based on an estimate of income which is unlikely to be realised based on previous experience. The total value of the bad debt provision which was reflected within the 2016/17 accounts was £11.6m and is reviewed on an annual basis. Scottish Water write offs will be borne by the water authority.
- 6.2 Personnel - none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Corporate Debt Write Off Policy – Cabinet 3rd May 2005.

AUTHOR'S NAME	Kenny Christie
DESIGNATION	Service Manager – Revenues & Welfare Support
CONTACT INFO	kchristie@eastlothian.gov.uk 01620 827431
DATE	1 st March 2018

Bad Debt & Credit Balance Write-Off Policy

Contents

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1. Introduction
2. Objectives
3. Scope of Policy
4. Procedures for Management of Bad Debt Write Offs
5. Procedures for Management of Credit Balance Write Offs
6. Legal Framework
7. Compliance
8. Bad Debt Provision
9. Monitoring of Policy
10. Review of Policy

Bad Debt and Credit Balance Write-Off Policy

This policy replaces the Corporate Debt Write Off Policy approved by Cabinet on 3rd May 2005

March
2018

1. Introduction

East Lothian Council recognises the need for a clear, fair and consistent policy and robust procedures for managing bad debt and credit balance write offs.

The purpose of this document is to set out a framework for the authorisation and reporting of debt and credits to be written off.

The Council delivers a wide range of services which involve the recovery of debt. Implementing an effective working method for reporting and authorising the write off of irrecoverable debt will ensure that the debt management functions of the Council are carried out in an effective and efficient manner.

2. Objectives

East Lothian faces significant challenges over the coming years, including the Council's financial position; the impact of the economic recession; the projected growth in population and growing demand for services.

One of the key objectives of the Council Plan is to:

Grow the capacity of our Council

To deliver excellent services as effectively and efficiently as possible.

The Council will continue to take a strategic approach to its overall financial planning process through implementing the financial strategy to set balanced three-year budgets avoiding the use of reserves by the third year in order to ensure sustainability in revenue funding plans, and to set out longer term plans to deliver an ambitious capital programme.

As demand for quality services rises and resources are restricted we need to provide maximum value for money – better services at lower cost.

The key objectives of this Policy are to:

- Maximise the financial resources available to the Council
- To ensure that Council finances are managed in a manner which would be expected by the tax payer
- Identify the circumstances when it will be appropriate to write off debt and credit balances
- Summarise the steps which need to be taken before a debt or credit balance is written off
- Introduce a working method for authorising the write off of debt and credit balances that ensures the decision to write off is made by an appropriate officer of the Council
- Ensure that elected members are informed of the level of uncollectable debt owed to the Council, the position regarding debts written off and the impact on the Council's financial position
- Ensure that there is a co-ordinated approach to the sharing of debtor information across Council services and to the management and write off of debt and credit balances
- Ensure that credit balances are cleared within a reasonable time and in a consistent way and that there is an audit trail of action taken

3. Scope of Policy

The Council's Chief Finance Officer is responsible for the collection of all debt owed to the Council. A regular assessment of the outstanding debt will be made and a list of debt that is not considered collectable will be prepared. In making this assessment, account is taken of the Council's approved Bad Debt & Credit Balance Write Off Policy.

Bad debt lists are usually lengthy and can often contain between 500 and 1000 individual entries, although the value of the majority of debts are relatively low level.

The types of debt in scope within the new Policy are:

- Business Rates
- Council Tax
- Council Rent for Houses and Garages
- Sundry Debt
- Housing Benefit Overpayments

Also in scope, are circumstances where accounts are closed and there remains a credit balance.

4. Procedures for the Management of Bad Debt Write Offs

Before passing a case for write off consideration, each debt will be pursued using all available recovery methods within the particular category of debt and will usually include attempts to collect by Sheriff Officers or a Debt Collection Agency.

In circumstances where debts become extinguished by law, e.g. as a consequence of prescription, bankruptcy, liquidation, administration or receivership, the Council must write off any outstanding balances with effect from the date on which the legal action/change took place.

In all other circumstances, Council Services will only make a recommendation for write-off when it is considered that it is impossible, impractical or inefficient to collect the debt.

Relevant Service Managers and Team Leaders will review all recommendations for write off, carry out sample checks for additional background information and when satisfied that all debts are uncollectable, a detailed list will then be presented to the Chief Finance Officer for write off consideration and approval.

In the interests of cost efficiency, the Council does not initiate formal recovery procedures for residual account balances of less than £10 for all individual debts of the types listed at Section 3.

Where possible, system reports detailing debit balances less than £10 (excluding current financial year debts) will be produced on an annual basis and records will updated to write off these debts once approval is received from the Chief Finance Officer. This is the most efficient method of managing high volume, low value submissions for write off.

When recommending write off, all debts will be classified under one of the categories detailed in Appendix A.

5. Procedures for the Management of Credit Balance Write Offs

All closed accounts with a credit balance will be checked to identify the reason for the credit.

Where a credit balance exists but there are other debts owed to the Council by the same customer, this credit will be used to offset any other debt due.

Where a credit balance exists and no other debt is owed to the Council, attempts will be made to contact the customer in order that the credit may be refunded.

If the customer cannot be traced, then a recommendation for write off will be made.

In the interests of cost efficiency, the Council does not issue credit notices for individual account balances less than £2 (in credit) for the types of charges listed at Section 3. No credit notices are issued for Sundry debt but attempts will be made to refund or reallocate monies.

System reports detailing credit balances less than £10 (excluding current financial year credits) will be produced on an annual basis and records will updated within the current financial year once approval is received from the Chief Finance Officer. This the most efficient method of managing high volume, low value submissions for write off.

6. Legal Framework

- Local Government Finance Act 1988
- Local Government Finance Act 1992
- Housing (Scotland) Act 2001 and 2006
- Prescription and Limitations (Scotland) Act 1973
- Debtors (Scotland) Act 1987
- Bankruptcy and Diligence etc. (Scotland) Act 2007
- The Bankruptcy (Scotland) Act 2016
- Health & Social Services and Social Security Adjudications Act 1983
- Conveyancing & Feudal Reform (Scotland) Act 1970

7. Compliance

- A report of individual bad debts over £50k in value, which are deemed to be uncollectable, will be presented to Cabinet for write off consideration on an annual basis. A report will only be produced if there are debts >£50k requiring write off approval.
- A report of individual bad debts under £50k in value, which are deemed to be uncollectable, will be presented to the Council's Chief Finance Officer for write off consideration on a bi-annual basis.
- A report of individual credit balances which cannot be refunded will be presented to Council's Chief Finance Officer for write off consideration on a bi-annual basis.
- A summary report of all approved bad debt and credit balance write-offs will be reported through the Members' Library Service for information on a bi-annual basis. Information will be presented in the following format:

Bad Debt Written Off 20XX/XX

	No. of Accounts	Amount to be written off	Value of Credit
Council Tax (including Scottish Water, if applicable)			
Business Rates			
Council House Rent - Current Tenants			
Council House Rent - Former Tenants			
Sundry Accounts (incl.VAT)			
Housing Benefit Overpayments			
Total			

- Once all debts are written off on Council systems, each relevant Service will carry out a reconciliation exercise to ensure that procedures have been followed appropriately and accurately.
- The Council bills and collects water and sewerage charges on behalf of Scottish Water. A copy of approved bad debt and credit balance write off reports will be passed to Scottish Water on their request.
- Relevant Service Managers may authorise the resurrection of accounts which had been written off in circumstances where new information comes to light which may result in successful debt collection, within legal parameters.

8. Bad Debt Provision

Any bad debts are written off against a bad & doubtful debt provision which is reflected within the annual accounts and is used to recognise the value of debts which are deemed to be irrecoverable. This is based on an estimate of income which is unlikely to be realised based on previous experience. The total value of the bad debt provision which was reflected within the 2016/17 accounts is reviewed on an annual basis.

9. Monitoring of Policy

Relevant Service Managers will be responsible for ensuring that the Policy is applied correctly and is working effectively, in line with procedures.

10. Review of Policy

The Policy will be reviewed and amended, if required, on an annual basis by relevant Service Managers.

Write Off Reason	Write Off Code	Description
Small Balance	SBA	Where it is uneconomical to collect a debt due to the low value and there is no ongoing liability to the Council.
Sequestration	SEQ	Where the debtor's estate has been sequestered or the debtor has granted a Trust Deed which has become protected and no further recovery action can be taken. Recovery of fraudulent housing benefit overpayments from a bankrupt individual can be made from ongoing housing benefit entitlement during the period of bankruptcy.
Deceased	DEC	Where either a sole liable person has died leaving no estate or no proceeds from the estate, or, in the case of a joint liability, where all persons have died leaving no estate or no proceeds from the estate. Debts are not discharged on death unless specific provision has been made for them to be discharged e.g. by an insurance policy. All debts that are not provided for must be met from the assets of the deceased debtor.
Recommended by Head of Service	HOS	Inappropriate to collect due to case circumstances.
Uneconomic to Pursue	ECO	Cost of collection is in excess of debt, or is deemed to render pursuit of debt not financially viable.
Absconded	ABS	Where all attempts to trace the debtor has failed. Attempts to trace debtors shall include: <ul style="list-style-type: none"> - Using the Councils own systems - Using in-house tracing techniques, including social media - Using Collection/Tracing Agencies to carry out trace - Using employment/bank/pension details - Using company searches - Performing Sasine/Land Register checks - Property visits by Revenues staff to try and obtain local knowledge <p>If the debtor subsequently reappears, the debt will be written back on and recovery action recommenced.</p>
Prescribed Debt	PRE	In cases where debt has exceeded the prescription period for property based and non-property based charges.
Aged debt	AGE	Not yet technically prescribed but 10 years past without activity and no prospect of collection. This is twice the length of normal prescription.

Dissolved	DIS	On dissolution the company will have no legal identity and any assets of the company will become bona vacantia. There will be no prospect of recovery in these cases and the debt will be written off.
Outwith Jurisdiction	JUR	Cannot pursue debt using Scottish Court system or summary warrant. Where a debtor is outside the jurisdiction of Scotland and there is unlikely to be any prospect of recovering the debt, it will be written off. We can pursue it by converting the document of debt to, for example, an English one and use bailiffs but this is generally not cost effective.
Vulnerable Debtor	VUL	Not in best interest of Council to pursue as debtor considered to be vulnerable or at risk. There will be cases where it is not felt to be appropriate to continue with recovery action due to the debtor's mental or physical health or due to particular circumstances of the case.
Terminal Illness	TER	Not in best interest of Council to pursue as debtor terminally ill. There will be cases where it is not felt to be appropriate to continue with recovery action as the debtor has been diagnosed with a terminal illness and there is little prospect of recovering the debt.
Incarcerated	INC	Where a debtor sentenced to over 5 years in prison, the Council will not take any further action to recover the outstanding balance and the debt will be written off.

REPORT TO: Cabinet

MEETING DATE: 13 March 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Urgent Item – Severe Weather/Red Warning

1 PURPOSE

- 1.1 To update Cabinet on the Council Adverse Weather Policy following the recent severe weather and Red Warning covering East Lothian.

2 RECOMMENDATIONS

- 2.1 That Cabinet note the intention to review the Adverse Weather Policy in light of the recent severe weather experience, changes to the national weather warning classification system and Police Scotland advice.
- 2.2 That Cabinet agree that discussions take place with the Scottish Government to seek clarity on the practical implications stemming from their national travel advice.
- 2.3 That Cabinet consider whether an exception to the Adverse Weather Policy should be made during the period of the Red Warning on this occasion, given this was the first Red Warning in Scotland using the new system.

3 BACKGROUND

- 3.1 The Council experienced severe weather conditions, which resulted in a Red Alert Warning being issued by the Met Office covering the period from 3pm on Wednesday 28th February through until 10 am on Thursday 1 March 2018. The impact was felt in many areas of the county either side of this time frame which was covered by an Amber Warning (see table below).

Warning	Issued	Covering period
Amber Warning	Sunday 25th Feb at 1.51pm	4 am on Wednesday 28th February until 9 pm on 28th February
Amber Warning	Monday 26th at 3.22 am	6 am on Wednesday 28th February through to Noon on Thursday 1st March
Amber Warning	Tuesday 27th at 10.55 am	6 am on Wednesday 28th February through to 6 pm on Thursday 1st March

Amber Warning	Wednesday 28th 10.08 am	10.15 am on Wednesday 28th February through to 6 pm on Thursday 1st March
Red Warning	Wednesday 28th 11.12 am	3pm on Wednesday 28th February to 10 am Thursday 1st March
Amber Warning	Thursday 1st 10.26 am	10.30 am on Thursday 1st until 10 am on Friday 2nd March

- 3.2 During the period of the red warning, the advice from Police Scotland and the Minister for Transport was “*Do not travel unless it is absolutely necessary to do so*”. Discussion should be undertaken with The Scottish Government regarding the practicalities of this advice, to delivering key Council services.
- 3.3 As a result of the severe weather and the resultant disruption the Council instigated the Business Continuity Plans and established the Emergency Control Centre at Penston. Twice daily meetings were held, involving relevant council services, along with representatives from the Police and Fire services, to coordinate and progress the Council response to the Adverse Weather. The Emergency Control Centre was operational from Wednesday 28th February through until Sunday 4 March 2018.
- 3.4 The triggering of service business continuity plans along with the efforts of employees who attended work, many working from places other than their normal work locations meant that the Council was able to deliver most of the key services. Many employees played key roles in clearing snow as well as coordinating and delivering services to vulnerable residents throughout East Lothian. There are many examples of the great work and fantastic effort employees have made in assisting the community, a number of examples of these and how services worked together are detailed in the latest version of Inform, as well as comments on Facebook and Twitter.
- 3.5 As a result of the weather warnings the Council reminded employees of its Adverse Weather Policy and that if it was safe to do so then they should report for work as normal in accordance with the Policy. An example of the many communications which went to employees throughout the period is attached as Appendix 1. This summarises the main points of the policy and some precautions employees should take for their health and safety.
- 3.6 In accordance with the Council’s Adverse Weather Policy employees are paid for work undertaken. If circumstances arise where employees have been unable to get to work and cannot cover their absence by some form of leave or working back the hours, should they require to cover their absence by unpaid leave, arrangements are in place to allow them to repay lost days over a maximum of 3 months.
- 3.7 Representation was made by the Joint Trades Unions at the Joint Consultative Committee on 7 March 2018 that consideration should be given to granting paid time off to those employees who did not attend work as a result of the severe weather.
- 3.8 Advice issued to staff before and during the period of severe weather was in accordance with Council Policy. Given the Red Warning status was the first since the new warning system was introduced, Cabinet may wish to consider an

exception to the Adverse Weather Policy for the period the Red Warning was in place, for those employees unable to attend work due to the severe weather.

4 POLICY IMPLICATIONS

- 4.1 The Council Policy on Adverse Weather as well as Business Continuity Plans will be reviewed and updated accordingly in light of the recent experience of severe weather.

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

- 6.1.1 There are no immediate budgetary implications associated with this report.

6.2 Human Resources

- 6.2.1 HR will review the current Adverse Weather Policy and bring it through the normal review process.

- 6.2.2 Any deviation from the Adverse Weather Policy could result in further challenge.

6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Example of Adverse Weather Policy Communication

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DATE	12/3/18

ADVERSE WEATHER

You may have seen the recent press coverage of the severe weather which is due to hit predominantly the East Coast today and continuing into Wednesday/Thursday of this week with snow and low temperatures forecast. This may affect employees ability to get to their work either due to the weather, transport disruption, because of their parent responsibilities linked to school closures, etc.,.

It is a good opportunity to remind all staff about the Councils Adverse Weather Policy which can be found on Elnet using the attached link [Adverse Weather Policy](#)

A brief summary of the main points of the policy are:

All employees have a duty to make every effort to report for work, recognising that there may be occasions when the weather conditions are so severe that they may be prevented from reporting for work, arrive late or have to leave early

- Employees absent or delayed must contact their line manager as early in the working day as possible.
- Employees who either start late or leave work early due to the adverse weather conditions will only be credited for the hours they work.
- Employees who do not report for work will not be paid and the absence should be recorded on a special leave form and approved as unpaid special leave.
- Alternatively employees may with their line manager's agreement, substitute the unpaid leave for annual leave, TOIL or flexi where applicable.
- Where the employee has tried to get to their normal place of work, the line manager where appropriate and subject to the needs of the service may authorise the work where possible to be undertaken from another place. The employee should however return to their normal workplace as soon as travel arrangements allow
- Where an employee has childcare arrangements which have broken down as a consequence of the severe weather conditions, e.g. a school closure, their absence should be treated as unpaid special leave in accordance with the Council Special leave Policy

Employees should also give consideration to the following when travelling in severe weather and unusual climate or environmental conditions:

- Delaying the journey to a more suitable time, using public transport if possible or going by a potentially safer route.
- Listening to radio reports and adjusting the journey appropriately.
- Ensuring that a mobile phone is readily available to summon help and is fully charged.
- Friends, relatives and work colleagues (as appropriate) are aware of their intended route and likely arrival time so that they can summon help if needed.
- Carrying a flask of hot coffee/soup/drinks and other high energy foods.
- Having a spade, tow rope and other equipment to help release a stuck vehicle.
- Having a supply of warm blankets in case you are stuck in a location for an extended time.

- Ensuring your vehicle is fully fuelled so that you can maintain the vehicle's heating in the case of an extended delay.
- Carrying a torch, to get help if needed.
- Carrying suitable footwear, warm clothing and overcoat for the conditions, if a breakdown occurs e.g. sturdy boots, scarf and gloves, waterproof jacket.

Currently all roads in East Lothian are open, but the weather is predicted to dip later this evening.