



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 26 JUNE 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Provost J McMillan (Convener)	Councillor S Kempson
Councillor S Akhtar	Councillor G Mackett
Councillor L Bruce	Councillor K Mackie
Councillor S Currie	Councillor C McGinn
Councillor F Dugdale	Councillor P McLennan
Councillor A Forrest	Councillor K McLeod
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor B Small
Councillor N Hampshire	Councillor T Trotter
Councillor J Henderson	Councillor J Williamson
Councillor W Innes	

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Ms F Robertson, Head of Education
Ms S Saunders, Head of Communities and Partnerships
Mr T Shearer, Head of Infrastructure
Ms J Tait, Head of Adult & Children's Services
Mr S Cooper, Team Manager – Communications
Mr K Dingwall, Team Manager – Planning Delivery
Ms C Dora, Executive Officer
Ms S Fortune, Service Manager – Business Finance
Mr P Forsyth, Team Leader – Assets & Regulatory (Transportation)
Mr C Grilli, Service Manager – Legal and Procurement
Ms W McGuire, Team Leader – Strategy and Development
Mr I McFarlane, Service Manager – Planning
Mr R Montgomery, Project Manager
Mr R Parker, Service Manager – Education (Strategy & Ops)
Ms S Smith, Team Manager – Economic Development
Mr A Stewart, Team Manager – Policy & Strategy
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

Ms C Calder, Audit Scotland
Ms C Foster, Audit Scotland

Clerk:

Mrs L Gillingwater

Apologies:

Councillor J Findlay

Declarations of Interest:

Due to his employment status, Councillor McLennan declared an interest in respect of Items 6 and 7 (Planning Application 18/00189/PPM – Former Cockenzie Power Station Site: Council's Statement of Case, and East Lothian Local Development Plan 2018: Action Programme and Supplementary Guidance for Consultation), and advised that he would leave the meeting for the duration of these items.

Announcements:

Prior to the commencement of business, the Provost welcomed Councillor Innes to his first meeting of the Council following his leave of absence. Councillor Innes thanked everyone who had supported him throughout his illness, and paid tribute to staff in the NHS for the quality of care he had received. The Provost was joined by all those present at the meeting in welcoming Councillor Innes back.

The Provost announced that the Council had recently won a number of awards: at the APSE Scotland Striving for Excellence Awards, the Council had won a Gold Award in the Parks, Grounds and Streets category and a Silver Award in the Fleet category; the Tenants Scrutiny Group had won the top award at the Tenants Information Service's annual awards ceremony; at the Scottish Awards for Business Excellence 2017, the Council had won a Recognised for Excellence 4-Star Award and Quality Scotland's Good Practice Award for Developing Organisational Capability; and Helen Gillanders (Head Teacher of Dunbar Primary School) had been recognised by the General Teaching Council for Scotland at the Excellence in Professional Learning Awards.

1. MINUTES FOR APPROVAL

The minutes of the Council meeting specified below were approved:

East Lothian Council – 24 April 2018

Special East Lothian Council – 29 May 2018

2. MINUTES FOR NOTING

The minutes of the Local Review Body (Planning) meetings of 15 March 2018 and 19 April 2018 were noted.

3. 2017/18 END OF YEAR FINANCIAL REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the draft annual accounts and unaudited financial position for the financial year ending 31 March 2018 prior to its submission to External Audit, and seeking to finalise arrangements for any movement in balances going into 2018/19.

The Head of Council Resources, Jim Lamond, presented the report, emphasising that the financial statements were unaudited and were therefore subject to change through the audit

process. He noted that the External Auditor's draft Annual Report to Members would be presented to the Audit & Governance Committee on 25 September and the final report would be presented to Council on 30 October. Mr Lamond went on to highlight the key aspects of the report, including the position with reserves, the financial position of specific services, capital expenditure, trading operations and pensions liabilities.

Sarah Fortune, Service Manager – Business Finance, provided Members with a detailed summary of the structure of the accounts.

Responding to a series of questions by Councillor Currie, Mr Lamond explained that a large proportion of the Council's reserves were earmarked for specific purposes and were subject to conditions; he made reference to the levels set out in the reserves strategy (part of the Council's approved Financial Strategy). He stressed that the current level of unallocated reserves was at the lower end of what he would deem acceptable. On the Adult Wellbeing budget overspend, Mr Lamond reported that there had been a similar trend over a number of years, and he anticipated that this would continue in the current year, given the demographic profile and increasing pressures on this service. However, he did expect that planned efficiencies would be achieved in the future, partly through the shift in the balance of care and resource transfer from the NHS. As regards coastal car parking charges, Mr Lamond indicated that the anticipated level of income had not been achieved in 2017/18. He noted that the review of the charges would proceed and this would inform future budget processes. In relation to the PPP contract, Mr Lamond informed Members that when the Council entered into this contract, it had satisfied all aspects of Best Value and was a good deal at that time. He advised that a review of the contract was being undertaken to ensure that it was still operating within the terms on which it was set and whether a 'buy-out' would constitute good value; he would report on this in due course.

Councillor Small asked for further detail on the overspend in the Roads Network budget. Mr Lamond advised that the severe weather had had a significant impact on this budget. He noted that the Scottish Government had allocated an additional £200,000 of funding; however, the damage caused to the road network amounted to £1m. Councillor Small also mentioned the loss of income through non-payment of Council Tax. Mr Lamond noted that the collection rate had gone down; however, there were measures in place to pursue Council Tax debt, and he expected that there would be no impact. On the actual amount of unallocated reserves, Ms Fortune undertook to come back with specific details.

Councillor Hampshire expressed his concern at the financial challenge facing the Council, noting that in Year 3, the Council would require to have a balanced budget without using reserves. He asked about the level of savings required over the next three years. Mr Lamond advised that savings of £12.5m were required during this period.

In response to a question from Councillor McLeod on expenditure on cemeteries, Mr Lamond explained that there was provision for this, but that negotiations on land had not yet concluded. The funding earmarked for that purpose would be carried forward.

Councillor O'Donnell requested information on how coastal car parking income had been used. Mr Lamond reported that £1m had been spent on improving the car park facilities, with a further £0.5m due to be invested during 2018/19 at the Longniddry car parks.

Responding to questions from Councillor Akhtar on the Education budget, Mr Lamond indicated that schools were performing well as regards financial management, and that additional support would be provided to any school which was in deficit. On the Pupil Equity Fund, he advised that the underspend was due to the timing of the funding allocation. He confirmed that the underspend would be carried forward.

Councillor Hampshire opened the debate by highlighting the financial challenges facing the Council, and of the need to make further savings or generate more income. He paid tribute to the efforts of Council staff.

Councillor Small voiced his concern at the decreasing level of usable reserves and increase in debt levels. He was also concerned about the continuing overspend in health and social care and proposed that emergency measures should be implemented to ensure that the required change is delivered. He suggested that the Council should review its property assets.

Councillor Currie echoed Councillor Hampshire's comments as regards the work of Council staff, indicating that he would not be supportive of a review of staff terms and conditions. He emphasised the need for more financial support for Adult Wellbeing services, commenting that each year efficiencies were not being delivered. He also called for a cost:benefit analysis to be carried out regarding coastal car parking charges. Councillor Currie welcomed the review of the PPP contract.

In response to comments made by Councillor Small, Councillor O'Donnell provided an explanation as to the reasons behind retaining care packages for people having short-term stays in hospital. On IJB budgets, she reported that 24 IJBs were overspent, and welcomed that a review of IJBs would be undertaken.

Councillor Akhtar expressed concern at the decrease in the Council's revenue funding since 2010, and the further financial challenges facing the Council. She cautioned against using reserves. On Education and Children's Services, she highlighted the improvements in narrowing the poverty-related attainment gap, and noted the need to attract more foster carers in East Lothian. On the review of staff terms and conditions, she stated that she would not support proposals that would be detrimental to staff.

Councillor Goodfellow commented on the importance of being able to fund additional affordable housing should such opportunities arise. He shared concerns expressed by other Members regarding the reducing levels of usable reserves.

During the debate, Councillor Currie had raised a point of order concerning comments made by Councillor O'Donnell on the review of Library Services. Following a discussion on this matter, the Provost ruled that the point of order was not valid.

Decision

The Council agreed:

- i. to note the draft annual accounts for 2017/18, and approve their submission to External Audit prior to 30 June 2018;
- ii. to note the draft financial results for 2017/18, including the impact on reserves and the Council's Financial Strategy;
- iii. that pending the outcome of the final audit, to agree that any surplus General Fund reserves over and above the contribution used to support future budgets would be transferred into the general Fund balances with further detail on the utilisation of these balances to be determined as part of the 2018/19 in-year quarterly financial reviews; and
- iv. to authorise the Council's Chief Finance Officer to make any required late changes to the unaudited financial statements prior to final submission as referenced in Section 3.3 of the report.

4. COMMON GOOD FUNDS: BUDGETS 2018/19 TO 2020/21

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the budgets for the Dunbar, Haddington, Musselburgh and North Berwick Common Good Funds for 2018/19 to 2020/21, and recommending that Fund Committees consider any grant application proposals within these budgets.

The Head of Council Resources, Jim Lamond, presented the report, drawing particular attention to the accumulated funds for each Common Good Fund and the projected income for the 2018/19 financial year.

Decision

The Council agreed:

- i. to note the draft financial results for 2017/18 on each of the Common Good Funds; and
- ii. to approve the 2018/19 to 2020/21 budgets.

5. LOCAL SCRUTINY PLAN 2018/19

A report was submitted by the Chief Executive informing the Council of Audit Scotland's East Lothian Council Local Scrutiny Plan 2018/19.

The Chief Executive reminded Members that the Local Area Network (LAN) reviewed the Council's performance on an annual basis and determined the level of scrutiny that the Council would be subject to.

Carol Foster of Audit Scotland informed Members that there were no significant scrutiny risks that would warrant additional scrutiny over and above that which was outlined in the planned scrutiny programme attached to Appendix 1 to the report.

In response to questions from Members, Ms Foster advised that Audit Scotland highlighted financial sustainability as an audit risk and that this was focused on as part of the planned scrutiny activity. As regards school inspections, she noted that Education Scotland would liaise directly with the Council. She also pointed out that the Local Scrutiny Plan looked specifically at Council performance, and did not compare that with the performance of other councils. She added that the Best Value Assurance Report, to be issued later in the year, would include comparator information.

Councillor Small welcomed the report, remarking that scrutiny was taken very seriously at the Council.

Councillor Akhtar highlighted the range of scrutiny activities with regard to education, as well as ongoing support given to schools in order to improve performance, attainment and achievement.

Decision

The Council agreed to note the Local Scrutiny Plan 2018/19.

6. PLANNING APPLICATION 18/00189/PPM – FORMER COCKENZIE POWER STATION SITE: COUNCIL’S STATEMENT OF CASE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing an update in respect of planning application 18/00189/PPM, and seeking approval of the Council’s formal view on the application, which would then be submitted to the Reporter as the Council’s Statement of Case for consideration as part of the determination process by the Scottish Ministers.

Declaration of Interest: having declared an interest, Councillor McLennan left the meeting.

Keith Dingwall, Team Manager – Planning Delivery, presented the report, providing Members with the background to this planning application (set out at Sections 3.5 – 3.8 of the report). He made reference to a previous planning application by the applicant, which had been granted by the Planning Committee in September 2014, noting that this planning permission in principle had since lapsed. The recommendation was that Scottish Ministers should refuse this application, called in for their determination, on the basis that it would not make best use of the site and was therefore contrary to Policy EGT1 of the East Lothian Local Development Plan and to the Scottish Government’s National Planning Framework 3.

Responding to questions from Members, Mr Dingwall advised that the Council had until 30 June to submit its Statement of Case, and that the applicant would have 14 days from the date of submission to respond to the Council’s view. It would then be for the Reporter to determine whether any further written submissions, a hearing or a public inquiry was required prior to making a recommendation to Ministers on the application.

Mr Dingwall explained that the Reporter required the Council to state its proposed conditions were planning permission in principle to be granted, and that the Council should work with the applicant to agree these conditions in advance (as set out in Appendix 1 to the report). He advised that there were other ways of providing the onshore transmission works without affecting the northern part of the wider Cockenzie site. The applicant had intimated that they would submit a further site plan to show the substation being located in only part of the application site. Condition 1 could then have been amended to restrict the location of the substation to that shown on the site plan. Whilst this would not have overcome officers’ recommended reason for refusal, it would potentially have increased the amount of the site that could alternatively be used for more beneficial uses. However, no new plan had been submitted by the applicant.

Councillor Hampshire expressed disappointment that the application had been called in by the Scottish Government, indicating that the Council would have been supportive of working with the applicant to provide the onshore transmission works. He warned that, if the application was approved, the future of the Cockenzie site could be in jeopardy. He called on Members to support the officers’ recommendation, noting that if it was overturned the Council would have to negotiate with the applicant as regards the location of the transmission works.

Councillor Bruce spoke in support of the officers’ recommendation to refuse the application. He believed that the development of the Cockenzie site would transform the area, and that by allowing the development of the onshore transmission works in its proposed location would not make best use of the site. He was not, however, opposed to the development of the transmission works at another location on the wider Cockenzie site.

Councillor O’Donnell recognised that the transmission works had to be accommodated at Cockenzie; however, she was disappointed that the applicant had not delivered the works within the area of land as previously approved in principle by the Council. She stressed the importance of the area of land as now proposed for economic growth.

Councillor Innes voiced his disappointment that the Council would not be taking the decision, given that the site was now in Council ownership. He was also concerned that the Council had been required to set out conditions even if it was not in favour of the application.

Councillor Currie agreed with the views expressed by other Members. Regardless of the outcome of the planning application, he was in favour of having further dialogue with the applicant with a view to finding a solution that suited all stakeholders.

Decision

The Council agreed:

- i. to approve the report as the formal view of East Lothian Council as its Statement of Case on planning application 18/00189/PPM for submission to the Reporter;
- ii. to recommend that Scottish Ministers refuse planning application 19/00189/PPM for the following reason:

The proposed development would not make best use of the land available of the former Cockenzie Power Station site. Rather it could prejudice the future development of the site and the economic potential of the area. The proposed development is therefore contrary to Policy EGT1 of the East Lothian Local Development Plan and therefore also does not comply with National Planning Framework 3.

- iii. to delegate approval of the minute of this item of business to the Chief Executive, in consultation with the Provost and political group leaders, in order that an agreed position on the Statement of Case could be submitted to the Reporter by their deadline of 30 June 2018.

7. EAST Lothian LOCAL DEVELOPMENT PLAN 2018: ACTION PROGRAMME AND SUPPLEMENTARY GUIDANCE FOR CONSULTATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to carry out consultation on a suite of draft documents associated with the proposed East Lothian Local Development Plan as modified following Examination in Public (i.e. the East Lothian Local Development Plan 2018 (ELLDP 2018)). Namely:

- an updated draft version of the ELLDP 2018 Action Programme
- an updated draft version of the non-statutory Affordable Housing Supplementary Planning Guidance; and
- a draft version of the non-statutory Special Landscape Areas Supplementary Planning Guidance

The report also advised that the Town and Country Planning Scotland Act 1997 (as amended) requires the ELLDP 2018 to be accompanied by an Action Programme that is to be approved by the Council within three months of adopting the Plan. In the case of the Supplementary Planning Guidance, the ELLDP 2018 itself identifies that the above guidance would be prepared by the Council to assist the operation of relevant policies within the Plan.

Iain McFarlane, Service Manager – Planning, presented the report, advising of the consultation timescale and process. He advised that following the consultation, the revised

documents would be presented to Council for approval; the statutory document (Action Programme) would be submitted to Scottish Ministers.

In response to a question from Councillor Hampshire, Mr McFarlane confirmed that any modifications required through the Public Examination of the draft Local Development Plan had been incorporated into the documents.

Mr McFarlane stated that the consultation would commence on Friday 6 July.

Decision

The Council agreed to approve for consultation the following draft consultation documents:

- an updated draft of the ELLDP 2018 Action Programme, as set out at Annex 1 to the report;
- an updated draft of the non-statutory Affordable Housing Supplementary Planning Guidance, as set out in Annex 2a to the report; and
- a draft of the non-statutory Special Landscape Areas Supplementary Planning Guidance; as set out in Annex 2b of the report.

Sederunt: Councillor McLennan returned to the meeting.

8. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL

A report was submitted by the Chief Executive seeking approval of the content of Edinburgh and South East Scotland City Region Deal documentation, including a summary of projects and the governance framework for delivery to allow the Deal to be signed.

The Head of Development, Douglas Proudfoot, presented the report, advising of the work undertaken on the project business case, governance arrangements and Deal documentation, which required the approval of partner authorities and the Scottish and UK governments. He drew attention to the key aspects of the Deal documentation. He noted that there would be an annual report to Council on the progress of the Deal, and that the Deal would be evaluated every five years.

On the location of the Food and Drink Innovation and Research hubs, Councillor Currie questioned whether the transport infrastructure could cope with the projected demand. Mr Proudfoot pointed out that transport appraisal work had already been carried out and this was aligned with the Local Development Plan. He noted that this location was a strategic site, with 1500 new homes and a new school to be delivered, and that there would be significant investment from the Council, Queen Margaret University and both governments. He added that there was a focus on a sustainable transport solution.

Councillor Small asked about the Council's financial contribution. Mr Proudfoot referred him to the outline business case, indicating that that it was fully aligned with the Council's capital programme and would be supported by the Scottish and UK governments. Jim Lamond, Head of Council Resources, confirmed that there was specific Council provision of approximately £10m to cover a range of projects.

Councillor O'Donnell asked if account had been taken of GDPR during the scoping phase, particularly with reference to health and social care. Mr Proudfoot undertook to raise this with the University of Edinburgh.

Opening the debate, Councillor Hampshire welcomed the progress made and the opportunities for long-term economic development and job creation within East Lothian.

Councillor Currie expressed concern at the potential impact of Brexit on the City Region Deal. He also commented on the importance of ensuring that the required infrastructure improvements were made in order to deliver the Deal.

Councillor Small spoke in support of the proposed developments at Queen Margaret University and at Sheriffhall.

The Provost concluded the debate by thanking all those involved in this project, which would provide significant economic development opportunities. He also made reference to the potential opportunities at Blindwells and Cockenzie.

Decision

The Council agreed to approve the content of the Edinburgh and South East Scotland City Region Deal documentation, including the summary of projects and the governance framework for delivery, to allow the Deal to be signed by regional partners, the Scottish Government and the UK Government.

9. LOTHIAN BUSES PENSION FUND

A report was submitted by the Depute Chief Executive (Resources and People Services) advising the Council of the proposal by the Lothian Pension Fund (LPF) to merge the Lothian Buses Fund within the wider Local Government Pension Fund and its request that the Council act as guarantor for contributions to the Pension Fund as a minority shareholder.

The Head of Council Resources, Jim Lamond, presented the report, informing Members of the proposal to merge both pension funds, with the four local authorities being asked to act as guarantors. He advised that the risk level was considered to be very low, with the guarantee being proportionate to the shareholding; in the case of East Lothian, this was 3.1%. He added that the City of Edinburgh Council, West Lothian Council and Midlothian Council would also be considering this proposal.

In response to a question from Councillor O'Donnell as regards ethical investments, Mr Lamond advised that this was an issue that was taken seriously, and suggested that she could get further information on this direct from Lothian Pension Fund.

Councillor Goodfellow commented that in future there may be pressure on smaller public sector pension funds to merge with other funds in Scotland. Councillor Currie added that there was currently a live consultation on that issue. He added that more should be done to encourage public sector funds to invest in public sector infrastructure. Councillor Goodfellow remarked that there was evidence to suggest that the smaller pension funds were already investing in public sector infrastructure.

Decision

The Council agreed:

- i. that, in conjunction with other shareholders, the Council would act as guarantor for Lothian Buses Limited; and
- ii. to note the proposal to merge the Lothian Buses Pension Fund with the wider Local Government Lothian Pension Fund.

10. APPOINTMENTS TO COMMITTEES, PARTNERSHIPS AND OUTSIDE BODIES

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the appointment of a representative to the East Lothian Children's Strategic Partnership, and of a change in the Council's representation on Musselburgh CAB Management Committee.

Discussion

The Council agreed:

- i. to approve the appointment of Councillor Shamin Akhtar to represent the Council on the East Lothian Children's Strategic Partnership; and
- ii. to approve the appointment of Councillor Andrew Forrest to represent the Council on Musselburgh CAB Management Committee, replacing Councillor O'Donnell.

11. SUMMER RECESS ARRANGEMENTS 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the arrangements for dealing with Council business during the summer recess 2018.

Decision

The Council agreed:

- i. to approve the application of the recess business arrangements, in accordance with Standing Order 15.5, effective from the close of this meeting, until the Council meeting of 28 August 2018 (as outlined at Section 3.1 of the report); and
- ii. to note that a summary of business carried out during the recess period would be brought to the Council meeting of 28 August 2018, and that copies of all reports approved during the recess period would be lodged in the Members' Library.

12. NOTICE OF MOTION – SCHEME OF ADMINISTRATION: COMMON GOOD COMMITTEES – MOTION BY THE SNP GROUP

A motion was submitted to the Council by Councillors Currie and Williamson seeking to amend the Scheme of Administration to the Standing Orders of East Lothian Council in relation to the Remit and Powers of the Common Good Committees by adding a new Paragraph 5A:

The Common Good Committee will consider every application for a grant that has been submitted to East Lothian Council for its own area. It will in the first instance determine the validity of the application and decide whether it meets the established criteria for the use of Common Good Funds, names (a) that the application has been made by a resident who lives within the boundaries shown on the Common Good maps or by an organisation that operates within those areas and (b) that it clearly demonstrates how any grant that might be awarded will bring benefit to the community of those areas as a whole. If it is decided by the Committee that an application is valid and that it meets the criteria, the Committee

will then proceed to consider the merits of the application itself and to make a decision on whether or not to grant the application. No application can be granted if it is not valid and does not meet the criteria.

Prior to inviting Councillor Currie to present his motion, the Provost informed Members that a review of Common Good was being undertaken by officers, and asked Councillor Currie if he would be prepared to continue the motion pending the outcome of that review. Councillor Currie replied that he was aware of the review; however, the issues raised in the motion had been ongoing for some time and were concerned only with the operation of the Common Good Committees, and it was his view that the motion should not be delayed.

Councillor Currie presented the motion, advising that applications for Common Good funding were currently subject to an initial assessment by officers, who would determine whether or not they met the criteria for funding, and that some applications were being rejected without the committees' knowledge; it was his view that such an assessment should be carried out by the committee members themselves, with the guidance of officers. He argued that Members were often best placed to understand how a community would benefit from funding. He proposed that the Committees should first assess applications against the criteria before going on to determine if funding for valid applications should be awarded.

The motion was seconded by Councillor Williamson, who agreed that Members had the local knowledge required to make a judgement on community benefit.

The Chief Executive suggested that Common Good Committee members could be advised of applications received and the view of officers as to their validity. She also commented that applicants could be directed towards other sources of funding, noting that proposed investments would require funding from some of the Common Good funds. Councillor Currie accepted the points made, pointing out that applicants were often informed of alternative funding sources. He highlighted a number of trust funds which were currently inaccessible and suggested that these could be looked at as part of the review of Common Good.

Councillor Hampshire indicated that he had some sympathy with Councillor Currie's position; however, he felt it was important to consider properly the implications of making such a change to the Scheme of Administration. He asserted that it would be preferable to consider the outcome of the review, and reiterated the Provost's view that the motion should be continued.

Councillor Small asked about the timescale for the review. He signalled that he was not opposed to the terms of the motion. The Chief Executive advised that it was proposed to conclude the review by the end of 2018 and to bring a report to Council thereafter.

Councillor Innes was of the view that this matter should be considered in the wider context of the review. He suggested that if Councillors Currie and Williamson were not happy with the outcome of the review, then they should bring their motion back to Council at a later date.

Summing up, Councillor Currie argued that there was nothing in the motion that would prevent the review of Common Good from taking place. He emphasised the importance of decisions being made by Members.

The Provost then moved to the vote on the motion:

For:	6
Against:	14
Abstentions:	0

The motion therefore fell.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY, 12 APRIL – 18 JUNE 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 12 April and 18 June 2018, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Referral to Council by Musselburgh Common Good Committee

A private report referred to Council from Musselburgh Common Good Committee in respect of an application for funding was approved by the Council. The Council agreed to award funding of £20,000 to fund renovation works at St Michael's Parish Church, Inveresk.



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 21 JUNE 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Chair)
Councillor L Bruce
Councillor F O'Donnell
Councillor J McMillan

Advisers to the Local Review Body:

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB

Others Present

Mr D Irving, Senior Planner
Mr B Weddell, Chair of Prestonpans Community Council (Item 1)
Mr R Tait, Agent (Item 1)
Mr R Brunton, Applicant (Item 1)
Mr D Mitchell, (Item 2)

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

None

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting of the East Lothian Local Review Body (ELLRB).

A site visit had been carried out for each of the two planning applications on the agenda prior to the meeting.

1. **PLANNING APPLICATION 17/01062/P – REVIEW AGAINST REFUSAL ALTERATIONS, EXTENSIONS AND CHANGE OF USE OF FORMER BANK (CLASS 2 USE) TO FORM ONE RESTAURANT (CLASS 3 USE) AND TWO FLATS AT 2 AYRES WYND, PRESTONPANS EH32 9AB.**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, stated that the property was a single storey mid-terraced stone clad structure located on the corner of Ayres Wynd and the High Street in Prestonpans town centre. It was previously occupied by the Royal Bank of Scotland with an entrance from Ayres Wynd. He advised that relevant to the determination of the application was Strategic Development Plan policy 1B (Spatial Strategy) and Local Plan 2008 policies ENV2, DP6, DP22 and T2. Also of relevance was the proposed Local Development Plan that had recently been submitted to Scottish Ministers.

The Planning Adviser advised that the proposal involved internal reconfiguration of the existing building to create a kitchen, toilets and space for approximately 36 restaurant covers and the existing Ayres Wynd entrance would lead to a shared staircase area. The applicant also proposed to extend the building vertically with two additional floors to form the residential flats above. No change to the footprint of the building was proposed. The extension was to be of contemporary style and materials, with large glazed windows, balconies above the High Street, and box dormers.

The Planning Adviser stated that the Case Officer had reported the town centre was characterised by buildings with ground floor retail/commercial premises and flats on the floors above, with only limited examples of 3-story buildings. In considering the application, the Case Officer determined that the proposed ground floor restaurant use would be acceptable in principle under Policy ENV2. However, in terms of visual impact, he considered that, by virtue of the scale and potential visual impact of the proposed alterations, the result would have appeared incongruous and alien to the existing buildings in the town centre. In addition, Policy DP22 requires that proposals ensure sufficient parking provision is available. ELC Roads Department required 20 parking spaces for the proposed use of the property and Officers had determined that there was insufficient parking available to meet this requirement.

The Chair invited questions for the Planning Adviser and Councillor Bruce enquired how many parking spaces had been allocated to the Bank. The Planning Adviser replied that the bank had been considered to generate a need for 2-4 parking spaces and that demand was met. Councillor Bruce also enquired if the view that the proposals were 'incongruous and unsympathetic with its surroundings' was based solely on the opinion of the Case Officer. The Planning Adviser replied that Officers make a judgement based on the design policy in the adopted Local Plan, one requirement of which is that a building should integrate well with its surroundings. The Case Officer considered that these proposals did not achieve that. Councillor

O'Donnell had noted the many different styles of building in the town centre and the Planning Adviser acknowledged that there was a variety of styles and stated that new buildings could be many different styles. However, the Case Officer had considered that the proposals had not respected the neighbouring buildings. Council O'Donnell asked if the Transportation Department had taken account of the excellent public transport services which would be available to patrons of the proposed restaurant and the Planning Adviser confirmed that it had, but the restaurant was considered to still generate a need for 20 parking spaces, and for longer stays than for banking use. Public safety also had to be managed, in accordance with the Local Plan.

The Chair stated that the Council wished to encourage new businesses and policy on the regeneration of town centres was included in the Local Plan.

The Chair asked his colleagues if they now had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor Bruce was supportive of the appeal. He stated that the Prestonpans High Street was in need of regeneration and, whilst he understood the Transportation Department's requirement on parking spaces, he was satisfied that excellent public transport links would ease the demand on parking spaces. He also considered that, as there was no one dominant style of building on Prestonpans High Street, the proposals would not be unsympathetic to its surroundings.

Councillor O'Donnell agreed that the availability of parking spaces was not a key issue in the determination of this application due to the excellent public transport services. She preferred to view the proposals as a great opportunity to encourage people to visit the town and would provide a much needed restaurant in the area. She also liked the design of the flats and considered that the site at 2 Ayres Wynd was a prime location for the proposed restaurant and flats. She was therefore minded to overturn the original decision of the Case Officer and grant planning permission.

Councillor McMillan stated that the proposals would add to the interest and vibrancy of the town centre and would become a focal point on the High Street. He too, therefore, would support the appeal.

The Chair stated that the decision of the Royal Bank of Scotland to close the Prestonpans branch was a major blow to the town. The Local Review Body today was being tasked with considering the long term future of this building. The proposals would involve a major alteration to the building, but in his view, would enhance rather than detract from the character of the area. In addition, a restaurant on this site would bring people into the town and improve the viability of the town centre. He also considered that there was adequate on and off street parking available for visitors to the restaurant. He was therefore minded to overturn the original decision of the Case Office and grant planning permission.

Decision

The ELLRB unanimously agreed to overturn the original decision of the Appointed Officer and grant planning permission.

Reasons

1. To provide a restaurant and additional housing at this location and encourage visitors to visit Prestonpans
2. To contribute to the regeneration of Prestonpans Town Centre

2. PLANNING APPLICATION 17/00644/P – REVIEW AGAINST REFUSAL ERECTION OF 16 HOUSES AND ASSOCIATED WORKS AT THE FORMER GATESIDE COMMERCE PARK, WEST ROAD, HADDINGTON.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, stated that the application site related to an area of land around 0.40 ha in size located on the western side of Haddington, forming part of the former Gateside Commerce Park, situated between the A199 to the north and the B6471 to the south. This site was designated under policy BUS1 of the adopted Local Plan 2008, meaning that, in principle, applications for business development of use classes 4, 5 and 6 would be supported. Uses that did not fall within these classes would not normally be permitted. Also of relevance was the proposed Local Development Plan that had recently been submitted to Scottish Ministers. The Planning Adviser also outlined a number of previously determined planning applications relevant to this application. Planning application 14/00219/P had sought permission for the erection of 112 houses, light industrial units and a public house on land west of Gateside Road, Haddington. Permission was granted and had been partially implemented. Planning application 15/0000686/PM sought permission for the erection of 97 houses and associated works on land to the north of Gateside Road, Haddington, the same site as the 2014 application although excluding the area of land where the light industrial units and public house were to be built. Permission was granted and had also been partially implemented.

The Planning Adviser stated that the application being reviewed today sought permission for the erection of 16 houses, access, landscaping and parking, on the land where the public house was to be built as part of the grant of planning permission 14/00219/P. The proposed site layout indicated a mixture of 2 and 3 bedroom terraced dwellings arranged in rows of 3, 4 or 5 properties with an area of parking to the north eastern corner of the site. Relevant to the determination of this application was Scottish Planning Policy, Planning Advice Note 67 (Housing Quality), Strategic Development Plan policies 1B, 6 and 7, and the relevant adopted Local Plan 2008 policies as detailed in the Case Officer's Report. In considering the proposal, Officers determined that the proposed development would result in the loss of potential land for employment purposes in Haddington and was deemed contrary to Local Plan 2008 policy BUS1. In terms of the proposed Local Development Plan, the site was partly within the area allocated for mixed-use development and the site allocation reflected existing planning permissions that the mix of land uses will include a pub/restaurant. The Planning Adviser also advised that the additional housing units proposed through this application were not required in order to maintain a 5-year effective housing land supply. The proposal was therefore considered by Officers to be contrary to the proposed Local Development Plan.

The Planning Adviser also stated that the proposals were considered to be inappropriate in terms of design, particularly due to the layout of houses that would see them face away from the street and not provide active frontages or natural surveillance, contrary to the Council's Design Standards for new housing. Officers also considered that the granting of this planning permission would set a precedent where it would be difficult for East Lothian Council to refuse applications for residential development on land allocated for employment use.

The Chair enquired how long the site had been marketed for business use and was advised by the Planning Adviser that the Council's Economic Development team had reviewed the evidence provided by the applicant and considered that the site had been marketed for limited purposes.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor McMillan, Ward Councillor and Cabinet Spokesperson for Economic Development, remembered the Mitsubishi factory and business park on this site. He stated that this land was needed for economic development and considered it was essential the site was marketed for business or leisure purposes to bring jobs to the area. He therefore supported the decision of the Case Officer to refuse the application.

Councillor O'Donnell shared the view of her colleague, stating it was important that this land was used to achieve economic growth. She also considered that it was important to be able to provide jobs for the expanding population in the area.

Councillor Bruce concurred with his colleagues.

The Chair stated it was a difficult decision to allow land allocated for employment use to be used for residential development. He noted that the landowner had tried to sell the land but understood from the review papers that the site could have been advertised more widely. With the many new families moving into Haddington, he hoped that a business or leisure purpose could still be found for the site.

Decision

The ELLRB agreed unanimously to uphold the decision of the Appointed Officer for the reasons given in the Decision Notice dated 11 April 2018.

Signed

Councillor N Hampshire
Convener of Local Review Body (Planning)

REPORT TO: East Lothian Council

MEETING DATE: 28 August 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Summary of Reports Approved in Accordance with
Summer Recess Arrangements 2018

3

1 PURPOSE

- 1.1 To inform the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken at its meeting of 26 June 2018.
- 1.2 It should be noted that the undernoted report has been lodged in the Members' Library (August 2018 Bulletin).

2 RECOMMENDATIONS

- 2.1 The Council is requested to note the business undertaken over the summer recess period.

3 BACKGROUND

- 3.1 **Appointment of the Director of Health and Social Care Partnership and Chief Officer of the Integration Joint Board** (Members' Library Reference 122/18 – August 2018 Bulletin)

A private report submitted by the Chief Executive sought approval of the arrangements for the appointment of the Director of the Health and Social Care Partnership/IJB Chief Officer, a joint appointment between NHS Lothian and East Lothian Council. This report was approved by the Depute Leader and Depute Provost.

4 POLICY IMPLICATIONS

- 4.1 As outlined in the submitted report specified in Section 3.

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 – As outlined in the submitted report specified in Section 3.
- 6.2 Personnel - None.
- 6.3 Other – As outlined in the submitted report specified in Section 3.

7 BACKGROUND PAPERS

- 7.1 East Lothian Standing Orders

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
CONTACT INFO	01620 827225 lgillingwater@eastlothian.gov.uk
DATE	14 August 2018

REPORT TO: East Lothian Council

MEETING DATE: 28 August 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: East Lothian Community Fire and Rescue Plan 2018

4

1 PURPOSE

- 1.1 To present Council with the East Lothian Community Fire and Rescue Plan 2018.

2 RECOMMENDATION

- 2.1 The Council approves the East Lothian Community Fire and Rescue Plan 2018.

3 BACKGROUND

- 3.1 There is a statutory requirement in the Police and Fire Reform (Scotland) Act 2012 for the Local Authority to approve both the Local Police and Fire and Rescue Plans before they can be published.
- 3.2 The East Lothian Community Fire and Rescue Plan 2018 has been produced by the Scottish Fire and Rescue Service Local Senior Officer for East Lothian (Appendix 1). The Plan provides the basis for strategies to be followed by the Fire and Rescue Service in East Lothian. There has been consultation on the draft plan. The Police, Fire and Community Safety Scrutiny Committee considered and endorsed the draft of the Plan at its meeting on 13 June 2018.
- 3.3 The Plan provides the basis for scrutiny of the Fire and Rescue Service's performance by the Police, Fire and Community Safety Scrutiny Committee.

4 POLICY IMPLICATIONS

- 4.1 The East Lothian Community Fire and Rescue Plan 2018 will make a contribution to the achievement of key outcomes in the East Lothian Partnership Local Outcomes Improvement Plan.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required. However, the Fire and Rescue Service has carried out an Equalities Impact Assessment on the East Lothian Community Fire and Rescue Plan.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
6.2 Personnel - none
6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Draft East Lothian Fire and Rescue Plan 2018

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Service Manager: Corporate Policy and Improvement
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	7 August 2018



COMMUNITY FIRE AND RESCUE PLAN FOR EAST LoTHIAN 2018



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Introduction

Welcome to the Scottish Fire and Rescue Service (SFRS) East Lothian Community Fire and Rescue Plan. This Plan has been developed to support the delivery of agreed local outcomes for the people of East Lothian in conjunction with the national priorities contained within the SFRS Strategic Plan 2016- 2019. Our ambition is to work in partnership to improve community safety and enhance the well-being of those living in East Lothian whilst tackling issues of social inequality. This Plan will set out our priorities in order to support this ambition.

This Plan recognises what we have delivered in the past but looks forward to what we aim to achieve over the next three years and beyond. The safety of our communities is at the heart of everything we do, whether it is responding to emergencies or providing preventative advice and measures. The Plan will highlight our resources in East Lothian, the changing risks to local communities, and how we aim to deliver our services to meet all the challenges we face.

As a public service and a statutory member of East Lothian Community Planning Partnership, we recognise that to be effective and efficient, we must work closely with our partners in order to identify and provide for those most at risk. By working this way, we will look to reduce duplication, share resources and information and make improvements. We will actively contribute to the shared Intent, Vision and Themes set out in the *East Lothian Plan* and it is our intention that the Community Fire and Rescue Plan is viewed as an extension of this Plan.

Whilst we will continue to prepare for, and respond to incidents such as fires and road traffic collisions, we must also ensure we are ready to deal with the changing risks society face, including an ageing population, the effects of climate change on the environment, and terrorism. This change in how and what we respond to has already been experienced in East Lothian with local crews responding to Out of Hospital Cardiac Arrests (OHCA), as a pilot project, in support of our Scottish Ambulance Service (SAS) colleagues. A separate initiative in East Lothian has seen our Home Safety Visits evolve into a more holistic approach, taking into account the risk of slips, trips and falls in the home as well as identifying those at risk from fuel poverty and other vulnerabilities. As we move forward, we will look to build on these innovative approaches whilst ensuring our staff are trained, equipped and located appropriately to respond to emergencies, promote prevention, and protect communities.

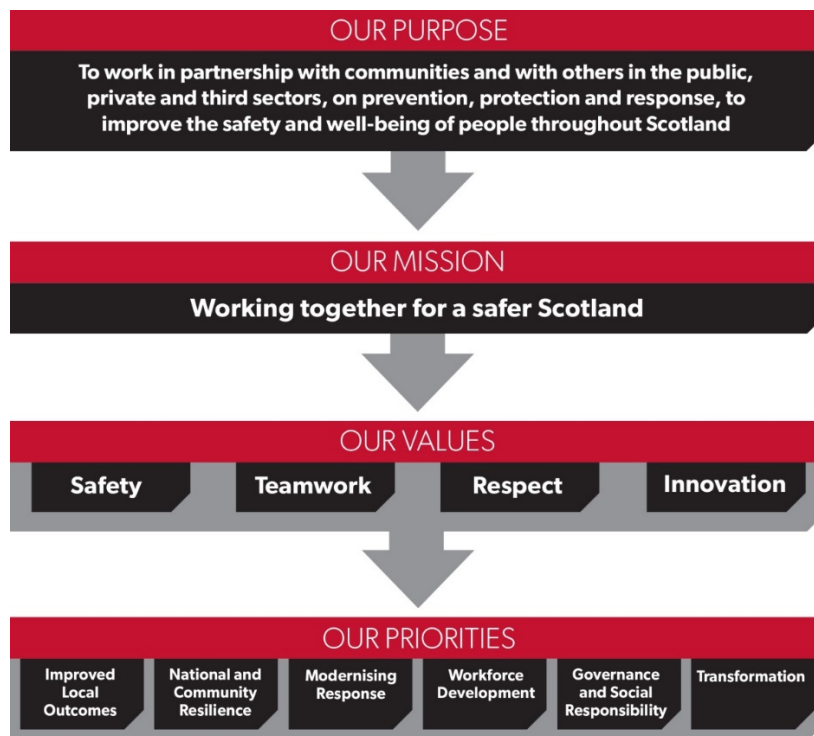
As the SFRS evolves, we will continue to play a key part in public service reform and explore new opportunities to broaden our role within society to ensure as a modern Fire and Rescue Service, we provide the appropriate protection for the communities of East Lothian.

Steve Gourlay
Local Senior Officer
East Lothian, Midlothian and Scottish Borders

National Context

Scottish Ministers set out their specific expectations for the Scottish Fire and Rescue Service in the Fire and Rescue Framework for Scotland 2016. This provides the outline we should follow to ensure our resources and activities are aligned with the Scottish Government's Purpose and national outcomes.

Our Strategic Plan 2016-19 has been designed to meet these national expectations. Set against a complex and evolving backdrop our Strategic Plan encapsulates our mission, values and strategic priorities.

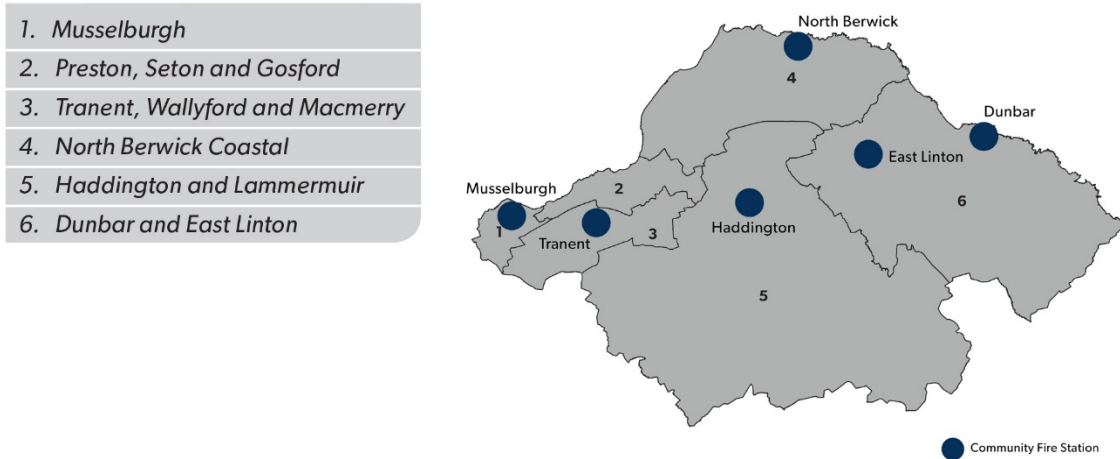


These have been shaped with due regard to the challenges we face and to what we need to achieve to be a highly effective, sustainable public service. Operating within a climate of significant financial uncertainty and public service reform means we need to transform how we operate. This will particularly include how we prepare for and respond to changing societal needs, the impact of climate change and the threat of terrorism.

Strong leadership, supported by sound governance and management arrangements are at the very core of our foundations. These arrangements will direct and provide assurance that we comply with our statutory responsibilities. In addition, they will provide Local Senior Officers with supporting mechanisms to deliver services specifically tailored to local needs.

Local Context

East Lothian has a population of just over 104,000 people who reside within areas ranging from major towns such as Musselburgh and Haddington to single dwellings in remote rural locations. The diagram below outlines the electoral ward boundaries whilst highlighting the locations of our six Community Fire Stations.



Over the past five years, the SFRS responded to 6786 incidents within East Lothian. The Key Performance Indicator table below details our operational response over the same period by incident type.

Key performance indicator	2012/13	2013/14	2014/15	2015/16	2016/17
Dwelling fires	96	81	73	80	52
All fire casualties and fatalities	17	15	12	10	8
All deliberate fires excl. dwellings	143	188	138	194	229
Special Service - RTCs	29	48	47	57	50
Unwanted Fire Alarm Signals	439	460	451	466	457

Reducing Dwelling Fires, Fire Casualties and Fatalities will continue to be at the heart of our prevention activities, over the last two decades, similar to the rest of the UK, we have seen a gradual decrease in the amount of dwelling fires we attend. Dwelling Fires accounted for around 4% of our operational activity, whilst fire casualties have averaged around 12 over the last five years, sadly including three fire fatalities over that period.

Prevention will continue to be a core activity for SFRS staff in East Lothian. Our Home Fire Safety programme, which commenced over 10 years ago has proved successful in terms of reducing dwelling fires and associated casualties whilst providing thousands of homes with early warning smoke detection. Over 1000 Home Fire Safety Visits (HFSV) are completed every year in East Lothian by operational crews or dedicated community safety staff.

Our Living safely in the Home Pilot has proved to be very successful and we will look to build on this whilst adapting how we deliver home safety visits. Our visits will become more holistic and take into account a range of risks in the home including, slips, trips and falls, fuel poverty, frailty and dementia amongst other vulnerabilities.

Deliberate fires (not including dwellings) are often, but not always, of a malicious nature. Deliberate fires accounted for approximately 16% of our operational activity over the last five years and typically involved refuse, grass, wood and scrubland. Increases in this type of incident activity are generally seasonal and often linked to anti-social behaviour. Deliberate fires of a malicious nature place an unnecessary demand on SFRS and partner resources and often affecting communities socially and economically.

Responding to Road Traffic Collisions (RTC's) has, unfortunately, become an increasing part of our operational activity over the past five years. In general terms we have seen a year on year increase, culminating in a 42% increase in the amount of RTC's we attend in East Lothian, ultimately resulting in more road fatalities and injuries.

The term "Special Service" is used to describe non-fire related incidents and includes RTC's, Flooding, and Out of Hospital Cardiac Arrests (OHCA) Water Rescue and Hazardous Materials incidents amongst others. Throughout the last 15-20 years, Fire and Rescue Services across the UK have seen a significant increase in attendance at these types of incident whilst domestic property fires decrease. During 2016-17, Special Service incidents accounted for 16% of all emergency calls in East Lothian.

Recent history demonstrates that severe wet weather and subsequent flooding is a risk for particular parts of East Lothian and this will remain a focus of our emergency response capability, particularly for our Water Rescue and Flood Response teams. When required we will also work in partnership with East Lothian Council Emergency Planning and other service providers either as an emergency response or in a preventative capacity.

Due to the location and skills sets of our community-based resources, and the remote nature of much of East Lothian, we have been able to provide assistance to our partners, such as Police Scotland and the SAS, on an increasing basis and for a variety of reasons including medical co- response, effecting entry and professional advice. East Lothian has been at the forefront of change and innovation with Musselburgh Community Fire Station being selected out of an initial ten across Scotland to take part in a pilot which has seen SFRS crews responding to OHCA's in support of SAS colleagues. By assisting our SAS colleagues we aim to not only increase an individual's chances of survival but also improve their longer term recovery outcomes.

Unwanted Fire Alarm Signals (UFAS) have accounted for over 33% of our operational incidents in East Lothian over the last five years. Similar to other operational activities, this type of incident demand is not unique to East Lothian, with the UK as a whole facing challenges in relation to reducing UFAS. With disruption to local businesses, schools, healthcare facilities and others, these unwanted calls can have a significant impact across the East Lothian area. Following national policy and using local initiatives we will continue to prioritise the reduction of UFAS whilst engaging with key stakeholders, partners and those with responsibilities for the premises involved.

Our six Community Fire Stations include one Wholetime station at Musselburgh with the remaining five being Retained Duty System (RDS) stations in Tranent, Haddington, East Linton, North Berwick and Dunbar. Wholetime stations are permanently staffed 24/7 throughout the year whilst our RDS staff operate on an "on call" basis and are alerted by pager for emergency calls.

Frontline staff are supported by a team of local and national officers from the Training and Employee Development (TED) directorate. The local TED officers are based at Haddington Community Fire Station and provide dedicated support to operational crews in terms of acquiring new skills, maintaining existing skills and ensuring role competency.

Preventions and Protection (P&P) officers are located at Haddington and Musselburgh. They consist of Fire Safety Enforcement officers who deal with legislative matters including the auditing of relevant premises and officers who carry out a community engagement role through a diverse and wide reaching range of prevention activities. In addition to this, a SFRS Local Area Liaison Officer acts as a coordinator for engagement activities whilst liaising with external partners.

An Area Manager, or Local Senior Officer (LSO), has overall responsibility for discharging the functions of the SFRS within East Lothian. Day to day management of resources is devolved to the East Lothian Group Manager (GM) and Station Manager (SM) responsible for Service Delivery. The Senior Management team also consists of a further GM and two SM's who have responsibility for P&P and TED across the LSO area of Midlothian, East Lothian and the Scottish Borders.

Working in Partnership to achieve better outcomes for the people of East Lothian

This Plan and its priorities reflect a partnership approach whilst sharing the vision and themes that will lead to improved outcomes for the communities of East Lothian. The examples below highlight some of the ways in which we aim to contribute to the East Lothian Plan 2017-27. The list is not exhaustive and we will continue to look for innovative ways to help improve outcomes.

East Lothian Priority Themes	How we plan to contribute
<p>Community-Minded - East Lothian has strong, resilient communities where people respect and support each other.</p>	<ul style="list-style-type: none"> • By consolidation and where possible, development of existing youth engagement initiatives such as the Cooldown programme. By participating in these programmes, younger people will acquire new skills, practical and theoretical, learn to work within a team and build self-confidence. The programme will promote better citizenship whilst potentially improving opportunities for employment. • In partnership with Police and other partners we will prioritise the reduction of anti-social related Deliberate Fire Setting (excluding Dwellings) through a range of prevention, intervention and diversionary activities. • In partnership we will provide opportunities for young people in East Lothian.
<p>Prosperous - Local businesses are thriving and the business base is expanding.</p>	<ul style="list-style-type: none"> • We will continue to raise the profile of the Retained Duty System in East Lothian to attract local workers as firefighters on a part – time basis. • Reduce the impact of Unwanted Fire Alarm Signals on local businesses and education establishments.

Fair - People in East Lothian are healthy.

- We will provide a range of preventative advice and measures through holistic Home Safety Visits with the aim of keeping people safe in their homes.
- As an active member of Public Protection we will carry out a range of preventative and intervention measures. This will include addressing social issues such as, reducing Domestic Abuse, identifying those at risk from Drugs and Alcohol, Fuel Poverty, Frailty and Dementia.
- Our holistic Home Safety programme will aim to reduce Unintentional Harm in the home within the 65 + year old age group. By reducing slips, trips and falls in the home we can contribute to older people living independently whilst alleviating financial and resource pressures on our Health and Social Care partners.
- Our holistic Home Safety Programme will aim to reduce Unintentional Harm in the home within the under 5-year-old age group.
- We will explore opportunities to work closer with our Health and Social Care colleagues in order to reach those most vulnerable in our communities whilst contributing to longer term health outcomes.
- We will continue to respond with fire appliances carrying defibrillators.
- We will continue to encourage the use of our community fire stations by partners and community groups.

Local Priorities

As part of a Community Partnership approach, we will make people safer in their homes

Traditionally, the Fire and Rescue Service have focussed on reducing the risk of fire in the home through advice and providing domestic smoke detection. We will never lose sight of this crucial element of our work in the community however we recognise that we can also contribute to safety in other ways. Unintentional Harm in the home, however minor, can have far-reaching and long-term effects on individuals, families and service providers.

With people living longer, risks in the home have evolved and whilst we have reduced the number of dwelling fires and associated casualties, the amount of persons suffering a fall in their home requiring medical attention has increased. Evidence suggests that young children, particularly under 5's are at risk from Unintentional Harm ranging from choking to trapping fingers in doors. Other vulnerabilities include conditions or dependences such as Dementia, Frailty, Drugs and Alcohol and Fuel Poverty.

By adapting our approach to home safety and assessing risk holistically, in partnership our aim is to reduce a wide range of Unintentional Harm in the home extending beyond fire. This can be achieved by preventative advice, physical measures or referral to the SFRS or an appropriate partner agency.

This priority also supports the East Lothian Plan 2017-27.

We will achieve it by:

- *Providing a highly skilled, well trained and appropriate Firefighting response*
- *In partnership, proactively identifying those most at risk from Unintentional Harm in the home*
- *Conducting holistic Home Safety Visits that assess a range of risks within the home including fire, slips, trips and fall and other vulnerabilities*
- *Exchanging risk information with partners including referrals.*

We will monitor progress by:

- *Reviewing and reporting the number of accidental dwelling fires and associated casualties and fatalities*
- *Reviewing and reporting the number of Home Safety Visits conducted and smoke detectors fitted/issued*
- *Reviewing and reporting the number of Home Safety Visits that have provided advice or measures with the aim of reducing unintentional harm and injury in the home*
- *Reviewing and reporting how many occasions we have referred and received partner referrals for persons vulnerable to Unintentional Harm and injury in the home.*

Expected Outcomes:

- *Support the independent living of vulnerable people within East Lothian*
- *Reduce the social and economic cost of Unintentional Harm in the home including fires and slips, trips and falls.*

We will promote Community Resilience whilst contributing to improved outcomes for people involved in non-fire emergencies

“Special Service” is the Fire and Rescue Service term given to non-fire related emergencies/incidents including, Road Traffic Collisions (RTCs), Rescue from Water, Flooding, Height, Confined Space, Structural Collapse, Hazardous Material incidents and Out of Hospital Cardiac Arrest (OHCA) co-response with the Scottish Ambulance Service. Unfortunately, when incidents of this type occur they often involve casualties and sometimes fatalities.

East Lothian has a diverse range of Special Service risks including busy A and B class roads that are used regularly by commuters and tourists, Torness Power Station and many commercial businesses.

On average, 16% of all SFRS incidents each year in East Lothian are Special Service calls. As the SFRS explore opportunities for assisting our partners through emergency intervention there is a potential for associated casualty figures to continue to rise as we attend more Special Service incidents.

We will look to improve existing preventative strategies with Community Partners whilst ensuring that should we need to provide emergency response, we can do, effectively and efficiently, in order to improve outcomes for all Special Service Casualties.

This priority also supports the East Lothian Plan 2017-27.

We will achieve it by:

- *Being an integral component of East Lothian Community Planning and championing an effective partnership approach to risk reduction*
- *Education and awareness aimed at high-risk groups within our communities*
- *Training our staff and locating our resources in order to provide an effective and efficient emergency response*
- *Building on our relationships with other emergency services and improving how we work together through prevention and intervention.*

We will monitor progress by:

- *Reviewing and reporting on the number of Special Service Casualties including OHCA, RTC, Water/ Flood Rescue, and effecting entry*
- *Monitoring and evaluating SFRS participation in community events and initiatives designed to enhance community resilience.*

Expected Outcomes:

- *Improved outcomes for persons suffering an Out of Hospital Cardiac Arrest in East Lothian*
- *Reduce the social and economic cost of Special Service Casualties*
- *Where capacity exists, reduce the demand on Community Partners through prevention and intervention activities.*

Together with our Community Partners, we will contribute to making the roads in East Lothian safer

Road Traffic Collisions (RTC's) and associated casualty figures in Scotland and East Lothian have reduced over the previous twenty years. However, in East Lothian over the last 5 years we have seen a 42% increase in our operational activity in this area. RTC's have a significant impact on families, the community and our partnership role is to reduce this impact through education.

As well as providing an emergency response to accidents on our roads, the SFRS have a key role to play in reducing RTC's through education and raising awareness in partnership with our Community Partners. By using experience and statistical evidence we will identify those most likely to be involved in a RTC in East Lothian, with these groups being the focus of attention for prevention activities based on risk.

We will aim to build on existing local prevention initiatives and in partnership look to utilise our resources innovatively, efficiently and proactively with the ultimate aim of making the roads in East Lothian safer.

This priority supports the *East Lothian Plan 2017-27*.

We will achieve it by:

- *Working with our partners within East Lothian to identify those groups most at risk*
- *Delivering the appropriate prevention activities to those most at risk whilst being proactive and innovative*
- *Continued support of the Community Planning Partnership (CPP) Road Safety Working Group*
- *Encouraging young drivers and other groups to be responsible road users through active engagement and education.*

We will monitor progress by:

- *Reviewing and reporting on the number and type of road traffic collisions within East Lothian*
- *Reporting and evaluating the effectiveness of our partnership prevention activities.*

Expected Outcomes:

- *SFRS to have contributed towards reducing the number of people killed or seriously injured on roads in East Lothian*
- *SFRS to have contributed to the reduction of Road Traffic Collisions within East Lothian*
- *SFRS to have contributed to reducing the consequences and associated community impacts of RTC's.*

As part of a Community Partnership, we will challenge Anti-Social Behaviour

Anti-social behaviour can manifest itself in many ways and often has a significant detrimental effect on communities for a number of reasons.

The SFRS generally experience anti-social behaviour through deliberate fire setting which can sometimes manifest into physical or verbal violence to our crews. Thankfully, the latter is a rare occurrence in East Lothian, however, the figures relating to Deliberate Fire Setting are not so positive.

There is often a close link between deliberate fires and anti-social behaviour and predominately involves malicious ignition of refuse, grass, woodland. Incidents of this type accounted for approximately 16% of our operational activity over the last five years. Sadly, the SFRS in East Lothian has seen an increase of over 50% in the last 5 years. Due to the sporadic and random nature of many deliberately started fires, prevention activities are often reactive.

As a Service, we recognise our responsibility in reducing anti-social behaviour and its impact, this extends to not only fire related instances but includes other social issues such a Domestic Abuse.

This priority supports the *East Lothian Plan 2017-27*.

We will achieve it by:

- *In partnership identifying those parts of East Lothian affected by deliberate fire setting, whilst delivering effective prevention activities*
- *Acting as role models to promote good citizenship, especially with those who have or are likely to become involved in deliberate fire setting*
- *Continued support of East Lothian Safer Communities Team and the Multi Agency Risk Assessment Conference (MARAC) in relation to Domestic Abuse*
- *Exploring opportunities to lead and participate in innovative projects.*

We will monitor progress by:

- *Reviewing and reporting on the number and type of deliberate fire setting incidents within East Lothian*
- *Evaluating and reporting on the effectiveness of our youth engagement/intervention programmes and monitoring our attendance at MARAC's.*

Expected Outcomes:

- *Support the promotion of "people and place" across East Lothian*
- *Support our communities in feeling safe from crime, disorder and danger*
- *Reduce the number of attendances to fires of a deliberate nature, particularly secondary fires*
- *Reduce the adverse effects and negative impacts which deliberate fire setting has on people's lives within East Lothian.*

In partnership, we will aim to reduce the occurrence and impact of Unwanted Fire Alarm Signals.

Unwanted Fire Alarm Signals (UFAS) are defined as incidents where an automated fire alarm system activates and results in the mobilisation of SFRS when there is no fire. Whilst a small number of fire alarm signals generated are due to confirmed fire conditions, the vast majority are “false alarms”.

With UFAS accounting for over 33% of our incident activity it's clear that this places a significant burden on SFRS in terms of resources, time and associated costs.

The impact of UFAS in the wider community can be very significant in terms of business disruption, effects on health care premises, education establishments and any other non-domestic premises effected by this. The level of unnecessary blue light response journeys also increase road risks and hazards to firefighters and to the public and also have a detrimental impact on the environment through additional carbon emissions. Active and positive engagement with occupiers to take responsibility in limiting the number of UFAS incidents within their premises is integral to reducing these impacts.

We will achieve it by:

- *Investigating the cause of each UFAS call and documenting the information gained*
- *Engaging with duty holders and those responsible for fire safety management of premises to examine causes of UFAS calls and provide advice to prevent re-occurrence*
- *Look to reduce the number of fire appliances mobilised using a risk based approach to responding to automated fire alarms*
- *Maintaining a dedicated UFAS champion within the East Lothian area to oversee performance and best practice approaches to UFAS reduction.*

We will monitor progress by:

- *Reviewing and reporting on the number of UFAS calls in the East Lothian area*
- *Reviewing and reporting on risk based reductions in the SFRS weight of response to premises with automated fire alarm systems.*

Expected Outcomes:

- *Reduce the demand on the SFRS from UFAS*
- *Reduce the economic cost to commerce in East Lothian from disruption from UFAS*
- *Reduce the impact on education premises and health care facilities from UFAS*
- *Reduced vehicle movements, increasing capacity for other activity, improved road safety and reduced carbon footprint.*

Review

To ensure this Local Fire and Rescue Plan remains flexible to emerging local or national priorities a review may be carried out at any time but will be reviewed at least once every three years. A review may also be carried out if the Scottish Minister directs it or if a new Strategic Plan is approved. Following a review the Local Senior Officer may revise the Plan.

Contact Us

We are fully committed to continually improving the service we provide to our communities and recognise that to achieve this goal we must listen and respond to the views of the public and our partners.

We use all feedback we receive to monitor our performance and incorporate this information into our planning and governance processes in order to continually improve our service. We are proud that the majority of feedback we receive is positive and we are keen to hear examples of good practice and quality service delivery that exemplifies the standards of service that we strive to provide for the communities of Scotland.

If you have something you'd like to share with us or you would like more information, you can get in touch in a number of ways:

Write to: Scottish Fire and Rescue Service
 Haddington Community Fire Station
 47-49 Court Street
 Haddington
 EH41 3AE

Phone: 01620 829782

Visit our website: www.firescotland.gov.uk

Follow us on Twitter @scotfire_MELSB

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REPORT TO: East Lothian Council
MEETING DATE: 28 August 2018
BY: Depute Chief Executive (Resources & People Services)
SUBJECT: 2018-19 Quarter 1 Financial Review

5

1 PURPOSE

1.1 To inform Council of the financial position at the end of June 2018.

2 RECOMMENDATIONS

2.1 The Council is recommended to:

- Note the financial performance at the end of the first quarter of 2018-19 against the budgets.
- Note the actions as proposed in 3.12.

3 BACKGROUND

3.1 At its meeting on 13 February 2018 the Council approved a budget for 2018-19 for both General Services and Housing Revenue Account (HRA) revenue and capital, and outline budgets for subsequent financial years.

General Services Summary – Quarter 1

3.2 The approved General Services revenue budget for 2018-19 included the following:

- After providing for £23.5 million of corporate commitments, funding amounting to over £213 million to support service delivery;
- Utilisation of £2.140 million of General Reserves;
- The requirement to deliver over £5 million of recurring planned efficiencies.

- 3.3 This report sets out the financial position for the Council as at the end of June 2018 against the approved budgets. Although early in the financial year, an initial assessment of all service budgets has been made to assess the likely projected outturn at the financial year-end. However, it is important to note that such assessments are largely based upon activity to the end of June and are therefore made with a degree of uncertainty. From a financial management perspective, it is our intention to focus on early warning of potential overspending thus allowing appropriate, remedial management intervention to take place. An analysis of the financial position across service groups is set out in **Appendix 1** with further detail summarised below.
- 3.4 The Council continues to operate within a challenging financial environment that sees the continued application of a squeeze on public sector spending despite a marketplace now showing signs of increasing inflationary pressures. The financial position recorded at the end of June 2018 effectively amounts to a break even one relative to planned budgets for that period. A summary of the key challenges and risks across each of the Directorates are set out within the narrative below.
- 3.5 The **Resources and People Directorate** is reporting an underspend of around £0.36 million. The **Education Group** is reporting a collective underspend of £0.08 million (0.4%). Pressures remain within the ASL budget relating to transport and the provision of external placements, and whilst work is ongoing to mitigate these pressures, this area will be closely monitored due to both the numbers and complexity of children requiring support needs. Work is underway within the council to revise the current expansion plans in line with available resource to support the new national policy requirement to deliver 1140 hours of early learning and childcare - this will be kept under constant monitoring and review.
- 3.6 The first quarter of 2018-19 is reporting an overspend on the **Health & Social Care Directorate** of £0.44 million (3.4%). With respect to **Children's Services**, there are continued pressures including the external fostering service and the number of children placed in external placements. Plans have been developed to utilise the additional investment that was provided in 2018-19, much of which has been applied by way of early interventions that will help minimise future escalation of costs. Despite some compensating underspends across the service, it remains highly unlikely that the service will be able to contain costs within available budgets. Work is currently underway to consider options to mitigate the impact of these cost pressures both in year, and in the future.
- 3.7 The Adult Wellbeing service covers both Adults and Older People, and at the end of June is reporting an overspend of £0.334 million (3.5%). Current forecasts suggest that this gap will continue to grow with cost pressure across the service relating to commissioned care costs in both Care Homes and Care at Home, with continuing pressures and demand relating to clients with Physical and Learning Disabilities. Current projections indicate that it remains unlikely that these pressures will be contained within existing budgets. In line with the previous Council

decision to absorb the 2017-18 overspend in IJB delegated activities, discussions are already underway with the IJB and NHS Lothian to fully consider the financial implications arising from the agreed policy drive to shift the balance of care towards the community sector. There is evidence around improved patient outcomes but also mounting financial outlays within the provision of home care services and it is imperative that an appropriate framework is established to ensure appropriate resource transfer takes place. At this admittedly early stage in the year, it is nonetheless considered likely that without corrective interventions, services for adults and older people will not operate within approved budgets.

- 3.8 Within the **Partnership & Community Services Directorate**, despite a reported underspend of £0.048 million (0.5%), pressures remain in a number of service areas including: homelessness services; continuing pressure on supporting repairs and maintenance for our existing asset base and despite some improvement, we continue to see an under recovery of income relating to Coastal Car Parking.
- 3.9 The Council remains at risk from further cost pressures that are not yet reflected in the reported financial position, mainly including pay inflation. The 2018 annual pay award, effective from 1 April 2018, is yet to be agreed for any of the component staff groups. Although provision has been made within budgets in accordance with the Scottish Government's public sector pay strategy, it must be noted that should any awards be made in excess of this level, this would place a significant strain upon council finances and it would be highly unlikely this could be contained within existing budgetary levels.
- 3.10 In line with previous quarterly reports and as shown within **Appendix 1**, we have continued to provide an assessment of financial risk. Currently two service areas (Children's and Adults & Older People's) are categorised as High Risk suggesting a strong possibility that these budgets will not operate within approved limits and may face additional financial controls. Respective Heads of Service are considering appropriate remedial action.
- 3.11 We also continue to provide an assessment of progress in implementing planned efficiencies, and this is set out in more detail within **Appendix 2** of the report. At the Chief Executive's request, a new enhanced approach to monitoring efficiencies is in place, within which we continue to provide a 'RAG' assessment of the progress being made in delivering approved efficiency plans. The current assessment suggests the following summary highlights:
- Around half of the plans are 'Green' and the saving has already been achieved (circa £2.4 million);
 - Around £2.3 million are categorised as 'Amber' – suggesting that plans are in place but the delivery of these will be subject to on-going monitoring during the year (this includes delivery of the specific programme of senior management efficiencies that have also now been largely identified for 2019-20);

- The remaining balance (circa £0.3 million) has been categorised as 'Red', with a high risk that the planned saving will not be delivered in 2018-19.

3.12 Overall, the Council continues to operate within an extremely challenging financial climate and the Council is currently at risk of overspending in the 2018-19 financial year. The CMT remains actively engaged around the financial position of the Council including the delivery of planned efficiency savings, and are seeking alternative proposals to ensure that as much as possible, Council services can be contained within approved budget levels.

Housing Revenue Account Summary - Quarter One

3.13 At the end of June 2018 the Housing Revenue Account reported an underspend against planned budget of £0.576 million (14%). This position reflects higher than anticipated income, and underspends on most of the operational revenue budgets.

Details of the Housing Revenue Account capital budgets and expenditure incurred to date is set out in **Appendix 3** of this report. The total capital budget approved for HRA was £24.364 million including fees and mortgage to rent purchases. As at end of June 2018 the actual spend was £2.977 million (12%) and although early assessment by service officers suggests that the programme will deliver broadly in line with approved budget, this situation will continue to be closely monitored.

General Services Capital Summary – Quarter One

3.14 The capital budget has been re-profiled. This is an on-going process to ensure that in particular, the delivery of improvements to the education estate remains aligned to related housing and population demand projections.

3.15 **Appendix 4** sets out the 2018-19 re-profiled budgeted expenditure to the end of June 2018 with actual expenditure currently totalling £6.7 million. The net capital expenditure position is expected to outturn at £22.0 million.

3.16 The individual project budget, cumulative costs and expected outturn for the total project have now been included in a new column called "Cumulative (Totals)". The purpose of this new column is to detail the total cost of the projects especially as some of these costs will extend beyond the 5-year plan. The overall project cost is £313.7 million and expected outturn is £313.9 million with an actual spend to date of £34.2 million.

3.17 We will continue to monitor the programme closely although members should note that we expect that due to a range of external factors beyond the direct control and influence of the Council, this programme will exhibit a high degree of change. A key challenge for both officers and elected members will be to ensure that the capital programme is sufficiently dynamic that it can flex according to such variations.

3.18 The summary table below provides a narrative of the status of key capital projects.

Project	Narrative
Community Projects	<p>Town Centre Regeneration – due to extended consultation period, no external spend has occurred in 18/19. Consultants expected to begin work on detailed plan for Haddington Town Centre in next few months. Spend projected to be on budget.</p> <p>Synthetic Pitches – Relates to a community grant to Hallhill Sports Centre to replace their synthetic pitch.</p>
ICT	<p>CRM Project –Procurement process underway, system installation anticipated in 18/19.</p> <p>Corporate Booking system – Project requirements being reviewed as functionality may be provided by CRM system.</p>
Fleet	<p>Vehicles – Tender process ongoing.</p>
Open Space	<p>Waste – Machinery – Expected underspend of £25k in 18/19</p> <p>Waste – Bins – Servicing additional housing completions in year is expected to result in an overspend against budget provision.</p> <p>Cemeteries – Two sites in final stage of negotiations, with planning permissions lodged.</p> <p>Coastal Car Parks – Scope of project currently under review. Profiling of spend may therefore change.</p>
Roads, Lighting and related Assets	<p>Parking Improvements – Access issues encountered towards end of 17/18 expected to be resolved this year. Budget anticipated to be fully spent this year.</p>
Property – Education	<p>Dunbar Grammar – Contractual issues resulted in delays to the start of the project, resulting in additional legal costs. Project completion is now estimated to be October 2018, two months later than originally planned. Projected overspend of £0.23m.</p> <p>Law Primary –Works expected to be complete in August 2018.</p> <p>New Wallyford Primary – Works on target to be complete by the end of the current financial year, and school operational by financial year 19/20.</p>

Property – Other	<p>Court Accommodation – Project anticipated to commence in current year, and works will incorporate elements of New Ways of Working Projects. Budget has been reprofiled.</p> <p>Property Renewals – The profiling of the current year works contains a significant number of education projects, which take place during the summer and autumn school holidays.</p> <p>Port Seton Community Centre - Project due out to tender in next few months. Contractor expected to be appointed and project likely to start before year-end.</p> <p>Whitecraig Community Centre - Contractor appointed and is due on site in August.</p> <p>Meadowmill Depot - Project has encountered some land condition issues and is under review.</p> <p>Haddington Corn Exchange – Project in early stages of design. Spend profile under review.</p>
Capital Plan Fees	<p>Capital Plan Fees – Review ongoing to ensure where appropriate fees built into overall project costs.</p>

4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with this report although ongoing monitoring and reporting of the Council’s financial performance is a key part of the approved Financial Strategy.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – as described above
- 6.2 Personnel - none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Council 19 December 2017 – Item 4 – Financial Strategy 2018-23
- 7.2 Council 13 February 2018 – Item 2a – Administration Amendment General Services budget proposals
- 7.3 Council 13 February 2018 – Item 3 – Rent Proposals

AUTHOR'S NAME	Jim Lamond
DESIGNATION	Head of Council Resources
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DATE	17 August 2018

2018-19 Q1 Financial Review - Appendix 1

Budget Monitoring 2018/19

Service	Head of Service	Business Unit	2018/19 Budget £'000	Year to Date			Variance %	Financial Risk Assessment
				2018/19 Actual to Date £'000	2018/19 Budget to Date £'000	2018/19 Budget Variance to Date £'000		
Resources & People	Education	Pre-school Education & Childcare	6,409	4,617	4,714	-97	-2.1%	Low
Resources & People	Education	Additional Support for Learning	7,792	4,660	4,541	119	2.6%	Medium
Resources & People	Education	Schools - Primary	37,026	4,038	3,958	80	2.0%	Medium
Resources & People	Education	Schools - Secondary	39,142	7,173	7,321	-148	-2.0%	Low
Resources & People	Education	Schools - Support Services	2,134	802	833	-31	-3.7%	Low
RESOURCES & PEOPLE	EDUCATION TOTAL		92,503	21,290	21,367	-77	-0.4%	
Resources & People	Council Resources	Financial Services	1,653	659	712	-53	-7.4%	Low
Resources & People	Council Resources	Revenues & Benfits	1,977	-127	-78	-49	62.8%	Low
Resources & People	Council Resources	IT Services	2,052	393	481	-88	-18.3%	Low
Resources & People	Council Resources	Legal & Procurement	540	148	163	-15	-9.2%	Low
Resources & People	Council Resources	Human Resources & Payroll	1,509	338	355	-17	-4.8%	Low
Resources & People	Council Resources	Licensing, Admin & Democratic Services	3,576	814	879	-65	-7.4%	Low
RESOURCES & PEOPLE	COUNCIL RESOURCES TOTAL		11,307	2,225	2,512	-287	-11.4%	
RESOURCES & PEOPLE TOTAL			103,810	23,515	23,879	-364	-1.5%	
Health & Social Care Partnership	Childrens & Adults	Childrens	13,891	3,416	3,310	106	3.2%	High
Health & Social Care Partnership	Childrens & Adults	Adults	26,221	4,523	4,323	200	4.6%	High
Health & Social Care Partnership	Access & Older People	Older People	25,011	5,449	5,315	134	2.5%	High
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL			65,123	13,388	12,948	440	3.4%	
Partnerships & Community Services	Development	Planning	1,181	347	342	5	1.5%	Medium
Partnerships & Community Services	Development	Economic Development & Strategic Investment	3,136	694	694	0	0.0%	Low
Partnerships & Community Services	Development	Property Maintenance Trading Account	-763	-375	-375	0	0.0%	Low
Partnerships & Community Services	Development	Community Housing	1,982	595	575	20	3.5%	Medium
PARTNERSHIPS & COMMUNITIES SERVICES	DEVELOPMENT TOTAL		5,536	1,261	1,236	25	2.0%	
Partnerships & Community Services	Infrastructure	Facility Support Services	3,334	538	550	-12	-2.2%	Low
Partnerships & Community Services	Infrastructure	Facility Trading Activity	-154	-2,166	-2,166	0	0.0%	Medium
Partnerships & Community Services	Infrastructure	Asset Planning & Engineering	2,349	1,527	1,515	12	0.8%	Medium
Partnerships & Community Services	Infrastructure	Landscape & Countryside Management	4,934	1,621	1,722	-101	-5.9%	Low
Partnerships & Community Services	Infrastructure	Roads Network	4,507	846	747	99	13.3%	Medium
Partnerships & Community Services	Infrastructure	Roads Trading Activity	-763	-102	-102	0	0.0%	Medium
Partnerships & Community Services	Infrastructure	Transportation	1,167	-204	-204	0	0.0%	Low
Partnerships & Community Services	Infrastructure	Waste Services	7,340	1,843	1,875	-32	-1.7%	Low
Partnerships & Community Services	Infrastructure	Healthy Living	3,432	713	713	0	0.0%	Low

PARTNERSHIPS & COMMUNITIES SERVICES	INFRASTRUCTURE TOTAL	26,146	4,616	4,650	-34	-0.7%	
Partnerships & Community Services	Communities & Partnerships	Corporate Policy & Improvement	967	306	328	-22	-6.7% Low
Partnerships & Community Services	Communities & Partnerships	Community & Area Partnerships	7,157	1,410	1,390	20	1.4% Medium
Partnerships & Community Services	Communities & Partnerships	Protective Services	1,100	835	832	3	0.4% Low
Partnerships & Community Services	Communities & Partnerships	Trading Standards	226	14	57	-43	-75.4% Low
Partnerships & Community Services	Communities & Partnerships	Arts Development	692	-34	-34	0	0.0% Low
Partnerships & Community Services	Communities & Partnerships	Customer Services Group	3,038	1,043	1,040	3	0.3% Low
PARTNERSHIPS & COMMUNITIES SERVICES	COMMUNITIES & PARTNERSHIPS TOTAL	13,180	3,574	3,613	-39	-1.1%	
PARTNERSHIPS & COMMUNITY SERVICES TOTAL		44,862	9,451	9,499	-48	-0.5%	
SERVICE TOTAL		213,795	46,354	46,326	28	0.1%	

Corporate Management	Asset Management	15,708	54	54	0	0.0%	Low
Corporate Management	Corporate Income	-233,917	-94,662	-94,575	-87	0.1%	Low
Corporate Management	External Audit	312	-93	-80	-13	16.3%	Low
Corporate Management	Housing Benefit	1,380	115	0	115	0.0%	Low
Corporate Management	Renewable Energy	-71	-14	0	-14	0.0%	Low
Corporate Management	Valuation Joint Board	636	159	159	0	0.0%	Low
Corporate Management	Cycle to Work Scheme	0	20	20	0	0.0%	Low
Corporate Management	Childcare Vouchers	0	-13	-13	0	0.0%	Low
Corporate Management	Car Salary Sacrifice Scheme	0	107	107	0	0.0%	Low
Corporate Management	Pupil Equity Fund	0	0	0	0	0.0%	Low
Corporate Management	Criminal Justice Social Work Funding	1,146	0	0	0	0.0%	Low
Corporate Management	Apprenticeship Levy	508	87	85	2	2.4%	Low
Corporate Management	Pension Reserve	503	84	84	0	0.0%	Low
CORPORATE MANAGEMENT TOTAL		-213,795	-94,156	-94,159	3	0.0%	

TOTAL GENERAL SERVICES	0	-47,802	-47,833	31
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TOTAL HRA	0	-4,503	-3,927	-576	14.7%	Low
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2018-19 Q1 Financial Review - Appendix 2

Delivery of approved Budget Efficiencies

Service	2018-19		
	Achieved	Achievable	TBC
	£'000	£'000	£'000
Education	652	377	157
Council Resources	172	47	0
H&SCP	781	470	0
Communities	94	304	0
Development	93	115	0
Infrastructure	641	381	133
Corporate	0	600	0
Total	2,433	2,294	290

Savings Currently Red

Service	Proposal	Value £'000	Comments
Education	Review of School Family Support Workers	126	Saving unlikely to be delivered in 2018-19
Education	Service review of schools based technician service	31	Saving unlikely to be delivered in 2018-19
Facilities Management	Review of toilets	73	Balance of saving unlikely to be delivered in 2018-19
Facilities Management	Mailroom provision	60	Saving unlikely to be delivered in 2018-19
Total		290	

2018-19 Q1 Financial Review - Appendix 3

HRA Capital Programme

	Budgeted	Actual	Over/(Under)
	(£000s)	June 2018	(£000s)
		(£000s)	(£000s)
Modernisation Spend	11,297	2,452	(8,845)
New Affordable and Council Housing	11,010	525	(10,485)
Mortgage to Rent	769	0	(769)
Fees	1,288	0	(1,288)
Gross Total Housing Capital Spend	24,364	2,977	(21,387)

2018-19 Q1 Financial Review - Appendix 4

General Fund Capital

Key - project lifecycle indication	
1 - Feasibility	①
2 - Design	②
3 - Out to tender	③
4 - Tender Accepted	④
5 - Under Construction	⑤
6 - Operational/Retention	⑥
7 - Annual Budget allocation	⑦

Key - project status	
Project proceeding as planned	✓
Additional information - please refer to narrative	*
Minor variation to project spend - please refer to narrative	?
Significant variation to project spend - please refer to narrative	✗
Project not yet started	—

	Approved Carry Forward from 2017 /18 £'000	Annual (In-Year)				Cumulative (Totals)				Project lifecycle indication	Project Status
		Budget 2018 /19 £'000	Actual 2018 /19 £'000	Projected Outturn 2018 /19 £'000	Budget-Projected Variance 2018 /19 £'000	Total Project Budget £'000	Total Project Spend £'000	Projected Project Outturn £'000	Lifetime Budget-Projection Variance £'000		
Expenditure											
Community Projects											
Community Intervention	-	200	38	200	-	-	-	-	⑦	✓	
East Saltoun Community Hall	-	-	-	-	-	400	-	400	①	✓	
Support for Business / Town Centre Regeneration	515	905	-	905	-	3,528	224	3,528	②	*	
Synthetic pitches	0	180	-	180	-	180	-	180	④	*	
Total Community Projects	515	1,285	38	1,285	-	4,108	224	4,108			
ICT											
Replacement - CRM Project (Customer Services)	225	225	-	225	-	225	-	225	③	*	
Replacement - Corporate booking system	32	32	-	32	-	36	5	36	③	*	

IT Program	-	2,000	305	2,000	-	-	-	-	7	✓
Social Care - IT	-	9	9	9	-	85	84	84	6	✓
Total ICT	257	2,266	314	2,266	-	346	88	345	(1)	
Fleet										
Vehicles	15	1,365	14	1,365	-	-	-	-	7	*
Amenties - Machinery & Equipment - replacement	-	100	-	100	-	-	-	-	7	✓
Total Fleet	15	1,465	14	1,465	-	-	-	-		
Open Space										
Waste - Machinery & Equipment - replacement	-	40	-	15	(25)	-	-	-	7	*
Waste - New Bins	-	90	28	137	47	-	-	-	7	*
Synthetic pitches	0	-	-	-	-	100	115	100	4	✓
Pavilions - Ormiston	43	53	12	53	-	737	713	737	6	✓
Mains Farm Sports Pitch & Pavilion	4	376	5	376	-	720	19	720	5	✓
Polson Park	12	12	13	13	1	163	147	163	5	✓
Cemeteries	440	440	-	440	-	927	-	927	4	*
Core Path Plan	-	50	-	50	-	-	-	-	7	✓
Coastal Car Parks/Toilets	422	434	1	434	-	627	44	627	2	*
Coastal / Flood Protection	18	1,309	8	1,309	-	17,700	259	17,700	2	✓
Total Open Space	940	2,804	67	2,826	23	28,309	1,434	28,309		
Roads, Lighting and related assets										
Cycling Walking Safer Streets	-	142	-	142	-	-	-	-	7	✓
East Linton Rail Stop / Infrastructure	-	-	-	-	-	3,440	-	3,440	1	-
Roads	509	6,009	1,013	6,009	-	-	-	-	7	✓
Roads - externally funded projects	-	297	30	297	-	-	-	-	7	✓
Parking Improvements	489	689	5	689	-	1,592	123	1,592	2	*
Total Roads, Lighting and related assets	998	7,137	1,048	7,137	-	5,032	123	5,032		
Property - Education										
Dunbar Grammar	167	5,374	1,673	5,613	239	10,384	6,543	10,623	5	?
Dunbar Grammar LDP	-	-	-	-	-	2,950	-	2,950	1	-
Dunbar Primary - Lochend Campus LDP	-	-	-	-	-	2,844	-	2,844	1	-
Dunbar Primary - John Muir Campus	-	-	-	-	-	2,880	-	2,880	1	-
East Linton Primary	-	-	-	-	-	1,229	-	1,229	1	-
West Barns Primary	-	-	-	-	-	1,267	-	1,267	1	-
Aberlady Primary	-	116	2	116	-	918	7	918	4	✓
Gullane Primary	-	100	-	100	-	2,505	-	2,505	2	✓
Law Primary	675	1,117	474	1,117	-	8,767	8,101	8,767	5	*
North Berwick High School	-	50	-	50	-	7,881	16	7,881	2	✓

North Berwick Nursery	-	-	-	-	968	-	968	-	2	-
Knox Academy	-	-	-	-	6,590	-	6,590	-	2	-
Haddington Infant School	-	264	3	264	280	14	280	-	4	✓
Meadowpark Communications Provision	-	293	0	293	300	0	300	-	4	✓
Kings Meadow Primary - temp prov'n Letham Primary	3	3	-	3	148	137	148	-	6	✓
Letham Primary - New Build	-	230	1	230	9,158	421	9,158	-	4	✓
New Letham Primary - Extension	-	-	-	-	2,310	-	2,310	-	1	-
Ross High School	-	150	-	150	8,833	17	8,833	-	2	✓
Ormiston Primary	-	2	-	2	1,257	26	1,257	-	2	✓
Windygoul Primary	-	-	-	-	7,341	-	7,341	-	1	-
Elphinstone Primary	-	-	-	-	470	-	470	-	1	-
Macmerry Primary	-	-	-	-	810	-	810	-	1	-
Pencaitland Primary	-	-	-	-	729	-	729	-	1	-
East Saltoun Primary	-	8	-	8	247	-	247	-	2	-
Prestonpans Infant School (Early years strategy)	-	-	-	-	385	-	385	-	2	-
Prestonpans Infant School	-	699	-	699	1,277	-	1,277	-	4	✓
Prestonpans Early Learning and Childcare Centre	-	10	-	10	691	632	642	(49)	6	✓
Prestonpans Primary	-	-	-	-	190	-	190	-	1	-
Longniddry Primary	-	-	-	-	3,145	-	3,145	-	1	-
Cockenzie Primary	-	-	-	-	30	-	30	-	1	-
Preston Lodge High School (phase 1)	-	-	-	-	2,830	-	2,830	-	1	-
Blindwells Primary	-	-	-	-	15,795	-	15,795	-	1	-
St Gabriels Primary	-	5	-	5	601	-	601	-	2	✓
New Wallyford Primary	2,763	13,140	2,921	13,140	19,365	9,118	19,365	-	5	*
Pinkie St Peter's Primary	3	3	-	65	5,169	5,170	5,235	66	6	✓
Pinkie St Peter's Primary - nursery and classrooms	-	130	-	130	4,667	-	4,667	-	2	✓
Extension - Whitecraig Primary	-	-	-	-	5,280	-	5,280	-	1	-
New Craighall Primary	-	-	-	-	13,240	-	13,240	-	1	-
New Musselburgh Additional Secondary Education Provision	-	3,703	-	3,703	41,618	16	41,618	-	4	*
Musselburgh Grammar - Facilities upgrade	-	-	-	-	500	-	500	-	1	-
Whitecraig nursery provision	-	-	-	-	897	-	897	-	1	-
Tranent Early Learning Centre	-	-	-	-	4,149	-	4,149	-	1	-
Campie Primary	-	4	-	4	77	-	77	-	2	✓
Loretto Primary	-	2	-	2	36	-	36	-	2	✓
Musselburgh Primary	-	2	-	2	34	-	34	-	2	✓
Total Property - Education	3,611	25,404	5,074	25,705	301	212,545	30,215	212,801	256	

Property - Other											
Residential Care Homes Provision, subject to Older People Rev	-	5	-	5	-	1,005	0	1,005	-	1	✓
Replacement Pathways Centre	-	-	-	-	-	925	-	925	-	1	✓
Court Accommodation	-	294	-	294	-	1,930	108	1,930	-	2	*
New ways of working Programme	-	13	7	13	-	795	7	795	-	2	✓

Accelerating Growth - Enabling Infrastructure	270	270	31	270	-	50,800	1,361	50,800	-	④	✓
Property Renewals	-	1,000	33	1,000	-	-	-	-	-	⑦	*
Sports Centres	-	200	48	200	-	-	-	-	-	⑦	✓
Herdman Flat	200	200	-	200	-	200	-	200	-	①	✓
Prestongrange Museum	4	4	-	4	-	1,140	51	1,140	-	②	✓
Port Seton Community Centre	7	600	0	600	-	1,379	359	1,379	-	③	*
Whitecraig Community Centre	9	1,162	-	1,162	-	1,647	174	1,647	-	④	*
Brunton Hall - Improved Community Access	30	230	-	230	-	1,470	19	1,470	-	①	✓
Meadowmill Depot	45	170	36	170	-	1,013	54	1,013	-	⑤	*
Haddington Corn Exchange	49	299	3	299	-	850	3	850	-	②	✓
Inveresk Mills	-	150	-	150	-	150	-	150	-	⑥	✓
Total Property - Other	614	4,598	159	4,598	-	63,325	2,155	63,325	-		
Total Property - Education and Other	4,225	30,001	5,233	30,303	301	275,869	32,370	276,126	256		
Capital Plan Fees	-	1,604	-	1,604	-	-	-	-	-	⑦	*
Total Gross Expenditure	6,950	46,563	6,714	46,887	324	313,665	34,239	313,920	255		
Total Income		(24,900)	-	(24,900)	-	-	-	-	-		
Borrowing Requirement		21,663	6,714	21,987	324	313,665	34,239	313,920	255		

REPORT TO: East Lothian Council

MEETING DATE: 28 August 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Ratification of Amendments to SESplan Governance Documents

6

1 PURPOSE

- 1.1 To request that Council ratifies the decision on 25 June 2018 of the Joint Committee of the South East Scotland Strategic Development Planning Authority (SESplan) to approve amendments to the governance documents of SESplan, specifically the Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1 to this report.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council ratifies the amendments to the SESPlan governance documents in the terms of that decision of the SESplan Joint Committee.

3 BACKGROUND

- 3.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008.
- 3.2 At that time it was agreed to keep these arrangements under review. Any amendments to the documents must be agreed by the six member authorities.
- 3.3 In December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. In December 2015, the Committee agreed

amendments to the Constitution to amend the arrangements for the rotation of the Convener and Vice Convener. This also allowed for other more detailed edits to be made to the suite of governance documents. The Committee also agreed to adopt Standing Orders to assist in the management of the operation of the Joint Committee.

3.4 The current governance documents including the SESplan Constitution, Scheme of Delegation, Financial Rules and Standing Orders as previously approved in December 2015 are available on the SESplan website.

3.5 A SESplan Governance Review was undertaken by Fife Council in March 2018. This included a review of the SESplan governance arrangements (including financial rules) and a high-level overview of other SESplan systems.

3.6 The audit raised five areas where improvement could be made, of which Actions 1, 2 and 3 relate to amendments to the SESplan Constitution and Financial Rules as follows:

Action 1 - SESplan should formally consider amending its Constitution, and related procedures, to advise complainants that if not satisfied with SESplan's initial response, referral to the Ombudsman (SPSO) is available.

Action 2 - SESplan should formally consider amending its Constitution for the Joint Committee to approve the budget by December for Member Authorities to ratify in the New Year.

Action 3 - SESplan should formally consider amending its Financial Rules for it to be the SDP Manager, in consultation with the Treasurer, to submit appropriate financial monitoring reports to the SESplan Joint Committee.

3.7 Appendix 1 of the Background Paper to this report sets out the approved suite of governance documents with amendments to comply with Actions 1, 2 and 3 shown in tracked changes and also highlights some other minor and non-substantive in nature amendments, relating to minor editing and formatting of these documents.

4 POLICY IMPLICATIONS

4.1 None

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – No new requirements

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Report by Strategic Development Plan Acting SDP Manager to SESplan Joint Committee 26 June 2018.

AUTHOR'S NAME	Iain McFarlane
DESIGNATION	Service Manager, Planning
CONTACT INFO	01620 827292 imcfarlane@eastlothian.gov.uk
DATE	20 July 2018

ITEM 8 – GOVERNANCE

Report by: Alice Miles, Acting SDP Manager

Purpose

This report sets out proposed amendments to the SESplan governance documents for Joint Committee information.

Recommendations

It is recommended that the SESplan Joint Committee:

1. Approve the amended SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1;
2. Note that member authorities will be required to ratify the amended SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1 at Recommendation 1 of this report; and
3. Remit the SESplan Committee Clerk to prepare a revised SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders for execution by the SESplan member authorities on the amendments being duly ratified.

Resource Implications

As set out below.

Legal and Risk Implications

All risks are detailed in the SESplan Risk Register and reported to SESplan Joint Committee on an annual basis.

Policy and Impact Assessment

No separate impact assessment is required.

1. Background

- 1.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008.

- 1.2 At that time it was agreed to keep these arrangements under review. Any amendments to the documents must be agreed by the six member authorities.
- 1.3 In December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. In December 2015, the Committee agreed amendments to the Constitution to amend the arrangements for the rotation of the Convener and Vice Convener. This also allowed for other more detailed edits to be made to the suite of governance documents. The Committee also agreed to adopt Standing Orders to assist in the management of the operation of the Joint Committee.
- 1.4 The current governance documents including the [SESplan Constitution, Scheme of Delegation, Financial Rules and Standing Orders](#) as approved in December 2015 are available on the SESplan website.

2. Amendments to the SESplan Constitution and Financial Rules

2.1 As set out under Item 6 (Audit), the SESplan Governance Review was undertaken by Fife Council in March 2018. This included a review of the SESplan governance arrangements (including financial rules) and a high level overview of other SESplan systems.

2.2 The audit raised five areas where improvement could be made. Actions 1, 2 and 3 (set out at Table 1 and Appendix 2 of Item 6 – Audit) relate to amendments to the SESplan Constitution and Financial Rules as follows.

Action 1 - SESplan should formally consider amending its Constitution, and related procedures to advise complainants that if not satisfied with SESplan’s initial response, referral to the Ombudsman (SPSO) is available.

Action 2 - SESplan should formally consider amending its Constitution for the Joint Committee to approve the Budget by December for Member Authorities to ratify in the New Year.

Action 3 - SESplan should formally consider amending its Financial Rules for it to be the SDP Manager, in consultation with the Treasurer, to submit appropriate financial monitoring reports to the SESplan Joint Committee.

2.3 Appendix 1 of this report sets out the approved suite of governance documents with amendments to comply with Actions 1, 2 and 3 shown in tracked changes. Appendix 1 also highlights some other minor and non-substantive in nature amendments, relating to minor editing and formatting of these documents.

3. Next Steps

- 3.1 An update on the ratification of the SESplan Joint Committee decision to approve the amendments to the SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders will be brought to the next meeting of the Committee in November 2018.

Appendices

- Appendix 1 SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders with Proposed Amendments

Report Contact

Alice Miles

Acting SDP Manager

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Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Constitution

1. Strategic Development Planning Authority (SDPA) Duties, Objectives and Powers

1.1 The following planning authorities comprise the Strategic Development Planning Authority (“the Authority”) for the Edinburgh city region: the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council. This group of authorities has a statutory duty under section 4 of the Planning etc. (Scotland) Act 2006 (“the Act”) to work together and prepare, and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.

1.2 The ~~s~~Statutory duties of the Authority are to:

- (a) ~~S~~submit to Scottish Ministers, within a period of three months from designation as an SDPA, a plan showing the proposed boundary of the SDP area, with a justification statement as required by Section 5 of the Act: and
- (b) ~~p~~Prepare, monitor and keep under review a Strategic Development Plan for the strategic development plan area.

1.3 Its other aims shall be to:

- (c) ~~A~~agree programmes of joint working to deal with matters arising from above;
- (d) ~~a~~Advise and make recommendations to the six ~~m~~Member ~~c~~Councils on conformity of ~~L~~ocal ~~D~~evelopment ~~P~~lans (~~LDP~~) with the ~~Strategic Development Plan~~ and on other issues arising from the statutory duties;
- (e) ~~L~~iaise with and make representations to central Government, Scottish Enterprise and other bodies and agencies as necessary on matters of relevant to strategic planning in the SDP area;
- (f) ~~r~~Respond to and comment on development plans, planning applications and other development proposals submitted to the Joint Committee for comment by adjoining non ~~m~~Member ~~c~~Councils;
- (g) ~~r~~Receive reports from ~~m~~Member ~~c~~Councils on development management matters that raise significant issues for the spatial strategy of the SDP, or would have significant cross-boundary impacts; and
- (h) ~~T~~ake such other action as may be necessary from time to time to sustain the policies contained in the SDP.

- 1.4 The Authority is empowered to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of these aims and objectives. Unlike ~~r~~Regional ~~t~~Transport ~~p~~Partnerships, primary and secondary legislation confers no independent powers to SDPAs. Specifically, the ~~SDPA~~Authority has no legal power to borrow money, give grants, employ staff, acquire land or enter into contracts. Where these are necessary, a constituent council will perform these functions on behalf of the ~~SDPA~~Authority.

2. The Joint Committee

- 2.1 The duties of the Authority will be carried out by a joint committee of members representing the constituent authorities. This will be called the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (“the Joint Committee”). The following provisions set out a constitution for the Joint Committee.

3. Joint Committee Constitution

- 3.1 The Joint Committee shall have twelve members, to be appointed from the members of the six ~~m~~Member ~~c~~Councils. Each ~~m~~Member ~~c~~Council shall appoint two members to the Joint Committee.
- 3.2 The “constituent authorities” means the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

4. Appointment of Members by Member Councils

- 4.1 Each of the ~~m~~Member ~~c~~Councils shall appoint members to the Joint Committee and such members shall stay in office until re-appointed or replaced by the ~~m~~Member ~~c~~Councils. Each of the ~~m~~Member ~~c~~Councils, following an Ordinary Election, shall as soon as practicable appoint or re-appoint members.
- 4.2 A local authority member shall cease to be a member of the Joint Committee when he or she ceases to be a member of the constituent council which appointed him/her or on the appointment of another member in his/her place.
- 4.3 The Joint Committee shall have the ability to co-opt additional non-voting members to represent other interests or provide specialist expertise, for example a representative from the regional transport partnership.

5. Appointment of Convener and Vice Convener

- 5.1 The Joint Committee shall be convened and chaired by one authority, which said role will commence on January 1 of the relevant year. The role will rotate every two years. The sequence of rotation of this role will be alphabetical by ~~c~~Council, unless otherwise determined by the Joint Committee.

5.2 The Joint Committee shall, at its final meeting in the second year of the Convenor's term of office appoint a Convener from the Committee members representing the authority which will next convene and chair the Joint Committee, to hold office for two years. The Joint Committee shall appoint a Vice-Convenor from the Committee members representing the authority to next take on the role of convening and chairing the Joint Committee, to hold office for two years.

5.3 The Convenor, (or in his/her absence, the Vice-Convenor) shall preside at any meeting. In the absence of (both) the Convenor and the Vice-Convenor, the members shall appoint another member to chair the meeting.

5.4 The administration of the Joint Committee will be the responsibility of the authority convening and chairing the Joint Committee.

6. Substitution

6.1 Any member of the Joint Committee may be represented by another member of the same authority.

6.2 A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

7. Vacancies

7.1 Where a casual vacancy occurs the ~~m~~Member ~~c~~Council shall appoint a new member.

7.2 Where a vacancy occurs in the case of the Convenor, the Vice-Convenor shall assume the office of Convenor until the anticipated expiry of the outgoing Convenor's term of office.

7.3 Where a vacancy occurs in the case of the Vice-Convenor, the Joint Committee shall appoint a replacement until the anticipated expiry of the outgoing Vice-Convenor's term of office.

7.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or vacancies amongst members or any defects in the method of appointment of any of its members.

8. Quorum

8.1 The quorum of the Joint Committee shall be four, provided that not less than three ~~m~~Member ~~c~~Councils are represented.

9. Meetings

9.1 The Joint Committee shall meet not less than 2 times per year.

- 9.2 The Convener, in consultation with senior officers of the Member Councils shall fix the date, time and place of meetings, subject to any previous agreement by the Joint Committee.
- 9.3 A member council can request a special meeting in exceptional circumstances where a matter requires to be considered by the Joint Committee sooner than the schedule permits.
- 9.4 Meetings shall be held in public and the Local Government (Access to Information) Act 1985 shall apply.
- 9.5 All matters coming before the Joint Committee shall be decided by the majority of members present and voting thereon. In the case of equality of votes, the person presiding at the meeting will have a second or casting vote, except in the case of appointment of members, in which case the decision shall be by lot.
- 9.6 The Joint Committee, on simple majority, shall have the power to make representation on strategic planning matters and related issues to mMember Ccouncils or, where appropriate, the Scottish Government and other organisations. Documents can be published, and evidence given, in the name of the Joint Committee with the agreement of all mMember cCouncils. Individual councils have the right to separately put forward contrary views.
- 9.7 The Joint Committee shall have the power to adopt standing orders regulating its business.
- 9.8 Senior officers of each authority will have the right to submit individual reports and recommendations to the Joint Committee.

10. Professional Support

- 10.1 Professional support for the work of the Joint Committee shall be provided by an Strategic SDevelopment Plan Manager and a small dedicated team of officers. The SDP Manager will be managed by a project board comprising senior officers from each of the mMember councils. Its duties shall include agreeing reports to be presented to the Joint Committee.
- 10.2 From time to time, planning officers and technicians in the mMember cCouncils may be required to provide professional and technical support to the work of the small dedicated team.
- 10.3 The mMember cCouncils shall use their reasonable endeavours to meet any request from the Joint Committee or the SDP Manager for the secondment of appropriate/relevant staff to help prepare, monitor and review the SDP. Any such secondment will be on terms as may be agreed between the mMember cCouncil and the Joint Committee.

11. Financial Arrangements

- 11.1 The Joint Committee shall have no dedicated budget of its own. Financial support will be provided by the ~~m~~Member ~~c~~Councils on the basis of an equal, one-sixth share of all costs incurred in relation to the Joint Committee and its operations.
- 11.2 The level of financial devolution will be kept under review by the Joint Committee and can be amended with the agreement of all ~~m~~Member ~~c~~Councils.
- 11.3 For employment law purposes and to aid financial accountability, one SDPA ~~m~~Member ~~c~~Council will act as the employing authority, to be agreed by the ~~m~~Member ~~c~~Councils. The ~~m~~Member ~~c~~Councils will pay to that council one-sixth of the total costs reasonably incurred by it in connection with employing the dedicated team.
- 11.4 Financial contributions from the constituent authorities to the work of the Joint Committee generally, not including dedicated team staff costs, will be channelled through one council, to be agreed by the ~~m~~Member ~~c~~Councils.

12. Scheme of Delegation

- 12.1 The Joint Committee will agree a Scheme of Delegation with the ~~m~~Member ~~c~~Councils. This will define the nature and amount of authority delegated from those councils to the Joint Committee, and from the Joint Committee to officers.
- 12.2 All major decisions, for example about the content of the ~~Strategic Development Plan~~, but with the exception of submission of the Proposed Plan to Scottish Ministers when no ~~m~~Modifications are proposed, will require to be ratified by each of the six constituent member authorities. The level of delegated authority to the Joint Committee from Member Councils, and from the Joint Committee to officers, shall be governed by a separate Scheme of Delegation to be agreed by the councils.
- 12.3 The Scheme of Delegation will be kept under review by the Joint Committee and can only be amended with the agreement of all the ~~m~~Member ~~c~~Councils.

13. Commencement and Variation

- 13.1 This constitution shall be deemed to have commenced on ~~2 September 2016~~ 10 October 2016 and may be varied only by the agreement of all the ~~m~~Member ~~c~~Councils.

14. Consulting on Planning Proposals

- 14.1 The Joint Committee shall have an advisory role in relation to planning proposals referred to it by ~~m~~Member ~~c~~Councils.

15. Annual Report

15.1 The Joint Committee will prepare an annual report on its work to each of the ~~m~~Member ~~c~~Councils and present this within the annual Planning Performance Framework on or around the 31 July each year. ~~on or around 31 August each year.~~

16. Complaints

16.1 If after the submission of a complaint, any person(s) is not satisfied with the outcome of any investigation undertaken and / or the information contained in the response by the Authority, they have the right to contact the Scottish Public Services Ombudsman at:

SPSO, 4 Melville Street, Edinburgh, EH3 7NS

SPSO, Freepost EH641, Edinburgh, EH3 0BR

Freephone: 0800 377 7330

www.spsso.org.uk/contact-us

<http://m.spsso.org.uk>

Edinburgh and South East Scotland Strategic Development Plan Joint Committee: SESplan Financial Rules

General

These rules apply to the operation of SESplan's finances. SESplan is the strategic development planning authority for Edinburgh and South East Scotland. Its membership comprises East Lothian Council, City of Edinburgh Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council ("the member councils").

All transactions will be conducted in accordance with Fife Council's regulations, schemes and procedures.

Partner Liability

Fife Council, as Lead Authority, will adopt the role of "Partnership Banker" and will pay all legitimate approved expenditure including staffing & premises costs and hold all partnership balances which will be carried forward to the next financial year, unless agreed otherwise by the Joint Committee.

Fife Council will ensure that any monies that it receives on behalf of SESplan under its role as 'Partnership Banker' are clearly identified within its accounts and recorded separately from the rest of the Council's finances. Interest charged/accrued on any credit or debit on the SESplan budget will be retained within the identified SESplan accounts.

All partner authorities are liable equally for all legitimate approved expenditure and any other liabilities incurred. All partner authorities also have equal ownership over any SESplan assets.

Fife Council will invoice the ~~other Partner Authorities~~ member councils at the beginning of each financial year to obtain their total annual contribution to the agreed SESplan budget.

This invoice will include VAT at the appropriate rate.

In the event that another ~~partner authority~~ member council incurs legitimate approved expenditure directly then they must invoice Fife Council, with VAT, to recover this. This expenditure will then be included in SESplan's costs.

Budget Setting

Operating Budgets for the next financial year should be proposed by the Strategic Development Plan (SDP) Manager, approved by the SESplan Joint Committee ~~and ratified by the member councils~~ by the end of December and that decision ratified by the member councils as soon as practicable thereafter.

Authorising Expenditure

All expenditure relating to the SESplan budget is the responsibility of the ~~Strategic Development Plan~~DP Manager and must be within budgets agreed by the Project Board.

No official may incur any expenditure beyond the agreed SESplan budget unless it has firstly been approved by the Project Board, in accordance with the SESplan Scheme of Delegation.

Suppliers' Invoices

The ~~Strategic Development Plan~~ Manager will be responsible for ensuring that invoices are properly certified for payment and for approving other officers who may authorise invoices and the limits of their authority.

All ~~h~~invoices must be made out to Fife Council, to ensure payment. Any ~~h~~invoices that are made out to the partnership directly or any other authority cannot be paid by Fife Council.

External Funding

Any external funding received in connection to the project from Central Government, Local Government and any other sources will be held by Fife Council.

Salaries and Wages

Appointments of all employees shall be made in accordance with the procedures approved by Joint Committee through the SESplan scheme of delegation and accord with the approved establishment, grade and rates of pay.

The processing and payment of salaries and wages shall be done through Fife Council's bureau payroll system.

Legitimate travel, hospitality and other expenses incurred in the course of duty, shall be reimbursed through Fife Council's bureau payroll system.

Audit

Expenditure & income will be recorded within Fife Council's financial ledger and will be audited by an independent auditor under Part VII of the Local Government (Scotland) Act 1973. Fife Council's internal audit service will act as SESplan's internal auditors.

Reporting Requirements

Every SESplan Joint Committee report is required to include the financial consequences of proposals for the current and future years to be stated.

The SDP Manager in conjunction with the Treasurer, who will be an identified employee of Fife Council, ~~in conjunction with the Strategic Development Plan Manager,~~ is required to submit detailed monitoring reports to the SESplan Joint Committee twice a year, with one occasion being at the end of each financial year. These reports will compare actual expenditure to date and projected/final outturn expenditure with the budget position.

Further Information

For further information regarding these Financial Rules, please contact Jackie Johnstone (Accountant – Economy, Planning & Employability Services, Enterprise & Environment Business Partner Team) ~~Lesley Burnie (Finance),~~ Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. Telephone - 03451 555 555 extension 44~~4128~~0959. Email ~~lesley.burnie~~ jackie.johnstone@fife.gov.uk.

1. **Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Scheme of Delegation**

Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

1.1 **Commencement of the Scheme**

The scheme shall commence and have effect as from ~~2 September 2016~~ **10 October 2018**.

1.2 **The Interpretation of the Scheme**

In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member ~~c~~Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority (~~SDPA~~) for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

1.3 **Alteration of Scheme**

This scheme of delegation will be kept under review and can be amended with the agreement of all ~~m~~Member ~~c~~Councils.

2. **Delegation from Member Councils to SESplan**

2.1 Member ~~c~~Councils delegate to the joint committee (“SESplan”) the power to discharge the following functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

2.3 Delegation covers:

- (a) Approving responses to relevant consultations from other bodies;
- (b) Managing work on Strategic Development Plan (SDP) preparation, monitoring and review;
- (c) Initiating public consultation and stakeholder engagement;
- (d) Setting a programme for relevant studies to assist in the preparation of the SDP;
- (e) Recruiting and managing staff in the SDP project team;
- (f) Arrangements for team premises;
- (g) Authorising spending within the financial parameters set out by the separate agreement on finance;
- (h) Advising on planning proposals referred to the Joint Committee by member councils;
- (i) Advising and making recommendations to the mMember cCouncils on conformity of local development plans (LDP) with the strategic development plan;SDP;
- (j) Approving background documents to the Strategic Development Plan including background technical papers, Equalities Impact Assessment, sSchedule of rResponses to the Main Issues Report, Monitoring Statement and the Development Plan Scheme;
- (k) Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation; and
- (l) Adopting and updating the Action Programme.

2.4 Reports will be submitted to individual mMember cCouncils, for information only, on substantive decisions taken and action authorised under delegated authority.

2.5 At the stage of submitting the pProposed pPlan to Scottish Ministers the Joint Committee can decide, following consideration of representations received during the statutory period for representations, to submit the pProposed pPlan without making any modifications. In addition to those functions listed at 2.3 above, where, and only where, the Joint Committee decide to make no changes, then the Joint Committee is authorised under delegated authority to submit the pProposed pPlan and sSummary of uUnresolved iIssues directly to Scottish Ministers without requiring the decision to be ratified by the mMember cCouncils.

2.6 Other than those matters detailed in 2.3 and 2.5 above, and that matter detailed in 2.6A below, all other major decisions on SDP content will require to be ratified by all six Member Councils.

2.6A When the proposed plan is to be submitted to Scottish Ministers, the 2006 Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives. Therefore when the proposed plan is being submitted to Ministers (otherwise than in accordance with paragraph 2.5 above) ratification by at least four out of the six ~~m~~Member ~~c~~Councils will be required to allow the proposed plan to be submitted to Ministers

2.7 **Urgent Matters**

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

2.8 **Disputes**

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual ~~m~~Member ~~c~~Councils. This provision does not apply in the circumstances of paragraph 2.5 above.

3. **Delegation from SESplan to Officers**

3.1 SESplan delegates to officers:

(a) Recruitment of the ~~Strategic Development Plan~~ manager and project team, so long as such posts are within the approved structure and budget;

(b) Day to day management of staff in the SDP project team;

(c) Liaison with and representation of SESplan to ~~central the Scottish g~~Government and other bodies as necessary on matters relating to the SDP area;

(d) Implementation of financial resources as authorised by SESplan;

(e) Preparation of SDP up to drafting main stage outputs:

i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all ~~m~~Member ~~c~~Councils.

ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by ~~m~~Member ~~c~~Councils.

iii. Modification of proposed plan – subject to approval by SESplan and ratification by all ~~m~~Member
~~c~~Councils

(f) Initiation and management of consultation exercises subject to agreement of SESplan;

(g) Responding to relevant consultations from other bodies; and

(h) Commissioning studies to assist in the preparation of the SDP.

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

3.3 **Urgent Matters**

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.

STANDING ORDERS

of

**THE EDINBURGH AND SOUTH EAST SCOTLAND
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE**

These Standing Orders shall apply and have effect on and from the day they are adopted by the Joint Committee with such amendments as may be made by the Joint Committee from time to time. These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

PART I

MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Days and Times of the Meetings

1. (1) The ordinary meetings of the Joint Committee shall be held in accordance with the timetable to be determined by the Joint Committee.
- (2) All other meetings of the Joint Committee shall be held at such place and on such date and at such hour as the Joint Committee may, from time to time, direct.
2. The Convener, or, in his or her absence, the Vice-Convener, may in special circumstances (of which the Convener or the Vice-Convener, as the case may be, shall be the sole judge) alter the date of any ordinary meeting of the Joint Committee.

Special Meetings

3. The Clerk shall call a meeting of the Joint Committee at any time on being required to do so by the Convener or, in his or her absence, the Vice-Convener, or on receiving a requisition in writing for that purpose signed by at least three members of the Joint Committee specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.

Calling of Meetings

4. (1) Notice of all meetings of the Joint Committee shall be given by the Clerk and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) Not less than three clear days before a meeting of the Joint Committee a summons to attend the meeting, specifying the business to be transacted there at and signed by the Clerk shall be left at or sent by post either to the usual place of residence of every member of the Joint Committee or Sub-Committee thereof or (if a member gives notice in writing to the Clerk that he or she desires summonses to be sent to some address specified in the notice other than his place of residence) to that other address.

- (3) Want of service of a summons on any member of the Joint Committee shall not affect the validity of a meeting of the Joint Committee.

Quorum

5. No business shall be transacted at a meeting of the Joint Committee unless four members representing no less than three of the ~~four~~six constituent Councils are present.

Order of Business

6. The business of the Joint Committee at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
- (a) Minutes of the Joint Committee and Committees and Sub-Committees thereof.
 - (b) Ordinary business including business on agenda at the request of members.
 - (c) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 7.

Matter of Urgency

7. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
- (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973) is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Convener / Vice Convener

8. A Convener and a Vice-Convener shall be appointed by the members of the Joint Committee at its first meeting. The Convener and Vice-Convener shall not both be persons appointed by the same Council. The Convener, if present, shall preside at meetings of the Joint Committee and in his or her absence the Vice-Convener shall preside. If both are absent another member of the Joint Committee, chosen by the members present, shall preside.

Powers and Duties of Convener

9. It shall be the duty of the Convener:-
- (a) to preserve order, and to ensure that every member of the Joint Committee shall have a fair hearing;
 - (b) to decide all matters of order, competency and relevancy;
 - (c) to decide between two or more members of the Joint Committee wishing to speak by calling on the member who has first caught his or her [eyeattention](#); and
 - (d) to ensure that due and sufficient opportunity is given to members of the Joint Committee who wish to speak to express their views on the subject under discussion, [and at the request of Members, the Chair of the SESplan Project Board](#).
10. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
11. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption.

Membership

12. (1) With regard to the allocation of places on the Joint Committee, should it be necessary or expedient for any of the constituent authorities to change their nominated representatives at any time, other than at the meeting of the Joint Committee immediately following an election, it shall be competent for such changes to be intimated to the Joint Committee and the change shall have effect from the next meeting of the Joint Committee.
- (2) Notwithstanding the provisions of any Standing Order, it shall be competent for substitutions to be intimated and effected for individual meetings of the Joint Committee.

Suspension of Members

13. If any member of the Joint Committee disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Joint Committee so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the

Convener be removed from the meeting by a Joint Committee officer or by any other person authorised by the Convener to remove him/her.

Adjournment

14. (1) In the event of disorder arising at any meeting of the Joint Committee, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Joint Committee may afterwards fix, and the quitting of the chair by the Convener shall be the signal that the meeting is adjourned.
- (2) The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Joint Committee or, in his or her absence, the Vice-Convener, may thereafter fix.
- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

Reception of Deputations

15. (1) All applications requesting the Joint Committee to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Clerk at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.
- (2) An application requesting the Joint Committee to receive a deputation shall in the first instance be submitted to the Joint Committee and the deputation shall, if so resolved, be received and heard by the Joint Committee.
- (3) No deputation exceeding ten in number shall be received by the Joint Committee.
- (4) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (5) Any member of the Joint Committee may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Joint Committee discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

Order of Debate

16. (1) Any member of the Joint Committee desiring to speak at any meeting of the Joint Committee shall indicate accordingly and when called upon shall address the Convener, and direct his/her speech:-
 - (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
 - (b) to a point of order; or
 - (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

Motions and Amendments

17. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.

Closure of Debate

18. A motion that the debate be adjourned, or that the question be now put, may be made at any stage of the debate, (not being in the course of a speech), and such motion, if seconded, shall be the subject of a vote without further debate.

Method of Voting

19. (1) The vote of the Joint Committee shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Clerk has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.
- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Clerk is directed to the return of such member before the result of the division has been intimated.

Casting Vote

9. Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Joint Committee shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Joint Committee to any particular office or Committee, in which case the decision shall be by lot.

Points of Order

20. (1) Any member of the Joint Committee may, at any meeting of the Joint Committee, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they are making a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Joint Committee shall cease speaking, and the member who makes the point of order shall, when he/she has concluded, also cease speaking. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Joint Committee at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

Inclusion of Business on Joint Committee Agenda at the Request of Members

21. Subject to the provisions of the Local Government (Scotland) Act 1973 any Member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the Clerk in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

Alteration or Revocation of Previous Resolution

22. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Joint Committee shall be altered or revoked except by a subsequent resolution made by the Joint Committee and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Joint Committee. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) The alteration or revocation of any resolution of the Joint Committee shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

Admission of Press and Public

23. (1) Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Joint Committee shall be open to the public and press.
- (2) The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act.
- (3) The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and

(b) state, in terms of the Act the category or categories of exempt information concerned.

Suspension of Standing Orders

24. It shall be competent, subject to the provisions of Standing Order 32(2), for a member of the Joint Committee at any time to move the suspension of any Standing Order as far as applicable which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

The Ethical Standards in Public Life Etc. (Scotland) Act 2000

25. All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.

PART II

CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

Appointment of Sub-Committees

26. The Joint Committee may, as they shall deem necessary from time to time, appoint Sub-Committees for the fulfilment of any of the functions of the Joint Committee.
27. The Constitution of Standing Sub-Committees shall, so far as is practicable, reflect the geographical balance of the Joint Committee's membership.

Membership of Sub-Committees

Delegation to Sub-Committees

28. Subject to the provisions of the constitution, any enactment and of any Statutory Order, Instrument, or Scheme, the Joint Committee may at any time delegate any function to a Sub-Committee or a [Chair of the SESplan Project Board and his / her nominee](#)~~Principal Officer of the Joint Committee~~.

Quorum of Sub-Committees

29. Unless otherwise stipulated by the Joint Committee the quorum of all Sub-Committees shall be four.

PART III

REVISION OF STANDING ORDERS

- (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders may be altered or revoked at any ordinary meeting of the Joint Committee, if at least seven days prior notice of the motion is given to the Clerk and the motion for alteration or revocation is supported by a majority of the Joint Committee present and voting.

- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Joint Committee.

REPORT TO: East Lothian Council
MEETING DATE: 28 August 2018
BY: Chief Social Work Officer
SUBJECT: Chief Social Work Officer Annual Report 2017/18

7

1 PURPOSE

- 1.1 To provide Council with the Annual Report of the Chief Social Work Officer (CSWO) 2017/18 on the statutory work undertaken on the Council's behalf. The report also provides Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

2 RECOMMENDATIONS

- 2.1 Council is asked to note the 2017/18 Annual Report of the Chief Social Work Officer.

3 BACKGROUND

- 3.1 The requirement that every local authority should have a professionally qualified CSWO is contained within Section 45 of the Local Government (Scotland) Act, 1994. The particular qualifications are set down in regulations. This is one of a number of officers, roles or duties with which local authorities have to comply. The role replaced the requirement in Section 3 of the Social Work (Scotland) Act, 1968 for each local authority to appoint a Director of Social Work.
- 3.2 This report is prepared in line with the national guidance - *The Role of the Chief Social Work Officer* - published by the Scottish Government in 2016. Further, this report fulfils a statutory requirement for the CSWO to produce an annual report on the activities and performance of the social work service within East Lothian.
- 3.3 The CSWO Advisor to the Scottish Government, in consultation with CSWOs, the Care Inspectorate, Social Work Scotland and the Scottish

Government, created this template for the annual CSWO report. This template is designed to create parameters around the information provided. It does not ask for new information to be produced but is designed to draw out key information in a more focussed way and to create a more analytical and reflective report.

4 POLICY IMPLICATIONS

- 4.1 This report covers all statutory requirements including child protection, adult protection, criminal justice (including MAPPA, and violence against women and girls. Commentary and analysis on the Health and Social Care Partnership is also included.
- 4.2 During 2017/18 social work services have continued to receive high numbers of referrals across all departments. Further, presenting needs are becoming more complex. These pressures need to be addressed within the confines of austerity measures and efficiency targets.
- 4.3 Our task is to learn how to manage our demand better, within safe and sustainable services. We also need to demonstrate that we are being effective and achieving outcomes.
- 4.4 A transformation programme is assisting the HSCP to become more efficient and effective in terms of smarter ways of working. We are now needing to identify how we can reduce barriers within the different professional roles and services so that we can deliver services on a partnership basis.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 The CSWO Annual Report 2017/18 is attached.

AUTHOR'S NAME	Fiona Duncan
DESIGNATION	Chief Social Work Officer
CONTACT INFO	(01620) 827897
DATE	17 th August 2018

EAST LOTHIAN COUNCIL

CHIEF SOCIAL WORK OFFICER

ANNUAL REPORT

2017/18



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1. Care Homes: Inspection Outcomes

SUMMARY OF PERFORMANCE

KEY CHALLENGES, DEVELOPMENTS AND IMPROVEMENTS

DURING 2017/18

1. The Chief Social Work Officer Annual Report 2017/18 provides an overview and summary of social work and social care delivery, achievements and challenges within East Lothian. Whilst I have to report on the statutory functions, particularly child, adult and public protection, I will be able to do so in the context of the Health and Social Care Partnership. This will allow me scope to look at services being provided to the most vulnerable people in the county through East Lothian Council services and those delegated to the Integrated Joint Board.
2. Significant advances have been made since the formation of East Lothian's Integrated Joint Board (inaugural meeting in July 2015), and the Health and Social Care Partnership which became operational in October 2016. Our challenge for 2017/18, was to demonstrate improved and more efficient ways of working through better planning and delivery of services. Ultimately, better outcomes for clients were to be achieved through smarter and more effective and efficient partnership working.
3. Throughout this period, the council has continued to operate within a very challenging financial climate and within that, significant and ongoing budgetary pressures across adult and children's social work services. This has highlighted the need for a programme of transformational change in order to achieve identified efficiencies and ensure we have sustainable and safe services that will allow us to meet our statutory duties towards vulnerable people.
4. During 2016/17 the care at home service for all adult client groups, was remodelled and new contracts procured. We implemented the new framework during 2017/18, with many clients transitioning over to new providers. This has been a significant and successful achievement for all staff working in adult social work due to the need to re-assess all clients, within an agreed timescale. This work has now been completed.
5. During the year, key financial and decision making processes have been reviewed and refined to improve quality of practice, efficiency and strengthen budget control measures. For example, in order to address the longstanding challenge of increasing and maximising capacity within the care at home provision across the county, we introduced the collaborative allocations process. Partner agencies (eg. care brokers, independent and voluntary sector care at home providers, the NHS, ELC home care service,) meet regularly to agree priority care packages and how to deliver services more efficiently making best use of time and travel and the care available across our different localities. Since the introduction of this process, there has been a 50% reduction in undelivered support each week.

6. The Night-Time Support Project made significant strides in 2017/18. All clients who received night-time support (eg. sleepovers – shared/single; waking nights; etc) were reviewed. Over the past year, we have been able to reduce costs through better use of technology and more efficient use of shared staffing arrangements.
7. The health and social care partnership has continued to perform strongly in moving people out of hospital in a timely manner, avoiding delayed discharge and improving the balance of care. A key priority for 2018/19 will be to negotiate an appropriate resource transfer in recognition of this performance that will allow us to further develop our community resources.
8. During 2017/18 we have worked alongside colleagues in housing and the 3rd sector to equip a dementia friendly "Wellbeing Hub" based at Wellwynd Sheltered Housing, Tranent. On display is a range of Community Alarm /Telecare and Occupational Therapy equipment. The plan is to have new mainstream SMART technology on site, to demonstrate how it may be used to help provide support at home. The focus of the Hub will be to support and promote changing models of service delivery including Technology Enabled Care, Self- Management, Rehabilitation and Early Intervention with East Lothian Citizens and staff.
9. Demand for supports and services for young people and adults with complex needs continues to rise, contributing to significant budget pressures. Staff across adult and children's services are working to improve the transitions pathways and forecast future need and use this to inform our specialist housing and support services. We have embarked upon a programme to develop new models of community support for adults with complex needs and mental health problems. By developing new models, our aim is to ensure that services assist clients to achieve their outcomes and potential and we have a service that can meet current and future demand.
10. The Shared Lives Scheme enables adults with learning disabilities to live with a family or individual in the community (whether for day support, respite, or a more permanent basis). The governance structure is currently being reviewed and developed. Ultimately, this review will help build capacity through the development of short breaks and respite capacity as well as the recruitment of new carers. Our aim is to develop the transitions pathway for transferring Foster Carers to Shared Lives. With this, will be the development of a Shared Lives Champions Network. The success of the Children's Champions Board has been the driver for this model.
11. The National Mental Health Strategy (2017-2027) has provided a framework for a number of consultation events held throughout 2017 to develop an East Lothian mental health strategy and implementation plan. The themes identified in the national strategy provide the structure for our local work – Prevention and Early Intervention; Access to treatment and joined-up accessible services; the physical wellbeing of people with mental health problems; and rights, information use and planning.
12. In 2015, Council took the decision to place the children's wellbeing service within the operational management of the Health and Social Care Partnership, but chose to retain strategic, statutory, and financial and governance powers over children's services. A decision is now required about the position of children's

services and there is a need to establish whether the strategic and operational effectiveness can be maximised with it remaining in the Council or becoming a delegated function within the IJB. This work is underway and will report with recommendations in October 2018.

13. Referrals to children's wellbeing, numbers of children needing to become looked after, both at home and away from home increased throughout 2017/18. There is a need to examine the current and forecasted future demand for services and consider the effectiveness of GIRFEC and partnership approaches to early intervention and prevention in universal services as the key driver for reducing reliance on social work as a targeted service.
14. The East Lothian Local Outcome Improvement Plan for Community Justice was accepted by Community Justice Scotland in April 2017. This plan acknowledges the disproportionate number of people in the criminal justice system in East Lothian affected by poverty, mental health issues, and substance misuse problems. The plan focuses on improving outcomes for clients with these issues. We will report to Community Justice Scotland later in 2018 via the first Community Justice Annual Report, which will detail our plan's progress.
15. The IJB will soon produce its Annual Report for 2017/18. The Directions for 2018/19 have been agreed and sent to the Council and NHS Lothian. Within these Directions, the Strategic Change Board has been established and will now provide accountability and drive transformational change. Priority Project Boards include: the IJB Strategic Plan 2019-22; Primary Care; Adults with Complex Needs; Mental Health and Addictions; Shifting the Balance of Care; and Re-Provision Programmes. Through these, the IJB has a crucial role in ensuring that all workstreams and services are making progress on agreed outcomes, and that the partnership is making the most efficient and effective use of resources.
16. Alcohol use and the subsequent issues that can arise from problematic use, is an increasing concern issue within East Lothian. Treatment services reporting 189 new service users with support needs related to alcohol during this financial year. It is estimated that there are some 1800 children living with a parent who has some form of problematic alcohol use.
17. In 2016, there were 11 deaths recorded as drug related deaths within East Lothian. In 2017, this was recorded as 20. Agencies met to complete Drug Related Death Reviews (DRDs) with the findings of these detailed in NHS Lothian DRD reports. In response to findings, Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) developed and produced a leaflet in relation to the drug 'Xanax' as this had featured in deaths during the first six months of the year. Further, a Naloxone Programme was rolled out to family members of drug users as well as staff who have contact with clients. This medication can be given to individuals who are having an opiate overdose, thus saving their life.
18. The Scottish Historical Child Abuse Inquiry was set up on 1st October 2015 to look at the abuse of children in care. Towards the end of 2017, East Lothian received legal notification that compensation claims were to be pursued for individuals who had allegedly suffered abuse whilst in care within the county – many of whom will have been placed in the area by other authorities. These claims date back to the 1970's and 80's. Significant work has been undertaken as

a result, including confirmation/clarity regarding insurance company details; client file location; etc. These matters are continuing.

19. Poverty continues to be a key driver of inequality for some of East Lothian citizens. East Lothian was identified by the Government to be a pilot site for the introduction of Universal Credit Full Digital Service (UCFS) by the Department of Work and Pensions on 23rd March 2016. Since the introduction of UCFS, there has been a significant rise in rent arrears; debt owed by tenants claiming Universal Credit; and a continuing rise in referrals being made to East Lothian Foodbank. Staff working in the Rent Income service have raised concerns about the vulnerabilities that clients are presenting with, particularly mental health issues, addictions, literacy and financial difficulties.
20. To improve the economic status within East Lothian, the Local Development Plan seeks to grow East Lothian's economy by encouraging employment generating development in town centres and on existing and proposed employment and business sites. Delivery of such development is key to securing sustainable and inclusive economic growth and job creation. The Plan takes a practical and flexible approach to support a wide range of appropriate economic development uses in sustainable locations, whilst safeguarding existing business uses.

PARTNERSHIP WORKING – GOVERNANCE AND ACCOUNTABILITY ARRANGEMENTS

21. The Chief Social Work Officer (CSWO) role within East Lothian remains embedded in the Group Service Manager post for Adult Statutory Services. The CSWO reports directly to the Chief Executive of East Lothian Council and to the Director of the Health and Social Care Partnership (HSCP).
22. Following the implementation of the Integration Joint Board (IJB) in 2016/17, it was agreed that in East Lothian, Adult Social Work Services (including the Criminal Justice Service) would be delegated functions of the IJB. Children's Services are not a delegated function although are managed through the Health and Social Care Partnership (HSCP).
23. In 2015, Children's Services were placed within the operational management of the Health and Social Care Partnership, but the Council chose to retain strategic, statutory, financial and governance powers over children's social work service. The future positioning of the service is currently being considered with a recommendation expected later in 2018. The CSWO is a member of the Children's Strategic Partnership and the Looked After Children Corporate Parenting Group. These formal meetings provide strategic direction and accountability.
24. The CSWO will have a crucial role in ensuring that safe and effective practice continues to be embedded and monitored within the agreed Children's Services structure due to the different professional governing bodies as well as different agencies and teams.
25. East Lothian and Midlothian Councils have joint Public Protection arrangements including a joint public protection committee structure. The CSWO sits on the overarching body which is the Critical Services Oversight Group (CSOG). This group's membership consists of senior officers including Chief Executives from both Local Authorities; both CSWOs; Chief Officers from the IJB; and Senior Police, Fire Service, Health and Heads of Children and Adult Services.
26. Reporting to CSOG, and overseeing all sub-groups, is the East Lothian and Midlothian Public Protection Committee (EMPPC). This group provides scrutiny and monitoring of all improvement plans and performance indicators of:
 - Adult Support and Protection
 - Child Protection
 - Offender Management
 - Violence Against Women and Girls
27. The CSWO sits on the Committee and CSOG and as such, is able to oversee all areas of Public Protection and inform and advise strategic direction of these services. There are 3 sub-groups that report to the EMPPC. These include:
 - The Performance and Quality Review Group
 - The Offender Management Group

- The Learning and Practice Development Group

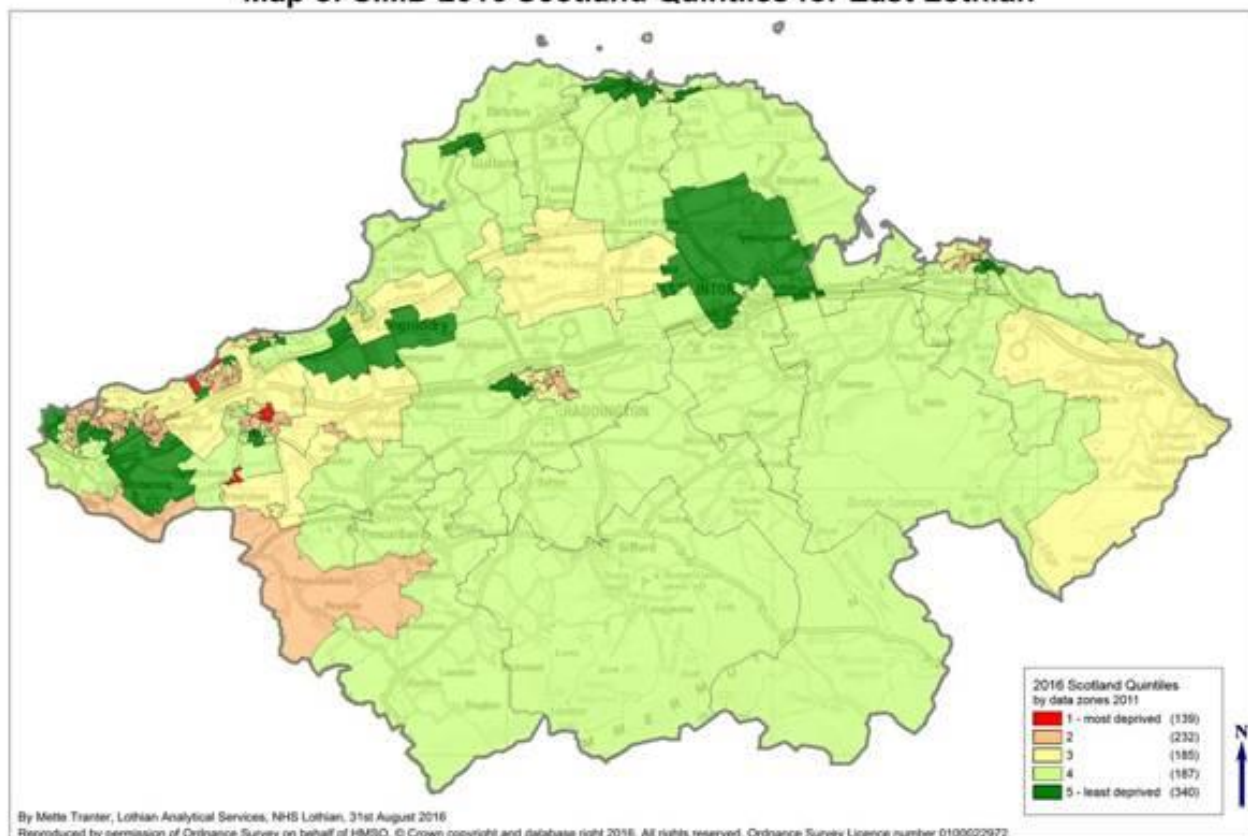
28. The Performance Framework is reported on quarterly with all framework indicators reviewed annually. This is to ensure that what is being reported on is appropriate and necessary. Further, as the Public Protection Office and scrutiny arrangements within East and Midlothian have matured and developed we have become more confident in challenging ourselves and our practice. Our future focus is on being better able to demonstrate that our work is making people safer and making a difference in people's lives.
29. Action plans arising from Initial Case Reviews and Large Scale Investigations are reported to the Public Protection Committee and the Critical Services Oversight Group. This enables strategic scrutiny to take place with emphasis on implementing any actions as well as ensuring that any learning is cascaded to teams and services. Learning includes highlighting good practice.
30. East Lothian's care at home framework was remodelled during 2016/17. With this, 15 providers were placed on the framework. During 2017/18, we have been able to monitor service delivery – ranging from provider performance to quality of the service. This is closely monitored by performance and quality officers with incentives available to providers to encourage them to drive up quality standards. The Procurement Board analyses these performance measures. The CSWO is a member of the Board, and as such, has an informed overview of quality issues within the care at home service.
31. Commissioning social care services is much more than organising and buying services. It is also about how councils and the NHS work together to plan services that will meet future demand and make efficient use of their combined resources as well as procure services with the third and private sector. As a partnership, we have a statutory duty to keep the supported person's plan under review, and to ensure that their eligibility needs continue to be met.
32. The Care at Home Review Project has been established to examine the client review process and work began on this during 2017/18. We are aiming to not only streamline the review system, we are ultimately wanting to ensure that it aligns itself with up-to-date assessed packages of care so that it is not creating dependency or unnecessary budget expenditure, as well as being tied in with quality assurance and best value principles.
33. The Community Justice Local Outcomes and Improvement Plan was produced in 2017 with all partners contributing to this. This plan received positive feedback from Community Justice Scotland particularly as East Lothian made a decision to include youth justice and early intervention/prevention as an outcome rather than simply focussing on adults. This plan was subject to public consultation prior to its implementation.
34. Within East Lothian, the CSWO chairs the Reducing Reoffending Group which is the working group for the Community Justice Improvement Plan. This is then reported to the newly established East Lothian Partnership so that scrutiny and monitoring of the plan is carried out on a strategic basis. The Partnership are currently examining progress made with this plan and this will be reported to Community Justice Scotland in September 2018 by way of the first Annual Report.

35. The CSWO chairs bi-monthly meeting with all managers in the HSCP, including both social work and health managers. This is a formal meeting where managers' report on their services, including any audit and scrutiny work being undertaken. The next area of work for this group is, whilst working with the Head of Adults and Children's Services, to introduce a systematic framework for self-evaluation and quality assurance for child and adult services that is carried out by workers and managers across services and teams. Re-enforcing quality standards is a core task for the CSWO. By involving workers at all levels in the audit process, understanding and ownership of work standards is encouraged.
36. A shared culture and professional identify of health and social work now needs to be developed. Whilst we have started to bring services together, we are still bound by separate organisational arrangements. This will be key to us reaching our potential as a partnership.
37. The Health and Care Standards, added to the Duty of Candour (when there is an unexpected or unintended incident resulting in harm or death, this will be reviewed so the person or family can be advised why it happened, and an apology given) report requirements, have now been introduced. We will now have to embed these within practice, respond to as and when appropriate, and provide an annual report (for the Duty of Candour). Again, these will be reporting to the Care Governance Group as we will need to review each incident and examine our practice. Having shared standards is welcomed as these will help to inform practice in all services thus improving consistency and understanding of what we need to achieve.

SOCIAL SERVICES DELIVERY LANDSCAPE

38. East Lothian has a population of 104,840 (2017) which is expected to grow by 23.3% between 2012 and 2037. The number of people aged over 65 is forecast to grow by 72.2% during this period, whilst the number of 0-15 year olds is projected to increase by 27.5%.
39. These demographic changes bring opportunities and challenges due to the differing needs and strengths within the towns and villages. However, by working with our partners, as well as helping to build resilience within the community, we are actively trying to improve service growth within the county.
40. East Lothian Partnership includes a variety of organisations from across public, private, third and community sectors. The East Lothian Plan 2017-27 is the strategic plan for the county with the priority focus being:
 - Reducing inequalities
 - Tackling poverty
 - Early intervention and prevention
41. As detailed in last year's report, the greatest concentration of deprivation within East Lothian is in the towns in the west of the county (i.e. Prestonpans, Musselburgh, Tranent and Wallyford).
42. The IJB strategic plan focuses on delivery of the nine National Health and Wellbeing outcomes set out in the 2014 Act. Further, it seeks to address health inequalities across the county, where people living in the poorest neighbourhoods can, on average, expect to die four years earlier than people living in the richest neighbourhoods and spend more of their lives with ill health (see following map).

Map of SIMD 2016 Scotland Quintiles for East Lothian



43. Over 90% of care at home provision is delivered by independent providers. With this, we have to continually monitor the service provider's quality of care as well as assess whether they are delivering services as expected. In the current market, there is high staff turnover within these organisations which does impact on the level of care provided as well as consistency of care. We work with these providers and offer training and support to help them improve quality standards. Due to current market conditions, there is a concern that should a provider stop trading, there would be major challenges in securing replacement care.
44. Through our current commissioning of services, some concerns have been raised in relation to providers having recruitment and retention issues, as well as a shortage of adequately trained staff to provide care for current identified complex care needs. Forecasting from children's services has clearly indicated that clients with more complex care needs will be transitioning into adult services in the immediate and longer term. The Integrated Joint Board have been made aware of this risk and further discussions regarding a comprehensive approach to commissioned services will be taken forward.
45. Care at Home currently supports over 1376 adult service users, with approximately 21000 care at home hours being provided each week. Like many authorities we are experiencing a shortage of care at home hours and presently have approximately 850 care hours unallocated. However, this is a significant improvement on last year where there were approximately 1500 hours of unmet need per week. This reduction has resulted from a combination of collaborative

allocations (providers working together) and reviewing cases on the waiting list to assess if care is still required.

46. East Lothian has 17 care homes in total. Three are Council-run homes, with Belhaven Hospital/Care Home provided by being NHS Lothian. All other homes are provided by the independent sector.
47. In April 2018, there were 599 clients (aged over 65) being supported within Care Homes. This compares to 584 the previous year. Of these clients, 39% are self-funding – an increase of 3% in the previous year. Forty-nine service users (under 65) are currently supported in Care homes compared to 52 in April 2017.
48. Of note, length of care home placements are getting shorter. Of the 199 placements ended after September 2017, 61 (30%) were 6 months or less and 91 (46%) were less than 1 year. This is linked to clients moving into care homes at later stages in life with more significant physical and mental health problems. Unfortunately, this has resulted in the resident group within care homes becoming less stable, which can cause confusion for some clients. With regard to social work, this activity means there has been an increase in the need for social work assessments due to high turnover.
49. East Lothian has no residential resource for adults (not including care homes for older people). As a result, approx. £3.8m per year is spent on external placements. Adults with Learning Disabilities, complex needs and/or autism make up the majority of those living outwith their home areas. It should be acknowledged that external resources may be appropriate for a client's needs. However, we need to ensure that the mix and capacity of resources within the county is appropriately matched to assessed need.
50. Through forecasting, we are actively examining the resources that will be required in the coming years, whether it be specialist services, appropriately trained staff, or suitable accommodation. This information will then help inform strategic planning. We will be working closely with our partners and the community in relation to this as we need to utilise all resources, learn to manage our demand as best we can, and build resilience within the community.
51. The lack of foster carers and placements within the county is a significant challenge. Whilst it is appropriate for some children to be moved outwith the area, for the majority, the decision is due to not having a placement available. This is often detrimental to the child and their family, and as a result, is one of our main priorities within East Lothian – hence the additional investment of £300k.
52. Significant concern was raised when the Scottish Government announced that drug and alcohol services were to receive a 25% reduction in budgets. However, they have since advised that there will be an additional £20m available for distribution throughout Scotland. This is welcomed as recent data indicates that within East Lothian, drug deaths have increased 100% in this last year. Again, the demographics of the county challenge us with ensuring that services are available to all those who require it, regardless of where they live.
53. We are currently designing a Recovery Hub to be based in Musselburgh. Initially this will provide mental health and substance misuse services as a matter of priority. However, discussions are continuing to take place in relation to the Hub

becoming a 'one stop shop' including housing, criminal justice, and general advice and support. Whilst not fully inclusive of all relevant services, this initial focus will be on people whose lives are more chaotic and less stable and often are the most difficult to engage with.

54. With regard mental health, we are feeling the impact of the Royal Edinburgh Hospital Campus redevelopment as there is currently a reduction in acute admission beds. Alongside this, the Intensive Home Treatment Team (IHTT) within NHS Lothian, has begun a redesign process – working towards a joint mental health service model. As this team offers a service for individuals who are experiencing mental health crisis or risk, it is vital that the redesign improves access and service delivery as they are some of the most vulnerable people in our communities.

RESOURCES

55. During 2017/18, Social Work Services received a total budget of £66.066 million. £14.169 million for Children's Services and £51.897 million for Adults and Older People Services (including Criminal Justice Services).
56. At the end of the financial year, there was an overspend of £1.769 million against the budget - £667,000 in Children's and £1.101 million in Adults and Older People. However, the Adult and Older People position was offset by a number of one-off benefits totalling £876,000 which related to the release of a care provision. There was an additional funding of £325,000 from the NHS relating to the delivery of IJB delegated functions.
57. Taking this into account, the actual reported overspend was £892,000.
58. The summary of efficiencies within the H&SCP in 2017/18, equates to:
- a) Efficiencies achieved (**£166,000 in total**)
- Increased Service Charges - £25,000
 - Efficient Workforce management - £100,000
 - Children's Services buy smart reviews - £37,000
 - Increase in the number of student placements - £4,000
- b) Efficiencies not achieved (**£80,000 in total**)
- Integration of Health & Social Care - £60,000
 - Adults buy smart reviews - £20,000
59. The Children and Adult Services budget for 2017-18 was balanced on the requirement to deliver an ambitious efficiency programme, in part relating to unachieved efficiencies from 2016-17. Further plans will be required to ensure that future spending commitments can be delivered within available budget during 2018/19.
60. The main pressures in the Children's budget were due to demands for external residential places; external fostering and care at home services. Within Adults and Older People services, main pressures arose from demand for care services for the over 65's and complex care needs for adults with learning and physical disabilities.
61. Due to financial pressures alongside increasing demand, we introduced a governance, audit and compliance framework to support evidence based decision making as well as increasing staff's understanding and involvement of budget and control measures.
62. Through delegated authority within Adult and Older People Services, we devolved authority to authorise assessment and support planning to senior practitioners, service managers, and group service managers. Each stage has an agreed limit

to authorise to, with the higher cost packages being authorised by a more senior manager. This will be monitored during 2018/19 to ascertain if we have met basic outcomes – improved customer experience by being more efficient in decision making; more consistency with eligibility framework; evidence based decision making; and greater transparency within our decision making.

63. Criminal Justice Services funding, which is ring-fenced, received no uplift from the Scottish Government within their budget. Consequently, the service has had to adapt to service need by altering its staff mix as and when team members leave. This has enabled greater flexibility to be achieved within the service whilst making full use of the available budget.
64. The Community Justice local outcome improvement plan gives all statutory partners the platform to work more effectively together to address needs of offenders. Better outcomes could be achieved through using current resources better rather than relying on additional funding. Poverty, health issues, unemployment and general instability in lifestyle, are core issues that continue to emerge from data gathered.
65. During 2017/18, efficiencies have been achieved through service redesign, vacancy control measures and transformational working. Working smarter and more efficiently have been at the heart of this so that the impact on front line staff has been kept to a minimum. However, there has also been investment during this period which has helped target specific projects and pressure areas.
66. As we look to the future, we are looking to develop and invest in new models of care. Within older adults, considerable investment has been received from the Scottish Government to reduce people going into hospital as well as improve delayed discharge. In East Lothian, developments have included the Hospital at Home Service and the Care Home Team.
67. Due to budget pressures alongside more complex need and demand, we will have to ensure that resource transfer is used as efficiently as possible with risk assessments (to client, service delivery, etc) being carried out. Further, we will need to be clear as to what is achievable, and what is not. Expectations will need to become more realistic.
68. The CSWO is involved in budget discussions and decision making in relation to social work services. Clarity is also provided on statutory services and functions, risks and challenges associated with the different services, and the impact efficiencies can or will have on staff delivering services.

SERVICE QUALITY AND PERFORMANCE (including statutory functions)

CSWO and Service Standards

69. One of the core tasks of the CSWO is to provide professional oversight and leadership in relation to social work and social care services being delivered, and by the workforce that is delivering them. In summary, the CSWO must ensure governance so that standards and performance are achieved, with staff operating within the standards and the codes of practice as set out by the Scottish Social Service Council (SSSC).
70. The Care Inspectorate has a duty to inspect all registered care services as well as social work and social care services. Through inspections, service improvements are highlighted alongside best practice examples. These inspections bring accountability and provide the general public confidence in services being delivered.
71. Inspection findings and recommendations are reported in several places within East Lothian. These include:
- The IJB
 - The CGG
 - The Public Performance and Review Committee
 - Critical Service Oversight Group
 - East and Midlothian Public Protection Committee
 - Council Management Team
 - Health and Social Care Partnership
72. Any inspection recommendations are integrated into Service Plans so they are actively addressed and then monitored.

Care Inspectorate Inspections

73. The Care Inspectorate carried out a number of announced and unannounced inspections throughout East Lothian's social work and social care services throughout 2017/18. These included:

a) Children's Services

Lothian Villa Care Home Service had an unannounced inspection on 9th May 2017. Grades were exceptional with 6's being awarded for quality of care and support; and quality of staffing.

Since September 2010, Lothian Villa have consistently scored 5s and 6s in Inspections. To maintain these standards, the level of commitment and professionalism by all staff has been quite remarkable and is recognised nationally as an exceptional resource.

b) Adult Services

EL Domiciliary Care Service (housing support) was inspected on 17th November 2017. Grades of 4's were awarded for Quality of Care and Support; Staffing; and Management and Leadership.

The Adult Placement Service was subject to an unannounced inspection on 29th March 2018. Grades of 5's were awarded for Quality of Care and Support; and Management and Leadership.

c) Care Homes for Older People

A total of 19 inspections were carried out with the majority being in the private sector. Whilst the majority demonstrated high levels of quality and care, low grades were given to 5 private homes. 2 of these resulted in Large Scale Investigations being commenced whilst the others were subject to close monitoring and scrutiny. The full list is attached as Appendix 1.

74. It is noticeable that during the past year, our Care Review Team has had to spend increasing amounts of time with private providers ensuring that action plans are implemented. We are becoming increasingly concerned that some providers are reacting to poor grades rather than striving to maintain high quality care and standards within their care homes.

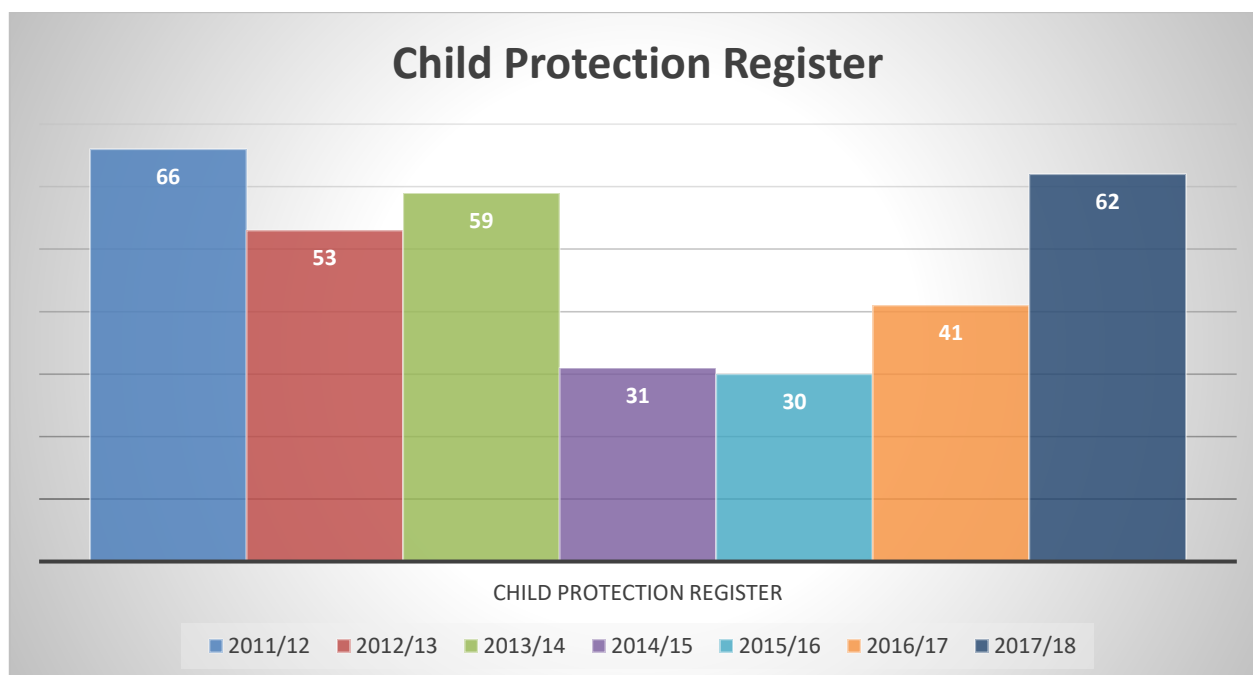
Statutory Functions and Services

Children and Families Services

Protection and Family Support Service

75. At 31st March 2018, Children's Services had 881 allocated cases which meant that one East Lothian child in every 26 (aged 0-18) were involved with the service. There were 2,865 referrals during 2017/18, equating to 55 per week. The majority of referrals were received from the Police, with the towns of Musselburgh and Tranent being the largest sources. These statistics remain consistent with last year's figures.
76. During the year, the number of looked after children increased slightly from 222 to 227, a rise of 2.3%. This relatively stable out-turn positively reflects the support and early intervention approach the service has worked hard to develop.

Child Protection Register



77. The number of children on the Child Protection Register rose from 41 in April 2017, to 62 at the end of the financial year, a 51% increase. The rate per 1,000 of 3.3 is above the national rate of 3.0. Historically, East Lothian figures have always been under this rate.
78. There was a significant number of sibling groups on the Register which contributed to the above average rate. This included families moving into the area with children whose names were already on the Register. The other feature is the significant percentage of babies and unborn children - over a third were below the age of 12 months. Of those children on the Register, 34% had domestic abuse as a registration category – whereas last year, the major category was substance misuse. We are examining this in more detail to help inform the type of intervention work that is required to ensure that children (and partners) are safe.
79. Of note is the fact we are training staff in the ‘Safe and Together’ model of working (focus on domestic abuse) where we work with all members of the family unit including the perpetrator of the violence. Staff in Children’s Services and Criminal Justice have trained together on this. During 2018/19, our aim is to co-work cases and review the impact and expected positive outcomes that this type of working will bring.
80. Based on the evidence of the last 6 or 7 years, it is reasonable to assume that numbers on the Child Protection Register in East Lothian will begin to fall during the next six months. However, teams have to not only be aware of number spikes, the service has to be flexible and adaptable to these varying demand pressures. At the core of this is the ability to assess risk(s) that are being presented and vary contact/input accordingly.
81. Any increase in numbers results in an increase in workload and time management. This includes increases to: client contact, case conferences, effective and frequent communication with professionals, etc. Supervision plays a key role during these pressure times to enable a comprehensive review of cases as well as worker reflection on their practice.

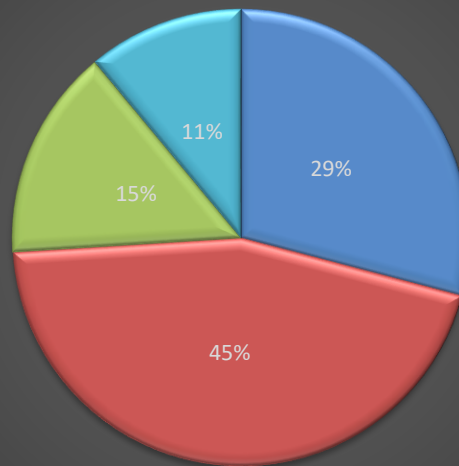
Looked After Children and Young People

82. The East Lothian looked after population of children and young people at the end of 2017/18 comprised 227 as follows:

	March 2018	March 2017	Rate per 1000* (2018)	Scotland Rate per 1000* (2018)
Home Supervision	66	65	3.1	3.8
Foster Care	102	91	4.8	5.6
Formal Kin Care	34	46	1.6	4.0
Residential Care	25	20	1.2	1.5
(Secure Accommodation = 2)				
TOTAL	227	222	10.7	15.1

83. 71% of looked after children are accommodated away from home, placing pressures on our capacity for local placement of children within East Lothian. Further, a significant number of children are placed in external foster care as well as external residential care. Not only is this detrimental to the young person and their family, but is also an expensive resource as well as being time consuming for workers and family members (due to distance).
84. Due to these pressures, East Lothian Council agreed to invest £300,000 in the fostering service in the new financial year. This will enable us to change our fee structure so that we can compete with other local authorities. Our goal is to add 18 new carers by April 2020. This is our biggest challenge and we need all agencies, partners, elected members and the HSCP and ELC workforce to acknowledge the role they play in driving this forward.
85. Minimising placement moves for looked after and accommodated children (LAAC) is a key indicator for the service, being closely linked to positive outcomes and general wellbeing. The average number of placement moves for all children looked after away from home has fallen from 2.1 to 1.7 at the end of March 2018.

Looked After Children and Young People



■ Home Supervision (66) ■ Foster Care (102) ■ Formal Kin Care (34) ■ Residential Care (25) ■

86. The local residential service provides 12 placements in two locations within the Care Home Service (Lothian Villa). Some young people remain in placement after their 18th birthday; some who are currently in long term care who may choose to stay on; and some will return to their family with aftercare support provided by the residential service. This is a valuable resource and one that East Lothian is very proud of.
87. The residential service has a satellite flat based in Musselburgh with this being used as flexibly as possible. This is often to prevent external placement being required.
88. Increasing demands are contained within the duties and obligations placed on the Council by the Children's and Young People's Act. Particular reference relates to now being responsible for those who were a LAAC, up to the age of 26 years. This is putting increasing demand on the Throughcare and Aftercare Team to provide commensurate support to these young people.
89. The shortage of suitable accommodation within East Lothian for young people in receipt of After Care continues to challenge the Authority. Children Services are actively engaged with housing services in trying to increase the stock of social housing to meet this high demand. Placing a young person in Bed and Breakfast; travel lodges or low budget hotels – even when there is no alternative available – is unacceptable. We are currently looking at a 'Step Forward Scheme' which involves recruiting for Supported Lodging Hosts to ease transition from care to independence. However, whilst it is important that suitable and appropriate accommodation is available, support services also need to be accessible. Our partners play a key role with regard to this.
90. There were 71 East Lothian young people who were receiving an After Care service at the end of March 2018. Of these, 49% have a known destination, with these being recorded as positive destinations such as education, training or employment. The national average is 47%.
91. The number of children and young people in Formal Kinship Care has fallen to 34 which is less than half the national rate per 1,000. However, we have 79 children

and young people with Informal Kin Carers which is a significant number who are being supported outwith the statutory care framework.

92. Informal Kinship care includes non-looked after children, who live in an informal kinship care arrangement. These children may be subject to Section 11 of the Children (Scotland) Act 1995 or may be living in a completely private arrangement with extended family. Many may not have an allocated worker but will be an open case within the service.
93. Olivebank Child and Family Centre provides a service to 44 vulnerable children aged 4 months to 4 years, with children receiving a 2 or 3 day service. Over the past year, the young mother and toddler service has been developed. Parents are integral to this service and are actively involved in family learning.
94. East Lothian is working with the following colleagues in the Third Sector to provide early intervention services to concerning children, young people and their families: Aberlour Childcare Trust, Action for Children, Children 1st, Cyrenians Conflict Resolution Services, East Lothian Special Needs Playscheme, Home-Start East Lothian, With YOU Horizons Young People Services and WHO Cares? Scotland.

Fostering and Adoption

95. There has been a sustained recruitment drive to attempt to increase the number of Local Authority Foster Carers in East Lothian. However, the successful recruitment of new foster carers merely replaces those who have retired or reduced their capacity to offer care placements. Available placements for older children and sibling placements are rare and consequently, the Council has been forced to look to external placements in greater numbers than at any other time. East Lothian has 102 children and young people in foster care and approximately 11% are with external providers. Ideally, we want to use external resources when assessed as appropriate, rather than being the only option.
96. A noticeable trend has not only seen a rise in referrals for Foster Placements, but further, fewer children returning to their families once they are accommodated. Whilst this may be as a result of appropriate decision making, we need to ensure that all options have been exhausted.
97. Work progresses to benchmark and review the package of Foster Carer remuneration and support to enable growth in the Council's local foster care capacity. However, competition with neighbouring local authorities who are actively recruiting carers from East Lothian, added to market pressures, impact on our ability to recruit new carers.

Corporate Parenting

98. East Lothian has a strong commitment to Corporate Parenting and 'Getting it Right' for all care experienced children and young people. The planning and delivery group has been in existence since 2008, with the Champions Board coming on stream in 2015. The latter provides a very strong commitment to listening to care experienced young people and using their knowledge and experiences to inform and improve outcomes for young people in East Lothian.
99. The East Lothian Corporate Parenting Plan 2017-2020 makes promises and commitments to all care experienced children and young people. The 3 main priorities include:
- Better outcomes in relation to education
 - Better housing options for when they leave care
 - More care placements that will keep sibling groups together
100. In relation to the above, we need to improve attainment outcomes for looked after children in East Lothian. The Scottish Government investment fund that will be forthcoming this year and next is welcome. We are currently examining how best to use this money so that maximum benefit is achieved. As mentioned previously, we are investing in foster carers and placements so aim to keep sibling groups together.
101. Within East Lothian, the strategic children's partnership is critical in enabling the shift and re-alignment of resources to meet identified priority needs as well as developing integrated approaches to delivering services. Due to current and forecasted future demand for services, we need to consider the effectiveness of GIRFEC and partnership approaches to early intervention and prevention in universal services.
102. Whilst there has been a number of events promoting the role of Corporate Parents, there remains a need to raise awareness of the role and duties this entails to all staff working across the Council, the HSCP and elected members. There are opportunities to improve the experiences and outcomes for looked after children and young people and care leavers through joined up working as part of the "One Council" approach. We currently have two champions from the current administration although we would like to add to this.
103. The Champions Board works in collaboration with a wide range of partners including the Council, Health, Police, Who Cares? (Scotland), colleges, universities, and the third sector. Through the board, care experienced young people themselves can influence improvements in the services and support available to them. Two short films covering education and housing priority have been produced in conjunction with Queen Margaret University, and these films are used to raise awareness of corporate parenting and highlight how additional support could be given to young people.
104. When discussing the role of Corporate Parents, the Champions Board stated:
- 'We're not just talking about social work, schools & health, we need support with housing, employment, leisure and lots of other things that most young people get support with from their parents - we're asking our corporate parents to step up & help us in the same way.'*

105. Forty care experienced young people have benefited from personal budgets of around £500 to help them achieve their aspirations.
106. A crucial area for East Lothian relates to school exclusions. Whilst 2017/18 figures are not yet published, we are aware that last year, there were 34.2 pupils per 1,000 pupils excluded from East Lothian schools compared to 26.8 pupils per 1,000 pupils excluded as a national average. Excluding children from school has a marked effect on them with a direct correlation between school exclusion and instances of youth offending. Reducing school exclusions is detailed in improvement plans for education, children services, and community justice. The Champions Board have helped inform this.

Unaccompanied Asylum Seeking Young People

107. East Lothian have had 2 spontaneous presentations of an unaccompanied asylum seeking young person – one from Vietnam and one from Iran. We have worked closely with the City of Edinburgh due to their level of experience of working with these young people due to the higher numbers presenting in the city. Further joint work was undertaken with Edinburgh when completing the Age Assessment.
108. Whilst numbers in East Lothian have been small, our limited accommodation options have created problems for finding suitable housing for these young people. Further, it created unexpected challenges in relation to mixing with some of our vulnerable young people who we have a statutory duty to work with.

Adult Services

Adult Support and Protection

109. East and Midlothian Public Protection Committee meets on a quarterly basis and reviews all performance framework indicators. Areas also monitored include Sexual Exploitation, Female Genital Mutilation, Human Trafficking, and Gender Based Violence.

Adult Protection Indicators

	2015/16	2016/17	2017/18
Total number of ASP referrals	493	633	791
Total number of Duties to Inquires	226	343	449
Total number of investigations	69	151	112

110. During 2017/18, East Lothian received 791 adult support and referrals – an increase of 158 in one year. The vast majority of these referrals were from the Police.
111. In relation to investigations, operational systems were reviewed in the final quarter of the year as there were concerns that some investigations were being progressed when it was not necessary. This review informed a more robust and proportionate response to adults who were known or believed to be at risk of harm. Staff briefings have taken place to refresh workers about the procedures they need to follow.
112. Large Scale Investigations were carried out during the year in relation to two private care homes who received low inspection grades. Whilst the providers were willing to work with us – and work alongside the care home review team – it is concerning that standards could decline so quickly. Poor management and leadership has been present in both of these as well as issue with regard clients' care plans.
113. In addition to the above LSIs, there were four multi agency strategy meetings which took place. These meetings are called when concerns have been raised about a Care Home and all information is discussed to agree whether the Home should progress to a LSI or not. Whilst the majority did not progress to LSI, it is evident that there have been a number of issues, in a number of Homes. This is something we are monitoring and discuss with our Care Inspectorate strategic link inspector and relationship manager for regulated services at our quarterly meetings.
114. ASP achievements during 2017/18:
- Preparing for, and training staff, in the use of E-IRD: an electronically shared recording system which triggers an initial referral discussion. This will be implemented at the end of April 2018.
 - The Scottish Appropriate Adult Network and subgroup are helping to develop training standards across Scotland to accommodate legislative changes coming in in September 2018
 - Monthly council officer meetings are now established to support staff, monitor workload and share good practice stories
 - Practitioner Pack developed for staff to assist with their role, function and evidence based decision making
 - Audits now in place to monitor activity and assess decision making
115. **Case Example:** the following example demonstrates the complexities that are often involved in ASP cases:

Client A had a history of alcohol abuse and chaotic living. Home was sparsely decorated and frequently used as a drinking den for the local community. He was reported missing by his half-brother in December 2017. It transpired that his brother had moved into their one bedroom property and together they submitted a joint tenancy application to move to a 2 bedroom property. The brothers had been estranged for many years with the other brother living in Edinburgh.

When found, Client A refused to go home and was taken to a local hospital where it was discovered that he had fractured ribs and a black eye. At this stage, it was unclear what had happened to the adult but he continued to refuse to go home

and did not want anyone to communicate with his brother. Unfortunately, his brother appeared at the local hospital resulting in the police being called due to his level of aggression.

Following this incident, an Adult Protection case conference was arranged in order to piece together the chain of events as well as develop a protection plan to support Client A. He attended the APCC and whilst he refused to disclose the actions of his brother he did admit to the group that his brother had threatened to kill him. Known associates of his brother were considered to be dangerous so this threat was taken seriously.

Client A was considered to be an adult at risk of harm and we therefore placed him in a place of safety where he remained until we secured an alternative tenancy for him in a new area. Housing cancelled the joint application and the locks on his existing property were changed thus stopping his brother from entering. Because of the evidence available, we successfully secured a banning order against Client A's brother due to his history of violence.

Mental Health

Mental Health Care and Treatment (Scotland) Act

116. The annual statistical report from the Mental Welfare Commission on statutory interventions has not yet been issued for 2017-18. However, the report issued in October 2017 by the Mental Welfare Commission on activity in 2016-17, noted 5422 new episodes of compulsory treatment across Scotland during the year. This was an increase of 8.2% on the previous year. This is the highest number of new compulsory episodes since the 2003 Act was implemented.
117. In 2017, the Commission publicised concerns regarding the number of emergency detentions under the Mental Health (Care and Treatment) Act. These had risen considerably in certain areas of Scotland – with an increase of 35.9% over a ten year period. This suggests a lack of earlier planned and less restrictive interventions.
118. Positively, this increase was not reflected in East Lothian. Our rates of short-term detention certificates and compulsory treatment orders are below and around the Scottish average.

Table 3.4.1 STDCs and CTOs by local authority 2016-17 – number and rate per 100k population

	STDC		CTO	
	Number	Rate per 100k	Number	Rate per 100k
East Lothian	63	60.5	22	21
Scotland	4371	80.9	1203	22.3

Adults with Incapacity Act

119. The most recent Mental Welfare Commission report shows that the number of existing guardianship orders has risen across Scotland by 12.5% since 2015/16. In East Lothian, there are currently 48 local authority guardianships and 144 supervised private guardianships. This compares with 49 and 109 respectively in 2015/16 – an overall increase of 21.5%.
120. In the most recent Commission reporting period our activity was below the Scottish average reflecting staffing pressures on service. This has been addressed in the past year by the transfer of social work hours into the Mental Health Officers team thus ensuring that regulatory requirements regarding reviews of private guardianships can be completed.

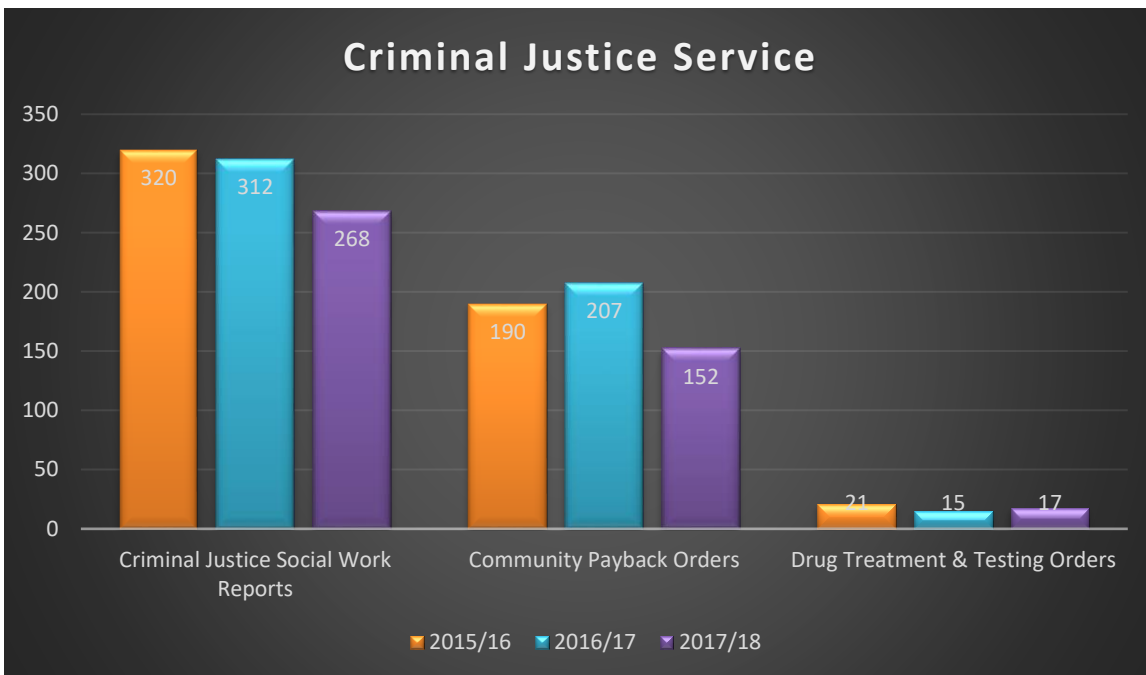
Guardianship Orders Granted by LA 2016-17

	Population 16yrs +				Rate per 100k 16+ population		
	Total Numbers	LA	Private	ALL	LA	Private	ALL
East Lothian	85,101	8	24	32	9	28	38
Scotland	448,783	707	2146	2852	16	48	64

121. The primary causes of incapacity for local authority orders were dementia (50%) and learning disability (25%). In private orders, the causes were learning disability (67%) and dementia (29%). Sheriffs have been guided in recent years not to grant orders indefinitely as was often previous practice in order to protect the rights of adults and ensure orders are still least restrictive option. Within East Lothian, no indefinite private orders were granted with all orders being for three years or less. Whilst this brings additional work to the team, this practice carries the least restrictive option, and one that as CSWO, I would concur with.
122. Work has been undertaken to increase the Mental Health Officer (MHO) capacity within East Lothian. In the last four years, five social workers (selected from within the Council) have undertaken this training – with one scheduled to qualify in summer 2018. This is a major commitment for the service especially when backfill cannot be secured for the social workers due to budget constraints. However, in the same period three MHOs have left the Council or been promoted elsewhere in the service. At this moment in time, East Lothian's MHO capacity is under resourced.
123. The Mental Welfare Commission has noted pressures on MHO numbers nationally, mainly through demands of the Adults with Incapacity Act. We will be undertaking a review of the MHO service in 2018/19 to ensure it is fit to meet continuing statutory requirements.

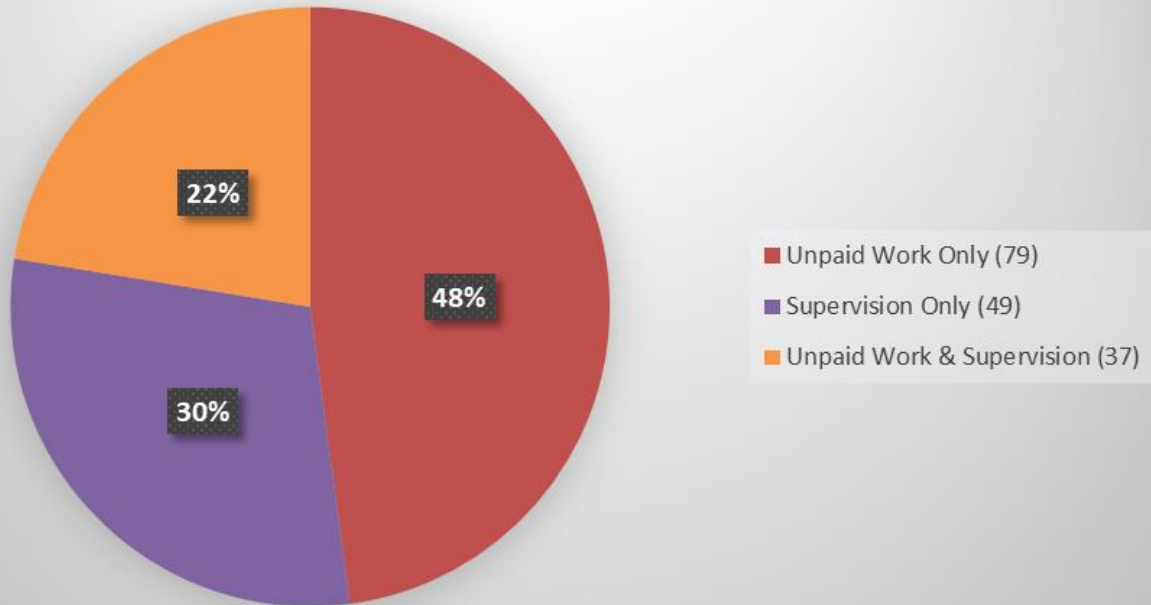
Criminal Justice Service

124. East Lothian's Criminal Justice Service has adapted to changing pressures throughout the year. Due to the impact of welfare reforms, particularly Universal Credit, clients have presented with more welfare type issues, often in a distressed state. Consequently, the staffing mix was adapted enabling an additional Social Work assistant to be recruited to address the accommodation and welfare issues that were emerging. Along with this, requests for food bank referrals increased throughout the year.
125. During 2017/18, there was a reduction in the number of Court report requests and new Community Payback Orders (CPOs) made in Court. This is illustrated in the table below:



126. If the Court is considering a community sentence, they will normally request a report. Therefore, the reduction in report requests detailed in the above table, would negatively impact on new CPO numbers. However, an audit of reports written, recommendations made within the report, and subsequent court disposal, was undertaken, to ascertain if there was an issue with the social workers assessment. This concluded that there was no disparity between the two. Consequently, the service is currently liaising with other local authorities to see if this is a national issue.
127. During the past year, 3 members of the criminal justice team have been put through national training to enable them to carry out risk assessments and supervision of clients who have sex offences and/or domestic abuse offences.

Community Payback Orders - 2017/18



128. Unpaid work remains the most common community sentence disposal made by the Courts, with the number of unpaid work hours completed totalling 11,462. Types of work and placements included the allocation and maintenance of six allotment plots; landscaping - projects varied from general landscaping of gardens, through to larger and ongoing projects such as coastal paths and public parks; building work such as erecting wooden raised beds; internal and external painting projects such as village halls; as well as a variety of personal placements in charitable organisations.
129. Managing high risk offenders remains a priority for the CJS. Throughcare, whether it be voluntary, in custody, or on licence in the community is a core task for workers within the team. On the 31st December 2017, there were 79 clients in total subject to throughcare supervision.
130. Multi Agency Public Protection Arrangements (MAPPA) continue to work well within East Lothian with multi agency supervision and monitoring of offenders who have committed sexual offences taking place. However, the past year has seen an increase in vigilante type unrest within the community. Consequently, we are working closely with our Police colleagues in relation to this and have held briefing sessions for elected members. During the coming year, we will be examining our communication strategy to ascertain how best to engage with the community in relation to this issue.
131. During 2017/18, achievements within the CJS have included:
- Establishing a second Social Work Assistant role
 - Implementing the East Lothian Offender Employment Programme with our partner -Access to Industry
 - Developing the women's group 'Connect' including recruiting staff from other services and agencies to help facilitate this group (1 day per week)
132. Working in partnership with the Team Leader in the Family Placement Team in Children's Services, the Community Payback Work team identified appropriate locations to place advertising for fostering throughout the Musselburgh area as

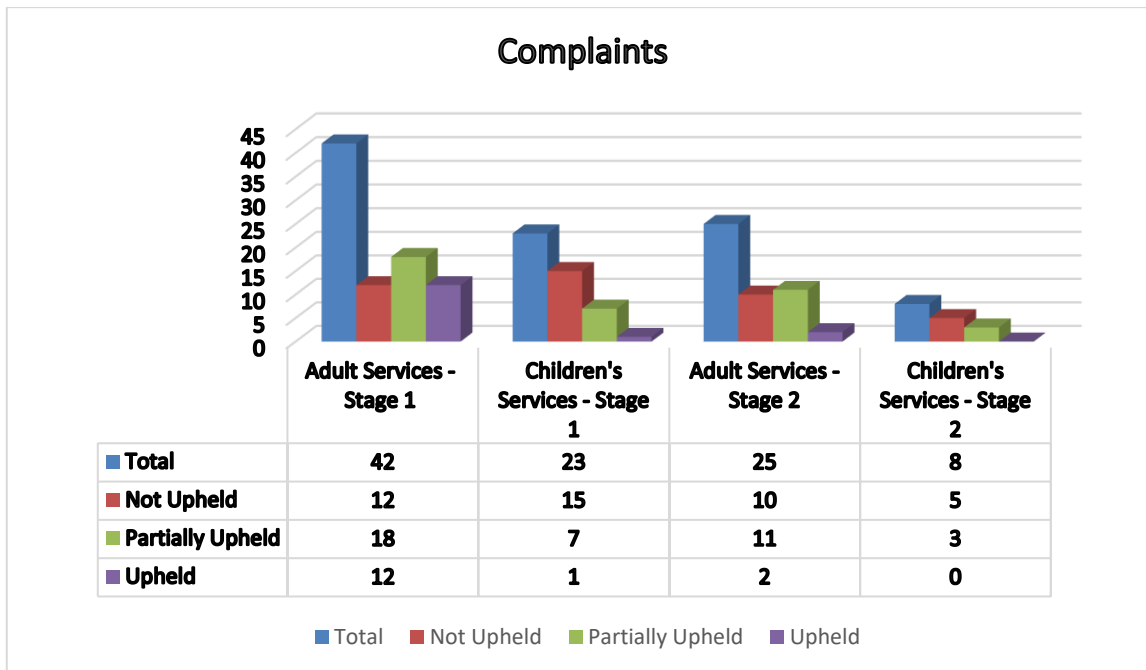
part of a recruitment drive. This was the first time this had been undertaken and feedback from clients was very positive as they felt they were doing something worthwhile for the community, the Council, and for children requiring help.

Violence Against Women and Girls

133. The Violence Against Women and Girls (VAWG) Services Review concluded in July 2017 with the following improvements agreed:
 - posts within the service made permanent
 - a streamlined contract for housing and support services for women and children affected by domestic abuse was awarded to Women's Aid
134. Following consultation with services during 2017, it was agreed that we would strive to embed the Safe and Together model within practice in relation to domestic abuse. In doing so, we would work with the child, the non-offending parent, and the perpetrator. In January 2018, intensive training was provided for practitioners and supervisors with children's services and criminal justice services coming together for this. The next stage is to embed this model into existing assessment frameworks.
135. The above is a major commitment by services and the public protection office to work together using a different, but well researched model to help achieve better outcomes for all affected by through domestic abuse.
136. The East Lothian Sexual Abuse Service, funded by East Lothian Council and NHS Lothian, operates 25 hours per week with support taking place across a variety of locations in the county. The service is currently operating at full capacity. We are actively pursuing funding streams to try and secure additional funding with a view to increasing capacity.

Complaints and Compliments

137. On 1st April 2017, the Social Work Complaints Handling Procedure changed with the introduction of a standard approach to handling complaints across local authorities and closely resembles the complaints process within the NHS. This is now a 2-stage complaints procedure working closely with the Scottish Public Services Ombudsman (SPSO).



(Please note, Adult Stage 2 total: one case cancelled and one not concluded)

138. The change in procedure has had an impact on numbers. Adults saw a slight increase in Stage 1 complaints (increase of 5 in total). Although reason for the complaint varied, time waiting for care packages and charging letters were the two main categories for complaint.
139. Within Children's Services, there was a significant rise from 8 in 2016/17 of stage 1 complaints, to 23 this year. This figure also includes repeat complainers. The two most frequent category of complaint related to parental access to the child; and dissatisfaction with the worker.
140. With regard Stage 2 Complaints, adults remain steady with a slight increase of 4 from last year. Children's however saw a significant drop from 22 to 8. It would appear that for Children's Services, complaints have been dealt with satisfactorily at an earlier stage – something we want to see happen more.
141. We take complaints seriously and strive to ensure that any action or learning from a complaint is used to better service delivery. However, there is no doubt that the complaints process is time consuming particularly with such tight time frames. Internally, we intend to review the complaints findings from this year to identify any learning opportunities for social work services.
142. Across services, there were 48 compliments recorded. However, formal recording of compliments remain under reported by staff. We are actively looking at ways of promoting good practice. Recently, Children's Services introduced a Bravo notice board which has been positively received by staff:

Not only have you been a guiding light through dark times for the children but also, for myself too.

Thanks to you and your team we were kept safe, our lives changed for the better and we're in a safe and secure place.

I wanted to take the opportunity to share the positive feedback I received from Share the Carers who received a service from yourselves recently. The Telecare worker was described as friendly and professional, having knowledge of the children who receive Share the Care, was helpful and beneficial. There seemed to be a mutual understanding of the challenges in the need to minimising risk.

Well done and thank you very much

And sometimes comments from clients can help to remind us what is important. A resident within one of our care homes stated:

It is nice to get together with other residents. The scones and pancakes are lovely. We have a blether.



I like the therapy ponies. It is great to get a cuddle – they are so soft and lovely to stroke. It makes me feel nice. I even kissed one on the nose.

143. Complaints and compliments are now reported to the Clinical and Care Governance group for scrutiny and monitoring. Anonymised complaints and compliments are shared at staff briefings.

WORKFORCE

144. There is a variety of professions and skills mix that work across the services. During the past year, we have been examining roles and tasks and assessing whether things can be done better. As CSWO, ensuring staff are registered with the SSSC and have access to training and support to enable them to do their job are simple but basic priorities.
145. We are developing team and service profiles within ELC to help inform managers as to the make-up of workers within their team, and what this may mean for service delivery, supervision, succession planning, etc. Within services, teams can have very different profiles which will bring different needs. For example, at the start of 2017, there was a shortage of Council Officers (these are trained staff who investigate whether or not an adult is at risk of harm or not). Having had a high turnover of staff, all newly appointed social workers within the Adult Social Work team, had limited experience and could not initially undertake council officer duties. One year on, this is no longer an issue. In another team, all bar one worker is nearing retirement. Succession planning is a priority for this team.
146. East Lothian Council has been developing a new Workforce Plan (2018 -2022), with it now approved and implemented. This plan will build on the achievements of the previous plan whilst taking account of the challenges and new opportunities faced by the Council.
147. The Workforce Plan forms a key part of the Council's organisational, service and resource planning activities (including the Financial Strategy) to support the delivery of the Council vision and strategic objectives. This Plan will support the achievement of the ongoing transformation programme that is central to delivering the changes required. The CSWO has a clear governance role within this in ensuring that appropriate training is given to those who require it for specific roles and registration requirements.
148. Within core training, the Public Protection Office has established a learning and development plan for public protection work. In 2017/18, over 65 courses were delivered to some 1452 participants. These courses range from basic awareness training through to in-depth knowledge required for specific posts (ie Council Officer training).
149. A significant piece of work that is currently being undertaken relates to SVQ Level 3 requirements for Care Home staff. A Learning and Development Plan has been prepared and submitted to SSSC to update them on progress made within East Lothian. An extension had to be requested on this however, as the plan had not progressed as quickly as had been expected.

150. A plethora of training has taken place through the year, ranging from staff training for Self Directed Support – Option 2; through to more intensive training such as the Mental Health Officer Award. What is key within this is to ensure that there is a range of training for staff at different stages of their development and professional need.

151. As CSWO, the need to have a skilled and appropriately registered workforce is essential. Supervision needs to be effective with clear agreed outcomes within the process; Performance Review and Development helps staff to develop their skills and their knowledge thus improving service delivery; whilst encouraging student placements and practice teachers. Investing in the workforce's development is critical to future success and this is core to the workforce plans that have/are being developed by ELC and the HSCP.

CHALLENGES FOR 2018/19

152. As we move into 2018/19, there are a number of legislative changes, government policies and regulation requirements that we will need to continue to implement and/or respond to. Key areas that we will need to progress include:
- The Carers (Scotland) Act 2016 and the full implementation of this. To date, we have worked closely with our partners through a working group and a strategic group to ensure that the implementation plan was developed. For 2018/19, we have to ensure that this plan is delivered; data is collected in a meaningful way and informs strategy; and ultimately, ensuring an improved customer experience for carer assessment and support plans with streamlined processes making access to Self-Directed Support (SDS) options as simple as possible.
 - The full cost of the Carer's Act is not yet known. However, we expect there to be a financial gap between allocated Scottish Government funding and actual cost within the authority/HSCP.
 - SDS priorities for 2018, includes the Care Inspectorate Thematic Inspection within East Lothian, beginning in July.
 - Assessing the impact of the new Health and Social Care Standards (introduced in April 2018) and highlighting positive impacts this is having on clients and their outcomes. Ensuring that these standards are being adhered to by all services within the HSCP.
 - The implementation of the Duty of Candour legislation and formal reporting of this
 - Alcohol pricing and potential client impact. Those who are most likely to be affected by the increase in price, are often working with social work or health services. We need to ensure that we can respond to any change in behaviour or potential crisis that is being presented.
 - Scottish Government Throughcare Review. This is a long-waiting for review within Criminal Justice Services and focusses on the people whose behaviour poses the highest risk within our society. Once published, the potential impact on service delivery can be reviewed.
 - Presumption against short sentences being extended requires to be monitored. We also need to ensure that community disposal options are robust and meaningful to ensure the judiciary are confident about using community sentences rather than giving longer prison sentences.

153. Internally to East Lothian, key work streams include reviews of transport; and adult community services (adult resource centres). The new housing strategy needs to be aligned with forecasting future service demand including identified resources; and we need to build our capacity to care for our children with regard foster carers and placements within the county.
154. A self-evaluation exercise is underway in Children's Services to inform decision making by East Lothian Council regarding the current alignment of the service within the Health and Social Care Partnership.
155. The above list whilst not exhaustive, demonstrates the enormity of the task that is in front of us as well as the complexities involved. Further, discussion regarding future resource transfer from NHS Lothian in relation to services currently not under the remit of the IJB, will be taken forward (eg the Specialist Positive Behaviour Team for learning disabilities). Through informed planning and effective leadership, we remain confident that we can provide a path for transformational service delivery.

Fiona Duncan
Chief Social Work Officer
August 2018

APPENDIX

Care Homes for Older People				Care Inspectorate Quality Grades				
Name of Establishment	Provider	Care Type	Rooms	Date of CI report	Care & Support	Environment	Staffing	Management & Leadership
Private Nursing Homes								
Astley House	Astley House Nursing Home Ltd	Nursing	36	12/09/2017	5	N/A	5	N/A
				29/08/2016	5	5	N/A	N/A
				31/08/2015	5	5	5	5
				28/08/2014	5	5	5	5
				27/11/2013	5	5	5	5
				24/01/2013	4	4	N/A	N/A
Belhaven Nursing Home	NHS Lothian/East Lothian Council	Nursing	23	26/02/2018	2	2	3	2
				06/05/2016	3	4	4	3
				04/06/2015	3	3	4	3
				15/12/2014	3	3	3	3
				14/03/2014	3	4	4	3
				11/03/2013	4	N/A	5	4
Drummohr	HC-One	Nursing	23	30/05/2017	2	3	3	2
				16/11/2016	3	3	4	4
				04/08/2015	3	3	3	3
				17/12/2014	4	3	4	4
				19/08/2014	3	4	3	3
Fidra Nursing Home	Randolph Hill Care Homes Ltd	Nursing	60	10/01/2018	4	4	4	4
				19/07/2017	1	2	2	1
				20/12/2016	2	3	2	2
				29/03/2016	3	4	4	3
				07/10/2014	4	4	4	4
				22/01/2014	4	4	4	4

Lammermuir House	Tamaris (RAM) Limited	Nursing	48	29/01/2018	5	N/A	5	5
				16/01/2017	4	N/A	N/A	4
				30/06/2016	3	3	3	3
				06/01/2016	3	3	3	3
				09/03/2015	3	3	3	3
				06/08/2014	2	2	2	3
Muirfield Nursing Home	Randolph Hill Care Homes Ltd	Nursing	38	08/03/2018	3	4	3	3
				14/12/2016	3	3	3	3
				08/10/2016	3	3	3	3
				08/10/2015	3	3	3	3
				13/03/2015	3	3	3	3
				14/07/2014	3	3	3	3
Tranent Nursing Home	HC-One Limited	Nursing	60	04/09/2017	4	4	5	5
				10/11/2016	3	4	3	4
				18/05/2016	1	1	1	2
				21/08/2015	3	3	3	3
				15/01/2015	3	4	3	4
				13/06/2014	3	3	3	3
Tyneholm Stables	Embrace (Sanctuary Group)	Nursing	45	19/09/2017	2	2	2	3
				25/01/2017	4	4	3	3
				16/05/2016	4	4	3	3
				20/08/2015	4	4	4	4
				13/11/2014	4	4	4	4
Adamwood	Rollandene Ltd	Nursing	13	31/01/2018	5	4	N/A	N/A
				01/02/2017	5	4	5	5
				22/04/2015	4	4	3	3
				13/11/2014	4	4	3	3
				18/11/2013	5	4	4	4
Hilton Lodge	The Stewart Partnership	Nursing	20	14/12/2017	6	6	N/A	N/A
				14/10/2016	6	6	6	6
				25/02/2016	6	6	6	6
				27/01/2015	6	6	6	6
				05/02/2014	6	5	6	6
Leuchie House (Respite Only)	Board of Trustees	Nursing	23	17/08/2017	3	2	2	3
				01/11/2016	5	N/A	4	N/A
				02/09/2015	5	5	5	5
				23/09/2014	5	5	5	5

Private Residential Homes								
Carberry	Carberry House Care Home, a partnership	Residential	25	15/02/2018	4	3	4	3
				16/02/2017	5	4	N/A	N/A
				09/02/2017	5	4	N/A	N/A
				09/08/2016	4	3	5	5
				17/09/2015	5	5	5	5
				19/09/2014	5	5	5	5
Florabank Residential Home	Florabank Home Limited	Residential	22	31/08/2017	5	5	5	5
				02/06/2016	5	4	5	N/A
				08/06/2015	5	4	4	5
				12/06/2014	5	5	5	5
				20/11/2013	5	4	5	5
				28/11/2012	5	4	5	4
St Anne's Care Home	Sisters of Charity of St Paul The Apostle	Residential	37	11/07/2017	3	4	3	3
				07/12/2016	4	N/A	4	N/A
				08/02/2016	4	4	4	4
				10/02/2015	4	5	5	4
				25/02/2014	4	4	4	4

ELC Residential Homes								
The Abbey	ELC	Residential	30	17/01/2018	5	N/A	4	N/A
				06/03/2017	5	4	N/A	N/A
				22/10/2015	5	4	N/A	N/A
				24/09/2014	5	4	5	5
				25/03/2014	5	4	5	5
				22/02/2013	5	4	5	5
Crookston	ELC	Residential	40	28/09/2017	5	5	N/A	N/A
				15/08/2016	5	N/A	5	N/A
				13/07/2015	5	5	5	5
Eskgreen	ELC	Residential	30	24/04/2017	4	4	4	3
				13/07/2016	4	3	3	3
				17/09/2015	4	3	3	3
				22/07/2015	4	3	3	3
				19/08/2014	5	5	5	5
Last Date Updated	31/05/2018							

REPORT TO: East Lothian Council

MEETING DATE: 28 August 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Appointments to Committees of the Council

9

1 PURPOSE

- 1.1 To request the Council to approve the appointment of Councillor Innes to the Planning Committee, replacing Councillor Forrest.

2 RECOMMENDATIONS

- 2.1 That the Council approves the appointment of Councillor Innes to the Planning Committee.

3 BACKGROUND

- 3.1 At its meeting of 12 September 2017 Councillor Andrew Forrest was appointed to the Planning Committee, replacing Councillor Innes, who was on leave of absence. The Administration have indicated that they now wish to re-appoint Councillor Innes to the Planning Committee, and that Councillor Forrest will step down from the Committee.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 Report to Council, 12 September 2017 – Appointment of Depute Leader of the Council

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x7225
DATE	13 August 2018

REPORT TO: East Lothian Council

MEETING DATE: 28 August 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
19 June – 16 August 2018

1 PURPOSE

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 19 June and 16 August 2018, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation, or
 - (b) background papers linked to specific committee reports, or
 - (c) items considered to be of general interest to Councillors.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	17 August 2018

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
19 June – 13 August 2018**

Reference	Originator	Document Title	Access
99/18	Depute Chief Executive – Partnerships and Community Services	Sale of 31 sqms of Land at 7 Ashfield Place, Dunbar	Private
100/18	Head of Infrastructure	Building Warrants Issued under Delegated Powers, May 2018	Public
101/18	Head of Council Resources	CoSLA Report – Universal Credit Full Service Cost Impacts on Scottish Local Authorities	Public
102/18	Head of Infrastructure	Access to Leisure Scheme	Public
103/18	Head of Infrastructure	Grant of Servitude Rights at Dunbar Grammar School	Private
104/18	Head of Council Resources	Quarterly Customer Feedback Report	Public
105/18	Head of Council Resources	Establishment Changes for June 2018	Private
106/18	Depute Chief Executive – Resources and People Services	Changes to School Admin Office	Private
107/18	Head of Council Resources	Welfare Rights Annual Report 2017-18	Public
108/18	Depute Chief Executive – Partnerships and Services for Communities	Proposed New Whitecraig Community Centre at Whitecraig Avenue, Whitecraig	Private
109/18	Depute Chief Executive - Resources and People Services	Statutory Review of Polling Districts and Places 2018	Public
110/18	Head of Infrastructure	Building Warrants, Issued under Delegated Powers, 1-30 June 2018	Public
111/18	Director of Health and Social Care	Non-Residential Social Care Services 2018/19 – New and Revised Charges, and Updated Policy	Public
112/18	Head of Council Resources	Corporate Procurement Strategy 2017-22	Public

113/18	Depute Chief Executive – Partnerships and Services for Communities	Amendment to East Lothian’s Core Paths Plan (diversion of Core Path 23 Mayshiel Estate)	Public
114/18	Depute Chief Executive - Resources and People Services	Phasing and Trialling 1140 hours Early Learning and Childcare over 50 weeks through an Integrated Service Model Provision	Public
115/18	Head of Council Resources	Staffing Report – Welfare Rights Team	Private
116/18	Depute Chief Executive - Resources and People Services	Staffing Report for the Creation of an Early Intervention Adviser post within Early Years & Childcare	Private
117/18	Depute Chief Executive – Partnerships and Services for Communities	East Lothian Countryside Service Report	Public
118/18	Head of Infrastructure	Grant of Lease of Land and Dilapidated Buildings, High Street, Dunbar	Private
119/18	Head of Council Resources	Councillors’ Code of Conduct – July 2018 Revisions	Public
120/18	Head of Communities and Partnerships	Building Warrants Issued under Delegated Powers, July 2018	Public
121/18	Head of Council Resources	Establishment Changes, July 2018	Private
122/18	Chief Executive	Appointment of the Director of the Health and Social Care Partnership and Chief Officer of the Integration Joint Board	Private

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