



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 19 JANUARY 2021
VIA A DIGITAL MEETING FACILITY

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Committee Members Present:

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

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor C Hoy
Councillor C McGinn
Councillor P McLennan

Council Officials Present:

Mrs M Patterson, Chief Executive
Mr J Lamond, Executive Director for Council Resources
Mr D Proudfoot, Executive Director of Place
Ms L Brown, Executive Director for Education and Children's Services
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms J Tait, Head of Children's Services
Ms S Fortune, Head of Finance
Mr C Grilli, Service Manager – Legal
Ms K MacNeill, Service Manager – People and Governance
Ms W McGuire, Service Manager – Strategy and Development
Mr P Vestri, Service Manager – Improvement, Policy and Communications
Mr E John, Service Manager – Sport, Leisure and Countryside
Mr J Cunningham, Interim Service Manager – Economic Development
Ms L Kerr, Interim General Manager, Planning and Performance (HSCP)
Ms J Lothian, Sustainable Energy and Climate Change Officer
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer

Clerk:

Ms A Smith

Apologies:

Councillor Innes

Declarations of Interest:

None

Order of Business:

The Convener announced a change to the order of business, Item 5 (*Annual Pensions Report – 2019/20 and Policy Statement on the Application of Regulatory Pension Discretions*) would be taken as the final agenda item. All Chief Officers would be asked to leave the meeting for this item.

1. MINUTES FOR APPROVAL – CABINET 10 NOVEMBER 2020

The minutes of the meeting of the Cabinet of 10 November 2020 were approved.

2. DISABILITY RELATED EXPENDITURE

A report was submitted by the Director of the Health and Social Care Partnership (HSCP) advising Cabinet of the proposed process for calculating Disability Related Expenditure (DRE) for non-residential charging of social care services at the Financial Assessment stage of charging.

Laura Kerr, Interim General Manager, Planning and Performance, presented the report. She informed Cabinet that COSLA had asked local authorities to ensure that the extra costs of DRE were taken into account by charging policies. As this had not been done before a process to calculate DRE was required. She outlined the two proposals put forward. She highlighted the benefits of the second proposal, the process ensured equity in the application of DRE. Once the DRE process was agreed, it would be applied to all new Financial Assessments and to all existing assessments at point of review in August 2021.

In response to Councillor O'Donnell's query, Ms Kerr confirmed there would still be an appeals process going forward. Councillor McLennan asked about the Charging Group's views on this paper. Ms Kerr stated that the group had asked for alignment with COSLA's guidance; she added that although the group had not seen this report, it had seen the draft policy and discussions had also taken place regarding the DRE process and this report. Responding to further points, Ms Kerr reiterated that discussions had taken place with the Charging Group regarding the content of this report.

Councillor O'Donnell welcomed this paper. She informed Cabinet that the remit and membership of the Charging Group was being reviewed, in line with COSLA's guidance regarding the need for local authorities to be more proactive. This policy met this criterion. In terms of supporting people, a financial assessment process was in place; this was the right course of action to make sure no one was pushed into poverty.

Decision

The Cabinet agreed, unanimously by roll call vote, to approve the process for calculation of Disability Related Expenditure as outlined in paragraphs 3.10 to 3.13 of the report by considering an individual's actual spend on Disability Related Expenditure, applying parameters to the expenditure considered, and disregarding the expenditure from the individual's available income at the Financial Assessment stage.

3. GRANT FUNDING OF EAST LOTHIAN MID-MARKET RENT HOMES LLP FROM THE COUNCIL'S SECOND HOMES COUNCIL TAX FUND

A joint report was submitted by the Executive Director of Place and the Executive Director for Council Resources seeking formal approval of the decision to grant East Lothian Mid-Market Homes LLP, funding from the Council's Second Homes Council Tax budget to enable the LLP to purchase a discounted property for sale in Haddington. This had ensured that this unit was retained as an affordable intermediate tenure home by renting as a mid-market property.

Wendy McGuire, Service Manager – Strategy and Development, presented the report. She pointed out an error in the numbering, 3.7 had been overlooked but she clarified there was no missing paragraph in the report. She gave details of the terms of the discounted sale model and restrictions regarding future sales advising that if an eligible purchaser was not found within a 13 week period then the Council had first refusal. This was the first property to reach this deadline without a buyer, possibly due to the current pandemic. She informed Members that another property in Wallyford had just reached this deadline and she asked Cabinet to accept an amendment to the recommendation to also include this property.

Councillor Goodfellow, referring to the additional dwelling tax, asked if other housing providers of properties for social rent also faced this tax. Ms McGuire thought that Registered Social Landlords (RSLs) were exempt. Carlo Grilli, Service Manager – Legal, confirmed that RSL's were exempt, local authorities were not. He said that there had been some discussion at an early stage of the Bill to include local authorities in the exemption category but this had not happened. This would be raised with the Scottish Government.

Responding to the Convener's query, Ms McGuire confirmed that funds were available for the other property in Wallyford.

Councillor Goodfellow said this model had been an excellent initiative. East Lothian had a shortage of affordable homes, due in part to the number of second homes in the county, so being able to use that Council Tax to fund this initiative had been welcomed. It was unfortunate that sales of these properties had fallen through; mortgage lenders should be looking at these properties as a priority, they were very low risk. It was disappointing that the Scottish Government had not decided to make local authorities exempt from the additional dwelling tax; it was never meant to penalise people wishing to rent these homes, it should be about providing affordable housing for the citizens of East Lothian.

Jim Lamond, Executive Director for Council Resources, stated, in relation to the amendment to the report recommendation to include the additional purchase of a second property that a caveat should be added - that it be subject to the agreement of the Chief Financial Officer.

Douglas Proudfoot, Executive Director of Place, added a further caveat - that it should also be subject to approval by the company itself.

The Convener stated that establishment of the East Lothian Mid-Market Homes company had been a huge success. These homes were very popular, made a difference to the private rented sector in East Lothian and also had an impact on levels of rent. They helped many families and he would like to see more of this type of development.

He asked Cabinet Members when voting to take into account the amendment outlined by Ms McGuire and the caveats outlined by Mr Lamond and Mr Proudfoot.

Decision

The Cabinet agreed, unanimously by roll call vote:

- i to endorse the decision taken by the Executive Director for Council Resources to grant the sum of £147,155 (£136,255 discounted sales price plus £10,900 additional dwelling tax) from East Lothian Council's Second Homes Council Tax Fund to East Lothian Mid-Market Homes LLP to purchase one unit at the discounted sale price and rent as a mid-market unit in accordance with the Council's Mid-Market rent criteria; and
- ii to grant the sum of £142,794.96 (£132,326 discounted sales price plus £10,468.96 additional dwelling tax) from East Lothian Council's Second Homes Council Tax Fund to East Lothian Mid-Market Homes to facilitate the purchase of a second affordable housing unit by East Lothian Mid-Market Homes LLP as outlined at the discounted sale price and rent as a mid-market unit in accordance with the Council's Mid-Market rent criteria, subject to the two caveats.

4. CLIMATE CHANGE STRATEGY ANNUAL UPDATE

A report was submitted by the Executive Director of Place providing the first annual update to Cabinet on progress with delivering the actions and commitments in East Lothian Council's Climate Change Strategy 2020–2025.

Mr Proudfoot presented the report advising that the 2019/20 Public Sector report on Climate Change had been lodged in the Members' Library. The Climate Change Planning and Monitoring Group continued to meet 3 times a year and engaged with young people from primary and secondary schools. He gave details of some of the key achievements to date. The Council's overall carbon footprint continued to reduce, there had been a 29.5% reduction since the baseline year of 2014/15 and a reduction of 2.5% from last year. He drew attention to achievements in embedding tackling climate change throughout the Council since approval of the Strategy. Appendix 1 contained the Action Plan annual update and Appendix 2 detailed the amended actions, for approval. He outlined some of the key risks that had been identified. He drew attention to work on a proposal for an East Lothian Climate Forest, an exciting opportunity, which would enhance communities. He also referred to the UN COP26 Climate Summit in November. The Council would continue to work closely with the Scottish Government and other national, regional and local bodies. The challenges were great but so too were the opportunities.

Mr Proudfoot and other officers responded to questions. Councillor Akhtar asked if engagement with young people would continue given the current circumstances. Jennifer Lothian, Sustainable Energy and Climate Change Officer, confirmed that engagement continued, stressing that getting young peoples' views was crucial. An East Lothian Youth Council virtual meeting would be taking place in March. Mr Proudfoot clarified, in response to a further question that the Scottish Government's updated policies and proposals (Climate Change Plan update) had been published on 16 December 2020. Officers were reflecting on the detail of that national Plan and any material implications would be reported to Cabinet.

Councillor Hoy raised several questions about the impact of Covid-19, he also asked about the Scottish Government update and their deposit return scheme. Mr Proudfoot said the Council was very much still in Covid-19 response. It had changed perceptions of the world of work; there were positives and negatives resulting from these changes. It was important to consider how the Council played into the regional economy, there were huge opportunities to do things differently and better. It was also important to look at the asset base, to reduce it but also optimise it. Ms Lothian agree that the impact of the pandemic had changed the way people worked. She was going through the Scottish Government's update but was not in a position yet to provide any analysis. The Council's Working Differently Short Life Working Group was looking at how work could be done differently. Officers were liaising with other

local authorities through the Sustainable Scotland Network. Tom Reid, Head of Infrastructure, advised in relation to assets, that some had been mothballed and would be brought back into use when required. In the longer term proposals would be brought to CMT and the wider Council regarding asset rationalisation, bearing in mind service delivery. He outlined some of the issues in relation to transport. On waste, he reported that the kerbside model would be enhanced. There was no definitive date for the deposit return scheme although 2022 had previously been mentioned.

Councillor O'Donnell asked if, in relation to buildings and contents insurance, there was evidence of any residential and/or business properties having problems with flood risk insurance. Mr Proudfoot indicated he would need to take this offline for a response. Mr Reid referred to the Musselburgh Flood Protection Scheme, which was advancing at pace and stated that hopefully further reports would be brought forward this year. Project work was also being carried out in Haddington. He added that across the county Road Services were working on ground level water levels.

Councillor McLennan asked about increasing cycling provision, he also queried measures to reduce car usage, a Scottish Government focus, referring to budget requirements nationally and locally. Ms Lothian said there had been an increase in walking and cycling locally during the pandemic; this would be built on as part of the active travel network throughout East Lothian. Responding to a further query about persuading people to make the shift from car to public transport for longer distances, Mr Reid said a national and regional strategic influence was required. Rail and road infrastructure was being looked at; frequency, timing and affordability were all key. Locally, the Council continued to work with bus networks and provide cycle lanes and more cycle racks. He referred to the Spaces for People initiative. He stressed that all connectivity was being looked at. Budget allocation would be pivotal. Engagement with Sustrans was taking place regarding routes that previously could not be opened up. The Network Team were looking at grants available to take forward a better infrastructure development to further promote walking, cycling and use of public transport.

Councillor McMillan welcomed the report, it was a statement of intent for the future. He welcomed the high level strategy plans but also all the lower level initiatives taking place. He acknowledged all the work carried out by officers and by partners. Keep Scotland Beautiful had acknowledged the work done across the county. There was nonetheless still work to do. Continuing to promote walking and cycling was vital. Better broadband provision was also essential. The paper set out a clear sense of direction for East Lothian going forward.

Councillor Akhtar acknowledged the public's support for the Climate Change Strategy. Engagement with young people was key and she commended work done by officers with the Youth Climate Change Forum and was pleased that this would continue. The Climate Forest was an excellent initiative. Covid-19 had thrown a sharp focus on some previous practices and building on successful changes made once the pandemic was over would be essential. Progress made to date showed the success of the One Council joined up approach.

Councillor Goodfellow praised this very forward looking report, steps taken and proposed were commendable. In respect of electric vehicle provision East Lothian now had the most comprehensive range of charging points of any non-city local authority in Scotland. He particularly commended the provision at Wallyford Park and Ride.

Councillor O'Donnell also welcomed progress and the ambition of the Strategy. She made reference to the impact of climate change on vulnerable people within the county's communities. She echoed comments by Councillor Akhtar regarding engagement with young people. She commended all service areas for the work done. East Lothian was beautiful and this Strategy would ensure it was kept as such.

The Convener welcomed this hugely important paper. He hoped that when people looked back on 2020/21 they would see that the Council did all it could as fast as it could in relation to tackling climate change. He remarked that many of the changes made since approval of the Strategy last January would probably not have been done if the pandemic had not occurred; these were changes that had needed to be made and it was vital that regression to previous practices did not happen when this was over. Working in partnership with the public, young people, communities, farmers, landowners, was crucial. He highlighted a number of achievements including recycling efforts, the Climate Forest initiative and enhancement of biodiversity. It was a huge challenge but the targets could be achieved.

Decision

The Cabinet agreed, unanimously by roll call vote:

- i. to note the progress made this year across Council Service Areas to tackle the Climate Emergency locally and deliver actions in the East Lothian Council Climate Change Strategy 2020–2025, despite the significant challenges of COVID-19;
- ii. to approve the updates to the Climate Change Strategy Action Plan, set out in Appendix 2 to the report;
- iii. to note the Key Achievements and Key Risks set out in the report, and the engagement with young people in East Lothian schools to gather their views and feedback on the Climate Change Strategy; and
- iv. to approve the policy intention for an East Lothian Climate Forest, as set out in paragraph 3.20 of the report.

5. EAST Lothian Food and Drink Business Improvement District (BID)

A report was submitted by the Executive Director of Place informing Cabinet of the continuation of the East Lothian Food and Drink Business Improvement District (BID).

John Cunningham, Interim Service Manager – Economic Development, presented the report. He informed Members that the initial BID had been successful and an enabler for the food and drink sector. Further links with the hospitality sector were being developed. He drew attention to the aims and objectives of the BID. He highlighted some of the achievements. There was an appetite within the industry to take this forward. The ballot timetable, which detailed the procedure to be followed, was attached as Appendix 1.

Councillor McMillan, referring to the initial BID, stated this had been unique, approved very quickly and the innovation recognised by the Scottish Government at ministerial level. It had helped businesses across the county and enabled a significant number of achievements. He praised the massive response and innovations shown by businesses during this pandemic. He was proud to support this paper and the continuation of this initiative.

Decision

The Cabinet agreed, unanimously by roll call vote, to support the initiative and agreed a financial commitment of £25,000 a year for 3 years, subject to a further successful ballot of the County's food and drink producers.

6. BUDGET DEVELOPMENT

A report was submitted by the Executive Director for Council Resources, presenting to Cabinet an update on matters affecting development of budgets including the draft budget proposals prepared on behalf of the Administration.

Sarah Fortune, Head of Finance, presented the report. She informed Cabinet that the Scottish Government budget and related finance settlement for Local Government would be delayed until the end of January 2021, with the final Stage 3 of the Scottish Government budget expected to take place during the first week in March 2021. A Finance Circular setting out details of the Local Government Settlement would now be issued to all Councils on 1 February 2021. This circular would set out the draft individual local authority grant allocations for 2021-22 only. Turning to section 3.9 of the report she outlined the Administration's Draft Budget Proposals which, given that the draft Scottish Government allocations were not yet available, had been developed on a number of key assumptions. She drew attention to Appendix 2 (General Services Revenue), Appendix 3 (General Services Capital) and Appendix 4 (Housing Revenue Account – Revenue and Capital).

Ms Fortune then outlined the next steps, reminding Members of the dates for lodging budget amendments. The HRA Budget and rent levels for 2020-21 would be considered by Council on 23 February 2021. The General Services Budget and Council Tax levels for 2020-21 would be considered by Council on 2 March 2021.

Councillor O'Donnell, referring to funding for the HSCP, asked, given progress made in relation to delayed discharge, if NHS Lothian would be providing more funding for this. Ms Kerr advised that this area had one of the lowest delayed discharge figures in Scotland; the NHS had provided more finance for a number of projects but she was not aware of any further commitment in this regard.

Councillor Akhtar asked if there was any indication that notification of local authority budgets may be provided earlier than the date stated, referring to action taken by the Welsh Assembly. Ms Fortune said she had not heard anything about a possible earlier announcement and this was not expected. Responding to a further query about 1140 hours funding, Ms Fortune stated that in terms of revenue the figure had been revised based on current requirements within the existing funding envelope. On capital terms it was less certain, some areas were still going through the tender process, tenders were returning with significantly higher costs than before. She added that capital costs exceeded the grant available by up to £2m; she did not have definitive clarity at the moment.

Councillor McLennan asked, in relation to review of Council assets, service provision and the HSCP, what the figures were based on. Ms Fortune advised that in respect of assets, the initial position reflected the existing 3 year budget, so related to previous debates within the Council Chamber. On service provision, again this was within year 3; a wide range had been looked at, the timeline gave enough rationale to deliver the proposals. Regarding the HSCP, again this was based largely on the previous budget position and in the spirit and intent of that earlier budget and hence competent from an officer's perspective. Responding to further points raised, Ms Fortune advised that the figure Councillor McLennan referred to was ultimately a balancing figure taking through to a balancing budget, underpinned by the elements indicated. She stressed that the budget had to be competent and deliverable and in the professional opinion of officers and the suite of options presented it was deliverable.

Councillor O'Donnell opened the debate. She outlined the budget process as regards the HSCP. She expressed confidence that the HSCP could manage within the proposed draft budget. She thanked all staff, volunteer organisations and individuals involved with the nine Older People's Day Centres in East Lothian for their work with the Council in protecting the most vulnerable in local communities during this pandemic. She highlighted the innovative

multi award winning Well Wynd Hub in Tranent and welcomed plans to extend this excellent work. She welcomed the Capital Budget, particularly play park equipment replacement.

Councillor McMillan drew attention to the excellent COSLA paper attached as Appendix 1. He acknowledged the increased burden on staff as a result of Covid-19, praising their response. This draft budget tried to allocate scarce resources to those areas greatest in need; it tried to plan for an uncertain future in a very complex environment. The Council was clearly in response mode but also thinking of recovery. This budget was a statement of commitment to East Lothian. He added that better support was needed from the Scottish Government for local authorities to enable to provide continued support to communities.

Councillor Akhtar echoed those comments. She praised the effective mobilisation by the Council and communities from day one of this pandemic; the effort and work done had been phenomenal. It was disappointing to see that whilst the Welsh Assembly had done the right thing the Scottish Government had not followed their example, so local authorities here did not know where they stood. Officers had outlined the increased level of support needed now. She expressed support for COSLA and UNISON's campaign for a fair funding settlement.

Councillor Goodfellow commented on the unprecedented year and the financial struggles facing many Council tenants. Taking this into account, the proposal for rent rises next year was to go forward with a 2% rise followed by the normal 5% from then on; this was a change from the usual practice. He reported that £175m was allocated in the Capital Programme for modernisation and for new council houses. He recommended these proposals.

The Convener, on behalf of the Administration, thanked officers for preparation of the draft budget. He praised staff for keeping services running effectively during the pandemic. He hoped the Scottish Government would ensure that the estimated 4% increase was passed on to local authorities. The Council had made significant investment in services under severe pressures. The county faced significant growth against a reduction in budgets. The Administration was open to discussions with the other political groups and hopefully some form of agreement could be reached. This method tried to give some security to East Lothian residents but he stressed that a lot of what could happen was outwith the Council's control.

Decision

The Cabinet agreed:

- i. to note the current position relating to the national Local Government Finance Settlement and the implications for East Lothian Council;
- ii. to approve the draft budget proposals as contained within the report appendices noting the intention of the Council Leader to invite further discussion with other political groups via Group Leaders between now and the formal budget setting meeting; and
- iii. to request that any formal amendments to the draft proposals be submitted in accordance with the timeline set out in para 3.14 of this report.

Sederunt – All Chief Officers left the meeting

7. ANNUAL PENSIONS REPORT – 2019/20 AND POLICY STATEMENT ON THE APPLICATION OF REGULATORY PENSION DISCRETIONS

A report was submitted by the Executive Director for Council Resources, the purpose being:

- to summarise the early retirement activity within the financial year 2019/20, in accordance with External Audit requirements and Council Policy;
- to set out proposal in relation to the adoption of discretionary powers under the Local Government Pensions Scheme (Scotland) Regulations 2014 and seek Cabinet approval for the Council's Policy Statement on the exercise of these discretions; and
- for Cabinet to determine whether East Lothian Council should exercise its discretion to have Lothian Pension Fund pay some or all of the annual tax charge on behalf of members of staff whose pension contributions exceeded the tapered annual tax allowance in respect of the tax year 2019/20.

Kirstie MacNeill, Service Manager – People and Governance, presented the report. She drew attention to the Council's retirement activity in financial year 2019/20, highlighting the three types of pensionable retirements available to employees and the figures within each category. She provided details of the background to the Pensions Discretion Policy. Turning to report recommendation 2.3, she took Members through the background to this, highlighting the obligation on employers by the Local Government Pension Scheme. Ms McNeill outlined the details of the two options presented to Cabinet, explaining why unusually in this case there was not an officer recommendation.

The Convener proposed, in respect of the options outlined in 3.7, that Option One be supported under report recommendation 2.3; this was seconded by Councillor McMillan.

Decision

The Cabinet agreed, unanimously by roll call vote:

- i. to note the content of the report with regard to the pension activity in the financial year 2019/20;
- ii. to approve the revised Pension Discretion Policy Statement attached to the report replacing the existing version approved at Cabinet on 13 September 2016; and
- iii. after considering the options at Paragraph 3.7 to adopt Option One and authorised officers to communicate that decision to the Lothian Pension Fund.

Signed

Councillor Norman Hampshire
Depute Council Leader and Depute Convener of the Cabinet

REPORT TO: Cabinet

MEETING DATE: 25 May 2021

BY: Executive Director for Place

SUBJECT: East Lothian Coast & Countryside Management –
Land Management Rules

2

1 PURPOSE

- 1.1 To advise Members on the consultation on Land Management Rules and recommendations to enhance operational management on the ground and public enjoyment of these areas.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the land management rules set out in Appendix 3 of this report, following public consultation; and
- 2.2 Cabinet is asked to note that officers will continue to review land management arrangements in light of this year's experience and bring forward any further proposals as required.

3 BACKGROUND

- 3.1 Members will recall both a Motion to Council at its meeting on 27 October 2020 in support of the Council's Countryside Rangers Service, and subsequent Members' Library report in January 2021, on East Lothian's coast and countryside management, and the experiences captured during 2020.
- 3.2 In the Members' Library report of January 2021 one of the recommendations within that report was for Members to note the consultation exercise on Land Management Rules being embarked upon with the outcome and recommendations being reported to Cabinet.
- 3.3 The purpose of the Land Management consultation was to agree a set of Land Management Rules to ensure that land owned, leased, occupied or

managed by the Council and available to the public for use remains accessible, well maintained and is not used irresponsibly. In order to be able to appropriately empower and support the Countryside Rangers three different types of legislation/regulations over land are envisaged. These are:

- Land Management Rules
- Bye-Laws
- Existing legislative powers which empower Countryside Rangers, other Council officials (e.g. dog wardens) and other partner authorities, (i.e. Police), as appropriate to take action to ensure the general public are able to enjoy these areas.

3.4 East Lothian Council in terms of Section 112 of the Civic Government (Scotland) Act 1982 is able, following public consultation, to create Land Management Rules for the Council's countryside sites, parks, nature reserves and greenspaces. The process for creating these is set out in the Civic Government (Scotland) Act 1982 and requires at least four weeks' public consultation prior to East Lothian Council being able to put in place and enforce these rules. It should also be noted that these rules can only be applicable to land owned or leased by the Council and which is above the high water mark.

Land Management Rules Consultation

3.5 The Council underwent a full consultation that resulted in a large response. On consideration of the response and for the reasons set out in this report Officers have reviewed the Land Management Rules which were consulted upon and have revised these accordingly. Appendix 1 details the consultation with Appendix 2 providing a detailed summary of the consultation responses received. In addition to Appendix 2 paragraphs 3.6 to 3.9 of this report also provide further commentary on the consultation responses received.

3.6 There was representation through the consultation that the Land Management Rules as drafted were perceived as being restrictive to visitors and local residents who wished to access public areas later in the evening/night and that this may prevent the public from responsibly enjoying the East Lothian countryside outside of designated hours. The provisions relating to evening parking have now been removed from the draft that was consulted upon.

3.7 There was also an acknowledgement that the consultation draft Land Management Rules may prevent organised or educational events and larger groups from responsibly learning about the countryside and such events taking place in East Lothian (such as Duke of Edinburgh, Scouts, Girl guides etc...). It was not the intent of the draft to introduce restrictions against young people's opportunities to benefit from educational and environmental experiences which we have supported for decades and remain committed to doing so. As such the draft Rules have been adjusted

to permit such larger organised events taking place with prior written consent of East Lothian Council.

- 3.8 It was also noted that there was a large representation from the mobile home and camper van community. In response to their comments East Lothian Council intends to take forward a full review of visitor management which will include provision for campervans and recommendations in respect of appropriate infrastructure such as Aires. This will be dependent upon funding and site availability, and consideration will be given in respect of an application to the Rural Tourism Grant Fund to deliver in 2022.
- 3.9 Appendix 3 sets out the Land Management rules that are considered appropriate following consultation and amendment.

Bye-Laws and Other Enforcement Tools

- 3.10 Not all desired protections to be enforced by the Countryside Rangers are competent to introduce via Land Management Rules. Some must be established through bye-laws, the provision of which is provided for through Land Reform (Scotland) Act 2003. The establishment of bye-laws requires both a consultation period and Scottish Government consent. Some bye-laws are specific to the area being covered by the bye-law, others can be replicated across zones so as to in effect cover a larger area. It is therefore proposed that provision of bye-laws will be reviewed to complement the Land Management Rules in due course.
- 3.11 In addition to the powers previously referred to there are statutory powers which also regulate use of land. Some of these powers are delegated to other partnering authorities such as the Police, and not for the Countryside Ranges, to enforce.
- 3.12 Improving public awareness of responsible behaviours when accessing the East Lothian coast is a key objective. Communications officers are planning and delivering a range of public messaging to support and enhance this objective through a range of mediums and in a timely fashion.
- 3.13 Virtually all of East Lothian's coastline is subject to national, European and international designations to protect natural heritage. Yet it remains the busiest by visits, per kilometre, in Scotland. Protecting and managing this essential and highly valued environmental asset is crucial for the county.

4 POLICY IMPLICATIONS

- 4.1 This report supports the Council in managing its highly valued environmental assets for both local residents and visitors to the county, and contributes to the Council's duty in managing designated environmental assets.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – there are no financial implications produced through the implementation of land management rules.
- 6.2 Personnel – None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Consultation on Land Management Rules
- 7.2 Appendix 2 - Summary of Consultation Responses
- 7.3 Appendix 3 - draft Land Management Rules
- 7.4 Members Library Report, Coast & Countryside Management, January 2021 ([Agendas, reports and minutes | East Lothian Council](#))
- 7.5 Motion to Council in relation to Countryside Rangers Service, 27 October 2020 ([Agendas, reports and minutes | East Lothian Council](#))

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DATE	May 2021

Appendix 1 - Consultation

Feedback from LMRs consultation

These new Land Management Rules are produced to address growing concerns about the use of East Lothian outdoor spaces following the changing ways we are all using these spaces in light of the ongoing COVID-19 pandemic. East Lothian Council is committed to ensuring all residents, visitors and users of our green spaces can continue to enjoy these areas. These new rules are designed to give our countryside rangers and wardens the confidence and scope to keep all users safe, while ensuring that all users are aware not only of what is expected of them while in our green spaces but also of the consequences for those who do not respect our green spaces and or repeatedly use these spaces irresponsibly and without consideration for others.

We invite all those with an interest in East Lothian green spaces, parks, nature reserves and countryside sites to comment on these proposed rules.

Particular matters relative to the proposed Rules that may be subject of comment include:

1. The distinction between camping and residing in a motorhome.
 - Is this clear?
 - Do you agree that these ways of visiting and enjoying the outdoors need to be managed differently?
 - Do you have any further comments on this topic?
2. Support of responsible “wild camping”
 - Do you agree that they do?
 - Is this the only form of camping that should be supported in Countryside sites, Parks and Greenspace?
 - Do you have any further comments on this topic?
3. The General Rules Applicable to All Areas identify some behaviours that need to be regulated because of disruption to the enjoyment of others.
 - Are there other behaviours that you feel should be included?
 - Do you have any further comments on this topic?
4. The General Rules Applicable to All Areas makes mention of dog free areas.
 - Do you support the principle of dog free areas?
 - If so for what reasoning?
 - Do you have any further comments on this topic?
5. The Rules Specific to Motor Vehicles confine vehicles to designated parking areas and designated roads only
 - Do you agree or disagree with these restrictions?
 - Do you have any further comments on this topic?
6. The Rules Specific to Motor Vehicles restrict overnight parking.
 - Do you agree or disagree with this restrictions?
 - Do you have any further comments on this topic?

Appendix 2

Summary of Consultation Responses Themes and Proposed Changes to Land Management Rules

Introduction

The Consultation on Land Management Rules opened on the 27th of January 2021 and closed on 1st of March 2021. During the first week of the consultation it appeared that there were challenges from consultees accessing and submitting their response from mobile devices such as tablets and phones. Accordingly, the format, but not the substance of the consultation, was changed. This took place on 4 February 2021.

A total of 579 responses were received throughout the consultation with 522 of those being received on or after 4 February 2021. While the comments from consultees prior to the 4 February 2021 have all been taken into account and considered these responses do not form part of the statistical information set out below due to the changes of the formatting of the consultation.

From the consultation responses it was noted that:

- a. 87.8% were of the view that responsible “wild camping” should be the only form of camping that should be supported in Countryside sites, Parks and Greenspace.
- b. 73.6% felt that the distinction between camping and residing in a motorhome was clear and 87.8% agreed that the ways of visiting and enjoying the outdoors need to be managed differently.
- c. 77.6% supported the principle of dog free areas.
- d. 82.2% were supportive of motor vehicles being confined to designated parking areas and designated roads only.
- e. 69% agreed with the restrictions that were specific to overnight parking of motor vehicles

The above showed strong support for the Land Management Rules as drafted. In addition to the above the majority of the consultees provided further comments. The themes extracted from these comments are summarised below.

Summary of Consultation Responses Themes

Scope of Rules

There was not a general understanding as to the limited role of Land Management Rules as tools to control activities. In particular, many of the responses concerned wild life such as water birds and other sea species which cannot be covered by these rules as, in the enabling legislation, “land” does not include land below the high water mark of ordinary spring tides.

General Comments about Cycling, Recreation, Wildlife and the Environment in General

Responses highlighted the importance of not inhibiting access for the public to green spaces for exercise and pleasure and the need for Rules to protect and encourage wild life and the natural habitat. There were also largely negative with increasing numbers of off-road bikes being used

inconsiderately thereby damaging the environment, disturbing wildlife and intimidating to members of the public.

Rule 1

Referencing proposed Rule 1, responses queried the inclusion of “annoy”, in relation to behaviour, as being too subjective to the attitude of a Council Official and the need for a more objective test.

Rule 2

Responses indicated some confusion in relation to proposed Rule 2 [using amplifying noise equipment, model aircraft, motorised drones, toy cars, boats etc.], as it appeared there was an impression that the behaviours specified were to be subject to general prohibition, particularly as, in reference to drones, other legislation exists to regulate this area.

In Relation to Dogs

A large proportion of response were negative, referencing the issues around uncontrolled dogs presenting a threat to wildlife, natural habitat and people. Pointing to the need for areas to designated as dog free. Particular concern that professional dog walkers operating in large numbers with too many dogs not properly controlled.

In Relation to Wild Camping

In support of the rules, many responses are keen for the Rules to restrict inconsiderate camping that results in damage to the environment by way of litter, fires etc.

Those responses who are critical of the proposed rules suggest that the definition of “wild camping” is too narrow, for example, as relates to the permitted use of vehicles and limited numbers of a wild camping group. Specific issues have also been highlighted for large groups engaged in educational exercises with young people and other organised groups.

In Relation to Motorhomes (within parking provisions)

Those favouring restrictions and critical of the use of motorhomes by parking in inappropriate locations such as, busy car parks, streets, outside houses then staying in such locations for extended periods. Leaving litter and waste

There were also many responses from users from across the UK opposed to restrictions but seeking specific provision in the form of Aires. Identifying the economic benefit of encouraging these visitors who may spend money in the local businesses. Identifying the varying types of Motorhomes from fully equipped, to be independent, to basic vans that need access to public facilities

Proposed Changes to LMRs in Light of Consultation Responses

Definition of Wild Camping

Responses correctly noted that there is no accepted definition of this in guidance of legislation. In the preamble ELC LMRs are amended to specifically note that the definition is for these Rules.

Numbers of Wild Camping groups

Responses notes that there can be varying numbers of people participating in wild camping. Although guidance needs to be given in ELC's definition of wild camping, amendments have including "typically" before our suggested number of four within a group, to indicate that this is a suggested and partially flexible number.

Rule 1

We have suggested a number of behaviours against Countryside Rangers which are unacceptable. Following feedback from consultation responders "annoy" has been removed from this list of behaviours behaviour.

Rule 2

Responses were concerned that this Rule seeks to prevent the use of speakers or model planes or cars in Green Spaces. This is not the case. This Rule seeks to ensure that these are used responsibly and without negatively impacting others using these spaces. This Rule has been amended to make this intention clearer.

Rule 6

An amendment is proposed to the areas where fires must not be lit, clarifying that in addition to fires being unacceptable in open areas or when high fire threats have been declared, damage must not be caused to any vegetation as a result of fires.

Rules Related to Motor Vehicles

Rules 7 through 10 are being withdrawn from consideration. Following a number of consultation responses and further consideration, these have been deemed unnecessary due to existing Road Traffic orders and planned traffic reviews.

Rules in Relation to Exclusion and Expulsion

It is specifically acknowledged that specific training and infrastructure will need to be put in place to ensure consistent standards are in place across all green spaces and equality and human rights of green space users are protected at all times.

Appendix 3- Land Management Rules

ELC Management Rules for Countryside sites, Parks and Greenspace.

East Lothian Council in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 hereby make the following Land Management Rules for the Council's Countryside sites, Parks, Nature Reserves and Greenspace.

Preamble

Enjoying outdoors responsibly

The [Land Reform \(Scotland\) Act 2003](#) introduced new access rights to most land throughout Scotland. The Act and the accompanying Scottish Outdoor Access Code set out how to enjoy the outdoors and manage land responsibly. Users of East Lothian's Countryside sites, parks, Nature Reserves and greenspace are expected to enjoy them responsibly. Access Rights are fully explained in the [Scottish Outdoor Access Code](#).

Management rules for Countryside sites, Parks and Greenspace

The Council has a duty under the Land Reform Act to uphold and promote access rights. To do this and ensure access takers behave responsibly, we have introduced Land Management Rules for countryside sites, parks, Nature Reserves and Greenspaces.

Interpretation

In these Land Management Rules the following words have the meanings given to them:

“Council” means East Lothian Council.

“Countryside sites, Park or Greenspaces” means any land, provided, owned, leased, occupied or managed by the Council within East Lothian and used as a nature reserve, country park, recreation ground, public playground, public open space, public walk, walkway, car park, path, woodland, ornamental or pleasure ground or garden and all buildings and works connected therewith.

“Council Official” means an employee of the Council or any person authorised by the Council to enforce these rules;

“Camping” means inhabiting and sleeping overnight in a tent or temporary shelter or bivouac, being under canvas or equivalent fabric, including bivvy bags. This also includes camping for non-recreational purposes. Residing in a motorhome, caravan, car or other motorised vehicle is not a form of camping.

“Nature Reserve” is an area where the management objective is primarily to conserve or enhance nature.

“Wild Camping” is, for the purposes of these Rules, a type of camping that:

- is part of a pedestrian or cycled journey;
- is lightweight (every piece of camping equipment is carried as part of that journey by the camper);
- is done in small numbers (typically a maximum of 4 campers together);
- typically stays for two nights in any one site; where access rights exist.

The Rules General Rules Applicable to All Areas

Any person who appears to be breaking, has broken or is about to break any of the following Rules can be asked by a Council Official to leave the area.

1. No person shall in any countryside site, park, Nature Reserve or Greenspace wilfully obstruct, interrupt, interfere, impede or insult any Council Official in carrying out their duties.
2. Persons using countryside sites, parks, Nature Reserves or Greenspaces shall not wilfully obstruct, interrupt, interfere, impede or otherwise disrupt the enjoyment of others also using the site, park, Nature Reserve or Greenspace. Such behaviour may include, but will not be limited to:
 - using amplifying noise equipment, such as speakers in a way that adversely impacts other users of spaces;
 - using model aircraft, motorised drones, toy cars, boats or any other such motorised toy or model vehicles in a way that adversely impacts other users of spaces.
3. No persons with control of a dog or dogs shall allow said dog to enter any area in any countryside site, park Nature Reserve or Greenspace that has been designated as a dog free area, whether that designation is temporary, seasonal or permanent.

The Rules Specific to Camping and Barbeques Sites

All ‘wild camping’ (defined in the introductory section to these rules) must be carried out within the confines of the rules in both this and the proceeding sections.

4. Wild camping is the only kind of camping allowed outside of designated campsites.
5. When Wild Camping, all camping equipment and accessories must be cleared away once the campsite is no longer in use.
6. When Wild Camping, any barbeques and fires must not be lit in areas where vegetation could be scorched, burnt or otherwise damaged, or when a high fire threat has been declared. Any barbeques or fires lit must be kept within close control and active observation at all times. All fire and barbeque debris, detritus or refuse must be

cleared away once the fire or barbeque is no longer required and is safe to be cleared away.

The Rules Expulsion and Exclusion from any area

Any person who appears to be breaking, has broken or is about to break any of the following Rules can be asked by a Council Official to leave the area. Any person refusing to leave will be guilty of an offence and liable on summary conviction, to a fine not exceeding level one on the standard scale.

7.1 Where a Council Official has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, they may expel or asked to leave that person from the area.

7.2 Where a person has persistently contravened or attempted to contravene these Management Rules and in the Council's opinion is likely to contravene them again, the Council may decide to make that person subject to an exclusion order for a specified period of up to one year.

7.3 An exclusion order made under Rule 7.2 shall take effect on such date as the Council may decide, being not less than 14 days after the decision to make that person subject to an exclusion order. A person who has been made subject to an exclusion order:

i) shall be entitled to written notice of the decision to make the exclusion order, containing a statement of the reasons for that decision, and

ii) shall be entitled to make written or oral representations to the Council at any time up to the time that the order would have taken effect but for the representation being made.

REPORT TO: Cabinet

MEETING DATE: 25 May 2021

BY: Executive Director for Place

SUBJECT: Road Traffic Regulation Act 1984 (as amended) Section 32 and 35 – East Lothian Council (off-street coastal parking places) (One Way) Consolidation Order 2017 – TO286/16 – Increase of Coastal Car Park Tariffs

3

1 PURPOSE

- 1.1 To seek Cabinet approval of a policy methodology to update coastal car park tariffs that is distinct from the Council's charging policy and to note the uplift that will be applied this year.

2 RECOMMENDATIONS

- 2.1 To approve a 3-yearly review of indexation levels and to apply an appropriate inflationary component to charges at coastal car parks through the introduction of an appropriate Order.

3 BACKGROUND

- 3.1 The Council has made the above Order under S32 and S35 of Road Traffic Regulation Act 1984 as amended. This Order was approved at the meeting of East Lothian Council on 18 December 2012 – Introduction of Parking Charges at Coastal Car Parks.
- 3.2 The effect of the update of this Order, which will come into operation on 16 August 2021 will be to apply an inflationary component to charges at coastal car parks through the introduction of new Pay and Display Waiting Restrictions: B1348 - Longniddry Bents No.1; B1348 - Longniddry Bents No.2; B1348 - Longniddry Bents No.3; Gullane Bents; Yellowcraigs; John Muir Country Park – Tynninghame Links; John Muir Country Park – Linkfield; Shore Road, Belhaven; White Sands; Barns Ness, Monday to Sunday, for the use the car parks during the designated hours. Charges already apply to these car parks on a daily basis.

- 3.3 Remaining consistent with East Lothian Council's Charging Policy and terms and limitation of the Order, tariff increases have been assessed against a Retail Price Index (RPI) uplift. This has been backdated to the date of approval of the order and calculated on a compound basis each year to the current year. Applying this indexation methodology and rounding to a sensible cash value derives a charge of £2.50
- 3.4 The full set of new charges at each car park for vehicles permitted to use the car parks are shown in Appendix A. Parking bays designated for use by disabled badge holders, and for any other competent reason described in the Order are exempt from the charges.
- 3.5 Full details may be examined at John Muir House, Haddington, Mon - Fri 09:00-16:00 from 1 June until 1 July 21. Anyone wishing to discuss the proposals should contact the Roads Service Manager in writing at John Muir House, Haddington, EH41 3HA or by email – parking@eastlothian.gov.uk. Details are also available at www.tellmescotland.gov.uk.
- 3.6 Any person who wishes to question the validity of the Order on the grounds that it is not within the powers of the Act or that any of the relevant requirements arising from the Act are not being complied with in relation to the Order may, within 6 weeks of 1 July 2021 apply to the Court of Session for this purpose. The Statement of Reason is provided on Appendix B.
- 3.7 This amendment to the Order is in accordance with Road Traffic Regulation Act Section 35, and that East Lothian Council hereby gives notice in exercise of their powers under 35 of the Act amend Schedule 2 – Charging Tariffs herein contained in Appendix A.
- 3.8 Responsibility for setting the charge lies with the Head of Infrastructure. The setting of these charges follows a review of the coastal car park performance and income, taking into consideration operational, improvement, enforcement and management costs as contained in Appendix C.
- 3.9 In recognition that an annual uplift (in line with the Council's charging policy) would not be practical in terms of deriving a sensible cash value moving forward, Cabinet is asked to approve a policy methodology whereby officers will review and apply indexation on a 3-yearly basis.

4 POLICY IMPLICATIONS

- 4.1 Coastal car parking tariffs will be excluded from the Council's charging policy.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – it is anticipated that the tariff increase will increase revenue by £75,300 pro-rata 2020/21 estimated sales.
- 6.2 Personnel – a seasonal increase to staffing levels to reinforce enforcement activity to manage and control indiscriminate parking practices at coastal is being arranged to commence in May 2021.
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Report to Council on 25 October 2016 entitled Update on the Introduction of Decriminalised Parking Enforcement and on the Introduction of Parking Charges at Coastal Car Parks
- 7.2 Report to Policy and Performance Review Committee on 8 March 2017 entitled Update on Parking Charges at Coastal Car Parks
- 7.3 Report to Policy and Performance Review Committee on 20 June 2018 entitled Update on Parking Charges at Coastal Car Parks.
- 7.4 Report to Policy and Performance Review Committee on 27 June 2019 entitled Update on Parking Charges at Coastal Car Parks.
- 7.5 Report to Policy and Performance Review Committee on 26 February 2020 entitled Update on Parking Charges at Coastal Car Parks.

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Asset and Regulatory Manager
CONTACT INFO	Grant Talac
DATE	7 May 2021

Appendix A – Schedule 2 – Charging Tariff

Schedule 2 – Charging Tariff

	Tariff	Season Ticket	Excess Charge (Car, Motorcycles)		Excess Charges (HGVs, PSVs, Coaches)	
	Daily charge	12 months	14 days	30 days	14 days	30 days
B1348 - Longniddry Bents No.1	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
B1348 - Longniddry Bents No.2	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
B1348 - Longniddry Bents No.3	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Aberlady Bay Nature Reserve	Free	Free	N/A	N/A	N/A	N/A
Gullane Bents	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Gullane Bents overflow	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Yellowcraigs	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
John Muir Country Park – Tynninghame Links	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
John Muir Country Park – Linkfield	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Shore Road, Belhaven	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
White Sands	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Barns Ness	£2.50	£50.00	£30.00	£60.00	£30.00	£60.00
Skateraw	Free	Free	N/A	N/A	N/A	N/A
Thorntonloch	Free	Free	N/A	N/A	N/A	N/A

Appendix B - Statement of Reason

The proposed Amendment to the Order is being introduced as a budgetary measure to generate income for continued maintenance and enforcement of car parks, the provision of visitor facilities, toilets, a safer low risk environment, as well as staff to manage, monitor and maintain use of the coast.

Appendix C – Financial Information

1. Figures 1, 2 & 3 illustrate the number of Season Tickets, Vouchers and Ringo transactions over the course of previous financial years. Table 1 illustrates the predicted increase in revenue generated if ticket sales were to remain the same as 2020.

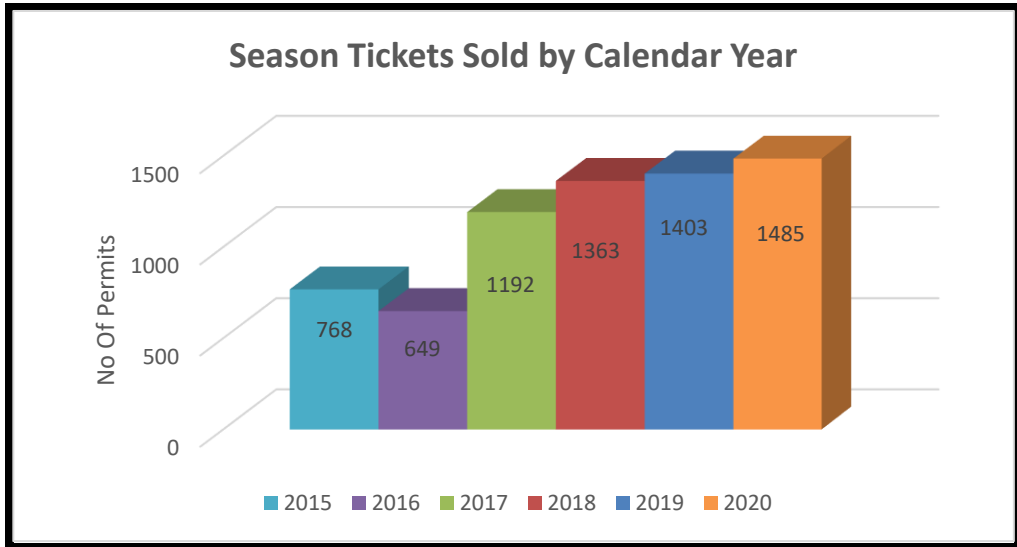


Figure 1: Number of Season Tickets issued by Calendar Year

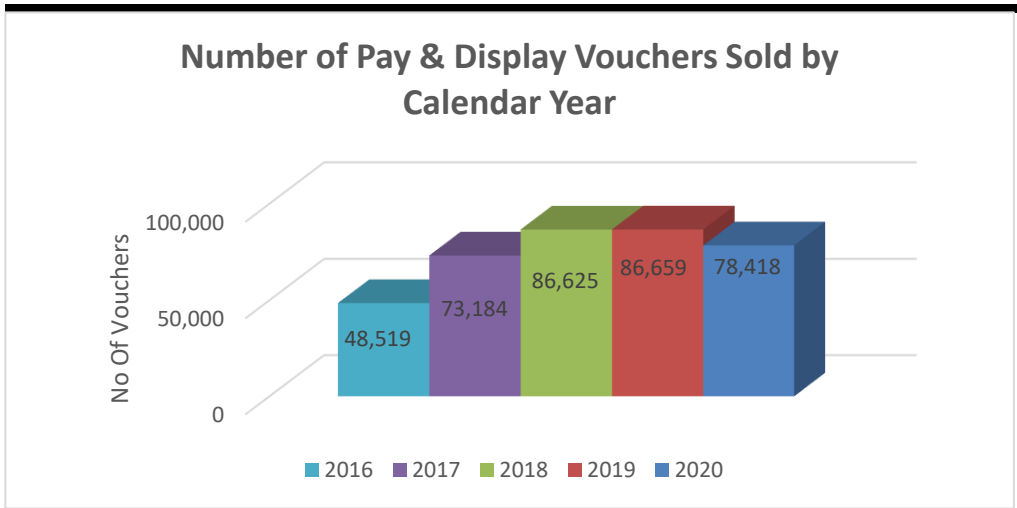


Figure 2 – Number of Pay & Display Vouchers issued by Calendar Year

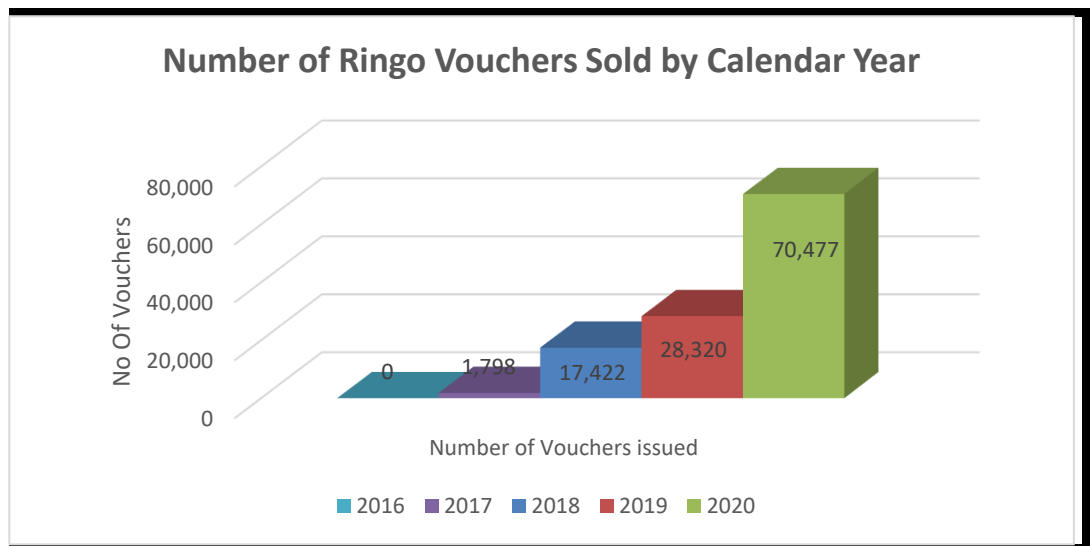


Figure 3 – Number of Ringo Vouchers issued by Calendar Year

- An analysis of income collected from the Ticket Issuing Machines (TIM's) Ringo & Season Passes on a monthly basis are provided in **Table 3**.
- Table 1 below illustrates the increased revenue generated from the coastal car parks over the last 5 financial years. There are still 3 months to add onto the 2020/21 total and it is envisaged that this total shall increase by another £65,000 based on last year's takings to approximately **£364,000**.

Financial Year	Cash	Ringo	Season Passes	Totals
2016/17	£126,035	£0	£37,410	£163,445
2017/18	£145,399	£8,349	£49,258	£203,006
2018/19	£174,766	£38,922	£54,110	£267,798
2019/20	£182,136	£65,711	£54,560	£293,538
2020/21	£126,262	£124,560	£48,270	£299,092 (Dec 2020)

Table 1: Financial Comparison per Year

- There have been no price increase to Coastal Car Parking charges since the scheme was introduced. Table 2 below projects what revenue the car parks would generate in the last full financial year if the daily rate was increased to £2.50 and the Season Pass increased to £50.
- Tables 4 & 5 illustrate the additional revenue that would have been generated on a monthly basis in 2020 assuming the same level of sales.

Year 2019/20	Cash	Ringo	Season Passes	Totals
£2 & £40	£182,136	£65,711	£54,560	£302,407
£2.50 & £50	£227,670	£82,138	£68,200	£378,008
Difference	+£45,534	+£16,427	+£13,640	+£75,601

Table 2: Financial Comparison with Price Uplift

6. Table 2 above illustrates the increased revenue that could have been generated in 2020.
7. Table 3 provides a note of current investment on the upgrade and renovation of three Longniddry Coastal Toilets.
8. The works comprise the stripping out of 3nr existing toilet blocks and reconfiguration of internal layout with slate covered timber roofs; timber clad external walls; timber external doors; plasterboard clad timber stud internal partitions; new sanitary fittings; cubicles; IPS systems; tiled walls and floors; plumbing installations; electrical and mechanical installations (to Car Park No.3 block only); decoration, external and drainage works. Please note that the works are still on site, so we don't have a final cost.

Longniddry Car Park No.1	£127,250
Longniddry Car Park No.2	£135,000
Longniddry Car Park No.3	£168,200

Table 3 – Longniddry Bents toilet improvements

Income Collected Monthly (January 2017 – December 20120)

Month	2017			2018			2019			2020		
	Cash	Ringo	Permits	Cash	Ringo	Permits	Cash	Ringo	Permits	Cash	Ringo	Permits
January	£10,711.85	£0.00	£3,950.00	£12,207.00	£1,424.30	£5,240.00	£11,380.00	£3,251.10	£6,620.00	£9,700.00	£5,064.00	£7,110.00
February	£8,283.50	£0.00	£4,120.00	£9,702.00	£1,943.20	£5,370.00	£8,996.00	£3,566.70	£6,370.00	£6,582.00	£4,020.00	£4,590.00
March	£10,002.52	£0.00	£7,370.00	£6,120.00	£1,386.00	£7,370.00	£9,170.00	£2,014.00	£4,880.00	£14,292.00	£7,310.00	£5,800.00
April	£3,493.50	£0.00	£3,290.00	£18,850.00	£4,130.00	£6,080.00	£22,082.00	£6,778.10	£4,810.00	£0.00	£0.00	£120.00
May	£12,457.00	£0.00	£3,780.00	£19,320.00	£5,334.40	£3,860.00	£16,575.00	£4,626.80	£5,880.00	£0.00	£24.00	£640.00
June	£19,134.35	£0.00	£2,060.00	£14,382.00	£4,292.20	£2,410.00	£12,939.00	£5,492.00	£3,460.00	£0.00	£7,684.00	£5,510.00
July	£17,788.00	£0.00	£2,810.00	£28,780.00	£4,963.20	£3,970.00	£29,940.00	£7,169.20	£4,190.00	£38,728.00	£30,224.00	£9,280.00
August	£24,519.00	£0.00	£4,420.00	£24,341.00	£2,772.40	£3,490.00	£22,624.00	£7,108.00	£3,660.00	£28,422.00	£22,782.00	£6,500.00
September	£12,175.00	£70.90	£3,460.00	£13,258.00	£3,078.10	£3,930.00	£14,965.00	£6,134.30	£3,940.00	£30,182.00	£21,172.00	£6,540.00
October	£8,635.00	£1,375.30	£4,150.00	£13,344.00	£2,566.00	£3,420.00	£13,009.00	£4,222.60	£3,600.00	£15,124.00	£17,992.00	£6,220.00
November	£14,754.00	£1,262.40	£4,767.75	£7,081.00	£2,057.00	£5,230.00	£13,009.00	£4,222.60	£3,600.00	£8,022.00	£13,022.00	£6,290.00
December	£4,414.00	£889.00	£2,540.00	£5,864.00	£2,899.30	£3,850.00	£6,419.00	£3,563.60	£3,920.00	£5,784.00	£11,660.00	£7,170.00
Totals	£146,367.72	£3,597.60	£46,717.75	£173,249.00	£36,846.10	£54,220.00	£181,108.00	£58,149	£54,930.00	£156,836.00	£140,954.00	£65,700.00
	£196,683.07			£264,315.10			£287,168.10			£363,560.00		

Table 3: Income collected from the Ticket Issuing Machines (TIM's) Ringo & Season Passes on a monthly basis

Season Ticket Sales

		£40	£50
Month	Number	Value	Value
Jan-20	182	£7,110	£9,100
Feb-20	117	£4,590	£5,850
Mar-20	147	£5,800	£7,350
Apr-20	3	£120	£150
May-20	16	£640	£800
Jun-20	140	£5,510	£7,000
Jul-20	232	£9,280	£11,600
Aug-20	167	£6,500	£8,350
Sep-20	164	£6,540	£8,200
Oct-20	159	£6,220	£7,950
Nov-20	158	£6,290	£7,900
Dec-20	183	£7,170	£9,150
Total	1668	£65,770	£83,400

Table 4: Season Ticket Comparison with Price Uplift

Anticipated Coastal Car Park Cash & Ringo

			£2	£2.50		£2	£2.50
<u>Date</u>	<u>No Of Vouchers</u>	<u>Value</u>	<u>Monthly Total Cash (£2)</u>	<u>Monthly Total Cash (£2.50)</u>	<u>Ringo App Vouchers Sold</u>	<u>Ringo Cash</u>	<u>Ringo Cash</u>
Jan-20	4,850	£9,700	£9,700.00	£12,125.00	2,532	£5,064.00	£6,330.00
Feb-20	3,291	£6,582	£6,582.00	£8,227.50	2,010	£4,020.00	£5,025.00
Mar-20	7,146	£14,292	£14,292.00	£17,865.00	3,655	£7,310.00	£9,137.50
Apr-20	0	£0	£0.00	£0.00	0	£0.00	£0.00
May-20	0	£0	£0.00	£0.00	12	£24.00	£30.00
Jun-20	0	£0	£0.00	£0.00	3,842	£7,684.00	£9,605.00
Jul-20	19,364	£38,728	£38,728.00	£48,410.00	15,112	£30,224.00	£37,780.00
Aug-20	14,211	£28,422	£28,422.00	£35,527.50	11,391	£22,782.00	£28,477.50
Sep-20	15,091	£30,182	£30,182.00	£37,727.50	10,586	£21,172.00	£26,465.00
Oct-20	7,562	£15,124	£15,124.00	£18,905.00	8,996	£17,992.00	£22,490.00
Nov-20	4,011	£8,022	£8,022.00	£10,027.50	6,511	£13,022.00	£16,277.50
Dec-20	2,892	£5,784	£5,784.00	£7,230.00	5,830	£11,660.00	£14,575.00
Totals	78,418	£156,836	£156,836	£196,045.00	70,477	£140,954	£176,193

Table 5: Cash & RINGO Comparison with Price Uplift

REPORT TO: Cabinet

MEETING DATE: 25 May 2021

BY: Executive Director for Place

SUBJECT: Various Roads, East Lothian – Introduction and amendments to Traffic Regulation Orders 2021

4

1 PURPOSE

- 1.1 To seek Cabinet approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and time restricted waiting, promote a new one way street and “Stop Up” locations whereby the areas will be removed from the public list of roads.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with ‘The Local Authorities (Procedures) (Scotland) Regulations 1999’ and such introduction and amendments that are in force in respect of locations and proposals listed in Appendices A – G.

3 BACKGROUND

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending of Traffic Regulation Orders as necessary to avert danger to road users; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property; and to improve the amenity of the area.
- 3.2 Following the successful introduction of decriminalised parking enforcement and the consolidation of Traffic Regulation Orders an ongoing review of restrictions has highlighted areas that require amendment / introduction (see Appendix A).

- 3.3 U191 School Brae, West Barns. It is considered necessary to reduce the speed over the School Brae Railway Bridge as forward visibility is impaired and the road width too narrow to allow two-way traffic to proceed safely whilst the road has a de-restricted speed limit (see Appendix B).
- 3.6 The introduction of a one way system on Harbour Road, Musselburgh (south to north) has seen an increase in two way traffic using Lochend Road North. Lochend Road North has parking on both sides which restricts free flow traffic movements and therefore it's recommended that this road is also made one way (north to south) (see Appendix C).
- 3.7 A request has been made by residents of Nos.1 & 2 High Street, Belhaven and Nos. 1, 2 & 3 South Street, Belhaven to have the section of South Street ex-adverso their properties "Stopped Up" and removed from the public list of roads. The residents are aware that this section doesn't rate highly enough for extensive carriageway repairs and wish to carry out these works themselves. A section of South Street adjacent to Nos 1 & 2 High Street has already been stopped up (TO 00/11) (see Appendix D).
- 3.8 In association with Planning Ref Nos. 20/01056/P & 20/01055/LBC to convert the former church hall / Haddington School of Dance and Music on Newton Port, Haddington into 3 flats it is considered necessary to Stop Up the immediate section of carriageway (lay by) on Newton Port to allow for a vehicle drive-in and associated works (see Appendix D).
- 3.9 The Spaces for People programme has temporarily made the Lindores Car Park, Tranent (opposite the toilets) limited waiting and to assist with the town centre businesses. It is considered that the limited waiting restrictions should be made permanent with a maximum stay of 90 minutes in any 3 hour period (see Appendix E).
- 3.10 Complaints have been made regarding the lack of parking availability for patients wishing to attend the Tranent Medical Practice. It is recommended that the north-most section of the car park, adjacent to No.1 Loch Square has a maximum stay of 90 minutes in any 3-hour period (see Appendix E).
- 3.11 The car park in Abbeylands, Dunbar was constructed to assist with visitors accessing and utilising the High Street businesses; however, the car park is being used primarily as a long stay. It is recommended that the car park has a maximum stay of 90 minutes in any 3-hour period (see Appendix E).
- 3.12 Car Club spaces have already been applied on Bridge Street and High Street, Musselburgh, but under an 18-month experimental Order. The car club wishes to make these bays permanent (see Appendix F).
- 3.13 Additional EV Charging Points have been installed since the last EV Charging Spaces TRO was implemented under TO 007/19. Approval is sought to vary TO 007/19 to include the additional locations (see Appendix G).

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 – All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Roads revenue budget.

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Roads Asset and Regulatory Manager
CONTACT INFO	Grant Talac or Keith Scott
DATE	10 May 2021

Appendix A		
The Amendments of the Prohibition and Restriction waiting, loading and unloading at Various Streets, Traffic Regulation Orders		
No.	Location	Description
1	Downie Place, Musselburgh	Introduce waiting restrictions on the east side as there's insufficient road width for parking on both sides
2	Eskview Terrace / Riverside Gardens, Musselburgh	Change existing No Waiting restriction to No Waiting / Loading and Unloading
3	Bush Street / Promenade, Musselburgh	Introduce waiting restrictions to control indiscriminate parking at junction
4	Eskview Road / Eskview Terrace, Musselburgh	Extend existing No Waiting restriction on south side of Eskview Road westwards as there's insufficient road width for parking on both sides
5	Stoneybank Crescent, Musselburgh	Introduce waiting restrictions at junctions to control indiscriminate parking
6	Links Avenue, Musselburgh	Introduce waiting restrictions to stop indiscriminate parking on north side and allow for free flow of traffic at traffic calming feature
7	Cowpits Road, Whitecraig	Introduce waiting restrictions to deter vehicles from parking close to the bend at pedestrian access to River Esk walkway
8	Edinburgh Road, Cockenzie at Cockenzie House	Goods Vehicles are currently loading / unloading from Cockenzie High Street but this street is too narrow to allow this.
9	Glennie Gardens, Tranent	Introduce waiting restrictions in hammerhead which should be kept clear at all times
10	Blawearie Road / Kings Road junction, Tranent	Introduce waiting restrictions to control indiscriminate parking

11	Whiteloch Road from Main Road to Station Court, Macmerry	Introduce waiting restrictions along east side to control indiscriminate parking
12	Preston Road at and opposite Preston Crescent (cul-de-sac)	Introduce waiting restrictions to allow access for refuge lorry and other similar sized vehicles
13	Florabank Road (cul-de-sac) / Florabank Road, Haddington	Introduce waiting restrictions to control indiscriminate parking and improve sightlines for vehicles exiting
14	Station Road / Tweeddale Avenue, Gifford	Introduce waiting restrictions to control indiscriminate parking
15	Abbeylands Car Park, Dunbar	Introduce waiting restrictions to control indiscriminate parking within the car park
16	Muirfield Terrace, Gullane	Change existing "school time" restrictions to "at any time" restrictions due to events taking place on the 4G pitches at the weekends

Appendix B

Speed Limits

No.	location	Description
1	School Brae, West Barns	Extend existing 30mph speed limit to south side of School Brae Bridge

Appendix C

One Way

No.	location	Description
1	Lochend Road North, Musselburgh	Make road one way from New Street to North High Street to complement existing one way on Harbour Road as both roads are unsuitable for two way traffic

Appendix D		
Stopping Up		
No.	location	Description
1	South Street, Belhaven	Request by residents to have a further section of road stopped up
2	Newton Port, Haddington	Request by consultants to have a small section of Newton Port outside of the former church hall removed from the public list of roads.

Appendix E		
90 minutes limited waiting with no return within 90 minutes		
No.	location	Description
1	Lindores Drive near Winton Place, Tranent	Introduce timed restrictions
2	Loch Centre car park, Tranent	Introduce timed restrictions to a small section of car park on the north side adjacent to No.1 Loch Square
3	Abbeylands Car Park, Dunbar	Introduce timed restrictions

Appendix F		
Car Club Spaces		
No.	location	Description
1	Bridge Street at the Brunton Hall, Musselburgh	Make permanent 2 No. car club spaces
2	At No.13 High Street, Musselburgh	Make Permanent 1 No. car club space

Appendix G		
EV Charging Bays		
No.	Location	Description
1	Port Seton Community Centre	Two Destination Chargers
2	Floors Terrace, Dunbar	Two Destination Chargers
3	Village Hall, Garvald	Two Destination Chargers
4	Walden Place, Gifford	Two Destination Chargers
5	John Muir House, Electric Car Park, Haddington	Three Destination Chargers
6	Seggarsdean Court, Haddington	Six Destination Chargers
7	Gracefield Car Park, Musselburgh	Six Destination Chargers
8	Bowling Club, Pencaitland	Two Destination Chargers
9	High Street, Prestonpans	Two Destination Chargers
10	Winterfield Golf Club, Dunbar	Two Destination Chargers
11	Dryden Cottages, East Saltoun	Two Destination Chargers
12	Community Centre, Longniddry	Two Destination Chargers
13	High Street, Ormiston	Two Destination Chargers
14	Hawthorn Road, Prestonpans	Two Destination Chargers
15	Community Centre, Wallyford	Two Destination Chargers
16	Long Stay Car Park, Haddington	Two Destination Chargers
17	Park and Choose, Wallyford	Sixteen Destination Chargers
18	Community Centre, Longniddry	One Journey Charger
19	Village Hub, Whitecraig	Two Journey Chargers
20	Park and Choose, Wallyford	Two Journey Chargers
21	Saltcoats Road, Gullane	Two Journey Chargers
22	Lindores Drive Car Park, Tranent	Two Journey Chargers

REPORT TO: Cabinet

MEETING DATE: 25 May 2021

BY: Executive Director for Place

SUBJECT: Council House Allocations Targets 2021/22

5

1 PURPOSE

- 1.1 To seek Cabinet approval for Council House Allocation Targets for the period 1 April 2021 to 31 March 2022.
- 1.2 To explain the context, legal position and rationale for the proposed targets.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the recommended targets detailed in Section 3.24 of this report.
- 2.2 That Cabinet notes that performance against these targets is reviewed on a regular basis and that such review forms part of the analysis in setting future targets in 2021/22 and beyond.
- 2.3 That Cabinet notes that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management Framework.
- 2.4 The Cabinet notes the impact of the COVID-19 pandemic and associated advice from the Scottish Government which has limited the Council's ability to allocate housing (particularly during periods of lockdown) in order to reduce the risk of transmission of the virus and protect public health.

3 BACKGROUND

- 3.1 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007. A review of the Policy took place in 2018/2019 with full implementation on 1 May 2019.

- 3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy, along with other associated actions will also help the Council make best use of Council housing stock. In addition, the policy also assists the Council achieve, along with other complementary actions, balanced and sustainable communities through local lettings plans.

Legal Obligations

- 3.3 In setting any targets against each group the Council must give reasonable preference to certain statutory groups when allocating Council houses. These include applicants living in unsatisfactory housing conditions; tenants in social housing who are under occupying their property and who have unmet housing needs and to those applicants who are homeless or threatened with homelessness.
- 3.4 Most of the statutory groups are found in the General Needs Group, although some applicants may fall into the Transfer Group, such as those who need re-housing because of overcrowding or whose health is being negatively impacted upon in their current accommodation.
- 3.5 The Homelessness etc. (Scotland) Act, which took effect from 1 January 2013 has abolished the "priority need" test and now places a duty on local authorities to provide settled accommodation to anyone found to be unintentionally homeless.
- 3.6 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (amended) stipulates that no household comprising children or a pregnant person be accommodated in 'unsuitable accommodation for more than seven days'. Failure to comply with the Order will result in a local authority breach, requiring declaration. Plans were underway to extend the Order to all homeless households in 2019, although this was delayed due to Covid-19. Temporary exceptions of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 were put in place in May 2019 in response to Covid-19, with further exceptions agreed in September 2019. The current extension is from 31 January 2021 until 30 June 2021 but may be continued beyond that. This legislation (2021/10) was laid in parliament on 13 January 2021 and came into force on 31 January 2021. Guidance for the Homeless Persons (Unsuitable Accommodation) (Scotland) (as amended) was published in parallel with this on 31 January 2021, which aims to help guide local authorities in their duties to assist people who are threatened with or who are experiencing homelessness. When the existing exemptions are lifted from 30 June 2021 (or possibly later), in accordance with the extended Order, no homeless household will be permitted to remain in 'unsuitable accommodation' for more than seven days, or this will constitute a breach of duties under the extended Order. All homeless households will require to be accommodated in 'suitable accommodation' in accordance with Guidance after seven days.
- 3.7 The Children and Young People (Scotland) Act 2014 specifically impacts on the provision of accommodation to young people leaving the care

system. The Council “Starter Flat” approach, which allocates these tenancies within the General Needs Group has already helped the Council deliver its corporate parenting objectives and has recently been complemented by the My Place project, which provides shared accommodation for care experienced young people.

- 3.8 The Scottish Government issued guidance to social landlords regarding house moves, voids and repairs during the COVID-19 pandemic and throughout subsequent periods of lockdown. Although some restrictions were enforced, this guidance also advised that it was crucial to allocate essential lets to vulnerable groups where possible (following safe working practices) e.g. to those experiencing or at risk of homelessness, in order to provide secure and settled accommodation.

Target Principles

- 3.9 The Scottish Government’s Legal Framework for Allocations (2019) states that all targets should contain sufficient flexibilities to allow the landlord to continue to meet significant need when a target has been reached. The functionality to review targets against changing housing demand forms part of a responsive allocations policy.
- 3.10 With this in mind, the allocations targets will be reviewed within six months to ensure that they continue to reflect the greatest housing demand. If, after analysis, a change to the targets is deemed necessary, a paper outlining the change will be submitted to Cabinet for approval.

Making best use of stock

- 3.11 Significant effort has been made in the last few years to encourage transfer activity in order to make best use of stock, i.e. by creating vacancy chains, which free up additional houses to those initially let to transfer applicants.
- 3.12 To help facilitate this, the Council has also ‘incentivised’ transfers for existing tenants in larger family-sized properties to move to smaller and more appropriately sized accommodation by awarding downsizing grants.
- 3.13 Housing benefit changes with effect from April 2013 affected those who have a “spare” bedroom deemed to be under occupying. This has led to some tenants wanting to downsize, in turn creating greater demand for smaller sized accommodation.
- 3.14 Full mitigation of the Housing Benefit under-occupancy reduction through Discretionary Housing Payments has helped ease this pressure but this may not continue to be a long-term solution and is the subject of various committee reports.
- 3.15 In March 2019 and again in March 2020, Cabinet continued to approve allocations targets that broadly align to overall housing list demand where most of the reasonable preference groups’ applicants can be found, not least those who are homeless. As previously, it is proposed that the targets remain set at this level going forward.

- 3.16 At the end of March 2021, 70.93% of all allocations for 2020/21 have gone to the General Needs group against a target of 70% and 25.60% of allocations have gone to the Transfer group (against a target of 25%). The remaining 3.47% have gone to the Sustainable Communities (against a target of 5%).

Sustainable Communities

- 3.17 Good practice states that landlords should not exclude any prospective tenants from accessing housing.
- 3.18 Good practice also dictates that Local Lettings Plans can only be used where there is demonstrably good reason to do so, e.g. high turnover, anti-social behaviour etc. and to promote and enable balanced and sustainable communities.
- 3.19 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation. As such, this flexibility within the lettings targets to positively and materially impact on housing allocations should be retained.
- 3.20 Each local housing team has brought forward local lettings plans, with support from their respective Local Housing Partnerships, to help achieve balanced and sustainable communities. Currently, we have four local lettings plans in operation within the Musselburgh, Prestonpans, North Berwick and Tranent areas – all of which are being kept under continuous review.
- 3.21 As an example of the positive impact of Sustainable Communities, the local lettings plan for the Co-op Buildings, Tranent (lodged in the Members' Library in February 2020) saw the Council achieve twelve allocations to households that were experiencing homelessness and occupying temporary accommodation provided by East Lothian Council.
- 3.22 On support from their respective LHPs, existing and future Local Lettings Plans will be reviewed and submitted to the Members' Library. It is anticipated that the total target for Sustainable Communities will not exceed 5% but again will be subject to strict monitoring.

2020/21 Allocations against reported groups

- 3.23 There were a total of 461 allocations from 1 April 2020 to 31 March 2021. The following table shows the numbers and percentages of allocations for the following groups for this period.

Type	Number	Percentage	Targets 2020/21
General Needs	327	70.93%	70%
Transfers	118	25.60%	25%
Sustainable Communities	16	3.47%	5%
Total	461	100%	100%

- 3.24 Taking account of the 2020/21 data, legal obligations - such as the recent changes to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, the introduction of Rapid Re-housing, increasing pressure on the provision of temporary accommodation, optimum stock utilisation and sustainability objectives, senior management within Housing propose the following percentage targets for 2021/22.

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

- 3.25 These targets should be seen in the context of a range of measures required by the Council and its partners to increase the supply of affordable housing, and to address homelessness through the delivery of the Council's Rapid Rehousing Transition Plan currently under review.

4 POLICY IMPLICATIONS

- 4.1 The proposed allocations targets will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2001, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (as amended) and the Homelessness etc. (Scotland) Act 2003

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Continuing to set targets at this level will help reduce the overall financial strains on the provision of temporary accommodation by assisting throughput of all forms of temporary accommodation to settled accommodation.
- 6.2 Personnel – None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Cabinet Report – Council Housing Allocations Review 2019 – March 2019
- 7.2 Cabinet Report – Council House Allocations Targets for 2020/21 – March 2020
- 7.3 Cabinet Report – Update on Rapid Rehousing Transition Plan and Changes to Homelessness Legislation – September 2019
- 7.4 Members’ Library – Local Lettings Plans – February 2020

AUTHOR’S NAME	Wendy McGuire
DESIGNATION	Head of Housing
CONTACT INFO	James Coutts x 7483
DATE	May 2021

REPORT TO: Cabinet
MEETING DATE: 25 May 2021
BY: Chief Executive
SUBJECT: Corporate Risk Register 2021

6

1 PURPOSE

- 1.1 To present to Cabinet the Corporate Risk Register 2021 for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register for 2021.
- 2.2 In doing so, Cabinet is asked to:
- agree that the relevant risks have been identified;
 - agree that the significance of each risk is appropriate to the current nature of the risk;
 - agree that the total profile of Corporate Risk can be borne by the Council at this time in relation to the Council's appetite¹ for risk;
 - recognise that, although while Corporate Risks require close monitoring and scrutiny throughout 2021/22, many are in fact long term risks for the Council that are likely to be a feature of the risk register over a number of years; and,
 - note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

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

3 BACKGROUND

- 3.1 In keeping with the Council's risk management strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with Council Management Team.
- 3.2 In presenting the proposed Corporate Risk Register 2021 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.3 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place
 - Medium risk is tolerable with control measures that are cost effective
 - Low risk is broadly acceptable without any further action to prevent/mitigate risk.
- 3.4 The 2021 Corporate Risk Register includes 1 Very High Risk, 8 High risks, 9 Medium risks and 1 Low Risk.
- 3.5 In accordance with the Risk Management Strategy 'Very High' and 'High Risks' identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – It is the consideration of the Corporate Risk Management Group that recurring costs associated with the measures in place for each

risk are proportionate to the level of risk. The financial requirements to support the Register for 2021 should be met within agreed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team and if required will be reported to Council.

- 6.2 Personnel – There are no immediate implications.
- 6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Corporate Risk Register 2021

AUTHOR'S NAME	Scott Kennedy
DESIGNATION	Emergency Planning, Risk and Resilience Officer
CONTACT INFO	skennedy@eastlothian.gov.uk 01620 827900
DATE	13th May 2021

East Lothian Council Corporate Risk Register 2021

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 1	<p>COVID19</p> <p>If East Lothian Council does not have the appropriate plans/contingency in place to ensure continued delivery of business critical service during the COVID 19 outbreak there is a risk to our ability to provide an effective critical and emergency service to East Lothian's residents, communities and businesses.</p> <p>The current novel coronavirus (COVID-19) outbreak, which began in China in December 2019, presents a significant challenge for the entire world. The UK government and the devolved administrations, including the health and social care systems, have planned extensively over the years for an event like this, and the UK is prepared to respond. East Lothian Council is also well prepared to respond in a way that offers substantial protection to the public.</p> <p>Scottish Government implemented a wide range of strategy, legislation, policy and funding arrangements intent on supporting the containment of the spread of the virus across the country, whilst supporting communities and the economy sustain throughout the various stages of lockdown and easing of restrictions, resulting in a risk that the Council may not be able to flex and respond quickly enough to meet the developing situation and expectations set within these national strategies etc., particularly given the impacts of the virus on the Council's operating arrangements and staffing capacity .</p>	<p>Proactively communicating, and encouraging compliance with all government and public health authorities' advice and reducing the impact and spread of misinformation by relying on information from trusted sources e.g. NHS, Public Health Scotland and Scottish Government.</p> <p>Scottish Government Coronavirus Strategy, Legislation and Guidance is followed in responding to the impacts of COVID-19 within East Lothian. Council Management Team (Critical Incident Response Team) meets weekly to oversee and direct the Council's COVID-19 response. Emergency Co-ordination Centre stood ready for Crises Response if required.</p> <p>Services produce a Commonly Recognised Information Picture (CRIP) of local issues.</p> <p>COVID-19 and Concurrent Risks Oversight Group oversees the cross service COVID-19 response planning and operational service delivery ,considering implications of any relaxation of lockdown on ongoing service response, responding to Scotland's Strategic Framework and overseeing the work of a number of sub-groups which are covered in more detail within the full COVID Risk Register:</p> <p>COVID 19 Recovery and Renewal Coordination Group is deployed overseeing planning for recovery and renewal across East Lothian, overseeing a number of sub-groups:</p> <ul style="list-style-type: none"> • Environment and Infrastructure Recovery and Renewal Group • Education Recovery Group • Connected Economy Group • Communities Recovery & Renewal Group • Health & Social care Recovery & renewal Group <p>Resilience Direct is being used to share information on a multi-agency basis.</p> <p>Business Continuity Plans deployed in all services leading to ELC staff working from home unless it is essential for them to be in their place of work.</p> <p>Protective Services (Environmental Health and Trading Standards) support local businesses to ensure Covid-compliant business operations for their staff and customers.</p> <p>Protective Services are working in partnership with NHS Lothian in relation to the investigation of local Covid-19 cases/clusters and will, if required, attend PAG/IMT's, in support of Track and Trace national procedures to constrain the spread of the virus across communities..</p>	5	4	20	<p>Planning across Services re ongoing COVID19 response to national relaxation of lockdown.</p> <p>Ongoing deployment of JCVI vaccine programme and monitoring of Covid case prevalence across East Lothian to inform service interventions and timely community information and updates re service delivery and ongoing safety measures.</p> <p>Support the business, retail, hospitality and tourism sectors to recover, providing timely advice, guidance and support to ensure safe operation within COVID-19 Guidelines.</p> <p>Develop service plans for reopening of Council services as Scottish Government's Strategic Framework progresses and Scotland and East Lothian are placed in lower Protection Levels.</p>	5	4	20	<p>Council Management Team (Crisis Response Team)</p> <p>Council COVID 19 Oversight Group</p>	<p>All measures are live and monitored on a weekly basis.</p>	<p>New Corporate Risk created 18th March 2020 in response to COVID 19 by Risk Officer in collaboration with Head of Communities & Partnerships.</p> <p>Refreshed on a regular basis and reviewed at CMT meetings.</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	<p>There is an ongoing risk as regards the Capacity and Resilience of the Council's workforce in responding to the pandemic alongside management and delivery of the Council and its services.</p> <p>There is an additional strain on all staff from anxiety on individuals who have family members who are suffering and additional work caused by large numbers of absences.</p>	<p>Joint working with Police Scotland across all aspects of community life to constrain the spread of the virus and support local residents, business and visitors' community safety,</p> <p>Extensive Elected Member Briefings, Staff Briefings and Manager Guidance issued.</p> <p>Mass Fatality Plan refreshed while a remote registration of deaths is now in place with new procedures issued by National Registers of Scotland.</p> <p>Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required.</p> <p>Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations responding to COVID-19 consequences across communities.</p> <p>The Council provides a prime source of local EL public information, constantly updated, in the Council Website as well as regular updates on Social Media platforms.</p> <p>Testing for all key workers is in place and readily available in the H&SCP.</p> <p>Cockenzie operates as a part-time Symptomatic testing site, operated by the Scottish Ambulance Service.</p> <p>National Mobile Testing Units, operated by Scottish Ambulance Service, operate as Asymptomatic Testing provision within targeted communities, in response to Covid case prevalence.</p> <p>Static Asymptomatic Testing will operated out of the previous Stoneyhill Community Centre, Musselburgh. Mobile Asymptomatic Testing Units, Home delivery and Collect Asymptomatic testing provision will be available from May 2021, funded by Scottish Government but operated by East Lothian Council.</p> <p>Local promotion of Scottish Government's on-line asymptomatic Universal Testing Offer effective 26 April 2021.</p> <p>Wellbeing implications for our workforce have been addressed re-mental health risks, health & safety risks, home working risks via employee and line manager briefings and guidance on wellbeing, health & safety, homeworking checklists. Guidance for managers and the employee wellbeing programme are available online.</p>				<p>Promote deployment of National Mobile Asymptomatic testing Units to new locations county-wide.</p> <p>Establish and communicate details of the Council's Asymptomatic Testing provision.</p> <p>Services review Service Delivery and prioritise essential critical and emergency service provision, and sustain essential corporate service provision e.g. IT systems, Payroll, Contact Centre et al.</p> <p>Management of planned return to workspaces in accord with national guidance and local review of Assets and New Ways of Working.</p>				<p>Council COVID Oversight Group and Community Testing Sub Group</p> <p>Heads of Service and Service Managers</p>	<p>Review June 2021</p> <p>Ongoing</p>	

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	<p>Increased Financial Hardship</p> <p>From March 2020, the financial impact of Covid-19 on local business and local households, and the Council has been severe. Some welfare benefits have changed in response to this in order to help alleviate financial hardship. In addition, new funds, schemes and grants have been made available to support those in need.</p> <p>Although the early impact has been partially mitigated by the additional funds, schemes and grants, there is concern when some of this ends, for example the furlough scheme and the £20 additional weekly payment for Universal Credit claimants, Council income streams could be more severely impacted. Higher levels of unemployment or debt could result in more personal insolvency which would have a detrimental effect on the Council's ability to collect money owed.</p> <p>Notwithstanding the UK/Scottish Government's commitments to support individuals and businesses in financial hardship due to covid-19, e.g. Further extension of the furlough scheme to September 2021, further extension to the Universal Credit £20 weekly payment to September 2021 etc., there is a risk that the Council and key support services e.g. Social Work, Revenues etc., may face greater demands for financial support from local residents and business.</p> <p>It has been announced that UK Government will be leading on the UK Prosperity Fund and have confirmed that this will not be within the jurisdiction of the UK Devolved Administrations.</p> <p>Management of State Aid – COVID Business Support Grants currently administered by ELC constitute State Aid (now known as Subsidy Control under UK legislation). There is an uncertainty regarding risk ownership between Local Authorities and Scottish Government.</p>	<p>Temporary Suspension of Statutory Debt Recovery Work</p> <p>Statutory debt recovery work has been temporarily suspended during periods of national lockdown to prevent additional financial pressures for many local residents already facing hardship as a result of the pandemic. Officers are also providing support and advice to residents and business owners struggling financially, assisting with eligibility checks and applications for a number of the items listed below.</p> <p>Support for Local Business</p> <p>The Revenues Service developed processes and administered applications and payments for the new Business Support Grant from April to July 2020.</p> <p>The Economic Development team administered Business Support Grants on behalf of Scottish Government, covering:</p> <ul style="list-style-type: none"> • Business Closure • Business Restrictions • Soft Play Business Contingency Fund • One-off Furlough Payments to businesses • Strategic Framework Business Fund • Retail, Hospitality and Leisure Top-ups • Taxi Driver Fund Grants • East Lothian Council Discretionary Business Fund • Contingency Fund Plus (travel agents, brewers support fund and indoor football centres) • Self-Catering Accommodation Grant • Bed & Breakfast and Guest House Support Grant <p>Support for Local Households</p> <p>The Revenues Service administer a number of financial support grants on behalf of the Scottish Government:</p> <ul style="list-style-type: none"> • Covid-19 Self-Isolation Support Grant • Period Poverty Fund via the Scottish Welfare Fund. • Coronavirus Fuel Poverty Fund, via the Scottish Welfare Fund. • Additional SG funding for Discretionary Housing Payment is in the process of being awarded where eligibility has been identified. <p>Refreshed and regularly updated public information leaflets and web content providing information about help and support available from a number of Council services and external agencies e.g. access to fuel, food and warm clothing over the winter months.</p> <p>Performance monitoring and reporting is in place to measure the financial impact of Covid-19 on all Revenues income streams and collection rates.</p>										

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	<p>Education There is a risk to the continuing education for all Children and Young People as a result of the continued uncertainty around any future outbreaks of the virus.</p> <p>From the 20th of April all Primary and Secondary pupils returned to school buildings.</p> <p>Scottish Government confirmed the following plans for SQA Awards in 2021:</p> <ul style="list-style-type: none"> Higher and Advanced Highers exams and also National 5 exams, will be replaced with awards based on coursework, assessments and teacher professional judgement. <p>There is a risk with increasing numbers returning to school buildings of an increase in the number of positive COVID related cases within our schools. Whilst Head Teachers and Central Management staff will deal with these and engage with the Health Protection Team this may place additional pressures on service delivery and, may impact on the SQA Awards assessment programme, particularly in instances that occur out-of-hours.</p> <p>Education are facing significant financial risks as a result of drop-out rates from Foundation Apprenticeships while there are also significant risks to the participation rates, positive destinations- potentially leading to rising youth unemployment- especially for Winter Leavers- as access to college campuses is restricted and most learning has moved to an online delivery model.</p>	<p>Education Education follows Scottish Government and Public Health Guidance in developing service delivery plans.</p> <p>Mass asymptomatic testing commenced for all school staff and for secondary school pupils with test kits delivered to schools and issued to school staff and senior pupils to be administered at home.</p> <p>Cleaning and risk assessments are an ongoing priority in relation to the School Environment and the risk assessments are refreshed and updated in line with national guidance. Additional fogging is taking place in any schools where there is a significant increase in number of positive cases.</p> <p>Free school meals are being provided in all schools and for those who may need to self-isolate. BACS continues to be used where payment is required over a school holiday or for any future full or partial school closure.</p> <p>All Schools have Business Continuity contingency plans in place in the event that schools have to close.</p> <p>Education Recovery Group continues to meet fortnightly. Work streams continue to review and update guidance for schools and they continue to reflect any revised guidance from Scottish Government.</p> <p>Regular meetings with Trades Unions representatives take place to ensure positive collaborative working in order to ensure any areas of concern are discussed and addressed.</p> <p>Ongoing and effective communication to pupils, parents and staff of education provision and safe operating arrangements.</p> <p>Face coverings are now mandatory on transport contract or public transport as per Scottish Government guidance while secondary students are required to wear them in public areas around the school and staff are also encouraged to wear them.</p> <p>Return of schools per national guidance requires alteration to timetables of routes; 20 April allows primary & secondary educated children to travel without any social distancing. Additional support needs children may still have split day attendance and some will continue to shield till 26th April or longer dependant of risk assessment.</p>							Executive Director, Education and Children's Services, Education Recovery Group			
	<p>IT and Digital Resilience Network usage has increased significantly due to the reliance on digital technologies. Whilst the schools were off during March – August this was not a problem. However the return of schools and their own increased use of digital technology has resulted in the network reaching capacity.</p> <p>The rapid increase of remote working increases the likelihood and impact of cyber-attack against organisations as attackers exploit the situation. Also</p>	<p>IT and Digital Resilience IT have purchased and deployed more than 500 laptops as well as supporting services to bring many others already issued into service.</p> <p>IT are now providing home based working support across the Council to more than 2,000 staff from an initial base of 12 contracted home workers.</p> <p>Maximising ELC staff mobile working technology e.g. Skype and Laptop facilities & reviewing regularly.</p>			56	<p>A project is underway to upgrade the Wide Area Network (based on pre-Covid requirements). A 10gb core has now been established and sites are being added to this on a weekly basis.</p> <p>Upgrade the local area networks (especially in schools). There is a programme for this underway but it has stalled due to budgets being diverted to other areas and staff having to focus on</p>			Head of Council Resources			

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	<p>cyber security good practice for the office does not necessarily transfer to the home working environment – for example, staff may be working in an area shared with family meaning confidentiality of data on screens/during voice and video calls may be compromised.</p> <p>IT Supply Chain Issues have come to the fore in March 2021. The lead time for laptops, Chromebooks and iPads have now stretched to 6 months. This is causing problems for services, especially those with new starts requiring equipment. Scottish Procurement have indicated that this is a World Wide problem mainly due to the shortage of components such as microchips and screens.</p>	<p>IT have upgraded the Skype For Business Platform to increase capacity and make it more resilient.</p> <p>Email alerts have been used to remind staff of our security policies and good security practice whilst working from home.</p> <p>IT staff provide guidance on security issues as and when they arise.</p> <p>Increased security monitoring now in place on infrastructure.</p>				<p>COVID response. Capital funding is also an issue with this as it costs approx. £150k per secondary school and up to £100k per Primary school so the project will run over many years.</p> <p>Increase capacity of the Internet Pipe by installing a second connection and splitting schools and corporate traffic. This has now been ordered and installation dates are awaited from BT.</p>						
ELC CR 2	<p>Climate Emergency</p> <p>The Council declared a Climate Emergency in August 2019, resolving to take urgent action to make all our Council Services Net Zero Carbon as soon as reasonably practicable or in any case by 2045, and to work with our communities and partners towards a Carbon Neutral East Lothian, enabling the county to deliver its part of wider national and international commitments. The Climate Emergency motion also recognised that the impacts of climate change are having a serious effect on our communities.</p> <p>The Council has statutory duties under the Climate Change (Scotland) Act 2009 to reduce its carbon emissions, adapt to climate change and endeavour to act sustainably.</p> <p>The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 set a target for Scotland of Net Zero greenhouse gas emissions by 2045, with the expectation that public bodies will lead by example to reach Net Zero.</p> <p>The risks are:</p> <ul style="list-style-type: none"> Lack of resources (both financial and staff capacity) to enable the Council to achieve Net Zero, realise the opportunities, and deliver a Carbon Neutral and sustainable East Lothian; Increased potential for unbudgeted costs without a clear funding mechanism for the transformational changes needed, particularly in relation to Fleet and Asset Management; Unknown costs of transformational change and implementing measures to reduce emissions and reduce climate change impacts; Risk aversion, particularly in relation to new and emerging technologies; Failure to meet the Net Zero target of 2045 at the latest; Failure to mainstream and embed action to tackle climate change may harm the Council's reputation (in terms of corporate social responsibility); 	<p>The Council approved its Climate Change Strategy in January 2020, setting out its commitment to tackling the Climate Emergency at a local level; the vision and overall aims for a 'Net Zero Council' and a 'Carbon Neutral East Lothian', and ensuring preparedness for the impacts of climate change; and the specific outcomes, key priority areas and actions over the next five years towards achieving these overall aims.</p> <p>Progress with delivering the actions in the Climate Change Strategy was reported to Cabinet in January 2021. COVID-19 has impacted on the timescale for delivery of some actions; approval was obtained from Cabinet in January 2021 for amendments to the target dates of some actions due to COVID. In addition, some new actions were added to the Action Plan.</p> <p>Since 2014/15, the Council has reported annually to the Scottish Government on its carbon footprint and progress with delivering its statutory Public Bodies Climate Change Duties under the Climate Change (Scotland) Act 2009. These reports are publicly available.</p> <p>A Climate Change Planning and Monitoring Group is established, chaired by the Executive Director for Place, which is responsible for overseeing, developing and monitoring progress with delivering the actions in the Climate Change Strategy, and has a critical role in driving and coordinating the work of the Council to meet its climate change obligations and commitments. Heads of Service, Service Managers and Officers from across the Council are represented on the Group, tasked with implementing the actions and plans identified in the Climate Change Strategy relevant to their Service Areas.</p> <p>Ongoing liaison is underway with the Scottish Government at a national level via the Sustainable Scotland Network (SSN), around implementation of the Scottish Government's Climate Change Plan Update (publication of which was delayed due to COVID), setting out its policies and procedures for Scotland to reach Net Zero by 2045.</p> <p>Ongoing liaison is also underway with other public bodies and key partners via organisations such as the Sustainable Scotland Network and Adaptation Scotland to ensure consistency of Climate Emergency</p>	4	4	16	<p>Identification of budget and funding streams to enable the Council to continue to deliver the transformational change needed, particularly in relation to Fleet and Asset Management; for example, staff resource to chase funding opportunities and support services to access them.</p> <p>Continue to implement and deliver the actions set out in the Climate Change Strategy over the five years of the strategy, with ongoing review of the strategy in line with the changing policy and legislative context, and annual reporting to Cabinet of progress with the delivery of actions.</p> <p>The Scottish Government's Climate Change Plan Update was published in December 2020. Officers are currently considering the implications for our own Strategy and Action Plan; any material implications will be reported to Cabinet in due course. Work with the Scottish Government to secure the tools, powers and resources to enable the Council to deliver Net Zero.</p> <p>Work to identify interim emission reduction targets across Council Services, including implementation of a monitoring and evaluation framework.</p> <p>Production of a Climate Change Communications and Engagement Plan.</p> <p>Engagement has been underway with external partners, including: the East Lothian Partnership, which is aiming to review the East Lothian Plan to include emissions reduction and tackling climate change (although this has been delayed due to COVID); the Area Partnerships, several of which now have 'Sustainability' sub-groups; young people via the East Lothian Youth Council and schools' Eco Groups; local groups and organisations; and local businesses. COVID has</p>	4	4	16	<p>Chief Executive</p> <p>Head of Development</p> <p>Sustainable Energy and Climate Change Officer</p>	<p>Ongoing with annual review</p> <p>2025 / reviewed annually</p> <p>Ongoing with annual review</p> <p>Ongoing with annual review</p> <p>December 2021</p> <p>December 2021 – dependant on when we move out of COVID response mode and opportunities for engagement</p>	<p>Risk refreshed by Sustainable Energy and Climate Change Officer March 2021 with no change to risk scores.</p> <p>'Carbon Management' Risk refreshed revised and renamed Climate Emergency Risk in relation to the Council's Climate Emergency Response.</p> <p>Current and Predictive Risk scores increased from 9 and 6 to 16 due to the declaration of a Climate Emergency.</p>

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	<ul style="list-style-type: none"> Failure to meet our public bodies duties under the Climate Change (Scotland) Act 2009; Potentially there might be financial penalties for non-compliance although this is not yet known; <p>The Council has made a lot of progress as noted within the risk, however, there is an urgent need to secure the resources, tools and powers to enable the Council to deliver Net Zero; until then there is an uncertainty as to whether the Council will be able to drive forward the transformational change needed and reduce the risk.</p> <p>In relation to Fleet management: the aim is to meet climate change targets, with the objective to replace fleet vehicles with ULEV equivalents by 2025 for public sector fleet. However, this comes with cost implications to achieve – Scottish Government support funding is limited and at present primarily focused on smaller vehicles such as cars and small vans. The modal shift for the heavy commercial fleet to an ULEV platform will require additional unbudgeted funding. For example, the purchase cost of an EV refuse collection vehicle is currently 2.5 times more expensive to purchase than a current fossil-fuelled equivalent. This form of modal shift also requires a charging infrastructure capable of supporting these vehicle formats. 2030 will see the removal of primarily fossil-fuelled vehicles available to be supplied by manufacturers.</p> <p>In relation to Asset management: the costs of transformational change for our built assets to reach net zero are anticipated to be substantial. Ensuring the availability of capital to achieve this (for example, capital for asset reconfiguration, energy efficiency measures, energy generation, etc.) is pivotal to meeting our targets and managing our assets in line with the climate change agenda.</p>	<p>response, to share best practice, and to drive forward innovation and transformative change.</p> <p>The Sustainable Energy and Climate Change Officer liaises closely with SSN and leads on driving and coordinating the work of the Council to meet its climate change obligations and commitments.</p> <p>Climate Change is a key consideration in the Council's COVID Recovery and Renewal Framework, and one of the key principles of the Framework is a sustainable and Green Recovery from COVID.</p> <p>Work is underway with external partners to deliver transformational change in transport, waste & recycling, planning, housing, energy efficiency and renewable energy supply across the county. However, unless and until further resources and funding mechanisms are urgently put in place, particularly in relation to Fleet and Asset Management, the Council will find it challenging to continue to drive forward transformational change and reduce the risk.</p> <p>Support funding by Transport Scotland to meet the 2025 public fleet sector objective is being provided, however the ability of services to shift their operating model to utilise ULEVs in full is challenging. Funding has limited options – lease or part funded purchase.</p> <p>An Energy Transformation Board has been formed, which has been tasked to look at generating income from installing low carbon technologies across the Council's estate and improving energy efficiency and energy supply from renewable sources.</p> <p>The Sustainable Transport Officers Group coordinates multi-departmental responses to transformational change and modal shift in transport towards active and sustainable travel.</p> <p>Preparing for the impacts of climate change, including an increase in the frequency and severity of severe weather events, sea level change, and preparation of business continuity plans, are covered by other Risks identified within this Corporate Risk Register and Service Level Risk Registers.</p> <p>The Resilient Communities initiative is already underway across East Lothian to prepare our communities for emergencies and severe weather events.</p>				<p>impacted on engagement opportunities with some of these groups during 2020/21, however, this will be progressed again at the appropriate time.</p> <p>Development of a 'Climate Resilient Communities' network and the setting up of a Citizens Assembly or Climate Change Forum to work in partnership with our communities, local businesses, organisations and national agencies to develop our county-wide Climate Emergency response. COVID has impacted on the opportunities to progress this with communities during 2020/21; this will be progressed again at the appropriate time.</p>					December 2021 – dependant on when we move out of COVID response mode and opportunities for engagement	
ELC CR 3	<p>Brexit</p> <p>The Trade Co-operation Agreement (TCA) was agreed on Christmas Eve 2020 and ratified by UK Parliament on 30th December 2020 via the European Union (future relationship) Act 2020. The TCA is wider in scope than most free trade agreements and also covers the most urgent matters, however, remaining provisions such as rules on state aid are in preparation. The agreement has reduced a number of trade barriers in relation to cross-border services.</p>	<p>The wider ramifications of the decision to leave the European Union are yet to be fully realised and felt in national and local economy. Whilst there will be some opportunities there is also uncertainty that may affect areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>The CMT has appointed a strategic and tactical level Lead Officer to keep an oversight on ongoing EU Exit developments.</p>	4	4	16	<p>We continue to seek clarity over how the Government plans to address the potential EU funding gap, retain highly skilled migrants and support trade.</p> <p>Seeking guidance at early stage from COSLA, SG and other sources around emerging thinking on Shared Prosperity Fund and Rural Development Fund as replacement support for ESF/ERDF and LEADER/Fisheries.</p>	3	4	12	Council Management Team	All actions ongoing and dependant on decisions taken by UK Government	<p>The risk continues to be reviewed on a monthly basis throughout 2021.</p> <p>Following the TCA being in place the current risk was reduced from 25 to 16 and the predictive risk</p>

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	<p>This agreement will have an impact on the local economy, local funding and the delivery and funding of council services. With a fast-changing political environment, the wider ramifications of the decision to leave the European Union are yet to be fully identified. Whilst there may be some opportunities, there is also considerable uncertainty that affects areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>We may see a gradual slow down during period of uncertainty. A potential council impact (+/-) on:</p> <ul style="list-style-type: none"> Inward investment and positive awareness of the UK; EU funding for council-led business and training projects is known with the timescale permitted for delivery, however the university, farm businesses and other players will be accessing funding from EU sources which will be stopped at some point. There has been an announcement on a replacement funding model on which the detail of this is being assessed. It has been announced that UK Government will be leading on the UK Prosperity Fund and have confirmed that this will not be within the jurisdiction of the UK Devolved Administrations. Management of State Aid – COVID Business Support Grants currently administered by ELC constitute State Aid (now known as Subsidy Control under UK legislation). The UK Government has launched a consultation on Subsidy Control seeking views on a new UK framework. There is an uncertainty regarding risk ownership between Local Authorities and Scottish Government. Increased import and export costs for local businesses due to increased administration overhead and introduction of tariffs in accordance with the UK Governments border operating model. Trade and Co-operation Agreement makes most trade tariff free, however, there are still administration costs. Council and local business workforce pressures Procurement Potential Supply Issues for IT Hardware Inflationary pressures. Which could reduce and could in turn impact on the council, the university, housing market, capital costs resulting from increased cost of labour which could slow business rates growth (Inflation risk based on latest OBR predictions), workforce pressures e.g. regulatory services, social care providers, procurement costs, inflationary pressures caused by fluctuations in sterling value and potentially a loss of EU grants funding. Price increases related to Services, Materials and in particular fresh food supplies. <p>Key potential causes are:</p> <ul style="list-style-type: none"> Gradual slow down during period of uncertainty. Border disruption 	<p>“EU-exit” has been acknowledged and remains a Corporate Risk.</p> <p>“EU-exit” contingency planning is a standing item on the CMT agendas.</p> <p>COSLA published a paper in January 2021 on “UK EU Post Transition” providing Council leaders with an update on the TCA and potential issues for local government.</p> <p>CMT has established an appropriately represented corporate level “D20 EU-Exit Working Group” chaired by the appointed Strategic Lead Officer which meets on a monthly basis.</p> <p>The Council has also established a Connected Economies Group (CEG) which has a multi-agency membership, providing the Council with a forum to communicate and link with Elected Members, Local Trade Agencies and Organisations, Tourism representatives, the DWP and Scottish Enterprise.</p> <p>The “D20 EU-Exit Working Group” is appropriately engaged with internal subject matter experts on sectoral vulnerabilities and have a mechanism in place to rapidly assess and escalate these risks where appropriate.</p> <p>CMT and Full Council considered a detailed Brexit Preparations and Response Report presented on 27th October 2020. There was a Members Briefing on the 22nd December 2020 and a report submitted into the Members Library detailing the Council’s Service Impact Assessment of a “No Deal Brexit” and preparations that were in place.</p> <p>Council Officer representatives have attended EU-Exit related meetings, national Brexit preparedness sessions and training run by COSLA, RRP, LARGS and Scottish Government and have contributed to Resilience Partnership Planning for Reasonable Worst-Case outcomes and the layering of multiple scenarios and outcomes.</p> <p>D20 EU-Exit Working Group are using a reasonable worst case scenario as published in the UK Government Planning Assumptions as its Terms of Reference. The Group have undertaken Service Impact Analysis on this basis and created an overall EU-Exit Risk Register.</p> <p>Specific HR Actions for EU National Employees:</p> <ul style="list-style-type: none"> Project plan created to capture major milestones and actions from November 2018 to June 2021 Right to Work checklist introduced at recruitment stage which will ensure EU nationals can be identified Identified EU nationals through use of equalities information and manual checks of employee records to obtain right to work information and issued letter to impacted employees. Presented paper to CMT : EU Settlement Scheme overview and recommended actions 				<p>There are 3 new funding schemes taking us beyond EU funding including one which serves as the Shared Prosperity Fund (SPF) pilot:</p> <ul style="list-style-type: none"> UK Community Renewal Fund (SPF pilot) – 2021/22 Levelling Up Fund – 21/22 – 24/25 Community Ownership Fund <p>A certification hub at Cockenzie site (including TOSCC) is in a state of readiness should it be required.</p>					<p>from 25 to 12 in February 2021.</p> <p>The risk score was increased from 16 to 25 during December 2020.</p> <p>New risk created and evolved by CMT and Brexit Working Group during 2019/20.</p>	

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	<ul style="list-style-type: none"> Workforce pressures e.g. regulatory (food imports/export), social care providers. Inflationary pressures caused by fluctuations in sterling value. Loss of EU grant funding <p>Free movement of EU Nationals ceased on 31st December 2020 and new migration policy has been implemented. EU Nationals who do not apply for Settled or Pre-settled status and have no right to remain in the UK. This may result in staffing issues in a number of roles e.g. teachers, social care workers, social workers.</p> <p>From January 2021 job offers to workers from the EU will become based on satisfying a skill level.</p> <p>Overall national and local economic impact in relation to:</p> <ul style="list-style-type: none"> RPI, cost of goods, services, supplies Overall employment Cost of borrowing Availability of goods on import and cost if available General value of our currency <p>Certification Hub Funding has already been agreed with Scottish Government as part of a £1.2m bid which Protective Services applied for. A Certification facility has been set-up should there be an increased demand in relation to Export Health Certificates and Import checks.</p>	<ul style="list-style-type: none"> Joint Trade Union engaged, advised of actions and provided all communication materials Create and issued LM pack, providing overview and copy of letter for information with Home Office posters for display Direct Mail to introduce, remind and highlight key messages throughout Monthly inform article which counts down until the full scheme is live and quarterly Inform articles reminding of the deadline to apply. Reviewed and amended job adverts to signpost EU nationals to sponsorship arrangements and thresholds. Communications issued to managers to advise of new requirements necessary to employ an EU national. The Council has renewed and increased its Certificate of Sponsorship allocation. Created additional capacity within HR Payroll System to easily capture and report on nationality and right to work. <p>A Lothian & Borders Local Resilience Forum is in place, including the ELC EP, Risk & Resilience Manager, engaging and liaising with partner agencies through the East Regional Resilience Partnership (RRP) and Lothian & Borders Local Resilience Partnership (LRP). This ensures partnership working processes are in place and understood, should such processes be invoked.</p> <p>Economic Development has signposted all businesses to the Scottish Enterprise website (prepareforbrexit.scot) and continues to liaise with businesses as to their concerns and issues. Ongoing intelligence gathering through other local authorities and national agencies. Economic Development are continually reviewing and updating website business pages and its' Business Gateway (webinar offerings).</p> <p>Through the Brexit Working Group, the Council has engaged in internal and external communications, multi-agency decision-making and response arrangements.</p> <p>Through the Brexit Working Group, the Council has engaged in business continuity collaboration arrangements with local partners and neighbouring Local Authorities: via LRP/RRP.</p> <p>The Council has assessed internal essential services business continuity arrangements.</p> <p>Through the Brexit Working Group, the Council has employed horizon-scanning activities to identify and communicate emerging risks.</p> <p>EU Settlement Scheme – UK/Scottish Government paying fee for this – COSLA are working with Local Authorities to provide case management assistance in relation to applications and assisting those people who are affected.</p>										

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ELC CR 4	<p>Managing the Financial Environment</p> <p>The Council may not be able to manage its obligations within the resources available.</p> <p>Reducing levels of core national funding relative to rising demand, increased ring fenced and short term funding settlements, and rising demand for services, creates significant challenges to ensure that the Council remains financially resilient and services can be delivered sustainably.</p> <p>The Council is managing a multitude of pressures, and these have been increased significantly in recent months due to the financial implications arising from COVID 19. If these pressures are not successfully planned for and managed effectively over the short, medium and longer term there would be a serious risk of unplanned / reactive budget realignments with significant adverse impact on availability and quality of both front-line services and necessary investment in the Council's infrastructure and asset base. This includes the requirement to successfully plan and deliver recurrently identified savings proposals.</p> <p>Over the medium term it is highly likely that the Council's grant from Scottish Government will, at best, remain static and may even reduce. At the same time the Council continues to face significant cost and demand pressures. These pressures have significantly been enhanced due to on-going implications faced by COVID-19 but also include:</p> <ol style="list-style-type: none"> (1) Supporting the resource requirements associated with the delivery of the growth agenda resulting from the Local Development Plan; (2) Associated demographic change and social-economic pressures; (3) Growing inflationary pressures and contractual commitments including pay and pensions; (4) Potential financial costs associated with a wide range of new obligations or legislative changes. <p>In supporting the national response to manage the on-going implications of COVID-19, the Council has supported a wide range of enhanced support to Communities in line with national guidance. In addition, many Council services are facing significant additional costs and obligations to enable them to operate safely and in line with continued guidance and health and safety requirements. There remains an on-going risk that if these interventions are not fully funded, the Council will be unable to comply with national policy and guidance and may impact on service delivery to ensure it can be delivered within available resources.</p>	<p>The Council has well developed medium term financial planning arrangements. These include:</p> <ul style="list-style-type: none"> • Five year financial strategy; • Three year General Services revenue budgets; • Five year General Services capital plan budgets; • Five year Housing Revenue Account revenue and capital budgets. <p>The Financial Strategy contains an enhanced reserves strategy which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event.</p> <p>The Council has an enhanced range of cost control and financial management arrangements to manage in year budget performance and delivery of planned efficiencies. This includes monthly management information to CMT and wider Council management, and quarterly financial information to Council. This provides mitigating controls in terms of the immediate financial risk and pressures the Council is faced with.</p> <p>A Transformation Programme is in place which is monitored monthly by the Council Executive Team, and mitigating actions taken on projects as required to bring them to successful conclusion</p> <p>A Financial Monitoring Risk Assessment is in place where services are assessed and provided within a risk rating. Any service areas which are classified as High Risk are asked to prepare financial recovery plans, and enhanced financial controls are in place.</p> <p>Continue to closely monitor information arising from both UK and Scottish Financial settlements through intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also credible professional commentators.</p> <p>Quarterly financial reviews are reported formally to Council for wider scrutiny setting out the in-year financial performance against approved budgets.</p> <p>Relating to COVID, the Council has enhanced the in-year financial monitoring to include the financial support received to date and implications faced by COVID-19.</p> <p>Enhanced arrangements are now in place to support increased Scottish Welfare Fund including Crisis Grant and Community Care grant activities and significant levels of additional support for businesses.</p> <p>Payment processes have been amended to accommodate remote working, ensuring creditors obligations can continue to be paid and allow use of direct banking faster payments.</p> <p>Monitoring and clear reconciliation arrangements are in place to track all funding announcements and</p>	4	4	16	<p>Enhanced in year monitoring and review of expenditure commitments against approved budgets.</p> <p>Support the delivery of a Council budget, and implementation of spending plans aligned to ensure that the Council can continue to deliver its obligations within financial resources.</p> <p>Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies and financial plans.</p> <p>Continued scrutiny and challenge of planned efficiency measures to ensure they can be delivered and achieved within agreed timescales.</p> <p>Development of a refreshed Capital and Treasury Strategy supporting the future capital programme and treasury management and investment requirements.</p> <p>Explore new options for enhanced commercial opportunities within the organisation to maximise income generation for the Council.</p> <p>Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored.</p> <p>The Transformation Board continues to oversee delivery of a transformational programme of strategic change projects to improve services and secure planned efficiencies.</p> <p>A Budget Review Group chaired by the Chief Executive which will provide enhanced budget scrutiny on the financial performance of the Council.</p> <p>Enhanced financial scrutiny and monitoring in place, which assess financial impacts of COVID against all approved council budgets and the Financial Strategy.</p> <p>Enhanced financial update and reviews provided as part of quarterly financial reports.</p>	3	4	12	<p>Chief Executive</p> <p>Head of Finance</p> <p>Council Management Team</p>	<p>Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.</p>	<p>Risk reviewed by Head of Finance March 2021 with no change to assessment of scores.</p> <p>Risk reviewed by Head of Council Resources and Service Managers - Finance May 2017 with Current Score reduced from 20 to 16.</p>
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	<p>The Council has received significant additional national funding to support the current COVID-19 response, but this has been received on a non-recurring basis, and there is a risk that many of these interventions and additional financial costs will remain in place going forward. The complexity of the number of funding streams, timing of when they have been announced, reporting arrangements and flexibilities available to the Council received this year are significant, with over 90 additional funding streams received this year, all of which require additional monitoring and delivery of new policy obligations to manage and consider, and there is a risk that this is not appropriately monitored and controlled.</p> <p>There is a risk that the Council does not have clear monitoring and reporting arrangements which accurately reflects the cost and pressures.</p> <p>Given that the scale of the additional financial pressures and challenges, unless fully funded by Government, there is a risk that current resources are not sufficient to meet on-going statutory requirements and services due to additional unbudgeted spend and increased costs with reduced income.</p>	<p>allocations made by UK and Scottish Government and regular returns on financial pressures are now being made to COSLA.</p> <p>Ongoing engagement with COSLA, to monitor national financial implications and support political lobbying.</p> <p>Regular financial management updates have been provided to Councillors, with more detailed financial updates provided as part of the regular quarterly monitoring reviews.</p>										
ELC CR 5	<p>Information Security and Data Protection</p> <p>Information Security Failure to have comprehensive council wide Information Security Management (ISM) measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central I.T. systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event.</p> <p>Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels. During 2020/21 high profile attacks against supply chain and other Scottish public bodies has shown this risk has not decreased.</p> <p>An increase in the use of Cloud facilities means our security risk from external influences has increased and our security posture needs to change to meet these new challenges</p> <p>The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). All Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN. The PSN network is being redeveloped over the next 2 years</p>	<p>Information Security The Council uses the international standard ISO 27001:2017 as the framework for its ISM system.</p> <p>As part ISO27001:2017 a number of control areas are set out : IS policy; IS organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security);</p> <p>Annual IT health checks on the existing infrastructure.</p> <p>New systems introduced are risk assessed and security checked to ensure they meet the criteria.</p> <p>Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer.</p> <p>The Team Manger – IT Infrastructure & Security sits on the Scottish Governments working group for the redevelopment of the PSN network in Scotland.</p> <p>ISO27001 covers all areas detailed in this plan.</p> <p>The DPO/Team Manager-Information Governance & Team Manager – Infrastructure & Security (CISO) are members of the Collaborative Hub Working Group and the JMH User Group and provide advice and support re: compliance & Info Security.</p>	4	4	16	<p>Information Security Upgrade of external facing systems taking place to increase security of our internet facing gateways. Due to increased use of cloud systems at ELC, we need to review our security posture & systems to ensure we are covering this area. We are reviewing all security systems to ensure protection</p> <p>Acceptable use policy for all ELC employees is to be refreshed during 2021 with an online version introduced to enable easier review and signing by all employees.</p> <p>Investigating ways to deliver and then deliver remote refresher awareness sessions on IS & DP to all Council staff and Education facilities.</p> <p>Info Sec/DP are working together on an information asset register & Information Governance Transformation Strategy update.</p>	3	4	12	Executive Director – for Council Resources Head of Corporate	December 2021 August 2021 December 2021 August 2021	Risk updated April 2021 by Team Managers – IT Security and Information Governance with on change to scores.

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	<p>In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies</p> <p>New ways of working and shared buildings including the proposed Collaborative Hib between the Council, Police and other parties present new risks and challenges to maintaining IT Security and Data Privacy. New procedures, appropriate design of workspaces and staff training will be needed to mitigate risks.</p> <p>Data Protection In May 2018 the UK Government introduced the Data Protection (DP) Act 2018. As of 01/01/2021, this is now underpinned by the UK General Data Protection Regulations (UK GDPR) which are distinct from the EU GDPR.</p> <p>Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of information (including information stored electronically) could result in</p> <ul style="list-style-type: none"> - harm to individuals; - legal action; - fines of up to 20 million euros; - requirement to pay compensation; - adverse publicity; - damage to reputation <p>The Act introduced a mandatory 72 hour window in which to report relevant breaches to the Information Commissioner's Office.</p> <p>Limited security, procedural and environmental controls at the Dunbar Road records store mean that records and personal data are at risk of security breach and/or accidental loss or destruction. The shift to home/digital working in response to COVID-19 has also placed additional pressures to digitise paper records management systems.</p> <p>DP compliance is dependent on good records management. The Council's Records Management Plan 2014-2019 needs to be formally updated to account for GDPR/DPA18 as well as changes to recordkeeping practice across the Council.</p>	<p>Info Sec & DP specialists are included during requirements/design and build phases on shared buildings.</p> <p>Data Protection Compliance – The Council takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (including the DP Act 2018, GDPR and Public Records (Scotland) Act 2011).</p> <p>The Council has reviewed and updated its Data Protection Policy</p> <p>The role of Data Protection Officer is a statutory role filled in March 2018. The Council has a dedicated Data Protection inbox.</p> <p>IS, DP and Records Management Awareness training forms part of our induction process. This incorporates a mandatory GDPR module supplemented by paper and person-to-person training. Data Protection and IS awareness training is mandatory for all employees and must be renewed every two years. The Data Protection Officer developed a GDPR toolkit including templates, guidance and information to support Corporate GDPR compliance. The Toolkit is updated and maintained on a continuous basis.</p> <p>The Council's Records Management Plan (RMP) covers how the Council manages its records and includes links to our IS, DP policies and retention schedule. There is an annual approval of Progress of Records Management Plan by The Keeper. The Council is planning formal re-submission of its RMP for the Keeper's approval toward the end of 2021 (date tbd).</p> <p>The Council will continue to ensure that all data subjects are informed through Privacy Notices how we use, share and retain personal information.</p> <p>The DPO maintain a centralised register of all information sharing and information processing agreements.</p> <p>CMT and SMT continue to receive briefings from the DP Officer and any other relevant staff.</p> <p>The Council website includes a revised privacy statement and cookie policy.</p> <p>Templates for Information Sharing Agreements and Data Processing Agreements have been produced and a joint strategy with Procurement, Legal and People and Governance is in place to roll out updates to all new and existing contracts.</p>									<p>March 2022</p> <p>March 2022</p> <p>March 2022</p> <p>Spring 2021</p> <p>March 2022</p> <p>TBC following lifting of lockdown</p> <p>December 2021</p> <p>June 2021</p> <p>Spring 2021</p>	

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		<p>The Council implements DP Impact Assessments (DPIA) for all new business processes which are incorporated into the Council's Integrated Impact Assessment Process. A standalone template has been produced to enable staff to complete DPIAs for individual processes/projects.</p> <p>DPIA is also embedded in the Transformation teams' project methodology.</p> <p>The DP Officer and the Communications team are creating a Communications Plan including Inform briefings, e-mail updates and other training and briefings.</p> <p>The Council has a close working relationship with SOLAR (Society of Local Authority Lawyers and Administrators) and attends meetings regularly. These meetings are also attended by the Information Commissioners office. The Council also attends and currently chairs ASLAWG (Archivists of Scottish Local Authorities Working Group) to share best practice with other record keeping professionals.</p> <p>Data Breaches</p> <p>A Data Breach Procedure has been approved by CMT including a mandatory reporting form for completion by staff upon discovering a breach. All breaches are reported to the Data Breach Team by phone or email within 24 hours of discovery.</p>										
ELC CR 6	<p>Limitation (Childhood Abuse) (Scotland) Act 2017</p> <p>On 4 October 2017 the Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Act to remove the three year limitation period for civil actions arising out of childhood abuse (defined to include sexual abuse, physical abuse, and emotional abuse) relating to children who have been in the care system. This means survivors no longer have to persuade a court to exercise its power to allow an action to proceed notwithstanding the three year limitation period and may raise action relating to the predecessors Councils responsibilities.</p> <p>In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of claimants coming forward potentially resulting in financial implications if historic allegations of child abuse are made and upheld against East Lothian Council as the statutory successor.</p> <p>There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). The Council has received intimation of 19 claims for compensation (as of 5 March 2021). The introduction of the legislation generated the majority of the claims with one additional claim being received since June 2020 (last up date of this register). It therefore now not anticipated that this number will rise significantly, although claims may still be received. The Council's insurers have indicated that they will cover appropriate external legal costs and compensation payments but the cases will place considerable strain on internal resources within the</p>	<p>Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration.</p> <p>Close monitoring of the work of the Scottish CAI itself and review of any published materials.</p> <p>Records Management Expertise allows us to respond effectively to SAR requests and information requests / provide evidence.</p> <p>Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records management etc.</p> <p>Accurate records post 1996 relating to East Lothian Council clients.</p> <p>Scotland-wide networking and information sharing on SCAI between authorities.</p> <p>Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget.</p> <p>Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.</p> <p>As at March 2021 the Council has received 19 notifications of claims of which 5 have been withdrawn, 6 do not have sufficient evidence and 8 are live claims.</p>	4	4	16	<p>CACG and SCAIOG reports to CMT – to sustain level of awareness of risk.</p> <p>Monitor and build a timeline showing the Councils control of the schools from 1975 onwards.</p> <p>Monitor to ensure that there is sufficient staffing resource available to deal with claims, court actions and recovery of documentation and to preserve the Council's position.</p> <p>Make budgetary provision for any additional costs/claims that may not be covered by insurance.</p>	3	3	9	East Lothian Council	Continue to progress all and report quarterly to CMT.	Risk reviewed March 2021 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
	<p>legal, social work and records management teams for which there is no additional budget. Notwithstanding the above the Child Abuse Inquiry continues to extend its investigations into other areas which may affect the Council. The most recent of which is in relation to Foster Carers and at present no claims have come forward in relation to this area.</p> <p>NOTE: while not in force at present Scottish Parliament are considering Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill once in final form and passed we will need to consider any potential impact arising therefrom.</p>	<p>Scottish Government have set up in 2019 an Advance Payment Scheme for those who suffered abuse in care in Scotland before December 2004 and either have a terminal illness or are age 68 or over (age threshold lowered in December 2019 following a review). Annual Statistics are available from the Scottish Government website. Last published June 2020.</p> <p>On the 11th March 2021 MSPs passed legislation to establish a Redress Scheme for survivors of historical child abuse in care in Scotland to apply for financial payments. An independent body, Redress Scotland, to administer the scheme will be set up under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act, which will be open for applications before the end of 2021, and will replace the Scottish Government's Advance Payment Scheme which has been running since early 2019.</p>										
ELC CR 7	<p>Flooding and Coastal Erosion</p> <p>As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.</p>	<p>Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place.</p> <p>The Severe Weather Response Plan has been developed and ensures a co-ordinated and consistent multi-agency response across the county. Emergency surface water, coastal and river flood procedures in place and have proven effective.</p> <p>Shoreline Management Plan has been produced. A National Flood Risk Management Strategy has been produced and a Local Flood Risk Management Plan for the Forth Area has also been published to meet the requirements of the Flood Risk Management (Scotland) Act 2009 which includes specific actions to be discharged by the Council.</p> <p>Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website.</p> <p>The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Communication with vulnerable groups regarding access and assistance during severe weather events.</p>	4	4	16	<p>ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh.</p> <p>Further studies are proposed (subject to funding allocation) for Dunbar & West Barns to include North Berwick Coastal; and Cockenzie & Port Seton, Longniddry and Prestonpans.</p> <p>Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in the Local Flood Risk Management Plan for the Forth Estuary Local Plan District. Implementation of Flood Protection Works is reliant on available funding. These two schemes are being funded 80% by Scottish Government and 20% by East Lothian Council.</p> <p>The Musselburgh Flood Protection Scheme is a fully established project. It has completed three of its nine stages, and is currently processing Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System. It is currently proposed that the scheme will start construction and have scheme in place by October 2024 (Subject to change as we move to next stage).</p> <p>The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2022 which will incorporate Flooding.</p>	3	3	9	Executive Director for Place	2024 2016-2022 2016-2022 2024 August 2022	Risk further reviewed and updated March 2021 with no change to assessment of current scores.
ELC CR 8	<p>Expansion of Early Learning and Childcare (ELCC) to 1140 hours.</p> <p>Scottish Government is implementing plans to expand ELCC to 1140 hours and have confirmed a revised statutory implementation date of August 2021.</p>	<p>The Council continues to develop and implement detailed plans and work with Scottish Government (SG) to take forward the expansion. Project board and associated working groups are in place and meet regularly to monitor progress.</p>	3	4	12	<p>Development of a dual qualification in Care in partnership with Edinburgh College.</p> <p>Working with UNISON to achieve agreement on the revised Early Years Practitioner (Nursery nurse) remit.</p>	2	4	8	Executive Director for Education and Children's Services	August 2021 May 2021	Risk reviewed and refreshed at a Risk Session with managers 11 December 2020 and further refreshed April 21

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	<p>Scottish Government have given flexibility in the use of the 1140hrs revenue funding for Education COVID19 expenses and our current rollout of the programme is being managed within the budget available.</p> <p>Potential risk that this cannot be delivered within the timescale due to challenges of expanding within existing resource, available funds and staffing.</p> <p>Risk that the revised Early Years Practitioner Job Outline is not accepted and agreed through discussion and negotiation with the Trade Unions.</p> <p>Risk that there is an impact on the quality in existing early years' provision because the focus is on the expansion.</p> <p>Reputational risk to the Council from Scottish Government reporting on progress in relation to the delivery of 1140hrs ELCC. Parents not able to access 1140hrs of ELCC.</p> <p>Risk that Partner Providers are not able to deliver the 1140 hours as they are no longer financially viable or meet the quality standard.</p> <p>Given the high numbers of staff required there is a risk of not being able to recruit sufficient staff to deliver on this commitment.</p> <p>The impact of this risk would be that the families do not receive their entitlement to Early Learning and Childcare.</p> <p>There is a risk that Capital costs exceed budget availability. The ongoing impact of COVID could risk the completion date of the programme.</p>	<p>Continue to engage with the Scottish Government Early Years team and senior officials to ensure that risks are flagged and that the service is aware of expectations and demands and to review the planning and preparation for full implementation. Scottish Government recently reported improved confidence in relation to our recent reporting of our timetable and implementation plan.</p> <p>Ongoing work with council departments to ensure key priorities are met.</p> <p>A county wide recruitment campaign took place in early 2020 along with a recruitment fair to attract new and returning staff to the profession. Further recruitment campaigns continue to be undertaken as and when required.</p> <p>Continue to engage and work collaboratively with the Trade Unions to actively work towards agreement on the revised Job Outline.</p> <p>Work continues to review current staff contracts and to recruit staff.</p> <p>Continued work on new pathways in to the profession to be developed including our Foundation Apprenticeship and work in Tots and Teens in 5 of our 6 secondary schools.</p> <p>Ongoing work to monitor and enhance quality of Early Learning and Childcare delivery.</p> <p>There is clear governance of the project through the 1140 hours project board to ensure careful planning, communication and monitoring of progress.</p> <p>Project Management support from the Transformation Team has been put in place to ensure clear monitoring of progress, assessment of risk and appropriate mitigations are in place. Ongoing support from Transformation Team and support from the Improvement Service to ensure key timescales and milestones are met.</p> <p>Baseline established and updated on quality across all provisions and ELCC across all settings will be supported and monitored by the early years' team.</p> <p>Scottish Government National Standard and associated guidance in place and ongoing discussion/collaboration with partners.</p> <p>Progress with the infrastructure programme is regularly reported to the Scottish Government and Scottish Futures Trust. Regular meetings are held with officials to provide detail on the cost implications and timelines for capital projects.</p> <p>1140 is a standing agenda item for CMT at fortnightly business meetings where the 1140 dashboard is presented and progress and any risks are highlighted.</p>							<p>Executive Director for Council Resources</p> <p>Head of Finance</p>		<p>with no changes to risk scores.</p> <p>Current risk score reduced by Chief Operating Officer (Education) from 16 to 12 in November 2018 due to ongoing work with stakeholders and a continued focus on quality. Residual score also reduced from 12 to 8.</p>	

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		<p>Relationships are well established with neighbouring authorities as is learning from other approaches and ensuring that progress is on track.</p> <p>Positive engagement with partner nursery providers of early learning and childcare to ensure planning meets the SG brief regarding parental choice, flexibility, quality and accessibility.</p> <p>Work stream groups established, including cross sector representation and network meetings to feed in to the project board to ensure collective detailed planning across service areas & consider risks associated with delay.</p> <p>Nurseries - Scenario planning work is underway to determine how many places can be offered across EL.</p> <p>Ongoing work to determine the full costs of the current model for Early Learning and Childcare.</p>										
ELC CR 9	<p>Duty of Care to Public and Public Protection</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, Violence against Women and Girls (VAWG) and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.</p> <p>Vacancy in the Lead Officer posts for Child Protection between 17.12.20 and 01.06.21, leading to gap in the progression of some of the priority areas of work of the Public Protection Office.</p> <p>The duty of care is at the heart of the Council's approach to risk management. The likelihood of this risk occurring is influenced by a range of factors including:</p> <p>1) The impact of the Covid-19 pandemic. Those at risk of different forms of harm and abuse are overall less visible within our communities, including children who are experience neglect, women and children at risk of domestic violence, and those at risk of or affected by drug and/or alcohol use.</p>	<p>The East and Midlothian Public Protection Committee (EMPPC) incorporates the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and ensures robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP). EMPPC has oversight of Public Protection work and performance across East Lothian and Midlothian Councils and Partnerships.</p> <p>Performance information in relation to KPIs, patterns and trends in referral rates and throughput of process activity is monitored on a quarterly basis via the Performance and Quality Improvement sub group and EMPPC. The suite of performance data has been reviewed and adapted in line with national initiatives.</p> <p>Marac (Multi-agency risk assessment conferences) continues to operate on a four weekly basis, by Microsoft Teams, with additional meetings scheduled to respond to increase in demand, ensuring that the needs of and supports to highest risk victims of domestic abuse are planned for on a multi-agency basis</p> <p>Following a case file audit of core Adult Support and Protection processes, aligned with the Care Inspectorate quality improvement framework, has identified areas for improvement which are being progressed through ELHSCP.</p> <p>The East Lothian and Midlothian Public Protection Committee has drafted a communications strategy for key areas of Public Protection, with the support of the Midlothian and East Lothian local authority communications teams, with input from Police Scotland and NHS Lothian. This will involve internal audiences and the broader public, through a range of media channels.</p> <p>Council communications teams have planned a communications workshop for the EMPPC with a view to this taking place during the latter half of 2021. There is now a regular monthly meeting between key</p>	3	4	12	<p>A single agency self-evaluation exercise for Child Protection, aligned with the Care Inspectorate quality improvement framework, is to be reinstated.</p> <p>Work is underway to prepare for Adult Protection inspection (no date identified/inspections resuming in June 2021) – programme of audit and self-evaluation is underway. A multi-agency strategic planning group has been established with key personnel from East Lothian HSCP, NHS Lothian, Police and Public Protection Office. This group will plan and oversee preparation activity.</p> <p>A Joint Strategic Needs Assessment for Public Protection is being developed, led by the Public Protection Manager and Detective Chief Inspector of the J Division Public Protection Unit. Analytical support has been provided by Midlothian Council, with an anticipated completion date of end May 2021. The findings and recommendations will thereafter be reported to the Critical Services Oversight Group.</p> <p>Public Protection Manager will review the 0.5 Learning and Development Co-ordinator post with senior managers across the EMPPC partnership, and will consider the most appropriate way of using this resource.</p> <p>EMPPC will develop a two year strategy for Learning and Development Strategy for 2021-23 to be taken to the June EMPPC for approval. This will outline the priorities and outcomes for Public Protection training/learning and development for the next two years.</p>	2	4	8	<p>Chief Executive</p> <p>Critical Service Oversight Group</p> <p>Executive Directors</p> <p>Director of East Lothian Health and Social Care Partnership</p> <p>Chief Social Work Officer</p> <p>Public Protection Team Manager</p> <p>Health and Safety Team</p>	<p>December 2021</p> <p>June 2021</p> <p>May 2021</p> <p>May 2021</p> <p>July 2021</p>	<p>Risk reviewed and refreshed by PPO Manager, May 2021 with no change to assessment of current scores.</p> <p>Former Public Protection and Duty of Care to Public Risks combined and reviewed May 2016. Current risk score reduced from 16 to 12 and Predictive Risk score reduced from 12 to 8 as likelihood reduced.</p>

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	<p>(2) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;</p> <p>(3) Increasing population and the number of vulnerable people in East Lothian;</p> <p>(4) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced</p> <p>(5) Levels of deprivation in East Lothian;</p> <p>(6) Capacity in partnership and purchased services.</p> <p>As of April 2021 the full time Public Protection Learning and Development coordinator post remains unfilled. Authorisation has not been provided to fill this post to date.</p> <p>Delivery of training has been impacted by COVID (unable to run face to face training during lockdown periods) and lack of compatible IT platforms – East Lothian does not have MS Teams and PPO staff are reliant on other agencies to set up MS Teams sessions.</p> <p>At the moment the EMPPC website is not fit for purpose and does not meet the accessibility requirements.</p>	<p>communications personnel in Children’s Services and East Lothian HSCP and the PPO Manager and Lead Officers, to agree and develop key Public Protection communication messages and the media channels that will be used – to raise awareness of risks/signs of harm and promote available supports.</p> <p>Governance and scrutiny arrangements are through the Critical Services Oversight Group (CSOG), including Self Evaluation.</p> <p>Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk.</p> <p>Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures.</p> <p>The Council continues to work towards delivering the UK Governments Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. The EMPPC has led on revisions to our Prevent referral pathway.</p> <p>The EMPPC will continue to coordinate Prevent Professional Concerns Case Conferences, where an individual has been identified at risk of being drawn into terrorism.</p> <p>Face to face ASP training for Council Officers (Level 3) was delivered in Dec-20 with all eligible staff now trained.</p> <p>The inter-agency learning and development strategy for public protection has been reviewed, with e learning becoming more accessible, courses becoming more targeted to workforce need and areas of local and national priority. Learning and Development responsibilities are now undertaken by the lead Officers for Child Protection, Adult Support and Protection, VAWG coordinator, MARAC coordinator and agency learning and development officers. All employees can access appropriate training or e-learning, free of charge.</p> <p>Re-alignment of service areas and responsibilities across the HSCP has resulted in the creation of a dedicated team manager post in statutory services. This post holder will have responsibility for supporting the link between strategic and operational activities.</p> <p>All Regulated Services e.g. Care homes for older people, residential units for young people, Schools are inspected by Care Inspectorate and Education Scotland. Improvement plans are implemented following on from all Regulated Services inspections.</p> <p>The Lead Officers for Child Protection and for Adult Support and Protection chair inter-agency meetings to</p>										

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		review decisions taken at Inter-agency Referral Discussion where significant risk is identified.										
ELC CR 10	<p>Failure to maintain a Highly Skilled Workforce</p> <p>The Council's salary and grading structure may not be competitive compared to other employers making it more difficult to recruit qualified staff to certain posts.</p> <p>The high number of specialist roles/skills within the Council means that service reviews, budget restrictions, long-term absence, cessation of contract etc. could compromise service delivery.</p> <p>Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance.</p> <p>During the COVID pandemic workplace practice segments have not been able to be fulfilled resulting in an inability to enhance the experience of staff before fulfilling a post.</p> <p>The Council recognises that a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas.</p>	<p>The Council has an approved Workforce Plan 2018-2022 which addresses the issues relating to this risk.</p> <p>The Plan contains 38 actions which are being brought together into a detailed Implementation Plan seven workstreams which are being taken forward by lead officers.</p> <p>Actions, such as developing a Management and Leadership Programme, reviewing the Managing Attendance Policy, renewed focus on Healthy Working Lives and implementing the Early Learning and Childcare Workforce Plan are already underway.</p> <p>The Workforce Plan 2018-2022 is being reviewed and updated to take account of the impact of COVID 19 on the council and its workforce, including the development of new Homeworking and Worksmart policies and actions being taken to support staff who have been working differently as a result of the pandemic. New training and development programmes are being developed to take account of staff who are working from home and to prepare staff and managers to working remotely and differently.</p> <p>Healthy Working Lives and OD have been issuing regular briefings to staff on techniques etc. to support staff to maintain mental health and wellbeing.</p> <p>Managers have been issued with advice on inducting new members of staff during lockdown.</p>	3	3	9	The Workforce Plan is to be reviewed in Spring 2021.	3	3	9	<p>Service Manager Corporate Policy & Improvement</p> <p>Service manager – People and Governance</p>	<p>June 2021</p>	<p>Risk reviewed March'21 and updated to reflect review of Workforce Plan and implications of COVID. No change to assessment of current scores.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 12 to 9.</p>
ELC CR 11	<p>Severe Weather</p> <p>There is a risk that severe winter weather will lead to an increase in demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt.</p> <p>This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.</p> <p>Communities may become isolated, particularly in rural areas, due to heavy and prolonged snow. In such cases communication with residents within these isolated areas may become difficult as they become cut off, possibly aligned to power failure caused by strong winds and/or the weight of snow on the lines.</p> <p>There are limitations to the service the council can offer. The Council Roads team focus on treatment and snow clearing of the main priority road network, made up of the major routes where the majority of vehicle</p>	<p>East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority.</p> <p>The Council has a Severe Weather and Adverse Events Policy in place for all staff while the Council has its own mitigating measures for its own estates/property during severe weather.</p> <p>During Severe Weather events our Contact Centre becomes the first point of contact for any issues to be raised and responded to whilst our Communications team shares warnings and other relevant information with the public as this becomes available.</p> <p>The ELC Severe Weather Response Plan has been developed over many years and ensures a co-ordinated and consistent multi-agency response across the county. This plan is reviewed annually in conjunction with support from partner agencies.</p> <p>The ELC Severe Weather Response plan includes reference to and improvements learned from the 'Beast from the East' incident in 2018 when many parts of</p>	3	3	9		3	3	9	Executive Director of Place		Risk refreshed January 2021 with no change to assessment of current scores.

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	<p>movements take place and also includes accesses to hospitals, ambulance stations, fire stations, other emergency service establishments, railway stations and schools. Primary Routes are treated and cleared of ice and snow first and then the Roads team move onto Secondary Routes and finally tertiary and minor routes which include residential areas, cul-de-sacs. During periods of extreme weather and heavy snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes with resources deployed on these specified routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes and tertiary routes, so it maybe some time before we can attend to these areas.</p>	<p>East Lothian become isolated because of the heavy and prolonged snow falls.</p> <p>The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather.</p> <p>Snow clearing equipment has been supplied to Primary Schools. Community Councils through Resilient Communities are able to request winter response equipment from the Council. These requests are considered as per their need. A number of grit bins are provided to enable self-help gritting of adopted roads and footways. Resilient Communities are encouraged to survey the grit bins in their area and report back to the Council if new bins or grit is required.</p> <p>Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.</p> <p>The majority of Community Councils have Resilient Community Groups who have created their own emergency response plans or asset registers of volunteers/skills available at a time of crises. Each Resilient Community has its own Single Point of Contact (SPOC) and deputy for resilient matters including severe weather. Communication and good working relationships have been created and maintained with these SPoCs/deputies throughout the year by ELC Emergency Planning staff.</p> <p>Work continues with the Resilient Communities and also involves other voluntary groups such as Tenants and Residents Groups. ELC organises an annual workshop for Resilient Communities which allows lessons learned and best practice to be discussed and progressed. It also allows for the public to meet responder agency staff such as the 'blue lights', SEPA and the utility companies.</p> <p>ELC finances all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.</p> <p>Training and awareness sessions, related to the activation of the ELC Severe Weather response plan, are completed on a regular basis. Partner agencies are often involved.</p>										
ELC CR 12	<p>Contest</p> <p>Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST (Prevent, Protect, Prepare and Pursue).</p> <p>All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015 that relates to Prevent.</p> <p>Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place, under Prevent, and could result in the Secretary of State issuing a direction to the Council via the powers</p>	<p>Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.</p> <p>ELC has established a CT WG chaired by the Head of Communities with members consisting of CMT, key senior managers, Police Scotland and a QMU representative will also be invited to attend.</p> <p>ELC has appointed senior members of staff as SPoC (Head of Children's Services) and Deputy SPoC (Executive Director Education and Children's Services) for Prevent as per statutory guidelines. A SPoC for Prepare and Protect (Emergency Planning, Risk and Resilience Manager), although not a statutory requirement, has also been appointed</p>	3	3	9	<p>Prevent working group is undertaking a self-assessment of implementation of Prevent duties across service areas.</p> <p>A Prevent development plan will be completed and progress monitored through regular meetings and reported at Contest meetings. This development plan will include assurance that all relevant staff have undertaken training. This will also include engagement with stakeholders.</p>	2	3	6	<p>Chief Executive</p> <p>Executive Directors</p> <p>Council Management Team</p> <p>Contest SPoC (Emergency Planning, Risk & Resilience Manager)</p>	<p>May 2021</p> <p>December 2021</p>	<p>Risk refreshed and reviewed January 2021 by Contest SPoC and Prevent SPoC with no change to assessment of scores.</p> <p>Risk reviewed August 2018 by Board of Directors with Current</p>

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	<p>within the act and would also result in a loss of reputation and negative publicity.</p> <p>Our capacity to monitor and respond if we are concerned about children with these lines of thinking is severely compromised as schools are closed and older teenagers are less likely to engage.</p>	<p>Under Protect the CMT are prepared for the Government to raise the Security Level to Critical. Service Business Continuity plans take this into account. This includes staff working from home as a result of council facilities being closed.</p> <p>ELC follows and contributes towards the 'J' Division Contest group implementation plan.</p> <p>The SPOC Prevent Group in the East of Scotland is re-commencing in early 2021 and our SPoC will be attending.</p> <p>Prevent Professional Concerns Conference Chair (SPoC) identified to chair multi-agency meetings established to discuss any referrals.</p> <p>A Prevent working group, chaired by the Head of Children's Services, has been established and meets regularly and a Prevent reporting process has been established.</p> <p>Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure.</p> <p>Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form.</p> <p>Whilst ELC Managers have received Prevent training through LearnPro previously, since November 2020 interim arrangements have been in place for all staff via Home Office resources pending the roll-out of new Scottish Government training materials. Ongoing exploration of other arrangements including toolbox sessions.</p> <p>The ELC Prepare and Protect SPoC liaises with Police Scotland and in particular the CT team to ensure current information on these areas is circulated to appropriate ELC key staff and staff in general if required. The SPoC also ensures important information is uploaded onto the ELC Intranet.</p>							Prevent SPoC (Head of Children's Services)		Score reduced from 12 to 9.	

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		<p>Specific procedures are in place in services with a high level of lone working where required lone workers have access to lone worker devices</p> <p>A 'Potentially Violent Client' Register is in place to ensure information is shared between services</p> <p>Safe Driving at Work Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness".</p> <p>The E Davis system used by East Lothian Council records and monitors grey fleet users driver details including insurance, RFL and driving licence. This ensures that the registered drivers have the correct credentials to drive on behalf on the Council.</p> <p>Fire Safety Fire Safety Risk Assessments are carried out on our operational buildings where employees work with a process in place to ensure prioritisation of any remedial actions.</p> <p>School Trips All trips must be approved by HT or Delegate and Residential Trips and Adventurous Activities must also be approved by LA.</p> <p>Residential School Trips are on hold until at least 2022.</p>										

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ELC CR 14	<p>Business Continuity</p> <p>Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed.</p> <p>Non availability of:</p> <ul style="list-style-type: none"> premises, through fire, flood or other unexpected incident; key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; systems (IT, telephony, power failure etc.); any form of transportation due to a fuel shortage. <p>The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.</p>	<p>Business Continuity Framework Plan in place and regularly reviewed.</p> <p>Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control.</p> <p>The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work.</p> <p>Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software.</p> <p>The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council.</p> <p>ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021.</p> <p>IT – specific disaster recovery arrangements in place for the critical systems of telephony, e-mail and social care. These have duplicate servers in place off site which can be brought into action if ELC lost its main data centre at JMH.</p> <p>An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres. For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues.</p> <p>Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH.</p> <p>The Council will be advised by Scottish Government whenever there are Fuel Shortages on the horizon. Fuel supply is held at our depots and can be sourced externally from local fuel service stations and through shared services with other Local Authorities. Regular monitoring of current fuel stock and assessment of any weather predictions, political developments or industrial action etc. that may affect fuel availability.</p>	2	4	8	Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan.	2	3	6	Emergency Planning, Risk and Resilience Manager Emergency Planning, Risk and Resilience Officer	March 2023	Risk refreshed March 2021 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
ELC CR 15	<p>Public Sector Reform</p> <p>Major elements of public sector reform have been or are being implemented including:</p> <ul style="list-style-type: none"> Integration of Health and Social Care and creation of a new H&SC Partnership; Implementation of the Community Empowerment (Scotland) Act 2015; New legislative duties in procurement, regulation, and children and young people; Reform of Education <p>Following the May 2021 Scottish Parliament elections the new Scottish Government may introduce a proposal for further public sector reform which means is continuing uncertainty about the future governance of Scotland, the future structure and governance of local government and the public sector and continuing pressure on public finances.</p> <p>The Scottish Government is carrying out a Review of Local Governance which may result in further public sector reform with impact on local government.</p> <p>The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding. In addition, the Scottish Government's commitment to protect and increase funding in priorities such as health and education run the risk of further eroding Scottish Government funding for other local government services.</p> <p>Existing public sector reforms and new reforms create uncertainty, additional workload, requirement to restructure services and new accountability, governance, scrutiny and partnership arrangements.</p>	<p>CMT and elected members work together to ensure that the Council is prepared for future public sector reform and differing scenarios for future governance, financial, operational and performance management arrangements are explored in order to minimise risk.</p> <p>Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required.</p> <p>The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements.</p> <p>Continue to monitor developments in the Public Sector Reform agenda and Scottish Government's legislative programme and develop responses to exploit potential benefits from, or mitigate potential negative impacts of, different future scenarios.</p> <p>East Lothian Partnership has a 2020-2027 East Lothian Plan that will meet the requirements set out in the Community Empowerment (Scotland) Act 2015 to have a Local Outcome Improvement Plan. The structure of the Partnership has been revised to provide a more focused approach to implementation of the Plan and addressing issues arising from the public sector reform agenda.</p> <p>Effective working relations with key partners including Police Scotland, Scottish Fire and Rescue Service, NHS Lothian and the voluntary sector are being further developed through East Lothian Partnership and bi-lateral meetings and arrangements to prepare for public sector reform.</p> <p>Area Partnerships now established and will be supported to enhance local service delivery and fulfilment of Local Outcome Improvement Plans.</p> <p>The Council has put in place processes to deal with its new duties and responsibilities arising from the Community Empowerment (Scotland) Act 2015 such as responding to Participation Requests and Community Asset Transfer requests.</p> <p>The Council maintains regular communication with employees to manage any uncertainty in times of change.</p> <p>The Council's Improvement programme will provide resilience to assist to respond to public sector reform.</p>	2	3	6	<p>Reports will be submitted to Council on the implications of the reform proposals and on the Council's preparations, as appropriate which are led by the Chief Executive and senior officers.</p> <p>A self-evaluation of the ELP including its governance structure is to be carried out in spring 2021.</p>	2	3	6	Chief Executive	October 2021 October 2021	<p>Risk reviewed March 2021 with no change to assessment of current scores.</p> <p>Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 12 and 9 to 6 and 6.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 16 to 12 and residual score from 12 to 9.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 16	<p>Corporate Events Management</p> <p>Effective preparation and co-ordination across a number of services, for all events held in East Lothian, is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action.</p> <p>COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior (strategic) officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes category 1 responders and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice.</p> <p>The following criteria would be considered by the SAG:</p> <ul style="list-style-type: none"> • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser <p>ELC is involved in events as they tend to take place in Council parks or on Council roads. The Council issues licenses and permits for events. The Council also has a statutory role in enforcement /inspection (building control, food hygiene etc.) and will help the organisers with traffic management, through TTRO's.</p> <p>If the event organisers fail to have the correct licences or safety processes in place it is the organisers who face the risk of possible criminal prosecution.</p> <p>East Lothian Council is itself responsible for organising several events on an annual basis. For each event an event organiser will be identified from within the Council.</p> <p>All event organisers will attend a SAG meeting if required to do so.</p>	<p>East Lothian Council has a SAG policy in place which is currently under review.</p> <p>The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements:</p> <ul style="list-style-type: none"> • Strategic Event Safety Committee (SESC) • Safety Advisory Group (SAG) <p>The SESC will hold SAG process overview meetings (at least annually) to prescribe criteria for which event organisers are invited to participate in the Safety Advisory Group process and to confirm which events require to attend SAG, based on the risk profile. The SESC will be Chaired by an East Lothian Council Head of Service.</p> <p>The Service Manager, Protective Services or, whilst the current ELC SAG process is under review the Emergency Planning, Risk and Resilience Manager, will Chair the ELC multi-agency SAG, except for any specific events where the SESC determines otherwise.</p> <p>Events that require to be put through the SAG are managed through a risk profile process which grades each event as having a Red, Amber or Yellow (RAG) risk. Events graded as Yellow are not required to attend a SAG meeting. Those graded Red and Amber are required to attend a SAG meeting.</p> <p>The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners.</p> <p>Event guidance for organisers of events is published on the Council website.</p> <p>Where the SAG group is set up, for a specific event, it has no statutory power to stop it taking place. However, the SAG group can withdraw its support and co-operation, for any event, which means that the event cannot proceed. In these circumstances the event organiser will be required to notify their insurance provider. Police Scotland will always provide the final advice on public safety.</p> <p>Events information and documentation accessed through the ELC website will be reviewed by the ELC Event Safety & Resilience Officer. This staff member will also review processes linked with the SAG, through his/her line manager, to continually improve the overall system.</p>	2	3	6				<p>Executive Director for Place</p> <p>Head of Development</p> <p>Service Manager – Protective Services</p> <p>Team Manager, Economic Development</p>		<p>Risk reviewed February 2021 with no changes to assessment of risk scores.</p> <p>New risk created May 2016 and updated April 2017 with current score reduced from 12 to 6 and residual score from 8 to 6 due to implemented measures, chiefly new Senior Officer – Events Co-ordination and SAG process in place.</p>	

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ELC CR 17	<p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010.</p> <p>The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to</p> <ul style="list-style-type: none"> report on mainstreaming the equality duty; publish equality outcomes and report progress; assess and review policies and practices; gather and use employee information; publish gender pay gap information; publish statements on equal pay; consider award criteria and conditions in relation to public procurement; publish in a manner that is accessible. <p>The Scottish Government has introduced the Fairer Scotland (socio- economic) duty. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council.</p> <p>There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background.</p> <p>The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.</p>	<p>ELC Equality Plan in place and available online. A revised Equality Plan was produced in 2017. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments:</p> <ul style="list-style-type: none"> Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; Improve understanding of the impact of poverty and inequality on people's lives; and Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions <p>The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing.</p> <p>The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package.</p> <p>As per our statutory obligation, HR is annually capturing the Employment Monitoring information required under the Act. This is reported publically alongside the requirement to publish an annual Equal Pay Report.</p> <p>ELearning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio Economic duty are known.</p> <p>The actions from the East Lothian Poverty Commission have been turned into a detailed Action Plan with clearly defined responsibilities and timelines which is regularly updated and reviewed.</p> <p>We will be working with Police Scotland to refresh the East Lothian Hate Crime Action plan.</p>				<p>A draft Equality Plan 2021-2024 is being prepared for approval by Cabinet in Spring 2021.</p> <p>A new Poverty Plan is being prepared for approval by the East Lothian partnership and Council in Spring 2021</p>				Executive Director for Place	<p>March 2022</p> <p>March 2022</p>	<p>Risk reviewed and updated March 2021 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.</p>

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
		<p>Training of Councillors continues to take place as required to ensure understanding of the importance of standards in public life. Councillors have been provided with a copy of the Code and the accompanying guidance and are provided with copies of any updates, guidance and advice notes as those are issued</p> <p>A survey of all Councillors was carried out in May 2019 establishing their views as to the training and development provided and to identify future needs.</p> <p>Councillors have an ongoing opportunity to participate in a CPD programme, which has been developed in conjunction with the Council's Organisational Development Team. This is based on the offering available from the Improvement Service and the IS have offered to input into the final product. Councillors have an ongoing opportunity to attend Master classes run by the Improvement Service.</p> <p>A 100-day review took place with our Elected Members between August and November 2017. This was carried out by way of face-to-face meetings with Elected Members and covered the Elected Member Induction Programme, the Councillors' Code of Conduct, PA support, office accommodation, Access to Council officers, committee papers, surgeries, and further training and development.</p>										

Original date produced (Version 1)	13 April 2011		
File Name	East Lothian Council Corporate Risk Register		
Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	Date	Author(s)	Notes on Revisions
1	13/04/2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2 nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.
7	04/01/2013	S Kennedy	Updated following consideration by CMT
8	09/05/2013	S Kennedy	EP & BC Risks updated
9	31/07/2013	S Kennedy	Data Protection Risk Added
10	01/11/2013	S Kennedy	Welfare Reform Risk updated (no change to score)
11	04/03/2014	S Kennedy	New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working
12	March/April 2014	S Kennedy	All risks reviewed and amended where required.
13	11/04/2014	S Kennedy	New Corporate Risk on Integration of Health & Social Care and Adult Wellbeing added.
14	25/04/2014	S Kennedy	Risks amended following consultation with CMT.
15	01/05/2014	P Vestri	Amendments following review of latest draft by Chief Executive and Depute Chief Executives.
16	27/05/2014	S Kennedy	Amendments following consultation with CMT/Risk Owners. Development Plan and Public Protection risks added.

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

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
17	23/12/2014	S Kennedy	Climate Change Risk refreshed as well as adding column for date Planned Risk Measures will be completed by.									
18	February-April 2015	S Kennedy	All Risks Refreshed by Owners and reviewed by CMT									
19	December 2015	S Kennedy	All Risks Refreshed by Owners and reviewed by CMT									
20	January 2016	S Kennedy	Carbon Management, Flooding and Equality Risks refreshed.									
21	April – May 2016	S Kennedy	CMT met to amend. Further update of all risks including Duty of Care & Public Protection Risks combined.									
22	March – May 2017	S Kennedy	New risk created on Limitation and all other risks reviewed.									
23	August 2017	S Kennedy	All risks reviewed and updated where necessary by Risk Owners and Heads of Service.									
24	June-August 2018	S Kennedy	All risks reviewed and updated by Risk Owners and Heads of Service. Risk added from Education Risk Register on Expansion of Early Learning and Childcare to 1140 hours.									
25	29 August 2018	S Kennedy	Register fully reviewed and updated by Board of Directors									
26	29 November 2018	S Kennedy	Expansion of Early Learning and Childcare to 1140 hours reviewed and updated.									
27	12 December 2018	S Kennedy	Welfare Reform Risk Update by Risk Owners.									
28	April-May 2019	S Kennedy	All risks updated by Risk Owners.									
29	May 2019	S Kennedy	All risks reviewed by CMT and Corporate Risk Group and risk on Stability of the Council Plan removed.									
30	August 2019	S Kennedy	All risks reviewed and refreshed by Risk Owners.									
31	November 2019	S Kennedy	IS & DS and Standards in Public Life refreshed									
32	April 2020	S Kennedy	Register updated to include risk on COVID 19 and Climate Emergency Risk Renamed, Updated and Scored									
33	May 2020	S Kennedy	All other risks refreshed.									
34	June 2020	S Kennedy	Flooding and Coastal Erosion Risk updated									
35	July 2020	S Kennedy	COVID19 Risk on Finance incorporated into Financial Environment Risk									
36	August 2020	S Kennedy	COVID 19 Risk brought into this document.									
37	December 2020	S Kennedy	COVID and Brexit Risks Updated alongside Failure to maintain a Highly Skilled Workforce									
38	January 2021	S Kennedy	COVID, Brexit, Contest, Public Protection, Severe Weather, and Business Continuity Risks updated.									
39	February 2021	S Kennedy	COVID, Brexit, Highly Skilled Workforce, Corporate Events Management, Duty of Care to Council Staff (H&S) and 1140hrs risks updated									
40	March 2021	S Kennedy	IT & DP, Climate Emergency, Public Sector Reform, Equality Development Plan, Flooding & Coastal Erosion and Finance risks updated.									
41	April 2021	S Kennedy	Welfare Reform risk removed.									
42	May 2021	S Kennedy	Full Risk Register reviewed and updated by Risk Owners with COVID Risk reduced to a summary and separate COVID Risk Register created.									

REPORT TO: Cabinet
MEETING DATE: 25 May 2021
BY: Executive Director for Council Resources
SUBJECT: Revisions to Corporate Procurement Procedures

7

1 PURPOSE

- 1.1 The purpose of this report is to consider and approve proposed amendments to the Corporate Procurement Procedures relating to the existing procurement thresholds details of which are set out in Section 3.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to approve the proposed amendments to the Corporate Procurement Procedures.

3 BACKGROUND

- 3.1 The Corporate Procurement Procedures are set out in the Council's Standing Orders (Supporting Document B). These set out the means whereby the Council controls and regularises the manner in which it contracts with third parties. It is an essential core Corporate Governance document and reflects both legal and best value requirements.
- 3.2 East Lothian Council spends approximately £140 million every year on goods, services and works, which represents a substantial opportunity to deliver additional social, environmental and economic benefits to East Lothian through its procurement exercises if resources are allocated proportionately in line with these opportunities.
- 3.3 The Corporate Procurement Procedures were last renewed in 2014, with current proposed amendments detailed in Section 3.4. These amendments have been revised collaboratively following stakeholder consultation across the organisation and specifically with the Procurement Improvement Panel, Corporate Management Team, Legal Services and

Internal Audit, and are in line with the Procurement Reform (Scotland) Act 2014, and all consequent Scottish Procurement Policy Notes.

Corporate Procurement Procedures – Key Changes

3.4 A summary of the main changes are set out below. Officers are required to obtain authority to initiate a procurement process, in accordance with the Council’s Scheme of Delegation and up to the following limits:

Existing Threshold	Proposed Threshold	Authorisation Required	Procurement authorisation	Reason for Change
Goods, Services and Works				
Up to £5k	Up to £15k	Any officer	No, Guidance available	The changes are reflective of general cost inflation as well as maturity of buying behaviour and increased awareness of public procurement requirements. Increasing this threshold to £15,000 allows the majority of low value and risk purchasing activity to be efficiently and effectively administered by officers while retaining the oversight that the quarterly Spike Cavell spend report provides. This increase allows officers to focus on local suppliers, in particular micro companies who would not be registered on public procurement platforms.
Works only				
£5k-£250k	£15k-£500k	Budget Holder	Yes, PID form to be completed	Increasing this threshold will allow the use of Quick Quote – a light-touch, accessible process for lower value opportunities, with a particular focus on the local supply chain. The COVID-19 pandemic has accelerated a number of opportunities for economic development. The Council can further now embed the use of public procurement as an enabler of economic development.
N/A	up to £1m	Budget Holder, Commercial Programme Manager, Service Manager - Legal	Yes, PID and Exemption form to be completed	Adding an increased threshold tier for exceptional circumstances like grant opportunities, very limited contractor availability, or specialist services will allow the use of Quick Quote – a light-touch, accessible process for lower value opportunities. It would also allow for council resources to focus on opportunities elsewhere in the supply chain and inject some flexibility into the procurement process without compromising compliance.

3.5 All proposed changes are in line and within Scottish Government Regulated Procurement Thresholds, and remain aligned with the wider objectives of the Council Plan 2017-22, Corporate Procurement Strategy 2017-22, and Procurement Sustainability Policy.

4 POLICY IMPLICATIONS

- 4.1 Changes to the Corporate Procurement Procedures, as set out in Section 3.4.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Previous version of Corporate Procurement Procedures – [Buying Goods | East Lothian Intranet](#)

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DATE	5 May 2021

