MINUTES OF THE MEETING OF
EAST LOTHIAN COUNCIL

**TUESDAY 22 FEBRUARY 2022
VIA DIGITAL MEETING FACILITY**

1a

Committee Members Present:

Provost J McMillan (Convener)
Councillor S Akhtar
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor N Hampshire
Councillor J Henderson

Councillor C Hoy (Items 6-10)
Councillor S Kempson
Councillor G Mackett
Councillor K Mackie
Councillor C McGinn
Councillor F O'Donnell
Councillor T Trotter
Councillor J Williamson
Councillor C Yorkston

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms A MacDonald, Director of Health and Social Care
Mr D Proudfoot, Executive Director for Place
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms A-M Glancy, Finance Manager – Corporate Accounting
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Finance Manager – Service Accounting
Ms C Molloy, Project Manager – Development
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:
None

Clerk:
Mrs L Gillingwater

Apologies:
Councillor F Dugdale
Councillor J Goodfellow
Councillor P McLennan
Councillor K McLeod

Declarations of Interest:
None

Prior to the commencement of business, the Provost advised that the meeting was being held remotely, in accordance with the Scottish Government's guidance on physical distancing; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The clerk recorded attendance by roll call.

1.   MINUTES FOR APPROVAL

The minutes of the following meeting were approved:
a.   East Lothian Council, 16 November 2021
b.   East Lothian Council, 14 December 2021

2.   MINUTES FOR NOTING

The minutes of the following meetings were noted: Local Review Body (Planning), 18 November 2021.

3.   OUTCOME OF THE BY-ELECTION IN THE PRESTON, SETON AND GOSFORD WARD

The Chief Executive advised that Colin Yorkston, Scottish Labour Party, had been elected to represent the Preston, Seton and Gosford Ward at the by-election held on 20 January 2022. In her capacity as Returning Officer, she paid tribute to all the candidates and agents for a respectfully fought campaign.

On behalf of the Council, the Provost congratulated Councillor Yorkston and welcomed him to his first meeting of the Council. He echoed the comments of the Chief Executive as regards the nature of the campaign.

With reference to the sad circumstances of the by-election, Councillor Currie also congratulated Councillor Yorkston on his election to the Council. His comments were shared by Councillor Bruce, who looked forward to working with Councillor Yorkston.

Councillor Yorkston thanked Members and officers, making special mention of Wilma Grant, for their support and welcome. He looked forward to a positive campaign for the local government elections in May.

4.   2021/22 QUARTER 3 FINANCIAL REVIEW

A report was submitted by the Executive Director for Council Resources providing an update on the in-year financial position at the end of December 2021.

The Executive Director for Council Resources, Sarah Fortune, presented the report, outlining the complications and challenges of the current financial environment. However, she announced that it was likely that the Council would be in a position to deliver on its obligations within budget, noting that (as of the end of Quarter 3) the Council was reporting an underspend of £254,000, and she remained hopeful that planned efficiency savings would be achieved. She highlighted a number of areas of risk, including Children's Services, Road Services and Waste Services, and of the pressures on the Health and Social Care budget. Ms Fortune made reference to additional funding received by the Council to mitigate the effects of COVID-19, but warned that a significant proportion of this would be non-recurring. She provided a summary of the key aspects relating to the Capital Programme and the Housing Revenue Account (set out at Sections 3.15–3.22 of the report), and concluded by stating that the challenges facing the Council should not be underestimated.

In response to a question from Councillor Hampshire on the delivery of affordable housing over the past five years, Wendy McGuire, Head of Housing, advised that in the current financial year, it was expected that 105 Council homes would be delivered, with an additional 62 Registered Social Landlord (RSL) units and 18 intermediate (mid-market rent) units. She anticipated that by the end of the current Council term, 964 affordable housing units would have been delivered, of which 375 were Council homes.

Councillor Akhtar asked for more detail on recurring and non-recurring costs associated with COVID-19, in particular relating to sustainability payments for social care providers. David Henderson, Finance Manager, explained that these payments had been extended to June 2022; if there was a further extension, this would be reported back to Council.

Councillor Akhtar also asked for an update on the service redesign within Children's Services and the impact of the interventions in place. Judith Tait, Head of Children's Services, highlighted the complexities of, and demands on, the service, especially relating to children and young people in external placements, and she provided a summary of interventions in place, including work with other Council services and partners in the third sector; the establishment of dedicated teams to provide a more effective service; and early intervention and community support.

Councillor Hampshire opened the debate by thanking staff for their efforts to deliver services over the past two years, and highlighting the financial pressures on the Council, which had been exacerbated by COVID-19. He also spoke of the impact of the pandemic on children and young people, and the need to support them going forward. He warned of further financial challenges should the government not provide additional funding to address the longer-term impacts of COVID-19. He stressed that the Administration would work to deliver services within budget.

Councillor Akhtar made reference to challenges facing the Council in terms of population growth, particularly the increase in younger and older age groups, and the level of support required for those groups. She also commented positively on the high level of uptake of COVID-19 vaccinations in East Lothian, and noted that all schools had been able to open up following the half-term break. However, she voiced concern at the long-term effects and financial impacts of the pandemic, and the need to have sufficient resources in place to deliver services. She thanked staff for managing their budgets during the current financial year.

Councillor Currie agreed that securing recurring funding to deal with the ongoing effects of COVID-19 was a key issue. He also highlighted the challenges in delivering the capital programme, which would be affected by rising costs and labour market shortages, as well as

the impact of interest rate increases on the Council's PPP contract. He expressed concern at the anticipated cost-of-living rises, which may lead to an increase in Council Tax and rent debt. However, he welcomed the digital transformation work underway within the Council, and called on officers to work in more innovative ways, suggesting that the Council's approach to risk would have to be reconsidered. He was confident that the Council could deliver the required changes to meet future challenges.

The Provost concluded the debate by commending the management and staff for their innovation and creativity in the delivery of services.

Decision

The Council agreed:

i.   to note the financial performance at the end of Quarter 3 in 2021/22 against the approved budgets;

ii.   to note the additional funding received from the Scottish Government since the Period 5 report;

iii.   to note the significance of the COVID-19 pressure and impact of non-recurring funding provided for 2021/22; and

iv.   to note the current commitments against the COVID-19 Fund and the alignment to the Recovery and Renewal Framework and agree that further updates would be provided through financial review reports.

5.   **DRAFT REGIONAL TRANSPORT STRATEGY – CONSULTATION RESPONSE**

A report was submitted by the Executive Director for Place advising Members of the proposed response to the South East Scotland Transport Authority's (SESTRAN's) consultation on the draft Regional Transport Strategy 2035 (RTS) and seeking approval of the Council to endorse the draft Strategy.

Peter Forsyth, Project Manager – Growth and Sustainability, presented the report, advising that that the RTS, which would cover the entire region, was required to consider a range of issues, including future transport needs, spatial planning, population growth, and societal and economic wellbeing. He highlighted the key themes covered within the consultation, and the Council's proposed responses (as set out in Appendix 1 to the report). He pointed out that the RTS was ambitious, and that partnership working across local authorities and transport partners was therefore essential. He also noted that policies were aligned with National Planning Framework 4 (NPF4). In asking Members to endorse the RTS, Mr Forsyth drew attention to two caveats, namely that any policy amendments that change the nature of the partnership must be considered by the Council, and that all projects and programmes are developed with sound business cases and financial support from government with the overriding presumption of 'infrastructure first'.

Councillor Hampshire asked Mr Forsyth for an estimate of the cost of delivering the interventions set out in the Strategy. Mr Forsyth advised that this was being considered at a regional level, and that work was at an early stage. He added that it was clear that the region needed a 'mass transit solution' and that national funding would be required to deliver it.

In response to a series of questions from Councillor Bruce, Mr Forsyth advised that the SESTRAN authorities would be working in partnership as part of the City Region Deal and with Transport Scotland, and that funding would be sought through the Strategic Transport Project Review. He further advised that the work would take place across local authority

boundaries. He recognised that the introduction of the City of Edinburgh Council's low emission zone and proposed parking levies would have an impact on East Lothian residents. On public transport provision for the Blindwells settlement, Mr Forsyth reported that this was already under consideration, with the intention of introducing bus services soon. He also noted that the Council would be working with Transport Scotland and Network Rail on the provision of rail services, although he cautioned that this was a significant piece of work that would need to take account of the capacity on the line.

Councillor Henderson questioned whether the location of future development would be dependent on reducing the need to travel. Mr Forsyth explained that the plan was to locate developments where sustainable transport options were in place. However, he stressed that there was no intention of limiting development to those areas, just that it was prudent to plan developments in relation to established networks. The Head of Development, Michaela Sullivan, added that many transport planning issues were 'weighted' rather than 'absolute', but that it was sensible to locate developments where there were existing transport connections. However, rural sustainability was also an aspect which would be taken into account.

Councillor Trotter asked about the timescales for delivery of the Strategy, remarking that interventions, such as improvements at Sheriffhall Roundabout, should have been put in place years ago. Mr Forsyth indicated that the timescales for projects would vary, and that the processes were lengthy. He stressed the need to move quickly through the planning stage in order to get programmes in place.

Douglas Proudfoot, Executive Director for Place believed that East Lothian was well positioned to take advantage of opportunities, particularly in terms of digital infrastructure and greater connectivity. He stressed the importance of the Council having influence over strategic plans at a regional and national level to strengthen its position.

Opening the debate, Councillor Hampshire made reference to the ambitious targets set out in the RTS and the challenges in persuading people to use public transport rather than their cars. He noted that transport providers continued to operate reduced services due to COVID-19, and that passenger numbers were lower than before the pandemic. He warned that the funding available would not deliver the required changes, and that it would be difficult to achieve the targets without improvement to public transport services.

Councillor Bruce indicated that he was pessimistic about the delivery of the Strategy, remarking that little had been provided to improve the infrastructure around the Blindwells development by way of road and rail connections. He believed that the current transport system was not working, and suggested that partnership working was key, citing examples in a number of English city regions. He noted that he would support the report recommendations, despite taking the view that the targets would not be achieved without political leadership at a regional level.

Disagreeing with the comments made by Councillor Bruce, Councillor Currie asserted that the report was ambitious and outlined significant opportunities for East Lothian and the wider area, which he believed would address Councillor Bruce's concerns. He stressed the importance of East Lothian being involved and having influence in the process, and also for incentives for people to use public transport, both in terms of addressing congestion issues and tackling the climate emergency. Without the Strategy and aspirations, he was concerned that nothing would change.

Councillor Akhtar was of the view that many of the themes in the RTS, such as 'infrastructure first', community transport and digital connectivity, would be supported by communities. She also welcomed the progress as regards the East Linton train station.

The Provost pointed out that such a strategy was necessary to address climate change and improve the economy.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

i.   to approve the response to the draft Regional Transport Strategy (attached as Appendix 1 to the report);

ii.   to endorse the Regional Transport Strategy with the following caveats;

- That any policy amendments that change the nature of the partnership, increasing their scope or functions of statutory duties must be considered by East Lothian Council;

- That all project and programmes are developed appropriately with sound business cases and financial support provided to East Lothian Council from appropriate government funding sources linked to an overriding presumption of 'Infrastructure First';

iii.   to note the aim across the Scottish Government to develop and deliver a suite of transport interventions, and the role which the Regional Transport Strategy will play in providing a regional context for these, to inform transport investment across the region over the next 13 years; and also to note that all proposed interventions would conform to Transport Scotland's investment hierarchy and align with other national plans, including the draft National Planning Framework 4 (NPF4) and the Climate Change Plan; and

iv.   to recognise the work done by the Heads of Development and Infrastructure in engaging with SESTRAN, Transport Scotland, the City Region Deal and other transport partners, through the various groups, and that a collaborative unified approach across services is necessary to succeed in developing and supporting both the emerging short-term programme and longer-term goals.

6.   **LOCAL GOVERNMENT ELECTION 2022 – ELECTED MEMBER INDUCTION PROGRAMME AND POST-ELECTION ARRANGEMENTS**

A report was submitted by the Executive Director for Council Resources seeking approval of the Elected Member Induction Programme 2022 and of the post-election arrangements in relation to accommodation, administrative support and IT equipment.

The Head of Council Support, Morag Ferguson, presented the report, drawing attention to the range of training sessions for new and returning Members following the election in May, which had been planned in response to feedback from Members elected in 2017. With reference to the pre-election session on 'Life as a Councillor', she hoped that a number of retiring Members would be prepared to contribute. On accommodation and support, Ms Ferguson advised that there would be changes to accommodation in John Muir House as a result of the asset review, and that despite the uncertainty of political group numbers, accommodation would be made available to Members following the election, even if this was not intended as a permanent base. She reminded Members that the first meeting of the new Council had to be held within 21 days of the election, and that it would take place on 24 May.

The Provost welcomed the Induction Programme and post-election plans.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

i.   to approve the Elected Member Induction Programme, as set out in Appendix 1 to the report (noting that any changes to the dates outlined will be communicated to Members as soon as practicable);

ii.   to approve the draft Schedule of Meetings for May/June 2022 (as incorporated into the Induction Programme and summarised in Appendix 2);

iii.   that a number of induction sessions should be made compulsory for returning Members, as well as new Members (as specified in Appendix 1); and

iv.   to approve the proposed arrangements for Member accommodation (as set out in Appendix 3) and for administration support and IT equipment.

7.   SCHEDULE OF MEETINGS 2022/23

A report was submitted by the Executive Director for Council Resources seeking approval of the Schedule of Meetings for the period August 2022 to June 2023, subject to the provisions set out in Section 3.6 of the report.

The Clerk presented the report, advising that the schedule followed the pattern of the current and previous years, and that any changes would be communicated to Members as soon as practicable. She noted that due to the ongoing works in Haddington Town House, meetings would continue to be held via the digital meeting facility. She also advised that technical work had recently been carried out in the Council Chamber as regards the installation of a webcasting/hybrid meeting system, and that it was anticipated that this system would be in place later in 2022.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

i.   to approve the proposed Schedule of Meetings for 2022/23;

ii.   to note that the date of the budget-setting meeting would be set at a later date;

iii.   to note that the schedule was subject to change, and that any changes would be communicated to Members and officers as soon as practicable; and

iv.   to note that any proposed changes to the decision-making structures would be presented to Council for approval.

8.   APPOINTMENTS TO COMMITTEES

A report was submitted by the Executive Director for Council Resources seeking approval to appoint Councillors Forrest and McGinn to the Cabinet.

The Clerk presented the report, advising of the proposal to appoint Councillors Forrest and McGinn to the Cabinet on a temporary basis, to cover the duties of Councillor Goodfellow, who was currently taking a leave of absence. She noted that Councillor Forrest would assume the Housing portfolio and Councillor McGinn assume the Community Wellbeing portfolio during this period.

The Clerk also advised of an amendment to the report recommendations in relation to a proposed change of Council representation on the Pennypit Community Development Trust, with Councillor Yorkston proposed to replace Councillor O'Donnell. As Councillor O'Donnell had only been formally appointed to this body in November 2021, the support of two-thirds of Members was required to approve this change.

Councillor Currie conveyed his best wishes to Councillor Goodfellow, and wished Councillors Forrest and McGinn well in their new roles. The Provost echoed these comments.

The Provost then moved to the vote to rescind the decision taken in November 2021, taken by roll call, which was agreed unanimously.

The Provost then moved to the vote on the recommendations, as amended, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

i.   to approve the appointment of Councillors Forrest and McGinn to the Cabinet; and

ii.   to approve the appointment of Councillor Yorkston to the Pennypit Community Development Trust, replacing Councillor O'Donnell.

9.   SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 30 NOVEMBER 2021 to 7 FEBRUARY 2022

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in December 2021.

Councillor Currie made reference to the wide range of decisions that had been taken under delegated powers during a challenging period. The Provost welcomed and supported his comments.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 30 November 2021 and 7 February 2022, as listed in Appendix 1 to the report.

Prior to moving to private business, the Provost, on behalf of the Council, wished Josh Taylor well in defending his boxing titles on 26 February. He also congratulated the North Berwick-based rowing team who had recently succeeded in rowing across the Atlantic Ocean.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

East Lothian Council/Queen Margaret University Joint Venture Company Structure

A report submitted by the Executive Director for Place concerning the proposed structure of the Joint Venture Company as regards the Innovation Hub was approved.

MINUTES OF THE MEETING OF
EAST LOTHIAN COUNCIL

TUESDAY 1 MARCH 2022
VIA DIGITAL MEETING FACILITY

1b

Committee Members Present:
Provost J McMillan (Convener)
Councillor S Akhtar
Councillor L Bruce
Councillor S Currie
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor N Hampshire

Councillor J Henderson
Councillor S Kempson
Councillor G Mackett
Councillor K Mackie
Councillor C McGinn
Councillor F O'Donnell
Councillor T Trotter
Councillor J Williamson
Councillor C Yorkston

Council Officials Present:
Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Mr D Proudfoot, Executive Director for Place
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations (Health & Social Care)
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Ms F Currie, Committees Officer
Ms A-M Glancy, Finance Manager – Corporate Accounting
Mr C Grilli, Service Manager – Governance
Mr D Henderson, Finance Manager – Service Accounting
Mr P Vestri, Service Manager – Improvement, Policy & Communications

Visitors Present:
None

Clerk:
Mrs L Gillingwater

Apologies:
Councillor J Goodfellow
Councillor C Hoy
Councillor P McLennan
Councillor K McLeod

Prior to the commencement of business, the Provost advised that the meeting was being held remotely, in accordance with the Scottish Government's guidance on physical distancing; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

Order of business – Urgent Motion: Military Action in Ukraine
The Provost advised that an urgent motion had been received from the Labour Group (which had now been circulated to all Members), in relation to the ongoing military action in Ukraine. The Provost ruled that he was prepared to accept this urgent item on the grounds of public interest, concerns raised by members of the public and local organisations, and connections to Ukraine within the local community. In accepting this motion, he advised that Standing Orders 4.2 and 5.3(i) would require to be suspended, and that this would require the support of two-thirds of Members. The clerk took a roll call vote on the suspension of Standing Orders 4.2 and 5.3(i), which was approved unanimously. The Provost advised that the urgent motion would be considered as the final item of business.

The clerk recorded attendance by roll call.

1. **BUDGET DEVELOPMENT INCLUDING SETTING OF COUNCIL TAX AND COUNCIL HOUSING RENT FOR 2022-23**

A report was submitted by the Executive Director for Council Resources, providing Members with an update on developments affecting the national Local Government Finance settlement and funding received from Scottish Government.

The Head of Finance, Ellie Dunnet, presented the report, advising that the settlement was still draft (due to be finalised on 2 March). She highlighted the key changes to the settlement since the Cabinet had considered the draft budget on 26 January, as set out in Section 3.4 of the report, noting that £2.3m of this funding was being provided on a non-recurring basis, and that overall, the core funding to the Council had been reduced by £0.7m. Ms Dunnet drew attention to a number of national announcements, including additional funding to support a cost of living payment (further details to be received), and additional funding to support the COVID-19 recovery, as well as additional financial support of £3.7m for education priorities, and £4.78m for adult social care (to be administered by the Integration Joint Board (IJB)). She highlighted that there would be no increase to rent levels in 2022/23.

On the budget proposals set out at Items 2 and 3 on the agenda, which proposed a 3% Council Tax increase for 2022/23, Ms Dunnet confirmed that the proposals and the proposed use of reserves were in compliance with the Council's Financial Strategy. She reported that a further £13.4m of core service reductions would require to be delivered over the next three years, and that the Council would need to identify solutions to address this challenge. She noted that a review of the budget development framework was underway, which would support the development of future budget proposals. She concluded by advising that in the

event that there were any further changes to the grant settlement, a further report would be submitted to Council for consideration.

Ms Dunnet responded to a number of questions from Councillor Currie. On the Council's PPP contract, she advised that there would be significant pressure on this during the coming year and that it would be considered as part of the review of the budget development framework. Sarah Fortune, Executive Director for Council Resources, added that due to high levels of inflation and the fact that it was linked to RPI, the PPP contract would be subject to significant cost pressures. As regards the additional funding for adult social care services, Ms Dunnet advised that the additional £13.4m recently announced did not form part of today's budget as it would come to the IJB; this funding would address unmet demand and new policy commitments. On the delivery of efficiency savings, she indicated that projects would be impacted, and that the Council would also have the additional challenge of managing the COVID-19 recovery in the coming years.

The Provost moved to the roll call vote, which was approved unanimously.

Decision

The Council agreed:

i.   to note the further update on budget development set out within the report, and the implications for the Council;

ii.   to consider and make recommendations in relation to budget proposals included within the agenda, reflecting formal amendments proposed to the Draft Administration Budget Proposal for General Services and Housing Revenue Account (revenue and capital plans) approved by Cabinet on 26 January 2022;

iii.   to approve the Council Tax and Rent Levels for 2022/23, as set out in Section 3.13 of the report.

2.   BUDGET PROPOSALS ON GENERAL SERVICES

Amendment Submitted by the Administration

Councillor Hampshire presented the Administration's amendment to the budget proposals. He thanked the Chief Executive and her Management Team, as well as members of the Finance Team, for their support during the process. He paid tribute to staff for their efforts in continuing to deliver services during the pandemic, noting that this could not have been achieved without the additional COVID-19 funding. He warned that the recovery would take some years and would continue to put pressure on Council budgets unless further funding was secured. He advised that the cost of providing core services would rise by £12m in 2022/23, due mainly to population growth, energy costs and inflation; however, the grant funding allocated by the Scottish Government would reduce by £734,000 for 2022/23. In order to balance the budget and protect services, a 3% increase in Council Tax would be required, generating an additional £2m, with a further £2.2m being generated through the construction of 1200 new homes. In order to make up the shortfall, continual assessment of service costs would be required, new ways of working would be developed, and further plans for delivering efficiencies would be required. In addition, £7.1m of reserves would be used to make up the shortfall. Councillor Hampshire made reference to the challenge faced by the new Council in achieving further savings and reducing costs of delivering services.

Councillor Hampshire then outlined a number of proposed measures included in the Administration's proposals, including:

- Additional funding of £182,000 to tackle anti-social behaviour and support community development
- £250,000 over two years to delivery new pump tracks, working in partnership with community groups
- £345m to deliver the Council's Capital Programme over the next five years
- Investment in schools, including East Linton, Blindwells, Craighall, Whitecraig, as well as the new secondary campus at Wallyford
- Development of the £26m Food and Drink Innovation Hub and associated infrastructure, in partnership with Queen Margaret University
- Development of economic opportunities at the former Cockenzie Power Station site
- In partnership with Network Rail, the delivery of a new station at East Linton
- The planting of two million trees over a ten-year period to address the climate emergency, in addition to increasing the number of electric car charging points
- Reductions in the cost of delivering waste services, by way of the new recycling service

Councillor Hampshire concluded his presentation by reiterating the financial challenges faced by the Council in recent years. However, due to strong financial management, he believed that it remained one of the best performing councils in Scotland. The budget presented to Council would provide the best opportunity to delivery services and provide staff with time to plan for the financial challenges ahead. He moved the Labour budget proposals, as amended.

The Administration's amendment was seconded by Councillor Akhtar, who thanked Councillor Hampshire for his work in achieving a balanced budget, and paid tribute to Councillor Innes for his leadership in the budget process in previous years. She argued that the funding allocated to the Council did not take account of the growth taking place in East Lothian, highlighting the impact of a £700,000 reduction in grant funding, inflation and other increasing costs. She stressed that the Administration had done all it could to keep the Council Tax increase as low as possible. Councillor Akhtar paid tribute to staff in Health and Social Care for continuing to deliver services and the vaccination programme during a very challenging period. She also praised the work by community volunteers, day centre staff, and care home staff in their efforts to support and protect vulnerable people. She noted that the impact of COVID-19 would be felt for years to come, and that it was therefore important to focus on mental health. She welcomed the additional funding to support youth work and the continued support for Area Partnerships.

Councillor Bruce expressed concern at the reduction in grant funding for the Council, despite the Scottish Government receiving additional funding from the UK Government. He called on the Scottish Government to provide additional funding for local authority areas which were growing. He accepted that a 3% Council Tax increase would impact many families, and welcomed additional government support. He also welcomed funding to tackle anti-social behaviour, and urged the Council to upgrade CCTV provision across the county. Alluding to the financial challenges facing the Council, Councillor Bruce voiced concern about the potential impact on the capital programme, particularly as regards improvements to the school estate. He also called on officers to accelerate the asset review and to encourage home-working for staff, which would achieve a financial saving for the Council as well as improvements to work/life balance. He declared that he would support the Administration's proposals.

Councillor Currie opened his speech by paying tribute to Councillor Innes for his input into the budget process in previous years, and by wishing Councillors Goodfellow and McLeod well in their recovery from illness. He thanked officers for their assistance with the budget, and commended the efforts of Council staff to continue delivering services over the past two years. On the proposed increase in Council Tax, he stated that 3% was the maximum that the SNP was prepared to support. He voiced concern about the ongoing cost-of-living rises,

particularly the forthcoming National Insurance increase. On the budget proposals, he welcomed the removal of instrumental music tuition charges and the additional funding for health and social care services. He did, however, highlight the difficulties in recruitment and retention of social care staff, suggesting that the Council would need to invest and innovate to meet these challenges. Councillor Currie also welcomed the financial support for local businesses during the pandemic, as well as the 20% reduction in the cost of the coastal car park season ticket. He also spoke in support of the additional funding for youth services. As regards capital investment, he welcomed improvements to IT services, particularly the provision of a new reporting app, and funding for facilities throughout the county, such as parks and paths. He paid tribute to those who had campaigned for a Gullane–Drem path, which had recently attracted SUSTRANS funding for a feasibility study. Councillor Currie was supportive of the provision of health and social care facilities, and was particularly keen to see GP services being provided in the Wallyford area. He concluded by declaring that he would support the Administration's budget proposals.

Councillor Dugdale thanked officers for their help during the budget process. She alluded to the challenges faced by the Council over the past two years, and would continue to face for some time to come, as a result of the pandemic. She expressed concern about the longer-term impact of COVID-19 on children and young people, and of the impact of cost-of-living rises on families. She pointed out that staff in Education and Children's Services were working hard to support the needs of children and families, with a focus on early intervention, and keeping children in their schools and communities, as well as bringing back children and young people from external placements. She thanked staff for their efforts in this regard. She also pointed out that additional support had been directed at those children and young people with additional support needs (ASN). She commended the leadership of this service in addressing these challenges at a time when school rolls were increasing, and she also welcomed the improvements to the school estate, in particular the new Wallyford learning campus, which would include special provision for young people with ASN. She hoped that future budget settlements would take account of the growth in East Lothian.

Councillor Trotter welcomed the united approach to the budget process this year, and hoped that this would continue in future years.

Thanking staff for their assistance during the budget process, Councillor Yorkston spoke of the difficulties in setting a budget when the financial settlement had only recently been announced. He believed that the Administration's budget proposals would support communities and protect services and the economy. In his own ward, he welcomed £18.2m of capital investment, particularly the proposed investment of £15.9m in the school estate. He believed that this would have a positive impact on teachers and pupils. He also welcomed the proposals to upgrade Prestongrange Museum. He thanked Councillor Hampshire for his leadership on the budget proposals and appreciated the support of other Members.

Echoing the comments made about Councillor Innes' contribution to past budget processes, and to Councillor Hampshire's leadership, Councillor McGinn highlighted the difficulties in preparing a budget in the current financial climate. He expressed concern at the cost-of-living crisis and the conflict in Ukraine, both of which would have a long-term financial impact, and stressed the need to protect communities and deliver services. He welcomed the investment in sport and leisure facilities to help support health and wellbeing, including the proposed replacement of 3G pitches in each community, and of improvements to coastal car parks, which would be supported by £700,000 of funding from the Rural Tourism Investment Fund. He also stated the Council's commitment to supporting coastal areas and tackling coastal erosion, and to developing the core path network. He also advised that a number of community facilities which had been closed due to COVID-19 would be reopened, and that the Council would continue to campaign for primary care health services in the Tranent, Wallyford and Macmerry ward. He warned that the coming years would be difficult

for local authorities, but believed that the budget proposals would allow the Council to face those challenges.

Councillor O'Donnell remarked that the Administration had always sought to make the best decisions for local communities. She referenced the crisis in Ukraine and the impacts of climate change, both of which would result in people being displaced, and commended the Council's efforts to respond to the climate emergency. She also welcomed the dialogue with the other political groups during the budget process. She believed that a 3% increase in Council Tax struck the right balance between supporting people and delivering services, noting that the increase would have been higher without the use of reserves or sound financial management.

Councillor Forrest stated that he was proud to support the budget proposals, which would put the Council on a 'sound footing' to support communities. In particular, he welcomed the investment in services for the vulnerable and young people.

The Provost referred to recent reports by Audit Scotland and the Financial Times which had placed East Lothian Council as the top council in the UK for improved and increased local spending. He drew attention to investment, including work being carried out as part of the City Region Deal, and the improvements to Haddington Corn Exchange and Town House. He commended the work of officers in delivering developments and infrastructure, and also the financial assistance administered by the Council to local business during the pandemic. He believed that the proposed budget would enable the Council to deliver services throughout the county, and make communities more resilient. He paid tribute to Councillor Hampshire for his work on the budget, which had continued the values and focus set out in previous years by Councillor Innes.

Councillor Hampshire summed up by welcoming the support for the Administration's budget proposals. He thanked Members by recognising the role played by Councillor Innes in previous years' budget development. He stated that he would have preferred not to increase Council Tax, but that without doing so there would be further cuts to services. He stressed that the Council faced significant financial challenges, and that the incoming Administration would need to reduce the cost of providing services. He concluded by thanking colleagues for their support in order to get unanimous support for the last budget of the current Council term.

The Provost then moved to the roll call vote on the amendment to the budget proposals, as proposed by the Administration, which was approved unanimously.

Decision

The Council agreed to approve the amendment to the budget proposals as presented by the Administration and to increase Council Tax by 3% for 2022/23 (Band D level of £1,341.69).

3.   RENT PROPOSALS 2022/23 – 2026/27

Amendment Submitted by the Administration

Councillor Forrest presented the Administration's amendment to the rent proposals. He thanked Councillor Goodfellow for his work as regards Housing, and wished him well in his recovery from illness. Councillor Forrest thanked staff for continuing to deliver the modernisation and repairs programmes despite the challenges of the pandemic. He also thanked Tenants and Residents' groups and community groups for their support. He made reference to current rent levels and house prices, and of the resulting pressure on waiting lists for both Council and Registered Social Landlord (RSL) housing. On the delivery of new-

build housing, Councillor Forrest reported that 779 affordable homes had already been delivered during the current Council term, with an additional 185 due to be completed during the current financial year. In addition, 457 kitchens and 463 bathrooms had been replaced as part of the modernisation programme, and new smoke and heat alarms had been installed. With reference to the impact of rising living costs, Councillor Forrest proposed a rent freeze for 2022/23.

The Administration's amendment was seconded by Councillor Yorkston, who echoed the comments made about Councillor Goodfellow. He highlighted the positive impact of the modernisation programme on families, and of the benefits of new energy-efficient homes for tenants. He supported the rent freeze, believing this was a good deal for families across East Lothian.

Councillor Currie also conveyed his best wishes to Councillor Goodfellow, and welcomed Councillor Forrest to his new role as Housing Spokesperson. On behalf of the SNP Group, he thanked staff in the Housing Service for continuing to deliver services during the pandemic, and welcomed the engagement with the Tenants and Residents' groups. He was in agreement with the Administration as regards freezing rent levels for 2022/23. He stressed that the Council should prioritise maximising energy efficiency measures, and urged the Administration to look at all possible ways of achieving this. He voiced concern at the forthcoming increases in fuel costs and the resulting impact this would have on low-income families. In conclusion, he believed that the proposal to freeze rent levels for the coming year should be supported.

Councillor Bruce also spoke in support of the proposal to freeze rent levels, and added his voice to those who had wished Councillor Goodfellow well in his recovery.

Councillor Hampshire thanked Members for their support as regards the HRA proposals. He was also concerned at the impact of cost-of-living and fuel rises on families. He noted that the modernisation programme would continue, as would improvements to energy efficiency in Council homes and new build homes. He noted that £116m would be made available to deliver 600 new homes over the next five years, and that additional units would be delivered working in partnership with external organisations. He was committed to maximising funding to deliver additional homes, as well as to delivering housing for older people and those with extra care needs. He accepted that delivering sufficient levels of new homes was challenging, but that he was confident that officers would continue to do what they could to provide as many high quality homes as possible.

Summing up, Councillor Forrest welcomed the comments made, and stressed the importance of governments assisting councils to deliver affordable housing.

The Provost then moved to the roll call vote on the amendment to the rent proposals, as proposed by the Administration, which was approved unanimously.

Decision

The Council agreed to approve the amendment to the rent proposals, as presented by the Administration, and to freeze rent levels for 2022/23.

3. TREASURY MANAGEMENT STRATEGY 2020/21 – 2024/25

A report was submitted by the Executive Director for Council Resources seeking approval of the Treasury Management and Investment Strategies for 2022/23 to 2026/27.

The Head of Finance, Ellie Dunnet, presented the report. She confirmed that the Strategy was aligned to the Capital and Financial Strategies approved by Council in December 2021, and that it complied with treasury management requirements. She advised that the purpose of the treasury management function was to ensure that the Council had sufficient funds to meet its spending obligations, and that it was a requirement of CIPFA that the Council should approve a Treasury Management Strategy in advance of each financial year. She drew attention to the key aspects of the report, including actual and planned capital expenditure, the positions with the General Services and Housing Revenue Account, and authorised limits and operational boundaries for external debt levels. Ms Dunnet advised that a mid-year report on treasury management activity would be lodged in the Members' Library and that a year-end report would be presented to the Audit and Governance Committee. She concluded by noting that the Council would not be required to adopt the new CIPFA codes until the 2023/24 financial year.

Decision

The Council agreed:

i.   to approve the Treasury Management Strategy, referenced within Sections 3.5 to 3.18 of the report;

ii.   to approve the Investment Strategy, referenced within Sections 3.19 to 3.21 of the report;

iii.   to approve the repayment of loans fund advances using the methodology detailed in Section 3.6 of the report;

iv.   to approve the operational boundaries for external debt, as detailed in Section 3.14 of the report;

v.   to approve the authorised limits for external debt, as detailed in Section 3.15 of the report;

vi.   to approve the delegation of authority to the Chief Finance Officer to effect movement between external borrowing and other long-term liabilities, as detailed in Section 3.18 of the report;

vii.   to note the detailed Treasury Management Strategy Statement, available in the Members' Library (Ref: 18/22, February 2022 Bulletin).

5.   NOTICE OF URGENT MOTION – MILITARY ACTION IN UKRAINE

The following urgent motion was submitted by Councillors Hampshire and Akhtar:

We, Norman Hampshire (mover) and Shamin Akhtar (seconder), ask the Chief Executive and Provost to express the following sentiments on behalf of the Council and the people of East Lothian urgently and in writing:

- To the Russian Ambassador in the UK, asking that he requests his government to withdraw troops from Ukraine *immediately*.
- To the Ukranian Ambassador in the UK, expressing the Council's support and solidarity, and respect for his nation's sovereignty and freedom.
- To the Prime Minister of the UK, asking that all efforts are made to welcome refugees coming from Ukraine to the UK *without the need for a visa*, and advise of our willingness to help in any way we can as a county to settle

individuals and families whose lives have so sadly and suddenly been affected by the military action in Ukraine.

Councillor Hampshire presented the motion, condemning the attack on Ukraine by Russia and the horrific impact on the civilian population. He made reference to the UK's proud history of supporting countries in need and people fleeing war zones. Setting out the terms of the motion (as outlined above), he asked Members to support it, and to do all they could to support the Ukranian people.

Seconding the motion, Councillor Akhtar alluded to previous situations where refugees had been welcomed into East Lothian. She described the attack on Ukraine, and in particular aggression against civilians, as 'horrific and barbaric'. She believed the Council had a duty to show support to Ukraine and its people.

Councillor Currie declared that he was supportive of the motion. He spoke of the personal tragedy facing families in Ukraine. He was critical of the UK Government's current stance on accepting refugees from Ukraine and argued that the UK should not put barriers in place for people fleeing the conflict; instead, he believed that they should be allowed to remain in the UK for up to three years without having to produce the usual paperwork.

Councillor Bruce spoke in support of the comments already made, agreeing that there was no justification for attacks on civilians. He was of the view that the UK should do all it can to help those people fleeing Ukraine, and that it should also provide military aid to ensure that Ukrainians could defend their country.

Referring to the Balkans conflict in the 1990s, Councillor McGinn observed that a similar situation was unfolding in Ukraine. He spoke of the support for Ukraine within his own community, including aid collections organised by Wallyford Primary School, the Co-op, and Midlothian and East Lothian's Women's Aid.

The Provost agreed that there was a desire to offer sanctuary to Ukranians, in an open and stress-free way, and he praised the efforts of individuals and organisations in the community who were doing all they could to support Ukraine.

Summing up, Councillor Hampshire thanked Members for their support for the motion. He believed that the best way to defeat Russia was for the world to be united against the actions of President Putin.

The Provost then moved to the roll call vote on the motion, as submitted by Councillors Hampshire and Akhtar, which was approved unanimously.

Signed   ....

            Provost John McMillan
            Convener of the Council

MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

THURSDAY 27 JANUARY 2022
VIA THE DIGITAL MEETINGS SYSTEM

2

Committee Members Present:
Councillor L Bruce (Chair)
Councillor N Gilbert
Councillor J McMillan

Advisers to the Local Review Body:
Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Other attendees:
Ms F Haque, Solicitor

Clerk:
Ms F Currie, Committees Officer

Apologies:
None

Declarations of Interest
None

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the meeting and the options available to the Local Review Body in reaching a decision on the planning applications before it.

The Legal Adviser then invited nominations to chair the meeting. Councillors Gilbert and McMillan indicated that they would be content for Councillor Bruce to chair the Local Review Body (LRB) on this occasion.

1. **PLANNING APPLICATION NO. 21/00654/P: CONVERSION AND EXTENSION TO DOMESTIC OUTBUILDING TO FORM 1 HOUSE, ERECTION OF 2 SHEDS, FORMATION OF 2 VEHICLE PARKING SPACES AND ASSOCIATED WORKS, REAR GARDEN OF 23 EDINBURGH ROAD, COCKENZIE, EAST LOTHIAN**

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

The Planning Adviser outlined in detail the proposals contained in planning application no. 21/00654/P at 23 Edinburgh Road, Cockenzie for the conversion and extension of a domestic outbuilding to form 1 house and associated works.

He reminded Members that applications should be determined in accordance with the development plan for the area unless material considerations indicate otherwise: in this case the South East Scotland Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (LDP). While none of the policies approved by SESplan were relevant to this application, the most relevant policies of the LDP were: RCA1 (residential character and amenity); CH2 (development affecting Conservation Areas); DP2 (design); DP5 (extensions and alterations to existing buildings); DP7 (infill, backland and garden ground development); T1 (development location and accessibility); and T2 (general transport impact). Also relevant were section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy (June 2014) and Supplementary Planning Guidance on 'Cultural Heritage and the Built Environment'.

The Planning Adviser summarised the case officer's assessment of the application which noted that no public objections had been received and which confirmed that all relevant Council services had been consulted. The response from Roads Services highlighted that no off-street parking was to be provided for the proposed house and that the existing driveway was to provide access to 2 new parking spaces to be created for the existing house on the site. As there was not space to provide parking for the new house and as any parking demand would have to be accommodated on the street, Roads Services could not support the application and recommended its refusal.

The case officer had considered all of the relevant LDP policies, legislation and guidance and his assessment of the application was summarised by the Planning Adviser. The case officer had concluded that the application would be contrary to LDP policies DP5, DP7, T1 and T2 and that there were no material planning considerations that outweighed these facts.

The Planning Adviser then summarised the applicant's appeal submission which stated that the case officer's assessment contained an inaccuracy, that available parking spaces on New Street were shared with neighbours, that there would be no issues with

overlooking due to the position of the proposed new house and other mitigations, that the new garden area would have a good degree of privacy and that within the context of the close knit urban streetscape the new house would not constitute crammed, infill housing.

At the request of Members, the Planning Adviser concluded his presentation by summarising the proposed conditions provided by the case officer, should the Local Review Body (ELLRB) be minded to grant permission for the application.

The Planning Adviser also responded to questions from Members on designated and on-street parking and the potential impact on access and parking capacity in the adjacent street; concerns about potential overlooking of neighbouring properties; and the present condition and appearance of the outbuilding.

The Chair asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions and, with their permission, he was the first to offer his views.

The Chair said that he had found the site visit enlightening and he understood why Roads Services had taken the view expressed about parking. However, he noted that there were parking issues elsewhere in New Street and the 2 additional spaces to be provided would off-set any demand for on-street parking. Similarly, he had observed that due to the nature of the streets and properties, overlooking was a common occurrence in the area and he noted that no neighbouring properties had objected to the proposals. In his view as a Local Member, and considering only this application, he did not believe that it would set a precedent and he was minded to overturn the officer's decision and to grant planning permission.

Councillor Gilbert said he was in general agreement with the Chair. Referring to the absence of objections to the proposals, he observed that the refusal of planning permission seemed to be predicated solely on parking issues. He also noted the concerns about 'cramming' expressed in the officer report but he could not see that this site would be any more 'crammed' then the rest of New Street and he agreed with his colleague that overlooking already existed. He argued that the new house would add to the surrounding community and be an improvement on the existing building which was, in his view, incongruous, in a poor state and likely to deteriorate further. He was therefore minded to uphold the appeal.

Councillor McMillan said that the site visit had been instrumental and while they had visited at a quiet time there were still a number of cars on the street. He had noted that there were other houses close to No.23 but that this area of ground was unused. He believed that the new house would add to the quaintness and sense of place in New Street and there would be no harmful overlooking by the Business Hub building. He concluded that it would be important to discuss the potential conditions drawn up by the case officer with the applicants to ensure they were appropriate but he was minded to uphold the appeal.

Decision

The ELLRB agreed unanimously to uphold the appeal and to grant planning permission for this application, subject to the conditions set out by the case officer.

2.   PLANNING APPLICATION NO. 21/00879/P: EXTENSION TO HOUSE, INSTALLATION OF SEPTIC TANK AND ASSOCIATED WORKS, PRESSMENNAN LAKE HOUSE, STENTON, DUNBAR EH42 1TF

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

The Planning Adviser outlined the background, location and detailed proposals contained in planning application no. 21/00879/P at Pressmennan Lake House, Stenton for an extension to a house and installation of a septic tank and associated works. He also provided details of the planning history for the house dating from 2002 to 2021 including past planning permissions both lapsed and extant.

The Planning Adviser reminded Members that planning applications should be determined in accordance with the development plans for the area unless material considerations indicate otherwise. While the SESplan was not relevant to the determination of this application, the most relevant policies of the LDP were CH1 (listed buildings), CH6 (gardens and designed landscapes), NH3 (protection of local sites and areas), DC9 (special landscape areas), DP2 (design) and DP5 (extensions and alterations to existing buildings). Also relevant were section594 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (April 2019) and Scottish Planning Policy (June 2014).

The Planning Adviser summarised the case officer's assessment of the application which had confirmed that there had been no objections to the proposals but one representation relating to site noise and hours of working which had been considered in the case officer's assessment. Comments had also been received from the Council's Biodiversity Officer which had included a number of recommendations regarding bats, breeding birds and a nearby badger sett which could be addressed through planning conditions. No objections had been raised by Council services. The Planning Adviser summarised the case officer's assessment of the application against relevant planning policies which had concluded that proposals would be contrary to policies CH1 and DP5 and SPP 2014. That the extension would not be of a character, appearance or architectural form that would preserve or enhance the listed building but rather it would be an addition that would be harmful to the listed building's special architectural and historic character, integrity and appearance.

The Planning Adviser then summarised the applicant's appeal submission which made a number of points relating to the history and character of the existing extension and the intended character and impact of the new proposal. It referred to the secluded nature of the site and argued that the proposed extension would be compliant with policies CH1 and DP5 and would be compatible and subservient in that it would maintain its residential use while being visually smaller and distinct from the original. It concluded that the renovation and extension of the existing building would bring about a significant design benefit, significant restoration and investment in the building and ensure that it was fit for purpose as a substantial family home and place of recreation.

The Planning Adviser concluded his presentation reminding Members that the case officer had provided suggested conditions, should they be minded to grant permission for the application.

The Planning Adviser replied to a question from Councillor Gilbert on the increase in floor area resulting from this and previously proposed extensions.

The Chair asked his colleagues to confirm if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Gilbert commented that the location was discreet and the house was not visible from public land. The proposed extension was at basement level and would be largely hidden and therefore not detrimental to the character and landscape of the area. While larger than the current extension, it was smaller than previous proposals which had been granted planning permission. It would also be in keeping with the character and existing look of the listed building. He said that the decision could not rely solely on appearance as the proposals would adapt and improve the whole building for its occupants and make it fit for purpose. On this occasion, and for these reasons, he was minded to uphold the appeal.

Councillor McMillan also commented on the location of the site and the fact that it was isolated and not overlooked. While he had some concerns that upholding the appeal would result in the demolition of the existing extension, he accepted that it did not fit the current family's needs and it was a modern pastiche which was not in keeping with the original building. He referred to the changing needs of the family and the impact of COVID on the need for additional space and working from home. He believed that the new proposals would address these needs and that the design would add value and would be a modern and impressive addition to a unique site. Accordingly, he was minded to uphold the appeal.

The Chair agreed with his colleagues and had noted in particular the surrounding landscape and topography. He noted that site was not overlooked and that the proposed extension would not harm the listed building. For these reasons, he was minded to uphold the appeal.

The Members discussed the suggested conditions and the possible addition of a movement/construction method statement and a condition taking account of the local biodiversity.

The Legal Adviser noted that Members had given their unanimous approval of planning permission, subject to conditions as set out in the case officer's submission and with the addition of further conditions to be finalised by the planning authority.

Decision

The ELLRB agreed unanimously to uphold the appeal and to grant planning permission subject to conditions to be finalised by the planning authority.

Signed ....

    Councillor Lachlan Bruce
    Chair of Local Review Body (Planning)

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Chief Executive

3

SUBJECT: Outline of the 2022–2027 Council Plan

1 PURPOSE

1.1 To present the proposed outline of the 2022–2027 Council Plan for approval.

2 RECOMMENDATIONS

2.1 Council notes the update on progress with strategic goals, commitments and actions set out in the 2017–2022 Council Plan as detailed in Appendix 2.

2.2 Council notes the context, challenges and opportunities that will inform the development of the 2022–2027 Council Plan as outlined in this report (paragraphs 3.17–3.40).

2.3 Council approves the outline of the 2022 – 2027 Council Plan as set out in this report (paragraphs 3.41–3.50) and summarised in Appendix 1.

2.4 Council instructs the Chief Executive to present a final 2022–2027 Council Plan based on the outline presented in this report following the May 2022 local government elections for consideration by the new Council.

3 BACKGROUND

2017–2022 Council Plan

3.1 The Council adopted the 2017–2022 Council Plan in June 2017. The Plan was based on a Draft Plan that was approved by Council in February 2017.

3.2 The 2017–2022 Council Plan set out the vision of *'An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.'*

3.3 The Plan, which adopted one overarching objective, ***Reducing inequalities within and across our communities,*** set out nine strategic goals around four thematic objectives:

> ***Growing our Economy***
> - reducing unemployment
> - improving the employability of East Lothian's workforce

> ***Growing our People***
> - reducing the attainment gap
> - raising the attainment and achievement of our children and young people
> - improving the life chances of the most vulnerable in our society

> ***Growing our Communities***
> - extending community engagement and decision making
> - increasing community and individual resilience

> ***Growing our Capacity***
> - delivering transformational change
> - harnessing the opportunities technology offers in the provision of services.

3.4 The Plan established that the Council cannot address the challenges that East Lothian faces on its own. At the heart of the Plan is the concept that the Council and the people and communities of East Lothian can best deliver the required solutions by 'working together for a better East Lothian'. Therefore, it committed the council to become:

> ***an enabling and empowering authority*** that works with its citizens and communities, the business and third sectors and other public sector partners to deliver the solutions that work best for East Lothian.

> ***a more entrepreneurial authority***, developing new ways of ensuring services are provided in the most effective and efficient way possible;

> ***a 'digital' authority***, fully embracing and exploiting opportunities to use technology to deliver services.

3.5 The 2017-22 Council Plan and the previous Plan were underpinned by a commitment to the core principles set out by the Christie Commission into public sector reform[1]:

> **Services built around people and communities** – citizens/ customers / community engagement

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[1] Report on the Future Delivery of Public Services by the Commission chaired by Dr Campbell Christie; June 2011

- **Effective, efficient and excellent services** – resource maximisation, continuous improvement and customer excellence built around democratic accountability

- **Working together to achieve outcomes** – partnership working

- **Prioritising prevention and promoting equality** – early intervention to avoid crisis intervention

- **Sustainability** – economic, social and environmental resilience.

3.6   The Plan included around 75 commitments and actions that would contribute to achieving the objectives and strategic goals. The COVID-19 pandemic and associated lockdowns over the last two years have had a major impact on East Lothian and on the council and slowed down progress with some of the Council Plan commitments and actions. However, as can be seen from the update detailed in Appendix 2, much progress has been achieved in meeting the strategic goals, commitments and actions set out in the 2017-2022 Council Plan.

3.7   Various reports on the council's response to the pandemic have highlighted the many ways in which the council, council staff, our partners and East Lothian's communities have risen to the challenges posed by the pandemic. The Council's response to COVID-19 has been driven by the three **ELC** values – Enabling, Leading and Caring.

- **ENABLING** – recognising that the Council cannot do everything itself, we supported the vast voluntary effort that has risen up in all our communities.

- **LEADING** – the Council has led the response to the emergency in East Lothian. We ensured that critical services continued to be delivered and established, virtually overnight, critically important services to protect vulnerable children, older people and those most at risk from the virus.

- **CARING** – throughout the emergency the Council has put the needs of the vulnerable in our society and our communities at the heart of our response.

3.8   The Council's response to COVID-19 also has highlighted the importance and relevance of the staff behaviours which are set out in *The East Lothian Way*.

3.9   **Working Together** – we collaborate with our partners, customers and colleagues to build strong and lasting relationships based on understanding, compassion, trust, integrity and mutual respect. For example, Council services worked very closely with Police Scotland in the enforcement of social distancing regulations and in managing the pressures caused by the influx of visitors to East Lothian's coast and countryside as lockdown eased.

3.10   **Customer Focused** – we put our customers at the heart of everything we do. For example, at the start of the pandemic a dedicated COVID-19 helpline was set up to provide a dedicated number for people requiring our support and/ or referral to community resilience groups. The council also set up dedicated COVID-19 webpages to provide key information, daily updates, guidance and

advice about the pandemic and how the council has been adapting its services to continue to provide the critical and emergency services that people rely on.

3.11 **Be the Best We Can Be** – staff take responsibility and use their initiative to deliver the highest quality of services as efficiently and effectively as possible. For example, social care and social work staff have been on the front line throughout the pandemic, delivering personal care to vulnerable individuals while maintaining relationships to help individuals, families and cared for young people to make positive changes. This was particularly challenging during lockdowns with limited home visits and face to face contact and instead relying on phone calls to maintain contact.

3.12 **Initiate and Embrace Change** – the Council and its staff embrace the need for change and initiate new ways of working. For example, many services had to adapt the way they operated to enable staff to continue to provide services whilst working from home. Around 1,000 council staff have adapted to working from home over since March 2020, providing services and maintaining contact with the public and service users on a virtual rather than face-to-face basis.

3.13 **Make Things Happen** – we plan and deliver our work effectively, making sure we understand needs and priorities. For example, staff who could not do their normal job as their services were 'mothballed' were redeployed into different roles to support the effort to deliver critical and new services such as Children's Hubs, support for Shielded People and the assessment and approval of Business Grant applications. Throughout the pandemic the council has continued its transformation programme, one feature of which was the development and launch of the new Online Customer Portal.

The Recovery and Renewal Plan

3.14 In October 2021 the Council adopted the Recovery and Renewal Plan to prepare East Lothian to recover from the COVID-19 pandemic, embracing the opportunity to 'build back better and ensure we maximise the opportunity for a sustainable and green recovery'. It is based around six principles:

  ➢ Outcome focused

  ➢ Person-centred

  ➢ Empowering and collaborative

  ➢ Agile and flexible

  ➢ Robust, place-based, data-driven and evidence-based

  ➢ Ensuring the voice of children and young people are at the heart of our work.

3.15 The Recovery and Renewal Plan sets out eight Key Priority Areas:

  ➢ Support our communities to tackle inequality and social exclusion

  ➢ Respond to the climate and ecological emergency

- ➤ Support business and employment and promote inclusive economic growth

- ➤ Help our children and young people achieve their potential

- ➤ Deliver improved connectivity and digital innovation to ensure the most effective use of our resources

- ➤ Maintain and develop resilient and sustainable services

- ➤ Develop our people and future ways of working

- ➤ Invest in regeneration and a sustainable future.

3.16 The Recovery and Renewal Plan's principles and priorities align closely with the key themes and priorities of the current Council Plan and the East Lothian Plan (East Lothian Community Planning Partnership's Local Outcome Improvement Plan).

The Context for the 2022-2027 Council Plan

3.17 The COVID-19 pandemic forms the backdrop for the 2022-2027 Council Plan. The strategic assessment of the demography, economy, health and other quality of life measures and data which will inform the new Council Plan will be heavily influenced by the impact of the pandemic. However, the main challenges which formed the context of the 2017-2022 Council Plan have not changed, are still relevant and will need to be addressed by the Council Plan alongside new challenges.

3.18 *Financial constraints* – as detailed in the Financial Strategy 2022/23 – 2026/27[2] the Council continues to operate in a very uncertain and extremely challenging financial environment. The financial implications and consequences arising from COVID remains very live with the economic impact likely to be felt for the foreseeable future. Alongside this a range of other factors will continue to impact on the council's financial position, including: the continuing political and economic uncertainty surrounding future public sector funding; the UK's exit from the European Union; rising inflation which will drive up costs and possibly wages; and, most recently the war in Ukraine which is creating even more financial uncertainty and contributing to rising fuel and other costs.

3.19 All these factors and uncertainties, aligned to increasing demand for services (see below) means that it is inevitable the Council will need to find new ways of ensuring that it can balance sustainable delivery of an increased demand for vital services to the public against a backdrop of reducing real levels of government grant support.

3.20 *Demographic changes* – East Lothian continues to be one of the fastest growing local authority areas in Scotland, with the population projected to grow by about 1% a year over the next 20 years. Significant growth is projected across all age groups but particularly among children and older people – the

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[2] Financial Update Report, including Financial & Capital Strategy; East Lothian Council 14th December 2021

age groups which rely most heavily on council services – education and social care.

3.21 ***Striving for sustainable economic growth while dealing with the economic impact of the pandemic*** – whilst it is too soon to forecast the medium term economic implications of the pandemic, the UK's exit from the European Union and the war in Ukraine the immediate impacts have been extremely damaging. Unemployment doubled in the first three months of the first COVID lockdown and although it has fallen since then it remains at a higher level than before. The rises food and fuel prices that started in late 2021 have resulted in the high levels of inflation which could persist for some time and could potentially slow down the return to economic growth that should have followed the return to 'economic normality' following the pandemic.

3.22 As with the 2017-2022 Council Plan, sustainable and inclusive economic growth will be fundamental to achieving the Council's vision. The Council and the Connected Economy Group involving the Council, Scottish Enterprise, Skills Development Scotland, DWP, Visit Scotland, Edinburgh College, Queen Margaret University and representatives of the Chamber of Commerce and Federation of Small Businesses have been implementing the Economic Development Strategy and co-ordinating the response to the economic impact of the pandemic.

3.23 The Strategy has two strategic goals; to increase the number of businesses with growth potential; and, to increase the proportion of residents working in, and contributing to, East Lothian's economy – and five objectives. Whilst progress has been made with these objective, it is recognised that further work still needs to be done to fully achieve the ambitious objectives and goals of the strategy. Two major opportunities have been put in place by the Council to assist in the delivery of the Strategy through supporting sustainable and inclusive economic growth – City Region Deal and the Local Development Plan.

3.24 The new world of work which has been an unintended consequence of the pandemic – more office based staff in the county moving to working from home, in full or in part, and in so doing, accessing their local economy more, reducing travelling and improving job density – is a potential opportunity. Also we need to harness some of the opportunities of more digital and agile working in certain sectors that the pandemic has brought about, encouraging more active and sustainable travel and help tackle the climate emergency. The new Council Plan will reflect the importance of maximising the potential from these opportunities.

3.25 ***Housing*** – a secure, good quality, comfortable affordable home is the foundation to a balanced life. Housing is therefore fundamental to cross cutting agendas such as health, education, social care prevention, deprivation, regeneration, economic development and place-making. The Covid-19 pandemic not only highlighted the importance of home in all of these aspects, but also showed the fragility of the housing system with a rise in house prices and private sectors rents, demand continuing to outstrip supply of affordable homes and persistently high levels of homelessness. Despite the delivery of almost 600 affordable housing units in four years and the provision of around

2,500 in the Local Development Plan, need and demand pressures mean that in relative terms there remains a shortage of affordable homes.

3.26   However, getting housing 'right' isn't just about the bricks and mortar or about developing high numbers of good quality affordable homes. It is much more than that. It's about supporting place-making to ensure new housebuilding fosters good community relations and promotes positive health impacts. It's about improving existing stock to reduce carbon emissions and tackle fuel poverty, and it's also about ensuring that households are supported to thrive in their homes, regardless of disability or limitations they might face.

3.27   ***Public Sector Reform and the Scottish Government's programme for Government*** – whilst the pandemic has slowed down progress with the long awaited Review of Local Governance, the Scottish Government is intent on progressing with the creation of a National Care Service. The Scottish Government's proposals as set out in its August 2021 consultation document would result in the largest reorganisation of local government services since 1996 and would have major implications not just for social care and social work services but potentially for all council services.

3.28   ***Climate Change*** – East Lothian Council's Climate Change Strategy 2020-2025 was approved in January 2020. The Council has committed to adapt to climate change and make all council services 'net zero' as soon as reasonably practicable or in any case by 2045. Progress has been made by the council over recent years and in 2021, despite the challenges of the pandemic, and the rapid growth in population and housing in East Lothian, the council managed to reduce its emissions in 2020/21 by 6.4% compared to the previous year.

3.29   However, as COP 26 made evident countries and local authorities need to be more ambitious and focus even more strongly on delivering their net zero targets. Moving forward, the council needs to review whether our progress with reducing our carbon footprint should be relative to the county's growth and whether a corresponding relative benchmark is more appropriate, to take account of the significant increases in the council's schools estate, and in the context of our ongoing asset review programme and opportunities around decarbonisation of energy sources. Embedding climate change mitigation and adaptation across all that the council does will need to be a key part of the next Council Plan.

3.30   ***Poverty and Inequality*** – Reducing inequalities in and across our communities was the overarching objective of the 2017-2022 Council Plan. The council adopted the 2017-2019 Poverty Plan based on the recommendations of the East Lothian Poverty Commission as the basis for actions to tackle poverty in East Lothian. The Council's Equality Plan 2018-2022 set out its plan to reduce inequality. Whilst significant progress was made in fulfilling both plans and most actions were either completed or on schedule to be completed the two years of COVID pandemic lockdown has had a major detrimental impact on our economy and society. As noted in the Scottish Government's COVID Recovery Strategy ((October 2021):

> '*It is clear that the impact of the pandemic has not been felt evenly. It has both highlighted the inequalities in our society and made them*

worse. Those who were already the most disadvantaged have suffered disproportionately. They have been more likely to get seriously ill, more likely to be hospitalised, and sadly more likely to die from COVID. They have also been the hardest hit socially, educationally and economically, by the restrictions that were brought in to control the spread of the virus.'

3.31 The Council adopted a new Poverty Plan 2021–2023 and a new Equality Plan 2021–2025 in late 2021. These plans set out the ambitions and actions that the council and its partners will need to fulfil over the next few years to achieve its goal of reducing inequalities in the face of the growing challenges posed by growing levels of poverty and inequality.

3.32 As with the challenges faced by the Council the opportunities that will form the context for the next Council Plan are heavily influenced by the pandemic. Throughout the last two years the 'light at the end of the pandemic tunnel' has been that we should embrace the opportunity to 'build back better', build on the positives such as the growth of community resilience and maximise the opportunity for a sustainable and green economic recovery. As we continue to recover from the pandemic and deliver the Recovery and Renewal Plan it will be important to build on the positive experiences of the last two years, learn the lessons about how we can do things differently and better and in particular capture the innovation and agility that enabled the council and our communities to respond quickly and effectively to the pressures we faced.

3.33 The Council Plan does not sit alone but is part of a suite of strategies and plans which focus on achieving the vision for East Lothian. The Plan will reflect the ambitions of, and be complementary to, other strategies and plans, including:

- The East Lothian Plan (our Local Outcome Improvement Plan)
- The Council's Financial Strategy
- The Economic Development Strategy
- Local Housing Strategy
- Climate Change Strategy
- Local Development Plan
- Children and Young People's Service Plan
- IJB Strategic Plan
- East Lothian Council Workforce Plan
- The East Lothian Poverty Plan
- East Lothian Council Equality Plan
- Youth Strategy
- Community Learning and Development Plan
- Local Transport Strategy.

3.34 Most of these plans require partnership working. Therefore the council will continue to develop its strong and positive working relationship with all its partners engaged through the East Lothian Partnership and other partnership forums including NHS Lothian, Police Scotland, Scottish Fire and Rescue Service, Scottish Enterprise, QMU, Edinburgh College, Volunteer Centre East Lothian, community and third sector groups and business associations.

3.35 The 2022–2027 Council Plan will also take account of new national priorities and initiatives that have been developed over the last few years, including commitments to:

- Incorporation of the United National Convention on the Rights of the Child into law

- The Promise – implementing the recommendations of the Independent Care Review to shift policy, practice and culture to **#KeepThePromise** to care experienced infants, children, young people, adults and their families that every child grows up loved, safe and respected, able to realise their full potential

- Trauma Informed Practice – recognising the prevalence of trauma such as Adverse Childhood Experiences, and its impact on the emotional, psychological and social wellbeing of people

- Equally Safe – the strategy to eradicate violence against women and girls.

3.36 Ensuring these commitments are embedded into council policies and practices and in the behaviours of all our staff will be an essential element of the council's focus on being customer focused: developing and delivering person centred services based on understanding, compassion, and respect.

3.37 The council has a strong commitment to effective engagement with residents, including children and young people and service users in developing policies and services. The new Plan will be informed and influenced by the views of East Lothian residents and service users.

3.38 The bi-annual Residents Survey carried out on behalf of the Council and the East Lothian Partnership provides an important source of information about residents' views about priorities and services which will inform the Plan. The latest East Lothian Residents' Survey that was carried out in late 2021 asked respondents to select their top three priorities for recovery after the COVID pandemic. The overall top five priorities (% of respondents placing the option as their top, 2nd or 3rd priority) were:

- Support business, employment and economic growth   52%
- Reduce inequality and poverty   39%
- Tackle climate change   35%
- Help our children and young people achieve their educational and attainment aims   33%
- Reduce health inequalities and support people to live healthier, more active and independent lives   28%

3.39 A consultation of children and young people carried out in 2020 to inform the development of the 2020–2023 East Lothian Children and Young People's Plan found overwhelming support for the Plan's three priorities:

- We need to focus on improving children and young people's mental health and wellbeing in East Lothian so that our children and young people are able to cope with what's going on in their lives (97.5% agreed)

- We need to focus on increasing support to parents and families so that families can get the right kind of help when they need it (92.8% agreed)

- We need to reduce inequality for children and young people so that they have the same chances everyone has to get the most out of their lives (91.2% agreed)

3.40 The priorities of the general public and of children and young people as evidenced by these two surveys will be reflected in the priorities established by the 2022 – 2027 Council Plan.

Outline of the 2022–2027 Council Plan

3.41 It is proposed that the 2022–2027 should be based on the current Council Plan and the Recovery and Renewal Plan. The impact that the COVID-19 pandemic has had on health, society and the economy, the importance of ensuring personal and community resilience in the face of these and other challenges and the growing urgency given to the need to tackle the Climate Emergency, means that the East Lothian vision is even more relevant now. Therefore it is proposed that the new Council Plan should be based on the existing vision:

'An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish'.

3.42 The Plan should have three overarching objectives which run through and should be reflected in all the Council Plan priorities. These are based on the existing Council Plan overarching objective and Recovery and Renewal Plan priorities:

- Recovery and Renewal and Invest in regeneration and a sustainable future

- Reduce poverty and support our communities to tackle inequality and social exclusion

- Respond to the climate and ecological emergency and meet our net zero climate change targets.

3.43 It is proposed that the 2022–2027 Council Plan should be based on the existing Council Plan and the East Lothian Plan themes:

- *Grow our Economy/ Prosperous – Increase sustainable and inclusive economic growth as the basis for a more prosperous East Lothian.*

- *Grow our People / Fair* – Give our children the best start in life and protect vulnerable and older people

- ***Grow our Communities/ Community Minded*** – Give people a real say in the decisions that matter most and provide communities with the infrastructure and environment that will allow them to flourish

- ***Growing our Capacity*** – Deliver excellent services as effectively and efficiently as possible within our limited resources

3.44 The existing Council Plan's strategic goals which map into the four themes are still relevant and should be carried forward into the 2022–2027 Council Plan along with the Recovery and Renewal Plan's key priorities. The priorities for the new Council Plan should be:

- Reduce unemployment, support business and promote inclusive economic growth

- Improve the employability of East Lothian's workforce and develop our people and future ways of working

- Reduce the attainment gap, raise the attainment and achievement of our children and young people and help our children and young people achieve their potential

- Improve the life chances of the most vulnerable in our society

- Extend community engagement and decision making

- Increase community and individual resilience and maintain and develop resilient and sustainable services

- Deliver transformational change

- Deliver improved connectivity and digital innovation to ensure the most effective use of our resources and the provision of services.

3.45 The overarching objectives, themes and priorities detailed above are what the council plans to do to achieve the vision. The final version of the Council Plan will include detailed commitments and actions that will support the delivery and achievement of these objectives and priorities.

3.46 The next three paragraphs outline the values, aspirations, principles and behaviours the council and its staff will follow and pursue in trying to achieve the vision.

3.47 The existing Council Values – Enabling, Leading and Caring – should continue to be the values that underpin the new Council Plan.

3.48 As with the current Council Plan, the new 2022–2027 Council Plan will be based on the concept that the Council and the people and communities of East Lothian can best meet the challenges we face by 'working together for a better East Lothian'. Therefore, the aspirations for the kind of council we want to be should continue to be:

- ***an enabling and empowering authority*** that works with its citizens and communities, the business and third sectors and other public sector partners to deliver the solutions that work best for East Lothian.

- ***a more entrepreneurial authority***, developing new ways of ensuring services are provided in the most effective and efficient way possible;

- ***a 'digital' authority***, fully embracing and exploiting opportunities to use technology to deliver services.

3.49   The principles and behaviours that guide how the council and its staff operate will be based on the public sector principles, East Lothian Way behaviours and the principles set out in the Recovery and Renewal Plan:

- Working together

- Customer focused, person centred, prioritising prevention, early intervention and equality

- Be the best we can be to deliver effective, efficient and excellent services

- We initiate and embrace change and are empowering, agile and flexible

- Make things happen

- Outcome focused

3.50   The outline of the 2022–2027 Council Plan is provided in a two page summary in Appendix 1. The first page shows how the objectives and priorities are aligned to help the council achieve the vision for East Lothian. The second page sets out the values, council aspirations and the principles and behaviours that will guide how the council and its staff will operate.

4   POLICY IMPLICATIONS

4.1   The outline of the Council Plan 2022-2027 and creation of a consolidated set of priorities and commitments will assist the Council in ensuring that corporate and service planning is well founded on a clear vision and strategic direction. This will also assist the Council in delivering services in accordance with our statutory Best value obligations.

5   INTEGRATED IMPACT ASSESSMENT

5.1   This report is not applicable to the well-being of equalities groups. A full Integrated Impact Assessment will be carried out to support preparation of the final version of the 2022–2027 Council Plan.

6   RESOURCE IMPLICATIONS

6.1   Financial – no direct financial implications associated with the recommendations made in this report.

6.2   Personnel – no direct implications on staffing associated with this report's recommendations.

6.3   Other – none.

7   BACKGROUND PAPERS

7.1   Appendix 1: Outline of 2022–2027 Council Plan on Two Pages

7.2   Appendix 2: 2017–2022 Council Plan Monitoring Report (February 2022)

7.3   2017-2022 Council Plan

7.4   COVID-19 Recovery and Renewal Plan

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Appendix 1: OUTLINE OF 2022-2027 COUNCIL PLAN ON TWO PAGES

VISION
An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.

OVERARCHING OBJECTIVES		
These objectives run through and should be reflected in all the Council Plan priorities		
Recovery and Renewal and invest in regeneration and a sustainable future	Reduce inequalities and support our communities to tackle inequality and social exclusion	Respond to the climate and ecological emergency and meet our net zero climate change targets

THEMATIC OBJECTIVES			
These are the broad objectives for the Council Plan			
Grow our Economy (Prosperous) Increase sustainable and inclusive economic growth as the basis for a more prosperous East Lothian	**Grow our People** (**Fair**) Give our children the best start in life and protect vulnerable and older people	**Grow our Communities (Community Minded)** Give people a real say in the decisions that matter most and provide communities with the infrastructure and environment that will allow them to flourish	**Grow our Capacity** Deliver excellent services as effectively and efficiently as possible within our limited resources

PRIORITIES			
The actions which will be prioritised to achieve the objectives			
Reduce unemployment, support business and promote inclusive economic growth	Reduce the attainment gap, raise the attainment and achievement of our children and young people and help our children and young people achieve their potential	Extend community engagement and decision making	Deliver transformational change
Improve the employability of East Lothian's workforce and develop our people and future ways of working	Improve the life chances of the most vulnerable in our society	Increase community and individual resilience and maintain and develop resilient and sustainable services	Deliver improved connectivity and digital innovation to ensure the most effective use of our resources and the provision of services

VISION
An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.

COUNCIL VALUES		
ENABLING	*LEADING*	*CARING*

COUNCIL ASPIRATIONS / VISiON OF THE COUNCIL WE WANT TO BE		
An enabling and empowering authority that works with its citizens and communities, the business and third sectors and other public sector partners to deliver the solutions that work best for East Lothian	**A more entrepreneurial authority** developing new ways of ensuring services are provided in the most effective and efficient way possible	**A 'digital' authority** fully embracing and exploiting opportunities to use technology to deliver services

PRINCIPLES & BEHAVIOURS THAT GUIDE HOW THE COUNCIL AND ITS STAFF OPERATE					
Working together We work with our partners, customers and colleagues to build strong and lasting relationships based on common understanding, trust and mutual respect; and support for the economic, social and environmental resilience of our communities	**Customer focused, person centred, prioritising prevention, early intervention and equality** We put our customers and citizens, including children and young people at the heart of everything we do. We have a person centred approach based on respect, compassion and understanding and prioritising prevention, early intervention and equality	**Be the best we can be to deliver effective, efficient and excellent services** Resource maximisation, continuous improvement and customer excellence built around democratic accountability. Staff take responsibility and use their initiative to deliver the highest quality of services as efficiently and effectively as possible	**We initiate and embrace change and are empowering, agile & flexible** The Council and its staff embrace the need for change and initiate new ways of working	**Make things happen** We plan and deliver our work effectively, making sure we meet the needs and priorities of our citizens and communities	**Outcome focused** Our decisions are robust, place-based, data-driven, and evidence-based to deliver the best outcomes

Appendix 2: 2017–2022 COUNCIL PLAN MONITORING REPORT (February 2022)

Reducing Inequalities (RI)

	Commitment/ Action	Update (February 2022)
RI1	Implement the Council recommendations in the Poverty Commission Action Plan	The recommendations from the Poverty Commission report were turned into the Poverty Action Plan 2017-2019 and also incorporated into the Child Poverty Action Plan. Reviews of both plans, carried out in 2021 showed that almost all recommendations and actions had been completed and progress had been made on the other actions. A new East Lothian Poverty Plan 2021-2023 was adopted by the Council and East Lothian Partnership in October 2021.
RI2	Support and develop breakfast, after-school and summer lunch clubs in schools	Additional funding (£30,000) was included in the 2019/20 budget to provide lunch clubs for vulnerable families and children over holiday periods. During the last two years Scottish Government COVID funding has provided Free School Meals for children during summer, Christmas, Easter and half-term holidays. In addition, wide ranging programmes of activities have been provided during holidays. There has been a focus on the implementation of free activity for anyone in receipt of a free school meal and also identifying vulnerable young people and organising bespoke opportunities and activities aiming to address inequalities. The council has delivered the 'Get into Summer' programme, funded by Scottish Government providing free and subsidised activity such as free swimming for children and young people.
RI3	Work with Capital Credit Union to promote the benefits of credit unions and make the service more accessible to local residents	Capital Credit Union was supported to provide a new service to East Lothian residents based at Aldhammer House, Prestonpans. This service moved to the Brunton Hall in early 2020.
RI4	Invest in the provision of advice services	Following a review of the contract and specification for advice services (income maximisation, benefits advice, money advice and generalist advice) carried out in 2019 a new three year contract worth over £1m (with possibility of a two year

		extension) was awarded to the East Lothian Advice Consortium (Musselburgh CAB and Haddington CAB). The new contract commenced in April 2020. The council's Welfare Rights Service was transferred into the Revenues service and is now part of a new Financial Inclusion Service.
RI5	Implement the 2017-2021 Equality Plan	Good progress was made in implementing the 2017-2021 Equalities Plan. However, there has been an equality dimension to the COVID-19 pandemic, with women, disabled people and minority ethnic communities particularly affected. Children and young people have had their education disrupted, businesses have closed down, many people have lost jobs and many more people and families have been affected by and are living in poverty. The Equality Pan was revised in 2021 and a new Equality Plan 2021-2025 adopted by Cabinet in November 2021 with 38 new actions under seven outcomes. This Plan takes account of legislative and other developments that have come into force since the previous Plan was adopted including the Fairer Scotland Duty, under Part 1 of the Equality Act 2010, which came into force in Scotland in April 2018.

Growing our Economy

Goals 1 & 2	Reduce unemployment and improve the employability of East Lothian's workforce	Unemployment (number of people claiming Universal Credit seeking work) in East Lothian rose from 1,705 in May 2017 to a high of 1,950 in February 2019 before falling to 1,720 in March 2020. However, following the first COVID lockdown in March 2020 unemployment more than doubled in two months to 3,680 by May 2020. It fell only slightly during the remainder of 2020 and was at 3,480 in February 2021. By January 2022 unemployment had fallen to 2,130, although this is still about 25% higher than at the start of the pandemic. East Lothian Works is a 'one stop shop' to support local businesses providing The East Lothian Employer Offer - free and impartial help for local businesses.

		• training, upskilling and reskilling • funding to support recruitment opportunities for young people and adults with barriers to employment • support with recruitment and vacancies • redundancy support through the Scottish Government's PACE initiative. In the development of City Region Deal business cases for East Lothian projects, consideration is being given to job creation, supply chain, skills development and training, as well as apprenticeship schemes, where appropriate. This could include links to the City Deal's Integrated Regional Employability and Skills programme. See P5 below for further details on actions around employability
E1	Implement, review and refresh the Economic Development Strategy	The implementation of the Economic Development Strategy remains core to all activity and despite the COVID-19 pandemic the Economic Development Service has been able to continue to progress the Plan's strategic workstreams, with a focus on business support and resilience. Significant resources have been diverted into continued support to mitigate the impact of COVID-19 on businesses, the self-employed, and workers. In addition to the delivery of COVID relief funding new workstreams were established to ensure a 2-way flow of information between the Council, its strategic partners, and local businesses to increase our responsiveness and help plan for recovery. Our focus is now on supporting recovery and ensuring ongoing resilience and sustainability within the local economy. East Lothian's Economic Development Strategy 2012-2022, which was refreshed at the end of 2018 is due for renewal from 2022. Baseline research was started during 2021 and the process of reviewing and renewing the overall strategy will commence this year. A Regional Prosperity Framework has been developed for South East Scotland in the context of the Edinburgh and South East Scotland City Region Deal. This reflects the movement towards regional collaborative working on economic development matters between the UK Government, the Scottish Government, local authorities and wider

		stakeholders. The Framework sets out a 20 year regional vision for sustainable and inclusive economic growth. Nine 'Big Moves' are identified, including ambitions for the Innovation Hub and Edinburgh Innovation Park at Craighall, a new town at Blindwells and employment at the former Cockenzie Power Station site; and, the need to consider the future of other strategic sites such as Torness Nuclear Power Station.
E2	Maximise the opportunities presented by the City Region Deal, particularly in relation to Innovation and Inclusion, and supporting new jobs and growth at the QMU Innovation Park	Work in this area is progressing with a number of key milestones of note: • June 2021 – Innovation Hub Full Business Case approved unlocking £30 million of funding from the City Region Deal. The Innovation Hub is a state-of-the-art facility for the food and drink sector in Scotland that will drive company growth, helping existing and new businesses access a global market for healthy food. • October 2021 - Junction contract awarded to approve accessibility to the Innovation Hub and the Innovation Park. • February 2022 – Joint Venture structure approved to deliver the Food and Drink Innovation Hub and the Innovation Park
E3	Support the growth of East Lothian's economy, boosting the economic performance of the county, building on the success of key sectors, taking advantage of new opportunities and mitigating the impact of economic uncertainty caused by the recession and constitutional change	COVID-19, BREXIT, the Climate Emergency, access to finance, labour shortages, and resource cost rises all continue to impact business sustainability and growth. By continuing to engage with key businesses and sectors the Economic Development Service is supporting increased resilience. Innovative programmes and projects, including. East Lothian Investment Ltd. loans, the East Lothian Gift Card, the Food and Drink Business Improvement District (BID), and the new visitor management app, are leading examples of support for business nationally. In future, our strategic projects at the Innovation Hub and Park, and at the Climate Evolution Zone including at Blindwells and Cockenzie, will be key to supporting existing and attracting new key sectors.
E4	Maximise the use of land identified for business growth in the Local Development Plan	A review of employment, commercial, retail and visitor accommodation requirements has been commissioned to make recommendations in relation to the future use of land across East Lothian and at our strategic sites, including the Edinburgh Innovation Hub/Park, at Cockenzie and Blindwells. This study will be taken account of in the review of the current local development plan's employment land supply and when developing project proposals for the strategic sites. Proposals for the development of

		the wider economic land supply will seek to ensure delivery of employment generating uses and local job creation.
E5	Work with Visit Scotland and local partners to implement the Tourism Action Plan and increase investment in local tourism and support for major events that increase tourist footfall across the county, maximising benefit from our proximity to Edinburgh	The Tourism Action Plan was implemented and a new Plan prepared in 2019. The Plan was due to be adopted early in 2020 however was shelved as the result of the Covid-19 pandemic. It was replaced by a specific 'Tourism Action Card' which was produced in partnership with industry and VisitScotland as part of the overall Economic Development Recovery plan. Additional funding via the Covid Business Recovery Fund enabled one off support for the sector in 2021. Major golf events continue to receive investment. The established brand Visit East Lothian, Edinburgh's Coast and Countryside clearly links East Lothian to the city and there are close links between the regions.
E6	Actively support the future of Torness Power Station	Torness Nuclear Power Station continues to operate and can continue to do so under its current licence 2030, although this date may be revised in the future. The future use of this site will take account of the need to decommission the nuclear facility as well as the unique assets of the site and surrounding area, including access to deep water and national grid connections. In the wider area there are other industrial / employment sites and activities that may feature in consideration of future plans, including in terms of further opportunities for enterprise and job creation.
E6	Continue to support the county's farmers, rural enterprises and fishing communities through the food and drink and other initiatives and funding programmes	A rural economy reference group was established as a sub-group of the East Lothian Partnership's Connected Economy Group in 2020 to better engage with rural sector and businesses through the pandemic. The Food and Drink Business Improvement District (BID) successfully went through its first re-ballot process, guaranteeing the organisation's future for a further 5 years.
E8	Continue to engage pro-actively with local businesses, particularly SMEs, and potential investors in East Lothian to identify how we can support existing businesses to grow and to attract and support new businesses	Core business engagement continues to be delivered via the Business Gateway Service, which includes start-up and growth support as well as onward signposting and connections with key national agencies. Our response to COVID-19 has facilitated increasingly close contact with our business base and a deeper understanding of their needs and aspirations.

		The East Lothian Employer Offer provides free and impartial help for local businesses. East Lothian Works is a 'one stop shop' to support all local businesses from staffing to skills development, training, upskilling and reskilling, funding to support recruitment opportunities for young people and adults with barriers to employment, support with recruitment and vacancies and redundancy support.
E9	Continue to work with the community to ensure their voice is heard in developing and delivering the Cockenzie Power Station masterplan	The Community Leader's Forum was established to provide briefings on strategic matters in relation to the development of the former Cockenzie Power Station site, Blindwells New Settlement and the wider Climate Evolution Zone and associated infrastructure and projects. These Community Leader's Briefings will take place regularly and offer information and scope for discussion around this major area of change.
E10	Continue to work with partners and local employers to implement East Lothian's Young Workforce Strategy and Action Plan; maximising opportunities for young people through support for craft and modern apprenticeships, and school work experience within the Council and in local businesses; and, through the continued use of Community Benefit clauses in Council contracts	East Lothian Works continues to maximise the opportunities for young people by utilising Scottish Government funding, particularly Young Person's Guarantee for those aged 16-24 and the implementation of our Workforce for the Future Strategy. We have funded Kickstart places both internal and external to the Council, as Paid Work Experience placements (DWP national programme) alongside our own Paid Work Experience programme for non-DWP claimants and provided significant funding to local businesses in the form of Employer Recruitment Incentives. Work experience for school pupils has been impacted by Covid-19; however, some online opportunities have been facilitated including our Foundation Apprenticeship programme. East Lothian Works provides support in Community Benefits through Procurement; engaging with and supporting businesses/ suppliers to ensure the added value to their contracts is realised with employability opportunities for young people and adults, e.g. Foundation and Modern Apprenticeships and work experience placements.
E11	Develop an East Lothian Workforce Plan in order to maximise the opportunities presented by the City Region Deal; assessing the requirement to upskill our	East Lothian Works is developing a digital skills pathway for East Lothian residents. This includes IT with integrated literacies, Connecting Scotland partnership to deliver digital devices and new Data Science qualifications, in partnership with Edinburgh College. A range of upskilling and reskilling courses are in development to enhance the opportunities being created via Scottish Government's Parental Employability

	workforce to ensure we have the skills required to address skills shortages	Support Fund, supporting parents return to work or move out of in-work poverty and offering opportunities in sectors with skills shortages such as Health & Social Care and in the longer term, opportunities in the green jobs sector.
E12	Continue to work with the Scottish Government and the communications sector to support the faster roll out of superfast broadband and improvements in mobile communications across the county, including the most rural parts of the county	We continue to engage with the Scottish Government, UK Government, and the key infrastructure providers to support roll-out of current and future plans. However, work in the area has been impacted by the pandemic as physical works and roll-out slowed, and focus was required on direct business support. Plans are being put in place to increase our understanding of the situation with regards connecting speeds, local 'not-spots' and the potential for future increases in speeds and capacity (fixed line and mobile) to aid businesses and communities.
E13	Invest in town centre regeneration and work with Area Partnerships in supporting business associations in each town and ensuring that Area Plans incorporate and support Town Centre and local economic development strategies	The Economic Development Service continues to deliver Town Centre regeneration projects by securing external capital investment (Historic Environment Scotland / Lottery / Sustrans) and managing Scottish Government allocations of funding, e.g. the Town centre Fund. Successful schemes and projects have been delivered in Haddington and Tranent; works are ongoing in Cockenzie and Prestonpans; and, a new scheme will launch this year in Dunbar. Regenerative projects have focused on bringing empty town centre properties back into use as well as improving levels of physical repair, attractiveness, and quality of advertising. Ongoing support is provided to Area Partnerships to help plan and deliver local projects.
E14	Continue to back initiatives that support High Street retailers and increase footfall through the County, including: 'Shop Local' promotional activity to encourage residents to shop locally; Shop Watch schemes; and, taking what action we can to ensure empty shops are filled quickly	The pandemic meant that increased support was required by East Lothian's high street businesses and additional financial support was allocated by the council and from Scotland's Towns Partnership to promote local schemes. The council initiated its 'Stay safe, support local' campaign and invested in the East Lothian Gift Card to help capture local spend. Analysis of spending patterns during the pandemic by the Financial Times ranked East Lothian as first in the UK for switch to local spend.
E15	Look for opportunities to expand car parking in town centres and continue to	Decriminalised parking enforcement was introduced in January 2017.

	support implementation of decriminalised parking enforcement	The Local Transport Strategy sets out the process for reviewing car parking and parking enforcement across County.
E16	Continue to work with the voluntary sector to create and develop local social enterprises	Continued support is provided through the Business gateway Service for new businesses, including social enterprises. There is room to grow this area of provision and to focus on truly enterprising initiatives.

Growing our People

Goals 3 & 4	Reduce the attainment gap & Raise the attainment and achievement of our children and young people	See P1, P2 and P3 below
Goal 5	Improve the life chances of the most vulnerable people in our society	Initiatives to improve the life chances vulnerable children have included: • establishing a major Transformation of Services to Children project • implementing the Prevent and Return project to return young people from external placements to East Lothian where appropriate to do so and prevent young being accommodated outside the local authority • Children's Services redesign – whole system review and redesign of the children's social work service to address the findings of the above work and the Promise • Foster Care recruitment campaign • review and updating of kincare policy including strengthening the arrangements for assessment and support of kincarers and kincare placements. Initiatives to improve the life chances adults and older people with care needs have included: • ensuring that services meet the needs of adults and older people with care needs during the pandemic through flexible and innovative approaches to delivery • making significant progress in developing the Community Transformation Programme, focusing on community-based day service for adults with complex needs. Work will develop new service models for over 65s and under 65s based on

		engagement with service users, communities, provider organisations and other stakeholders
		• supporting commissioned providers of social care services, with HSCP staff maintaining close working relationships with providers and providing support as required. In relation to care homes, an expanded Care Home Team has been developed which now covers all East Lothian care homes.
P1	Ensure that the additional funding provided by the Pupil Equity Fund is used effectively and efficiently as possible to drive improvements in attainment and reduce the attainment gap in line with the priorities established by the East Lothian Poverty Commission	Planning and evaluation guidance has been provided to schools to ensure clarity around the expectations, planning and measurement of the impact of Pupil Equity Fund (PEF). Quality Improvement Officers and Education Scotland Attainment Advisor have worked with senior leaders in schools to improve data analysis to better inform planning and targeted support to close the poverty related attainment gap. The poverty related attainment gap has been identified as a key barrier to attainment within the Raising Attainment Strategy and a cross-sector working group is leading this strategic improvement priority. All schools have a raising attainment priority within their school improvement plans and the allocation of PEF is included with a clearly planned focus and measurable targets for improvement. Attainment meetings with individual schools have a key focus on equity and how PEF interventions are supporting positive outcomes for individuals and groups of young people. We are beginning to see positive outcomes reported through interventions such as speech and language as a universal and targeted strategy at the early stages of primary.
P2	Ensure the secondary school curriculum meets the needs of young people	The Education service is engaging with Education Scotland and Secondary Head Teachers to review the Curriculum and explore opportunities to further enhance the individual offer to young people. The Technologies Curriculum was reviewed in 2019 to identify opportunities to raise attainment through new industry led City Region Deal initiatives, such as Design Engineer Construct (DEC). Ross High School and Musselburgh Grammar School are included in the pilot phase. All schools aligned their curricula with the Edinburgh College entry points of Engineering, DEC and Skilled Trades. Additional resources were supplied to schools to help them to deliver these modern qualifications.

		A 'Common School Day' and timetable structure is operational across all six secondary schools. This common structure gives school leaders greater scope for collaboration, vocational qualifications, Digital Learning, sharing of resources and greater equity with regards to qualifications. As we move out of COVID19, School Reviews and Validated Self-Evaluation activity will recommence.
P3	Recognise the importance of supporting early intervention in improving pre-school children's readiness to learn	The raising Attainment Strategy continues to drive our raising attainment activity. Progress has been made in terms of data directed discussions with Head Teachers at Associated School Group meetings. Sharing of a variety of data at Associated School Group level and comparison of trends over time has resulted in greater awareness and shared understanding of the barriers to attainment for learners across East Lothian schools. Stemming from this Strategy work a working group has been established to take forward a Literacy Strategy in session 2021-22.
		Use of the Early Learning and Childcare Quality Assurance Guidance, along with schools' use of the Quality Indicator Toolkit, have ensured a continued focus on evaluated outcomes leading to informed improvements in most schools. Curricular transitions form part of the Raising Attainment Strategy with a focus on P7 to S1 transition and progression into third and fourth levels of Broad General Education.
		The Early Learning and Childcare transition project has strengthened transition arrangements at early level. Schools have developed innovative ways to strengthen the transition experience of pupils as a result of recent COVID restrictions; for example, such as virtual 'meet the teacher' sessions, online video tours of secondary schools, and the use of Google Classroom for P7-S1 transition activities.
P4	Work with the Scottish Government to enable provision of 1140 hours of early learning and childcare for all 3 and 4 year old children, by continuing to support the provision of suitable childcare and early years facilities	The Education Service is rolling out its strategy to deliver the commitment to provide 1140 hours of early learning and childcare for all three and four year olds and eligible two year olds in a flexible and accessible way. This includes: • promoting and supporting 1140 hours for two year olds, through discussion with colleagues in Social Work and Health • evaluating the impact, availability, flexibility and use of 1140 hours through consultation with parents, making alterations to models if practical

		- expanding the number of funded providers through individual and group discussion, thereby supporting smaller settings and providing parents with additional choice - considering ways in which spare capacity in nurseries during the traditional holiday periods can be used to support to the most vulnerable children and families - working with pupils in Secondary Schools to provide work experience and opportunities via the Tots & Teens programme.
P5	Meet stretching positive destinations targets and continue to develop the positive partnerships with Edinburgh College and Queen Margaret University and the business sector to further develop the senior phase and provide vocational opportunities through creating a common school day/ timetable	At January 2022, our Participation Measure for 16-19 year olds (the statistic which records positive destinations three years after the school leave date) was 92.5%; above the Scottish average of 90.4%. This placed East Lothian as 7th out of 32 local authorities. East Lothian Works has developed the 'Workforce for the Future Strategy', utilising external Young Person's Guarantee funding, in order to support young people and adults to access the highest quality of employability support, work based learning opportunities and jobs. Since the end of 2021, £550,000 of funding has been committed, supporting departments to commence 10 Modern Apprenticeships, with a further 16 opportunities, including Paid Work Experience, Graduate Internships and Traineeships, in the pipeline. East Lothian Works is implementing the 'Employability+' programme which has been created to address the recommendations from the 'Decreasing the Disability Participation Gap' 2018 report, by ENABLE Scotland. In partnership with Edinburgh College, East Lothian Works promotes the 'Introduction to College' programme, providing supported certificated qualifications for pupils with Additional Support Needs to help them make a successful transition and continue on this pathway post school. 18 East Lothian pupils are currently enrolled. The New Leavers Programme delivered to senior phase pupils enhances employability skills and boosts qualification portfolios. A wide range of certificated level 4 and level 5 courses are delivered in collaboration with external partners and training providers in courses such as Construction Skills, Customer Service, and Early Years and Childcare.
P6	Work with other local authorities to develop common approaches to improve	The Education service and schools are actively involved in regional and national collaborative networks. For example:

	practice and share educational resources and facilities where possible (Regional Collaboration)	• three Associate Schools Groups are developing common approaches in the teaching, moderation and assessment of writing at Transition stage from P6/7 - S1/S2 • two primary schools are participating in the South East Improvement Collaborative (SEIC) 'Storyline' project to develop and promote pupil engagement and motivation to raise attainment in Literacy through Inter-disciplinary Learning • six schools are participating in the SEIC Digital Schools Connector Programme and practitioners from all sectors are attending Pedagogy Pioneer events.
P7	Commitment of £97m in Capital Programme for school infrastructure including a new secondary school in Wallyford and new primary schools in Letham Mains, Wallyford and Craighall and extensions or upgrades at local secondary and primary schools to accommodate the growth in population	The five-year Capital Programme includes £137m for investment in the school estate. Recent and current major projects include: • the new Wallyford Learning Campus is under construction, on programme and anticipated to open in June 2022 • design plans for Blindwells and Craighall Primary Schools are progressing • consultation on a proposal to build a new East Linton Primary School is underway • Letham Mains Primary School is completed and fully operational • Phase 1 completion of refurbishment of Musselburgh Grammar School toilets was completed in January 2022 • expansion of North Berwick High School is under construction • work has commenced on extensions to Pinkie St Peters, St Gabriel's RC and West Barns Primary Schools • expansion of Ross High School is under construction • plans for the new Whitecraig Primary School have been completed and signed off.
P8	Ensure that none of our small rural schools are threatened with closure.	No schools have been closed in East Lothian. A Learning Estate Review is underway, The Learning Estate Strategy is being developed and a Learning Estate Improvement Plan will be published.
P9	Continue to implement the Children and Young People's Service Plan 2017-2020	The new Children's Services Plan 2020-23 was adopted in 2020 with three priorities: • To improve children and young people's mental health and Wellbeing

	and to consult fully with stakeholders in reviewing and revising the Plan in 2020	• To support parents, carers and families to be more resilient • To reduce inequalities for our young people within and between our communities The East Lothian Champions Board provides young people with care experience a platform to have their voice heard. Family Led Information Point (FLIP) is a forum for parents and carers who have a child/relative with additional support needs. Parents and carers share their views on a wide range of services including education, health, sports and leisure.
P10	Evaluate the Musselburgh East Family Focus Service; and, if successful, roll out the service model across East Lothian's most deprived communities	The Musselburgh East Family Focus Service was established as the Our Families project in 2020. It is a partnership project to test an early intervention model that combines family support; income maximisation and employability Significant work is being been carried out to review the family support offer across services as part of the Transforming Service for Children project.
P11	Take concerted action to tackle obesity in children through a multi-agency and multi-faceted approach, including improved diet and nutrition in early years, exercise and physical activity	Tackling obesity in children is one of the workstreams within the reducing inequalities for our young people priority in the Children's Plan. Work in this area has included: • scoping actions to reduce childhood obesity with stakeholder consultation linked to the Childhood Healthy Weight Project- East Lothian • all Health Visitors have appropriate equipment to ensure weights are taken at appropriate pathway visits • Active Schools East Lothian, in conjunction with SportScotland, continue to offer school aged children opportunities to adopt active, healthy lifestyle through developing extra-curricular physical activity and sport before, during and after school and in the wider community • increasing awareness of statutory guidance supporting the implementation of the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 is in place across all ELC schools, including nurseries.
P12	Continue to develop a strategic approach to commissioning adult and children's services, including care at home services,	The Health & Social Care Partnership (HSCP) Commissioning Team monitors and evaluates delivery of outcomes. The Community Review Team and the Care Home Assessment and Review Team, work closely with providers to monitor and evaluate

	to ensure person centred services and value for money	outcomes. The Community Transformation Programme has recommended developing commissioning modes that maximise the outcomes for individuals and communities and support partnership development. Examples of this are Public Social Partnerships, 'light touch' Commissioning and Alliance Contracting.
P13	Continue commitment to implementing the Integration Joint Board's Strategic Plan and developing fully integrated health and social care services that give everyone the opportunity to live fulfilling, healthy, active and independent lives and protect, improve and expand care facilities for older people in East Lothian	In December 2018, East Lothian IJB approved the commencement of work for *'Reprovision of Belhaven and Edington Hospitals and Eskgreen and Abbey Care Homes'*. Stakeholder engagement and other development work took place during 2019 but was halted by the onset of the pandemic in Spring 2020. An East Lothian Community Hospitals and Care Homes Change Board was established in June 2021 to recommence the work. The Board is revisiting the original objectives of the re-provisioning project in the light of new challenges brought by Covid and other factors. Services have continued to deliver in line with the principles and priorities in the East Lothian IJB Strategic Plan 2019-22, although progress in redesign has slowed up in some service areas due to the impact of the Covid pandemic. In light of COVID, the 2019-2022 Strategic Plan was extended to apply until September 2022. Over the past two years, Older People's Day Centres have developed blended models of care, offering both centre based and outreach support.
P14	Continue to develop services that aim to reduce hospital admissions and delayed discharge of older people	The HSCP continues to maintain its position as one of the top performing areas in Scotland in relation to delayed discharges. This is achieved through a range of key services working collaboratively and applying integrated approaches to ensure that patients do not remain in hospital longer than clinically necessary. This approach also helps to prevent unnecessary admissions. A recent development, aimed at further strengthening collaboration, has been to bring together teams (including the Care Home, Technology Enabled Care, Hospital at Home, Hospital to Home, and the Rehabilitation Teams) under a single overseeing body, the Integrated Care and Assessment Team, to avoid and reduce admission, to accelerate discharge, to assist in rehabilitation and to maintain and enhance patient and client independence.

P15	Collaborate with the IJB to design and deliver products and services to meet the rising demand and need for housing for older people	The Older People's Needs Assessment and Review of Sheltered Housing both require updating due to changes in policy direction from the Scottish Government and to reflect learning from the pandemic. The updated versions will form part of Strategic Needs Housing Specialist Provision which will inform the Local Housing Strategy 2023-28. East Lothian Council purchased the former Herdmanflat Hospital site in 2020. An initial feasibility study has been completed to assess the site's viability for housing for older people. This will be progressed to Masterplan stage during 2022/23.
P16	Continue to develop technology enabled care and health services, building on the successful service already provided through the Council's Contact Centre	Wellwynd Hub 'smart house' offers a base for staff training and awareness raising re the use of TEC and telecare solutions, as well as running TEC clinics. A second 'smart house' is being developed in Dunbar. Work is underway to further develop use of a digital platform (ABLE) to provide online TEC information and advice, along with a virtual 'smart house' (to be launched in March 2022).
P17	Prioritise actions to reduce mental ill-health in our community, in particular amongst young people	Improving children and young people's mental health and wellbeing is one of the priorities for the new Children's Services Plan and the Children's Strategic Partnership. Areas of service development include: - School Counselling Service - Mental Health and Wellbeing Youth Work team - Community mental health and wellbeing support service - Mental Health and Wellbeing Performance Framework - East Lothian has been chosen by the Scottish Government as a test site for the development of a pathway for neuro-diverse assessment. A review of East Lothian adult mental health services is currently underway. The introduction of the CWIC (Care When it Counts) Mental Health Service in spring 2020 has significantly improved access to mental health support in primary care for adults with mild to moderate mental health issues.
P18	Prioritise actions to tackle the challenges posed by Dementia and the social isolation of older people and other vulnerable groups	Services for older people and people with dementia are now under the Community Transformation programme and a dementia strategy is in development for publication in 2022. Funding is secured to establish a new 'Meeting Centre' approach in 2022/23 for people with dementia and their carers. An improvement and expansion plan is in place

		for the Post Diagnostic Dementia Link Workers. Older people's day centres are linked into this development work.
P19	Promote opportunities for Healthy Living throughout East Lothian by implementing the Physical Activity Plan	The East Lothian Partnership Physical Activity plan (2019-23) has focussed on seven key areas. Key successes to date, include the creation of new and improvement of existing active travel routes, increased number and quality of opportunities in and out of schools and a focus on targeting and addressing inequalities for those less likely to be physically active.
P20	Support the implementation of the East Lothian Community Justice Outcome Improvement Plan 2017-2020	The East Lothian Community Justice Outcome Improvement Plan 2017-2020 (CJ LOIP) was implemented during that timeframe. The improvement actions detailed were either met in full, or reviewed/ refined for development by one of the three workstreams or for inclusion in the 2021-24 LOIP. The CJ LOIP 2017-2020 was superseded by the 'East Lothian Community Justice Transitional Local Outcome Improvement Plan 2020-21'. This was designed to allow time to implement the recommendations from the 'Community Justice Supported Self Evaluation & Validation' process, supported by the Care Inspectorate. The CJ LOIP for 2021-24 was adopted in June 2021.

Growing our Communities

Goal 6	Extend community engagement and decision making	The council is fully committed to extending community engagement and decision making. It has continued to support the development of the six Area Partnerships with devolved funding to implement priorities identified in their Area Plans, delivering community participation on local spending priorities, including, where appropriate, participatory budgeting events. The six Area Partnerships are now well embedded and recognised as key local community planning forums. Area Plans have been adopted by each of the Partnerships following stakeholder and community engagement. The Plans are being reviewed to reflect the impact of the pandemic on communities and wellbeing.

			Since 2017 Area Partnerships and Community Councils have had responsibility for over £10m of devolved funding and the Council is close to meeting the commitment to devolve 1% of its annual revenue budget to mainstream participatory budgeting. Participatory Budgeting initiatives were piloted in several of the Partnerships but further exercises were paused during COVID as focus shifted to supporting community reliance efforts. The council has a Consultation and Engagement Strategy and practices to ensure that it meets the highest standard of community engagement and consultation and its duties and responsibilities under the Community Empowerment (Scotland) Act 2015. The Strategy will be reviewed in 2022.
Goal 7	Increase community and individual resilience		The council continues to provide the maximum possible support to Community Councils, Area Partnerships and other community bodies and continues to support community and individual resilience. The new Connected Communities service was launched in 2020, with six new locality based teams to work with, support and advise community partners including Area Partnerships, Community Councils, community groups and 3rd sector organisations. Connected Communities staff work with Community Centre Management Committees to help build capacity – community resilience. Scottish Government COVID relief funding was distributed via Area Partnerships to support local resilience efforts in communities during lockdown in 2020 ansd 2021. This support was targeted at people who were shieling during the lockdowns or were otherwise vulnerable and at risk. Connected Communities staff led co-ordination of community resilience Hubs during lockdown and worked closely with community groups across the county to support community resilience and local efforts to support vulnerable people and address social isolation.

Co1	Implement the East Lothian Housing Strategy 2017-2022 and make every effort to meet the demand for affordable housing affordable homes	In January 2022, Cabinet approved the development of the next Local Housing Strategy, and noted the progress that had been made to date to deliver the actions set out in the 2018-23 LHS, despite the significant challenges of the pandemic. Since 2018/19, a total of 587 units of affordable housing have been delivered in East Lothian. The Local Housing Strategy for 2023-28, which will be developed over the next year will take account of significant Scottish Government policy developments, such as Housing to 2040.
Co2	Ensure that significant new housing developments have the community infrastructure they need including transport links, schools, access to local shops, and community facilities	Work is ongoing to secure necessary infrastructure arising from new housing developments. Legal agreements are used to secure developer contributions towards necessary interventions, and where possible the Planning Service negotiates improvements to housing layouts to ensure improved access links, open space and other infrastructure.
Co3	Oppose excessively high levels of housing being forced upon the county by national planning frameworks and the next South East of Scotland Structure Plan	The Planning Service has worked hard to ensure that the Council has an effective housing land supply through the Local Development Plan. The Council has submitted a response to the Scottish Government on minimum housing numbers for East Lothian, and our position has been generally reflected in draft National Planning Framework 4.
Co4	Ensure that planning decisions are sympathetic to the natural and built environment of East Lothian in order to protect and enhance our unique and beautiful landscape and settlements	The Planning Service consistently seeks to ensure that approved developments are sympathetic to the sensitive urban and rural landscapes of East Lothian. Our position on this has been backed in recent appeal decisions by Scottish Ministers, who decided to refuse housing development proposals at Goshen Farm, Musselburgh and at Castleton Farm, North Berwick.
Co5	Continue to support the implementation of the Council's planning guidance on the siting of wind turbines	The Planning Service continue to consistently apply both relevant development plan policies and our spatial framework for onshore windfarm development in our assessment of all proposals for wind turbines.
Co6	Implement the East Lothian Transport Strategy	The Local Transport Strategy was approved by council in 2018. However, work on implementing the strategy was affected by the pandemic and priority was given to the development of the Spaces for People programme.

Co7	Explore further development of better and more effective public transport and active travel initiatives	Work to improve public and support active travel initiatives has included: • working with local bus providers to continue improving the local bus network including express services between Port Seton, Prestonpans, Longniddry and Edinburgh • supporting and lobbying for the opening of the new rail station at East Linton; the development of Dunbar Station; and, the expansion of the station car parks at Drem, Longniddry and Dunbar • expanding the number of bike parking places • working with Community Councils and Area Partnerships to promote 'park and strides' around schools.
Co8	Fulfil Capital Programme commitment to invest £27m over the next five years on road maintenance and improvement; £1.3m on parking improvements; and £2.3m on coastal erosion and flood protection	Investment on the road network has met the estimated target of £27m over 5 years. Parking improvements have been delivered, for example at Foresters in Tranent, Coastal works have been undertaken at Dunbar, Prestonpans and North Berwick. Consultation is taking place on the options for the Musselburgh Flood protection scheme that is currently estimated at £40m.
Co9	Extend the number of local charging points for electric vehicles	The council has been one of few councils who have received Government funding for on-street charging points for four consecutive years and recently secured the largest single grant award. In January 2022, there were 118.6 electric vehicle charging devices per 100,000 pop in East Lothian, the third highest rate in Scotland.
Co10	Develop a Sustainable Energy and Climate Action Plan and work closely with partners to meet our commitment to Climate Change targets, embedding sustainability principles into decision making and translating them into tangible actions, protecting and enhancing open spaces and habitats	In August 2019 East Lothian Council declared a climate emergency. Shortly after, in January 2020, Cabinet approved the Council's Climate Change Strategy (2020-2025) to accelerate action and reach carbon net zero as soon as reasonably practicable or in any case by 2045. The Strategy and its Action Plan are reviewed annually by Cabinet to note the progress made across Council Service Areas to improving energy efficiency, adapting to climate change, supporting sustainable transport, tackling the climate emergency and reaching net zero by 2045. The council works across all service areas, external partners and community groups to meet the commitments set out in the Climate Change Strategy. The Climate Change Planning and Monitoring Group (CCPMG) oversees the progress of delivering

		actions set out in the Strategy. The group ensures that sustainable principles are embedded into the Council's decision-making and that actions are being taken to progress delivery towards net zero. To further embed action, share experiences and make progress on mitigating and adapting to climate change, the Council is represented in key national groups such as the Sustainable Scotland Network and Adaptation Scotland's Benchmarking Working Group. These groups allow us to form partnerships where we can exchange knowledge and learn from both mistakes and best practices to reach our climate change targets. Community groups will play a central role in making East Lothian into a carbon neutral county. The Council works with Area Partnerships to embed climate change and sustainability in local Area Plan. Council representatives are also in regular contact with community climate action groups such as Sustaining Dunbar, Climate Action East Linton and Sustaining Musselburgh to ensure joint action towards protecting and enhancing East Lothian as a vibrant, green and net zero place.	
Co11	Maximise the potential of East Lothian's already strong 'social capital' through supporting the volunteering ethos; strong community and neighbourhood cohesion and community asset base; community capacity building; the imaginative and flexible use of, and community access to, facilities such as libraries and schools; and, where appropriate the community management of community facilities; the development of community resilience; and, the celebration of diversity across all communities in East Lothian	The council has developed a strong partnership with East Lothian's Third Sector Interface – Volunteer Centre East Lothian (VCEL). VCEL is a key partner in the East Lothian Partnership and its strategic partnerships Community Council elections were held in October 2021 and an extensive induction programme was held for new members. The council continues to support Community Councils through funding for administration and the Local Priorities fund. The One Council Partnership Fund is used to provide grants / financial support for volunteering and community groups. The Connected Communities service provides a Capacity Building community training programme. The council has continued to support and promote community management of community facilities, most recently Prestonpans Town Hall and Gullane Rec Hall.	

Co12	Review the use of Common Good Funds and assets to ensure they are aligned with community and Council priorities and are used for the maximum benefit of the community they serve	A consultation regarding use of Common Good Assets was undertaken and closed in October 2021. However, due to constraints on resourcing it has not been possible to finalise the Common Good list. A review of the role of Common Good Committees and the role of officers in support of Common Good is also to be undertaken.
Co13	Continue to support initiatives to reduce crime and the fear of crime through a multi-agency, proactive intervention approach and taking a zero-tolerance approach to anti-social behaviour, including excessive noise	Incidences of Anti-Social Behaviour had been falling prior to the COVID pandemic but have risen over the last two years. The council works closely with Police Scotland to address Anti-Social Behaviour and respond to incidences and local concerns through establishing short-life Problem Solving Partnerships. The Anti-Social Behaviour Strategy is being reviewed and revised to take account of recent experiences and heightened public concern. An additional £136,000 has been included in 2022/23 budget to support initiatives to reduce Anti-Social Behaviour.
Co14	Increase waste recycling service provision to meet the 70% recycling target by 2025:	The council's waste recycling rate has been above 50%, and above the Scottish average, for several years. Measures have been put in place to support the effort to meet the national 70% recycling target by 2025 including: • all waste is sent to Permitted/Licensed management facilities • every household has a separate food waste collection service • a long term contract is in place to meet the ban on biodegradable waste to landfill • Charter compliant recycling service provided to all households. • Trade Waste collection service available to all businesses • a new waste collection service was introduced in December 2021.
Co15	Continue to encourage walking and cycling activity by both East Lothian residents and visitors and promoting green space as part of the promotion of healthy	The council actively promotes walking and cycling and sustainable use of East Lothian's green space through consultation, development and review both internally and externally through various Forums, including engagement with Community Councils and Area Partnerships.

	living; meeting our commitment to extending the provision of core paths, including the Drem-Gullane path	The proposal to develop a Drem-Gullane path is progressing to design stage with funding from Sustrans and an allocation in the council's 2022/23 Capital programme
Co16	Continue to work hard to reduce air pollution, including implementing the Air Quality Management Area Action Plan for Musselburgh High Street	The Air Quality Management Area Plan for Musselburgh High Street was implemented and air quality improved. Air quality in this and other areas of concern continues to be monitored on a regular basis.
Co17	Upgrade our first rate sports and leisure facilities, and synthetic pitches, and community facilities	Support has been provided to community enabled projects in all clusters through the Community Intervention Fund and external funding sources. Specific capital improvements have included delivery of first East Lothian pump track within Ormiston Park and re-surfacing the hockey pitch in Dunbar at Hallhill Healthy Living Centre.

Growing our Capacity

Goals 8 & 9	Deliver transformational change and harness the opportunities technology offers in the provision of services	The council's Transformation Programme has delivered significant change and service improvements over the last five years. The main focus of projects to date has been on improving internal processes including introducing a new online HR/ Payroll system, developing the Electronic Document Record Management System and delivering savings from external mail and travel claims.

The main customer facing projects have been the development of a new Council website, and delivery of 'channel shift' projects including on-line school payments and the new online customer portal. The positive impact of these new services is shown by the significant increase in the proportion of total payments to the council made online, which has more than doubled from 25% in October 2017, to 58% in January 2022. |
| Ca1 | The Council will continue to explore further ways in which to be extend openness and accountability. For example it will: explore the cost and practicality of web casting of Council meetings and | Since mid-2020 Council meetings, including Cabinet and committee meetings have been web-cast. Proposals are being developed to ensure that following the end of COVID restrictions and the re-opening of the Town House, Council meetings will be hybrid – in person and web-cast. |

	committees; consider appointing external members of the Audit & Governance Committee; and, publish its Annual Public Performance Report in the form of an annual "State of the Council" report	The option of appointing external members to the Audit & Governance Committee has not been taken up. The Annual Public Performance Report has been published as a 'State of the Council' report since 2019.
Ca2	Adopt a Workforce Plan, incorporating a Workforce Development Plan that will ensure that it has the right people with the right knowledge, skills and behaviours deployed appropriately to deliver this Council Plan	The council adopted a 2018-2022 Workforce Plan in June 2018. The Plan is based around three themes/ objectives: • Sustain a skilled, flexible, high performing and motivated workforce • Support and initiate transformational change • Build and sustain leadership and management capacity. A review of the 38 actions included in the Plan carried out in late 2021 showed that almost all actions had been completed or were ongoing and scheduled to be completed. A new Workforce Plan for 2022-2027 is being developed to take account of developments since the current place was adopted, in particular the impact of the COVID pandemic on the council's workforce.
Ca3	Continue to work in partnership with the trade unions representing Council staff. This will include improving attendance management of employees through the implementation of the Council's Managing Attendance Policy and continued support for the Healthy Working Lives agenda	The HR team continues to work in partnership with the Joint Trades Unions with regular weekly meetings between HR and Local representatives. There are also monthly meetings with the Joint Trade Unions (including JTU Regional Officers) on COVID related matters. The JTUs are consulted on any policy review and workforce changes. Local TU representatives continue to participate in departmental joint consultative groups and the Joint Consultative Committee with Elected Members. Attendance management figures continue to improve and are in the first quartile of all Local Authorities for both LGE and Teachers. Healthy Working Lives activities to date include the ongoing Wellbeing Wednesday messages, supporting the establishment of a Menopause Group with associated policy and Manager training, introduction of Wellness Action Plans, introduction and promotion of Able Futures, awareness raising on such matters as alcohol, COVID, sugar watch and couch to financial fitness.

Ca4	Continue to take a strategic approach to the Council's overall financial planning process through implementing the financial strategy to set balanced three-year budgets avoiding the use of reserves by the third year to maximise revenue funding and to invest in and fund an ambitious, appropriate capital programme	The Council's financial strategy covers a 5 year planning period and is updated annually to reflect any changing requirements. The financial strategy remains aligned to support the delivery of the Council's ambitions and priorities, whilst ensuring expenditure obligations can be supported within sustainable level of resources.
Ca5	Maintain the current rigorous approach to controlling expenditure, ensuring that that it continues to 'live within its means' by operating as efficiently as possible. This will also ensure that investment is protected and is focused on key priority areas and protecting frontline services	The financial strategy remains aligned to supporting and delivering the Council Plan. In-year expenditure commitments are closely monitored against approved budgets and are reported quarterly through reports to elected members. A financial risk rating is assigned to each service area and where appropriate, services are asked to implement cost recovery plans where overspending is forecast. Financial risks and wider pressures remain closely under review with and remain aligned to medium term financial planning.
Ca6	East Lothian's Council Tax will be kept as low as is reasonably possible within the current economic climate	Despite a medium term financial planning landscape, the annual level of Council Tax is considered and approved annually as part of the annual budget process, taking into consideration the national funding settlement and wider resources available to support the delivery of essential local services.
Ca7	Support the review of the governance arrangements of the East Lothian Partnership	The East Lothian Partnership's governance arrangements were reviewed and revised in 2017 following the adoption of the 2017-2027 East Lothian Plan (our Local Outcome Improvement Plan). A new Governance Group was established consisting of the statutory Community Planning partners – Council, NHS Lothian, Police Scotland, Scottish Fire and Rescue Service, and Scottish Enterprise – and the Third Sector Interface (Volunteer Centre East Lothian) and Edinburgh College. Delivery of the East Lothian Plan is devolved to three Strategic Partnerships – the Connected Economy Group, Children's Strategic Partnership, and the Community Justice Partnership. The Six Area Partnerships have devolved responsibility for Locality/ Area Planning.
Ca8	Support the delivery of the East Lothian Partnership's Joint Asset Strategy to	A proposal to re-locate the Haddington Police Station into the former Court House in John Muir House was approved in 2017.

	maximise use of existing resources and assets, supporting co-location of service providers and identifying assets that could be used for housing development or to support business growth	East Lothian Council purchased the former Herdmanflat Hospital site in 2020. An initial feasibility study has been completed to assess the site's viability for housing for older people. This will be progressed to Masterplan stage during 2022/23.
Ca9	Continue to resist central government attempts, directly and overtly, to move responsibilities away from local control and accountability. Reform proposals will only be supported if they are in the best interests of East Lothian and help to achieve our vision	The council continues to monitor the Scottish Government's Programme for Government and proposals for public sector reform arising from the Local Governance Review. However, the review has not progressed over the last two years due to the COVID pandemic. The council submitted a detailed response to the Scottish Government's consultation on its proposals to create a National Care Service. The response detailed significant concerns about the proposal and its potential impact on the council and social care services in East Lothian.

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Chief Executive

SUBJECT: Corporate Risk Register 2022

4

1 PURPOSE

1.1 Following substantial update to a number of current corporate and COVID-19 related risk levels in some areas and in the context of the level of corporate risk reported to Council in December 2021, it was deemed appropriate to present to Council a live update on the Corporate Risk Register for awareness and approval. As previously reported to Council, this report would normally be presented to Cabinet annually in May.

2 RECOMMENDATIONS

2.1 It is recommended that Council approves the Corporate Risk Register and in doing so, the Council is asked to approve that:

- this is a live document which will be reviewed by the CMT, SMT, risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council if required;

- agree that the relevant risks have been identified;

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

- agree that the total profile of corporate risk can be borne by the Council at this time in relation to the Council's appetite for risk but in the context of the planned mitigations; and,

- recognise that, although while corporate risks require close monitoring and scrutiny over the next year, many are long term risks for the Council that are likely to be a feature of the risk register over a number of years.

3 BACKGROUND

3.1 In keeping with the Council's risk management strategy and reflecting upon the concurrent nature of risks managed by the Council, the Corporate Risk Register has again been refreshed, acknowledging the national and local impacts of the continuing business continuity arrangements deployed across Council services in response to the pandemic. The opportunity has also been taken to review and update all corporate risks as at 10 March 2022. The report can be augmented by live verbal update by officers as applicable.

3.2 The Scottish Government refreshed and published an updated COVID-19 Strategic Framework on 22 February 2022. This update brought to an end Scotland's legal COVID-19 restrictions on 21 of March. The vaccine passport scheme ended on 28 of February. The new strategic framework will see more of a reliance placed on vaccines, treatments and good public health behaviours, dealing with COVID-19 in an endemic state.

3.3 The public will still be expected to self-isolate if they test positive for the virus. Testing will remain a vital part of managing the virus but the government announced that there would be a phased move towards a more targeted system focussing on high-risk settings and supporting rapid detection of new variants. COVID-19 is, however, still a risk to health and good public health behaviours together with targeted testing and focussed treatment of outbreaks will be important as we manage the virus moving forward. Although a reduction in infection levels was experienced through late January and February, infection levels are currently very high and continue to have significant adverse impact on services.

3.4 An improving position can be reported in respect of *Corporate Risks ELC CR 5 – COVID 19, ELC CR 6 - Duty of Care to Public and Public Protection and ELC CR 7 - Staffing Issues.* These risks have been updated to reflect the current risk assessment and mitigations in place including generally the levels of vaccination coverage and better treatments that have reduced the direct harms of the virus. The situation remains dynamic however in the context of infection levels. Risks remain "live" and, alongside mitigation action, under constant review.

3.5 The Council remains in emergency response with business continuity plans invoked. The Council is prepared for the move towards a formal declaration of the recovery phase in due course and is stood ready to contribute to collegiate conversations both regionally and nationally in the context of the timing of such a decision. Other risk components and new risks have emerged since December with war in Ukraine significantly impacting *ELC CR 1 Supply / Cost of Materials and Labour,* further impacting *ELC CR 2 Energy Costs* and *ELC CR4 Information Security and Data Protection.* A new risk *ELC CR 3 National Care Service* has been added to the Corporate Risk Register. This risk currently is reflective of the uncertainty of future governance arrangements. The Council Management Team will continue to monitor the development of the proposal and report to Council in due course.

4   POLICY IMPLICATIONS

4.1   In approving this report, the Council will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy, 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 –The financial impact of the associated risks and measures remain under close monitoring and review. 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, however, given the current significant staffing challenges this area is under constant review.

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 2022

AUTHOR'S NAME	Scott Kennedy
DESIGNATION	Emergency Planning, Risk and Resilience Officer
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DATE	18 March 2022

East Lothian Council Corporate Risk Register 2022 (V51: 14 March 2022)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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	**Supply/Cost of Materials and Labour** The construction materials market is currently volatile due to a number of factors including Brexit and the Pandemic impact upon the production and supply chain. Scotland Excel have confirmed a 23% increase in framework prices for timber and sheet materials. Current challenges include: • Significant / unexpected upturn in worldwide workload • Covid-19 recovery & logistical constraints • Supply from the European Union • Hedging and bulk ordering • Increase in cost of raw materials – due to Covid-19, post-Brexit trading rules and rising oil prices • Shortage of drivers of Heavy Goods Vehicles These challenges have had significant impacts on construction, including: • Massive increase in demand is resulting in shortages on key products and placing strain on labour availability. • During the pandemic manufacturing facilities were closed and the world's distribution network was impacted and is still recovering. • Although there is now a trade agreement, the borders and customs processes add administration, time and cost. • Materials suppliers, main contractors and major UK projects (e.g. HS2) have stockpiled or bulk secured manufacturing and supply slots. • High percentage increases in the cost of particular materials e.g. copper, steel, timber, concrete. • The lead-in times for delivery of materials have increased. • Shortages in components e.g. for mechanical, electrical and IT The main impacts are live project delays, delays to future projects, cost increases, contractors unable to submit fixed-price Tenders, higher risks for Contractors. The risks apply to capital and revenue-funded works for • Property • Roads • Housebuilding generally • Affordable housing programme • Voids and relets • Maintenance and lifecycle works in the operational / non-operational and learning estate and PPP Project. • Maintenance and repairs • Domestic compliance programmes • Energy efficiency programmes • The majority of all other procurement related purchasing is being impacted	Regular contact with our suppliers who have contact with their suppliers Also looking at alternative specifications with our suppliers for cladding etc. Updates from Scotland Excel Prioritisation – deciding which works are essential, balancing time, cost and risk, possibly delaying works until the market settles Planning – assessing project programmes and possible procurement options Reporting – providing information to funding bodies, Council management and other services Monitoring – Continuing to liaise with industry bodies, working groups, other local authorities, the Scottish Government, suppliers and contractors to keep the Council informed. The Council is aiming to pre-order and provide enhanced stock management on certain materials where appropriate. Regular discussions are taking place on the Capital and Revenue Investment Plans. Continue to apply BCIS increases, monitor acceptance of offers and continue to maintain dialogues with framework contractors. Continue further engagement with Scottish Government, Government Agencies and Professional bodies.	5	4	20 75	Enhanced value engineering and prioritisation of specification and design parameters. Reviewing the opportunity to phase planned works rather than deliver wholesale projects. Consideration to delaying capital and revenue projects where appropriate and possible. Enhanced partnership working with HUB and major suppliers to enable pre ordering and project budget caps to be set - whilst this carries risk of increased front loaded costs used correctly it can cap risk and enable controlled project delivery. Consideration of enhanced contract payments to transfer risk to the private sector – by paying upfront to cap project risks of escalating costs from Covid and material increases project caps can be set to limit overall risk to the Council. Capital Plan review and prioritisation - using what we have differently to deliver essential projects at the expense of less essential.	4	4	16	Head of Infrastructure CMT	All planned measures are to be reviewed/progr essed over the coming weeks.	Risk Reviewed March 2022 with no changes to risk scores. New Corporate Risk created October 2021 and reviewed & refreshed during November and December 2021.

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			L	**I**	**L x I**		**L**	**I**	**L x I**			
	Risks have both financial and programme implications.

Higher material and labour costs are not necessarily being reflected in the building cost indices (BCIS) used to vary building framework prices in line with Procurement rules. This could result in ranked framework contractors declining offers of work.
Note the BCIS All-in Tender Price Index for quarter 3 2021 has an increase of 1.9% from the previous quarter of 0.8% to 2.7% and a continual rise on this is predicted over the next five years.

Heightened Risk Due to War in Ukraine
Due to the current conflict in Ukraine there is a heightened risk of additional supply chain pressures particularly in the context of grain, fuel and chemical related products which could lead to product shortages and/or significant inflationary pressure.

Set in the context of existing supply chain pressures prevalent within the delivery of Affordable Housing Supply, Additional Housing pressure through the UK Government resettlement scheme may present to accommodate increased numbers of refugees fleeing the war. This risk will be set out in more detail within the Housing Risk Register. | Corporate Procurement have indicated that we cannot adjust Framework pricing mid-term.   However agreement has been reached that larger projects can be issued for mini-competition amongst all ranked framework contractors.

Continue to follow advice and guidance from COSLA and UK and Scottish Governments and react accordingly.

Multi-disciplinary working group established to priorities necessary intervention supports as families and accommodation is identified.

Continue to follow advice and guidance from COSLA and UK Government and react accordingly. | | | | | | | | | | |
| ELC CR 2 | **Rising Energy Costs**

Volatility in energy markets will result in significantly higher energy costs for the foreseeable future.
Increasing rates will impact on the cost to operate buildings, street lighting provision, third party users of services, electric vehicle charging rates etc.
Rising energy costs will indirectly impact the cost of other goods and services e.g. materials, consumables, transportation.

There is a risk that electricity, gas, oil and LPG rates could increase further in 2023/24.

Heightened Risk Due to War in Ukraine
Due to the current conflict in Ukraine there is a heightened risk of additional supply chain pressures. | Electricity, gas and oil is procured through Scottish Procurement. The rates for 2022/2023 will rise significantly however Scottish Procurements purchasing strategy provided some protection throughout the volatility.

The Council's Energy Transformation Board seeks to improve energy efficiency and energy supply from renewable sources reducing reliance on fossil fuels. | 5 | 4 | 20 | Review of current services and pursue mitigation measures though asset review project and similar initiatives.
Investment in expanding renewable energy and transformational projects and expansion of energy saving initiatives.
Difficult given the current capital plan commitments and need for central government funding.
Building in additional budget and appropriate savings targets | 4 | 4 | 16 | Energy Officer Service Manager ES & BS Finance | April 2022 | New risk created December 2021 by Service Manager - ES & BS, Energy Officer and Finance Management Team and reviewed by Executive Director, Place and Head of Infrastructure. |
| ELC CR 3 | **National Care Service**

The Scottish Government proposal to establish a National Care Service, which would extend to all adults care services, children's services, criminal justice and social work will result in the largest re-organisation of local government since the creation of single tier local authorities in 1995/96.

The council's concerns at the risk involved in this proposal were detailed in the Council's response to the Scottish Government's consultation on its proposals (report to Members Library, November 2021). These include the following:

The creation of a new national QUANGO will require significant resourcing and will lead to years of uncertainty and anxiety within the workforce and possibly also amongst service users and carers. It | The council provided a detailed and comprehensive response to the Scottish Government's consultation on its proposals, outlining the concerns and risks involved in the creation of a National Care Service (report to Members Library, November 2021).

The council is awaiting the publication of the Scottish Government's response to the consultation and publication of its proposal – probably in the form of a White Paper – and will provide a further detailed response highlighting any remaining concerns and risks.

CMT will continue to monitor the development of the proposal and report as appropriate to the Council. | 5 | 4 | 20

76 | Depending on the detail of the legislation is due to be taken forward into the Scottish Parliament by the Scottish Government and timescale for creation of the proposed National Care Service officers will prepare detailed response and plan to prepare for implementation and mitigate any negative impact, including lobbying for adequate resourcing from the Scottish Government | 5 | 3 | 15 | Chief Executive/ Chief Social Work Officer / Head of Operations (H&SCP) | | New Corporate Risk created March 2022 by Head of Children's Service, also to replace risk on Public Sector Reform. |

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
	will also risk loss of momentum and progress with existing multi-agency collaborative improvement programmes. The complexity of transferring responsibility for one of Local Government's largest, most complex and important services to a new national agency cannot be over-estimated. Previous structured reforms to deliver a single agency has not been able to be undertaken without significant cost, and significant staff resourcing, and there is no evidence that this singular source has delivered better outcomes for our users of the system. There are significant questions about how the National Care Service and other proposals in the consultation paper will be funded. The scope of the NCS is not yet clear but the reorganisation of such complex services as Adult Social Care and Children's Social Work Services and their integration into a new national service would come at a major cost in both finance and staff resources. There will be major implications for support services such as Finance, HR and IT. There are very significant risks in breaking up the existing 'whole system approach' that is provided through social work being part of local government. The centralisation of responsibility and services under a National Care Service also removes the local approach to service delivery which is critically required to deliver a holistic approach to care services and integrate this wider within a wholescale and local approach to deliver improved outcomes for those who need and use care such as Housing, Education, and community services. Centralisation also puts at risk the effective collaboration and shared leadership that has been developed through Community Planning, Community Justice, Children's Services and Public Protection Partnerships, and local community capacity building achieved through multi-agency locality planning with, and in, targeted communities. The proposals contained in the Scottish Government's consultation significant uncertainty and therefore risk for large parts of the council's workforce, including the future employee status of staff working in social work and whether they would be TUPE transferred to the National Care Service or the proposed Community Health and Social Care Boards (CHSCBs). The Council is progressing a major Transforming Children's Service programme that will have fundamental implications for how we deliver services for vulnerable families and children. This will be impacted by the uncertainty created by the proposal to include Children's Services within the scope of the National Care Service.				🟥					🟧			

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
ELC CR 4	**Information Security and Data Protection** **Heightened Risk Due to War in Ukraine** Due to the current conflict in Ukraine there is a heightened risk of Nation State led cyber-attacks on the West. These could potentially affect National Infrastructure such as data and voice networks which could have an impact on East Lothian Council. **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. Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities, 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. 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 The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). 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 In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies New ways of working and shared buildings including the proposed Collaborative Hub between the Council, Police and other parties present new risks and challenges to maintaining IT Security and Data Privacy. Procedures, appropriate design of workspaces and staff training are needed to mitigate risks. **Data Protection** Under the Data Protection Act 2018 and the UK GDPR, the Council is required to ensure that personal data is processed lawfully, fairly and securely. Breaches of the Data Protection Act / GDPR could result in: - harm to individuals; - legal action;	Continue to follow advice and guidance from the National Cyber Security Centre, UK and Scottish Governments and Local Government Digital Office and react accordingly. **Information Security** The Council complies with the international standard ISO 27001:2017 as the framework for its ISM system. 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); Annual IT health checks on the existing infrastructure. New systems introduced are risk assessed and security checked to ensure they meet the criteria. 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. The Team Manger – IT Infrastructure & Security sits on the Scottish Governments Digital Assurance group 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. A new Information Security/DP Awareness Campaign was launched in Dec 21, which sends scheduled 'hot topic' awareness updates to employees. **Data Protection** The Council has a comprehensive suite of measures to ensure compliance, including the retention of a statutory Data Protection Officer (DPO), the Data Protection Policy, Data Breach Procedure and multiple procedures governing the creation, use and disposition of records and personal data.	5	4	**20** **78**	**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 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. **Data Protection** Training & awareness: e-learning modules currently being refreshed with an estimated completion in May 2022. The DPO, Team Manager- IT Infrastructure & Security and Communications teams are progressing a Communications Plan including Inform briefings, e-mail updates (Info Security	3	4	12	Executive Director – for Council Resources Head of Corporate Support Data Protection Officer	Ongoing March 2022 May 2022	Risk updated March 2022 by Team Managers – IT Security and Information Governance with current risk score increased from 16 to 20 due to war in Ukraine. Risk updated November 2021 by Team Managers – IT Security and Information Governance with on change to scores.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
	- fines of up to £17.5 million or 4% of turnover, whichever is higher; - requirement to pay compensation; - adverse publicity; - damage to reputation The Council has a mandatory 72 hour window in which to report relevant breaches to the Information Commissioner's Office. 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 and ensure new ways of working remain secure. 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. This is also a requirement of the Public Records (Scotland) Act 2011 (PRSA). Current pressures on Registration service and increased demand from Services for review of Data Sharing Agreements / Data Protection Impact Assessments are impacting capacity to address Records Management.	IS, DP and Records Management Awareness training is a mandatory part of induction and must be refreshed every two years. The ELNet pages for Information Governance also include templates, guidance and information to support corporate compliance. 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 assessment of Progress of Records Management Plan by The Keeper's office. The Council is planning formal re-submission of its RMP for the Keeper's approval (date tbc). 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.				Email Alerts scheduled weekly for March/April, to be followed by DP alerts.) and other training and briefings to reinforce awareness of data protection and information security across the Council. Information Transformation Strategy: the Team Manager–Information Governance and Team Manager-IT Infrastructure & Security are drafting an Information Transformation Strategy and associated Action Plan to underpin the Digital Strategy and Business Transformation agendas and 'to ensure the right information gets to the right person, at the right time, and in the right format'. Records Management Plan: All 14 elements of the Council's RMP will be reviewed and updated, focusing particularly on secure destruction, digital preservation, application of retention schedules and changes to ways of working. DSA/DPIA Process Reviews: The processes for approving Data Sharing Agreements and Data Protection Impact Assessments are being simplified and streamlined. A soft launch for DSA process was completed in Jan 2022 with a formal launch in May 2022 Dunbar Road Options Paper: An options paper is being prepared regarding next steps to upgrade and secure our paper records storage and retrieval arrangements.					April 2022 December 2022 September 2022 May 2022 December 2022	
ELC CR 5	**COVID 19** East Lothian Council continue to have the appropriate plans/contingency in place to ensure continued delivery of business critical services during the COVID 19 outbreak. Without these there is a risk to our ability to provide an effective critical and emergency service to East Lothian's residents, communities and businesses. Whilst the COVID-19 outbreak has and continues to present a significant challenge. The UK government and the devolved administrations have all responded, While East Lothian Council has and continues to respond in a way that offers substantial protection to the public. Whilst pressures continue to be faced, there is an improving overall picture thanks to vaccines and the relaxation of guidance in the updated SG Strategic Framework. The Council will continue to carry out close ongoing monitoring of COVID and continues to be prepared for any future waves of the virus.	Proactively communicating, and encouraging compliance with all government and public health authorities' advice and reducing the impact/spread of misinformation by relying on information from trusted sources. Scottish Government Coronavirus Strategy, Legislation and Guidance is followed in responding to the impacts of COVID-19 within East Lothian. Scottish Government refreshed and published the COVID19 Strategic Framework for Scotland on 22 February 2022. Council Management Team (Critical Incident Response Team) meets weekly to oversee and direct the Council's COVID-19 response. Services produce a fortnightly Commonly Recognised Information Picture (CRIP) of local issues. A fortnightly COVID and Concurrent Risks Oversight Group oversees the cross service COVID19 response	4	4	16 **79**	Continued planning and implementation action across Services re-ongoing COVID19 response to national circumstances and Scottish Government guidance. Ongoing deployment of JCVI vaccine and booster 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. Work is underway to identify and introduce a new mass vaccination centre to supplement East Lothian Community Hospital. The Council will follow the updated SG Framework to ensure that sick pay and staffing practices are aligned with public health aims, adapting premises to make them safer for customers and staff, and enabling hybrid working where that makes	4	3	12	Council Management Team (Crisis Response Team) Council COVID 19 Oversight Group	All measures are live and monitored on a weekly basis.	Risk fully reviewed and refreshed by Executive Director of Place, CMT and Risk Owners March 2022 with current risk score reduced from 20 to 16 and residual score from 20 to 12. Risk fully reviewed and refreshed by Executive Director of Place, CMT and Risk Owners December 2021. Corporate Risk created 18th

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			L	**I**	**L x I**		**L**	**I**	**L x I**			
	While as the situation continues to improve the Council will make itself ready to come out of Response and Business Continuity mode and to move towards Recovery.	planning and operational service delivery ,considering implications of the relaxation of measures on ongoing service response, responding to Scotland's Strategic Framework and overseeing a number of sub-groups.

COVID19 Recovery and Renewal Coordination Group is deployed overseeing planning for recovery and renewal across East Lothian.

Resilience Direct is being used to share information on a multi-agency basis.

Business Continuity Plans deployed in all services leading to staff continuing to work from home unless it is essential for them to be in their place of work.

Protective Services are working in partnership with NHS Lothian in relation to investigation of local Covid 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..

Ongoing joint multi-agency collaboration and reporting to ensure that we are all informed and ready to respond to any further waves of the virus and to support local residents, business and visitors' community safety,

Extensive Elected Member Briefings, Staff Briefings and Manager Guidance issued.

Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required. Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations responding to COVID-19 consequences across communities.

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.

East Lothian Community Testing Working Group continues to meet every two weeks while ELC in partnership with NHS Lothian is assisting the Scottish Government in delivering community testing.

The updated Strategic Framework suggests that there will be a move from mass testing to targeted testing / outbreak management. Funding for the provision of community testing in East Lothian has been agreed until the end of June and there are ongoing discussions as to how testing will be delivered after this time.

Stoneyhill Test Centre is currently operating as a dual testing site, offering both PCR testing and LFD Testing. People with symptoms can have a PCR Test carried out here.

Mobile Testing Units operated by the Scottish Ambulance Service are also visiting specific areas in East Lothian 7 days a week from 10am to 4pm.

Wellbeing implications for our workforce have been addressed re-mental health risks, H&S risks, home | | | **80** | sense and supports businesses and individuals.

Services review Service Delivery and prioritise essential critical and emergency | | | | Heads of Service and | Ongoing | March 2020 in response to COVID 19 by Risk Officer in collaboration with Head of Communities & Partnerships.

Refreshed on a regular basis and reviewed at CMT meetings. |

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			L	**I**	**L x I**		**L**	**I**	**L x I**			
		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.

NHS Lothian Gold meetings are taking place weekly. | | | | service provision, and sustain essential corporate service provision e.g. IT systems, Payroll, Contact Centre et al.

Management of planned return to workspaces in accord with national guidance and local review of Assets and New Ways of Working. | | | | Service Managers | | |
| | **Increased Financial Hardship**

The financial implications from COVID have continued to impact on the financial position of local business, local households and the Council Some welfare benefits have changed in response to this in order to help alleviate financial hardship, and some additional national funding has been made available to support those in need.

Some mitigations to relax planning control to support businesses and services to diversify and continue to operate through the pandemic. This relaxation finishes at the end of September 2022, by which time businesses will have to either get planning permission or remove their temporary developments.

As targeted interventions come to an end, there remains a risk that businesses and households will continue to face substantial financial hardship and there will be an increased 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.

Council income streams could also 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.

The cost of living has been rising since early 2021, with inflation now reaching its highest recorded level in decades, affecting the ability of households to afford goods and services.

A key driver of inflation is energy prices, with household energy tariffs increasing and petrol costs going up. Ofgem, the energy regulator, announced its cap on household gas and electricity bills will rise by 54% from April 2022 to reflect surging wholesale market costs

Food and non-alcoholic drink prices were up by 4.2% in the year to December 2021. They may rise further in the coming months.

Low income households spend a larger proportion than average on energy and food, and will therefore be relatively more affected by increases in prices. | **Re-Commencement of Statutory Debt Recovery Work**
Statutory debt recovery work is back on track across Revenues Service which is tackling debt recovery for Business Rates with sensitivity and in conjunction with the Economic Development team, recognising the fragility of the business sector at this time.

Support for Local Business
The new Retail, Hospitality & Leisure relief has been extended into 2021/22, all eligible business owners must re-apply while the Service contacted all potentially eligible businesses yet to apply. Properties in the retail, hospitality and leisure sectors are eligible for 50% rates relief for the first quarter of 2022/23, capped at £27,500 per ratepayer. It has been confirmed that businesses will have to apply again.

COVID19 grant support for businesses.

B**usiness Ventilation Grant Support Scheme -** business ventilation support grants by SG administered by local government. Up to £2,500 available to improve ventilation in eligible business premises. Scheme closes end March 2022.

December/January Top-up and January Top-up – funding provided for disruption to business activity during December 2021 and January 2022. Payments by ELC on behalf of the Scottish Government during January and early February 2022, included hospitality, leisure, public houses, breweries, and taxi drivers / operators.

Support for Residents
All teams are continuing to provide support and advice for EL residents and businesses struggling financially at this time and are continuing to encourage those who can continue to pay to do so.

Self-Isolation Support Grants via Scottish Welfare Fund framework.

Low Income Pandemic Payments have been made to those meeting certain criteria, linked to Council Tax Reduction eligibility and certain Council Tax exemptions. Work is ongoing to manage the consequential issues which have been created as a result of crediting 5,168 Council Tax accounts.

The Service has refreshed the Coronavirus help/support leaflet and this is being promoted by a number of services and shared via the Comms team.

Council Tax | | | | **Review of Suspension of Statutory Debt Recovery Work**
Future debt recovery activity is being reviewed on a regular basis and in line with future national restrictions.

Financial Insecurity Funding
During 2021/22 the Service is planning to spend its allocation of carried forward Scottish Government Financial Insecurity Funding:
• £100k for SWF/Fuel Poverty
• £150k for Discretionary Housing Payments

Winter Fund
The Scottish Government has set aside £25 million flexible funding to support households experiencing financial insecurity over the Winter of 2021/22. The allocation received by ELC is being disbursed as follows:
• £350k via SWF/Fuel Poverty
• £65k to Food Insecurity to support food initiatives

Tenant Grant Fund
The Revenues Service have a key role in identifying those who are potentially eligible for a payment towards their rent arrears via the Scottish Government's Tenant Grant Fund – this project is being led by the Housing Service.

Scottish Government Funding to help tackle cost of living crisis
The Revenues Service is awaiting SG guidance following the announcement it will provide £150 to every household in receipt of council tax reduction in any council tax band and provide £150 to all other occupied households in bands A to D. Scottish Government has announced that it will continue the Fuel Insecurity Fund to help households from rationing their energy use. It is anticipated that the Revenues Service will administer fuel payments via Scottish Welfare Fund.

Business Recovery Fund
Scottish Government has announced additional funding of £1.517m to support business recovery and low income households. This funding was identified in the Council's budget for 2022/23 and | | | | Exec Director of Council Resources

Head of Finance

Service Manager - Revenues | Monthly reviews in place. | Service performance monitoring. |

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			L	I	L x I		L	I	L x I			
		Recruitment to fill one additional, temporary (12 month) Council Tax Officer was approved with successful applicant taking up post from early January 2021. **Financial Inclusion Service** Recruitment to fill a vacant Financial Inclusion Adviser position has been carried out with new team member taking up post from late January 2022.				will be split equally between the two objectives. Proposed interventions to support business recovery will be reported to March Council for approval.						
	Education Staffing shortages in school staff and in facilities management continues to present a challenge to the sustained safe operation of schools. While SQA have confirmed the plans for SQA Awards in 2022, there is a risk that these plans may change again as a result of increased COVID cases.	Education follows Scottish Government and Public Health Guidance in developing service delivery plans. All Schools have Business Continuity contingency plans in place in the event that schools have to close. Ongoing communication to pupils, parents and staff of safe operating arrangements. Mass asymptomatic testing continues for all school staff and for secondary school pupils with LFT test kits Cleaning and risk assessments are an ongoing priority. Additional fogging is taking place as required where there is an increase in the number of positive cases. Implementation of remote learning when infection levels present a health and safety risk in particular schools. Daily consideration and risk assessment of available resource (including FM) and ability to maintain face to face learning across all schools. Education Recovery Group continues to meet regularly. Work streams continue to review and update guidance for schools and they continue to reflect any revised guidance from Scottish Government 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. They are no longer required in classrooms.				Ongoing review and evaluation of implementation of guidance and impact on school operation. Ongoing focus on asymptomatic testing and supporting the NHS in communicating about vaccinations. Continued recruitment of supply staff and FM staff. Ongoing communication to parents, carers, pupils and staff.				Executive Director for Education and Children's Services Head of Education Education Management Team		
	IT and Digital Resilience We face an increased Information Security risk as spam and hacking attempts continue to rise. Some ELC staff working from home may find their IT use slower due to the speed of their own broadband connection which can be variable and is dependent on factors such as other devices are being used in the home and the number of other connections at the telephone exchange. Network usage has increased significantly due to the reliance on digital technologies. The rapid increase of remote working increases the likelihood and impact of cyber-attack against organisations as attackers exploit the situation. Also 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	Maximising ELC staff mobile working technology e.g. introducing 5 video and voice conferencing platforms – Skype for Business, MS Teams, Connect Remote, Near Me and Google classroom (for schools use) and allowing controlled access to others used by other organisations via browsers. Ensure security systems are improved as and when required in line with advice from NCSC & other UK government security agencies. IT have increased the capacity of key parts of the infrastructure including Wide Area network and Internet capacity and continue to monitor performance to identify potential bottlenecks. Email alerts have been used to remind staff of our security policies and good security practice whilst working from home.		**82**		Information Security Officer working with Data Protection Officer and Corporate Comms to campaign for all staff with updated advice on safe working practice during current crisis. This will continue to be issued in various formats every 2 months. Have secured funding to replace the existing Wi-Fi networks in the main Council premises with a higher capacity system in preparation for staff returning to the workplace. Continue to implement parts of the M365 suite. Replacement of Squirrel, the Councils main adhoc file store is underway.				Head of Corporate Support Service Manager – I.T.		

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	screens/during voice and video calls may be compromised. 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 due to the shortage of semiconductors and is unlikely to change until 2023. The number of Service Desk calls have risen sharply during the COVID response. This is resulting in longer times to resolve staff problems which can result in staff being unproductive until their issue is fixed.	IT staff provide guidance on security issues as and when they arise while increased security monitoring is now in place on the infrastructure. Call management system introduced to provide a better customer experience for those requiring support.										
	Recovery and Renewal The Council has had to adapt is delivery of services through the course of the pandemic and has continued to prepare for recovery in the context of the Civil Contingencies Act 2004. ELC will continue to lead recovery supported by our partner agencies. Many Council services are now operating in a near normal way, however, mindful of the COVID threats.	The Multi Agency Recovery & Renewal Co-ordinating Group was stood up in June 2020 and has met monthly but was stood down in November 2021. Continue to ensure the preparedness for formal recovery and renewal. East Lothian Recovery & Renewal Plan (approved by Council 16 November'21) sets out 8 priority key priority areas, direct supporting actions and an articulation of when recovery will have occurred and the plan worked. The plan will remain dynamic and flexible and will be kept under constant review. The recovery and Renewal Plan is being overseen by the East Lothian Partnership and a reporting framework through the Strategic Partnerships and the ELP Governance Group has been developed.								Executive Director - Place		
ELC CR 6	**Duty of Care to Public and Public Protection** The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, MAPPA arrangements, 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. The duty of care is at the heart of the Council's approach to risk management. The likelihood of this	Strategic Structure The East and Midlothian Public Protection Committee (EMPPC) The East Lothian and Midlothian Public Protection Committee (EMPPC) is the local strategic partnership responsible for the overview of policy and practice in relation to Adult Protection, Child Protection, Offender Management and Violence Against Women and Girls. The primary aim of the Committee is to provide leadership and strategic oversight of Public Protection activity and performance across East Lothian and Midlothian. It discharges its functions through four sub-groups which meet quarterly: • Performance and Quality Improvement sub-group maintains overview of work through the door and performance in relation to CP and ASP work • Learning and Practice Development sub-group takes forward our 2021-23 strategy for Multi-agency training, and oversees our training programme. Training needs on aspects of Public Protection are considered by this group and are informed by Training Needs Analyses undertaken by the East Lothian Workforce Development Officers in Children's Services and the HSCP • VAWG delivery group keeps oversight of services for gender based violence	4	4	16 **83**	Work is underway to prepare for Adult Protection inspection (no date identified/inspections resumed 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. 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. A Joint Strategic Needs Assessment for Public Protection is being taken forward by CSOG. Child Protection Lead Officer will use the evaluation of the pilot of the Safe and Together training to inform discussions with the East Lothian S&T	3	4	12	Chief Executive Critical Service Oversight Group Executive Directors Director of East Lothian Health and Social Care Partnership Chief Social Work Officer Public Protection Team Manager Health and Safety Team	June 2022 March 2022 June 2022 June 2022	Risk reviewed and refreshed by Public Protection Team Manager, March 2022. Risk reduced from 20 and 20 to 16 and 12 due to an improving picture. Risk has been reviewed in December 2021 by CMT and the decision was taken to increase the current risk score from 12 to 20 and the residual risk score from 8 to 20 due to the current nature of the risk and the fact that, even with all measures in place

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			L	I	L x I		L	I	L x I			
	risk occurring is influenced by a range of factors including: 1) The medium to longer term impact of the Covid-19 pandemic, on the mental and emotional wellbeing, and coping mechanisms of children, young people and adults, and their access to supports, where their needs are not reaching the threshold for statutory intervention. Access to and availability of earlier intervention supports and services are likely to continue to impact on vulnerable children and families. (2) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services; (3) Increasing population and the number of vulnerable people in East Lothian; (4) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced (5) Levels of deprivation in East Lothian; (6) There are risks around worker shortage for care at home providers in East Lothian, with risks to sustainability of the service provision. March 2022 Update – Evidence gathered since Jan 22 shows only one remaining provider of concern. The provider has given a timeline for 1 month for service improvements. The EMPPC website is not fit for purpose and does not meet the accessibility requirements. There is a risk that staff who require refresher training in Child Protection and Adult Protection do not receive this within a two year timescale – the current focus is on delivering training for staff who have not done any of the core courses. There is a risk that children and families staff do not manage to complete the core Safe and Together training (4 days) which is designed to be completed on a self-learning basis.	• Offender Management Group oversees MAPPA arrangements. Critical Services Oversight Group (CSOG), Provides governance and leadership of EMPPC on a quarterly basis 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 A Joint Strategic Needs Assessment for Public Protection has being developed and is being reviewed by CSOG. This projects increased demand for services and makes a number of recommendations for the future delivery of Public Protection services. ASP preparation for inspection work: • A self-evaluation of Adult Protection in East Lothian has commenced • Other quality assurance activities and audits are undertaken by the lead officers for Adult Protection and Child Protection, in partnership with HSCP and children's services managers. There is an ASP inspection preparation group in place which meets regularly to plan self-evaluation and preparation for inspection activities. ELC H&SCP Management attend NHS Gold meetings where the capacity gap is detailed and set in the context of the wider system risk caused by challenges facing NHS Lothian acute sites ELC H&SCP have monthly Care at Home Oversight Group Meetings to monitor the levels of provision of essential care at home. The councils' CSWO attends this meeting to ensure discharge of assuring the quality of care. This will remain in place until there is assurance of stability. Care at Home service provision continues to be monitored via East Lothian and Midlothian Public Protection Committee (next review March 2022) and Critical Services Oversight Group (next review April 2022) A risk management tool has been developed to provide consistency in how the providers are assessing their capacity to respond and deliver their required level of service. Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk. 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				implementation group about how best to support staff to complete the training and embed S&T in practice in East Lothian. Resource requirements to support this work will be further explored. This will also be monitored via EMPPC Learning and Development Sub-group.						a period of review will be required to measure whether or not the situation has improved and the risk has reduced.

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		oversight of Public Protection performance including assessment of risks and pressures. The Council continues to work towards delivering the UK Government's Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. EMPPC has a Prevent referral pathway which has been reviewed. 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 has responsibility for supporting the link between strategic and operational activities. The Lead Officer for Adult Protection now leads the Council Officer forum, to support learning and practice and process consistency in Adult Protection. 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 all Regulated Services inspections. A weekly Care at Home Oversight Group has been established to oversee and manage risks in relation to staffing Both the Lead Officer for Child Protection and Adult Protection participate in the Inter-agency Referral Discussion Overview Group, which reviews and provides quality assurance of the decisions taken to manage vulnerable children and adults risks.										
ELC CR 7	**Staffing Issues** There continues to be a risk in relation to Council employees having to self-isolate as close contacts of a positive COVID case combined with sick leave, both for COVID and for other reasons, all exacerbated by Brexit related staff recruitment impacts on key sectors. Staff have also been dealing with the pandemic for almost 2 years which is generating fatigue and mental health issues, which are also impacting on staff absences. At the same time the Council are competing with other employers when trying to recruit staff and face challenges in this as the private sector has more flexibility regarding terms, conditions and salaries. This has made it particularly difficult to respond to Scottish Governments short term COVID response funding/staffing initiatives. A lack of staff for the above reasons has resulted in a reduced ability to provide a full range of services to the public and to provide internal support services, with only critical activities being provided in many areas. In some services this could result in risk to life and severe reputational damage to the Council. Insufficient staff can also lead to an inability to open establishments and maintain the services provided. The impacts are widespread across Council services, these challenges continue to have a cumulative and significant impacts on the following services in particular:	Daily assessment of staffing capacity within services leading to resource challenges and essential redeployment of available resources to maintain frontline service delivery, reducing service provision when essential in non-statutory services. National easing of self-isolation requirements may mitigate some of the pressure on teams. We continue to undertake high levels of recruitment. Over recent weeks ELC have had amongst the largest volume of adverts on MJS out of the 32 LA's (which in itself creates resource issues for our HR team in dealing with these volumes) which is significant for an authority of our size. Services Council wide are regularly required to ask staff to work additional hours and overtime to deal with the staffing issues. Making full use of our Agency frameworks. Though agencies are facing similar issue in sourcing key staff, many are now unable to supply. Managers continue to apply the Managing Attendance Policy. The Council has updated its COVID and Self Isolation Guidance allowing those self-isolating to return to work sooner.	4	4	16 **85**	Contingency planning and identification of non-business critical activities and staff who may be trained to deploy to essential activities when required; including consideration of closing service areas if required. The Council has agreed to utilise the COVID Recovery Fund to recruit to temporary posts to alleviate pressures. These posts are still to be recruited to. H&SCP are in discussion with partner organisations to investigate whether locum staff can be recruited although this hasn't had any significant impact as staff are still required for key tasks in other Councils service areas The First Minister has agreed that Local Authorities can recruit permanently to temporary posts, where this is possible. This is something ELC will look at for high risk areas. The HR service in conjunction with Corporate Communications are reviewing community based advertising methodologies e.g. poster campaigns,	4	3	12	Head of Corporate Support CMT	All measures are live and monitored on a weekly basis.	Risk score reviewed by Executive Director of Place Head of Communities March 2022 with current risk score reduced from 20 to 16 and residual score from 20 to 12. Staffing Risk reviewed and refreshed by Head of Corporate Support, March 2022. The Staffing Risk has been reviewed in December 2021 by CMT and the decision was taken to increase the residual risk score from 16 to 20 as even with all measures in place a period of review

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			L	I	L x I		L	I	L x I			
	• Facilities Management • Health & Social Care Partnership - • HR & Payroll • Registration • Burials Team • Waste Services • Transport Services • Housing • Connected Communities • Community Centres & Libraries • Contact Centre & Community Response Team • Customer Services • Skilled Trades within Property Maintenance • Key Finance and Banking Staff • Legal • Roads – At this moment in time have sufficient resources to deliver winter maintenance operations, although monitoring due to national shortage of LGV drivers. Roads require 54 staff to deliver the winter maintenance service (45 LGV drivers, 3 loaders, 2 duty clerks and 4 duty officers). Substantial resilience issues are presenting in the management of concurrent risks e.g. Weather emergency in the format of storms.	Some Council services are reducing the delivery of the service they provide to combat the issue e.g. facilities and community centres & libraries. Scottish Government is providing assistance and funding, particularly to the H&SCP although this can have a consequential impact on support services e.g. HR, Payroll. The Council is now fast-tracking Disclosure checks for H&SCP employees and meeting the costs of these checks for all employees on a temporary basis to remove a possible barrier to recruitment. Support is provided by Amenity services to supplement the winter emergency response team. Training up of some staff to gain LGV licence in order to be able to drive gritters is being progressed. A debrief was carried out on Storm Arwen noting lessons learned and promptly implementing subsequent actions. CMT Emergency Planning Training				pro-active social media campaigns and recruitment fairs. The Council could investigate the use of the Market Supplement Policy in difficult to recruit areas, where it can be demonstrated that the market rate makes the Council no longer competitive. This does come with a number of other risks to the Council so should only be used in very exceptional circumstances as an allowance and as an absolute last resort. Develop graduate intern opportunities to meet service professional requirements. Consideration of expanding the apprenticeship programme. Service Reviews involving inputs from HR and Finance to ensure appropriate role and grading definitions within the service and broader corporate context. Review and broaden-out leadership resilience and service capacity within all ELC Contingency Plans.						will be required to measure whether or not the situation has improved and the risk has reduced. New Corporate Risk created October 2021.
ELC CR 8	**Climate Emergency** East Lothian Council has had statutory climate change duties since 2011. The Scottish Government's Climate Change Act (2009) section 44 requires us to mitigate emissions and adapt to climate change to support the delivery of Scotland's national net zero target and adaptation programme. The risks associated with the responsibilities are: • Failure to meet our statutory duty in Scotland's Climate Change Act (2009) • Lack of financial and staff resources to mitigate emissions and deliver the net zero target by 2045 • Unknown costs of the transformational change needed to adapt and build resilience to climate change impacts • Risk aversion, particularly in relation to new technologies that could support mitigation and adaptation • Reputational damage and failure in corporate social responsibility if climate action is not mainstreamed and embedded across the Council • Lack of/unclear funding and unbudgeted costs to reduce carbon emissions, e.g. for the transformational changes needed in Fleet[1] and Asset[2] Management The Council are making progress on the Climate Emergency risks. However, there is an urgent need to	Annual reports to the Scottish Government, keeping track of the Council's progress to mitigate greenhouse gas emissions and adapt to climate change. The Council's Climate Change Strategy (2020-2025) and Action Plan to achieve net zero by 2045 at the latest. Annual reports are sent to Cabinet to track progress and action updates. The Council's Climate Change Planning and Monitoring Group, meeting every fourth month to ensure Council-wide commitment to the Climate Change Strategy and Action Plan. The Council's Energy Transformation Board, meeting every second month to improve energy efficiency and energy supply from renewable sources. The Board is also generating income from installing low carbon technologies across the Council's estate. The Council's COVID Recovery and Renewable Framework, in which a Green Recovery from COVID is a key principle. The Resilient Communities initiative, which prepares our communities for emergencies and severe weather events in partnership with the Council. External partners supporting in addressing these risks are: • Sustainable Scotland Network (SSN) and the Scottish Government, guiding public	4	4	16	Identify budget and funding streams to continue delivering transformational change to Fleet and Asset Management (e.g. staff resources to chase funding opportunities and support services to access them). Identify the implications of the Scottish Government's Climate Change Plan Update (Dec 2020) on the Council's Climate Change Strategy and Action Plan, Secure the tools, powers and resources to enable the delivery of a 'Net Zero Council'. Identify interim emission reduction targets across Council Services and implement a monitoring & evaluation framework in response to this. Work has started on producing a Climate Change Communications & Engagement Plan to continue mainstreaming climate action across Council Services. Articles are being written to pilot a 'Green Corner' in Inform, a proposal to raise climate literacy within the Council has been presented to CCPMG and a delivery plan is currently being created, discussions with other local authorities to feed these	3	4	12	Chief Executive Head of Development Sustainability and Climate Change Officer	Ongoing with annual review 2025 / reviewed annually Ongoing with annual review Ongoing with annual review Ongoing with annual review	Risk refreshed by Sustainable Energy and Climate Change Officer March 2022 with no change to risk scores.

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			L	I	L x I		L	I	L x I			
	secure the funding, resources, tools and powers to enable us to deliver net zero. Until then, our capability of transformational change to reduce these risks is uncertain. [1]Fleet Management: We need to replace public sector fleet vehicles with ULEV by 2025. However, funding from the Scottish Government is limited and focused on smaller vehicles. Shifting ELC's heavy commercial fleet to a UNLEV platform will require additional unbudgeted funding. Currently, the cost of an EV refuse collection vehicle is 2.5 times more expensive than a fossil-fuelled equivalent. Another cost implication is the charging infrastructure needed to support these vehicles. [2]Asset management: We anticipate the costs of transformational change for our built assets to reach net zero to be substantial. To achieve net zero, we need to ensure that capital is available (e.g. capital for asset reconfiguration, energy efficiency measures, energy generation, etc.). It is key to manage Council assets in line with the climate change agenda.	authorities to implement the National Climate Change Plan Update (Dec 2020). • Adaptation Scotland and SSN, ensuring consistency and collaboration between public bodies in the response to the climate emergency. • Transport Scotland, funding ELC's ULEV public sector fleet objective (2025). NB, funding options are limited to be either lease of part funded purchases. Thus, the opportunities to fully utilise ULEVs are limited. • The Sustainable Transport Officers Group, which coordinates a multi-departmental response to increase active and sustainable travel.				actions into a wider ELC Communication & Engagement Plan are ongoing. Engage with local partners to set carbon emissions reduction targets and take climate action Engage East Lothian Partnerships to include carbon emissions reduction targets in review and update of the East Lothian Plan. Set up a Citizens Assembly /Climate Change Forum. Climate Change Officer is having discussions with other Local Authorities – such as Dumfries & Galloway – to identify resources and ways of delivery					December 2022 December 2022 December 2022	
ELC CR 9	**Brexit** 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. The UK Subsidy Control Bill 2021 is currently at Committee Stage in the House of Commons, this will establish an ongoing framework for the giving of subsidies out of public resources. 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. While we remain in a period of uncertainty we continue to see and anticipate a gradual slow down and potential council impact (+/-) on: • 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	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. The CMT appointed a strategic and tactical level Lead Officer to keep an oversight on ongoing EU Exit developments and "EU-exit" has been acknowledged and remains a Corporate Risk. ELC remains aware of the subsidy control situation and continues to monitor the progress of the Bill and any potential impacts on LA Grants. Measures are currently in place to ensure Special Drawing Rights / De minimis levels are not exceed by east Lothian Council. "EU-exit" contingency planning is a standing item on the CMT agendas. 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. COSLA then published an "EU Exit Local Impacts Review" in August 2021 which was circulated to Council leaders. CMT established an appropriately represented corporate level "D20 EU-Exit Working Group" chaired by the appointed Strategic Lead Officer. This group has been stood down as there are no immediate issues for it to deal with. Any service level risks are being monitored at that level.	4	4	16	We continue to seek clarity over how the Government plans to address the potential EU funding gap, retain highly skilled migrants and support trade.	3	4	12	Council Management Team	All actions ongoing and dependant on decisions taken by UK Government	The risk continues to be reviewed on a regular basis by Services Managers for Protective Services and Economic Development and was last reviewed March 2022. Following the TCA being in place the current risk was reduced from 25 to 16 and the residual risk from 25 to 12 in February 2021. The risk score was increased from 16 to 25 during December 2020. New risk created and evolved by CMT and Brexit Working Group during 2019/20.

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			L	I	L x I		L	I	L x I			
	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 held a consultation on Subsidy Control, the results of which were published in June 2021 at the same time as the Subsidy Control Bill 2021 was introduced. There remains an uncertainty regarding risk ownership between Local Authorities and Scottish Government until this bill is passed. • 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. • From 1st July 2022, POAO (Products of Animal Origin) made in the EU must enter Great Britain through a BCP (Border Control Post). At the moment, there has been no indication from the UK and/or SG Government on what this will mean for businesses and/or other partnership agencies. However, it should be noted that this is a fluid situation and these dates may be amended nearer the 1st July 2022. • Council and local business workforce pressures • Procurement • Supply Issues remain for IT Hardware and are unlikely to change until 2023. • Inflationary pressures which could reduce and 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. Key potential causes are: • Gradual slow down during period of uncertainty. • Border disruption • Workforce pressures e.g. regulatory (food imports/export), social care providers. • Inflationary pressures caused by fluctuations in sterling value. • Loss of EU grant funding From 1st January 2021 UK introduced a points-based immigration system treating EU and Non-EU citizens equally. Priority is given to skilled workers with a job offer from an approved sponsor. Applicants also need	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. 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. Specific HR Actions for EU National Employees: • Project plan created to capture major milestones and actions from November 2018 to June 2021 • 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. The settlement scheme application date has now passed. There are some very few exceptions to this and the details are available here: Apply to the EU Settlement Scheme (settled and pre-settled status) - GOV.UK (www.gov.uk). 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. Economic Development are continually reviewing and updating website business pages and its' Business Gateway (webinar offerings). The Council has engaged in business continuity collaboration arrangements with local partners and neighbouring Local Authorities: via LRP/RRP. The Council has assessed internal essential services business continuity arrangements. The Council has employed horizon-scanning activities to identify and communicate emerging risks. Seeking guidance at early stage from COSLA, SG and other sources around emerging thinking on Shared Prosperity Fund and Rural Development Fund			**88**							

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			L	**I**	**L x I**		**L**	**I**	**L x I**			
	to be able to speak, read and write English and meet a salary threshold of £25,600 or have an offer for a job in shortage occupation. In the medium to long term, a national skill/ recruitment gap is evident, particularly for occupations that are not highly skilled e.g. care work, agricultural labouring, food manufacturing etc. National and local economic impact in relation to: · RPI, cost of goods, services, supplies · Overall employment · Cost of borrowing · Availability of goods on import and cost if available Data Protection –It is possible that future changes to UK Data Protection laws could diverge from the EU regulatory regime, affecting the EU's 'adequacy agreement' for the UK and risking impediments to data sharing with EU countries. We are currently awaiting the outcome of a UK Government public consultation via DCMS on a new Date Protection regime, with no immediate action indicated.	as replacement support for ESF/ERDF and LEADER/Fisheries. There are 3 new funding schemes taking us beyond EU funding including one which serves as the Shared Prosperity Fund (SPF) pilot: • Shared Prosperity Fund • Levelling Up Fund – 21/22 – 24/25 • Community Ownership Fund The council is considering project(s) for submission to the Levelling Up Fund and will provide advice and support for community organisations considering submitting applications to the Community Ownership Fund.										
ELC CR 10	**Managing the Financial Environment** The external operating environment remains significantly challenging with a wide range of growing inflationary and cost pressures, and rising demand on council services through pressure on the cost of living as well as general growth. This presents a risk that the Council may not be able to manage its obligations within the resources available. The Council is operating in an increasingly complex financial environment. Reducing levels of core national funding relative to rising demand, increased ring fenced and short term funding settlements, non-recurring funding streams and rising demand for services creates significant challenges to ensure that the Council remains financially resilient and services can be delivered sustainably. The Council is managing a multitude of pressures, including the financial impacts of recovery from COVID 19 which are yet to be seen. 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. 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 include: (1) Supporting the resource requirements associated with the delivery of the growth	The Council has well developed medium term financial planning arrangements. These include: • 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. The Council approves a Financial Strategy, Capital Strategy and Treasury Management Strategy which governs the financial planning for the organisation. 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. 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. 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. Continue to closely monitor information arising from both UK and Scottish financial settlements through	4	4	16 **89**	Enhanced in year monitoring and review of expenditure commitments against approved budgets. Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies and financial plans. Continued scrutiny and challenge of planned efficiency measures to ensure they can be delivered and achieved within agreed timescales. Development of a refreshed Transformational Programme to support the transformation of services and deliver enhanced efficiencies. Undertake a review of budget development framework. Development of a refreshed Capital and Treasury Strategy supporting the future capital programme and treasury management and investment requirements. Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored. Enhanced financial update and reviews provided as part of quarterly financial reports.	3	4	12	Chief Executive Executive Director of Council Resources Council Management Team Head of Finance	Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.	Risk reviewed by Head of Finance, March 2022 with no change to assessment of scores. Risk reviewed by Executive Director of Council Resources December 2021 with no change to assessment of scores.

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			L	I	L x I		L	I	L x I			
	agenda resulting from the Local Development Plan; (2) Associated demographic change and social-economic pressures; (3) Growing inflationary pressures causing increases to the cost of goods and services, contractual commitments (for index linked contracts in particular), and commissioned contract services, pay and pensions. (4) Potential financial costs associated with a wide range of new obligations or legislative changes. (5) Managing the financial implications from COVID interventions and recovery. (6) Enhanced risks relating to receipt of S75 contributions which will impact on capital and revenue financial planning. External market pressures are also impacting on investments managed on behalf of the Common Good and Trust Funds. These investments are currently managed by an external investment firm. Given that the scale of the additional financial pressures and challenges, there remains 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.	intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also credible professional commentators. Quarterly financial reviews are reported formally to Council for wider scrutiny setting out the in-year financial performance against approved budgets. 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. Monitoring and clear reconciliation arrangements are in place to track all funding announcements and allocations made by UK and Scottish Government and regular returns on financial pressures are now being made to COSLA. Ongoing engagement with COSLA, to monitor national financial implications and support political lobbying. Detailed monitoring of S75 obligations to support financial planning and cash flow monitoring. Regular engagement with the external investment firm in relation to the financial stewardship of the Common Good and Trust Funds, to identify any significant decrease in the value of investments. Annual treasury indicators approved as part of Treasury Strategy and mid-year review against indicators reported through political governance structures of A&G Committee. Supporting the delivery of a Council budget, and medium term spending plans aligned to Council priorities and medium term financial planning assumptions. Enhanced financial scrutiny and monitoring in place, which assess financial impacts of COVID against all approved council budgets and the Financial Strategy.				Undertake a review of the Council's policy on charging.						
ELC CR 11	**Limitation (Childhood Abuse) (Scotland) Act 2017** Introduced on 4 October 2017 removing 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. The Act covers the period prior to 2004. In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of survivors coming forward which will potentially result in financial pressures if historic claims of child abuse (see definition above) are made and upheld against East Lothian Council as the statutory successor. There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). It therefore is now not anticipated that this number will rise significantly, although claims may still be received. The Council's insurers have indicated that they will	It is a requirement under the act that the abuse occurred at a time when the individual was a child which is defined as being under 18. Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration. Close monitoring of the work of the Scottish CAI itself and review of any published materials. Scotland-wide networking and information sharing on SCAI between authorities. Records Management Expertise allows us to respond effectively to SAR requests and information requests / provide evidence. Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records	4	4	16 **90**	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. Regular discussions with Council's Insurance providers and brokers to ensure risk continues to be covered and/or mitigated to allow regular review for sufficient budgetary provision for any additional costs/claims that may not be covered by insurance. Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.	3	3	9	Head of Corporate Support Service Manager – Governance Insurance Team	Continue to progress all and report quarterly to CMT.	Risk reviewed February 2022 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
	cover appropriate external legal costs and compensation payments but the cases may place [considerable] strain on internal resources within the legal, social work and records management teams for which there is no additional budget. 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. Whilst at present no claims have come forward in relation to Foster Carers, it is possible that the Council will receive some in the future. Redress Scotland established to provide survivors with an avenue to compensation where they do not wish to submit a claim directly to a successor organisation. Where the Redress Scheme is not used, any legitimate claimant may still raise action against ELC. Note that there remains a period from 2004 to present which is not covered by Scottish Government proposals/legislation for compensation schemes and as such any legitimate claim arising would need to be taken forward through ELC and/or Insurers.	management etc. Accurate records post 1996 relating to East Lothian Council clients. Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget. Scottish Government redress schemes available for potential claimants to pursue. Where a survivor submits a claim to the redress scheme and accepts the compensation offered, a waiver is signed so that they may not submit an insurance claim. The maximum amount of compensation through Redress Scotland is £100,000.										
ELC CR 12	**Flooding and Coastal Erosion** As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.	Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place. 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. 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. Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website. The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Communication with vulnerable groups regarding access and assistance during severe weather events.	4	4	16 **91**	ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh. Further studies are proposed (subject to funding allocation) for Dunbar & West Barns to include North Berwick Coastal; and Cockenzie & Port Seton, Longniddry and Prestonpans. 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. 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). The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2022 which will incorporate Flooding.	3	3	9	Executive Director for Place	2024 2016-2022 2016-2022 2024 August 2022	Risk further reviewed and March 2022 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
ELC CR 13	**Failure to maintain a Highly Skilled Workforce** 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. 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. 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. 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.	The Council has an approved Workforce Plan 2018-2022 which addresses the issues relating to this risk. The Plan contains 38 actions which were brought together into a detailed Implementation Plan with seven workstreams which were taken forward by lead officers. The most recent update on the Action Plan (February 2022) shows that almost all actions were either completed or ongoing. A small number will be carried forward into the next Workforce Plan. 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. Healthy Working Lives and OD have been issuing regular briefings to staff on techniques etc. to support staff to maintain mental health and wellbeing. Managers have been issued with advice on inducting new members of staff during lockdown.	3	3	9	The Workforce Plan is to be reviewed and a new Workforce Plan will be adopted in Autumn 2022.	3	3	9	Service Manager Police, Improvement & Partnerships Service Manager – People and Council Support	Autumn 2022	Risk refreshed March 2022 with no change to risk scores. Risk reviewed November 2021 and updated to reflect review of Workforce Plan and implications of COVID. No change to assessment of current scores.
ELC CR 14	**Severe Weather** 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. 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. 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. 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 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	East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority. The 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. 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. 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. 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 East Lothian become isolated because of the heavy and prolonged snow falls. The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. Snow clearing equipment has been supplied to Primary Schools. Community Councils through Resilient Communities are able to request winter response	3	3	9		3	3	9	Executive Director of Place		Risk refreshed March 2022 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
	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.	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.

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.

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.

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.

ELC finances all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.

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. | | | | | | | | | | |
| ELC CR 15 | **Contest**

Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST (Prevent, Protect, Prepare and Pursue).

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.

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 within the act and would also result in a loss of reputation and negative publicity.

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. | Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.

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.

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 although not a statutory requirement, has also been appointed (Emergency Planning, Risk and Resilience Manager).

Under Protect the CMT are prepared should the Government 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. | 3 | 3 | 9

93 | Within the new statutory guidance for Prevent and PMAP (Feb 2021), the Scottish Government has requested will request an annual assurance statement of compliance with Prevent duties be submitted by 18.04.22.

Awareness-raising sessions are being arranged with Police colleagues with independent service providers operating in East Lothian.

Further service-specific Prevent training is being arranged for children's and justice social work services. | 2 | 3 | 6 | Chief Executive

Executive Directors

Council Management Team

EL Contest Chair (Head of Communities)

Contest SPoC (Emergency Planning, Risk & Resilience Manager)

Prevent SPoC | April 2022

April 2022

April 2022 | Risk refreshed and reviewed by Prevent SPoC March 2022.

Risk refreshed and reviewed November 2021 by Contest SPoC with no change to assessment of scores.

Risk reviewed August 2018 by Board of Directors with Current Score reduced from 12 to 9. |

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			L	I	L x I		L	I	L x I			
		ELC follows and contributes towards the 'J' Division Contest group implementation plan. The SPOC Prevent Group in the East of Scotland is attended by the ELC SPoC. Prevent Multi–Agency Panels Chair (SPoC) and Depute (Iain Gorman) identified to chair multi-agency meetings established to discuss any referrals. Regular internal and external communication of any national counter-terrorism updates. Information regarding Protect and Prepare is received from the National Counter Terrorism Security Office. This information is then circulated to appropriate key ELC staff and local businesses. 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. A refreshed Prevent Delivery Plan has been completed and has been approved by the ELC Contest group. Progress of the Prevent delivery plan will be monitored through quarterly Prevent working group meetings and reporting to EL Contest group. Elected Members were w briefed in January 2022. Joint training (with Midlothian) for PMAP members was undertaken. Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure. Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form. 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. 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.								(Head of Children's Services)		

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	**I**	**L x I**		**L**	**I**	**L x I**			
ELC CR 16	**Duty of Care to Council Staff and Public (Health & Safety)** East Lothian Council has a duty of care and has existing Health and Safety Polices to look after the care of staff to all its employees across the full range of services and those who can be affected by the Council's activities. Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees or enforcement action by the Health & Safety Executive. The Council also has a duty of care to our staff delivering services in an environment where the COVID pandemic is a huge risk. Areas which have been identified as posing a particularly high level of risk are • COVID19 • Manual Handling • Stress • Lone Working • Unacceptable Behaviour • Risks from Public Monuments • Safe Driving at work • School Trips	Health, Safety and Wellbeing Strategy 2018 – 2021 in place. All employees receive an induction including Health & Safety information, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles. Consultation with employees and Unions in place with Joint Health & Safety Committee and Joint Consultative Committee Management Arrangements in place for a range of topics outlining the responsibilities of each level of management and employees. A rolling programme of review of topic specific management arrangements is being undertaken. Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work. Services carry out a rolling programme of reviewing risk assessments to ensure they are suitable and sufficient and reflect current practice and organisational structures. As part of this training and health surveillance requirements are identified. Health Surveillance is carried out on employees where they are exposed to specific hazards. Safety Management System supported by audit and inspection programme across the Council. Health and Safety Training needs are identified from project plans and Risk Assessment findings. An annual programme of training is developed including a number of Institute of Occupational Health accredited courses. For all of the risks identified as high risk • Management Arrangement or guidance is in place • Training is available • Risk Assessments are undertaken **COVID19** The Council has a duty of care to staff delivering a service in a COVID world and have heightened risk assessments and ensure that all services have updated their risk assessments for work settings and external visits. A programme of workplace inspections focusing on COVID take place. **Manual Handling** Manual Handling is avoided where possible. Where this is not possible mechanical aid's and staff training is provided in accordance with the Management Arrangements. Physiotherapy is available to staff through the Occupational Health Contract. **Stress** As part of the sickness absence policy employees off work with Stress are referred to Occupational Health.	2	4	8	Service review underway to address the short staffing. This will allow the full programme of inspections and audits to be undertaken. The Council's overarching Health & Safety Policy and Arrangements are under review. As part of this the role of the Head of Establishment is being reviewed Priority topics for updated Management Arrangements are • Legionella Management • Fire Safety • First Aid Procedure for ensuring safe management of monuments on ELC land is being developed	2	4	8	Executive Director for Place SDAW Group Health and Safety Team	June 2022 June 2022 June 2022 June 2022	Risk reviewed and updated March 2022 with no changes to risk scores. Risk reviewed and updated March 2020 with Current score reduced from 12 to 8.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
		Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives **Lone Working** Specific procedures are in place in services with a high level of lone working where required lone workers have access to lone worker devices A 'Potentially Violent Client' Register is in place to ensure information is shared between services **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". 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. **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. **School Trips** All trips must be approved by HT or Delegate and Residential Trips and Adventurous Activities must also be approved by LA. Residential School Trips are on hold until at least 2022.										

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	**I**	**L x I**		**L**	**I**	**L x I**			
ELC CR 17	**Business Continuity** 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. Non availability of: • 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. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. 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. The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council. ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021. 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. Specific disaster recovery arrangements are in place for the critical systems of telephony, e-mail and social care. 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.	2	4	8	Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan. Whilst we would need to react to the specific circumstances of any particular attack or series of cyber-attacks, Business Continuity Plans should be reviewed to consider outages for a longer period up to 2 weeks. Noting that we are unlikely to lose everything by way of access to systems concurrently.	2	3	6	Emergency Planning, Risk and Resilience Manager Emergency Planning, Risk and Resilience Officer	March 2023 March 2022	Risk refreshed November 2021 with no change to assessment of current scores.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
ELC CR 18	**Corporate Events Management** 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. 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. The following criteria would be considered by the SAG: • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser 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. 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. 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. All event organisers will attend a SAG meeting if required to do so.	East Lothian Council has a SAG policy in place which is currently under review as of March 2022. The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements: · Strategic Event Safety Committee (SESC) · Safety Advisory Group (SAG) 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. 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. 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. The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners. Event guidance for organisers of events is published on the Council website. 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. 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.	2	3	6		2	3	6	Executive Director for Place Head of Development Service Manager – Protective Services Team Manager, Economic Development		Risk reviewed March 2022 with no changes to assessment of risk scores.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
ELC CR 19	**Equality** Failure to meet duties and legislative requirements of the Single Equality Act 2010. The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to • 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. 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. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	ELC Equality Plan 2021-2025 was adopted in November 2021. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments: • 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 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. 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. 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. 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.	2	3	6	The Poverty Plan 2021-2023 (49 actions) will be implemented. Delivery will be monitored by the Poverty Working Group and a new East Lothian Poverty Partnership. The new Equality Plan 2021-2025 (28 actions) will be implemented	2	3	6	Executive Director for Place	November 2022 November 2022	Risk reviewed and updated March 2022 with no change to assessment of current scores. Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.
ELC CR 20	**Development Plan** Failure to maintain an up-to-date Development Plan could result in an out of date planning strategy and policy context for planning decisions in East Lothian; it could: • contribute towards the Council not being able to achieve Council Plan objectives – Growing our Economy and Growing our Communities	Maintenance of the Local Development Plan Scheme with timescales (last reviewed June 2021). Interim Regional Spatial Strategy has been prepared, informing draft NPF4. The Regional Prosperity Framework has been ratified by the SE Scotland authorities.	3	2	6	There is currently consultation on NPF4, which when approved will be a Statutory Development Plan. The Council has until 31st March to respond to the published draft.	1	2	2	Head of Development	March 2022	Risk Refreshed by Planning Service Manager March 2022 with no change to risk scores.

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Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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**			
	– and related Single Outcome Agreement objectives; • lead to failure to accord with more recent higher level plans and legislation; • undermine our ability to defend local planning decisions leading to 'planning by appeal'. This could result in unplanned development at odds with the planning strategy for East Lothian, and consequent reputational damage; • undermine our ability to secure S75 contributions towards essential infrastructure with consequent impact on corporate capital and revenue planning.	SG and SPG all approved/adopted, including Developer Contributions Framework. Impact of SDP2 rejection by Scottish Government is mitigated by having an approved housing land audit, up to date LDP and a greater than 5 years effective housing land supply. Preliminary work for LDP2 being prepared at present. Public engagement being planned.				Work on LDP2 will increase as NPF4 is finalised by the Scottish Government.					October 2022	Risk Refreshed by Service Manager March 2021 with Current Score reduced from 8 to 6. Risk Refreshed by Service Manager August 2019 with Current and risk score increased from 2 to 8.
ELC CR 21	**Standards in Public Life** Failure of corporate governance or to meet standards in public life. Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.	Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised, approved by Council in October 2019 and published on the ELC website and are revised on a regular basis, with the Scheme of Delegation being updated in August 2021. Councillors, officials and employees conduct is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct. The Council adopted a Code of Conduct for its employees in February 2020 giving all employees greater clarity around the standards of behaviour expected of them. The Code incorporated some other existing policies such as the one governing Gifts and Hospitality. Breach of the Code may amount to a disciplinary offence. Training on the Code of Conduct will be offered to Members periodically with regular updates from the Standards Commission circulated to Members. The Council's Monitoring Officer and Depute Monitoring Officers provide advice as required. 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. A new revised Councillors' Code of Conduct was introduced in December 2021 and a training workshop has been held with Members. 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. 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	2	2	4 **100**	The Council's Standing Orders will be reviewed in advance of the implementation of Hybrid Committee meetings to ensure they are suitable for this format. The Scheme of Administration is likely to be reviewed following the Local Government Elections in May 2022 to reflect any changes required by the incoming Administration. An induction programme for new Councillors has been prepared and will be taken to Council for approval prior to the Local Government Elections in May 2022. This includes training on standards in public life and, specifically, on compliance with the requirements of the Councillors' Code of Conduct.	2	2	4	Service Manager – Governance Service Manager Police, Improvement & Partnerships	June 2022 June 2022	Risk Reviewed by Monitoring Officer February 2022 with no change in risk scores. Risk reviewed April 2020 by Service Manager – People and Governance with both scores reduced from 6 to 4 due to Cllrs familiarity with the Code and the new Code of Conduct from Employees.

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
		have an ongoing opportunity to attend Master classes run by the Improvement Service. 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.				A 100 day review will be held with new Elected Members following the Local Government Election in May 2022 to ensure the principles set out in the Code of Conduct are fully understood.					May 2022	

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

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

Version	Date	Author(s)	Notes on Revisions
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.
43	July 2021	S Kennedy	New risk on Ash Dieback added to the Register
44	October 2021	S Kennedy	Brexit Risk Updated
45	October 2021	S Kennedy	New risks on Staffing AND Supply/Cost of Materials and Labour added to Register.
46	November 2021	S Kennedy	Full Review carried out by all risk owners and CMT.
47	December 2021	S Kennedy	Further review and updated carried out by CMT to capture the current challenges the Council is facing.
48	December 2021	S Kennedy	Ash Dieback risk moved to Infrastructure Risk Register at the request of CMT.
49	January 2022	S Kennedy	Register reviewed by all Risk Owners.
50	February 2022	S Kennedy	Limitation (Childhood Abuse) and Standards in Public Life risks updated.
51	March 2022	S Kennedy	All Risks reviewed and refreshed. New risk on Rising Energy Costs added. Public Sector Reform risk replaced by National Care Service Risk. 1140 Hours risk moved to Education Service Risk Register.

East Lothian Council

REPORT TO:	East Lothian Council	
MEETING DATE:	29 March 2022	
BY:	Executive Director for Place	**5**
SUBJECT:	Allocation of Local Authority COVID Economic Recovery Fund (LACER) 2022/23	

1 PURPOSE

1.1 To outline and make recommendations for the use of the Economic Development element of the 2022/23 Local Authority COVID Economic Recovery Fund (LACER Fund), and ;

1.2 To update Council on the 2021/22 ELC COVID Business Recovery Investment Fund.

2 RECOMMENDATIONS

2.1 In line with the LACER Fund guidance (Appendix 1):

- That Council adopts the approach and measures outlined in sections 3.7 to 3.9 of this report, and;

- That the LACER funding be managed flexibly, by the Economic Development Service, in response to feedback, evaluation, and changing economic conditions through 2022/23, within the targeted areas for intervention identified in this paper.

2.2 That Council notes the progress made with the Business Recovery Investment Fund 2021/22 (Appendix 2) and those areas where funds will be carried forward to 2022/23 to continue supporting businesses and the East Lothian economy.

3 BACKGROUND

3.1 Following CoSLA Group Leaders agreement, funding of £80m was announced by the First Minister on 21st February to further support economic recovery from COVID-19 during 2022/23.

3.2   The CoSLA Settlement and Distribution Group recommended at their meeting on 17 February that the funding be included in the Local Government Finance Order and paid as a Redetermination at the end of March 2022. This gives the Council flexibility beyond the end of March 2022 to utilise the funding and also the ability to respond to local need.

3.3   The stated policy intent of this funding is to support local economic recovery and cost of living impacts on low-income households. It is acknowledged by the Scottish Government that local authorities are best placed to understand the needs of businesses and communities locally and have therefore been given flexibility to design and deliver interventions that best meet local need. Further guidance on the fund is set out in Appendix 1 - Local Government Finance Update Addendum - £80m Local Authority COVID Economic Recovery Fund.

3.4   The allocation to East Lothian Council is £1,517,000, in turn allocated equally between economic development activities and support for low-income households.

3.5   It has been previously agreed as part of the budget-setting process that the economic development component of the LACER Fund (£758,500) shall include an allocation to 'support small businesses' of £100,000.

3.6   The LACER Fund guidance (Appendix 1) states that local authorities are at liberty to decide on multiple interventions at different points as locally appropriate, but spend under the LACER Fund must meet one or more of the Principles of Spend:

    •   Interventions that support local economic recovery and contribute to businesses being able to move from surviving the period of trading restrictions towards recovery, growth, adaptation and building resilience.

    •   Projects that can rebuild consumer confidence and stimulate demand and economic activity in their specific contexts.

    •   Support the low-income households that are disproportionately impacted by the pandemic and the current cost of living crisis, become more economically active.

3.7   Key to successful delivery of the funding and to supporting the local economy through recovery is the flexibility described above in 3.6. To this end a set of broad interventions are proposed in section 3.9 that can be flexed over the course of 2022/23 in response to take-up, business feedback, changing economic conditions, and ongoing evaluation. Proposals focus on providing expert support linked to grant funding for the implementation of individual projects/proposals that will support East Lothian Businesses and the local economy. All funds will be subject to a suitable application and evaluation process.

3.8   During 2021/22 the Council made available an additional £600,000 of funding to support business recovery and resilience and address COVID-

19 specific issues, the Business Recovery Investment Fund (BRIF) helped put in place the building blocks of recovery, e.g. supporting consumer confidence during reopening through its Stay Safe – Support Local messaging, grants paid directly to businesses/sector organisations to support resilience and reopening, the development of supporting infrastructure, e.g. the new Visit East Lothian to help to manage pressure on coastal areas and redesigned Visit East Lothian website. Progress on the 2021/22 fund is detailed in Appendix 2, at time of writing £175,774 is due to be carried forward to 2022/23 to continue support for businesses under that fund. The proposed allocation of the LACER Fund builds on the experience and feedback gathered during 2021/22 and continues our focus on moving on from COVID-19 towards recovery, growth, adaptation, building resilience, and the transition towards net-zero.

3.9 It is proposed that the economic development element of the LACER Fund is allocated on the following basis, to be subject to ongoing review by the Economic Development Service. As noted above, these interventions build on the activities funded by the Council's BRIF 2021/22, the expert help constancy and business growth grant elements are re-funded under LACER to supplement funds carried forward from 2021/22 (£50,000 and £74,000 respectively). Other ongoing interventions from the 2021/22 funding will continue until allocated funds are expended, see Appendix 2 for a full summary of the 2021/22 fund. Note that interventions are designed to work together, i.e. support via Business Gateway and the expert help consultancy will help businesses build proposals/projects linked to the employability support, or implementation and growth grants.

Intervention	LACER 22/23
Business Gateway Expert Help Consultancy Building on high-quality support provided by East Lothian Business Gateway, provide tailored business advice and support via expert consultants, e.g. innovation/NPD, import/export, financial planning, HR management and fair work practices, transition towards net-zero. This supports the development of Implementation or Growth grant applications to take forward projects/proposals that support recovery and business sustainability.	£10,000
Small Business Project Implementation Grants Provide grant support to small businesses (0-49 employees) linked to expert help consultancy (above) to implement projects.	£100,000
Business Start-up Grants Provide start-up grants to new businesses utilising the East Lothian Business Gateway Service.	£100,000

Business Growth Grants Provide grant assistance to support increased employment, business growth, business resilience/ sustainability, and transition towards net-zero.	£220,000
East Lothian Signature Events Grants Provide grant assistance for up to four key local East Lothian events through 2022/23 where significant economic outcomes can be evidenced.	£80,000
Employability Support Provide grant support to local businesses to recruit low income East Lothian residents and work with key sectors to improve skills pathways and address local shortages.	£248,500
Total	£758,500

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – none, the interventions described above are fully funded by the allocated Scottish Government Grant.

6.2 Personnel – management of the funding can only partly be absorbed using existing staff resource. It is proposed to establish a temporary Economic Development Officer post within the Service utilising COVID-19 administration funding already received.

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Appendix 1 - £80m Flexible Local Authority COVID Economic Recovery Fund Guiding Principles

7.2 Appendix 2 – ELC COVID-19 Business Recovery Fund (BRIF) 2021/22 summary as at 10/03/2022.

AUTHOR'S NAME	Jamie Baker
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DATE	14/03/2022

£80m Flexible Local Authority COVID Economic Recovery Fund
Guiding Principles

£80m Flexible Local Authority COVID Economic Recovery Fund

COSLA Leaders and Ministers have agreed an £80m Local Authority COVID Economic Recovery Fund ('fund') to be provided to Councils in 2021/22. This funding is flexible and ultimately is designed to empower local authorities to utilise funding where they consider this necessary or justified based on local circumstances.

The guiding policy intent of this funding is to support local economic recovery and cost of living impacts on low-income households. It is acknowledged that Local Authorities are best placed to understand the needs of businesses and communities locally and therefore will need flexibility to design and deliver interventions that best meet that local need. Joint guiding principles to support flexible usage are set out below.

Joint Guiding Principles

This fund is provided to Local Authorities via General Revenue Grant, so that it can be used for appropriate interventions in Covid economic recovery based on individual local needs at Local Authority discretion. As such, Council's will retain flexibility on how and when they use these funds.

However, below are set out the draft high-level principles that could ***guide*** the usage of this fund by Local Authorities. Some illustrative examples are noted in Annex A:

Overarching guiding principles:

1.1   Interventions made under this fund should be based on a clear economic recovery and/or low-income household support rationale.

1.2   A collaborative approach towards sharing of best practice and learnings from different interventions should be adopted to maximise benefits and positive effects while minimising risk and unintended consequences

Principles of spend (Local Authorities may wish to allocate funding based on one or more of the following):

1.3   Interventions that support local economic recovery and contribute to businesses being able to move from surviving the period of trading restrictions towards recovery, growth, adaptation and building resilience

1.4   Projects that can rebuild consumer confidence and stimulate demand and economic activity in their specific contexts

1.5   Support to low-income households, that are disproportionately impacted by the pandemic and the current cost of living crisis, become more economically active

The principles of spend outlined above are to be used as a guide, with Local Authorities ultimately able to utilise this funding flexibly, as required. Local Authorities are able to decide on multiple interventions at different points as locally appropriate.

Reporting

Scottish Government and Local Government officers will work to agree the terms of qualitative and quantitative data reporting to enable Local Authorities to share learnings with the Scottish Government. This is intended to enable learning from the opportunity this £80m represents to inform future policy development, particularly regarding local interventions which jointly sought to address economic recovery and support to low-income households.

ILLUSTRATIVE EXAMPLES OF POSSIBLE INTERVENTIONS

These are a non-exhaustive list intended to guide and assist in local thinking. Innovative interventions not covered which meet the principles are encouraged.

Overarching guiding principles:

Principle 1: Interventions made under this fund should be based on a clear economic recovery and/or low-income household support rationale.

Examples:

- LAs may consult with local business stakeholders to determine best interventions in their respective context

- LAs may have light-touch local sectoral analysis of funding to show link with economic need, which could build on similar examples such as the template for evaluation of the flexible funding element of the Winter Support Fund

- LAs may have targeted intervention at those known to have been impacted most by the pandemic and/or any EQIA

Principle 2: A collaborative approach towards sharing of best practice and learnings from different interventions should be adopted to maximise benefits and positive effects while minimising risk and unintended consequences

Examples:

- Presentation at COSLA-SLAED-SG Business Grant 'Project Group' and other relevant forums

Principles of spend (Local Authorities may wish to allocate funding based on one or more of the following):

Principle 3: Local Authorities may wish to allocate funding to interventions that support local economic recovery and enable businesses to move from surviving the period of trading restrictions towards recovery, growth, adaptation and building resilience

Examples:

- Business Improvement Districts

- Place Based Investment Programme

- Scotland Loves Local or local equivalent scheme

- Targeted direct financial support to local businesses

- Targeted joint work or support on a sectoral basis for sectors that are particularly important for the local economy

- Improving digital access for businesses and consumers

- Expanding or enhancing existing economic development activity

- Funding for continuing COVID compliance, adaptation and resilience officers

Principle 4: Local Authorities may wish to allocate funding to projects that can rebuild consumer confidence and stimulate demand and economic activity in their specific context

Examples:

- Providing pre-paid vouchers, Scotland Loves Local cards or local equivalents to low-income households, such as those in receipt of Council Tax Reduction and other low-income households.

- Direct assistance to access food, fuel and other essentials – where this is more appropriate or is the preference of individuals themselves – with contracts supporting local businesses / organisations.

Principle 5: Local Authorities may wish to allocated funding to support the low-income households, that are disproportionately impacted by the pandemic and the current cost of living crisis, become more economically active

Examples:

- Proactive financial assistance to low-income households, for example households in receipt of Council Tax Reduction and/or Free School Meals on the basis of low income. Providing pre-paid vouchers, Scotland Loves Local cards or local equivalents to low-income households, such as those in receipt of Council Tax Reduction and other low-income households.

- Proactive financial assistance to support those likely to experience hardship – including people who may have been impacted by the cut to Universal Credit and those who may not be eligible for mainstream or other support.

- Proactive financial assistance to a particularly vulnerable group, e.g., older people in low-income households.

Appendix 2 Businesses Investment Recovery Fund 2021/22 summary as of 10/03/22

	£ Budget	£ Allocated	Intervention	Notes
Tourism				
Grants for Sector Groups	100,000	100,000	Funds primarily aimed at sector groups supporting tourist activity.	Funds awarded equally to East Lothian Attraction Group & East Lothian Golf Tourism Alliance for activity in 2021/22 (£30,000) and 2022/23 (£20,000).
Destination Visitor Marketing	30,000	30,000	Work with Visit Scotland to identify new campaigns for 2021/22.	
Visit East Lothian Website	25,000	25,000	Full review and redesign of VEL Website for spring 2022 launch.	
Visitor Management	29,000	29,000	With Edinburgh University, develop Visit East Lothian app to help manage pressure from visitors.	
Towns and Villages				
ELI Gift Card expansion	15,000	15,000	"Load this card" roll-out and gift card marketing	
SOLE Digital Communities pilot	42,500	57,000	Match funding for Scottish Tech Army contingent on sourcing sufficient funds for further piloting.	Funding of £424,500 awarded by UK Government via UKCR Fund. Match funding increased June 2021 to ensure full coverage of all communities over 3 years.
Trader Group funds	9,000	6,000	Funds allocated directly to established trader groups.	c/f balance to 22/23 for allocation to Tranent and Prestonpans
Towns and Villages Fund	36,000	18,000	Open application process for activities and initiative in towns and villages.	Underspend to SOLE project match (£14,500), Inspire publication (£2,726)
Support road licensing fees	5,000	2,000	Funds to support road/pavement occupation licences for new initiatives by businesses / traders groups.	c/f balance to 22/23
Town Centre Investment Support	22,500	22,500	Town centre healthcheck studies to be completed via Scotland's Towns Partnership.	
Business Support and Growth				
Expert support to businesses	60,000	10,000	Design and procure expert support for businesses to supplement Business Gateway and ERDF.	c/f balance to 2022/23 to continue support.
Business grants	100,000	26,000	Establish grants to promote business growth and sustainability.	Most projects delayed by further COVID uncertainty. Test introduction of start-up grant Feb 2022 proving successful, c/f forward balance to 2022/23 to support businesses.
Rural Economy				
Rural Toilet Provision	23,500	23,500	Funds to support FM capacity during 2021/22.	
FEAST Lothian event	20,000	20,000	Develop FEAST Lothian food and drink festival concept.	FEAST at Gosford Winter Wonderland successfully delivered.
Drive Digital Connectivity	60,000	15,000	Not-spot identification & demand stimulation.	c/f funds for delivery in 2022/23.
Love East Lothian Marketing				
Inspire newspaper	10,000	12,726	"Inspire" newspaper focused on economic recovery and shop local messaging.	Issued to all East Lothian addresses in Feb 2022, included EL Gift Card giveaway 20x £50 cards.
Employability				
Careers Event	2,500	2,500	Deliver careers event to support employers.	
Vocational Hospitality Training	10,000	10,000	Provide funding for skills training in hospitality sector.	
TOTAL	600,000	424,226		
c/f		175,774		

REPORT TO: East Lothian Council

DATE: 29 March 2022

BY: Executive Director of Place

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SUBJECT: Response to Draft National Planning Framework 4

1 PURPOSE

1.1 This report outlines the Council's response to the draft of National Planning Framework 4 (NPF4). It outlines some of the key points that require to be made and is supported by a full response (Appendix 1 and 2), which is recommended to be submitted to the Scottish Government.

2 RECOMMENDATIONS

It is recommended that the Council:

2.1 Notes the content of the report;

2.2 Approves the content of Appendix 1 (East Lothian's response to draft NPF4) as the Council's submission to the Scottish Government; and

2.3 Approves the content of Appendix 2 as the Council's specific submission to the Scottish Government on NPF4 as it relates to Blindwells, Cockenzie and the Climate Evolution Zone [Note: there is a questionnaire for the submission of responses to NPF4; however, this does not lend itself to specific submissions about important matters, so Appendix 2 is in the form of a separate letter to the Chief Planner, drawing attention to important issues in relation to our significant development proposals in the Blindwells and Cockenzie area].

3 BACKGROUND

3.1 The Scottish Government produced draft NPF4 in November 2021 and is running a period of consultation until the end of March 2022.

3.2 The Government is seeking the views of a wide range of stakeholders, so as well as preparing its own response, the Council has advertised the consultation to community councils, area partnerships and other

stakeholders and encouraged them to submit their own responses to the Scottish Government directly.

3.3   Members will recall that as a consequence of the 2019 Planning Act, the National Planning Framework has an increased status in the planning system. It now combines national strategy and policy and will have the status as being part of the Development Plan and will thus be a determining factor in decisions on planning applications.

Options

3.4   Draft NPF4 is an amalgamation of a new national strategy and an expression of planning policy (previously included in the document Scottish Planning Policy, commonly referred to as SPP). The NPF is divided into several sections.

3.5   The first section includes a national strategy, five Action Areas and a list of national developments. East Lothian is referenced in the 'Central Urban Transformation' Action area, which references Blindwells and Cockenzie as key locations for housing and employment growth, as well as the opportunity to provide essential infrastructure for net zero. The proposals in this area are broadly supported. The maps also indicate that the southern part of East Lothian is in the 'Southern Sustainability' Action Area. The proposals in this area are much weaker and our response calls for a stronger policy on the rural economy.

Part 1: A National Strategy for Scotland 2045

3.6   The National Spatial Strategy is intended to guide decisions on future development across Scotland and aims to produce:

- Sustainable places, which reduce emissions and restore biodiversity;
- Liveable places, where people can live better, healthier lives;
- Productive places, which produce a greener, fairer and more inclusive wellbeing economy; and
- Distinctive places, where we recognise and work with local assets.

3.7   The National Spatial Strategy is underpinned by six spatial principles – compact growth, local living, balanced development, conserving and recycling assets, urban and rural synergy and a just transition to net zero. It recognises the challenges and opportunities across Scotland's regions, which are outlined in five geographic "action areas". It is also to be used to guide the preparation of regional spatial strategies, local development plans and local place plans. The strategy is also relevant to wider policies and strategies relating to land use.

Part 2: National Developments

3.8   There are eighteen national developments identified which support the delivery of the National Spatial Strategy and been assessed and selected against the four key outcomes of climate, people, work and place.

3.9 While ten of the projects which were identified in NPF3 are retained and carried over to NPF4, (including Central Scotland Green Network and a national walking, wheeling and cycling network promoting active travel), four have not been repeated, because spatial priorities have changed. Eight new national developments have been added which update new national development priorities and in particular will help to mitigate and adapt to climate change.

Cockenzie, which was a national development in NPF3, no longer has this status, although it is mentioned in the text of the NPF. National Developments which are relevant to or may have some impact on East Lothian are Mass Rapid Transport, East Coast Main Line, Central Scotland Green Network, Scotland's Walking Cycling and Wheeling Network and Digital Infrastructure.

Part 3: National Planning Policy Handbook

3.10 Thirty-five universal national planning policies are set out for the development of land which are to be applied in the preparation of LDPs; local place plans; masterplans and briefs; and for determining planning applications.

3.11 The policies have been arranged to support the four overarching themes of the strategy (Sustainable Places, Liveable Places, Productive Places and Distinctive Places). While some policies are entirely new and clearly arise from new priorities including the climate emergency, others have had only minor changes made to their previous iteration in SPP 2014.

3.12 There is an intent to minimise development which impacts upon climate and nature and planning applications will have to demonstrate how proposals will help meet the country's targets to cut emissions to net zero by 2045 and facilitate biodiversity enhancement. Policies are designed to reduce land take and out of town development, maximise the use of existing brownfield land and disused buildings and to adopt a more plan-led approach to housing. Policies to support renewable energy, energy storage, heat networks and the move to a circular economy are also included.

3.13 Key objectives are to promote active and sustainable travel and achieve more local and sustainable living with a finer grain mix of uses so that people can more readily access the facilities and services they need on a daily basis. An emphasis is also placed on blue and green infrastructure, play and sport.

Part 4: Delivering Our Spatial Strategy

3.14 This section outlines how this strategy will be delivered. It recognises that it will require collective action from public and private sectors and wider communities and a standalone delivery programme will accompany NPF4 once it has been finalised.

3.15 A key element of planning reform centres around the need to implement an infrastructure first' approach through the planning system and which is

carried through to the preparation of new LDPs and their associated delivery programmes.

Part 5: Annexes

3.16 Annexes provide information on how statutory outcomes are being met, Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland, along with a glossary of definitions.

3.17 Annex B is of particular importance as it identifies MATHLR which each planning authority in Scotland must plan to accommodate in their next LDP. A report on the MATHLR was considered by committee at a meeting of East Lothian Council earlier in 2021 at which it agreed with the Scottish Government's proposals which have been transferred into the draft NPF.

East Lothian Comments on Consultation

3.18 The Council's proposed response to the consultation is set out in Appendix 1. A further proposed response, in respect of Blindwells and Cockenzie and the draft Climate Evolution Zone proposals, is set out in Appendix 2.

3.19 Overall the Council supports the aims of the NPF as it looks to address many issues that are already accepted by the Council as being of high priority including infrastructure delivery, reducing the impacts of climate change and making progress towards net zero, resolving the nature crisis, improving place making and addressing inequalities in society.

3.20 However the ability to achieve these ends will be determined by the strength of national policy, providing a context that can be translated into Local Development Plans and delivered through the planning process.

3.21 A cross-service discussion has taken place in the Council on NPF4 and has shaped the response attached in Appendix 1. Many issues have been identified in the response with the main ones being as follows:

- Support for references to Blindwells, the ClimateZone and Cockenzie being in the NPF (See Appendix 2);
- Raising concerns that the overarching policies do not function adequately as planning policy that could be used to determine applications and require to be re-worded. The more broad-brush elements of national planning strategy that have been confused with policy need to be separated out and treated independently;
- Raising significant concerns about the strength of the policy wording. The current policies are frequently weak and imprecise and consequently will not lead to the change required to address the key themes of the NPF;
- Highlighting a need for significant guidance and clarity on definitions to allow the policies to be implemented in a consistent manner;
- Support the importance of the 'Infrastructure First' approach but also emphasise that for this to be successful significant public funding needs to be made available;

- Recognising that while defining the delivery programme has been deferred intentionally until NPF4 is finalised, it is considered vital to delivering the spatial strategy and Local Development Plans;
- Supporting the principle of the 20-minute neighbourhood but requesting greater clarity on its role in rural areas and assurance that the concept will not be used to justify otherwise inappropriate development;
- Supporting the policy restrictions on out-of-town shopping developments and reinforcing the town centre first principle;
- Supporting the re-use of brownfield land as a priority;
- Additional support should be given to farming and its importance to the rural economy should be explicitly mentioned;
- The NPF focuses narrowly on the development of new 'green jobs' but fails to offer support for the existing key industries that make up the core of the Scottish economy and our submission requests that this serious omission is rectified;
- Highlighting the fact that the draft as it stands over-complicates and confuses the area around reduction of carbon in development and risks creating a whole new industry in 'carbon counting' which will have significant resource implications, but is unlikely to have the desired effect on the ground;
- Requesting changes to the Rural Areas policy to remove some of the criteria that would open smaller settlements to speculative housing development; and
- Supporting the Minimum All Tenure Housing Land Requirement proposed for East Lothian. Although it is slightly lower (by 50 houses) than the figure recommended to the Scottish Government through earlier consultation with the Council, the difference is minimal.

Next steps/Conclusions

3.22 The National Planning Framework covers a great deal of planning issues and generally the subjects covered are in line with East Lothian's view on the challenges facing Scotland. However considerable changes require to be made to the wording of the strategy and policies to ensure that these laudable aims are realised on the ground.

3.23 Once the consultation closes the Scottish Government will review the comments and revise the draft. Their timescale is to get a finalised version of NPF4 agreed through parliament before the summer recess in 2022.

3.24 Once approved NPF4 will become the most up to date planning policy statement and will be used to determine planning applications in East Lothian, alongside the 2018 Local Development Plan.

3.25 The approval of NPF4 and the associated development plan regulations will allow our second Local Development Plan to progress in 2023.

4   POLICY IMPLICATIONS

4.1   On approval, NPF4 will become planning policy and be used to determine planning applications across Scotland.

5   INTEGRATED IMPACT ASSESSMENT

5.1   This has been carried out by the Scottish Government.

6   RESOURCE IMPLICATIONS

6.1   Financial – NPF places many additional requirements on Local Planning Authorities that will lead to additional expenditure either through consultancy support or training Council staff to undertake new roles.

6.2   Personnel – the additional requirements set out in the NPF will not be able to be carried out through existing staff resource or skills. Consultancy support will be required alongside substantial training of existing staff.

6.3   Other – none.

7   BACKGROUND PAPERS

7.1   Planning (Scotland) Act 2019

7.2   Town and Country Planning (Development Planning) (Scotland) Draft Regulations 2021

7.3   Scottish Planning Policy (SPP)

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DATE	29/03/2022

APPENDIX 1

SCOTTISH GOVERNMENT CONSULTATION: SCOTLAND'S FOURTH NATIONAL PLANNING FRAMEWORK (NPF4), EAST LOTHIAN COUNCIL'S RESPONSE

Q1.	
Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?	
Partially	East Lothian Council supports the principles set out around net zero places. The Council also appreciates that it has responsibilities, recognised by its declaration of a climate emergency, to ensure that urgent action is taken to address impacts of climate change. The Council's commitment is to reducing its own carbon footprint. For any Council to be able to drive future changes into the built environment requires a robust and clear policy framework and also for the Building Regulations to work in tandem with planning policy to enable us to make real progress towards a net zero built environment. To deliver true 'net zero places', the policy also needs to focus much more widely on the existing built environment, as only a very small percentage of this is replaced on an annual basis. Much of the built environment that will be present in 2045 has already been built and change is needed in these streets and buildings as well. The narrative on page 06 of the document is focused narrowly towards new development and not towards how the existing built environment contributes to the aim of net zero places.

To achieve the aim of net zero places and simultaneously, a balance with all the other key aims of the NPF there is a need for strong national direction and policy. It is essential that the NPF is as robust as possible and unfortunately although the document conveys the appropriate sentiment towards delivering net zero, this alone will not be enough to drive change. Both the policy framework and the actions that will require to be taken need to be set out in the final NPF, to have a realistic chance of bringing about the transformational change required. |

Q2.	
Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?	
Partially	East Lothian Council supports the outcomes which this part of the strategy aims to achieve. We do not really find evidence of 'an approach' however and it is disappointing to be presented with a somewhat whimsical collection of words. These need to be reinforced and strengthened into something that resembles an 'approach' to development that can be delivered by the planning system. It is not clear, for example what 'urgent action' is required to address the impacts of the pandemic or what the planning system can do in this regard – changes to the built environment are very rarely delivered with 'urgency' usually requiring long term and careful planning. It is also not stated what longer term restructuring is envisaged by this aspect of the NPF. Neither is it clear how the planning system can make people feel loved or can contribute to diversity. Liveable places should also include encouragement of economic development as business, retail and industrial premises are also important elements of successful places and have been overlooked. A 20 minute neighbourhood may, in some circumstances also include access to places of work.

To achieve successful future places there requires to be a significant increase in the prominence of design and place making in proposals and decision making. This includes the quality of proposals submitted by the development industry, the decisions of Reporters and the weight given to good design. To achieve this change the stated high levels aims of the plan require to be more clearly defined and then directly supported by robust policy. |

	Unfortunately, this does not appear to be the case and the policies require to be reviewed comprehensively before being finalised. There is an opportunity to minimise future challenges at appeals by improving the strength of the policy statements in the NPF4.

Q3.	
Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?	
Partially	A successful economy requires increasing levels of investment in businesses at all scales from start-ups to major multi-site enterprises and global companies. The planning system can play a role by planning to meet the needs of potential economic investment at all scales. Some of this investment may be in for example the manufacture of low carbon technologies which could, perhaps, be defined as 'green investment'. There will, however, be a need to drive investment in a range of industries and enterprises and the NPF should encourage this in its totality, not be hidebound by rhetoric so that 'green investment' (not defined) is the sole 'key priority' for investment in productive places. This is far too narrow for the purpose. Similarly, there is a need to grow the overall number of jobs in Scotland, not just 'good green jobs'. The ONS finds it difficult to define 'green jobs' and so it may be worth the NPF defining an understanding of the term in the Scottish planning context. Unless there are 'bad' green jobs perhaps the superfluous descriptor should also be deleted.

Q4.	
Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?	
Partially	East Lothian Council supports the aims of this approach as the protection of the historic environment and high quality design are priorities for the Council. The quality and longevity of materials and the potential to reduce maintenance needs in should also be a priority in relation to building sustainable and distinctive places. The long-term future of development should be designed in at the start, as if reducing maintenance is a priority, it should follow that development will also be future proof. To exemplify this, the Council has observed a number of developments where although the initial design of public realm and green space is attractive, because limited attention has been paid to materials, installations can decay very quickly and broken street/park furniture reduces overall attractiveness of the environment (and is against the principles of sustainability) and causes a reduction in sense of safety (against the principle of liveable places).. In order to achieve distinctive places the NPF should also acknowledge the principle of 'infrastructure first' to assist with the objectives of places that are set out in the policy and acknowledge the roles of a wide variety of stakeholders in achieving this.

Q5.	
Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?	
partially	East Lothian Council agrees broadly that the spatial strategy has the potential to deliver successful places, but the National Strategic Programmes should also acknowledge the need for essential infrastructure to be delivered to accommodate future economic

Q6.	

growth, as well as acknowledging in some way the national imperative for economic growth, investment and job creation.

Q6.	

Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

Partially	The Council supports the spatial principles in the draft NPF. They are reasonable overall themes that if suitably implemented can lead to successful place making. However, they are not used to a sufficient degree in developing the national strategy and directing future growth, restraint, infrastructure or environmental improvement to the appropriate general locations. We also suggest that the aim stated should be to build an **economically secure** as well as climate-conscious and nature-positive future for Scotland. Greater acknowledgement should be made of the need for appropriate development in rural areas, where there is a lack of policy focus in this section.
	It is important, as NPF4 is an expression of planning policy with the status of Development Plan that the language used is precise. On page 10, a) Compact growth, for example, it has long been and is likely to remain the policy that re-use of brownfield land should be prioritised for new development. This is the case in urban and rural areas. It is not appropriate to state the aim, however, to 'limit urban expansion' when this might be the most sustainable and appropriate way to meet growth needs in some circumstances. The NPF should state what should be prioritised, not use language that is negative and can be used to limit appropriate future development in a well-considered local plan. Care is also required with loose terms like 'more efficiently' – in this context it is not defined more efficiently than what. It is also not clear why all land that doesn't meet the description of brownfield, vacant and derelict land and buildings should be safeguarded in all circumstances until the end of the plan period. It may not be the intention of the Scottish Government, but it is what this document states, if not amended.
	There can be a risk of creating conflicts between policy intentions, for example increasing the density of settlements may be at the expense of green spaces and the policy should express the need to balance the two to create successful environments.
	c) Balanced development and providing choice is a supported aim, however successful development planning is all about balancing a wide variety of factors that pertain to each locality. It goes against the principle of providing choice if policy is to 'manage development' in acknowledged areas of high demand in some hope that demand will be footloose and can be moved to areas of past decline. It is also not made clear how such managment of development will be 'more sustainable'.

Q7.	

Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

Yes	East Lothian Council welcomes that the diversity of the Country is recognised by the use of the different action areas. As referenced in the Scottish Government's Advisory Group's Report 'Towards a Robust Wellbeing Economy for Scotland' (June 2020), differences between regional geography and sectors need to be "recognised, respected and championed". We feel, however that the titles could be more precise, as could the intent of the definitions. This is particularly true of Southern Sustainability which covers the largely rural area of East Lothian, but where the definition is applicable to all areas of Scotland and does not make it clear what the priorities are and how they are specific to rural southern Scotland.

Q8.	
Do you agree with this summary of challenges and opportunities for this action area?	
No response	

Q9.	
What are your views on these strategic actions for this action area?	
No response	

Q10.	
Do you agree with this summary of challenges and opportunities for this action area?	
No response	

Q11.	
Do you agree with this summary of challenges and opportunities for this action area?	
No Response	

Q12.	
Do you agree with this summary of challenges and opportunities for this action area?	
No Response	

Q13.	
Do you agree with this summary of challenges and opportunities for this action area?	
No Response	

Q14.	
Do you agree with this summary of challenges and opportunities for this action area?	
Yes	The opportunities for the action area set out on page 30 should include ensuring that essential infrastructure is delivered to facilitate the other aspirations, should also acknowledge the need for investment in economic growth and job creation as well as prioritising active travel.

Q15.	
What are your views on these strategic actions for this action area?	
Yes	Working with the other partner authorities in the south east, the council has already produced an interim Regional Spatial Strategy which recognises many of the same challenges identified in the NPF4 Action Area. To meet these objectives additional resources will have to be made available from Scottish Government. The aspirations set out in the Edinburgh and South East Scotland City Region Deal, the Regional Prosperity Framework and reflected in the draft NPF4 can only be realised if the investment in infrastructure is focused on agreed priorities and a joined-up approach to managing growth is required so that the necessary investment can be delivered to meet the wider aspirations of the plan. The City Region is hopeful of securing a commitment from the

Scottish Government to fully fund, or where appropriate part fund, strategic infrastructure and this will have to be a key priority of the action plan that will be developed to accompany NPF4. It would be helpful if the document can signal the Scottish Government's wider approach to infrastructure and at least acknowledge this need in order to be able to achieve the intentions of the plan.

Under paragraph 13 on page 32, it is also important that the plan acknowledges the need for economic growth and job creation in Scotland in a broad sense and that not all job opportunities created will be classified as 'green'. There is a very important message arising from NPF4 that the planning system must support the transition to net zero, but this should not become a mantra that then neglects or fails to acknowledge Scotland's wider economic strengths, current key exports and markets. It is not clear what is meant later in the section by the reference to 'affordable' access to health and social care facilities in a nation that has a National Health Service. The relative 'warmth' of homes built is covered by Building Regulations rather than planning and the NPF could acknowledge the Government's wider commitment to linking other policy requirements into the NPF to signal its overall approach to the reduction of carbon in the built environment. Again, precision of language is key and it is not clear whether the objective is more homes which are classified as 'affordable' or that all homes should be more affordable, or that only affordable homes should be 'warmer' and connected to services. Similarly accessibility to what will be a key part of which transition and who requires 'fair access' and again, to what. These statements of planning policy must be reviewed to ensure that the intent of each sentence and the role of the planning system in its delivery is clear.

The Council welcomes the reference to Cockenzie, the Climate Evolution Zone and Blindwells new settlement and the recognition of the role they can collectively have in delivering sustainable development and inclusive prosperity.

We believe that together the former power station site at Cockenzie, the Climate Evolution Zone and Blindwells developments represent a far-reaching opportunity to address many of the key outcomes set out in the NPF. The combined area provides the opportunity to deliver environmental improvements that can help to address deprivation but can also lead to the opportunity for significant investment and employment-generating opportunities. The Cockenzie site is one of a few across Scotland that have the scale and location to help deliver strategic scale economic prosperity.

We have added Annex 1 to this submission, which sets out detail on our requests of NPF4 and its associated Delivery Programme with respect to Blindwells, Cockenzie and the wider Climate Evolution Zone. There we propose a minor modification to the text of draft NPF4, and also make requests for inclusion of items in the emerging NPF4 Delivery Programme. For the avoidance of doubt, we have set out below our minor request to modify the current drafting of draft NPF4 with respect to Blindwells, Cockenzie and the Climate Evolution Zone.

To make clearer links between the terminologies used in the national plan and local planning processes, we request that within the Central Urban Transformation, Action 16: Rediscovering Urban Coasts and Waterfronts, an amendment of the second sentence of paragraph 8 is made by deleting the words 'linked with a new sustainable settlement at Greater Blindwells' and that those words are replaced with the words 'linked with the potential to expand the new sustainable settlement at Blindwells within the Blindwells Development Area' as shown below:

> *"At Cockenzie work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and provide essential infrastructure for net zero, linked with the potential to expand the new sustainable settlement at Blindwells within ~~Greater Blindwells~~ the Blindwells Development Area."*

We also request that our submissions in respect of the emerging NPF4 Delivery Programme be given consideration as set out within Annex 1 of this submission.

The Council supports the identification of the national Walking, Cycling and Wheeling Network, Central Scotland Green Network and Digital Fibre Network.

The Council also supports the identification of Urban Mass Rapid Transit Network and East Coast Electrification as two of the national developments and both provide the opportunity to assist with the sustainable delivery of Blindwells, Cockenzie and the ClimatEvolution Zone.

What we believe is missing is the method to ensure these projects are delivered and the detail as to what they represent on the ground. As the NPF sets out, the delivery of infrastructure first is a key element in the success of the national strategy and at present the level of detail associated with national projects, particularly those relating to transport, is not sufficient. It is understood that the NPF is not able to allocate funds, however we are looking for an expression of confidence that the planned infrastructure will be resourced within the Scottish Government's wider expression of policy and frameworks.

Detail on the location and delivery timescales for the national developments must be provided through the NPF and then linked subsequently through the STPR2 to allow for their benefits to be realised. It will be a risk for LDPs to safeguard land for proposals or to bring forward complimentary development that utilises this infrastructure without knowing what is going to be supported from a national level.

The NPF makes reference for the need to produce a cross boundary developer contributions framework. There is no escaping that the South East Region has regional transport challenges and East Lothian Council welcomes the opportunity to work with the Scottish Government, Transport Scotland, SEStrans and other stakeholders in addressing these issues. However, the development of a framework is out of step with the regional planning system which no longer has a context to allow such a document to be developed. Also, given the scale of new development compared with the transport movements the impact of such a levy would be minimal and not address the challenges that all parties are looking to solve. The Council therefore recommends that reference to the production of a cross boundary developer contributions framework is removed from the NPF.

Paragraph 20 mentions the 'reimagining of the urban fringe'. In East Lothian, the urban fringe is largely active and productive agricultural land, While some areas across the central belt may need reimagining the East Lothian rural areas do not and the terminology in this section may be interpreted by the development industry as an opportunity to develop in smaller communities due to their proximity to Edinburgh. The focus on recreation is also at odds with the current beneficial use of land for farming.

East Lothian is a pressured rural area, borne out in the strategy if the IRSS for the region and this should be recognised in the text. The phrasing of section 20 needs to be changed to reflect that there are different challenges in rural areas close to the central belt cities.

Although East Lothian is mentioned in the central urban transformation area the majority of the East Lothian geographical area falls under the Southern Sustainability definition and, here, is not mentioned at all. The need to maintain the identity of East Lothian's rural communities and the surrounding high quality countryside should be referenced in the Southern Sustainability section.

Q16.	
Do you agree with this summary of challenges and opportunities for this action area?	
No	

East Lothian appears to be located in this area but there is no mention of it in the text. The need to maintain the identity of East Lothian's rural communities and the surrounding high quality countryside should be referenced in the Southern Sustainability section. It should also reference farming or agriculture as an economic driver in this location. East Lothian has a strong rural and agricultural economy which should be a core part of this strategic area. East Lothian also has an initiative, working with SRUC, to develop pathways into farming for young people.

The map on Page 41 should also be refined to highlight the importance of farming and the rural economy.

Q17.

What are your views on these strategic actions for this action area?

Paragraphs 22 and 23 should focus on the existing economic activity in the area, which has largely been dismissed. Farming is an important economic driver and the production of food crops and its importance should be acknowledged in this vision for the area. The creation of jobs is a focus and they do not all have to be 'green'.

This section of the NPF should acknowledge the importance of and support the development of community hubs in smaller communities and could use the successful Humbie Hub in East Lothian as an example (www.humbiehub.com) and make the connection between rural hubs, economic activity and the concept of the 20 minute neighbourhood as it applies to rural areas.

Q18.

What are your overall views on this proposed national spatial strategy?

The Council welcomes the overall themes identified in the spatial strategy particularly those relating to climate change, place making and addressing the nature crisis. The main issue that we see is the lack of an overall strategy rather just a series of themes. The information in the action areas recognises the different types of pressures affecting different locations but there is little attempt to address these at a national level. For instance, the area of the 'central urban transformation' is recognised as having some parts experiencing high growth pressures and others with much lower growth. This is accepted as a fait accompli rather than the strategy looking to try to bring about a change to these trends and trying to manage growth in a manner that meets the outcomes of the NPF and makes best use of existing infrastructure. As such the spatial strategy is not bold enough in trying to spatially address many of the issues the NPF rightly identifies as requiring addressing over the next 20 years.

Q19.	
Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added in order to deliver the national development described?	
	No

Q20.	
Is the level of information in the Statements of Need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?	
Yes	

Q21.	
Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?	
No	This is with the assumption that Blindwells/Cockenzie and the ClimatEvolution zone have already been considered as part of the development of the draft NPF.

Questions – Part 3: National Planning Policy

Q22.	
Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?	
No	The council supports the clear focus of NPF4 on tackling issues relating to climate change, achieving net zero emissions and nature recovery. Planning is a profession of balance, however and whilst these things are of critical importance for the future, they should not be defined so rigidly as 'the' [only] primary guiding principles, as a sustainable and growing economy that supports the economic and community aspirations of Scotland.
	East Lothian Council also supports the idea of subject specific policies as they can set out key principles and avoid repetition across other policy areas. However, by using this approach the wording in the NPF requires to be extremely carefully written and the plan may benefit from a strong overarching statement to emphasise that developments have to meet the requirements of all relevant policies. This would reduce the risk of inappropriate interpretation of the wording.
	The policies themselves also need to be worded correctly and at present several of them are not well framed as policies for the guidance of development. For example, the 'universal' policies are too broad to be considered to be effective planning policies. They reference documents that have sections that are beyond any direct influence by the planning system and there is a risk that applications may become bogged down in assessments that have tenuous or indeed no links to planning policy.
	They also do not consider how the outputs will be interpreted to make decisions – for example the requirement under Policy 2 c) will first need a judgement as to what constitutes 'significant emissions' and emissions of what, exactly, and then assuming that it is agreed that a development proposal does 'lead to significant emissions' the applicant will have to engage

someone (who and with what qualifications?) for the development of 'evidence' which is likely to be highly complex and technical and will then be submitted to the Council to be assessed by whom and with what qualifications? Against what will we measure whether a development is 'in the long term public interest' and using which criteria. How will we determine whether on site or off site mitigation that may be proposed is 'sufficient' and sufficient to achieve what? Who will arbitrate if there is a difference of opinion over whether the development 'generates significant emissions' or is 'in the long term pubic interest'. Are the Reporters resourced or qualified in any way for this task?

Another example is at policy 2 d) where we would question if is this universally applicable to all applications? Does a garden fence or a porch extension have to be 'designed to be adaptable to the future impacts of climate change'. How would such 'adaptability' be designed or assessed for any development large or small – or measured for sufficiency. What would be the test that a planning authority should apply?

A further example is at Policy 3 d) national policy should not be framed to over-ride the basic principles of the planning system which exclude the ability for a planning authority to require applicants to undertake works outside the red line boundary of the proposal. An applicant for planning permission may not have the authority to enhance biodiversity on land adjacent to their site. It may not also be clear what a nature-based solution is or again, how it is measured.

The universal policies also do not flow through well to the more specific policies later in the NPF. There are phrases that are mentioned in the universal policies that are not repeated elsewhere in the NPF.

The sentiment of the universal policies should be turned into overarching themes and then addressed through the specific policies later in the plan, however as noted above, the meaning and the method of assessment must be very clear, if every application is not going to have to be weighed against a whole new range of measures which are not clearly defined. Our comment on this is particularly important with reference to policy 4, which does not meet the accepted basis of a planning policy at all and can only be seen as an overarching principle and guide. This recommendation is with the exception of the design policy should be moved in its entirely to the distinctive places section.

As with all robust and implementable policies, words like 'should', 'could' and 'are encouraged' are weak and ineffective and need to be replaced with 'must' and 'are required' in order to reinforce the necessity of what is being sought and to remove any doubt that it may be optional or open to challenge and debate. There also requires to be a whole list of definitions added to the glossary and additional guidance provided to ensure consistency of approach across the LDPs. The text in this response highlights many areas where there is a need to choose a term and use it consistently throughout the document.

There are also many references where applicants must 'consider' elements of policy for example in policy 10. *k) Proposals for new and upgraded transport infrastructure must consider the needs of users of all ages and abilities, including in line with relevant equalities legislation.* This is unworkable as developers will simply state that they have considered it and continue without implementing the policy aims. The policy must require developers to address the issues through their applications otherwise the often important points raised in the NPF will not be implemented.

An additional policy must be added stating that the plan requires to be read as a whole and development must satisfactorily address the relevant (as decided and determined by the LPA) policies to receive planning consent.

An example why this is required is the Infrastructure First Policy. The policy states:

Development proposals which provide (or contribute to) infrastructure that is identified as necessary in Local Development Plans and their delivery programmes should be supported

	What if the development is of a poor design or is contrary to another Policy of the Plan – should it still be supported? This is clearly not the intention of the draft NPF but without further policy clarity, that is what will be assumed and will lead to endless argument at the application stage.

Q23.	
Policy 1: *Plan led approach to sustainable development* **Do you agree with this policy approach?**	
Yes	The Council agrees with the plan led approach to sustainable development but believes the wording of this and other overarching policies is too vague, not policy and should be restructured. See comments to question 22. If the UN SDG remains a policy, we will need to train planning officers in using this qualitative exercise as well as understanding the quantitative measures of carbon emissions.

Q24.	
Policy 2: *Climate emergency* **Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?**	
Yes	The council recognises that importance of addressing climate change and supports the principle of this policy. However, the wording of the policy is not clear enough and too high level to be successfully used in the planning system. See comments to question 22. If we are to deliver what the policy requires planners to deliver, planning authorities need training. The training would have to go beyond a basic understanding of 'what' the climate emergency is and foremost focus on 'how' the planning system fits in and 'how' the planning system best uses its skills and competencies to address the climate emergency. Thought should be given to how the requirements of the policy should be framed and measured and a whole new industry in carbon/greenhouse gas reporting should be avoided as an unnecessary burden on the planning system, which will inevitably be adversarial and is unlikely to make a real impact on the quality of development or decision-making. In section (c): the text states *'development proposals that will generate significant emissions… should not be supported…'* If we measure everything relative to the national net zero targets, then it could be argued that all developments and the emissions they release have significant impact on our opportunity of reaching net zero. The policy is also vague in that it refers to carbon and also to greenhouse gases and it is not specified which is being measured. If it is in relation to carbon, the references to mitigation on and offsite also blur boundaries between whether the intention is to reduce the level of carbon in the development (through, for example the choice of materials) or allow 'offsetting' to be undertaken anywhere in the world. It is clearly not practical to decline development proposals due to these emissions and the fact that they accumulate – because we need to meet the

demand of a growing population with schools, infrastructure and housing. And we need to expand e.g. railways to support public commuting even though the upfront carbon emissions cost is very significant. In other words, the NPF in planning for the development that Scotland needs to thrive economically should acknowledge the inevitable emissions that come from development to meet future needs.

Also on *(c)*: *'… should not be supported unless the applicant provides evidence that the level of emissions is the minimum'.*
… For this statement of policy to be effective, guidance would be required on what 'possible minimum' means. Does reaching a possible minimum mean that planning authorities in first hand require all buildings to be to passive haus standard? And if this standard is not possible, what is the next level in the hierarchy? Insulation of a certain grade, solar panels, district heating and geothermal heating as well as offsetting with trees/peatlands/seaweed?

Also on (c): *'In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account.'*
Clarity is needed on what is meant by emissions reduction targets? Are we referring to the UK net zero targets, Scottish net zero targets or the net zero targets of East Lothian Council?
Paragraph c): …'should not be supported unless the applicant provides evidence that this level of emissions is the minimum that can be achieved for the development to be viable'…

It will be very difficult to define and agree on what the minimum level necessary for a development to be consented and what level of viability should be supported. The viability or otherwise of a development is driven by a complex range of factors and not just the level of emissions. Again, thought should be given to what is meant by 'emissions' in this context and how they will be measured.

On section (d): *'Development proposals… should be adaptable to the future impacts of climate change.'*

The Council supports that this wording includes adaptation as well as mitigation. However, what will the synergies between adaptation, mitigation and biodiversity look like? How (if it is possible) can we ensure that schemes such as flood protection schemes will ensure adaptation whilst taking account of mitigation measures and protection of biodiversity?

There are concerns about the lack of definition and clarity with regard to what could reasonably be held to constitute a '*significant'* emission. The provision of some kind of measure or threshold to help define significant would be required if this policy is retained, but in the context of our broader comments that these measurement requirements being introduced by NPF will not reasonably reduce the level of development that goes ahead to meet Scotland's needs and thus may be introducing reporting requirements that are ill-defined and hard to measure and assess, to no measurable effect.

A separate reference to *national decarbonisation pathways* is included but with no explanation as to what this means and there are additional concerns at the technical nature of some of the requirements to be demanded of developers, for example, *whole-life assessments of emissions,* and also how planning authorities are expected to resource and make a meaningful appraisal of this.

It is also recommend that due consideration is given to the impacts of climate adaption measures upon the historic environment as well as to the positives that the historic environment can deliver for climate change (e.g. carbon capture in historic buildings; reuse of materials etc).

Q25.	

Policy 3: *Nature crisis*
Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

| Yes | The council recognises that importance of addressing the nature crisis and supports the principle of this policy. However, the wording of the policy is not clear enough and too high level to be successfully used in the planning system. See comments to question 22. For instance, the reference to *bio-diversity enhancement* is regarded as being unhelpfully vague and unfortunately, therefore, open to misinterpretation. Overall, again, we see this a creating a need for a disproportionate level of measurement and assessment.

In Scotland, much ofour land has been influenced by human activity often stretching back millennia. There is a symbiotic relationship between the natural environment and the historic environment and both are key to our understanding and appreciation of our sense of place and both should be enhanced without detriment to the other. We would welcome the inclusion of the historic environment as a consideration in facilitating nature recovery and restoration programmes.

The Council's concern more broadly with this policy is that we will be asked to create and implement our own design, perhaps to be delivered through the use of SPG? Without some form of metric, this would be almost impossible to measure and wouldn't deliver meaningful enhancements.

A metric is not without its flaws, but is the only way we see this being delivered. How much enhancement is proposed and who will decide? Surely if one applicant puts in a 5% enhancement, we start to see a benchmark created by developers rather than ourselves. Again, this should be set nationally rather than determined on a local, or even case-by-case basis. For example, England has a 10% enhancement

There would also need to be additional work at a county level to update our existing baseline – we are currently working from Phase 1 data from 1997 which does not reflect the current habitats we are working with. Whilst some applications will be supported by their own ecological survey work, we would need to resource and update data sets..

There is some benefit to taking a universal approach to any proposed biodiversity enhancement/net gain programme, as a piecemeal approach taken across Scotland as different LPA's implement their own methodology would likely result in negative impacts on biodiversity and would be confusing for applicants where they work within different local planning authorities. We need consistency across the board.

Even with a metric, there remains a question about who would deliver this within ELC as there would likely be a requirement for additional ecological expertise to determine whether proposed enhancements are appropriate, proportionate and will deliver meaningful enhancements.

Greater clarity is also required around the statement that development proposals should contribute to the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks. As with all developer contributions this will be a challenge under the current tests set out in the Planning Obligations Circular.

 3b) How would we determine how much would be reasonable, and to what they would contribute? We would need to use a calculation about how to establish what any contribution would be. If this policy is implemented without the significant modification that we feel is required, then a metric here would be helpful. |

3c) If we refer to the mitigation hierarchy, any potential adverse impacts should be avoided in the first instance. This should either be amended, or the mitigation hierarchy should be referenced directly.

3d) This may be hard to achieve where Appropriate Assessment is required, on the basis that by it's nature mitigation is required to ensure no adverse impact on the integrity of a European site. Any enhancement would therefore have to go above and beyond what is proposed as mitigation. The Council supports the reference to retention and monitoring, but we are not sure who would deliver that and if it would be enforceable? Why wouldn't nature based solutions be achievable? Irreplaceable habitats should not be subject to development.

Q26.	
Policy 4: *Human rights and equality* **Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?**	
Yes	The council welcomes the inclusion of the sentiment of this policy to tackle discrimination, advance equality of opportunity and promote good relations. It is however, too vague, see comments to question 22.

Q27.	
Policy 5: *Community wealth building* **Do you agree that planning policy should support community wealth building, and does this policy deliver this?**	
Yes	Further information requires to be provided on what this policy entails as it a relatively new concept which is not defined further in the NPF.

Q28.	
Policy 6: *Design, quality and place* **Do you agree that this policy will enable the planning system to promote design, quality and place?**	
Yes	The council welcomes the renewed focus which this policy provides on the design and quality of the places. It is also noted and supported that design guidance adopted by planning authorities would also require to be material to the determination of proposals and the provision for this local input is sensible given that design can often be shaped by the unique environmental characteristics of a place. The Council is pleased to note that the new policy continues to recognise design as a material consideration in the determination of planning applications and that the decision maker's ultimate sanction of being able to refuse development on the grounds of poor design has been retained. However, there is a concern that the wording of the policy does not mention the crucial importance of quality local green infrastructure embedded in design & place-making – when it should be a fundamental aspect.. Opportunity has been missed to mention green infrastructure as fundamental for climate change mitigation and adaptation, as well as its importance to biodiversity, place-making, health & wellbeing, and the amenity value of an area.

	We also welcome the inclusion of the historic environment in helping create distinctive places but suggest that it can also help with lifelong health and wellbeing and sustainability. We are looking for further clarity on the connection to be made with Local Place Plans, as they are not referenced and will cover many of the issues in this policy and policy 7.
	The current location of this policy does not fit with the overall structure of the NPF and it should be moved to distinctive places section.

Q29.

Policy 7: *Local living*
Do you agree that this policy sufficiently addresses the need to support local living?

Yes	The Council supports the principle of this policy but believes it could be much more positively worded. It is not simply a question about encouraging people to travel sustainably but actually making the option more attractive than a car journey ie safe cycling routes, better infrastructure for walking and cycling.
	The council supports the principle of 20 minute neighbourhoods and the aim of improving or retaining access to local services. Also supported is the recognition that the 20 minute neighbourhood will require to be related to the context of the authority in question with the expectations of accessibility being substantially different from cities to rural areas. It would be beneficial for the NPF to recognise that it may be more appropriate to meet the aims of the policy in rural areas though 'accessible' neighbourhoods or 'healthy' neighbourhoods which would be more inclusive and less time oriented.
	However, that said, the text in the NPF requires clarity on what a 20 minute neighbourhood could be. There are a number of research studies on Scottish Government websites but the NPF needs to clearly refer to one approach that can then be interpreted into LDPs. Without this local authorities will be under constant pressure from developments claiming to within the 20 minute threshold.
	Also, it is not clear what retro fitting will be needed to make a building liveable or an area more sustainable. Does this apply to transport or water infrastructure too? This is not transferred into policy below.
	With regard to *b. Development proposals that are consistent with the principles of 20 minute neighbourhoods should be supported,* we express a significant concern that this statement could be taken out of context and used to justify development that is otherwise contrary to the extent of the development plan. It is unrealistic to expect that the entire Council area will be identified as a matrix of 20 minute neighbourhoods with firm boundaries and thus there is a considerable risk that this statement as an expression of National policy will undermine the status of any LDP and lead to unrestricted development proposals.

Q30.

Policy 8: *Infrastructure First*
Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?

| Yes | The Council supports the principle of infrastructure first. Many of the bullet points are what Local Authorities have been trying to implement for many years.   East Lothian Council regards securing the necessary infrastructure to facilitate development as one of the most important factors in relation to delivering land for homes and employment and has encouraged a joined-up approach, individually and through the City Deal, to delivery of development incorporating an 'infrastructure first' approach. It is therefore pleased that this principle has been embedded into national policy and which will be applied across all land use decisions. The key question is the provision of funding to allow new infrastructure to genuinely come first and it is unfortunate for the progression of Local Development Plans that the NPF is not at present accompanied by a more detailed approach to how infrastructure will be delivered in a practical manner.

A key aim of the NPF strategy is to make best use of existing infrastructure and develop sustainable communities, neither of which can be achieved without an understanding of current infrastructure and an early delivery of that required to allow communities to function.

As with many of the other policies are there is a need for a step change in how infrastructure is delivered and it is not clear from the NPF who the Government intends to achieve this. There are no new tools in this policy to change how infrastructure is delivered, and there is often currently delay/disagreement over securing contributions to deliver necessary infrastructure.

To facilitate this infrastructure needs a definition.. Infrastructure can include 'Green Infrastructure' in addition to other types of infrastructure, this can help tackle the climate & nature emergencies and creating better places for people [as above]. |
|---|---|

Q31.	
Policy 9: *Quality homes* **Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?**	
Yes	East Lothian supports the importance placed on the need to deliver quality homes in terms of wellbeing and placemaking. The policy as drafted contains a range of definitive statements which taken in their own could be used to justify inappropriate development and the policy needs significant alteration to be workable. Statements like 'proposals for new homes that improve affordability and choice should be supported' could be used to justify developments that would otherwise be inappropriate for a range of other reasons. This will lead to an adversarial approach to planning. All planning decisions are a matter of balance and judgement. The Council is unclear about the meaning of the equalities led approach to addressing identified gaps in provision and what method that could be used to insist, for example on homes for larger families or homes for older people – either as an entire development or even as a proportion of a development proposal. The proposed change to the methodology in SPP was also welcomed as it took away certain points that were undermining the delivery of quality homes. The approach that was planned to be implemented by the SG prior to the NPF was supported by the Council as it focused on

the identification of effective housing land rather than the delivery which is not in the control of the Local Authorities.

The NPF now deviates from this position to some degree but to an extent that opens up new routes through which the housing land position becomes harder to manage and opens up the possibility of legal dispute. Examples are given below.

'*Locations that may be suitable for new homes beyond the plan period can also be identified. Where sites in the deliverable housing land pipeline do not progress to delivery as programmed and alternative delivery mechanisms are not possible, longer term deliverable sites should be brought forward'*.

This part of the policy undermines the benefits of the new housing approach. Developers of longer term sites may see their allocation as a green light to campaign for their delivery in the plan period and this will put a great deal of focus on the housing land audit and exacerbate the likelihood of dispute and planning appeals, rather than facilitate the planned development of housing to meet needs.
There is no need to have this fall back of a longer-term supply as a significant degree of generosity has already been added to the housing land requirement that can sufficiently deal with the meeting of need, taking into account that not all sites will be delivered at the time expected.

East Lothian welcomes the reinforcement this policy provides to the primacy of the development planning system in stating that 'New homes on land not identified for housebuilding in the local development plan should not be supported".

However, this statement is also undermined by the inclusion of caveats around the delivery of the supply in the plan. As stated above the bringing forward of other sites if the existing land supply is not coming forward at the pace set out in the delivery programme does not recognise the purpose of the flexibility added to the NPF figures. It also goes against the principle of having an annual average housing land requirement which takes into account the peaks and troughs of housing delivery. It also puts far too much focus on the audit and resurrects the shortfall argument that the rest of the new approach is seeking to move away from. Planning authorities cannot ensure sites are delivered by rephrasing through the NPF.

The other point that the Council wishes clarification on and amendment is the focus on identifying a requirement beyond the figures set out in the NPF. This approach automatically assumes that the outcomes of the HNDA process will highlight a greater level of need, which may not be the case.

Part (d) references the need for new housing to be adaptable to changing and diverse needs and lifestyles but it lacks any meaningful detail which could be used to assess proposals. It also needs to be made clear that specialist provision should be consideration across all tenures.

We have strong reservations around point e). There may, for example not be any need for the enhancement of local infrastructure, facilities or services arising from the proposed development and this policy implies that it is a given that must be addressed. It is not the function of a new development to "improve[e] the residential amenity of the surrounding area" and this reference should be deleted. There is a general need for clarification of the purpose of the statement of community benefit. The bullet points should be examples not absolutes.

Q32.	

Policy 10: *Sustainable transport*
Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

Yes	
	The council welcomes the requirement for new Local development plans to be suitably informed by an appropriate and effective transport appraisal.
	The reference and importance given to Development Planning and Management Transport Appraisal Guidance (DPMTAG) is questionable given its age and that it is transport led and does not promote an overall place making/sustainable agenda in the manner set out in the rest of the NPF.
	There is also a need for more up to date roads guidance generally and also to achieve consistency in the levels of parking provision for specific types and scales of development. It is unclear whether previous national standards previously set out in Annex B of SPP 2014 have (a) been revised or (b) are unchanged and continue to be in force. Clarification and a specific reference/link would be helpful.
	As with the comments made on other policies words like 'should', 'could' and 'are encouraged' are weak and ineffective and need to be replaced with 'must' and 'are required' in order to reinforce the necessity of what is being sought and to remove any doubt that it may be optional or open to challenge and debate.
	Section h) *Planning applications for significant travel generating uses should not be supported at locations which would increase reliance on the private car, and where*: - Details are required on what constitutes a significant travel generating use?
	Point i) needs clarification as at present it requires the provision of [all of the following] electric, hydrogen and other low or zero emission charging points. It should be amended to make it clear that the appropriate one or more of these should be provided according to circumstances.
	The Council supports the positive approach to cycle parking that is set out in part I of the policy. However, the reference to cycle parking should be amended to say that it should be conveniently located, which is a positive step. To say it should be 'more conveniently' located is regressive and would be hard to measure, as well as potentially being discriminatory, for example to drivers with mobility impairments.

Q33.	

Policy 11: *Heat and cooling*
Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

Yes	The council supports the broad principle of heat networks but in areas with an urban/rural mix such as East Lothian heat networks may not be viable or the best option for energy efficiency.
	It would be better to have a more general policy on energy efficiency/production that would require all development to address heat and cooling networks or promote and adopt alternative technologies and solutions. Therefore, this policy could be combined with Policy 19.

	In addition, the policy should be talking about insulation, heating and ventilation as one. If we only focus on one, we risk to undermine its positive impact. E.g. heating through solar PV will not be efficient if insulation is poor, or windows opened while radiators are at full heat, due to bad ventilation.
	In section, *g) Domestic biomass energy systems should not be supported where networked systems are available. Where no alternatives are available, applications for flues can be supported provided that the impact on local air quality and of smoke on neighbouring properties has been considered; and the associated biomass burner is a type formally approved for use in smoke control areas.* Definition is needed on what is a networked system and what is meant by alternatives?
	Section g also states that it won't support domestic biomass energy systems. In terms of planning applications it is easiest if the Government sets out a plain straightforward ban that makes implementation of this approach a lot easier. However, under permitted development rights, many flues can be erected, therefore, the GPDO needs to be updated also before the NPF4 comes into force to exclude flues from the GPDO.
	There is clearly a major role for Building Standards to play and there needs to be clear alignment with the Building Standards coming through the regulations and guidance to ensure that the aims of the policy can be achieved.

Q34.	
Policy 12: *Blue and green infrastructure, play and sport* **Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?**	
Yes	The council supports the aims of this policy and the focus given to the blue and green infrastructure and the important part it plays in developing and protecting networks**.**
	It is essential that NPF4 is as strong as possible in relation to protecting and enhancing open space / green space / play space. Wording should refer to "must" rather than "should". It is not clear how blue and green infrastructure networks support 'good green jobs' and this should be defined or deleted.
	NPF4 must include stronger and greater requirements for open space / green space as part of any new development that focuses on quality as well as quantity. There needs to be a definition in NPF4 that there is a requirement for quality, practical, usable open space / greenspace in new developments, in addition to the 'quantity' requirement.
	These open space areas should be protected during the development process [example of planned tree-lined avenue that now can't have trees planted due to services now being placed in the roadside verges]. It is essential that allotments / food growing areas, cemeteries, SuDS should not be included in the open space allocation of a development – these are not usable public open spaces in the way that a park is (for example).
	There should be definitions in NPF4 of formal versus informal open space – and emphasis that both are equally important.
	The Council welcomes that sports pitches are legally protected. However, wider open space (more 'informal' open space / green space areas) should also have legal protection equally in the same way as sports pitches. So if the open space is taken away there would be a legal duty for it to be re-provided (as for sports pitches currently). This would send a powerful message on the importance of these greenspaces and should be incorporated in NPF4.

Furthermore, NPF4 must take the opportunity to set out a requirement for a 'town park' / 'central park / greenspace' as a starting point for new developments, that functions as a central, valuable meeting place / play space / place for people and nature in the heart of new communities, which is a focal point and fundamental to the place-making and identity of a new development.

We would recommend the inclusion of 'historic environment' as a consideration in sections d) and h)

Paragraph i) may create problems of interpretation in the determination of applications. How will provision for 'relaxation' differ from that for 'recreation' for example. Such distinctions are not drawn in public parks so how will they be drawn and measured in new residential developments.

The policy should add a point to make it clear that a clear method of long term maintenance for each new green space should be included with development proposals.

Q35.	

| **Policy 13: *Sustainable flood risk and water management*** | |
| **Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?** | |

| Yes | The Council welcomes that the policy retains a strong direction that a cautious approach should be taken to the calculated probability of flooding and that it recognises that it is not an exact science. The new policy is generally consistent with actions already outlined in the West Lothian Climate Change Strategy 2021-2028.

There does however appear to be an inexplicable change between SPP, which reads as more forcefully opposed to development on the flood plain, and NPF4 with the new position appearing to be that an exception can be made if an *existing or committed* flood protection scheme is in place. If this exception is retained then the council proposes that proposals should only be consented if an existing scheme is already in place as there are still too many risks associated with committed but unimplemented schemes.

As a general observation, the Council's expectation had been for a more fundamental updating of this policy topic in recognition of the whole climate change agenda and there is concern that an opportunity has been missed. |

Q36.	

| **Policies 14 and 15: *Health, wellbeing and Safety*** | |
| **Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?** | |

| Yes | East Lothian Council supports the overall aims of this policy. With regard to the safety element, this policy reflects current practice that work well and it allows this subject not to have to be repeated at the LDP level. However this policy does add a great deal of complex responsibilities onto Local Development Plans, many of which development plans will have little effect on. Clearly one of the main ways that development plans can address health is through design and layout and this requires to be emphasised. Also, further guidance required to state what constitutes a 'significant adverse health effects'. Equally, a 'significant impact on air quality' or an 'unacceptable level of noise' require to be clarified. Similarly the requirement for the submission of a 'health impact assessment' for all major developments is not warranted. The policy wording should be amended to replace the word or with the word and, to make it clear that a wealth impact assessment is only required where proposals are considered likely to have significant adverse health effects. |

	One issue that will require further attention is the ability for planning authorities to ensure the appropriate level of health provision is made alongside new development. This will require a much greater commitment on the part of health partnerships to engage in effective forward planning. Part (e) would be better written from a perspective of local community food growing being a requirement to be included in certain scales/types of development. It suggests, as worded, that any development, regardless of other material considerations should be supported if it includes allotments. This demonstrates again the need for precise and clear policy wording to alow for effective development management and to achieve desirable development outcomes on the ground.

Q37.

	Policy 16: *Land and premises for business and employment* **Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?**
Yes	The policy states that requirements for employment land should be met but it does not define what these requirements should be. This was previously identified in strategic development plans but this lack of information will create a policy gap. Maybe the intention is that these requirements are still set out at a regional level through RSSs or Economic Strategies but this is not mentioned. Scotland's economy is a key focus and the development plan should support the development of economic development and jobs at a range of scales depending on locations. Progress towards net zero is clearly a key aspiration and it presents significant opportunities for re-industrialisation and the development of new jobs in Scotland which might be defined as 'green jobs' .Scotland also has a thriving petrochemicals sector, manufacturing, financial services, ports and logistics, agriculture, food and drink production, aquaculture etc. and these key industries should be supported and encouraged by the national planning framework as well as the repeated mention of 'good green jobs'. This section needs to be widened out to support the development of the Scottish economy in its broadest sense, The NPF must give an example of what is intended by 'community wealth building initiatives', so that it is clear what needs to be achieved by the planning system. At paragraph b) it is not clear why there is a reference to environmental impacts having been assessed as the development plan will have been subject to SEA and it is the function of development management to consider the likely impacts of any development and weigh them in the planning balance in making a decision as to the appropriateness of the development. It is also not clear what is intended by the requirement for 'net economic benefit' to be taken into account or 'in the context of Scotland's ambitions for a wellbeing economy' and this statement should be clarified if it to be an effective statement of policy that will not lead to future debate and perhaps confusion around what is necessary in a development plan and development management context. We welcome the inclusion of historic environment as a consideration for development proposals in part g).

Q38.

	Policy 17: *Sustainable tourism* **Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net zero and nature commitments?**

Yes	

East Lothian Council supports the inclusion of a policy on tourism and the recognition of the importance of the tourism sector but also its sometimes less desirable impacts.

Strangely, there is no mention of the Short Term Let regulations and potential control area designations. The Regs. and the Circular provide explicit material considerations for STL proposals, so which takes precedence?

There is a need for further explanation of some of the points in the policy. For instance *17e Development proposals for the reuse of existing buildings for short term holiday letting should not be supported if it would result in: loss of residential accommodation where such loss is not outweighed by local economic benefits* How do planning authorities assess this?

Also, the historic environment should be referenced in section c) as the historic environment (historic structures; archaeological remains; historic towns and villages etc.) is a significant contributor to the tourism draw for Scotland. In section g) the impacts from tourism upon the historic environment should also be taken into account.

Q39.	

Policy 18: *Culture and creativity*
Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

Yes	East Lothian Council supports this policy. One change that is required is that the "Agent of change principle" definition should include all noise sensitive uses, not just residential.

Q40.	

Policy 19: *Green energy*
Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045?

| Yes | East Lothian supports this policy and recognises the delivery of alternative energy sources as a major part of addressing the challenges of climate change.

There do seem to be some omissions from the policy. There is no mention of hydrogen in this policy (its mentioned in terms of national development) although it important nationally.

The Development Plan Guidance notes that the Evidence Report could include: "Areas of constraint for green energy" (Figure 6). This is not included as a phrase in NPF4. Is this something that should continue to be included in LDPs? Does the policy mean wind rather than green energy as a whole? Different areas of constraint for different types? |
|-----|---|

	In addition, there is a big shift with the removal of the statutory requirement for LDPs to fix an increasing percentage of larger housing sites' energy requirements from low and zero carbon technology? This was a specific requirement in the last round of Local Development Plans.
	19a: support the policy but it should be stronger on geothermal either here or in policy 11.
	19e) *"Development proposals to repower, extend and expand existing wind farms should be supported unless the impacts are unacceptable".* What methodology or measure should a planning authority use to determine whether the impacts are unacceptable?
	19 f) should be caveated with '…should be supported in principle' to match other sections. We would also welcome the inclusion of reference to the historic environment in this section.
	19h) – generation from low carbon sources, abatement. If the carbon can't be captured on site, it will have to be abated. This should include guidance on where this will happen. Decarbonisation Strategy – are there examples of what this strategy would look like. How do we judge if it is adequate? There also need further guidance on monitoring. If the actions are not carried out this could have a large resource impact through monitoring. Also, who will have the skills to assess the decarbonisation strategy? Is it on the developer, planning system or external consultants?
	Policy 19j) (solar) does not include the full list of constraints, but does include some e.g. historic environment assets, which are included elsewhere. Yet prime agricultural land and biodiversity designations are not noted. Is glare an issue generally that DM would expect to pick up, if so should it be mentioned particularly here?
	19 k) bullet point 10 '…including scheduled monuments, listed buildings and their settings;' is limiting and should be replaced with '…impacts upon historic environment assets and their settings;'
	19 k) Site restoration is an important consideration, particularly given the long timeframes these developments have. How would this be resourced, and enforced to ensure this is undertaken. Is restoration planned from the outset?

Q41.	
Policy 20: *Zero waste* **Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?**	
Yes	East Lothian Council supports the aims of this policy however, there are a number of points raised that require further clarity and seem very challenging to implement through the application process. On b): *'Local development plans should identify appropriate locations for new infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible'* The Council agrees with this aim but the key will be to ensure all young people learn this to ensure behaviour change and wider societal shift. This is an example of a task being set for planning where it actually has little responsibility over this change. On *b):* *'Development proposals should aim to reduce, reuse, or recycle materials in line with the waste hierarchy. All developments should aim to use materials with the lowest forms of embodied emissions.'* Embodied emissions are very difficult to calculate. Planning

Authorities will not currently have the resources for this. Will the government provide training or reliable excel algorithms supporting this?

Comment on c): *'reuse existing buildings and infrastructure'*. The Council agrees with this sentiment, but how do we create incentives for the developers to do this? Currently the policy states *'where appropriate, they should reuse existing buildings and infrastructure'*, there is a concern that this wording isn't strong enough to actually ensure that good old buildings and infrastructure are reused. One tool that can be used is to have strong countryside policies that restrict development to the reuse of existing buildings of note. This is another reason why the rural areas policy need strengthening from its current liberal approach to rural development.

Policy 20c: circular economy. Clarity is required to demonstrate what sort of assessment would be needed to show compliance with this? Guidance would be very helpful to assist with implementation of this policy. It is also another approach that will be very onerous on the planning system. On the first bullet point: does this require a sequential approach to almost everything. Should also include materials. Second bullet point; mostly there is nothing to stop demolition (in most circumstances) prior to application – is this enforceable.

20d Development proposals that are likely to generate waste when operational, including residential, commercial and industrial properties, should include provision to maximise waste reduction and waste separation at source, and minimise the cross contamination of materials – maximise and minimise. Guidance is required to allow planning authorities to judge if they have done this?

Comment on g): '*Development proposals for new or extended landfill sites should only be supported where*:' How does this approach adhere with the Scottish Government's goal to stop landfill by 2030?

Q42.	
Policy 21: *Aquaculture* **Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?**	
Yes	The Council supports the policy but it should be amended to include reference to consideration of historic environment impacts for both onshore and offshore elements.

Q43.	
Policy 22: *Minerals* **Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?**	
Yes	Support the principle of the policy and need to ensure that there is an ongoing supply of minerals. East Lothian Council welcomes the unequivocal statement in this policy which states that the Scottish Government does not support the development of unconventional oil and gas in Scotland, sometimes referred to as 'fracking'.

The wording 'support the 10 year land bank' is not clear. Also what are the relevant market areas?

Mitigation and compensation is required for any impacts, the nature of extraction of aggregates is that there will be an impact. Guidance is required on who pays for ongoing maintenance? How do we control this? |

| | Impacts on biodiversity are assessed through the mitigation hierarchy (avoid, minimise, restore, offset). This should be referenced rather than 'sustainable extraction'. |
| | While we support the issues raised that minerals applications must address, such as amenity or landscape, including them in this policy is a deviation from the formal of the plan as in other policies wider considerations have not been mentioned and it has been left to a plan must be read as a whole approach to ensure that all relevant subjects are included. |

Q44.	

Policy 23: *Digital infrastructure*
Do you agree that this policy ensures all of our places will be digitally connected?

No	The Council supports the aims of the policy as area like East Lothian with rural communities require greater digital connectivity to allow these smaller communities to be practical places to live and encourage diversification. Unfortunately the lack of critical mass of customers mean that these are the places where the market is also less likely to deliver the level of connectivity required.
	We are unable to agree that the policy will **ensure** connectivity as the NPF is not the place to allocate the funding that will be necessary to implement the aims of the policy, however clearly the objective is stated.

Q45.	

Policies 24 to 27: *Distinctive places*
Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

Yes	East Lothian Council welcomes the continued focus on town centres and the recognition of their importance in many aspects of place making, health and quality of life. We also support the retention and re-enforcement of the 'town centre first' principle. The further restrictions on out of town shopping proposals is also supported.
	The aims of the policy which states that development proposals should not be supported if they contribute to the number and clustering of some non-retail uses, such as hot food takeaways is a laudable aim but it does seem a little too late for this policy approach as planning can do little to address the proliferation of takeaways close to schools. Many will have been operating like this already and to some extent, our market has reached saturation.
	There is a need to be careful with definitions to reflect the edge-of-town centre or commercial centres, should not be supported unless they are explicitly supported by the development plan. The policy doesn't specify a policy approach when preparing LDP, but does in next section for 'other' uses.
	When considering proposals for neighbourhood shopping planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, recognising the principles of 20 minute neighbourhoods. Under this policy there is a need to define neighbourhood or this could conflict with assessment on edge of town etc.

Q46.	

	Policy 28: *Historic assets and places* **Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?**
Yes	East Lothian Council supports the aims of the policy and its recognition of the importance of the historic environment and the role it plays in maintaining the identity of an area. However, there needs to be a tightening of the language used in relation to the historic environment. The apparent deletion of a statement such as para 151 in the current SPP is a serious weakening of the policy in relation to the wider historic environment. Its omission will make it more difficult to integrate the consideration of the historic environment into wider decisions and placemaking. We would hope that a similar statement which allows these important elements of the historic environment to be given their due consideration can be re-introduced to Policy. Introduction – Overall we welcome the introduction and support the overarching aim of the policy. We would, however, advise that reference is made in this section to public benefit. a) While the overall aim is welcome we would advise that the terminology 'locally, regionally, nationally and internationally valued historic assets and places'; should be changed to 'historic environment' - this would avoid any ambiguity of language. In addition to this we would also note that a significant proportion of development falls outside the LDP spatial strategies and it would be useful to note that the all of the historic environment should be protected and enhanced as appropriate. b) This section needs to include reference to the information contained in PAN 2/2011 (or its successor) as this forms the backbone of the technical information which supports the policy. It is imperative that the information contained within the PAN is retained in the wider suite of planning documents. While the reference to Managing Change guidance notes is useful, appropriately curated Historic Environment Records (HERs) should also be referenced as they are the primary tool used by planning authorities for undertaking assessment of impact upon the historic environment. They are also the most comprehensive sources of information for the historic environment within the planning regime. c) Reference should be made for the provision for recording of Historic Structures if demolition is to be permitted d) Reference should be made for the provision for recording of Historic Structures if alteration is to be permitted f) Reference should be made for the provision for recording of Historic Structures if demolition is to be considered g) This is welcome but should be expanded to all aspects of the historic environment which contribute to local character and sense of place m) Although the overarching principle of this is welcome there needs to be a significant rewording of this paragraph. The emphasis on BARR is limiting in terms of the wider historic environment as this deals only with a small proportion of listed structures and is potentially a policy barrier to the overarching thrust of this policy. We would strongly advise that reference to appropriately curated HERs is included in this section as the primary source of information on the whole historic environment to guide development proposals. This is outlined in paragraph 140 of the current SPP. o) Non-designated remains account for in-excess of 95% of the historic environment and this section represents a considerable weakening of the policy dealing with them. It

needs to be noted that it is the developer's responsibility to ensure that adequate assessments and information (e.g. desk based assessment; impact assessments; setting assessments; etc) are supplied to the planning authority, along with mitigation proposals, to enable proper determination of an application to be made. The wording of this section is also limiting in the potential mitigation measures that may be required. We would advise that the term 'appropriate mitigation' replaces the word 'excavation' as excavation has a very specific technical meaning and will be limiting in this context. To further strengthen this section we again would strongly advise that reference is made to appropriately curated HERs as the primary source of historic environment information and that reference is made to any mitigation proposals containing public benefit outcomes. We would also recommend Para 150 in the current SPP as the minimum base line for the strength of this section of the policy.

p)   This section is taken out of context and would be better included in para o) as it is in para 151 of the current SPP. As worded this section suggests that chance discoveries will be dealt with by the planning authority as opposed to a caveat that chance discoveries can still be made even if a site has been fully assessed and mitigated. It should further be noted that developers must still report unexpected remains, and further mitigation or action may be required under the legal requirements of Bona Vacantia and the Right of Sepulchre.

Q47.	

Policy 29: *Urban edges and the green belt*
Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

Partially	The council supports the aim of the policy to continue to direct and contain development through the provision of Green Belt. More guidance is required to state what is meant by increasing density in urban areas and there is a need to balance the aspirations expressed for open spaces and blue/green infrastructure in urban areas and the stated aim to increase density as the two can be at odds with each other. Policy 29 only addresses Green Belt and urban fringes and it does not contain any direction on how to 'increase the density of our settlements' thus the policy is unlikely to have this effect. If this is the stated aim, it is worthy of a Policy and guiding text in its own right.
	The policy does mention other similar designations and how they might be more appropriate in some areas. It would be very useful to specifically mention the countryside around towns approach which East Lothian and other planning authorities use to good effect. This would save a great deal of argument about the suitability of this approach at our examinations. It is also important to note that areas adjacent to towns are often used for farming and are not entirely there to be a recreational resource.
	On b): *'Flood risk management (such as development of blue and green infrastructure within a 'drainage catchment' to manage/mitigate flood risk and/or drainage issues).'* We believe that blue and green infrastructure should be used, or at least combined with more intrusive flood protection measures. If assessments show that only intrusive protection measures can cope with flooding, we will need to have a plan how this is combined with blue and green measures to ensure adaptation, mitigation and biodiversity.
	One issue is that the question asks if policy will restore nature. Restoring nature is not a stated purpose of the Green Belt. First, there is no indication that Green Belts are 'nature deficient' at present and the wording of this section should be clarified so that the role of planning authorities in this regard is clear and explicit, as although 'restoring nature' is cited as an aim, it is not mentioned within Policy 29 at all. . There is also a potential role for Green Belts in education about nature as these are potentially accessible areas for those living in the city.
	29 b) The Council does not support the last bullet point relating one for one house replacement as it could lead to unacceptable landscape and visual impacts.

Q48.	

Policy 30: *Vacant and derelict land*
Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

Partially	The council is supportive of the principle of the development of brownfield land ahead of greenfield site and the principle of developing vacant and derelict land and empty buildings first.
	However, this should not be a blanket approach. This policy does not distinguish between sustainably and unsustainably located sites. There may be brownfield sites located in the rural area which are not suitable for new development. This could be linked to the hierarchy mentioned below. 30 b also does not allow for consideration of the re-use of a building for a use incompatible with its neighbours and the wording needs to be less absolute than it is.
	30c: The words "Planning applications for" should be added to the start to make it clear what this part of the policy refers to.
	30e: demolition as the 'least preferred option' needs to be worded to give a stronger steer than at present to allow for unattractive or perhaps inefficient buildings that would be better demolished and replaced. This is particularly important when linked to the stated aim to increase density in urban areas, which may be fettered by the blanket policy retention of existing buildings.
	It should also be noted that many of these brownfield sites by their very nature contain important archaeological sites and we would recommend that potential impacts on them is considered at an early stage of developing proposals to enable appropriate advice to be given and potential mitigation to be developed and the policy should reflect this important consideration.

Q49.	

Policy 31: *Rural places*
Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

Yes	The Council supports the principle of a policy on rural areas and the opportunity for LDPs to identify pressured areas, such as is the case in East Lothian. However, the wording of the policy is confusing and seems to contradict other parts of the NPF.
	Does the first part of the policy refer to all rural areas? The approach would need to be different in pressured areas to declining areas. The language is also imprecise as it is unlikely that either planning policy or development is capable of 'growing rural areas' or 'growing natural assets'. We are also not clear what is meant by 'the service function of natural assets'.31 a also suggests in its wording that even in pressured areas that the spatial strategy should set out proposals for future population growth, when a policy of restraint may actually be more appropriate. The policy in 31 c also uses the terms 'vacant and derelict or brownfield land' and there could be significant debate about the differences between these things. It is also very unclear what is intended by the first bullet point at 31 c and how an applicant for planning permission would evidence these things, or how the planning authority would assess an application against these imprecise terms. As an expression of national policy the NPF must use consistent and precise language throughout.
	31 h)'can demonstrate that the layout and design of the proposal minimises the amount of good quality land that is required as far as possible'.

This statement should be removed as it will be used as a justification for unnecessary housing developments.

'*provide affordable housing on a small site that may not normally be used for housing where it can be shown that there is a significant unmet local need for affordable housing*';

Accept the possible need for small scale rural affordable housing but why would it be appropriate to locate it on land not normally suitable for housing? This section needs to be altered as it undermines the usual approach to identifying land for housing.

31 c) '*contribute towards sustainable settlements and 20 minute neighbourhoods*'.

This should be removed as any housing development that meets this criteria should be identified through the LDP with the exception of affordable housing which is dealt with under another (hopefully to be amended) bullet point. This will be likely to lead to undesirable housing developments being promoted in small villages. If it is not intended to promote housing but rural services, it must be restated more explicitly.

31 c) Also a clear definition is required on what is meant by 'natural state'? From a biodiversity perspective, vacant and derelict land can have biodiversity value without being in a 'natural state'.

31 e) While we welcome the inclusion of the historic environment here, rural developments can have undue impacts upon buried archaeological remains which can survive relatively undisturbed. We would recommend that reference is made to the need to carry out appropriate assessments as part of the development proposals. Section d) should include reference to the historic environment as often a valuable element in the rural environment

31 h) The reference to the *generation of renewable energy* – should this be in the same bullet point as extraction of minerals. They are very separate issues.

31 h) Prime agricultural land is an important issue for East Lothian. A hierarchy should be included to prevent or severely limit development on the best agricultural soils in the country. Food security is name checked at the start of Part 1 but the idea is not really developed in policy and this is a major omission. Food is mentioned in terms of economic development, community and health, but not security, which could be critically important.

Q50.	
Policy 32: *Natural places* **Do you agree that this policy will protect and restore natural places?**	
Yes	The Council supports the aims of this policy but has the following specific points to raise. Connectivity is key for designated sites at all levels, and priority habitats. Designated sites at all levels cannot exist in isolation. There is an emphasis on statutory status – this fails to recognise the role that priority habitats and species have in the biodiversity of an area. Clarification is sought on definitions and terminology, some policy elements need tightening up. Inclusion of priority habitats and species? No other mention of habitats, but protected species rely on available habitat for foraging and resting. In England, the NPPF makes it clear that local plans should promote the preservation, restoration and re-creation of priority habitats, however specific policies related to priority habitat are absent from the NPF. The Council is of the view that consideration of priority habitats should be included within NPF4

| | and consideration given to them when determining planning applications with compensation and restoration provided when these habitats are impacted.

Prior to

32g) Local sites – it is confusing to alternate phrasing between should be supported unless and should not be supported unless. Greater clarity needs to be given around when development would not be supported. What is meant by 'outweighed by environmental benefits'? This could have a detrimental impact on the site's biodiversity if inappropriate measures are implemented (e.g. tree planting on priority grassland habitat).

32 h) We question whether the term 'damage' is the most appropriate one in this reference. A proposal may have an impact on a landscape or heritage asset that may be negative or undesirable, but may not be described as 'damage'. If the policy requirement is absolute, as it is phrased just now 'if there is any likelihood of 'damage' then the proposal should be modified, then the following sentence concerning uncertainty does not match that absolute requirement, as it suggests that reducing uncertainty will be acceptable and does not require the removal of uncertainty. Overall the policy requires to be reviewed so that it is absolutely clear what the tests are that have to be met. |

Q51.	
Policy 33: *Peat and carbon rich soils* **Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?**	
Yes	The Council supports this principle of this policy but overall the NPF should be stronger on the protection of important soils from development.

It is understood why wind turbines are often built on peatland. However, we need to both offset (which peatland does) and generate renewable energy (which wind turbines do) to reach net zero. Reference to historic environment assessments and mitigation should be included in this policy. We would recommend that early consultation with the appropriate Historic Environment Records (HERs) is signposted in this section. |

Q52.	
Policy 34: *Trees, woodland and forestry* **Do you agree that this policy will expand woodland cover and protect existing woodland?**	
Yes	In terms of part b), and whilst the Council supports the protection of ancient woodlands, there may be times when removal of ancient woodland is acceptable to meet wider policy objectives.

Q53.	
Policy 35: *Coasts*	

Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?	
Yes	The Council agrees with the aims of this policy but asks for clarity on what is meant by *'Local development plan spatial strategies should consider how to adapt coastlines to the impacts of climate change'.* This aim seem beyond the ask or scope of Local Development Plans.

Questions – Part 4: Delivering Our Spatial Strategy

Q54.	
Do you agree with our proposed priorities for the delivery of the spatial strategy?	
Yes	The council considers the preparation of a detailed delivery programme to accompany the final iteration of NPF4 to be essential and welcomes the opportunity to engage in the consultation exercise which has been intimated.

While it is recognised that NPF4 is to be accompanied by an effective monitoring process, and that this is still a work in progress, it is important that this provides a clear strategy and explains what actually requires to be monitored. And while accepting that there is a role for local authorities to play in the monitoring exercise it is the council's view that monitoring of NPF4 should primarily rest with and be resourced by Scottish Government itself. |

Q55.	
Do you have any other comments on the delivery of the spatial strategy?	
No	See answers to earlier questions.

Questions – Part 5: Annexes

Q56.	
Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?	
Yes	

Q57.	
Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?	
Yes	The council generally welcomes the approach taken to housing in the NPF but would strongly recommend that the changes referenced under the Quality Homes policy are implemented to avoid a continuation of the damaging focus on the phasing of the housing land supply to the detriment of most of the other aims of the NPF.

East Lothian Council supports the figure of 6400 set out in the MATHLR. |

Q58.	
Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?	
Yes	The whole document needs to be thoroughly checked and the glossary substantially increased. There are numerous phrases used in this document that are not defined. There also needs to be consistency used across the document. An example of such a reference is the term 'green jobs'. The *Buildings at Risk Register* definition should include a reference that it is maintained by Historic Environment Scotland. Include appropriate definition of Historic Environment Records (HERs). ALGAO: Scotland can aid with this if required. Gardens and designed landscape; Historic Battlefields; Listed buildings – it should be noted that all of these are managed primarily through the planning process by the appropriate planning authority.

Questions – Integrate Impact Assessments

Environmental Report

Q59.	
What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?	
	No response

Q60.	
What are your views on the predicted environmental effects of the draft NPF4 as set out in the environmental report? Please give details of any additional relevant sources.	
	No response

Q61.	
What are your views on the potential health effects of the proposed national developments as set out in the environmental report?	
	No response

Q62.	
What are your views on the assessment of alternatives as set out in the environmental report?	
	No response

Q63.	
What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?	

Society and Equalities Impact Assessment

Q64.	
What are your views on the evidence and information to inform the society and equalities impact assessment?	
No	No response

Q65.	
Do you have any comments on the findings of the equalities impact assessment?	
No	No response

Q66.	
Do you have any comments on the findings of the children's rights and wellbeing impact assessment?	
No	No response

Q67.	
Do you have any comments on the fairer Scotland duty and the draft NPF4?	
No	No response

Q68.	
Do you have any comments on the consideration of human rights and the draft NPF4?	
No	No response

Q69.	
Do you have any comments on the islands impact assessment?	
No	No response

Business and Regulatory Impact Assessment

Q70.	
Do you have any comments on the partial business and regulatory impact assessment?	
No	No response

Appendix 2

14 March 2022

John Muir House
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East Lothian
EH41 3HA
Tel 01620 827827

Dr Fiona Simpson
Scottish Government
Planning & Architecture Division
Victoria Quay
Edinburgh
EH6 6QQ

By email to: scotplan@gov.scot

Dear Fiona

RE: East Lothian Council Supplemental Response to Draft National Planning Framework 4 Consultation

Thank you for the opportunity to comment on draft National Planning Framework 4. We have submitted our main response to this consultation through the Scottish Government's Citizen Space Consultation Hub as you request.

However, in addition to this main response, we have included a short supplementary submission on Blindwells new town, the former Cockenzie Power Station site and the emerging ClimatEvolution Zone within East Lothian as set out at Annex 1 of this letter. This supplemental submission is also referred to in our main submission in answer to Question 15 of the questionnaire, where it is also referred to as Annex 1.

We therefore ask that you consider our supplemental submission and its associated requests at Annex 1 of this letter in the development of the final version of National Planning Framework 4 and its associated Delivery Programme.

In due course, we would welcome the opportunity to meet with you to discuss these request as the final version of National Planning Framework 4 is being developed.

Yours sincerely

Michaela Sullivan
Head of Development

eastlothian.gov.uk

EAST LOTHIAN COUNCIL SUPPLEMENTAL RESPONSE TO DRAFT NATIONAL PLANNING FRAMEWORK 4 CONSULTATION

INTRODUCTION

The Council and Blindwells landowners welcome that draft National Planning Framework 4 (NPF4) supports our strategic ambitions for the Climate Evolution Zone in the national spatial strategy, but have some minor requests for change to the current drafting of NPF4. We also note that there are key interrelationships and dependencies between the emerging National Developments in this area and our strategic ambitions for it.

In future, it will be essential to ensure that all strategic projects in this area complement and do not undermine one another, and that they work together to maximise collective and positive impact on placemaking and wider policy objectives through delivery. We have therefore also offered some requests for inclusion of items within the emerging NPF4 Delivery Programme. This is to help ensure it articulates the collaborative approach the Council wants to take as we move towards delivery.

CHANGES REQUESTED TO DRAFT NATIONAL PLANNING FRAMEWORK 4

We request that only minor changes to the drafting of the spatial strategy of draft NPF4 are made. These proposed changes are intended to make clearer links between the terminologies used in the national plan and local planning processes.

Within the Central Urban Transformation, Action 16: Rediscovering Urban Coasts and Waterfronts, we request an amendment of the second sentence of paragraph 8, by deleting the words 'linked with a new sustainable settlement at Greater Blindwells' and to replace those words with the words '*linked with the potential to expand the new sustainable settlement at Blindwells within the Blindwells Development Area*' as shown below:

> *"At Cockenzie work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and provide essential infrastructure for net zero, linked with the potential to expand the new sustainable settlement at Blindwells within* ~~Greater Blindwells~~ *the Blindwells Development Area."*

We also request that the submissions in the following section be given consideration in the development of the emerging NPF4 Delivery Programme.

KEY COCKENZIE & BLINDWELLS REQUESTS FOR INCLUSION IN NPF4 DELIVERY PROGRAMME

The focus of this part of the submission is how the delivery of the expansion of Blindwells new town, the Cockenzie former power station site and the Climate Evolution Zone should be addressed in the finalised National Planning Framework 4 (NPF4).

East Lothian Council is seeking to build Scotland's first New Town at scale since 1966, working with Blindwells landowners. The Council is also seeking to redevelop the adjacent Council-owned Cockenzie Power Station site for net zero infrastructure and employment. The sites are in a proposed Climate Evolution Zone, where shared infrastructure linked to delivery of these sites and making a contribution to the just transition to net zero is proposed.

Part 4 of draft National Planning Framework 4 points out that the finalised version of NPF4 is to be accompanied by a detailed delivery programme for its spatial strategy. Blindwells and Cockenzie are major previously developed sites that should be prioritised for redevelopment, but the challenges of this need to be acknowledged and addressed by NPF4, particularly given their scale and associated issues. A public-private partnership, with targeted financial and regulatory support from government, is needed to allow effectively delivery of these sites at this scale.

Our proposals in relation to the emerging NPF4 Delivery Programme are requests for collaboration with government on three overarching strategic actions that we feel will be essential to enable successful delivery these strategic projects, namely that:

1. **The 'Place Principle'** is applied to secure strategic collaborative working in the Climate Evolution Zone so the strategic projects there deliver collective impact and contribute positively to placemaking and wider policy objectives;

2. **Regulatory innovation opportunities, such as designation of a Masterplan Consent Area by Scottish Ministers,** are explored with government as a tool that could help to more effectively deliver Blindwells new town, the redevelopment of the former Cockenzie Power Station site as well as key shared proposals within the wider Climate Evolution Zone; and

3. **Financial innovation opportunities** are explored in business case development with government, within and beyond the context of the Edinburgh and South East Scotland City Region Deal, which could help to accelerate effective delivery of Blindwells new town and the redevelopment of the former Cockenzie Power Station site and associated benefits.

Below we provide some wider context to each of these overarching strategic requests in relation to the emerging NPF4 Delivery Programme.

The Place Principle – Maximising National, Regional & Local Benefits in Delivery

The vast majority of the 540 hectare Blindwells Development Area was a former open cast coal mine, which was reinstated for agricultural purposes. The former coal fired Cockenzie Power Station site is 90 hectares, and is now recorded as vacant and derelict land.

Currently, 125ha of land at the Blindwells Development Area is designated for the development of an initial phase of the new settlement. This land is being remediated for development, and housing and infrastructure delivery is underway. To the east of this allocation, a further 410 hectares with similar ground conditions is safeguarded for an expansion of the new settlement in to a new town.

The 90 hectare former coal fired Cockenzie Power Station site is cleared of the generating station and associated buildings, but the concrete plinth upon which they were built, the associated jetty in to the Firth of Forth, the railway freight siding (with points to the East Coast Main Line) and bunds of the former coal yard all remain, along with the grid connection with the National Grid. Despite its strategic location the site has minimal access to services and requires remediation prior to redevelopment.

At 640 hectares the Blindwells Development Area and former Cockenzie Power Station sites, taken together, are one of the most, if not the most significant national opportunity to reuse major sites and assets that are a legacy of our fossil fuel based economy. To enable the transformation of these sites, significant investment in major land remediation and strategic shared infrastructure works will be needed.

One example of the need to coordinate joined up solutions relates to how these strategic sites should be connected together, and how they should be better linked to the strategic transport network. This is a priority

for these projects, and also a strategic, logistical, technical and viability challenge. National Development 13: High Speed Rail, can also help enable and be facilitated by these strategic sites in a way that increases place quality and value, and overall placemaking.

These transport solutions will centre on modifying and increasing the capacity of Transport Scotland and Network Rail assets, and preparing the Blindwells Development Area for accommodating new sustainable and strategic transport infrastructure, including for National Development 13. The Cockenzie site also needs to be made effective for delivery of net zero infrastructure linked to National Development 12: Energy Transmission Network and new employment uses, so enhanced strategic access could be important to successfully enabling these ambitions too.

Strategic collaboration on planning, as well as on project planning, funding and delivery, will be essential to ensure all these strategic projects complement and do not undermine one another, and that they work together to maximise collective positive impacts for placemaking and wider policy objectives. These are significant opportunities and challenges that the Council and Blindwells landowners alone cannot plan or deliver alone. Strategic alignment on delivery will be essential to find a shared approach to delivery, including within and across government, Key Agencies, service and infrastructure providers, East Lothian Council, and Blindwells landowners.

As such, our first request is that the NPF4 Delivery Programme identifies the need for a 'Place Principle' approach at Blindwells and Cockenzie to co-ordinate effective strategic planning with effective project management, funding and delivery. The aim is to ensure that all strategic projects, including National Developments, complement and do not undermine one another and that they deliver multiple benefits from these strategic investments.

We want to work with government to deliver significant benefits to people, places, the environment, climate and economy at national, regional as well as at local level. The scope of our collaboration will evolve as needed to deliver the projects, so given the unique scale of these projects, we also feel there is a need to strategically lead this work and request that an MSP or senior civil servant champion it as it develops.

Regulatory Innovation

The finalised version of National Planning Framework 4 (NPF4) is to be accompanied by a detailed Delivery Programme for its spatial strategy. A key question is, how can the National Planning Framework 4 Delivery Programme help enable and accelerate the delivery of a green recovery and an urgent just transition to net zero through a redevelopment of the Blindwells Development Area and former Cockenzie Power Station site?

A successful redevelopment of these strategic sites should be built on the more certain foundations that upfront land remediation and the delivery of shared infrastructure first can provide. A similar comprehensive approach was taken to strategic site development during the 20th century new towns programme; there is now a need for an equivalent contemporary mechanism at Blindwells and Cockenzie that is capable of effecting the same type of strategic change at pace and scale to help accelerate a green recovery and a just transition to net zero as well as high quality placemaking.

Government support for pump-priming the Blindwells Development Area and former Cockenzie Power Station sites can de-risk the projects and enable a more co-ordinated approach from the public and private sectors to maximise and accelerate delivery against a wide range of strategic policy priorities, including enabling National Developments. Current regulatory innovation options to explore with government may include:

- A New Town Designation under the New Towns (Scotland) Act 1968, requiring involvement from the Government of the United Kingdom;
- A formal partnership between public and private sector to create a delivery vehicle that is supported by Government(s) with appropriate financial innovation, and which may be linked to a Masterplan Consent Area proposed by Scottish Ministers;

A traditional planning permission, if used alone, is unlikely to be a mechanism that can provide the surety required to adequately de-risk these unique strategic sites with a market-led, cash flow driven delivery model. Regulatory and financial innovation will be needed to ensure these projects can deliver upfront land remediation and shared infrastructure first so they complement and do not undermine one another and to mitigate against partial, delayed or non-delivery and associated risks.

We therefore request that the NPF4 Delivery Programme identifies that these strategic sites should be delivered through a public-private partnership, with targeted financial and regulatory innovation support from government in line with a business case approved by government, to allow public and private sector collaboration on effective delivery at this scale.

The key point is that successful delivery will be dependent on strategic alignment combined with an appropriate approach to regulatory and financial innovation that will enable agreed proposals that are supported by a business case approved by government.

Financial Innovation Opportunities - Business Case Process

In accordance with the Edinburgh and South East Scotland City Region Deal, the development of a business case is being led by East Lothian Council working with Blindwells landowners.

The business case process will seek to explore with the Government of the United Kingdom and Scottish Government how effective delivery of Blindwells new town and the redevelopment of the former Cockenzie Power Station site may be enabled by potential innovative financial mechanisms and delivery vehicles that can deliver shared upfront land remediation and infrastructure first.

We would therefore request that the finalised NPF4 Delivery Programme identify the importance of progressing the business case alongside the plan-making and decision-taking processes, to ensure that appropriate mechanisms are agreed with government for effective project delivery in parallel with any allocation and consenting processes.

Key Cockenzie & Blindwells Requests for inclusion in the NPF4 Delivery Programme

A range of actions will be needed over the short, medium and long term to enable Blindwells new town and the former Cockenize Power Station site, but strategic actions that would be prudent to identify in the National Planning Framework 4 Delivery Programme are envisaged as follows:

1. Establish a Place Principle Approach:
   a. Seek lead MSP/ Civil Servant(s) as Project Champion(s);
   b. Seek cross government portfolio engagement on the projects to identify what the projects should deliver for government and what support government may offer the projects, noting that Section 75 Agreements and developer contributions will not be able to deliver major strategic infrastructure required to open up the development of sites on this scale;
   c. Key Agency / stakeholder project support, including to confirm planning, design and funding synergies with emerging National Developments;

2. Through the business case development process, explore potential and identify a preferred way forward for a public-private partnership delivery vehicle, with financial and regulatory innovation solutions supported by government, to unlock the Blindwells Development Area and former Cockenzie Power Station site, focused on upfront land remediation and shared infrastructure first.

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

7

BY: Executive Director for Council Resources

SUBJECT: Review of Homeworking and Worksmart Policies

1 PURPOSE

1.1 To seek approval from Council on amendments to the Homeworking and Worksmart Policies.

2 RECOMMENDATIONS

Council is asked to:

2.1 approve the amendments to the Homeworking Policy, as set out in Appendix 1;

2.2 approve the amendments to the Worksmart Policy, as set out in Appendix 2; and

2.3 note that these policies enhance flexible working options for those employees whose roles can be undertaken from home to support the progress of the asset rationalisation plans whilst also supporting employees to consider flexibility as they prepare for a return to workplaces post-pandemic. These arrangements will also support the attraction and retention of employees.

3 BACKGROUND

3.1 In June 2021, Council approved the newly developed Homeworking Policy, along with revisions to the Worksmart and Flexible Working Hours (Flexitime) policies, to be implemented in September 2021. A commitment was made that these policies would be reviewed by CMT within the first year, recognising a changing landscape of working styles and that revisions may be required post pandemic.

3.2   Pandemic homeworking largely continues for those employees whose roles can be undertaken from home. At the height of the pandemic circa 800 employees, excluding school employees, were able to work from home. Since implementation of the Homeworking Policy on 1 September 2021, there have been circa 176 applications for contractual homeworking under the new policy, with 116 approved to date.

3.3   Flexible working needs and benefits continue to evolve as was anticipated, and the call from managers and employees for more flexibility has coincided with recent Scottish Government advice regarding the return to offices, advising employers to seek to offer flexible working practices including hybrid working. These views have also intensified during the current Penston House Office Rationalisation Project, which will see workplaces being affected from March 2022 onwards.

3.4   Hybrid working can take many forms and is defined as a type of flexible working where the employee divides time between the workplace and working remotely, i.e. at home. Due to the many definitions and interpretations of hybrid arrangements, it is proposed that the Council refers to Hybrid Working, rather than Hybrid Homeworking, to avoid confusion with the current Homeworking policy.

3.5   Recent benchmarking with 26 local authority respondents indicates that wholesale hybrid working remains aspirational, although the majority of authorities are considering and/or developing this style of working as a concept. Successful hybrid working implementation is reliant upon a stable infrastructure of support, integration and co-ordination by Council services including IT, Asset Management, Facilities, HR, Health & Safety and Organisational Development. We will continue to review and evolve our policies with staff and the Trade Unions as our work on asset rationalisation progresses and a booking system is delivered.

3.6   Given the Council's responsibilities as an employer, which include duties in regard to employee health, safety and welfare and the employer's duty of care, there are a number of considerations in safely supporting flexible working within and outwith offices and other Council workplaces.

3.7   Identified areas of risk associated with the proposed changes to the Worksmart policy in regard to hybrid working, including those relating to health, safety and wellbeing, contractual and policy implications; and communications will be mitigated by a clear application process, risk assessments and ongoing support from line managers.

Proposal for Council Approval

3.8   Reflecting the need for flexible working practices to evolve once the supporting infrastructures are place, whilst also meeting the current needs of managers and employees on an interim basis, we are proposing the revisions to the Worksmart Policy and Homeworking Policy which are outlined below. These changes reflect the continued primacy of the Homeworking Policy as a contractual offer to employees but supplement this with a non-contractual offer of hybrid working for those who are not yet

able to consider a contractual commitment to work from home. It is anticipated that, should managers and employees find that the non-contractual hybrid arrangements are working successfully, consideration will be given to transitioning to a contractual arrangement under the Homeworking Policy. However, the decision to apply for either Hybrid or Homeworking remains entirely voluntary.

3.9   The Homeworking Policy (Appendix 1) – the main change proposed is that Section 1.3, which states: "This policy outlines Homeworking as an ongoing contractual work arrangement whereby, normally for at least 80% of the employee's contractual hours, the employee's home is their contractual work base" be amended from 80% to 60% of hours working at home, thus offering more flexibility for employees on a contractual basis. It is proposed that the same flexibility be offered to those employees who are already contractual homeworkers without the need for them to submit a fresh application.

3.10   The Council's Worksmart Policy has offered the option of 'Ad Hoc Homeworking' for several years but this was intended to be only an occasional arrangement. The amended Worksmart Policy (Appendix 2) now refers to Hybrid Working arrangements, rather than Ad Hoc Homeworking. The arrangements outlined provide scope for more flexibility with the non-contractual terms agreed locally within a Hybrid Working Agreement between the employee and their manager. These can be variable arrangements or more fixed in nature, taking account of the needs of the service involved.

3.11   The proposed changes have been the subject of consultation and discussion with the Joint Trades Unions and a number of changes have been made as a result of their comments and feedback. As part of that consultation process, a request was made to keep these policies under review over the coming months as the working environment changes post-pandemic.

3.12   Should the proposals at 3.9 and 3.10 above be approved, given the relatively small changes suggested and the beneficial nature of the hybrid changes for employees and managers in offering more flexibility on a voluntary, consensual basis, it is proposed that these changes be communicated and implemented with effect from 1 April 2022.

4   POLICY IMPLICATIONS

4.1   These interim changes to both Homeworking and Worksmart policies will enable further flexibility on a contractual (Homeworking) and non-contractual (Hybrid Working) arrangements for employees and their managers. This in turn supports meeting the aims of organisational strategies including Climate Change Strategy and the Asset Management Plan, supporting employee retention and attraction.

4.2 Both policies will be kept under consideration with further reviews aligned with the ongoing development of infrastructure to support flexible working and progress with the Council's Asset Management Plan.

5 INTEGRATED IMPACT ASSESSMENT

5.1 An Integrated Impact Assessment has already been carried out for the Homeworking and Worksmart Policies.

6 RESOURCE IMPLICATIONS

6.1 Financial – the changes proposed within both policies have no substantial costs attached.

6.2 Personnel – further management guidance to be developed to support line managers of home and hybrid workers.

6.3 Other – proposals require ongoing cross-service engagement to ensure new ways of working are accomplished. Clear communications to ensure shared vision regarding post pandemic ways of working is required.

7 BACKGROUND PAPERS

7.1 Appendix 1 –Homeworking Policy

7.2 Appendix 2 – Worksmart Policy

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DATE	11 March 2022

Homeworking Policy

This policy outlines arrangements for Employees who are contracted to work from home

22 June 2021

1

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the council will be following consultation with the Trades Unions.

Policy Title	Homeworking Policy
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	Completed March 2021
Links to other Council Policies/ processes	Code of Conduct for Employees Policy Data Protection Policy Equal Opportunities Policy Flexible Working Hours Policy IT Acceptable Use Policy Information Security Policy Information and Records Management Policy Social Media Acceptable Use Policy The East Lothian Way Worksmart Policy Health & Safety Documentation (updated September 2021)
Corporate Strategy	East Lothian Council Plan 2017-2022 The Workforce Plan 2018 - 2022 Climate Change Strategy 2020 - 2025 Council Asset Strategy and Management Plan 2018-2023
Approved By	Council
Date Approved	22 June 2021
Review Date	August 2021
Date of next Review	September 2022
Policy Lead	HR Business Partner, HR & Payroll

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3

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Appendixes

4

1.   Introduction

1.1   As part of the council's vision to embrace cultural change and new ways of working to deliver the highest levels of service to our customers, the council aims to support contractual homeworking arrangements for employees wherever possible.

1.2   Homeworking forms part of the council's range of flexible working policies and potential benefits include flexibility of working times; improved service delivery; increased productivity, motivation and morale; potential for employee retention and recruitment; reduced travel time and costs; savings on office space and servicing all of which help achieve the aims of the East Lothian Council Plan here   the Council Asset Strategy and Management Plan here and the Climate Change Strategy here .

1.3   This policy outlines Homeworking as an ongoing contractual work arrangement whereby, normally for at least 6080% of the employee's contractual hours, the employee's home is their contractual work base. All homeworkers will also have a designated administrative office base, although will not have a designated office desk or workspace. Access to shared office desks or workspace (e.g. hotdesking) will be available.

1.4   This policy does not cover arrangements for ad hoc homeworking i.e. situations where an employee has a confirmed contractual office base but occasionally works from home with their manager's permission. These ad hoc homeworking arrangements are set out in the council's Worksmart policy.

2.   Scope of Policy

2.1   Contractual homeworking may be approved for full or part-time employees, at all grades, provided that full Health & Safety and homeworking assessments have been undertaken and all requirements are met within the council's budgetary constraints.

2.2   It is recognised that contractual homeworking will not be suitable for all types of job roles and types of work undertaken by the council, e.g. remote/mobile workers where jobs are predominantly carried out in the field (e.g. visiting customers' homes or businesses) nor will it be suitable for every employee or within every home setting.

2.3   The requirements of the role, employee health and wellbeing, needs of the service, impact on customers, service users and colleagues must all be considered by the line manager when assessing homeworking requests and arrangements with employees.

2.4   In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request

homeworking arrangements under the terms of this policy. However, only one request every 12 months is permitted.

2.5 Contractual homeworking will normally be at the request of the employee. However, there may be circumstances whereby the line manager or the council may offer employees the opportunity for contractual homeworking to support new ways of working and achievement of corporate strategies. All requests should be considered, discussed and responded to by the manager within 28 days of the request being made.

2.6 To apply for homeworking, the Homeworking Request Form must be completed (see Appendix 1) along with H&S risk assessment forms as outlined in Section 16 and Appendix 2 below. The Homeworking request e-form is available here .

The outcome of the risk assessment process will be a key consideration as to whether contractual homeworking arrangements can appropriately and safely be approved.

2.7 All contractual homeworking arrangements will be subject to a minimum of 3 month and maximum of 6 months trial period in the first instance to ensure delivery and performance meets service needs and working effectively for all parties.

2.8 The council reserves the right to withdraw homeworking arrangements at any time with the provision of a minimum of 12 weeks' notice.

2.9 Contractual homeworking arrangements will be reviewed regularly and may be withdrawn without notice in full discussion with the employee if it is demonstrated that:

- The performance of an employee suffers as a result of homeworking;
- The effectiveness of the team in which the employee works is compromise
- The business needs are not being met;
- There is a detrimental impact on work due to repeated failures in technology which cannot be resolved.

3. Principles & Aims

3.1 The principles and aims of this policy include:

- To contribute to the reduction of the council's Carbon Footprint, improving sustainability and meeting our commitment to becoming a net zero council.

- To support the reduction of the council's property and asset bases for savings and efficiency purposes; reducing maintenance, operational and refurbishment costs.

- To maximise IT capabilities and the use of digitised processes to enable new ways of working in delivering excellent services to our customers.

- To support our employees to achieve flexibility, within and outwith work whilst making best use and of the council's assets, property and resources.

- To foster effective working relationships that build trust and support for employees to work remotely.

- To enable managers, through training and development/guidance, to manage and support employees to ensure effectiveness and productivity whilst working from home, encouraging positive health and wellbeing.

- To support homeworking arrangements as far as possible, whilst prioritising the needs of service users and providing customers and service users with continuously improving services.

- To ensure homeworkers are supported with ongoing personal and career development opportunities.

4.   Homeworking Ethos

4.1 **Supporting flexibility for personal needs;** where, employees need to block time in their calendars during their working day to focus on pressing household needs, that's acceptable, provided it is in their diary with meetings and availability planned around it and it is reflected in a record of their working time.

4.2 **Supporting non-camera ready moments**; video calls are encouraged at all times and particularly helpful to connect with our colleagues, however if this is not possible on occasion due to home circumstances, then audio only is acceptable.

4.3 **Being kind and considerate;** as business meetings will take place in employees own homes, no adverse comments should be made about the surroundings or relating to family members.

4.4 **Setting boundaries and preventing video fatigue;** face to face meetings in person will not be expected to take place in the home; these should be conducted virtually, via the platforms made available by the council (e.g. Business Skype, Microsoft Teams etc.). Full or half day meetings should be avoided where practicable, with the recommended

maximum unbroken duration being 1.5 hours. Where longer meetings are required regular comfort breaks are recommended for all participants.

4.5 ***Know when to step away from your desk;*** whilst all employees are required to work their contracted hours, employees are encouraged to be clear about when their working day begins and ends and to take breaks to refresh. When the working day is over it is important that employees switch off and rest.

4.6 ***Taking care of ourselves***; employees are encouraged to take care of their physical and mental health, take regular breaks and exercise regularly (see section 9).

4.7 ***Staying connected at work;*** employees are encouraged to interact with co-workers via the virtual platforms made available by the council to stay in touch and feel connected (e.g. Business Skype, Microsoft Teams etc.).

5. Factors for Success

5.1 Homeworking requires employees to utilise a number of skills to work effectively from home including time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills, all of which will be assessed as part of any homeworking arrangement being considered.

5.2 Managers must put in place any additional arrangements as required to ensure that homeworking colleagues are fully supported professionally and personally to deliver goals and outcomes.

5.3 Mutual trust, understanding and accountability between the employee and their line manager is essential for homeworking to be successful. Demonstration of core values as outlined in the East Lothian Way here , including integrity, trustworthiness and honesty are essential.

5.4 Contractual homeworking arrangements should, with the manager's approval, support employees to work flexibly during their normal working day. For example, by staggering their daily hours work pattern or 'signing off' for agreed short period(s) during the working day to attend to domestic matters or undertake minor elements of carer responsibilities, where not routinely required. Section 7 below outlines further information relating to caring responsibilities.

5.5 Measures should be in place to record and monitor hours worked in line with service needs and/or the council's Flexible Working Hours policy (where applicable). These must comply with the requirements of the Working Time Regulations.

5.6   New recruits, or those employees returning from extended periods of leave e.g. maternity, secondment, long-term sickness etc. who are contracted to work from home will require a robust induction/re-orientation plan, including completion of all H&S risk assessments (see Appendix 2). Consideration should be given to including scheduled time in the office upon commencement or return to connect in person with colleagues. Further induction guidance for homeworkers is available for managers on the Intranet here .

6.   Measuring Success

6.1   The effectiveness of any working arrangements, particularly homeworking, should be measured in terms of outputs including meeting customer needs, delivery of key objectives and effective communications and relationships. This ensures a common understanding of the required quality and quantity of work, how that will be produced and in what timeframe.

6.2   An assessment can then be made as to how well the homeworking arrangement is operating, allowing for any additional support and adjustments to be put in place. As with all council employees, the need for ongoing and proactive use of the council's Performance Review and Development (PRD) framework alongside planned, regular one-to-one meetings; support and supervision meetings are essential in agreeing goals and measuring the employee's outputs, ongoing performance and general wellbeing.

7.   Caring Responsibilities

7.1   Homeworking must not be seen as an alternative to making the usual day care arrangements for childcare and dependant responsibilities. Any arrangements that an employee would normally require to have in place to enable them to attend an external workplace e.g. office/site must remain in place throughout the homeworker's hours of work. Carer responsibilities for short periods may be undertaken during the working day with the line manager's permission, which would require the homeworker to sign off and record non-working time (see section 5.4).

7.2   Employees requiring time off to undertake substantial carer responsibilities should request time off under the appropriate policy including Family leave, Special Leave, annual leave or other leave provisions as appropriate.

8.   Keeping in Touch – Communications and Meetings

8.1   It is important to agree the methods and timing of communications between the homeworking employee and the line manager and/or colleagues in order to ensure that workflow is smooth, timescales are met and the employee does not feel isolated or cut off from the rest of the team.

8.2 A variety of communication methods might be used in line with the IT Acceptable Use and Data Protection policies (e.g. virtual calls and meetings, telephone, email, text messages etc.). However, homeworking employees should be prepared with reasonable notice and as required, taking into account their home and administrative base locations, to attend face to face meetings or attend training/development courses i.e. within council offices/sites or externally as appropriate to their job role. In person business meetings at home should not take place with the possible exceptions relating to reasons of Health and Safety and/or health and wellbeing and absence management.

8.3 The council actively supports employees to ensure they are protected from harassment and abuse from co-workers and service users. The council's Domestic Abuse Workplace policy also outlines additional support available to our employees. Employees should discuss concerns in this regard with their manager or HR.

8.4 Line managers should be aware that misuse of communication tools, such as video-conferencing and instant messaging could facilitate forms of bullying, harassment and potentially sexual harassment. Line managers should therefore make every effort to ensure employees understand the conduct that is acceptable over these forms of communication, in line with the council's Code of Conduct for Employees policy which can be found here and the East Lothian Way here .

8.5 All participants should behave appropriately and professionally during virtual meetings with covert recording, screenshots or photographing of the meeting and/or participants strictly prohibited for personal or business use, unless prior consent is provided by all participants.

8.6 Formal requests regarding any type of covert surveillance must be submitted and approved in line with the Council's Regulation of Investigatory Powers (Scotland) Act (RIPSA) Policy and associated procedures.

9. Health & Wellbeing

9.1 It is recognised that homeworking can lead to loneliness and feelings of isolation if carried out for prolonged periods of time, which, if overlooked, can lead to feelings of stress and anxiety. Therefore, line managers play a key role in ensuring that they regularly check in with employees. Inclusion of a health and wellbeing goal or development of a Wellness Action Plan, which can be found here as part of the annual PRD process is encouraged to support this.

9.2 Additional health and wellbeing support is available for all employees and information can be found on the council's Well at Work page on the Intranet

with details of the council's Employee Assistance Programme available . Your line manager and HR Adviser can also advise.

9.3 Whether contractual homeworking is at the request of the employee or the manager/council, consideration must be given to the type of home environment employees will work in. Caring responsibilities, multigenerational households, space constraints and noise levels are just some of the considerations that need to be taken into account when reviewing the Homeworking Request Form (see Appendix 1) and carrying out the homeworking H&S risk assessments for every employee.

10. Responsibilities

10.1 Key Responsibilities of Managers Include:

- The health, safety and welfare of all employees as far as is reasonably practicable.
- Regular communication and information sharing, one-to-one meetings and support and supervision meetings undertaken.
- Robust annual Performance Review and Development processes, including provision of appropriate training and development.
- All appropriate risk assessments are to be effectively carried out, putting in place appropriate controls and remedies as required and prior to homeworking commencing.
- Seeking advice from Health and Safety and Human Resources to deal with problems identified in the risk assessment.
- Ensuring regular, appropriate contact to ensure that standards of health and safety are being maintained in line with risk assessment arrangements.
- Maintaining regular contact during the working week with homeworkers.
- Taking action or seeking advice to support homeworkers displaying symptoms or behaviours that may be indicative of physical health, mental health and/or wellbeing challenges.

10.2 Key Responsibilities of Homeworking Employees Include:

- To work in a way that aligns with our Code of Conduct for Employees which can be found here , and uphold and demonstrate the council's values and behaviours as outlined in the East Lothian Way which can be found here .
- To be contactable for service users, colleagues and customers during the working day; keeping electronic calendars up to date to show availability.
- To undertake all training and direction received and to actively engage in regular, robust support and supervision meetings and Performance Development and Review processes.
- To work in line with the Data Protection Act 2018 the General Data Protection Regulations; keeping confidential and secure all council

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information electronically or in hard copy; ensuring sensitive and confidential video calls/meetings and conversations cannot be overheard.

- To ensure that all council records are managed and stored in approved council systems. This applies to all recorded information created and received in the course of council business.
- In line with the Health and Safety at Work Act 1974, ensure health, safety and welfare of self and others whilst working at home, see section 14 below.
- To report any problems immediately to the line manager where unable to continue to follow the agreed homeworking arrangements, training and direction.
- Maintain regular contact with the line manager and colleagues.
- Follow all council policies and procedures under which all employees will be held accountable.

11.   Technology and Equipment

11.1   Homeworking Technologies

- Employees should only use council-issued devices for homeworking. Use of personal devices is not permitted, except in exceptional circumstances and with the agreement of the Head of Service. Please refer to the council's IT Acceptable Use and Information Security Policies for more details.

- IT Services offer a number of evolving hardware and software solutions to support employees who are homeworking and already have suitable broadband connectivity at home. Full details can be discussed with your line manager and IT and include:

  o Accessing the full functionality of the corporate and schools networks, as required, over home broadband:
  o Connecting a council laptop over direct access - this is available to all laptop users
  o Video conferencing through the council's approved telecommunications systems for licenced employees

- All equipment provided must be used in accordance with instructions, safe methods and systems of working and must be returned at the end of employment, or at the end of the homeworking arrangement.

- Equipment provided by the council to homeworkers should only be used for work purposes by the employee and should not be used for household or personal purposes.

11.2 Workspace equipment

- The council is committed to providing employees with the necessary IT equipment to facilitate homeworking e.g. laptop, mouse, docking station, large screen, earphones etc.

- Where, as part of the risk assessment process, homeworkers do not have their own suitable workstation at home i.e. desk and chair that meets H&S assessment criteria requirements, a chair and/or desk will be provided by the council.

- Homeworkers should ensure that all provided equipment is well maintained.

11.3 Electrical Testing of Equipment

- All homeworkers must ensure that their council provided electrical and IT equipment is made available for PAT (portable appliance testing) as required.

12. Working Securely

12.1 Homeworkers will require access to the council's networks when working from home and it is the responsibility of the employee to provide and pay for a suitable internet connection.

12.2 In the event that the employee's internet connection ceases to work then the employee will be required to work from another suitable location, most likely the administrative base stated in the employment contract or alternative council office or site. Where this is not possible, the employee will need to discuss alternative non-pc work options and/or leave arrangements with their line manager.

12.3 In the event that there is a problem with a homeworker's council supplied hardware then the employee is responsible for reporting the fault to the IT Service Desk and may be required to take the hardware into the office to be fixed. Where it is not possible to fix the faulty equipment or immediately provide a suitable replacement the employee will be expected to work from the administrative base stated in their contract or another agreed location, until such time as a working device can be provided.

12.4 Personal/home telephone numbers and/or contact details of homeworkers must not be given out to service users or members of the public for use relating to work and council business. Homeworkers requiring support to enable them to make calls via council devices and systems, should discuss this with their manager and contact the IT Service Desk.

13. Data Protection (GDPR)

13.1 Employees working from home must continue to actively observe the principles of the Data Protection Act and General Data Protection Regulations (GDPR). Changes in the way information is being processed and accessed introduces privacy risks to our service users and employees personal data.

13.2 Employees must consider the same kinds of security measures for homeworking that they would use in normal circumstances and make themselves aware of their responsibilities as outlined within the Data Protection Policy and Information and Records Management Policy. Further information can be found on the Intranet here and here respectively.

13.3 It's essential that all data breaches continue to be immediately reported to the Data Protection Officers mailbox at DPO@eastlothian.gov.uk or the IT Service Desk within 24 hours, as there is a requirement to report certain incidents to the Information Commissioner within 72 hours. It's also important that the council responds to requests for information from the public by following our Subject Access and Freedom of Information guidelines.

14. Health & Safety Requirements

14.1 All employees have a duty of care regarding their own health & safety and that of others, therefore must:

- Complete a Display Screen Equipment (DSE) personal work station assessment, with their manager's support (see 15.2 below).
- Comply with all Health & Safety practices relating to their role and working environment.
- Ensure that they follow all procedures related to their work activities.
- Act in such a way as not to put themselves or anyone else affected by their work at home at risk (see 16.3).
- Take reasonable care of their own safety and that of others and must cooperate with the council so far as necessary to enable them to meet their own obligations.
- Ensure that they report all faults or hazards which may put them and others at risk.
- Ensure that they report all accidents and near misses.
- Notify their line manager should any musculoskeletal, health, or mental health and wellbeing issues arise during or as a result of homeworking.

15. Display Screen Equipment (DSE) Assessment

15.1 Assessments will be required for all homeworkers who use display screen equipment. This must cover all display screen equipment used at their homeworking location for work purposes including the use of any portable devices used such as laptops.

15.2 Homeworkers should complete the council's DSE Personal Assessment Form which can be found here . Further helpful information regarding DSE and homeworking can be found on the Health & Safety Executive site here .

15.3 DSE Assessments may require photographs of workstation set up to be taken for review by local DSE Assessors.

16. Risk Assessment

16.1 All Risk Assessments should be undertaken and discussed between the employee and line manager.

16.2 The council is required to assess the risks of work activities carried out by homeworkers (see 14.1) including lone working in line with the Health & Safety Management Arrangements – Lone Working the form for which can be found by logging on to the Sphera system here .

16.3 Employees who homework also have a duty to take reasonable care for their own health and safety and that of others. This includes other people in the home workplace such as family members, neighbours and visitors.

16.4 Homeworkers must complete the H&S Assessment Checklist which can be found here and return this to their line manager for review and discussion.

16.5 In some circumstances, a home visit by the manager or H&S specialist as part of the risk assessment process may be required and would be arranged in consultation with the employee.

16.6 These risk assessments should be revisited as required, and should there be any changes to ongoing homeworking arrangements. These must always be signed off by both the employee and their line manager.

16.7 The council is committed to its duty to fulfil the requirements of the Equality Act 2010. Where reasonable adjustments are already in place, e.g. at an employee's workstation, such as ergonomic and/or personalised equipment, that same help, support and protection shall be afforded to homeworkers.

16.8 Additionally, line managers should consider whether further assessments are required via Sphera Cloud, the council's Health and Safety Management System. Further information on Sphera Cloud can be found here .

17. Working Time

17.1 For the purposes of health and wellbeing, it is essential that the limits of working time are established to ensure that employees do not work in excess of their maximum working hours, also that they take minimum work breaks as set out under the Working Time Regulations 1998. Working time

should be recorded on the appropriate Flexi Recording Sheet here , or other appropriate record sheet.

17.2 A minimum break of 30 minutes must be taken by all employees who work more than 6 hours per day.

17.3 Line managers are required to make it very clear to their homeworking employees that employees are responsible for regulating their own working time and taking appropriate breaks.

17.4 Click here for further information on the Working Time Regulations 1998.

18.   Important Terms and Conditions

18.1 The contract of employment for homeworkers, will reflect two bases; the employee's normal place of work i.e. their home address, and an administrative base i.e. the council office address which will be used for the purposes of business travel expense claims, any remote working/hot-desking as required and for any postal mail.

18.2 Employees whose normal place of work is at home, will be expected to attend council offices or other work settings from time to time as required (e.g. to attend work related and/or team meetings, training etc.).

18.3 In line with council policy, business journeys should be kept to a minimum and alternatives actively considered such as virtual meetings using IT platforms provided e.g. Business Skype, Microsoft Teams etc.

18.4 Travel expenses incurred for journeys from home to the designated administrative office base, where required, cannot be claimed as travelling expenses as this is regarded for tax purposes as personal commuting. Any additional costs of approved business journeys to other work locations will be reimbursed in line with relevant Council travel and subsistence policies; see
here . Work bases are determined in relation to the place where the service and fixed based colleagues work from.

18.5 It is recognised that contractual homeworkers may incur additional one-off or ongoing household costs as a result of their contractual homeworking arrangements. Therefore, employees who are contracted to work from home can claim £156 tax free per year (pro-rata) directly from the council towards homeworking expenses. This will normally be paid in monthly instalments.

18.6 All homeworking arrangements must be regularly reviewed to ensure mutual benefit to the council, service users and the employee and arrangements may be withdrawn with the provision of 12 weeks' notice by the council (see 2.8).

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18.7 Homeworkers who wish to cease contracted homeworking arrangements must make an application under the council's Worksmart policy for consideration, understanding that any such request may not be supported and reverting to or commencing office based working cannot be guaranteed.

18.8 Employees can make applications for contractual homeworking using the form in Appendix 1 which should be completed using the e-form here . All other flexible working requests e.g. compressed hours, part-time working or ad hoc homeworking etc. should be made via the Worksmart Policy.

18.9 All other terms and conditions of employment as outlined in employment contracts remain unchanged by homeworking arrangements.

19. Carbon Footprint

19.1 The council encourages home workers to consider their home energy use and carbon footprint. The following links provide information on saving energy and reducing home energy costs, as well as additional ways to reduce your carbon footprint:
   • Home Energy Scotland
   • Net Zero Nation

20. Insurance

20.1 Prior to commencing contractual homeworking, employees are advised to notify their household insurers for buildings and contents, as it may be a 'material fact' that the insurers need to know about their policy-holders working from home arrangement. Employees should make clear that they are homeworking and not running a business from home. Additional premiums may be incurred, but, in the main, this is unlikely. Any additional costs will be the responsibility of the employee.

20.2 Homeworkers will not be asked to insure any council equipment provided and must adhere at all times to the relevant guidance issued to ensure that council equipment and data is secure at all times. Damage to council equipment will normally be covered by the council's own insurance.

21. Mortgage, Lease or Tenancy Agreements

21.1 Homeworking sometimes has implications for mortgage, lease or tenancy agreements. In most cases there is no issue, however it is the homeworker's responsibility to check if there are any restrictions that might prevent them from working from home, prior to commencing homeworking.

22. Moving Home

22.1 Homeworkers must give advance notice to advise their line manager if they are moving home, due to the home address being named as the contracted placed of employment. The line manager will then decide if the homeworking arrangement can continue from the new location subject to new risk assessments being satisfactorily completed.

22.2 Where agreement is reached to continue homeworking the employee is expected to take due care in moving and re-installing any equipment provided. Any costs connected with moving the equipment would be the responsibility of the employee.

23. Planning Permission

23.1 Planning permission may need to be considered by homeworkers in relation to working from home. There may be a planning condition imposed on the original planning permission for the property, which could prevent homeworking that the employee needs to check prior to commencing homeworking.

23.2 Otherwise, planning permission would only need to be sought if the change of use to working from home would change the overall character of the property e.g. a marked rise in traffic or people calling, or disturbance to neighbours at unreasonable hours. All of these situations are highly unlikely given the nature of council roles suitable for homeworking and where the guidance in this policy is adhered to.

24. Tax & HMRC

24.1 The council pays an annual amount equivalent to 50% of the HMRC maximum allowance for homeworkers which is currently £156 (pro rata for part-time employees) in recognition of homeworking expenses i.e. additional costs such as heating, lighting, home contents insurance or new broadband connection, which is non-taxable. This payment will be reviewed in line with any increases made by HMRC.

24.2 HMRC state the employees cannot claim tax relief if they choose to work from home. For further detailed information regarding homeworking and tax relief visit: http://www.hmrc.gov.uk/incometax/relief-household.htm .

24.3 Employees are advised to contact HMRC in regard to queries relating to their personal homeworking arrangements and tax implications.

25. Appeals Process

25.1 The employee may formally appeal against the Homeworking application decision or decision to terminate the working arrangement in writing to their Head of Service within 14 days of receiving the notification of the decision from their manager. The reasons for any appeal should be clearly outlined.

25.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the line manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.

25.3 The employee may be accompanied by a work colleague or Trade Union Representative at the hearing. The hearing will be chaired by Head of Service (or their nominated senior manager representative).

25.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

26. Review

26.1 This Policy is a formal council policy and may be reviewed by the council, in consultation with the Trade Unions, at any time and in the light of operational requirements.

Head of Corporate Support August 2021

East Lothian Council

This application form should be completed using the e-form here

HOMEWORKING REQUEST FORM

This form should be completed by the employee and discussed fully with the line manager. In line with the council's Homeworking Policy full consideration will be given to each application and a response will be provided within 28 days.

Section 1 Employee Details			
Name		**Job Title**	
Payroll No.		**Dept./Division**	
Business Unit		**Line Manager**	
Weekly Hours		**Temp or Perm**	

Section 2 Employee Information (to be completed by employee)
1.   Describe how your job role, and ability to effectively deliver work performance goals would be suited to homeworking? Give examples of how you have ensured the following in your working day: time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills. How will you ensure your ongoing positive health and wellbeing whilst homeworking. Are there any underlying health and wellbeing concerns that you require support with e.g. reasonable adjustments? (Consider OH referral)

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2.	What arrangements, if any, will you make to ensure that there are no competing demands on your home and work responsibilities?
3.	Is there adequate/suitable/confidential space within the home office, which meets with health and safety standards for home-working? Please describe the space available.
4.	How will you have the ability to manage the technology required, on a day to day basis, and to deal with minor problems?
5.	Do you have a broadband connection at home? Does your broadband ever crash – if so, how often and for how long?
6.	Is there anyone else at home who will be accessing your broadband during your normal working hours, if so, how often and for how long?
7.	Your attendance may be required from time to time at Council Offices or other locations for essential interaction with colleagues, meetings or any training/development courses. Please indicate if there would be any difficulties in you being able to get to other work locations during your normal working hours within a reasonable journey time

I wish to work my normal contracted hours and work pattern Yes/No *OR* **I wish to request a change to my work pattern as follows:**

Day	Monday	Tuesday	Wednes day	Thursday	Friday	Saturday	Sunday
A.M.							
Total Hours							
P.M.							

Total Hours							

	Section 3 Suitability of The Post/ Employee/Management Arrangements (to be completed by the line manager)
1.	Is face to face contact with customers' core to the role? If so, can this face to face continue via homeworking? If not what arrangements could be put in place to ensure good service to customers?
2.	What impact would there be to the cost and/or level of service?
3.	Does this job have clearly defined areas of individual work – what are they?
4.	What type of sudden changes in priorities could apply to this job where homeworking would have an adverse impact on service provision?
5.	What objectives and measurable outputs have you or will you establish with the employee if the application is successful? **Note** Performance Review Development and regular support and supervision arrangements must be in place prior to homeworking being approved.
6.	What arrangements would be in place for providing supervision and guidance?
7.	Is information available electronically and can systems be remotely accessed whilst homeworking?
8.	If applicable, what arrangements would you make to enable access to physical resources that are necessary to perform duties, particularly where those resources are shared and/or confidential?

9.	Is the employee currently involved in any ongoing disciplinary proceedings, not yet concluded, relevant to their performance or conduct? If so please outline the key issues.
10.	Has the employee got any "live" disciplinary warnings on their personnel record? Please outline.
11.	What security and confidentiality issues have been considered, discussed and addressed with the employee (for both manual and computerised information and if relevant in relation to the GDPR, Data Protection Act and Freedom of Information Act)?
12.	What arrangements will be in place for the employee to record hours worked?
13.	What arrangements will be put in place for employees who live a significant distance from local authority offices should the homeworking arrangements break down e.g. broadband, electricity outage, etc.
14.	Have training needs been identified and arranged (e.g. homeworking induction; time management, communications), that should take place before the employee can undertake this role at home?
15.	Have you considered any non-office related responsibilities of the employee that need to be re-assigned, e.g. fire warden, first aider duties?
16.	Can you confirm that there is no overall increase in workload for any other colleagues as a result of the employee working from home?
17.	Have other team members been consulted with regard to the impact that a successful application would have for them/the service? What response did you receive?
18.	Would the Flexible Working Hours (Flexitime) Policy be applicable to this post if the homeworking application is approved?

Employee Declaration and Signature
I have fully read and understood the council's Homeworking Policy. I confirm my understanding that should my application for contractual homeworking be successful, this will be a permanent arrangement resulting in the issue of a variation of employment contract. I understand these homeworking arrangements may be subject to change (e.g. change of contractual base) by provision of 12 weeks' notice by the council **or** a successful application by me to cease contractual homeworking arrangements via the council's Worksmart Policy. **Name:**   **Designation:** **Signed:**   **Date:**
Application Recommended for Approval by Line Manager:
YES/NO (please circle) **Name:**   **Designation:** **Signed:**   **Date:**
Reasons for Decision:
Application Approved by Service Manager:
YES/NO (please circle) **Name:**   **Designation:** **Signed:**   **Date:**
Reasons for Decision:

Health and Safety Information and Forms for Homeworkers

- East Lothian Council's Health and Safety policy can be found here

- Full access to all Health and Safety forms, guidance and information relating to homeworking can be found here

- Access to Sphera Cloud **-** this can be accessed by managers via Sphera Cloud by logging on here

All other Health and Safety information, including guidance, forms and risk assessments can be found here including:

(1) Health & Safety Management Arrangements – Display Screen Equipment: DSE Workstation Assessment Form is here here

(2) Health & Safety Management Arrangements – Lone Working: Sphera this can be accessed by managers via Sphera Cloud by logging on here

(3) Health & Safety Management Arrangements – Incident reporting and investigation here

(4) Health & Safety Management Arrangements – Assessing risk here

(5) DSE Personal Assessment form here

(6) Management Arrangements for DSE Equipment – here

(7) H&S Induction Checklist for new employees here

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HR POLICY

East Lothian Council

Worksmart

This policy applies to all Employees including Teachers and outlines a range of Flexible Working Options

Approved: 22 June 2021

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review of amendment by the council will be following consultation with the Trades Unions.

Policy Title	Worksmart
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 2~~1~~.0
Equality Impact Assessment	~~yes~~May 2021
Links to other Council Policies/ processes	Code of Conduct Policy Equal Opportunities Flexible Working Hours Policy Health and Safety legislation Homeworking Policy Managing Attendance Policy Recruitment and Selection Policy The East Lothian Way Working Time Regulations
Approved By	Council
Date Approved	22 June 2021
Review Date	May 2022
Date of next Review	June 2022
Policy Lead	Team Manager -HR Operations, People and Council Support

CONTENTS

1   Introduction

1.1   East Lothian Council recognises the mutual benefits of having a flexible, effective workforce to deliver the best services to our customers, whilst enabling employees to balance their personal, home and work responsibilities more effectively, with a view to achieving greater job satisfaction, motivation, morale and productivity.

1.2   This Policy, refers to types of contractual flexible working arrangements regarding a change to the employee's work pattern, hours or location of work which is different from their existing one, appreciating that homeworking arrangements can be either permanent, contractual (see Homeworking Policy) orand hybrid working (see Appendix 1)ad hoc, which is a flexible, non-contractual working arrangement recognising that certain job roles may require this additional flexibility and that employees may not want, or be ready to commit to a contractual homeworking (this Worksmart Policy).

1.3   This Policy also refers to the concept of hot-desking. Hot-desking arrangements will be made available subject to local arrangements and to support both contractual homeworking (when an employee may be required to come into the office base) and non-contractual hybrid working. Trade Union colleagues should be consulted as early as possible where service changes involve hot-desking arrangements being planned.

1.4   This policy outlines how the council will manage employee requests for flexibility in working arrangements, taking into account of the demands of the service, customer needs and job roles requirements and limitations.

1.5   Requests for **all** flexible working arrangements, whether contractual or non contractual i.e. Hybrid Working must be made on the Application Form at Appendix 3.

2   Scope

2.1   This policy applies to all current and new council employees including those posts covered by the Scottish Negotiating Committee for Teachers, regardless of length of service, who, in line with the Flexible Working Regulations 2014, are entitled to make a written request to work flexibly, with only one request every 12 months permitted.

2.2   In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request flexible working.

2.3   All approved arrangements will be reviewed as required to ensure the needs of the service continue to be met, as well as the employee's, and may be subject to change giving 12 weeks' notice either by the council or employee for contractual arrangements; and 4 weeks' notice either by the council or employee for non-contractual arrangements i.e. Hybrid working.

3   Purpose and Aims

3.1   The purpose of this policy is to outline the range of flexible working options aimed at retaining, attracting and supporting a skilled, effective workforce to deliver all East Lothian Council services.

3.2   The aims of this policy are to enable continuous improvement and promote new ways of working which align with the East Lothian Council Plan, the Asset Strategy and Management Plan and Climate Change strategy. For example reducing office accommodation costs through home working and hot-desking, which may also reduce travel and heating/lighting costs.

4   Legislation

4.1   Under the under the statutory right in the Employment Rights Act 1996 and Flexible Working Regulations (2014), all employees have a statutory right to request flexible working; not only those who are parents and carers.

4.2   Additional legislation relating to flexible working includes Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), Working Time Regulations 1998 (SI 1998/1833) and The Working Time Regulations 1998.

4.3   The Equality Act 2010 legally protects people from discrimination in the workplace and employees with protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or ethnicity, religion or belief, sex or, sexual orientation will be supported in accessing this policy.

5   Principles

5.1   This policy will be applied fairly and transparently to all employees, and all requests fully and objectively considered in relation to the employee, colleagues and service users. The approach will focus on how services can be maintained or improved through the specific Worksmart arrangement requested, with due consideration given to the reason for the request.

5.2   With the exception of non-contractual hybrid working all flexible working arrangements can be approved on a temporary (e.g. 6 or 12 months) or permanent basis, and will be subject to a trial period of up to a maximum of 12 weeks.

5.3   There is no contractual entitlement for employees to have their request approved. Where however a contractual flexible working request is approved, the agreed changes will constitute a variation to the employee's contract of employment, with the exception of Hybrid Working, the terms of which will be agreed in the Hybrid Working Agreement (see Appendix 4).

5.4   The line manager will be responsible for deciding whether a request for Worksmart arrangements can be supported on a temporary or permanent basis, taking into account such factors as the employee's role and performance, the line manager/supervisor's support, and the operational

needs of the service. If a temporary or permanent change cannot be supported, the line manager should consider if the request can be supported on a trial basis. If successful, this may subsequently be made temporary or permanent by agreement between the employee and line manager.

5.5   Any contractual flexible working arrangement approved on a trial basis should not be extended beyond 12 weeks.

5.6   Any flexible working arrangement approved on a temporary basis should not be for a period of less than 12 weeks or more than 12 months, following which the employee will normally revert to previous contractual arrangements. A temporary arrangement can also be agreed on a permanent basis or can be refreshed as a temporary arrangement, providing the overall period does not exceed 12 months.

5.7   All individual Worksmart contract variations will be subject to review in light of changing operational service needs or if the working arrangement is becoming detrimental to service delivery. At such time, the council will reserve the right, following employee consultation and a minimum of 12 weeks' notice, to end the existing arrangement and may explore other possible working arrangements.

5.8   Regular supervision and support and Performance Review and Development arrangements must continue to be in place to ensure satisfactory work performance is maintained, employees are supported, and that appropriate training and development is undertaken.

6   Responsibilities

6.1   The *line manager* is responsible for:

6.1.1   Fostering a culture of trust in working relationships.

6.1.2   Fully, fairly and objectively considering all flexible working requests and seeking to accommodate employees wherever possible, subject to service provision requirements and implications for customers, department, team and co-workers.

6.1.3   Ensuring frank, open and honest discussion in relation to flexible working requests, to reach mutual understanding and beneficial solutions.

6.1.4   Considering alternative options which may provide some level of flexibility requested by the employee in cases where the original flexible working request cannot be justifiably supported.

6.1.5   Seeking approval from the Service Manager in relation to their decision to support or deny a request.

6.1.6 Providing a written response to the flexible working request within 12 weeks, earlier if possible, providing a clear and detailed explanation of the reasons for the decision, whether approving or denying the request.

6.1.7 Ensuring robust management arrangements are in place for employees who work flexibly ensuring inclusion in communications, business and team meetings as required.

6.1.8 Advising employees of any difficulties arising from their Worksmart arrangements, so that these can be addressed.

6.2 The *employee* is responsible for:

6.2.1 Working with management to facilitate a culture of trust.

6.2.2 Outlining and discussing flexible working requests frankly, openly and honestly with their manager to reach mutual understanding and beneficial solutions.

6.2.3 Fully considering the implications of any flexible working request in relation to effective service provision and impact on their own and their team's performance.

6.2.4 Actively engaging in team, individual and corporate communications, regular one to one support and supervision meetings, Performance review and Development meetings and attending regular team and business meetings as required.

6.2.5 Advising their manager of any difficulties arising from their ongoing approved flexible working arrangement, so that these can be addressed and remedied.

6.2.6 Making themselves aware of the terms of this policy recognising flexible working arrangements may require to be amended/ withdrawn subject to the needs of the Service, and following full discussion and notice.

7   Requesting Flexible Working

7.1   All Requests for flexible working must be submitted in writing by the employee, by completing the Flexible Working Request Form at Appendix 3.

7.2   The line manager will be responsible for deciding whether a request for flexible working can be supported taking into account factors, as outlined in Appendix 2, including requirements of the employee's job role, employees performance within their role, supervision and support available by the line manager, impact on co-workers and service users and operational needs of the service.

7.3   All flexible working requests supported by the line manager will require to be formally approved by the Service Manager.

7.4 Employees have the right of appeal against the line manager's decision. Any appeal against a refusal to agree to a flexible working request will be to the Head of Service who may nominate another senior manager e.g. Service Manager or Head of Service not previously involved to hear the appeal on their behalf.

7.5 All individual contract variations made under the terms of this policy will also be subject to review in light a service review or changing operational service needs or where the flexible working arrangement is becoming detrimental to service delivery and the needs of the service.

7.6 At such time, the council will reserve the right, following discussion with the employee and up to a maximum of 12 weeks' notice, to end the existing contractual arrangement, and to explore other possible working arrangements, which may involve the redeployment process.

8   Procedure

8.1 This procedure will apply to all new and existing employees requesting a flexible working arrangement. The specified timescales may only be varied by mutual agreement with both parties.

8.2 The employee/new start will outline the request, in writing, completing the Flexible Working Request form (as attached at Appendix 3) and submit this to their line manager.

8.3 The line manager will arrange for the request to be initially discussed with the employee within 28 calendar days of receipt of the request; and concluded at this point, wherever practicable.

8.4 The Line Manager will provide a written response to a request within 14 days of the final meeting. This notification will advise: -

8.4.1 Support of the request or modifications (as discussed with the employee) along with details of the conditions attached to the offer of alternative working arrangements; or

8.4.2 Not supporting the request when the Line Manager will provide an explanation of the following business reasons for the request not being supported.

These may include:

- o   Burden of additional costs

- o   Detrimental effect on ability to meet service need and customer demand

- o   Inability to re-organise work among existing employees

- o   Detrimental impact on work colleagues

- o   Inability to recruit additional employees e.g. backfilling reduced hours

- o   Detrimental impact on work quality and/or performance

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- o Insufficiency of work during the period the employee proposes to work

- o Proposed or planned structural changes (e.g. where a service review is about to commence)

8.5 There may be circumstances where a line manager requires more time in order to make a decision with regard to an application request e.g. where a service review is imminent or underway or where there are multiple requests or changes to staffing. Having been discussed and agreed with the employee, any delay will be confirmed in writing by the manager outlining the revised timescales which must be kept under regular review for the decision and notification arrangements.

8.6 Should an employee's request be refused, by both the line manager and Service Manager, before progressing to formal appeal, the manager and employee can seek advice on resolving the matter from an appropriate member of the HR Team.

9 Appeal Process

9.1 The employee may formally appeal against decisions in regard to refusing the flexible working application or decisions relating to ending the flexible working arrangement in writing to their Head of Service within calendar 14 days of receiving the notification of the decision from their manager. The reasons for any appeal should be clearly outlined.

9.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the service manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.

9.3 The employee may be accompanied by a current work colleague or accredited Trade Union Representative at the hearing. The hearing will be chaired by a Head of Service (or their nominated senior manager representative).

9.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

10 Withdrawal of Application

10.1 The council will treat an application as withdrawn if the employee has:

- Notified their line/service manager in writing that their application is being withdrawn;

- Failed, without reasonable cause, to attend a meeting/Appeal Hearing convened under the procedure on more than one occasion; or

- Refused, without reasonable cause, to provide information which the line manager considers necessary to assess whether the employee's request to work flexibly can be granted.

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- The line manager will confirm the withdrawal of the application in writing to the employee, unless the employee has provided written notice of the withdrawal.

11 Review of Policy

11.1 This is a Council Policy which is subject to review and amendment by the Council following consultation with the recognised Trade Unions.

Head of Corporate Support
March 2022
~~June 2021~~

TYPES OF FLEXIBLE WORKING

1   Annualised Hours

1.1   Annualised hours refers to all contracted hours, full or part-time, being worked over a whole year rather than per week. The hours may be varied across 52 weeks of the year or hours may be reduced to zero in some weeks with additional hours worked in other weeks.

1.2   Salary will normally be paid in equal monthly or weekly payments by averaging the annual salary over the year, with annual and other forms of leave calculated on an annual basis, according to hours to be worked.

1.3   Approved overtime working would apply only once the contractual hours for that particular time period having been worked.

1.4   Should the employee leave the post held during the working year, their working hours, leave provision and other relevant conditions of service will be reconciled based on the actual hours worked during the period and any monies will be adjusted accordingly.

2   Compressed Hours

2.1   Compressed hours is defined as a working pattern that reallocates the normal weekly hours of work and 100% of the work activity into fewer, longer blocks of time, taking account of health and safety and Working Time Regulations.

2.2   The nature of the employee's work activity, the operational needs of the service and service users, the impact on other employees and the impact on the employee's health, safety and wellbeing as a consequence of working longer periods of time are all key considerations.

2.3   The pattern of work will be agreed by the Line Manager to meet the needs of the service and must not result in increased cost to the council in terms of allowances for unsocial hours, overtime payments etc.

2.4   Annual and other forms of leave will be calculated on the basis of hours/minutes to accommodate variations in the length of the working day and the number of days worked.

2.5   Employees working or seeking to work compressed hours may request to work flexibly in accordance with the Council's Flexible Working Hours Policy either at the time of application under the terms of this Policy or at a later date, by submitting an application under this Policy.

3   Variation in Hours

3.1   This arrangement adjusts the normal contractual hours of work and/or varies an existing work pattern (e.g. adjust the start/finish times), depending on the operational needs of the service, with costs of any

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increase in working hours to be contained within the existing staffing budget.

3.2 Where contractual hours are reduced or increased, the employee's salary, terms and conditions e.g. annual and other types of leave and will be applied pro-rata from the date the revised working hours are implemented.

3.3 Employees working specific fixed hours as a result of an agreed variation in hours will not normally be eligible to participate in the Flexible Working Hours Policy.

4 Part-time working

4.1 A part-time worker is someone who works fewer hours than a full-time worker. There is no specific number of hours that makes someone full or part-time, but a full-time worker within the council will usually be contracted to work 35 or 37 hours per week depending on terms and conditions of service. Part-time working hours vary substantially and these can be arranged into work patterns that suit service delivery needs.

4.2 All conditions of employment, including salary, annual and other forms of leave will be applied pro-rata dependent on the number of hours worked.

5 Contractual Homeworking

5.1 Contractual homeworking is a flexible working arrangement whereby employees have an employment contract stating home as their base of employment. It is a work arrangement whereby the employee conducts most of their work from home, recognising the need for occasional remote working at alternative council offices, work locations and the need to attend external meetings as required.

5.2 Contracted homeworkers do not therefore have a designated office desk or workspace, however may arrange access to shared office desks with the approval of their line manager.

5.2 The option to be contracted to work from home may be also confirmed at recruitment stage, and can be requested by the employee or suggested by the manager as part of new ways of working to align with the East Lothian Council Plan, the Asset Strategy and Management Plan and the Climate Change strategy.

5.3 The Homeworking policy, outlines the process and arrangements specifically for *contracted* homeworkers.

6 Hybrid ~~Ad-hoc Home~~ Working

6.1 Here at East Lothian Council, hybrid working is defined as a type of non-contractual flexible working arrangement where the employee divides time between the workplace and at home or in the field. Unlike contractual homeworking there is no ongoing right or entitlement to be permanently based at home, there is no homeworking allowance paid for working from home and no additional workstation equipment will be provided at home.

6.2   This non-contractual flexible working arrangement refers to employees who have a contracted council office base however are authorised to work more flexibly at home on a n informal, ad hoc hybrid basis for periods of their contracted working hours, up to a maximum of 60% of their contracted working hours subject to agreement with the line manager. Where hybrid working arrangements result in employees regularly working mainly from home for more than 8060% of their contracted working hours, the council's Homeworking policy, which outlines contractual homeworking arrangements, should be considered.

6.3   Under this hybrid arrangement, working patterns and days may be fully flexible either on an as and when required/workable arrangement, or alternatively work patterns could be more fixed e.g. set days working out of the office and from home, subject to the needs of the service, line management agreement and consideration of optimisation of availability of shared/bookable desk arrangements. This should all be discussed and agreed at application stage.

6.4   Hybrid working arrangements can only be considered for employees who have a council supplied laptop and appropriate workspace at home that meets hybrid working H&S risk assessment requirements. Broadband access at home will also be required.

6.5   Where employees do not have the required workspace and equipment to work safely at home, hybrid working arrangements are unlikely to be supported due to H&S requirements.

6.6   Theis hybrid working arrangement will require an initial H&S risk assessment, with periods of hybrid homeworking being considered and agreed locally by the relevant line manager on a day by day or week to week basis, taking account of impact on colleagues and service delivery. The Health & Safety Assessment checklist can be found here .

6.7   No variation of employment contract will be required to accommodate hybrid working issued in relation to the employee's contractual terms and conditions of employment. However, a Hybrid Working Agreement will be required which outlines the local working arrangements agreed between the manager and employee (see Appendix 4) and outlines requirement for a minimum of 4 weeks' notice to end the arrangement.

6.7   Employees who are supported by their line manager to undertake any hybrid ad hoc homeworking must all complete the DSE Personal Assessment Form and return to their line manager prior to undertaking any ad hoc hybrid homeworking. The DSE Personal Assessment form can be found here

6.8   Where H&S or performance issues arise during hybrid working arrangements, employees may be asked to return to their office base for

6.9   Additionally, line managers should consider whether further assessments are required via Sphera Cloud, the council's Health and Safety Management System, for example lone working assessment. Further information re Sphera Cloud can be found   here

7   Flexible Working Hours (Flexitime)

7.1   The Flexible Working Hours Policy here outlines Flexitime arrangements that provides flexibility by enabling eligible employees to vary their daily working hours and by allowing them, subject to the needs of the service and with the agreement of their line manager, to take time out of their normal working day to deal with personal matters.

Flexible Working Requests - Considerations for Managers

This list is not ~~*extensive*~~ *comprehensive but includes*:

1   Service Users & Customer Factors (including other teams/sections, and service users)
- Can customer service focused provisions be maintained or improved by implementing the requested flexible working arrangements?
- Is customer demand tied to certain hours of the day?
- Does the proposal fit with current and foreseeable needs of the service?

2   Employee Related Factors
- Is work performance satisfactory, personal motivation to deliver under new arrangements, commitment, morale and productivity; initiative;
- Time/workload management; communication, supervision arrangements and implications for monitoring of work performance;
- Performance related issues previously discussed between employee and their manager; social isolation; lone working; reduction in travel time and or costs;
- Requirement for on-the-job training;
- Health, safety and wellbeing issues that may apply to the employee such as lone working, working pattern and length of work periods/rest breaks, suitability of work station.

3   Team Factors
- Including morale and impact on other team members;
- Productivity;
- Whether sufficient team members are available at all times;
- Requirement for regular joint working;
- Requirement for regular informal supervision.

4   Job/Location Factors
- Can all of the duties be performed effectively from the location/in the work pattern envisaged?
- Are there information security issues, for electronic/non- electronic data?
- Is access to specialist information/equipment/reference materials or significant face-to-face contact with colleagues or customers required?

5   Cost/Saving and Service Improvement Factors
- Including those associated with ICT equipment; travel time/expenses; workplace properties;
- Increased service availability to customers

6   Environmental Factors
- Reductions in energy consumption, carbon footprint (e.g. through reduced travel).

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FLEXIBLE WORKING REQUEST FORM

Please Note: As only one request every 12 months permitted, there should be at least 12 months between subsequent applications (see 2.1 above)

Full Name of Employee:	
Employee Number	
Job Title and Work Location	
Line Manager Name and Title	
Business Unit and Department	
Start date with East Lothian Council:	
Date request submitted:	

Please give details of the following in support of your application:

1. Your current work pattern/arrangement:

2. The date on which you are requesting that the change take effect:

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3. The benefits of this new working arrangement:
4. How any detrimental implications of this requested change could be mitigated:
5. Effects the changes requested may have on your Team /Department
6. The change being requested i.e. the pattern of working you wish to apply for:
7. How any such effect might be dealt with by your Business Unit/Department:
Statement of Line Manager (providing a clear and detailed reasons for the decision):
Where application supported: confirm whether the Flexible Working Hours (Flexitime) Policy will be applicable to the new arrangements:

Name of Employee: **Designation:**   **Signature of Employee:**   **Date:**

Application Recommended to be supported by Line Manager

YES/NO (please circle)

Name:	**Designation:**
Signed:	**Date:**

Reasons for Decision:

Application Approved by Service Manager:

YES/NO (please circle)

Name:	**Designation:**
Signed:	**Date:**

Reasons for Decision: *(Note: Written response to the employee is also required - see 6.1.6)*

Line Managers must forward a copy of this signed form, whether approved or not to Human Resources at hr@eastlothian.gov.uk for retention on the employee's file.

A Change of Contract form will be required for all contractual flexible working.

No Change of Contract is required for an agreed Hybrid Working Arrangement, however the Hybrid Working Agreement (Appendix 4) must be completed by both the employee and line manager and sent to HR.

East Lothian Council

HYBRID WORKING AGREEMENT
TO BE COMPLETED BY EMPLOYEE AND LINE MANAGER

Department:	
Division:	
Business Unit:	

Employee Details

Employee Name	
Job Title	
Contracted Place of Work	
Total Weekly Hours of Work	
Details of hybrid working days/hours to be worked from home e.g. set number of hours or days per week or extent of flexibility (Note - Use this section to outline any specific provisions/constraints agreed)	
Details of workspace arrangements at home (e.g. desk, chair, broadband etc)	

The hybrid working arrangement will commence with effect from *date (*insert end date where appropriate), will be reviewed 6 monthly and is subject to 4 weeks' notice of ending by the line manager or employee.

I understand that this is a non-contractual flexible working arrangement under the terms of the council's Worksmart Policy and that approved arrangements will be reviewed as required to ensure the needs of the service continue to be met.

I have undertaken a health and safety risk assessment and DSE assessment as required on my home workspace. I agree to inform my line manager immediately of any issue or conditions, which may affect the health, safety and welfare of myself or others.
Where H&S or performance issues arise during hybrid working arrangements, employees may be asked to return to their office base for all contractual hours to ensure support is put in place until such times as issues are resolved.

I confirm that I have a council supplied laptop and appropriate workspace at home that meets hybrid working H&S risk assessment requirements, including suitable broadband access.

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I understand that hybrid working arrangements are voluntary and will not attract any homeworking allowance payment by way of expenses.

I agree to allow access to my home, at a mutually convenient time, as is reasonable during work time to designated council employees where essential or required e.g. my line manager, risk assessors and IT.

I will operate in accordance with the Council's Health and Safety Policy, which I have read and understood.

I will operate in accordance with the council's Data Protection Policy and Information and Records Retention Policy, and agree to ensure that any work related information used in the course of hybrid working will be appropriately protected. I am aware that I have a legal responsibility for the information and can be held personally responsible for any misuse.

I have informed my landlord/mortgage/insurance company that I intend to use my home for business purposes and obtained any authorisation required.

I understand when working at home, childcare or other caring/domestic responsibilities cannot be undertaken at the same time as I am working. Should the need for these responsibilities arise during my working time at home, I will inform my manager and arrange appropriate time off.

I understand that the Hybrid Working Agreement does not affect my status as an employee.

I understand the arrangement for ending the Hybrid Working Agreement by myself or by the Council i.e. by providing 4 weeks' notice.

Please sign to signify that you have read, understood and agree to the conditions above relating to Hybrid Working.

Employee Name (print):	
Job Title:	
Employee Signature:	**Date**
Manager's Name (print):	
Job Title:	
Line Manager's Signature:	**Date**

Business Unit Manager should ensure a copy of this form is forwarded to Human Resources at hr@eastlothian.gov.uk **for retention on the employee's file.**

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Executive Director for Council Resources

SUBJECT: Review of Budget Development Framework

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1   PURPOSE

1.1   To provide an update on the financial risks facing the Council for the period from 2023/24 onwards, and seek approval for the proposed budget development framework and timetable to support financial planning.

2   RECOMMENDATIONS

2.1   To note the financial environment detailed within paragraphs 3.3–3.11 of the report.

2.2   To agree to the proposed principles for taking forward the review of the budget development framework, including the establishment of a cross party budget working group, set out at paragraph 3.15.

2.3   To note the proposed next steps for development of the budget and medium term financial strategy for 2023/24 onwards at paragraph 3.16.

3   BACKGROUND

3.1   Council has previously set out its commitment to reviewing the budget development framework which governs the development of budget proposals and financial strategy with a view to ensuring that plans are sustainable and provide a realistic reflection of the council's priorities.

3.2   Following agreement of the 2022/23 budget, this report summarises some of the existing risks and challenges which the council will need to address through its financial plans over the coming years, and suggests some high level principles to guide this process.

Final Local Government Finance Order 2022/23

3.3   As previously reported, the Local Government Finance Order for the 2022/23 financial year was finalised on 2 March 2022 and has the following implications for East Lothian Council:

- Additional Revenue funding of £5.737m, of which:

    o £3.841m is the council's share of £200m funding for health and social care and must be transferred to the IJB in line with national settlement conditions;

    o £1.250m is ringfenced funding for free school meals

    o £0.646m is ringfenced funding for child bridging payments

    o £1.56m has been provided on a non-recurring basis

- Confirmation that £1.517m of COVID Economic Recovery will be received, which will be paid during 2021/22 and utilised during 2022/23 to support business recovery and low income households, aligned to national parameters. In line with the principles agreed by Council, the funding will be split equally between these two objectives. Allocation of funding to businesses is the subject of a separate report on this agenda, and officers are in the process of developing plans for the distribution of funding to low income households.

- The Council will also receive funding for the £150 cost of living payment which will be payable to band A-D households and those in receipt of Council support. This will be administered as a credit to council tax accounts during April.

3.4   Further capital funding of £0.268m has been announced for play park renewal (£0.108m) and coastal change management (£0.160m).

Financial Environment

3.5   The Council continues to operate in a complex and challenging financial environment.   The 2022/23 budget and financial plans are based on a one-year finance settlement from Scottish Government, which saw a year-on-year reduction in permanent funding over the next financial year. The settlement also relies on a significant amount of funding which has been provided on a non-recurring basis which creates significant uncertainty for the years beyond 2022-23 in the context of rising demand for Council services. This uncertainty is further compounded by interventions required to support recovery from COVID-19 and a multitude of significant external pressures including current inflation levels and rising costs of living.

3.6   Scottish Government has also announced its intention to publish details of the spending review in May. Although this is unlikely to provide detail on the Council's share of any future settlements, it is anticipated that this will be a multi-year review and this will be used to form the basis of future planning assumptions. It is also unclear at this stage whether the review will come with new priorities for local government, or simply a renewed commitment to jointly delivering existing policy outcomes:

1. To support progress towards meeting our child poverty targets
2. To address climate change
3. To secure a stronger, fairer, greener economy

3.7 As a reminder, the approved budget for 2022/23 incorporates the following:

- Use of reserves totalling £8.690m comprising of £1.5m to be carried forward from 2021/22 to support national COVID economic recovery fund referenced above, and a balance of £7.19m which is made up from the following: planned drawdown of earmarked reserves set out in 2021/22 budget, application of uncommitted reserves, and the remaining unallocated balance from the COVID recovery fund.

- Total deliverable efficiency savings of £0.939m made up from £0.243m service savings, and a further £0.150m from review of assets.

- Flexibility in the costs to be charged to the loans fund, with a planned reduction of £1m in 2022/23 and £3m in 2023/24, aligned to the internal loans fund review, and subject to the outcome of national discussions around fiscal flexibilities.

3.8 The budget for 2023/24 onwards includes a number of assumptions including:

- The level of core national funding remains aligned to the funding received in 2022-23, adjusted only to reflect non-recurring funding streams, and with the assumption that anticipated growth in Adult Social Care will be met by additional national funding;

- Requirement to deliver further recurring savings of £15.178m made up from;

    o £0.730m service efficiencies;

    o £13.4m through a review of core service provision;

    o £0.850m savings from review of assets

    o A further £0.175m from staffing savings

- No further planned draw down of reserves beyond 2022/23;

- These savings incorporate planning assumptions based on a 5% annual increase in Council Tax increase for both 2023/24 and 2024/25. These assumptions are considered and refreshed on an annual basis and will be revisited as part of the budget development process for 2023/24.

3.9 It remains clear that the risks outlined above, alongside the scale of recurring savings required will represent a significant challenge over the coming years, requiring a refreshed approach to budget development which is the subject of this report.

3.10 Whilst the approved budget reflects some contractual and demand pressures, given the wide range of pressures facing the Council, it is likely that collectively these will be significantly in excess of approved budget levels and effectively widening of the gap between available resources and expenditure requirements.

Furthermore, any changes incorporated to assumptions will impact on the current projections.

3.11   The scale of this challenge cannot be underestimated, and it is likely that difficult decisions will be required over the coming years to ensure that the Council is able to continue to deliver its statutory responsibilities and strategic priorities.

Budget Development Framework

3.12   Sustainable financial planning is central to ensuring effective financial control and forms a central part of decision making and ensuring that the Council delivers value for money in its use of resources. Preparation of the annual budget is therefore a key activity for the Council.

3.13   Council has committed to undertaking a review of the budget development framework and arrangements which govern the production of budget proposals. The purpose of this report is to set the context for the review, and to introduce some high level principles which can be used as a basis to support financial planning from 2023/24 onwards.

3.14   In response to a review of the budget setting process for 2022/23, incorporating feedback from political group leaders on the budget development process, the following themes have emerged as potential areas of focus for future financial planning:

- Facilitating **cross-party working** on the development of budget proposals;

- Supporting discussions on budget setting **throughout the year**;

- Simplifying the process through which **Elected Members can actively contribute** to the development of the budget, including the process to submit alternative proposals and budget amendments;

- Enhanced **management information** to support budget decisions, ensuring that Members are well sighted on the financial landscape and our options and opportunities over the medium term;

- Enhancing the role of **consultation** with the public and Elected Members in identifying spending priorities.

3.15   A detailed plan which sets out the governance arrangements for developing budgets from 2023/24 will be presented to Council in June. At this stage, Council is asked to consider the below principles as a foundation to the revised budget development framework:

1.   Establishment of a cross-party budget working group to oversee the development of detailed budget proposals and the different work streams supporting this.

2.   Commitment to developing an approach aligned to the financial strategy which combines a range of options to close the gap between available funding and anticipated expenditure including an enhanced programme of

transformation, asset review, income generation, cost reduction and efficiency.

3. A holistic approach to budget development, which recognises the relationship between capital and revenue planning and the role of investment in cost reduction strategies.

4. Commitment to minimising the use of one off resources to balance the budget and ensuring that use of reserves is limited to one-off spend or investment in initiatives which support the transformation agenda.

5. Ensuring alignment of financial planning and resources with wider strategic priorities, the Council Plan and consultation results.

6. Consideration of a 5-year budget plan aligned to the financial and capital strategies.

Budget Development – Next Steps

3.16   The table below sets out the next steps for developing the medium term financial strategy and budget proposals for 2023/24 onwards. Prior to the summer recess, we will be looking to achieve the following actions:

Date	Meeting	Action
June 2022	Council	Agree the budget development framework, taking cognisance of principles which are subject to agreement in this paper.
June 2022	Council	Agree Common Good and Trust budgets for 2022/23.
June 2022	Cabinet / Council	Agree updated charging policy for 2022/23.
August – September 2022		Public consultation

4   POLICY IMPLICATIONS

4.1   The Council's budget and financial strategies should be a representation of the Council Plan and strategic priorities in financial terms. The proposals within this report are intended to enhance the Council's budget development framework to ensure that this process supports the effective delivery of policy objectives.

5   INTEGRATED IMPACT ASSESSMENT

5.1   Impact assessments may be required for budget proposals which involve a significant change to delivery of services by East Lothian Council. Political groups

will be provided with all relevant information relating to the potential impact of budget saving proposals as part of the budget development process.

6 RESOURCE IMPLICATIONS

6.1 Financial – although there are no direct financial implications arising from the principles detailed within this report, the proposals are intended to support sustainable financial planning and the delivery of the Council's financial strategies.

6.2 Personnel - none at this stage

6.3 Other – none at this stage

7 BACKGROUND PAPERS

7.1 Budget Development including setting of Council Tax and Council Housing Rent for 2022-23 – Item 1 - Report to Council 1 March 2022

7.2 Council Financial Strategy 2022-27 – Report to Council 14 December 2021

AUTHOR'S NAME	Ellie Dunnet
DESIGNATION	Head of Finance
CONTACT INFO	edunnet@eastlothian.gov.uk
DATE	14 March 2022

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Executive Director for Council Resources

SUBJECT: Election Recess Arrangements 2022

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1 PURPOSE

1.1 To agree transitional arrangements for business management until the formation of the new East Lothian Council.

2 RECOMMENDATIONS

Council is requested to:

2.1 adopt the recess business arrangements as outlined at Rule 15.6 of the Council's Standing Orders during the period 30 March to 4 May 2022, until the new East Lothian Council is elected on 5 May 2022 (see Appendix 1);

2.2 agree that any business approved under 2.1 above will be lodged in the Members' Library; and

2.3 agree that minutes of the most recent meetings of the Council, its Committees and Sub-Committees that could not be submitted to the relevant committee for approval be signed and verified as a true and accurate record by the relevant Conveners.

3 BACKGROUND

3.1 Following the close of this Council meeting, the Council will enter into a period of election recess. Members are asked to note that there have been no further meetings of the Council or its committees scheduled in the run up to the 5 May 2022 Local Government Election.

3.2 Members are reminded that the first meeting of the newly elected Council must be held within 21 days of the election taking place, i.e. 26 May 2022. Tuesday 24 May 2022 has been approved by Council as the date of the first meeting of the new Council.

3.3 In order to facilitate the smooth running of the Council up until the election, it is proposed that the recess business arrangements as set out in Rule 15.6 of the Council's Standing Orders (attached at Appendix 1) be adopted for the period 30 March to 4 May 2022. This would authorise any two of the Provost, Depute Provost, Council Leader, or Depute Leader, together with the appropriate Committee Convener or Depute Convener, to authorise the carrying out of urgent business of the Council until the newly elected Council is in place.

3.4 Members or the Chief Executive will still be able to call for additional meetings to take place up to 4 May 2022 in accordance with Rule 4.2 of the Council's Standing Orders.

3.5 Members are reminded that dates for meetings following the initial meeting of the new East Lothian Council were agreed by the Council at its meeting on 22 February 2022, in alignment with the Elected Member Induction Programme. Although the newly elected Administration need not be bound by these dates, they may be useful to Members and officers in outlining opportunities for business to be undertaken following the election.

3.6 Members will be aware that, in accordance with Rule 14.1 of the Council's Standing Orders and the associated Scheme of Administration, approved minutes of the proceedings of every meeting of the Council and its Committees shall be signed by the person who presided at the meeting. It is proposed that the minutes of the most recent meetings of the Council and its committees, which could not be approved by the relevant committee, be submitted to the appropriate Convener for verification and signing, and that those minutes will be accepted as a true and accurate record without requiring further verification by Council. The minutes will thereafter be published on the Council's website.

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – None

6.2 Personnel – None

6.3   Other - None

7   BACKGROUND PAPERS

7.1   East Lothian Council's Standing Orders

7.2   Report to Council, 22 February 2022: Local Government Election 2022 – Elected Member Induction Programme and Post-election Arrangements

7.3   Report to Council, 22 February 2022: Schedule of Meetings 2022/23

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	7 March 2022

SO 15.6   Recess Business Arrangements

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.

For the avoidance of doubt, matters that require the approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Executive Director for Place

SUBJECT: Appointments to Outside Bodies

10

1 PURPOSE

The purpose of this report is to:

1.1 seek approval for the appointment of the Council Leader as a director of the companies within the East Lothian Council (ELC) and Queen Margaret University (QMU) Joint Venture Company Structure until 4 May 2022. The appointment as a director will be for (1) Holdco JV, (2) Hub Holdco, and (3) Hub Opco.

1.2 seek approval for the appointment of an ELC Project Manager within the Growth Delivery Team as a director of the companies within ELC and QMU Joint Venture Company Structure. The appointment as a director will be for (1) Holdco JV, (2) Hub Holdco, (3) Hub Opco, and (4) Hub Devco.

1.3 ask Council to note the continued appointment of the Council Leader (until 4 May 2022) as a director of Newco which will become Hub Devco.

2 RECOMMENDATIONS

Council is requested to:

2.1 approve the appointment of the Council Leader as a director of the companies within the ELC and QMU Joint Venture Company Structure until 4 May 2022. The appointment as a director will be for (1) Holdco JV, (2) Hub Holdco, and (3) Hub Opco.

2.2 approve the appointment an ELC Project Manager within the Growth Delivery Team as a director of the companies within the ELC and QMU Joint Venture Company Structure. The appointment as a director will be for (1) Holdco JV, (2) Hub Holdco, (3) Hub Opco, and (4) Hub Devco.

2.3 note the continued appointment of the Council Leader (until 4 May 2022) as a director of Newco which will become Hub Devco.

3 BACKGROUND

3.1 On 16 November 2021, ELC approved the appointment of the Council Leader to the role of Director of Newco (which will become Hub Devco).

3.2 On 22 February 2022, ELC approved the Joint Venture Company Structure between ELC and QMU which supported the incorporation of (1) Holdco JV, (2) Hub Holdco, and (3) Hub Opco.

3.3 The appointment of the Council Leader and an ELC Project Manager within the Growth Delivery Team as directors of (1) Holdco JV, (2) Hub Holdco, (3) Hub Opco, and (4) Hub Devco will ensure 50/50 representation at board level between ELC and QMU.

3.4 The appointment of the Council Leader until 4 May 2022 is due to the impending Scottish Local Government Election which will be held on 5 May 2022. Thereafter a reappointment process shall be pursued, pending the outcome of the Council election. In the event that a decision is required in the interim period when no Member is a Director then the ELC Project Manager within the Growth Delivery Team will have two votes to maintain parity.

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 – East Lothian Council's £10M contribution is reflected in the approved capital plan.

6.2 Personnel – None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Council Report (Private) - Commercial Heads of Terms between ELC and QMU for the Delivery of the Food and Drink Innovation Hub and Park – 27 October 2020.

7.2 Council Report (Private) - Commercial Heads of Terms between East Lothian Council and Queen Margaret University for the Delivery of the Food and Drink Innovation Hub and Park – 15 December 2020.

7.3 Council Report (Private) ELC/QMU Commercial Heads of Terms. – 27 April 2021

7.4 Council Report (Private) East Lothian Council / Queen Margaret University Legal Update – 16 November 2021

7.5 Council Report (Private) East Lothian Council / Queen Margaret University Joint Venture – February 2022

AUTHOR'S NAME	Catherine Molloy
DESIGNATION	Project Manager
CONTACT INFO	01620 827442
DATE	17 March 2022

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Executive Director for Council Resources

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SUBJECT: Submissions to the Members' Library Service,
8 February – 14 March 2022

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1   PURPOSE

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

2   RECOMMENDATIONS

2.1   Council is requested to note the reports submitted to the Members' Library Service between 8 February and 14 March 2022, as listed in Appendix 1.

3   BACKGROUND

3.1   In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:

(a)   reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or

(b)   background papers linked to specific committee reports.

3.2   All public reports submitted to the Members' Library are available on the Council website.

4   POLICY IMPLICATIONS

4.1   None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – None

6.2 Personnel – None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 East Lothian Council's Standing Orders – 3.4

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	14 March 2022

MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
8 February – 14 March 2022

Reference	Originator	Document Title	Access
12/22	Executive Director for Council Resources	Service Review - Customer Services Part 2a	Private
13/22	Head of Infrastructure	Acquisition of Land at Ashfield Gardens, Countess Road, Dunbar	Private
14/22	Head of Infrastructure	Proposed Renewal of Leases of the Chalet Sites, Belhaven Bay Holiday Chalet Park, Dunbar, for a Term of Ten Years	Private
15/22	Head of Infrastructure	Grant of Servitude Rights for Electricity Cable at Inveresk Mills Industrial Estate, Musselburgh	Private
16/22	Executive Director for Place	Proposed Consolidation of Abandoned Mineworkings at Fa'side Lodge Site, Church Street, Tranent	Public
17/22	Executive Director for Place	South East of Scotland Transport Partnership – Draft Regional Transport Strategy	Public
18/22	Executive Director for Council Resources	Treasury Management Strategy 2022-23 to 2026-27	Public
19/22	Executive Director for Council Resources	Creation of a Mobile Cleaner Post within Facilities Management	Public
20/22	Executive Director for Council Resources	Staffing Report for the Creation of a Temporary Trauma Informed Practice Development Officer within the Improvement Team	Public
21/22	Executive Director for Council Resources	Staffing Report for the Creation of a Parental Engagement Officer Post within the Central Education Business Unit (Strategy and Operations) Team	Private
22/22	Executive Director for Council Resources	Staffing Report for the Creation of a Temporary Policy Officer (Equalities and Tackling Poverty) within Policy, Improvement & Partnerships Service	Public
23/22	Executive Director for Health and Social Care	Creation of Staff within HSCP Workforce Development	Private
24/22	Executive Director for Council Resources	Creation of a Temporary Community Planning Officer (Children's Strategic Partnership) within Policy, Improvement & Partnerships Service	Private
25/22	Head of Infrastructure	East Lothian Council Temporary Speed Limit Review	Public
26/22	Head of Infrastructure	Granting of 99-year Ground Lease of 0.79 acres at Macmerry Industrial Estate, Macmerry	Private
27/22	Executive Director for Place	Home and Belonging: Being Care Experienced in East Lothian	Public
28/22	Executive Director for Place	Building Warrants Issued Under Delegated Powers – February 2022	Public
29/22	Head of Corporate Support	Establishment Changes for February 2022	Private

30/22	Head of Infrastructure	East Lothian Council Reduced Speed Limits Boundary Map	Public
31/22	Head of Infrastructure	New Reduced Speed Limits Map - Dunbar Area	Public
32/22	Head of Infrastructure	New Reduced Speed Limits Map - Fa'side Area	Public
33/22	Head of Infrastructure	New Reduced Speed Limits Map - Haddington and Lammermuir Area	Public
34/22	Head of Infrastructure	New Reduced Speed Limits Map - Musselburgh	Public
35/22	Head of Infrastructure	New Reduced Speed Limits Map - North Berwick Coastal Area	Public
36/22	Head of Infrastructure	New Reduced Speed Limits Map – Preston, Seton, Gosford Area	Public

14 March 2022

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Chief Executive

SUBJECT: East Lothian Council Recognition for Former Council Leader Willie Innes

12

1   PURPOSE

1.1   For Council to approve the proposals in recognition of the former Council Leader Willie Innes.

2   RECOMMENDATIONS

2.1   Council is asked to approve that the East Lothian Youth Games are named, from here on, as the "Willie Innes Youth Games" and that the trophy that the secondary schools play for at the Youth Games is to be named and known, from here on, as the "Willie Innes Trophy".

2.2   Council is asked to approve that the East Lothian Sports Award Scheme is to be named and known, from here on, as the "Willie Innes Sports Award Scheme".

3   BACKGROUND

3.1   On Sunday 24 October 2021 East Lothian lost one of its finest sons, and the Council lost an outstanding Councillor and Council Leader. Willie Innes, as reflected in the many tributes paid in the days after his death, made a huge contribution to the lives of so many people over so many years. His contribution to his community of Prestonpans; his Preston, Seton Gosford Ward; East Lothian as a county; and local government nationally, was immense. And it was humbling to hear the tributes paid to him across each of these spheres, but it was heartfelt, true and appropriate for a man who gave so much to so many.

3.2   In honour of the contribution Willie Innes made to public life, this report proposes to recognise in a small but meaningful way for Willie and hopefully a lasting way, that his name and memory will live on and forever

be associated with a specific theme that we know was very close to Willie's heart – the power and impact sport can play in individuals', communities' and national life, and the experiences it can give for discipline, hard work, belonging and giving back. Willie believed passionately in the power of sport for his community and the county, and he committed to strategically prioritising this, not for sports' sake, but for the reach and impact it can have for many.

3.3   In preparation for the formation of the new East Lothian Council in 1996 and during the shadow year of 1995, Willie Innes, a then East Lothian District Councillor, along with key colleagues, including the then Council Leader Pat O'Brien, a long-time colleague and dear friend to Willie, put the wheels in motion to be the first council in Scotland of the new 32 unitary authorities to put a sports development strategy in place. The strategy which captured Willie's vision and commitment was facilitated by Dr Ian Thomson of the University of Stirling, one of the leading academics in this subject area in Scotland and the UK at the time. The strategy was seen and commented on by the then Scottish Office as a "highly visionary document". The foundations provided in Willie's vision and commitment a generation ago have, and continue to make, a difference today.

3.4   A key part of the strategy was on education, training and youth sport, and it is with this and these themes in mind that we propose to recognise and honour Willie Innes's legacy.

3.5   The annual East Lothian Secondary Schools Sports Youth Games held at Meadowmill Sports Centre each May, where each of the six secondary schools (soon to be seven) play against each other across a range of sports, was a development directly from the commitment to sport in schools within East Lothian. It is proposed that the Youth Games itself, and the trophy the schools play for, be known as the Willie Innes Youth Games, and the trophy be known as the Willie Innes Trophy.

3.6   In addition, and because Willie believed passionately in helping others and assisting where he was able, it is proposed that the Council's Sports Awards Scheme which provides financial assistance to individuals across the county in supporting them prepare, compete, travel, receive qualifications and provide access to facilities, be named and known as the Willie Innes Sports Awards Scheme.

3.7   Willie Innes made a colossal contribution to East Lothian over many different subject portfolio areas, as is well recorded. The proposals above hopefully go some way to creating a lasting recognition to him in an area of public life he believed in and supported so passionately over so many decades.

4   **POLICY IMPLICATIONS**

4.1   There are no direct policy implications contained within this report. However, the report is recognising the significant role that former Council Leader Willie Innes made to East Lothian and, in doing so, is proposing

that that recognition is given in an area of public policy where his contribution and passion was well known and highly regarded.

5   INTEGRATED IMPACT ASSESSMENT

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

6   RESOURCE IMPLICATIONS

6.1   Financial – None

6.2   Personnel - None

6.3   Other – Sport, Countryside & Leisure Service staff will amend the literature aligned to the Council's Sports Award Scheme and any future communications linked to either the Youth Games and Sports Award Scheme upon confirmation and agreement of the recommendations contained within this report.

7   BACKGROUND PAPERS

7.1   **Active East Lothian | Grants and Support**

AUTHOR'S NAME	Eamon John
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DATE	10 March 2022