

**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 9 MAY 2023
VIA A DIGITAL MEETING FACILITY**

1

Cabinet Members Present:

Councillor S Akhtar	Councillor F Dugdale
Councillor A Forrest	Councillor N Hampshire (Convener)
Councillor C McGinn	Councillor J McMillan

Other Councillors Present:

Councillor L Jardine	Councillor C McFarlane
Councillor G McGuire	

Council Officials Present:

Mrs M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
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 & Partnerships
Ms L Byrne, Head of Children's Services
Mr C Grilli, Service Manager - Governance
Mr P Vestri, Service Manager Policy, Improvement & Partnerships
Mr P Forsyth, Project Manager – Growth & Sustainability
Mr S Cooper, Team Manager - Communications
Mr S Kennedy, Emergency Planning, Risk & Resilience Officer
Mr N Morgan, Outdoor Access Officer
Mr G Marsden, Planning Obligation Officer
Ms M Scott, Committees Officer

Clerk:

Ms F Currie

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 14 MARCH 2023

The minutes of the meeting of the Cabinet on 14th March 2023 were approved.

2. IMPROVEMENT TO EXCELLENCE: EAST LoTHIAN COUNCIL'S CONTINUOUS IMPROVEMENT FRAMEWORK

A report was submitted by the Executive Director for Place seeking Cabinet approval for the revised Improvement to Excellence Continuous Improvement Framework.

The Service Manager – Policy, Improvement & Partnerships, Paolo Vestri, presented the report. He reminded Members that the framework had been adopted by Council in 2012 and had been reviewed and revised on a number of occasions since. The framework had been reviewed again recently to take account of the Council's new priorities set out in the Council Plan 2022-2027. Mr Vestri outlined the five key, inter-related elements of the continuous improvement framework, drawing attention to the replacement of the 'How Good Is Our Council?' (HGIOC) self-evaluation tool with the adoption of the Public Service Improvement Framework (PSIF) model. This new model had been piloted by the Council Management Team and would be rolled out to all services over a three year rolling programme. He also highlighted revisions to the annual timetable of activities to support the framework.

Mr Vestri responded to questions from Councillor Akhtar and Councillor Dugdale. He confirmed that one of the key components of the framework would be looking at the results of engagement with the public across all service areas and all feedback received would be reflected on as part of the self-evaluation process. He advised that the PSIF model contained similar questions to HGIOC but offered a better comparison of performance across services. The only exception would be schools which would continue to use the 'How Good is Our School?' self-evaluation tool.

Replying to further questions from Councillor McMillan and Councillor Jardine, Mr Vestri confirmed that staff would be directly involved with the self-evaluation and their responses, in addition to the responses on the Staff Survey, would be used to influence service plans. He explained that while PSIF would not directly evaluate performance against the One Council approach, the questions within the self-evaluation framework would reflect on how services related to each other and how they met Council objectives and the priorities in the Council Plan, all of which linked into the One Council approach.

Councillor McMillan agreed that the One Council approach was important and he welcomed the principles of the framework, including the references to partnership working. He said a lot would depend on the engagement of staff but it was important to have principles that determined the Council's culture and commitment to delivering for East Lothian.

Councillor Forrest echoed these remarks and said he was particularly pleased to note within the framework a focus on 'recognising and caring for staff'. He emphasised the importance of staff in every aspect of Council performance and he thanked them for their efforts to make East Lothian a better Council.

Councillor Dugdale welcomed the report and the revised framework which, she said, demonstrated the breadth of Council priorities. She observed that staff were committed to delivering the best services for East Lothian and referred to the development of a person-centred trauma approach as just one example. She also offered her thanks to staff for their efforts.

Councillor McGinn commented that scrutiny of the Council's performance was a crucial issue and Elected Members provided a link between constituents and the Council. Well motivated staff were also crucial and he made the point that while criticism of the Council could be swift, positive feedback didn't always make its way back to staff. He saw the framework as an opportunity for the public to better understand the work going on in the background and the pressures on Council staff.

The Convener said that East Lothian Council was a high performing local authority because of its staff. This framework would help the Council to deliver services despite the difficult financial position and to continue to do all it could to ensure that communities received high quality services.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

Decision

The Cabinet:

- i. Approved the revised Improvement to Excellence: East Lothian Council's Continuous Improvement Framework.

3. CORPORATE RISK REGISTER 2023-24

A report was submitted by the Chief Executive presenting the Corporate Risk Register as at 24 April 2023 for discussion, comment and noting.

The Emergency Planning, Risk and Resilience Officer, Scott Kennedy, presented the report. He notified Members of minor amendments to risk CR9, which had occurred following the update on 24 April 2023. He outlined the background and monitoring arrangements in place for the register and the evaluation of risks; advising that the current version of the register contained 8 Very High risks, 5 High risks, 7 Medium risks and 1 Low risk. He highlighted that recent updates to individual risks were shown in red within the document and he provided Members with more detailed updates on risks CR1 and CR5. He confirmed that the Very High and High risks within the Corporate Risk Register would be subject to closer scrutiny by the Audit & Governance Committee at its meeting on 13 June.

The Head of Housing, Wendy McGuire, responded to questions from Councillor Forrest. She advised that the Housing Options Team remained in business continuity measures as a result of staff vacancies. She added that significant legislative and policy changes over the last three years, compounded by the situation in Ukraine, had placed significant pressure on the Team. However, she was working to develop capacity going forward. On the issue of recruitment of trades' staff, she confirmed that there were challenges in recruiting across all trades at present. While the Council had had some success in appointing joiners, it had been unsuccessful in recruiting electricians which was impacting on repairs and void properties.

The Head of Communities & Partnerships, Sharon Saunders, replied to a question from Councillor McMillan outlining the framework and strategy for evaluating and reviewing risks within the Corporate Risk Register. She said that a close eye was kept on risk factors at global, national and local level to assess their impact on delivery of Council services and that the Corporate Risk Register fed into the individual service risk registers which each had similar monitoring arrangements.

In response to a question from Councillor Dugdale, Ms Saunders explained that service areas were required to deliver all services within available resources. Business continuity measures

allowed service areas to focus on elements of work pre-identified as crucial, and prioritise tasks and resources within that service. These elements of work were generally statutory or risk-based in nature. She stated that the current financial situation meant that no additional resources were available at present.

The Executive Director for Council Resources, Sarah Fortune, said that the Council continued to take financial pressures into account when managing risks. However, she reminded Members that the management of the current financial environment was the highest level of risk ever reported to Council and presented a continuing challenge. Financial resources were being focussed on key statutory and risk priorities and the Finance Team was one of the service areas currently having to prioritise its efforts and resources to manage these ongoing challenges.

The Convener responded to a question from Councillor Akhtar on actions to address the pressures facing the Council as result of significant population growth and relative under funding. He advised that he would be meeting the following day with the Local Government Minister and he had also written to the Cabinet Secretary for Finance to request a meeting to discuss these pressures and the likelihood that, without an increase in funding allocations, the Council would struggle to deliver on priorities in future.

Ms Fortune added that officers continued to raise the Council's unique challenges at all opportunities, including with partner bodies such as SOLACE and CoSLA, and through meetings with Audit Scotland.

Councillor Forrest welcomed the report and acknowledged the amount of work which had gone into preparing and maintaining the register and mitigating the risks identified. He welcomed any engagement with Ministers as a positive step and noted that the Council's challenges were not helped by a reduction in its housing grant.

Councillor McMillan highlighted the need to scrutinise and assess risk and he thanked Ms Saunders for her response to his question. He said that it was this management of complex elements, backed by solid professional work, which allowed the Council to continue to deliver services for East Lothian.

Councillor McGinn observed that global events trickled down to affect communities, citing the examples of emergencies which had significantly impacted communities and Council services, and which continued to do so. He said these events had demonstrated how proactive staff and services were and how they were able to balance responding to emergencies with the wider requirements of each service.

Councillor Akhtar acknowledged the role of staff in managing risks while also getting on with their jobs. She said it was important to show that Members were advocating strongly at the highest level and to raise questions with the Scottish Government about funding priorities. She welcomed the announcement of a delay in the implementation of a National Care Service and said she would continue to lobby to keep services local, to better meet the needs of local communities.

The Convener echoed his colleagues' remarks. He thanked officers for the report and their management of risks across the Council. He said he would like to see this information given to local MSPs so that they might better understand the pressures facing the Council. He referred to current and future challenges such as the new Local Development Plan, and government priorities which placed added pressure on resources and communities. He also noted the significant workforce challenges around recruitment and retention, pay and the ongoing impact of the cost of living crisis. He said it was important for the Council to continue to do all it could to support families across the county. He referred to his letter to Scottish Government ministers and stated that without additional funding or changes to funding

arrangements the Council was heading for a serious crisis. He thanked staff for their continuing efforts across all services.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

Decision

The Cabinet agreed:

- i. To note that this live document would be reviewed by the CMT, SMT, individual risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required;
- ii. that the current relevant risks had been identified;
- iii. that the significance of each risk was appropriate to the current nature of the risk;
- iv. that the total profile of corporate risk could 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,
- v. recognised that, although corporate risks required close monitoring and scrutiny over the next year, many were long term risks for the Council that were likely to be a feature of the risk register over a number of years.

4. THE EAST LOTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2023

A report was submitted by the Executive Director for Place for Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Genesis Scottish Open 2023 Golf Championship, at the Renaissance Club, Dirleton, East Lothian.

The Outdoor Access Officer, Nick Morgan, presented the report. He outlined the background to the order, the period during which it would take effect and the reasons for the application. He confirmed that a consultation had taken place and that there had been no concerns or objections raised.

Councillor McMillan acknowledged the important work of the Local Access Forum, including Mr Morgan, and the efforts of all staff to support this event. He said it would bring significant benefits for the local economy and help to deliver on the Council's aspirations in relation to tourism and being the best food and drink destination in the country.

Councillor McGinn echoed these remarks and noted the high standard maintained year round on the course. He said it reflected well on East Lothian that it could attract such tournaments, and world famous golfers, and the order would ensure the safety of the event.

The Convener moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

Decision

The Cabinet agreed to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023.

5. THE NEW MAINS, DIRLETON RIGHT OF WAY

A report was submitted by the Executive Director for Place seeking approval for officers to undertake any of the processes outlined to ensure public access was maintained along a route through Dirleton New Mains between the John Muir Way and the access road to Yellowcraig. The preferred option would be to undertake a right of way diversion order along a proposed new route but if this was not possible, then to explore options for the constitution of new public access rights along the proposed new route, or to enter into a path agreement with the landowner along the new route. It was noted that the preferred option would only be available if the original right of way was in existence. If this were found not to be the case, either of the other options would be required.

Mr Morgan presented the report outlining the background to the right of way and the issues around ensuring continued public access via a suitable route. He confirmed that any future actions would continue to be informed by appropriate legal advice.

Councillor McMillan said this highlighted the importance of landowners working with the Council. It also typified the work done by officers, and local groups, year after year to ensure that rights of way remain open and continue to provide safe access.

Councillor McGinn said that routes like this supported people to remain active. He acknowledged the continuing work of staff to maintain rights of way and their work with landowners to ensure open and safe access.

The Convener echoed his colleagues' remarks. He considered the route proposed by the landowner to be an improvement and he hoped officers could work through the legal issues to put access in place. He then moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

Decision

The Cabinet agreed to officers pursuing the processes outlined to ensure that public access rights remained along a route through Dirleton New Mains between the John Muir Way and the access road to Yellowcraig:

- i. a diversion of the current right of way along a proposed new route under Section 208 of the Town and Country planning (Scotland) Act 1997, to enable the development of the steading at New Mains, Dirleton, East Lothian;
- ii. the constitution of new public access rights along the proposed new route;
- iii. the option to enter into a path agreement with the landowner along the new route.

6. MARKLE MAINS ROAD – STOPPING UP OF PUBLIC ROAD AND DIVERSION OF PUBLIC RIGHTS OF WAY

A report was submitted by the Executive Director for Place seeking approval to start the statutory procedures necessary to stop up the Markle Mains Road at Markle Level Crossing and divert the public rights of way (PRoW) in accordance with Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997.

The Planning Obligation Officer, Graeme Marsden, presented the report. He outlined the background to the proposals and confirmed that planning permission had been granted for the

replacement bridge and diversionary road. He advised that the report sought approval for the public notification process and, if no objections were received, the Order would be confirmed. The delivery of the replacement crossing was part of the wider delivery of the new station at East Linton.

Mr Marsden responded to questions from the Convener and Councillor Jardine. He advised that the barriers could be down at the level crossing for up to 45 minutes in any one hour; creating a bridge would alleviate driver frustration caused by the crossing. He also outlined the statutory period for consultation on the proposed Order.

The Project Manager – Growth & Sustainability, Peter Forsyth, provided additional details about the timeframe for the proposed work and how it fitted with the timeframe for delivery of the station. He noted that there were constraints, for example in relation to car parking, but that officers were working to overcome these issues. He added that alternatives for the crossing were also being looked at, to ensure that any delay in completing the bridge would not impact on the opening of the station.

The Convener welcomed the work moving forward and noted that the residents were keen to see progress and for the station to be completed. The current crossing was dangerous and the proposals in the report represented a significant improvement to safety.

The Convener then moved to the vote on the recommendations, which was taken by roll call and approved unanimously.

Decision

The Cabinet:

- i. approved the initiation of the statutory procedure necessary to stop up the U159 Markle Mains Road at Markle Level Crossing and divert public rights of way (LE159 and LE160) under sections 207 and 208 respectively of the Town and Country Planning (Scotland) Act 1997; and
- ii. if no objections were received during the 28 day notification period, or they were withdrawn before the end of the period or subsequently resolved, authorised officers to issue the orders for the actual stopping up of the level crossing and road and diversion of the footpaths.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Executive Director for Council Resources

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 2018 (GDPR) – Compliance Statistics in 2022

2

1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the calendar year 2022 (i.e.: from 1 January 2022 to 31 December 2022).
- 1.2 To report on the Council's compliance with the timescale laid down by the Data Protection Act 2018 (GDPR) for the calendar year 2022 (i.e.: from 1 January 2022 to 31 December 2022).

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During 2022, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer or an officer nominated by them.

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner.

3.2 Freedom of Information (FOI) statistics are recorded by Information Governance. Guidance on how to handle information requests, and requests for review, is published on the Council’s intranet, accessible to all employees.

3.3 The total number of FOI requests in 2022 was 1,287. By way of comparison, 1,119 requests were received during the previous calendar year, 2021. An increase of 168. Overall, numbers of FOI requests have been increasing steadily and becoming more complex since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received in 2022 was 62. By way of comparison, 46 review requests were received during the previous calendar year, 2021. An increase of 16.

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests in 2021:

	FOI				EIR			
	2022		2021 (for comparison)		2022		2021 (for comparison)	
On time	910	99%	785	99%	145	97%	167	99.5%
Late	7	1%	6	1%	5	3%	1	0.5%
Cancelled/Withdrawn	8		6		10		11	
Suspended	40		16		138		98	
Invalid	15		21		9		8	
Ongoing	0		0		0		0	
TOTAL ACTIONED	980*		834		307		285	

*Includes 18 requests which were covered by both FOI and EIR legislation.

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review in 2022:

	FOI				EIR			
	2022		2021 (for comparison)		2022		2021 (for comparison)	
On time: Within 20 Working Days	34	92%	15	79%	22	96%	25	92.6%
Late	3	8%	4	21%	1	4%	2	7.4%
Upheld or partially upheld	33		14		22		22	
Overtaken	4		5		1		5	
Decision reached for the first time (previously we failed to respond).	0		0		0		0	
Additional Info Provided	0		0		0		0	
Review Invalid	0		0		0		0	
Review Cancelled	1		0		0		0	
Review Suspended	1		0		0		0	
Still Outstanding	0		0		0		0	
Total Actioned	39		19		23		27	

3.7 The top three categories of enquirer in 2022 were:

- 1) General Public (46%)
- 2) Commercial Organisations (20%)
- 3) MSP/MPs (15%)

3.8 **Data Protection Act 2018 (GDPR)** – with effect from 25 May 2018, East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information (“Subject Access Requests”) – to be answered within one month although this may be extended by a further two months for complex requests.

3.9 Data Protection (DP) statistics are recorded by Information Governance. Guidance on how to handle requests for personal information (“Subject Access Requests”) is published on the Council’s intranet, accessible to all employees.

3.10 The total number of DP “Subject Access Requests” received in 2022 was 177. By way of comparison, 120 requests were received during the previous calendar year, 2021. An increase of 57.

3.11 The table below provides a breakdown of the response timescales for DP “Subject Access Requests” received in 2022.

	2022		2021 (for comparison)	
Completed on time (within one month or extended time)	125	92%	79	95%
Late	11	8%	4	5%
Suspended	40		32	
Withdrawn	1		5	
Ongoing	1		0	
Total Actioned	177		120	

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 None.

AUTHOR’S NAME	Carlo Grilli
DESIGNATION	Service Manager – Governance
CONTACT INFO	Ext: 7770 Email: cgrilli@eastlothian.gov.uk
DATE	

REPORT TO: Cabinet
MEETING DATE: 12 September 2023
BY: Executive Director for Council Resources
SUBJECT: Menopause & Hormonal Conditions Policy

3

1 PURPOSE

- 1.1 To seek endorsement of the attached Menopause and Hormonal Conditions policy (see Appendix A), following full employee and Trade Union consultation and CMT approval.
- 1.2 The purpose of this proposed employee policy is to:
- Outline the Council's commitment to supporting and improving the wellbeing of employees adversely affected by menopause and hormonal conditions.
 - Outline the advice and support available to employees via line managers, Human Resources and Trades Unions and signposting to the appropriate internal and external information and support services.
 - Inform and empower managers and employees to be confident in having open, supportive and confidential discussions about hormonal conditions and associated symptoms affecting employees in regard to, for example, menopause, endometriosis and andropause.
 - Promote a culture that provides employees with access to the right support, at the right time, with a view to being able to effectively manage their hormonal health and to continue to attend and perform well at work.
 - Ensure inclusivity, equality and fair access to the types of support outlined within the policy, which has been developed to include all types of hormonal conditions that may have a detrimental impact on our employees' daily lives.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note and endorse the attached Menopause & Hormonal Conditions Policy, ideally in time to promote and implement prior World Menopause day on 18 October 2023.

3 BACKGROUND

- 3.1 Formal employee and Trade Union consultation took place between 16 November and 7 December 2022.

- 3.2 The consultation arrangements were outlined via Inform and MyHR. In addition, an all employee e-mail was sent via the Communications Team. During the consultation period, 771 visits to the Inform page were recorded and 30 pieces of feedback were received via the consultation e-mail box.

- 3.3 The policy has been revised to take account of feedback received, which was extremely supportive of the introduction of this policy. Key aspects are noted below:

- 3.3.1 Consideration of a stand-alone Transgender policy rather than reference within this policy was suggested via three of the feedback responses received. **Recommendation:** as the aim of the policy is to outline the understanding and support employees will receive when adversely affected with hormone related symptoms, it is recommended that we retain current acknowledgement and reference within this policy to ensure this group of employees receive support and understanding, with the intention to develop a new Transgender Policy.

- 3.3.2 Overall positive feedback was received, with a resounding ask that managers be trained and made aware of the policy and how to support and signpost employees who are affected by related symptoms outlined within the policy. **Recommendation** that further manager's guidance be developed, aligned with internal and external support information e.g. Health and Wellbeing pages on the Intranet, MyHR and Inform articles and organisational websites e.g. NHSS, ACAS, CIPD, EIS, Unison etc. and consider inclusion in our induction processes.

- 3.3.3 Feedback indicated that some employees had been of the understanding that provision of sanitary products in council buildings were for members of the public only. Following inter-departmental discussion, clarification within the policy has been made in regard to provision of free sanitary products for employees within designated toilet facilities at the council. **Recommendation:** that this approach is supported and more broadly communicated to ELC employees.

- 3.3.4 Feedback received outlined that not all suggested support measures within the policy would be realistic to implement within taking account of some work settings and job roles. The policy has been updated to state that introduction of support measures will take account of both elements. Clarification added within the policy to recognise that work settings and roles may be a barrier to some of the immediate or 'on the spot' support

that can be considered and offered e.g. rest rooms, taking time out (e.g. if care role, community workers etc.)

- 3.3.5 Following feedback, further clarifications and fuller definitions have been included within the policy, for example, re menopause, andropause and reference to other conditions e.g. fibroids.
- 3.3.6 TU feedback has been considered and included within the revised attached policy. Feedback included, further definition of menopause, signposting employees to their Trade Union representative for support and to be in attendance at related meetings to support employees, TUs have asked that we (a) record absence reasons associated to menopause separately and consider discounting these absences from the trigger stages within Managing Attendance Policy and (b) monitor and report on sickness absence due to menopause as well as recruitment and that “the gender pay gap is considered by age group to examine whether women over 45 may be experiencing discrimination that could be related to the menopause”. **Recommendation** that menopause and hormonal conditions are included as an absence reason within MyHR for recording and reporting purposes (section 6.1 of the policy outlines scope re discounting absence), that quarterly absence reporting be undertaken specifically in relation to absences related to menopause and hormonal health, that there be more in depth gender pay gap reporting and that the bi-annual employee survey includes questions re hormonal health and wellbeing.

4 POLICY IMPLICATIONS

- 4.1 Introduction of this policy will have a positive impact by enabling understanding and provision of support to those employees experiencing symptoms related to menopause and hormonal conditions. The scope and breadth of the policy is inclusive and recognises the diversity of all employees.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There will be no significant additional costs to the Council as a result of introducing this policy.
- 6.2 Human Resources – Managers and employees will be supported via communications, intranet signposting and training as part of policy implementation.
- 6.3 Other – n/a

7 BACKGROUND PAPERS

7.1 None

Appendix A - Menopause and Hormonal Health Policy

AUTHOR'S NAME	Gail Scott Zoe McFadzean
DESIGNATION	HR Adviser Team Manager, HR Operations, Council Resources
CONTACT INFO	01620 827717 01620 826772
DATE	14 August 2023



Menopause & Hormonal Conditions Policy

This policy applies to all Employee Groups

*Date Approved:

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	Menopause & Hormonal Conditions Policy
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Integrated Impact Assessment	August 2023
Links to other Council Policies/ processes	Worksmart Policy Homeworking Policy Flexible Working Hours Policy (Flexitime) PAM Occupational Health Consultation Policy Managing Attendance Policy
Approved By	Cabinet
Date Approved	
Review Date	New Policy August 2023
Date of next Review	This policy will be reviewed as necessary, including but not limited to changes to legislation; agreement of new national terms and conditions of service or government policy, organisational change or changes agreed through Trade Union consultation.
Policy Lead	Team Manager – HR Operations, People

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1. Introduction

- 1.1 East Lothian Council is committed to supporting and improving the well-being of its employees ensuring that all are treated fairly and with dignity and respect in their working environment.
- 1.2 We recognise that we all go through different phases and stages in life and may require additional support and understanding at work during these times.
- 1.3 It's important that we foster a supportive, positive and open environment that contributes to preventing employees from losing confidence in their skills and abilities, hiding reasons for absence from work, experiencing increased mental health conditions such as stress, anxiety and depression or leaving their job unnecessarily.
- 1.4 This policy is intended to support employees who are experiencing symptoms associated with hormonal conditions including, but not restricted to, menopause, perimenopause, andropause (male menopause) and conditions such as menorrhagia (heavy periods), dysmenorrhea (painful periods), endometriosis (a disease where tissue similar to the lining of the uterus grows outside the uterus), Transgender Hormonal Therapy (also called hormonal reassignment) and Polycystic Ovary Syndrome (PCOS). See section 5 below for fuller definitions.
- 1.5 East Lothian Council recognises the potential impact of symptoms on wellbeing and performance of those employees experiencing menopause and other hormonal conditions, some of which can have a detrimental impact on daily life. The Council will always seek to support employees sympathetically, considering support and adjustments, tailored to individual needs as appropriate.
- 1.6 All employers have a legal duty to make a suitable and sufficient assessment of the workplace risks to the health and safety of their employees. Risk assessments should consider the specific needs of menopausal women and employees experiencing symptoms associated with hormonal conditions, and ensure that the working environment will not make these symptoms worse. Often, making simple changes to the working environment can help to manage or ease the impact of some symptoms.

2. Purpose and Aims

- 2.1. The purpose of the policy is to empower managers and employees to hold open, honest, supportive and confidential discussions about menopause and hormonal conditions, any associated symptoms and what can be done to support employees to manage their health and ability to continue to attend work and perform well in their roles, recognising that symptoms experienced may be long term i.e. over a number of years.

- 2.2 To ensure an environment where employees are supported to feel that menopause or other hormonal conditions are not concerns that need to be hidden; that they are able to talk about these conditions openly without hesitancy or fear of embarrassment.
- 2.3 Whilst there is no obligation for employees to disclose that they are experiencing symptoms or changes associated with hormonal conditions but where they choose to, they can be confident that they will be listened to, understood and supported.
- 2.4 The aim of the policy is to outline internal and external support available to those who are adversely affected, recognising that for some, symptoms may have a debilitating impact on daily living, and to make managers and employees aware of menopause and other hormonal conditions and how these conditions can affect employees by;
- Raising awareness and understanding amongst all council employees and managers about the potential symptoms of hormonal conditions, including menopause, what the effects can be and what can be done to support employees at work who are affected, to reduce negative attitudes to those experiencing these symptoms; recognising everyone's experiences may differ greatly.
 - Supporting and signposting employees to manage conditions or seek professional or specialist help and support.
 - Creating a safe and confidential environment where employees feel confident enough to raise concerns about their symptoms and ask for support, including adjustments at work.
 - Providing direction and clarity on how to support employees who experience symptoms or changes related to hormonal conditions, such as menopause, both for employees experiencing symptoms and those who are affected indirectly, for example, line managers, partners and colleagues.
 - Reducing absenteeism due to hormonal conditions by offering support, understanding and flexibility at work during these times.
- 2.5 Whilst it recognised that this policy may not be explicitly comprehensive in regard to specifying all types of hormonal conditions, concerns and symptoms, the fundamental aim of this policy is to outline the support available to employees.

3. Scope

- 3.1. This policy applies to all employee groups of the Council, recognising that support and solutions will take account of the diversity of job roles and work settings and the implications and potential limitations of such environments.

3.2 It's recognised that menopausal and hormonal conditions will affect employees differently, with some experiencing considerable, little or no symptoms and effects being short, medium or longer term.

4. Legislation

4.1 Menopause and other hormonal conditions and symptoms may not be considered to be protected characteristics under the Equality Act 2010, some protected characteristics may be relevant in some cases e.g. age, sex, gender reassignment and disability.

4.2 The Gender Recognition Act 2004, makes provision for and in connection with change of gender and may be of consideration.

4.3 The Health & Safety Act 1974, which outlines the legal duty of an employer to ensure the health, safety and welfare of employees.

5. Definitions

5.1 **Menopause** is when a woman stops having periods; menopause means 'the last menstrual period'. It's not only those who identify as women who will experience menopause. Some transgender men, non-binary people, intersex people or people with variations in sex characteristics may also experience menopause. However, some women can also have menopause induced as a result of using hormonal contraception, surgery or medical treatments, such as chemotherapy or pelvic radiation therapy. As a result of these hormonal changes, many may experience both physical, mental and emotional symptoms, including pain, anxiety, hot flushes, fatigue, mood swings, headache/migraine, sleeping difficulties, night sweats, a decline in confidence and concentration, brain fog, joint pain and osteoporosis, and may, therefore, encounter difficulties at work as a result.

5.1.1 Menopause usually happens between the ages of 45 and 55. If menopause happens before the age of 40 it is called premature menopause.

5.1.2 Some medical treatments may also result in early menopause occurring for example, chemotherapy and pelvic radiation therapy.

5.2 **Perimenopause** is the time leading up to menopause when changes may be experienced, such as irregular periods or other symptoms similar to menopause (see 5.1). It's a natural period of transition which can last from a few months up to 10 years before menopause.

5.3 **Post-menopause** is defined as the transition phase which can last for years after the menopause transition has been completed i.e. when a woman has not had a period for twelve consecutive months. The symptoms experienced may be similar to those of menopause (see 5.1).

5.4 **Andropause** The gradual decline in testosterone levels normally in men aged 40 to 60, often accompanied by physiological changes such as fatigue, decreased energy, irritability, weight gain, mood swings and

decreased libido. Certain medical conditions may trigger early andropause such as testicular cancer, surgical removal of the testes or hormone therapy to treat prostate cancer.

- 5.5 **Menorrhagia** is the medical term for menstrual periods with abnormally heavy or prolonged bleeding. Symptoms experienced may include abdominal pain, tiredness, anaemia, sleep problems and fatigue.
- 5.6 **Dysmenorrhea** is also known as painful periods or menstrual cramps and pain during menstruation. The symptoms experienced may include nausea, lower abdominal and back pain, diarrhoea, vomiting, headaches/migraine, fatigue, sleep problems and sensitivity to sound.
- 5.7 **Endometriosis** is a condition where tissue similar to the lining of the womb starts to grow outside the uterus, such as on the ovaries and fallopian tubes. The symptoms experienced may include painful periods, chronic pain in lower back and pelvis, painful bowel movements, nausea, diarrhoea, sleep problems and fatigue.
- 5.8 **Transgender Hormonal Therapy** is hormone replacement therapy or gender-affirming hormone therapy and is a form of hormone therapy in which sex hormones and other hormonal medications are administered to transgender or gender non-conforming individuals for the purpose of more closely aligning their secondary sexual characteristics with their gender identity. Symptoms experienced during hormone replacement therapy may include abdominal or muscular pain, nausea, sleep problems, fatigue, headaches/migraine, anxiety, high blood pressure and overproduction of red blood cells increasing the risk of blood clots. **Note** This definition is provided with the aim of ensuring employees are supported at work and signposted to support services should they experience symptoms. This policy does not aim to cover all elements for consideration in relation to Transgender employees. These considerations will be covered more fully in the council's Transgender Policy, currently under development.
- 5.9 **Polycystic Ovary Syndrome (PCOS)**, is a common condition, which can be painful, and affects how a woman's ovaries work. The three main features are irregular periods, excess androgen (high levels of 'male' hormones) and polycystic ovaries (enlarged ovaries containing many fluid filled sacs (follicles) that surround the eggs). Other symptoms experienced may include sleep problems, fatigue, mood swings, weight gain, depression, hair growth on face and body and acne.
- 5.10 **Fibroids**, also known as uterine myoma or leiomyoma, are non-cancerous growths that develop in the muscular wall of the womb (uterus) which in some may lead to heavy or painful periods, abdominal or lower back pain, constipation or a frequent need to urinate.
- 5.11 Surgery associated with, for example, hysterectomy or treatment such as IVF may also result in symptoms due to hormonal changes.

6. Roles and Responsibilities

6.1 Line Managers

- Are responsible for ensuring the health and wellbeing of employees at work and to undertake topic appropriate training and increase their own awareness (see links within section 9 of this policy) to aid having confidential, sensitive and supportive discussions with employees, considering the support that can be made available to those who are experiencing hormonal symptoms impacting adversely on daily life.
- Will support employees to access Occupational Health services through management referral and the Employee Assistance Programme, which can be accessed by self, or management referral as required.
- Will seek HR advice in relation to menopause or hormonal related absences, including consideration of reasonable adjustment to absence triggers and being considerate in the application of measures outlined within the Managing Attendance Policy.

6.2 Employees

- Employees who experience symptoms as a result of hormonal conditions should, where possible, have a discussion with their line manager in relation to their health and wellbeing at work. Alternatively, support can be sought via Human Resources, Healthy Working Lives, Occupational Health and the Employee Assistance Programme (see Section 9 of this policy).
- All employees are asked to be supportive and understanding of those colleagues who may be experiencing hormonal symptoms and who are being supported by having adjustments, tailored to individual needs, put in place.
- It is important to note that it is a disciplinary offence to harass, victimise or discriminate against another employee generally, and in relation to menopause or other hormonal conditions. This type of behaviour may also be a breach under the Equality Act 2010 because of a protected characteristic e.g. in regard to age, sex, gender reassignment or disability.
- Employees should report any instances of harassment, victimisation or discrimination, whether experienced or witnessed, because of issues related to hormonal conditions to their line manager, HR Adviser or Trade Union Representative.

6.3 Human Resources

- Will advise and support managers and employees on the appropriate application of this Policy, guiding them towards other policies or action

where appropriate. To find the named HR Adviser for your Business Unit or School please refer to [Human Resources | East Lothian Intranet](#) .

7. Symptoms, Support and Adjustments

- 7.1 The council recognises that symptoms associated with hormonal conditions or changes can manifest physically, emotionally and psychologically and may vary in type, intensity and frequency from one individual to another.
- 7.2 It is also recognised that council employees work in a range of roles and work settings, both of which must be taken into account when considering practical support and adjustments at work.
- 7.3 Symptoms experienced due to menopause and other hormonal conditions and changes may include difficulty sleeping, hot flushes, pain, urinary tract infections, weight gain, hair loss or excessive growth, low mood, anxiety, memory lapses, decline in confidence and concentration, fatigue, dry or itchy skin, osteoporosis and joint pain. In discussion with the employee, making adjustments to the work environment, where possible, may be beneficial for affected employees, examples include:
- ensuring good ventilation in work places and settings, provision of fans, where feasible, or access to fresh air
 - offering a quiet area to work or to rest
 - allowing short or regular breaks to cool down or refocus
 - access to fresh drinking water
 - regular employee H&S risk assessments taking into account symptoms being experienced in regard to job role e.g. fatigue and driving/operating machinery and ensuring work environment is not making symptoms worse
 - access to toilet facilities and comfort breaks as required
 - Provision of free sanitary products within designated council workplace toilet facilities; female, male and accessible.
- 7.4 Where persistent symptoms are experienced, a referral to Occupational Health should be made by the line manager to ask for advice in relation to support and any adjustments that may be required, including consideration of flexible working arrangements on a temporary or permanent basis. Types of flexible working that could be helpful under the council's Worksmart and Homeworking Policies include:
- flexibility in work start or finish times
 - a change to the pattern of hours worked
 - permission to perform work from home; homeworking or hybrid working
 - a reduction in working hours
- 7.5 Access to the council's Flexible Working Time (Flexitime) policy, where practical, may also be helpful for employees.

8. Occupational Health Support

- 8.1 Occupational health services aim to support employees to be well at work – physically and mentally by identifying appropriate support for employees along with assessing risks at work for employees. An Occupational Health referral by the employee's line manager may be helpful for those employees who are experiencing ongoing hormone related symptoms, which negatively impact on their daily lives.

9. Further Sources of Information, Support and External Links

- 9.1 It is advisable that employees discuss related symptoms and health concerns with their GP or medical professional to ensure access to appropriate NHS health care.
- 9.2 All employees can access support, help and advice including counselling through PAM Assist, the council's Employee Support Assistance provider, PAM Assist can be contacted by:
- Calling **0800 882 4102** to speak with an adviser. All calls are free, confidential and available 24 hours, 7 days a week throughout the year. When calling please confirm that you are an employee of East Lothian Council and the Department you work for.
 - E-mailing info@pamwellbeing.co.uk with any general enquiry
 - Logging on to PAM Assist <https://login.pamassist.co.uk/login> and entering Username: **ELC** and Password: **ELC1** provides access to a range of information available on health matters including menopause.
 - Using the PAM Assist App that can be downloaded to your mobile phone.
- 9.3 The Menopause Support Group is run via the council's Healthy Working Lives (HWL) Group. The HWL group can be contacted via email at hwl@eastlothian.gov.uk
- 9.4 The Council also has information on menopause on the intranet [here](#) along with free period product information on the Council's website [here](#)
- 9.5 Other external support is extensive and some examples are included below:

Menopause Resources

- www.nhs.uk/conditions/menopause
- <https://www.nhs.uk/conditions/early-menopause/>
- <https://www.daisynetwork.org/>
- www.menopausematters.co.uk
- www.womens-health-concern.org/help-and-advice/factsheets/menopause

- <https://www.verywellhealth.com/supporting-your-partner-during-menopause-2322673>
- [The menopause at work: guidance for people managers | CIPD](#)
[The Sleep Charity - Menopause](#) [NHS UK Menopause](#) [NHS Inform - Insomnia](#)

Hormonal Health Resources

- <https://www.nhs.uk/conditions/male-menopause/>
- <https://www.nhs.uk/conditions/hormone-replacement-therapy-hrt/>
- <https://www.nhs.uk/conditions/heavy-periods/>
- <https://www.nhs.uk/conditions/period-pain/>
- <https://www.nhs.uk/conditions/endometriosis/>
- <https://www.endometriosis-uk.org/>
- <https://www.nhs.uk/conditions/gender-dysphoria/treatment/>
- [Polycystic ovary syndrome - NHS \(www.nhs.uk\)](#)
- [Fibroids - NHS \(www.nhs.uk\)](#)

External Information and Resources

- [A guide to hormone therapy for trans people \(scottishtrans.org\)](#)
- [Ending endometriosis starts by saying it | Endometriosis UK \(endometriosis-uk.org\)](#)
- [The Sleep Charity](#)
- [NHS Inform - Insomnia](#)

10 Review of Policy

- 10.1 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

August 2023

Guidance to Support Discussions

We recognise that everyone is different, and that adjustments need to be tailored to an individual's specific needs. This guidance outlines considerations that may be helpful in aiding discussion and putting in place appropriate support.

If an employee wishes to speak to their manager or HR about their symptoms, or just to talk about how they are feeling (they may not recognise themselves that they are symptomatic), please ensure that:

- There is adequate time to have the conversation;
- That the employee has the opportunity to be accompanied by a colleague or TU Representative
- An appropriate room/virtual platform is used to preserve dignity and confidentiality;
- The employee is supported and encouraged to speak openly and honestly;
- The manager should make clear this is an informal discussion with a view to looking at support options
- The ways in which they can be supported at work are explored; adjustments at work, H&S risk Assessments, Wellness Action Plan, Employee Assistance Programme, Occupational Health referral (see section 8 above).
- Actions are mutually agreed, along with the next steps and how these will be implemented (using the template at Appendix 2 to record the meeting), before the meeting ends. Ensure that this record is treated as confidential, and in line with Data Protection and GDPR requirements and is stored securely by the employee and the line manager (where employee agrees to this).
- Consideration and agreement is reached as to whether other members of the team should be informed of support measures, and if so, by whom;
- Confirm date(s) for follow up support meeting(s).

Symptoms and Support at Work

Symptoms associated with menopause and other hormonal conditions can manifest physically and psychologically, and may include some of the symptoms below (although this is not an exhaustive list). The employee will be able to outline the symptoms they themselves are experiencing and using the Meeting Template (see Appendix 2) and the Wellness Action Plan template (see Appendix 3) may be useful to ensure that support that would be helpful at work has been identified, discussed and agreed.

It is also recognised that our employees work in a range of different roles and work settings, therefore adjustments need to take account of individual needs within their work context and the requirements and potential barriers within that.

Outlined below are some examples of steps that could be considered to mitigate symptoms experienced by employees:

Hot Flashes

- Temperature control for the work area, such as a fan on the desk (where possible a USB connected desk fan as more environmentally friendly) or moving near a window, or away from a heat source;
- Ensuring ease of access to fresh drinking water;
- Adapting any prescribed uniform, such as by removing a jacket;
- Having access to a rest room for breaks if work involves long periods of standing or sitting, or a quiet area to manage a severe hot flush.

Headaches, Migraine & Pain

- Having ease of access to fresh drinking water;
- Offering a quiet space to work;
- Allowing time out for rest or a breath of air;
- Having time out to take medication if needed
- Access to a rest room or quiet space.

Difficulty Sleeping

- Signposting to self-help such as sleep advice e.g. [The Sleep Charity](#) [The Sleep Charity - Menopause](#) [NHS UK Menopause](#) [NHS Inform - Insomnia](#)
Consideration of more flexible working arrangements, short, medium or long term.

Mood Swings and Low Mood

- Agreeing time out from others, when required, without needing to ask for permission;
- Having access to a room or quiet space to be able to go to regain composure or 'clear their head';

Loss of Confidence

- Ensuring there are regular one to one discussions and that Personal Development Plans are in place to support training and development support needs;
- Having time with the manager to discuss any work pressures or issues; review PDP and Wellness Action Plan (where in place)
- Providing agreed protected time to catch up with work following discussion and agreement.

Poor Concentration

- Discussing if there are times of the day when concentration is better or worse, and adjust working pattern/practice accordingly;
- Reviewing task allocation and workload;
- Offering quiet space to work;

- Supporting employees to have protected time to focus, so that they are not disturbed;
- Having agreed protected time to catch up with work.
- Allowing longer for business travel journeys to allow for breaks from driving or encouraging use of public transport
- Utilising flexi-time working arrangements

Anxiety

- Agreeing time away from work to undertake relaxation techniques;
- Undertaking mindfulness activities such as breathing exercises, or going for a walk.
- Temporary changes to duties e.g. fewer high visibility work such as formal presentations or meetings.

Panic Attacks

- Agreeing arrangements for time out from others, when required, without needing to ask for permission each time;
- Being able to have time away from their work to undertake relaxation techniques;
- Undertaking mindfulness activities such as breathing exercises, or going for a walk.

Heavy, Light and Painful Periods

- Having ease of access to rest area and toilet facilities
- Having time out to take medication if needed.
- Provision of free sanitary products within council workplace toilet facilities; male, female and disabled.

It will be helpful to discuss whether the employee has attended their GP or accessed support via NHS, EAP or other support organisations. Depending on the discussion, a GP appointment may be the next step suggested, particularly if the symptoms are causing disruption to daily life, for example impacting on sleep, pain, mood, confidence and concentration, panic attacks or anxiety.

If they have visited their GP, and are being supported by them, it may be helpful at this point to make an Occupational Health referral to get specific advice regarding support within the workplace.

Your Human Resources Adviser can also offer advice in regard to application of this policy and supporting employees. To find the named HR Adviser for your Business Unit or School please refer to [Human Resources | East Lothian Intranet](#)

Managers should also provide the employee with the Freephone number for the Council's Employee Assistance Provider, **PAM Assist - 0800 882 4102**.

Confidential Menopause & Hormonal Conditions Discussion Record

Employee Name	
Employee Job Title	
Department	
Location of Work	

Line Manager Name	
Line Manager Job Title	
Department	
Location of Work	

Date of Discussion:

Summary/Key Points of Discussion:

Agreed Actions/Support/ Adjustments:

Date of next review meeting.....

Signed (Employee).....

Signed (Manager).....

This record must be treated as confidential, and in line with Data Protection and GDPR requirements and stored securely by the employee and/or line manager.

Where the employee gives permission, a copy of this form may be sent to the hr@eastlothian.gov.uk mailbox for inclusion in the employee's personal file.

Wellness Action Plan

The Wellness Action Plan can be found [Wellness Action Plan Form | East Lothian Intranet](#)

The Wellness Action Plan Guidance for Managers can be found [Wellness Action Plans Guidance for Managers | East Lothian Intranet](#)

DRAFT

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Executive Director for Council Resources

SUBJECT: Annual Pensions Report – 2022/23

4

1 PURPOSE

1.1 To summarise the early retirement activity within the financial year 2022/23, in accordance with External Audit requirements and Council Policy.

2 RECOMMENDATIONS

2.1 That Cabinet note the content of the report with regard to the pension activity in respect of early retirements in the financial year 2022/23.

3 BACKGROUND

3.1 Council's Retirement Activity in Financial Year 2022/23

There are currently three types of pensionable early retirements available to the Council, for all employees other than teaching employees (see paragraph 3.2). These are:

- **Due to Efficiency or Redundancy, at the discretion of the Council.**

This allows the individual, aged over 55 years (50 if in the Scheme before 5 April 2006), at the discretion of the Council, to retire early, drawing their pension without any actuarial reduction being applied. In this case the strain costs relating to the early release of the pension are borne by the Council.

- **Ill-Health retirement**

This occurs where an employee is confirmed by Occupational Health as being permanently incapable of efficiently discharging their duties because of ill-health or infirmity of mind or body. The employee is permitted early access to an enhanced pension in accordance with the superannuation regulations and requires no exercise of Council discretion. The costs are fully borne by the pension fund.

- **Flexible Retirement**

This is a discretionary element of the pension regulations which allows employees who meet certain criteria to draw their pension and continue working on the basis of reduced hours. To qualify, the employee must be over 55 years old, have a minimum of 2 years pensionable service and must reduce their working hours by a minimum of 40%. Generally there are no costs to the Council as the employee would have their pension actuarially reduced. However, in some circumstances, as a result of historical pension protections, there can be costs. The Council's agreement must be obtained for the early release of the individual's pension. If agreed, the employee then continues working on reduced hours and will automatically be re-enrolled into the pension fund while drawing the pension benefits they have already accrued (if they did not wish to join the scheme then they would need to opt out).

3.2 A summary of the pension activity in the financial year 2022/23 is as follows:

Department	Health & Social Care	Education & Children's Services	Place	Council Resources	Totals
Compulsory Severance (pensionable)	-	-	1	-	1
Voluntary Severance (pensionable)	-	-	-	-	-
Medical Retirement (Lothian Pension Fund)	5	1	8	-	14
Medical Retirement (Teachers Scheme)		-			
Flexible Retirements	4	2	3	1	10

3.3 Details of the Council's financial commitments relating to pensions are included in the unaudited 2022/23 Financial Statements. The unaudited 2022/23 Financial Statements were reported to Members' Library on 30

June 2023. Early retirement decisions taken in earlier years under the policies applicable at the time have created ongoing liabilities for the Council. The current policy position has minimised the liabilities in future. In addition to the up-front strain costs now due in the year they accrue, during 2022/23 the Council spent £0.704 million (£0.712 million in 2021/22) on early retirements for Local Government Workers and £0.454 million (£0.465 million in 2021/22) for teachers.

- 3.4 The Council continues to have an obligation to pay pension costs in the future. At 31 March 2023 the pension fund was reported to have a pension surplus through the annual actuarial assessment. This means that at 31 March 2023 the value of the pension assets exceeded the value of the pension liability. The value of the pension surplus has been actuarially assessed as £173.439 million (and at 31 March 2022 a pension liability of £98.794 million). As noted in the unaudited 2022/23 Financial Statements the pension surplus has not been recognised as an asset as the Council does not control the setting of future employer contribution rates. An asset ceiling has been applied so that no net pension liability or asset is recognised.
- 3.5 Future employer contribution rates will continue to be reviewed through an actuarial valuation of the pension fund which takes place every three years. The most recent valuation date was 31 March 2023 and the results from this valuation are expected by the end of 2023. The contribution stability mechanism remains in place with the Lothian Pension Fund based on the valuation results at 31 March 2020, which takes into consideration the Lothian Pension Fund performance and assessed liabilities. Contribution rates from 1 April 2021 are frozen for four years and will then increase or decrease by a maximum of 0.5% per annum.
- 3.6 In addition to the above figures, the Council also makes 'ex gratia' pension payments to 79 former employees who worked less than 16 hours per week, were aged under 50 at 31 December 1993 and were unable to join the LGSS pension scheme under the statutory rules at the time. The value of these payments during 2022/2023 was £48,383 (and in 2021/22 it was £50,793). The Council took the decision to remove this discretion at Cabinet on 9 June 2009. No new ex gratia pension payments will arise and the existing estimated value of future liabilities based on the actuarial mortality estimate is £0.214m and will therefore reduce over time.

4 POLICY IMPLICATIONS

- 4.1 The Council is required to report its pension activity annually to elected members in accordance with the Audit Scotland requirements.

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** - Early retirement decisions taken in earlier years have created a significant liability for current and future Council Tax payers. There are no immediate budgetary implications associated with this report.
- 6.2 **Human Resources** - Finance and Human Resources continue to ensure that any retirements are in accordance with Council Policy and within the Standing Orders and the supporting Scheme of Delegation and also that managers are aware that any pensionable retirement must meet the strict efficiency or redundancy requirements and will generate the necessary savings.
- 6.3 **Other** - none

7 BACKGROUND PAPERS

- 7.1 Policy on Enhanced Compensation for early Retirement on Grounds of Redundancy and Efficiency– December 2010
- 7.2 Lothian Pension Fund Website: www.lpf.org.uk
- 7.3 Local Government Pensions Scheme (Scotland) Regulations 2014
- 7.4 Flexible Retirement Policy – December 2013
- 7.5 Members' Library Report 30 June 2023, item 66/23 [Agendas, reports and minutes | East Lothian Council](#)

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CONTACT INFO	01620 827767 pritchie@eastlothian.gov.uk
DATE	25 August 2023

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Executive Director for Council Resources

SUBJECT: ELC Procurement Annual Report

5

1 PURPOSE

- 1.1 To inform the Cabinet of East Lothian Council's Annual Procurement Report 2022-2023.

2 RECOMMENDATIONS

- 2.1 To note the report.

3 BACKGROUND

- 3.1 Under the obligations of the Procurement Reform (Scotland) Act 2014, a Contracting Authority is obliged to prepare and publish an annual procurement report on its regulated procurement activities as soon as reasonably practicable after the end of its financial year. This report covers the period from 01 April 2022 to 31 March 2023.
- 3.2 The Act details that the annual procurement report should be relevant and proportionate to its size and spend. The annual report can aid visibility of purchasing of purchasing activities; be a mechanism for conveying how a contracting authority is meeting legislative requirements and outline how a contracting authority's procurement activity is contributing to the delivery of its broader aims and objectives.
- 3.3 The East Lothian Council Plan 2017 – 2022 was issued in June 2017, and this feeds into the Corporate Procurement Strategy 2017 – 2022, which sets out actions to deliver against the four key objectives within the Council Plan:
- Growing our Economy – to increase sustainable economic growth as the basis for a more prosperous East Lothian

- Growing our Communities – to give people a real say in the decisions that matter most and to provide communities with the housing, transport links, community facilities and environment that will allow them to flourish
- Growing our People – to give our children the best start in life and protect vulnerable and older people.
- Growing the capacity of our Council – to deliver excellent services as effectively and efficiently as possible within our limited resources.

3.4 This is the final Procurement Annual Report against the Corporate Procurement Strategy, 2017 – 2022. Future Procurement Annual Reports will be against the new ELC Procurement Strategy, which was approved by Cabinet in January 2023.

3.5 The annual report (see appendix 1 to this report) provides details of our monitoring and review of procurement activities against the four key objectives outlined above. In addition, the report provides the following:

- A summary of regulated procurements completed
- A review of regulated procurement compliance
- Community benefits and supported business summaries
- Details of procurement savings, benefits, added value, collaboration and strategic partnerships
- A summary of Future regulated procurements

4 POLICY IMPLICATIONS

4.1 The production of an Annual Procurement Report is an obligation of Procurement Reform (Scotland) Act 2014, as outlined in the Corporate Procurement Strategy 2017 – 2022.

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 – N/A

7 BACKGROUND PAPERS

7.1 None.

Appendix 1 East Lothian Council Annual Procurement Report 2022- 2023
Annual Procurement Report Template (Annex A)

AUTHOR'S NAME	Michelle Coyle
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East Lothian Council Annual Procurement Report 2022-23



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1. INTRODUCTION

Under the obligations of the Procurement Reform (Scotland) Act 2014, a Contracting Authority is obliged to prepare and publish an annual report on its regulated procurement activities as soon as reasonably practicable after the end of its financial year. This report covers the period from 01 April 2022 to 31 March 2023.

The Act details that the annual procurement report should be relevant and proportionate to its size and spend. The annual report can aid visibility of purchasing of purchasing activities; be a mechanism for conveying how a contracting authority is meeting legislative requirements and outline how a contracting authority's procurement activity is contributing to the delivery of its broader aims and objectives.

The East Lothian Council Plan 2017 – 2022 was issued in June 2017, and this feeds into the Procurement Strategy, also valid from 2017 – 2022. The Council Plan covers 4 key objectives:

- **Growing our Economy** – to increase sustainable economic growth as the basis for a more prosperous East Lothian
- **Growing our Communities** – to give people a real say in the decisions that matter most and to provide communities with the housing, transport links, community facilities and environment that will allow them to flourish
- **Growing our People** – to give our children the best start in life and protect vulnerable and older people.
- **Growing the capacity of our Council** – to deliver excellent services as effectively and efficiently as possible within our limited resources.

This is the final Procurement Annual Report against the Procurement Strategy 2017 – 2022.

A new Council Plan 2022 – 2027 was agreed by Council in August 2022 and this has feed into ELC new Procurement Strategy for 2023 – 2028.

The Council Plan 2022 provides information on the Lothian Health and Care System (LHCS) and its aspiration to become an Anchor institution. One of the key actions to deliver on this aspiration is ensuring that NHS Lothian contributes actively to emerging community planning partnership discussions about Community Wealth Building.

The new Procurement Strategy 2023 – 2028 was approved by Cabinet in January 2023. It includes commitments to Community Wealth Building in line with the Scottish Governments Policy Actions for Cities and Regions. Community wealth building (CWB) is a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people. The core principle for Procurement is developing local supply chains of businesses likely to support local employment and keep wealth within communities.

The Procurement Annual Report for 2023-2024 will be the first report against the new Procurement Strategy 2023 – 2028.

1.1 COVID-19 RESPONSE AND RECOVERY

East Lothian Council issued its Recovery and Renewal plan in November 2021 with the aim to prepare East Lothian in respect of the formal and longer term Recovery & Renewal Phase, embracing the opportunity to 'build back better' and ensuring the maximisation of the opportunity for a sustainable and green recovery.

Key priority areas:

1. Support our communities to tackle inequality and social exclusion.
2. Climate and ecological emergency.
3. Support business, employment and promote inclusive economic growth.
4. Help our children and young people achieve their full potential.
5. Deliver improved connectivity and digital innovation to ensure the most effective use of all of our resources.
6. Maintain and develop resilient and sustainable services.
7. Develop our people and future ways of working.
8. Invest in regeneration and a sustainable future.

The full plan can be viewed at: [Recovery and renewal plan 2021 - East Lothian Council | East Lothian Council](#)

The Council Management Team (CMT) took a decision that the council would move from response and into the 'recovery' phase of the pandemic from Monday, 13 June 2022.

1.2 SUSTAINABLE PROCUREMENT DUTY

The sustainable procurement duty requires that before a contracting authority buys anything, it must think about:

- how it can improve the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on reducing inequality
- how its procurement processes can facilitate the involvement of SMEs, third sector bodies and supported business
- how public procurement can be used to promote innovation

It requires a contracting authority to be aware of how its procurement activity can contribute to national and local priorities and to act in a way to secure this.

Procurement spend should be considered in this context, before the start of the formal procurement process, by all those involved, including: external stakeholders, budget holders, commissioners and policy leads.

In support of this, the council approved a [Sustainable Procurement Policy](#) and in November 2020. Our Sustainable Procurement Charter is provided in Appendix 3. All elements of the charter are enshrined in our Procurement Strategy, Procedures and Working Instructions. For individual procurements, our aim is that commodity strategies align with good practice, legislative requirements and ensure consideration of the sustainable procurement duty at an early stage in the procurement process. Examples of how we have achieved this in delivery of procurements are as follows:

Charter element	How achieved
Promoting equality	Inclusion within strategy template for development of regulated procurements.
Facilitating a varied economy	<p>Invitation to quote guidance that a minimum of 3 suppliers be invited, with one being local and one being new. As part of the new Procurement Strategy 2023-28 approved in January 2023, ELC agreed a 3 tier definition of 'local':</p> <ul style="list-style-type: none"> • Local 1: East Lothian • Local 2: the Lothian's (adds in Edinburgh, Midlothian & West Lothian) • Local 3: the South-East Scotland City Region (adds in Fife and Scottish Borders) <p>This new definition is now incorporated into the Council Plan quarterly performance reporting. Using local supplier data to help shape the Council's Community Wealth Building agenda.</p>
Promoting Innovation	Use of Prior Information Notices where applicable
Fair work practices	Committing to becoming a living wage employer. Progressing to accreditation during next reporting period.
Stakeholder engagement	<p>Meet the Buyer Events</p> <p>Internal customer survey (96% overall satisfaction with Procurement services)</p> <p>Recruitment to Commissioning Officer role in Council for children's services which includes engaging with third sector providers.</p>

Health & Safety Compliance	Inclusion within strategy template for development of regulated procurements.
Fairly & ethically traded goods sourcing	Inclusion within strategy template for development of regulated procurements.
Healthy, sustainable food provision	ELC Schools Catering Teams received 'Food For Life Served Here' Silver award in Oct 22. Food for school meals procured using collaborative contracts arrangements and includes use of organic and local sourced products.
Prompt payment	Part of the Council Plan quarterly performance reporting Updated contract documentation including standard Terms & Conditions for contracts
Information governance	Updated contract documentation included review of data sharing and information sharing provisions. Updated Procurement Standing Orders approved in January 2023 and revised working instructions support information governance processes.
Environmental impact and Climate Change	Inclusion within strategy template for development of regulated procurements (use of Sustainability Test). Completed categorisation and prioritisation process using the Scottish Government Sustainability Tools. Sustainability Test developed for Construction, Social Care, ICT, Waste and Transport.
Community benefits	Updated Community Benefit Process New procurement software system for recording contracted obligations and delivery.
Modern Slavery Act	Use of mandatory exclusion criteria at supplier selection stage (SPD). Updated clause included in Council's Conditions of Contract.

2. MONITORING AND REVIEW OF PROCUREMENT ACTIVITIES

The progress against the Procurement Strategy's key priorities is monitored by the Chief Officers and Heads of Services.

The Procurement and Commercial Improvement Programme (PCIP) assessment provides a means of measuring and reporting on the procurement and commercial capability of organisations through the provision of evidence, based around a series of set questions and other evaluation methods.

East Lothian Councils last assessment was in 2019. Assessments were paused during the Covid-19 Pandemic but revised PCIP Pulse Check assessments are to commence in 2023. This PCIP Pulse Check focuses on the policies and procedures driving procurement performance and, more importantly, the results they deliver. The PCIP assessment process includes Full, Medium and Lite Assessments. The choice of assessment to apply will be dependent on several factors, as assessed by the appropriate Centre of Expertise (CoE). East Lothian Council are participating in a Pilot of the PCIP Pulse Check assessment along with 2 other Local Authorities in August 2023.

The procurement service has adopted a continuous improvement approach in an ongoing effort to improve our service, moving from as was, to better towards best. A Service Plan 2022/23 – 2025/26 was developed in May 2022, with 26 specific improvement actions identified. An annual review and update of that Service Plan was undertaken in May 2023. Good progress against the action plan has been made with 25 of 26 actions complete, with one carrying over to the new Action and Improvement Plan 2023-24 that has 24 specific improvement actions.

Key areas of progress during 2022-23 include:

- New customer-focused team structure
- Approval of our new Procurement Strategy 2023-28
- Updated Procurement Procedures (Standing Orders) and working instructions
- Implementation of new procurement software
- Development of new Contract and Supplier Management (CSM) and Evaluation toolkits
- Launch of a new Introduction to Procurement E-Learning module
- New standard conditions of contract (Terms & Conditions) and ITT Templates
- Updated Community Benefits Approach

The information below details the overall spend profile of East Lothian Council:

East Lothian Council Procurement Spend Profile 2022-2023	
Total Procurement Spend	£181,767,127
SME Spend	£97,534,049
Third Sector Spend	£21,587,268
Total Local Spend	£36,848,782

** Figures taken from Spend Analysis Hub

3. SUMMARY OF REGULATED PROCUREMENT COMPLETED

Section 18(2) of the Procurement Reform (Scotland) Act 2014 requires organisations to include “a summary of the regulated procurements that have been completed during the year covered by the report”. This is to demonstrate that East Lothian Council is acting in a transparent manner, and carrying out its public procurements in an open and inclusive fashion.

A regulated procurement is one which has a value of over £50,000 for Goods and Services, and £2m for Works.

East Lothian Council Regulated Procurement Profile 2022-2023	
Regulated Procurement Value	£33,630,232
Number of regulated contracts awarded	60
Total number of Suppliers on awarded contracts	70
SME Suppliers	39
Third Sector Bodies	9

Further details are shown in shown in Appendix 1.

A range of procurement routes are utilised to ensure best value, from calling off from National Frameworks let by Procurement Scotland, utilising Sector based Collaboration Frameworks, such as Scotland Excel, and Scottish Procurement Alliance, working with other Councils with a similar requirements and procuring as an individual Council. There have been no Non Competitive Actions sanctioned by the Corporate Procurement team during the period covered by this Annual Report.

4. REVIEW OF REGULATED PROCUREMENT COMPLIANCE

Section 17 of the Procurement Reform (Scotland) Act 2014 makes it mandatory for regulated procurements to be carried out in accordance with the organisation’s procurement strategy. Section 18(2) states that a review must detail “the extent to which any regulated procurements did not comply, and a statement detailing how the organisation will ensure that future regulated procurements do comply”

This is to demonstrate the importance of procurement to the organisation in enabling successful delivery of its objectives, and how it has contributed to the achievement of its purpose.

The 4 key objectives of the Council Plan 2017-2022 were outlined in section 1 Introduction. The tables below show how the Procurement Strategy 2017-2022 supported delivery of these key objectives:

Growing Our Economy	How Achieved	When	Successful Outcome
Improve ability of local businesses to access East Lothian Council contracts.	Engage with local businesses to increase participation in tendering opportunities.	On-going, Compliant	Increased engagement with local SMEs, and awareness of our tendering opportunities.
	Lot contracts appropriately.		Full-day virtual National meet the buyer event.
	Ensuring service departments expand their list of contractors to include local providers in Quick Quote opportunities.		ELC ‘Meet the Council’ event (Nov 22).
	Attending / organising national / local meet the buyer events, raising awareness of tendering opportunities via social media alerts and seeking feedback from suppliers		Local companies on our contract register (81 at Aug 23).
	As part of the new Procurement Strategy approved in January 2023. ELC agreed a 3 tier definition of ‘local’:		New definition of ‘Local’ recognises that not all goods, works or services can be sourced within East Lothian and that we purchase from suppliers based in neighbouring Local Authorities and they purchase from East Lothian based suppliers. ‘Local’ procurements have mutual benefit across neighbouring Local Authority boundaries.
<ul style="list-style-type: none"> • Local 1: East Lothian • Local 2: the Lothian’s (adds in Edinburgh, Midlothian & West Lothian) • Local 3: the South-East Scotland City Region (adds in Fife and Scottish Borders) 		This new definition is now incorporated into the Council Plan quarterly performance reporting.	

Assisting the supply chain	<p>Publishing our Contracts Register with complete information so that companies can see where opportunities can be sought as Tier 2 suppliers.</p> <p>Measure prompt payment from main contractors by incorporating payment term information into Balanced Scorecards, where relevant.</p>	Ongoing, Compliant	<p>Mapping the supply chain using Government's 'Grow Local platform' to see which local companies are available to provide services / products in demand by the Council.</p> <p>Using local supplier data to help shape the Council's Community Wealth Building agenda.</p> <p>Compliance with Public procurement - prompt payment in the supply chain: SPPN 2/2022</p>
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Growing our Communities	How Achieved	When	Successful Outcome
Consult with the communities concerning our procurement activity	<p>Surveys of community groups and stakeholders when relevant procurements are being tendered. Consultation at commencement of process and engagement throughout.</p> <p>Membership of Tender Evaluation Panels where it is appropriate.</p> <p>Engage in discussion regarding Community Benefits provision.</p>	On-going, Compliant	<p>Community council feedback is used to build community benefit wish lists for each region which forms part of tender requirements for potential bidders used on a proportionate basis.</p> <p>Successful and targeted Community Benefits are delivered in line with the need of communities in East Lothian. Please refer to Annex A for statistics.</p>
Enhance Recording of Community Benefit opportunities	Introduction of new procurement software to assist with recording and monitoring of community benefits.	On-going, Compliant	Ability to see what CBIP has taken place and where gaps in provision lie.

Growing our People	How Achieved	When	Successful Outcome
Ensure Best Value in contracts let for our Adult and Children's Wellbeing Service	<p>Joint meetings with Integrated Joint Board, Service Dept and Procurement Team.</p> <p>Awareness of forthcoming requirements from Contract Register and stakeholder engagement to build our procurement pipeline</p>	On-going, Compliant	Procurement Strategy signed off identifying spend and potential savings.

Growing the Capacity of our Council	How Achieved	When	Successful Outcome
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<p>Ensure all contract requirements are known for the next 3 years</p>	<p>Setting up and holding meetings with Service Managers on a regular basis.</p> <p>Following these meetings ensure Contracts Register (pipeline) is regularly updated and complete.</p> <p>Newly introduced procurement software has specific module to improve proactive management of the procurement 'pipeline'.</p>	<p>On-going, compliant</p>	<p>Majority of contract requirements known, enabling market intelligence to take place, and contract management can be documented.</p> <p>Ability to highlight prioritise Procurements and to resource appropriately.</p> <p>Recognition of collaborative opportunities and allowing identification of savings.</p> <p>External Contract Register is complete.</p>
<p>Initiate improved Contract and Supplier Management</p>	<p>Categorise frequency of meetings held with suppliers depending on the contract.</p> <p>Simplify segmentation.</p> <p>Ensure standard set of KPIs are built into contracts.</p> <p>Procurement software has specific section to improve proactive contract management.</p> <p>Scotland Excel delivered Contract Management training to 55 staff across the Council. Contract Supplier Management toolkit developed.</p>	<p>On-going</p>	<p>Early identification of risks to contract provision, and ability to react to those.</p> <p>Achieve better value from Contracts by proper management.</p> <p>Enhanced relationships with Suppliers and Stakeholders.</p>
<p>Introduce Benefits Tracking into Contracts</p>	<p>Utilise the Public Benefits Reporting Guidance methodology.</p> <p>New procurement software has specific section to improve proactive tracking of contracted benefits and savings.</p>	<p>On-going</p>	<p>Quantify the contribution from Procurement to Service Departments and their budgets which will be recorded in the Contract Register.</p>
<p>Review and improve on the current systems to allow better tracking of no/off contract spend throughout the Council.</p>	<p>Review of current systems analysis of whether a new system would be required which would enable more rigorous scrutiny of spend across the Council.</p>	<p>On-going</p>	<p>Improved knowledge of on/off contract spend allowing the Contracts Register to be more up to date.</p> <p>More opportunities for local suppliers to compete for.</p>

			Improved controls on spend allowing for more targeted savings objectives to be set.
Training delivered across all service departments, Elected Members and New Employees	Contract management training delivered, development of e-learning module (launched 1 Apr 23). Members induction training. Procurement Communications planning. Internal 'Inform' Procurement e-newsletters issued regularly (7 issued in reporting period).	On-going, compliant	Procurement Awareness and Compliance from all departments. Education of risks of non-compliance, and highlighting previously unknown procurement requirements from service users.

Note: Those requirements marked “on-going” are monitored as part of service planning.

Delivered objectives against the Procurement Strategy include:

- engaging with local suppliers
- improvement of payment terms to suppliers
- publication of the Contract Register
- partnering and advising Services
- facilitating Tender Evaluation Panels
- contract and supplier management and general ad-hoc procurement training delivered to Service Users
- introduction of benefit tracking
- simplified procurement forms and processes
- Implementation of new Procurement Software (contracts register, pipeline and contract & supplier management modules)
- Utilising the new Contract Register to detail what has been agreed with contractors
- work in collaboration with Service Managers to plan for value-added procurement interventions

Areas for on-going improvement include

- optimisation of our systems / evaluation of new needs to track on / off contract spend
- implementing contract management into the lifecycle of contracts across the Council
- supporting the P2P (purchase-to-pay) project and the wider council in delivering consistency and accuracy related to downstream processes
- digital procurement process
- Embedding the sustainable procurement duty - continual improvement of the economic, social and environmental wellbeing of East Lothian

These above areas for on-going improvement have been incorporated into the new Procurement Strategy 2023-28.

5. COMMUNITY BENEFITS SUMMARY

The Procurement Strategy which is used at the commencement of all Regulated Procurements details the considerations by Service Departments given to all aspects of the Procurement Reform (Scotland) Act 2014; for example, sustainability, community benefits, fair work practices, as part of its methodology. This is used to ensure that all Regulated Procurements comply with the obligations of the Procurement Reform (Scotland) Act.

Section 18(2) of the Procurement Reform Act 2014 states that it is mandatory for an annual procurement report to include “ **a summary of any community benefit requirements imposed as part of a regulated procurement that were fulfilled during the year covered by the report**”

The Council approved a Community Benefit Strategy in 2017, where any spend over £50k (including aggregated spend), requires the successful contractor to engage with East Lothian Works and our Community Benefits co-ordinator. This is at a significantly lower level than the £4m required by the Scottish Government. In addition to this Community Benefits form integral part of the Sustainable Procurement Charter (Appendix 3.) and consequently being embedded in all relevant procurement processes.

Community Benefits delivered from April 2022 to March 2023:

Benefit Type	Number of Benefits delivered	Number of Benefits pending delivery
Community Engagement	5	15
Education & Outreach	3	10
Employment & Skills Activities	3 (32 jobs in total)	6
Local economy and social enterprises	1	3
Protecting and Improving our Environment	0	3
Training & Work Experience	1 (2 modern apprenticeships)	14

An updated Community Benefits approach was adopted in April 2023, which will ensuring the delivery of community benefits in future contracts. 36 regulated contracts were awarded between April 2022 and March 2023 contained Community Benefit Requirements.

East Lothian Council’s Community Benefit **wish list** is used in all contracts over £50k. The wish list is populated by community councils, education and employability to reflect their needs and widen the scope of assistance contracted suppliers can offer.

We have improved the recording of contracted Community Benefits and their delivery with the implementation of our new procurement software, as well as deploying map functionality on our website that will show where community benefits have been delivered from 2023 onwards.

6. SUPPORTED BUSINESSES SUMMARY

Section 18(2) of the Procurement Reform (Scotland) Act 2014 requires organisations to include “a summary of any steps taken to facilitate the involvement of supported businesses in regulated procurements during the year covered by the report”.

There were no Regulated Procurements which utilised Supported Businesses. The reason for this is that the goods, services or works associated with the awarded contracts over the reporting period are not currently provided by existing supported businesses. However, consideration is always given to the use of Supported Businesses where appropriate and available.

7. PROCUREMENT SAVINGS, BENEFITS AND ADDED VALUE

Delivering value through Procurement is a key element and driver continual Service Improvement. In this reporting period the saving and benefit definitions has been defined and agreed by Senior Council Officers as follows:

Cost Savings:

- Cashable Savings
- Cost Avoidance
- Commercial and Operational Efficiencies

Cash Savings delivered:
£1,471,172

Benefits and Added Value:

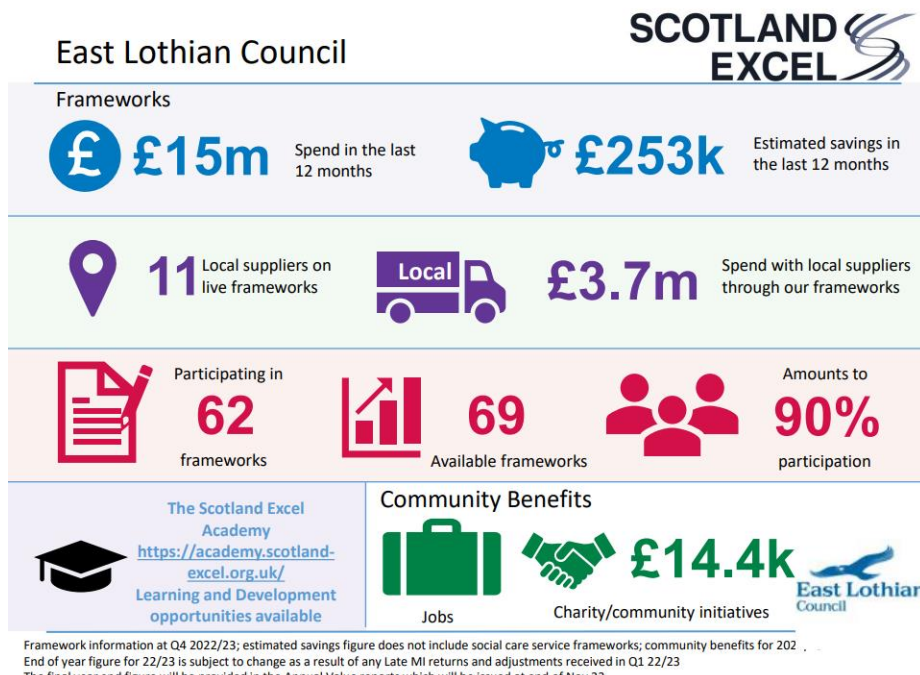
- Community Benefits
- Sustainability
- Innovation

Non Cash Savings delivered:
£276,363

8. COLLABORATION AND STRATEGIC PARTNERSHIPS

In line with East Lothian Council's Corporate Procurement Strategy 2017-2022, collaborative Frameworks and opportunities have been considered and put in place where proven to be of benefit to the Council thus delivering added value and efficiency.

58% of all contracts during the reporting period utilised a collaborative Framework. The Council has utilised 72% of 69 available Scotland Excel Frameworks resulting in the following results:



9. FUTURE REGULATED PROCUREMENT SUMMARY

Section 18(2) of the Procurement Reform (Scotland) Act 2014 states it is mandatory that an annual procurement report must include 'a summary of the regulated procurements the authority expects to commence in the next two financial years'.

Future regulated procurements have been identified via the following means:

- Current contracts on the Council's register that will expire and need to be extended or re-tendered over the next two years.
- New procurements identified via future work plans provided by Council service areas / teams.

The full list of anticipated procurements for the next two years can be found in Appendix 2. Please note that the list is subject to change to accommodate emerging priorities and changing community needs.

10. ANNUAL PROCUREMENT REPORT OWNERSHIP AND CONTACT DETAILS

The Executive Director for Council Resources is responsible for establishing the strategic framework and direction of procurement across East Lothian Council.

Sarah Fortune
Executive Director for Council Resources
East Lothian Council
John Muir House
Haddington
EH41 3HA

Email: sfortune@eastlothian.gov.uk

APPENDIX 1 - REGULATED CONTRACTS FROM 1 APRIL 2022 TO 31 MARCH 2023

Type	Contract Award Date	Name of Supplier	Subject Matter	Estimated Value of the Contract	Contract Start Date	End Date (disregarding any option to extend)
Goods	01/04/2022	Brakes	Frozen Foods	£1,600,000.00	01/04/2022	31/03/2026
Goods	14/04/2022	Mellor	Supply of new buses for the fleet programme 2022-2023	£901,560.00	01/09/2022	31/08/2024
Services	19/04/2022	Children 1st, Who Cares Scotland	Services for children and their families (Kinship Care Support, Advocacy, FGDM)	£1,094,994.00	19/04/2022	18/04/2024
Services	25/04/2022	Carr Gomm	Mental Health Recovery Service interim contract	£495,576.00	25/04/2022	25/10/2023
Goods	28/04/2022	Thomas Sherriff	Greens Machine, Utility Vehicle-Grounds Machinery Investment Plan 2022-2023	£80,691.00	01/06/2022	31/05/2024
Services	12/05/2022	Royal Blind Asylum and School trading as Sight Scotland	Visual Impairment Services for Education	£473,250.00	01/08/2022	31/07/2025
Goods	16/05/2022	Sharp Business Systems	Supply of Furniture for Ross High School	£77,541.64	16/05/2022	16/08/2022
Services	17/05/2022	James Tait & Son	Grass Verge Cutting Services	£135,000.00	17/05/2022	16/05/2023
Services	23/05/2022	Novus Solutions	Electrical Installation Condition Report (EICR) 2022-2023	£361,650.00	01/06/2022	31/05/2023
Works	08/06/2022	Cruden Building (East) Limited	Proposed Housing at Lempockwells Pencaitland	£5,979,234.80	08/06/2022	02/01/2025
Services	09/06/2022	Sidey Solutions Limited	Purchase of UPVC Windows and door replacements 2022-2023	£1,800,000.00	08/06/2022	06/08/2023
Services	09/06/2022	Sidey Solutions Limited	Purchase of Block Windows Replacement-PVC 2022-2023	£400,000.00	08/06/2022	07/06/2023
Services	09/06/2022	Sidey Solutions Limited	Purchase of Fire doors replacements 2022-2023	£240,000.00	10/06/2022	09/06/2023
Services	10/06/2022	Portakabin	Design, Installation And Hire Of Classroom Temporary Unit, Aberlady PS	£150,654.33	10/06/2022	30/06/2023
Services	28/06/2022	Glendale Grounds Management Ltd	Ash Dieback Survey	£55,559.00	01/08/2022	31/07/2023

APPENDIX 1 - REGULATED CONTRACTS FROM 1 APRIL 2022 TO 31 MARCH 2023

Services	29/06/2022	Civica	Remote Technical Support for Capita Revenues & Benefits System	£149,875.00	01/07/2022	30/06/2025
Services	22/07/2022	AC's Taxis & Minibuses	Home to School mini competition for route support (2022-2023)	£158,650.00	17/08/2022	28/06/2024
Goods	26/07/2022	Lawrence Vehicles Limited (DAF Franchised Dealers)	Purchase of 18 tonne tipper	£145,565.00	10/10/2022	09/10/2024
Services	03/08/2022	Softcat PLC	Library Management System	£195,593.81	24/12/2022	24/12/2027
Services	09/08/2022	Access UK Limited	Social Care Case Management System	£1,160,300.00	09/08/2022	08/08/2027
Services	15/08/2022	British Telecommunications	Fixed Telephony Services	£340,756.92	15/08/2022	14/08/2025
Services	15/08/2022	British Telecommunications	Mobile Telephony Services	£367,128.00	15/08/2022	14/08/2025
Services	29/08/2022	Jadu	Content Management System	£51,681.25	01/09/2022	31/08/2024
Services	30/08/2022	Softcat PLC	School web filtering licence and hardware support	£75,000.00	30/08/2022	29/08/2025
Services	31/08/2022	InPhase	Performance Reporting Management System	£62,301.60	31/08/2022	30/08/2024
Services	01/09/2022	Public-I	Hybrid Meetings System	£112,251.19	01/09/2022	31/08/2024
Services	22/09/2022	Place 2 Be	Provision of Play/Art/Creative Therapy in ELC schools	£354,890.00	25/10/2022	24/10/2025
Services	11/10/2022	Various suppliers	Emergency Accommodation for Homelessness	£2,800,000.00	11/10/2022	10/10/2024
Goods	18/10/2022	Strathclyde Insulating Glass Ltd	Supply and Delivery of Glass and Glazing	£120,000.00	29/03/2023	29/03/2025
Goods	25/10/2022	Vauxhall Motors Limited	Purchase of Electric Cars	£460,759.88	01/04/2023	31/03/2025
Services	03/11/2022	The Mudd Partnership Ltd	Leadership Development Consulting Programme	£86,948.00	15/11/2022	30/06/2023
Services	12/11/2022	Eve Coaches Ltd, Torrance Taxis	Home to school mini competition	£76,000.00	15/11/2022	14/11/2023
Goods	17/11/2022	Lawrence Vehicles Limited (DAF Franchised Dealers)	Purchase of 32 tonne hooklift	£160,842.00	02/12/2022	01/12/2024
Goods	24/11/2022	JCT Ltd	Supply of Kitchens	£1,280,000.00	02/12/2022	01/12/2024
Services	26/11/2022	Sidey Solutions Limited	Windows and doors repairs -additional funding 2022-2023	£830,000.00	08/12/2022	31/03/2023

APPENDIX 1 - REGULATED CONTRACTS FROM 1 APRIL 2022 TO 31 MARCH 2023

Goods	28/11/2022	Sharp Business Systems	Penston House Fixed Furniture & Equipment	£285,519.00	01/02/2023	31/03/2023
Services	29/11/2022	Capgemini UK Plc	Consultancy Services to Support Care at Home project work	£50,600.00	02/12/2022	30/04/2023
Services	29/11/2022	Sidey Solutions Limited	Purchase of UPVC Windows and door replacements 2022-2023	£830,000.00	07/12/2022	31/03/2023
Services	02/12/2022	Marsh Ltd	Engineering Inspection & Insurance Services	£316,514.76	02/01/2023	01/11/2027
Goods	22/12/2022	BOMAG (Great Britain) Limited	Purchase of one Road Planer	£321,000.00	01/03/2023	29/03/2025
Services	23/12/2022	Idox Software Limited	Idox Hosted Solution	£896,606.40	12/01/2023	02/11/2026
Goods	05/01/2023	James A Cuthbertson Ltd	Purchase of Multi-use 100hp, 4WD Tractor	£135,450.00	31/05/2023	30/05/2025
Services	19/01/2023	MHB Consultants Ltd	Ground investigations at Cockenzie	£51,046.39	19/01/2023	31/03/2023
Services	02/02/2023	Alzheimer Scotland - Action on Dementia	Post diagnostic support services for dementia	£1,059,331.00	01/04/2023	31/03/2026
Goods	07/02/2023	Lawrence Vehicles Limited (DAF Franchised Dealers)	Purchase of 2 x 26 tonnes tippers	£434,684.00	03/07/2023	08/02/2025
Goods	07/02/2023	Lawrence Vehicles Limited (DAF Franchised Dealers)	Purchase of 4 X 18 tonnes tippers	£538,756.00	04/07/2023	03/07/2025
Goods	08/02/2023	Karma International Technologies Pvt Ltd	Period product provision	£72,000.00	24/02/2023	25/02/2024
Services	13/02/2023	Haddington Care Ltd	Respite Provision for Carers	£288,600.00	06/03/2023	03/05/2025
Services	27/02/2023	Penumbra	Support Service for People with Complex Mental Health Needs	£3,472,945.00	01/05/2023	30/04/2026
Services	28/02/2023	Prepaid Financial Services Limited	Prepaid Cards (ELHSCP and Children's Services)	£88,000.00	01/03/2023	01/03/2026
Services	02/03/2023	Capita Business Services Ltd	Income Management System	£55,871.28	01/04/2023	31/03/2026
Services	07/03/2023	Lothian Centre for Inclusive Living	Independent Living Services (Financial Management)	£270,520.00	01/04/2023	31/03/2026
Goods	13/03/2023	Western Nissan Straiton	Purchase of Diesel & Electric Vans	£568,166.00	03/07/2023	02/07/2025
Services	21/03/2023	ChangeWorks	Energy Efficiency advice-fuel poverty	£79,579.00	01/04/2023	31/03/2024
Goods	21/03/2023	Thomas Sherriff	Grounds Maintenance equipment 2022-2023	£217,132.00	01/05/2023	30/04/2025

APPENDIX 1 - REGULATED CONTRACTS FROM 1 APRIL 2022 TO 31 MARCH 2023

Goods	23/03/2023	Rentokil Initial Services Limited	Washroom Solutions and Sanitary Products (Delivery and Provision of)	£104,000.00	01/04/2023	31/03/2025
Services	24/03/2023	XMA	Education Web Filtering and Mobile Device Management	£190,000.00	01/04/2023	31/03/2028
Services	31/03/2023	AECOM Limited	SATC Dunbar (Beltonford) to Haddington (Abbeytoll) access engineering designs	£233,703.08	31/03/2023	30/09/2023
Services	31/03/2023	Lloyds Banking Group	Banking Services	£105,000.00	01/06/2023	31/05/2026
Services	31/03/2023	Stantec UK Ltd	Economic Development Strategy Consultancy Services	£130,955.00	01/04/2023	31/03/2028

APPENDIX 2 - SUMMARY OF FUTURE REGULATED PROCUREMENT ACTIVITY

Description of Contract	Expected Contract Notice publication date	Expected Contract Award Date	Expected Contract Start Date	Estimated Value of the Contract
Hire of Plant and Tools	01/09/2023	03/11/2023	15/11/2023	£1,000,000.00
Treasury Management Services	tbc	tbc	02/01/2024	£70,000.00
Emergency Lighting	15/10/2023	15/12/2023	03/01/2024	£500,000.00
IT Service Desk Support Platform	tbc	tbc	05/01/2024	tbc
Pest Control Services	01/10/2023	10/01/2024	29/02/2024	£120,000.00
Development Support Contract	30/09/2023	30/12/2023	31/03/2024	£350,000.00
Community Supports Framework - Adult Social Care	01/11/2023	15/01/2024	01/04/2024	tbc
Mental Health Recovery Service	tbc	tbc	01/04/2024	tbc
Advocacy Services (Adult Social Care)	tbc	tbc	01/04/2024	tbc
Care at Home and Housing Support	tbc	tbc	01/04/2024	tbc
Supported buses tender	01/02/2024	01/04/2024	01/05/2024	£500,000.00
Provision of Electrical Fixed Wire Testing and Reporting	30/11/2023	29/02/2024	01/06/2024	£160,000.00
Computer Services	30/12/2023	30/03/2024	01/07/2024	£60,000.00
Waste Transfer and Transport Operations	01/01/2024	01/04/2024	01/07/2024	£2,875,000.00
Transport Services (Home to School transport and Hire of Bus, Taxi or Van Services)	31/01/2024	30/04/2024	01/08/2024	tbc
Cashless Catering and Online School Payments	tbc	tbc	01/08/2024	£65,000.00
Audio Visual Maintenance and Repair	12/02/2024	12/05/2024	13/08/2024	£60,000.00
Fire Extinguishers & Fire Fighting Equipment	23/02/2024	23/05/2024	24/08/2024	£120,000.00
Card Payment Services	29/02/2024	29/05/2024	01/09/2024	£120,000.00
Occupational Health and Physiotherapy	26/05/2024	26/08/2024	27/11/2024	tbc
Home To School Pupil Platform System	06/07/2024	06/10/2024	07/01/2025	£135,000.00
Services to Support Engagement, Inclusion, Attainment and Achievement in Schools	10/07/2024	10/10/2024	11/01/2025	tbc

APPENDIX 2 - SUMMARY OF FUTURE REGULATED PROCUREMENT ACTIVITY

Sheriff Officer & Debt Collection Services	01/08/2024	01/11/2024	02/02/2025	£500,000.00
Lift Servicing and Maintenance	01/09/2024	01/12/2024	02/03/2025	£250,000.00
Fuel Supplies	30/09/2024	30/12/2024	01/04/2025	£2,000,000.00
Non domestic maintenance for gas, oil, LPG, solar and heat pump appliances	30/09/2024	30/12/2024	01/04/2025	£800,000.00
Advice Services	30/09/2024	30/12/2024	01/04/2025	tbc
Education wifi network support and maintenance	30/09/2024	30/12/2024	01/04/2025	£130,000.00
Accommodation and Support Services for women and children affected by domestic violence	tbc	tbc	tbc	tbc
Supply & Maintenance of Stair lifts, Ceiling track hoists & Bidet toilets	tbc	tbc	tbc	£400,000.00
Young People's Support Service (Substance Misuse)	tbc	tbc	tbc	£250,000.00
Intruder Alarms	tbc	tbc	tbc	£180,000.00
Fire Detection Alarm Systems	tbc	tbc	tbc	£200,000.00
CCTV Security Systems	tbc	tbc	tbc	tbc
Servicing of Domestic Gas Heating Systems	tbc	tbc	tbc	tbc
Housing Support Services	tbc	tbc	tbc	tbc

Sustainable Procurement Charter





East Lothian Council is committed to minimising the environmental impact of goods, services and works procured whilst maximising social and economic benefit for the community it serves.



Promoting equality

As a responsible employer the council is committed to promoting equal opportunities to all of the East Lothian community, employees and suppliers alike. Consideration of equal opportunities is fully integrated into our procurement practices and is fully committed to the values and ethos of the Equality Act 2010. Consideration of equal opportunities is fully implemented into our procurement practices and is fully committed to the values and ethos of the Equality Act 2010.



Facilitating a varied economy

Facilitating SME's, social enterprises, supported business and third sector in the procurement process. Our procurement strategy aims to achieve a mixed economy of suppliers to support and develop our local rural market, particularly, micro, small and medium sized enterprises, Third Sector organisations and supported business. This approach includes that contracts are simplified, standardised and advertised in such a way that SMEs, third sector organisations and supported businesses are aware of the opportunities by using The Public Contracts Scotland (PCS) portal, meet the buyer events and lotting system to help reduce any barriers to involvement in procurement opportunities.



Promoting innovation

Influencing the market towards innovative solutions can focus public spending on sustainable goods, services and works and create an important catalyst for local job creation, sustainable innovation and market development. Our procurement strategy notes the importance of innovation through procurement and we encourage all our suppliers to consider an innovative approach to the way goods and services are delivered.



Fair work practices

East Lothian Council is committed to encouraging the wider adoption of the Scottish Living Wage by suppliers and to support this has adopted the Scottish Government guidance on the Selection of Tenderers and Award of Contracts which address Fair Work Practices as part of the procurement for relevant contracts. The Living Wage is an hourly rate set by the Living Wage Foundation and is revised in November every year. The current rate is £9.00 (November 2019).



Stakeholder engagement

Service user and, where appropriate, wider community consultation is an integral part of commissioning considerations. The strategic importance and complexity of required outcomes will mainly govern the level of consultation undertaken and the choice of the procurement route followed. The final decision on these matters will always be considered in light of what is likely to provide best value for the local community.



Health & Safety compliance

East Lothian Council is committed to achieving a culture that ensures it complies with all current Health and Safety legislation and in so doing endeavours to provide safe places and safe systems of work. This principal extends to those employed to do contracted works for and on behalf of the council. The council will only employ contractors who are fully accredited SSIP members of Constructionline or equivalent.



Fairly & ethically traded goods sourcing

The council supports the Fair Trade initiative because it reflects our commitment to sustainable development and offers the prospect that marginalised producers across the world will receive fairer deals for their produce. The council will promote the use of fair trade products across all its services and raise awareness of fair trade amongst its staff and customers. The council will (to the extent permitted by procurement legislation) embed Fair Trade into contracts with suppliers where it has a direct bearing on the required goods, services and works.



Healthy, sustainable food provision

The procurement of food considers the wider community focus of improving the health and wellbeing of young people and communities in East Lothian. Promoting a sustainable food supply chain by using national Scottish Frameworks (SXL) which supports the use of Scottish produce and the delivery of healthy choices to support healthy eating. Food security and ethics are of equal importance and the council follows Scottish Government guidance to ensure consideration of the highest levels of animal welfare.



Prompt payment

The effect of late payment on SME's can be significant, impacting cash flow and the ability to trade. As direct support the council has a prompt payment policy and related performance indicator which aims to make payment of invoices within 30 days of receipt of a valid invoice. To make sure this policy flows through all stages of the supply chain, our terms and conditions of contract obliges our contracted suppliers to make payment of valid invoices within a similar 30 day period.



Information governance

East Lothian Council regards information as a valuable corporate asset which must be obtained, processed and protected diligently, lawfully and ethically. The approach to information governance focuses on safeguarding customers, providing business transparency and ensuring legislative compliance. Relationships with 3rd parties who handle data on behalf of the council, or with whom we share data are carefully managed. Contracts include information governance compliance conditions with these arrangements being documented and monitored. We will expect all suppliers to take the same robust approach to information management as we do, even after their contract has expired.



Environmental impact and Climate Change

East Lothian Council is committed to reducing its environmental impact, including carbon emissions, and improving sustainability wherever possible. The Climate Change (Scotland) Act 2009 places duties on the council to deliver services in a way which supports this, and the Council's Climate Change Strategy 2020–2025 sets out our commitment to achieving this through both internal activities, such as energy saving within buildings, and our work with partners. The way that the council procures goods and services can have a huge environmental impact, and by purchasing items which can demonstrate a reduced negative effect on wildlife, natural resources and carbon emissions, we can reduce our carbon footprint and support suppliers to do the same.



Community benefits

Improving the economic, social and environmental wellbeing of the area. Adding value to communities through Community Benefits* or social requirements is intended to ensure that wider local economic and social issues are considered when delivering construction works, service or supplies contracts. This is achieved through the inclusion of specific clauses within contracts known as community benefit clauses (CBCs).



Conflict of interest

Council Officers and Members conducting business on behalf of the organisation have a responsibility to do so in a manner that is objective and ethical. As such we require any individual whether employee or supplier to declare such an interest before any procurement activity commences as the best way to handle conflicts of interest is to avoid them entirely.

Modern Slavery Act 2015

The council adopts a zero tolerance approach to modern slavery and human trafficking. We expect all those who work for and with us to adhere to this approach. As appropriate we will address areas of concern in the tendering process through requiring minimum standards and contract management.

*To find out more about Community Benefits visit:

www.eastlothian.gov.uk/communitywishlist

For more information:

Email procurement@eastlothian.gov.uk or call **01620 827827** and ask for 'Procurement'
East Lothian Council, John Muir House, Brewery Park, Haddington, East Lothian EH41 3HA



Versions of this leaflet can be supplied in Braille, large print, audiotope or in your own language. Please phone Customer Services if you require assistance on 01620 827199

Annual Procurement Report template

[NOTE: reference to contract is also to be construed as meaning a framework agreement]

1. Organisation and report details	
a) Contracting Authority Name	East Lothian Council
b) Period of the annual procurement report	1 April 22 to 31 March 23
c) Required by s18 Procurement Reform (Scotland) Act 2014 to prepare an annual procurement report? (Yes / No)	Yes
2. Summary of Regulated Procurements Completed	
a) Total number of regulated contracts awarded within the report period	60
b) Total value of regulated contracts awarded within the report period	£33,630,232
c) Total number of unique suppliers awarded a place on a regulated contract awarded during the period	70
i) how many of these unique suppliers are SMEs	39
ii) how many of these unique suppliers are Third sector bodies	9
3. Review of Regulated Procurements Compliance	
a) Number of regulated contracts awarded within the period that complied with your Procurement Strategy	60
b) Number of regulated contracts awarded within the period that did not comply with your Procurement Strategy	0
4. Community Benefit Requirements Summary	
Use of Community Benefit Requirements in Procurement:	
a) Total Number of regulated contracts awarded with a value of £4 million or greater.	1
b) Total Number of regulated contracts awarded with a value of £4 million or greater that contain Community Benefit Requirements.	1
c) Total Number of regulated contracts awarded with a value of less than £4 million that contain Community Benefit Requirements	36

Key Contract Information on community benefit requirements imposed as part of a regulated procurement that were fulfilled during the period:

d) Number of Jobs Filled by Priority Groups (Each contracting authority sets its own priority groups)	32
e) Number of Apprenticeships Filled by Priority Groups	2
f) Number of Work Placements for Priority Groups	3
g) Number of Qualifications Achieved Through Training by Priority Groups	15
h) Total Value of contracts sub-contracted to SMEs	-
i) Total Value of contracts sub-contracted to Social Enterprises	-
j) Total Value of contracts sub-contracted to Supported Businesses	-
k) Other community benefit(s) fulfilled	8

5. Fair Work and the real Living Wage

a) Number of regulated contracts awarded during the period that included a Fair Work First criterion.	29
b) Number of unique suppliers who have committed to pay the real Living Wage in the delivery of a regulated contract awarded during the period.	25
c) Number of unique suppliers who are accredited Living Wage employers and were awarded a regulated contract during the period.	16

6. Payment performance

a) Number of valid invoices received during the reporting period.	84,045
b) Percentage of invoices paid on time during the period (“On time” means within the time period set out in the contract terms.)	81.8%
c) Number of regulated contracts awarded during the period containing a contract term requiring the prompt payment of invoices in public contract supply chains.	37
d) Number of concerns raised by sub-contractors about the timely payment of invoices within the supply chain of public contracts.	0

7. Supported Businesses Summary

a) Total number of regulated contracts awarded to supported businesses during the period	0
b) Total spend with supported businesses during the period covered by the report, including:	0
i) spend within the reporting year on regulated contracts	0
ii) spend within the reporting year on non-regulated contracts	0

8. Spend and Savings Summary

a) Total procurement spend for the period covered by the annual procurement report.	£181,767,127
b) Total procurement spend with SMEs during the period covered by the annual procurement report.	£97,534,049
c) Total procurement spend with third sector bodies during the period covered by the report.	£21,587,268
d) Percentage of total procurement spend through collaborative contracts.	58%
e) Total delivered cash savings for the period covered by the annual procurement report	£1,471,172
f) Total non-cash savings value for the period covered by the annual procurement report	£276,363

9. Future regulated procurements

a) Total number of regulated procurements expected to commence in the next two financial years	95
b) Total estimated value of regulated procurements expected to commence in the next two financial years	£105,000,000

NOTES

- Reference to contract is also to be construed as meaning a framework agreement.
- Please provide exact figures wherever possible, rather than estimations.
- Please distinguish between the 'zero' value and where information is either not recorded or not available.

1. Organisation and report details

- a) Enter the name of the contracting authority to which the report refers.
- b) Enter the actual period of the report (for example, 01 April 22 to 31 March 23 or 1 August 22 to 31 July 23.)
- c) Has the report been prepared because there is a requirement to do so under [Section 18 of the 2014 Act](#)?

2. Summary of regulated procurements completed

- a) This is the total number of all regulated contracts that were awarded during the reporting period as a result of regulated procurements.
- b) This is the total estimated value (excluding VAT) of all regulated contracts that were awarded during the reporting period as a result of regulated procurements.
- c) This is the total number of unique suppliers that were awarded a place on a regulated contract which was awarded during the reporting period (where a supplier has been awarded more than one framework, or contract only one instance should be recorded).
 - i) Number of unique SME suppliers that were awarded a place on a contract awarded during the reporting period (an SME means an enterprise which employs less than 250 staff) (where a SME supplier has been awarded more than one framework, or contract only one instance should be recorded).
 - ii) Number of unique third sector suppliers that were awarded a place on a contract awarded during the reporting period (where a third sector supplier has been awarded more than one framework, or contract only one instance should be recorded).

3. Review of regulated procurements compliance

- a) Total number of regulated contracts awarded within the reporting period that complied with the commitments and policies set out in your corporate procurement strategy.
- b) Total number of regulated contracts awarded within the reporting period that did not comply with commitments and policies set out in the corporate procurement strategy.

4. Community benefit requirements summary

- a) Total number of individual regulated contracts awarded within the reporting period with a value of £4 million or greater.
- b) Total number of individual regulated contracts awarded within the reporting period with a value of £4 million or greater that contain Community Benefit requirements.
- c) Total number of regulated contracts with a value of less than £4 million that contain Community Benefit requirements.
- d) Total number of jobs filled by individuals within a priority group during the period of the report.
- e) Total number of apprenticeships filled by priority groups during the period of the report.
- f) Total number of work placements delivered for priority groups during the period of the report.
- g) Number of qualifications achieved during the period of the report through training by priority groups.
- h) Total value of contracts subcontracted to SMEs during the period of the report
- i) Total value of contracts subcontracted to Social Enterprises during the period of the report.
- j) Total value of contracts subcontracted to Supported Businesses during the period of the report.

- k) Other community benefits that were fulfilled during the period of the report that do not fall into one of the preceding categories.

[Scottish Procurement Policy Note 10/2020](#) clarifies the Scottish Government's policy on measuring social impact through procurement and support for application of this policy in the form of the sustainable procurement duty tools and accompanying guides.

5. Fair Work and the real Living Wage

- a) Number of regulated contracts awarded during the reporting period that include a scored Fair Work First criterion where it was relevant to do so. The Scottish Government asks employers to adopt fair working practices, specifically: Appropriate channels for effective voice, such as trade union recognition; Investment in workforce development; No inappropriate use of zero-hours contracts; Action to tackle the gender pay gap and create a more diverse and inclusive workplace; Payment of the real Living Wage; Offer flexible and family friendly working practices for all workers from day one of employment; Oppose the use of fire and rehire practice.
- b) Total number of unique suppliers that have committed to pay the real Living Wage to persons involved in producing, providing or constructing the subject matter of regulated procurements; this number will include suppliers who are awarded onto a framework agreement and will also reflect those suppliers who are accredited as Living Wage employers.
- c) Number of unique suppliers who are accredited Living Wage employers and were awarded a regulated contract during the period of the report; this number will include suppliers who are awarded onto a framework agreement.

[Fair Work First: guidance](#) outlines our Fair Work First approach and exemplifies the Fair Work First criteria in practice. It should be used by those involved in awarding public sector grants, other funding, and public contracts as well as those who receive funding through public sector grants, sponsorship arrangements with the Scottish Government and/or are involved in the delivery of contracts.

6. Payment performance

- a) Total number of valid invoices received during the period of the report.
- b) The percentage of valid invoices received during the period of the report that were paid on time (for example, within the time period set out in the contract terms).
- c) Total number of regulated contracts awarded during the period of the report that contained a contract term requiring the prompt payment of invoices in public contract supply chains.
- d) Total number of concerns raised by sub-contractors within the timeframe covered by the report about timely payment of invoices relating to the supply chain of public contracts.

[Scottish Procurement Policy Note \(SPPN\) 02/2022](#) provides details of how public bodies are to embed prompt payment performance in the supply chain through procurement processes.

7. Supported businesses summary

- a) Total number of all regulated contracts that were awarded to supported businesses during the reporting period (this includes contracts reserved for supported businesses)
- b) Total amount of spend with supported businesses during the reporting period (through regulated and non-regulated contracts).
 - i) Total spend with supported businesses during the reporting period through regulated contracts (*including spend within the period on contracts placed before the period*).
 - ii) Total spend with supported businesses during the reporting period through non-regulated contracts (*including spend within the period on contracts placed before the period*).

Organisations as defined by [regulation 21 of the Public Contracts \(Scotland\) Regulations 2015](#) are commonly referred to as supported businesses. [Scottish Procurement Policy Note \(SPPN\) 04/2017](#) contains information on: determining whether an organisation meets the definition of a supported

business for the purposes of public procurement legislation; identifying supported businesses; and monitoring and reporting.

8. Spend and savings summary

- a) Total amount of procurement spend during the reporting period.
- b) Total amount of procurement spend with SMEs during the reporting period.
- c) Total amount of procurement spend with third Sector bodies during the reporting period.
- d) Percentage of total procurement spend during the reporting period that is through collaborative contracts.
- e) Total amount of cash savings delivered for the period of the report.
- f) Total non-cash savings value for the period covered by the annual procurement report.

[Procurement benefits reporting: guidance](#) is available to help procurement teams identify savings and benefits from procurement activity. It is also important that these savings and benefits are reported in a consistent manner across sectors.

9. Future regulated procurements

- a) Total number of all regulated contracts that are expected to commence in the next two financial years.
- b) Total estimated value of all regulated contracts that are expected to commence in the next two financial years.

While it is acknowledged that at the time a contracting authority prepares its annual procurement report, it is unlikely to know what its precise requirements will be over the course of the next two financial years, it should be in a position to provide a brief forward plan of anticipated procurements relevant and proportionate to the contracting authority's size and spend.

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Executive Director for Place

SUBJECT: East Lothian Consultative Draft Local Housing Strategy 2024-29

6

1 PURPOSE

- 1.1 The purpose of this report is to outline the key elements of the consultative draft Local Housing Strategy 2024-29 and to seek approval to consult formally on this draft for an eight week consultation period.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to approve the Consultative draft Local Housing Strategy 2024-29.
- 2.2 It is recommended that Cabinet approve an eight week consultation period from 13th September to 3rd November 2023 with a final document presented to Cabinet in January 2024.

3 BACKGROUND

Legislative context

- 3.1 The Housing (Scotland) Act 2001 requires local authorities to prepare a Local Housing Strategy (LHS) for their area. The Act also states that the LHS must be supported by an assessment of need and demand, of housing provision and related services. The LHS must be submitted to Scottish Ministers and local authorities must keep their LHS under review.
- 3.2 The LHS sets out the strategy, priorities and plans for the delivery of housing and related services across East Lothian for the period 2024 – 2029 and within the context of the current financial challenges.
- 3.3 The LHS is the sole strategic document for housing, bringing together a wide range of housing related priorities into one place and enabling a co-

ordinated response in terms of action. The LHS plays a number of important roles, including:

- Setting out the strategic direction of the Council and its partners to delivering high quality housing and related services, to meet identified need across the county.
- Outlining the Council's approach to meeting its statutory housing responsibilities, i.e. in relation to homelessness, house conditions and fuel poverty.
- Summarising the response to national housing priorities, i.e. the Scottish Housing Quality Standard; town centre living; reduction in carbon emissions and supporting the development of sustainable communities, while also reflecting the needs and priorities of the local area.
- Demonstrating how housing can contribute to improvements in health and wellbeing, the reduction of poverty and influence the effective integration of health and social care.

3.4 The consultative draft LHS has been developed in line with 2019 [Scottish Government Guidance](#), taking into account any recent relevant legislation such as the National Planning Framework 4.

Engagement

3.5 The Housing (Scotland) Act 2001 requires local authorities to consult on their proposed LHS. To inform preparation of this Consultative Draft LHS, a process of engagement commenced in February 2022 and ended in January 2023. Over 1,000 people participated in this process which included a range of online surveys, in person focus groups and workshops.

3.6 Engagement workshops included:

- 5 online surveys spanning a range of topics including: early engagement, rural housing, older people, children & young people, and health & housing.
- 6 service provider workshops with our third sector partners.
- Engagement sessions with Area Partnerships and Community Councils, capturing the views of 120 people.
- Equalities workshops for staff across Health and Social Care Partnership, the third sector, and wider ELC teams, involving approximately 80 people.
- A range of 1:1 interviews, focus groups and engagement were conducted over 9 sessions with 'lived experience' groups, hearing the experience of 71 individuals.

- Specific workshops held for teams and departments who wanted to directly input into the LHS. This included: 10 workshops with community housing and homelessness teams, 3 workshops with OT & Acute Hospital Team and 3 workshops with Justice Social Work Team.
- 3.7 The proposed strategic vision, corresponding priority outcomes and actions were developed through the Engagement process. An impact analysis narrowed the proposed actions down, while ensuring they would meet the proposed priority outcomes and strategic vision.

Structure

- 3.8 The LHS has been undertaken under the backdrop of the UKs withdrawal from the EU, the Covid-19 Pandemic, the War in Ukraine and most recently, the Cost of Living Crisis. Underpinning all of the challenges in the LHS is the increasing financial uncertainty and funding gap faced by East Lothian Council.
- 3.9 Taking account of the key housing issues identified; the changing strategic planning framework; local context and engagement from local communities, the proposed strategic vision for East Lothian is that by 2029:

People in East Lothian have access to warm, high quality, affordable homes which meet their needs and enables them to live in communities with the support and services they require.

- 3.10 To underpin this vision, five priority outcomes have been identified:
- Communities are supported to flourish, be distinctive and well connected.
 - Housing supply accessible, affordable and provides a range of choices to meet the needs of households across East Lothian.
 - Homelessness is prevented as far as possible, where unavoidable, a rapid response with the appropriate support is provided.
 - Housing and support services are effective, accessible to, and will meet the needs of those most vulnerable in the community.
 - All homes in East Lothian are maintained to a high standard, are energy efficient and contribute to meeting climate change targets.
- 3.11 An action plan underpins and supports these priorities, which will direct and target resources and activity over the period of the LHS. The proposed draft actions are set out from page 122 of the LHS.

Next Steps

- 3.12 Following approval from Cabinet the consultative Draft LHS will be formally consulted on for an 8 week period from 13th September to 3rd November 2023.
- 3.13 A series of consultation events have been planned which will give residents, tenants and community groups an opportunity to comment on the draft Strategy. An online consultation will also be available.

Saturday 30 th September	10.00-16.00	Fisherrow Centre, Musselburgh (Musselburgh Communities Day)
Wednesday 4 th October	16.30-19.30	Haddington Primary School,
Monday 9 th October	13.30-17.30	TBC
Wednesday 18 th October	16.30-20.30	Bleachingfield, Dunbar
Tuesday 24 th October	16.30-20.30	The Fraser Centre, Tranent
Friday 3 rd November	12.30-17.30	Hope Rooms, North Berwick

- 3.14 A drop-in consultation event will be held on Thursday 9th November between 10.00-16.30 for ELC, H&SCP members of staff and elected members to attend.
- 3.15 During the consultation period, the LHS is also subject to a peer review process led by the Scottish Government. The consultative draft LHS will be submitted to the Scottish Government to trigger this process.
- 3.16 Following the 8-week consultation period, the LHS will be reviewed in light of the responses, feedback from the Scottish Government and Peer Review.
- 3.17 It is proposed that the Local Housing Strategy 2024-2029 is submitted to cabinet in January 2024 for sign off before being sent to Scottish Government and becoming an official Council document in the new financial year.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications arising from this report.

5 INTEGRATED IMPACT ASSESSMENT

5.1 An integrated impact assessment (IIA) was carried out on the Consultative Draft LHS. This forms **Supporting Paper 1** of the LHS. Three areas were picked up during the IIA process:

- The need to ensure that the LHS is updated to utilise the Census Data when it is published. This recognises that the existing Census is now over 10 years out of date, and is normally a key resource for reporting on equalities data.
- The need to continue to make efforts to reach out to groups which haven't been as well represented within engagement sessions. This includes LGBT+ and ethnic minorities. Housing will work alongside ELH&SCP and ELC's respective Equalities Officers and VCEL who have also identified similar gaps.
- To ensure that the Consultative LHS is fully accessible and includes Alternative Text (Alt Text) where there are tables or graphics. This has now been completed.

5.2 Due to the significant positive contribution Housing can make to the lives of children and young people, and in recognition of the UNCRC, a Children's Rights and Wellbeing Impact Screening and a Full Assessment (CRWIA) was carried out. This is the first time a CRWIA has been carried out for an LHS. Both documents can be found in **Supporting Paper 3** of the LHS.

5.3 Housing is also a key enabler of positive health and wellbeing across all client groups. A Health Inequalities Impact (HII) Matrix was carried out on all the actions of the LHS. A workshop has been organised with Public Health Consultants within Public Health NHS Lothian which will form part of the final Local Housing Strategies Supporting Papers.

6 RESOURCE IMPLICATIONS

6.1 Financial – There are no financial implications arising from this report.

6.2 Personnel - Significant staff time will be required to complete, monitor and oversee the development of the LHS.

7 BACKGROUND PAPERS

7.1 [Consultative Draft LHS 2024-29 and Supporting Papers 1-5](#)

AUTHOR'S NAME	Wendy McGuire
DESIGNATION	Head of Housing
CONTACT INFO	Rebecca Pringle, Housing Strategy Team Manager: rpringle@eastlothian.gov.uk
DATE	23/08/2023

REPORT TO: Cabinet
MEETING DATE: 12 September 2023
BY: Executive Director for Place
SUBJECT: Rent Consultation 2024/25

7

1 PURPOSE

- 1.1 To seek Cabinet approval to consult with Council tenants on a range of options in respect of a potential rent increase for 2024/25.
- 1.2 To set out the continued changes impacting on the Council's investment programme
- 1.3 To explain the context, legal position and rationale for this approach.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves a consultation exercise with Council tenants on a range of potential rent increase options.
- 2.2 That Cabinet notes the context, legal position and rationale for this approach.
- 2.3 That Cabinet notes the modelling impacts as set out in paragraph 3.11
- 2.4 That Cabinet notes that meaningful consideration of the consultation results are a key element in setting rents for 2024/25 and beyond.

3 BACKGROUND

- 3.1 The Council has a statutory obligation under the Housing (Scotland) Act 2001 to consult with all tenants when making any proposals to increase rents. In doing so the Council must:
 - Consult all tenants affected by the proposal(s), and
 - Have regard to the views expressed during the consultation exercise.

- 3.2 The Council approved a 5% rent increase on 28 February 2023 for the period 2023/24 with an indicative rent increase of 5% each year for a further four years beyond that.
- 3.3 Elected members are fully aware of the ongoing volatile national context in respect of cost-of-living increase that is placing huge stresses on household finances notably around energy costs and the price of food.
- 3.4 In response the Scottish Government introduced the Cost of Living (Tenant Protection) (Scotland) Act on 6th October 2022 to provide further protection for all tenants irrespective of tenure during the current cost of living crisis.
- 3.5 This Act amongst other measures prevented social landlords from increasing their rent up to the 31 March 2023. COSLA and the Scottish Federation of Housing Associations published statements setting intentions for rent in 2023/24. The social rent cap has since expired on 26 February 2023, however social landlords have agreed with the Scottish Government to keep future rent increases below inflation. Local authorities, through COSLA, are also committed to keeping Local Authority rent increases in 2023/24 to an average of no more than £5 a week.
- 3.6 It is important to note that rent levels across the social housing sector are not consistent and the impact of any change in rent will result in different outcomes for each authority. East Lothian Council continues to have amongst the lowest rents in Scotland and has the lowest local authority rents within the South East of Scotland (SESPLAN) area. The Council's rents are also considerably lower than those housing associations operating in East Lothian. ELC also has the lowest average rent of its local authority peer group (stock holding local authorities with less than 10k units). Around 60% of tenants receive some help with their rent each year.
- 3.7 Whilst understanding the cost pressures facing our tenants, the Council have also continued to experience further cost pressures since the budget was set for 2023/24 with increasing costs such as:
- Borrowing, with increasing interest rates
 - Materials and labour for repairing, maintaining and improving tenants' homes;
 - Pressure for pay increases for staff and other staff costs; and
 - Energy costs for offices, costs for other office supplies, and vehicle fleet costs.
 - New costs for investing in existing homes to meet increasing standards for energy efficiency and to help achieve the Scottish Governments ambitions to decarbonise heating.
- 3.8 It is therefore appropriate to share these pressures and obtain views from our tenants to help us consider the implications, finding a balance between

the impacts of rising costs on the delivery of our capital programmes with the financial hardship that is a reality for many of our tenants.

- 3.9 With the future housing budget in mind, and the significant housing pressures East Lothian faces in relation to the need and demand for all types of affordable housing as well as meeting new legislative requirements, the time has come to look at our rent charges again. It is in this context that the Council has decided to consult on a range of options and give tenants the opportunity to indicate their preference, taking into account the impact these choices might have on the Council's Housing Revenue Account (HRA) and the future investment and supply of Council homes.
- 3.10 Our investment plans are shaped by the following key factors; tenant priorities, need and demand, changing demographics resulting in the need to deliver more accessible housing, council commitments, statutory compliance and government targets as well as lifecycle and health and safety to ensure we continue to meet SHQS. The lower the rent increase the longer it will take us to deliver all the investment already committed. It will also delay any future increase in delivering new supply
- 3.11 Within this context we are considering three options of a rent increase in 2024/25, ranging from 5% to 7%; The options are:

Option 1 – 5% rent increase

Based on budget planning, a 5% increase in 2024/25 will meet current levels of service and investment in stock and new supply. However this just meets the HRA financial strategy and provides no flexibility for any further cost pressures such as further increases in interest rates, higher than budgeted pay awards, further cost increases in materials, further legislative requirements. Any further increases will require a higher rent increase to meet the levels of investment set out in the budget. This would also limit any possibility to secure opportunities for new supply.

Option 2 – 6% rent increase

Based on budget planning, a 6% increase in 2024/25 would allow for current levels of service and investment to be maintained, although is still extremely tight particularly in years 2026/27.

Option 3 – 7% rent increase

Based on budget planning, a 7% increase in 2024/25, would allow for current levels of service and investment to be maintained, reaching a peak in 2026/27.

- 3.12 The rent consultation will seek tenant views on these options and once the consultation is concluded, the results will be shared with Council to help inform the decision-making process on any change to rents.

- 3.13 The consultation will run from early November 2022 to mid-December 2022 with the results presented to Council in February 2023.

4 POLICY IMPLICATIONS

- 4.1 The consultation results will inform the Council's decision-making process in terms of any rent increase in 2023/24 and beyond.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The proposals will have a potential significant impact on both services and investment plans and therefore directly affect tenants. A full integrated impact assessment on equality groups will be undertaken as part of the consultation exercise.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Depending on the consultation results, wider contextual ongoing financial challenges, Scottish Government decision-making, ongoing monitoring and budget development will all be factors in determining the actual rent increase.
- 6.2 Personnel – None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Report – Budget Development including setting of Council Tax and Council Housing Rent for 2022-23 – March 2023

AUTHOR'S NAME	Wendy McGuire
DESIGNATION	Head of Housing
CONTACT INFO	James Coutts 07770 653162
DATE	September 2023

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Douglas Proudfoot – Executive Director Place

SUBJECT: Introduction of Charging Developers for the Provision of Waste and Recycling Containers to New Properties

8

1 PURPOSE

- 1.1 The following report sets out the proposal for introducing a charge to housing developers for refuse and recycling containers which are required for new properties.

2 RECOMMENDATIONS

- 2.1 That a direct charge of £67.00 (exc VAT) per property, applicable to all future housing developers, be introduced to cover the supply and delivery of a full set of waste and recycling containers to new properties, with the exception of a brown bin for garden waste, which will be provided through an annual subscription service that properties must apply for separately.
- 2.2 That the charge would be payable when the developer applies for street naming and/or property numbering, this will be included in the application charge as part of the registration process. Once the property has been formally registered and the charge has been paid we would then deliver waste and recycling containers to the developer on a call off basis for them to distribute to properties as they become occupied.

3 BACKGROUND

- 3.1 East Lothian is one of the fastest growing Council areas in Scotland with significant housing developments, in build or planned across the county. Increasing the demand for all waste collection services and the amounts of material requiring management, treatment and disposal.
- 3.2 The current capital expenditure on refuse and recycling containers is approximately £160,000 per annum. This expenditure covers the provision and maintenance of the current refuse and recycling container stock. As well as the supply of full sets of containers to all new properties.

3.3 Local Authorities across the UK have a variety of different policies on charging for waste and recycling containers. With some charging for the supply of all containers to both new and existing properties, some for replacement containers only and some for the supply of containers to new properties only. Others provide recycling containers free, but charge for non-recyclable waste containers.

4 POLICY IMPLICATIONS

4.1 By charging the developers this mitigates costs to the Council, and thereby assists in protecting essential services.

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 recovery of costs for the supply and delivery of waste and recycling containers to newly developed properties would recover £6,700 per 100 properties.

6.2 Personnel - None.

6.3 Other – N/A

7 BACKGROUND PAPERS

7.1 N/A

AUTHOR'S NAME	Bruce Moffat
DESIGNATION	Transport and Waste Services manager
CONTACT INFO	bmoffat@eastlothian.gov.uk
DATE	23/8/2023

REPORT TO: Cabinet

DATE: 12 September 2023

BY: Executive Director for Place

SUBJECT: Options for East Lothian's Car Charging Estate

9

1 PURPOSE

- 1.1 To allow members to review the independent evaluation by [Cenex](#) (a not-for-profit consultancy specialising in charging infrastructure) of the options for the future of the car charging network in East Lothian, and seek their approval for its recommendations. The report is available in the Members' Library (ref: 92/23).

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the recommendation to fully investigate leveraging our existing charging assets to attract the best private investment available in the network, while retaining sufficient control over locations, pricing and access.
- 2.2 That Cabinet approves the production and publication of a detailed Electric Vehicle Infrastructure strategy.

3 BACKGROUND

- 3.1 East Lothian Council (ELC) currently owns and operates a large and well-rounded portfolio of public Electric Vehicle Infrastructure (EVI). To-date, this network has been funded primarily through central government grant-funding but, as the level of private investment in the sector grows, future grant-funding is expected to be focused on more commercial models with lower subsidy, before being phased out. Nevertheless, the requirement to expand the network remains, as the number of electric vehicles in the region continues to grow, particularly as those without a safe place to park and charge at home switch to electric modes of transport.
- 3.2 ELC commissioned not-for-profit transport infrastructure consultancy Cenex to work with us to consider what alternative delivery models are available that will allow for the continual and sustainable operation, maintenance, and expansion of the network. Cenex similarly advises the UK government.
- 3.3 A range of commercial arrangements and funding options were analysed. These options were weighted and scored for our portfolio of EVI (which includes On-street, Destination and Journey chargers) and different aspects of their installation (above and below ground), operation and maintenance.

- 3.4 This analysis produced a shortlist of five options that were analysed across aspects such as investment, control, responsibility, risk and revenue for existing and future EVI:
- a) *Do Nothing*;
 - b) *Own and Operate*;
 - c) *Part-Sell Estate*;
 - d) *Leverage Estate*; and
 - e) *Fully-sell Estate*.
- 3.5 A priority for ELC was to keep a level of control around the choice of locations for EVI, to ensure a just transition to an electric future; it is considered that purely commercial operators would tend to focus on profit over social equity. Therefore, we focussed on the future of On-street and Destination EVI (as these are more likely to provide social benefit, and affordable charging, but will take longer to turn a profit), rather than on Journey charging (where many of our sites are already commercially attractive). It is important that end-user tariffs can be structured so as not to disadvantage people who do not have a safe place to park and charge at home. At the same time, we are keen to minimise the level of internal investment required.
- 3.6 The options (a)-(e) were evaluated against these strategic priorities, to identify the solution most likely to deliver accessible and equitable charging, reduce public investment, secure long-term revenue, define a clear role for ELC and manage the Council's risks effectively.
- 3.7 The recommended option ((d) *Leverage Estate*) uses the existing ELC owned-and-operated network of EVI and our energy purchasing power as a lever in tender and contractual negotiations to secure an attractive partnership with at least two private organisations. These partnerships will allow private investment to support the continual roll-out of EVI while still generating some surplus revenue to invest in grid connections and resourcing. This reduces long-term reliance on grant-funding and allows for a degree of control to be held by ELC. A similar approach is being considered or is being adopted by other Scottish LAs.
- 3.8 The full Options Appraisal and a breakdown of the details have been lodged in the Members' Library (ref: 92/23).
- 3.9 The implications of the *Leverage Estate* option were explored and analysed, with the following specific high-level recommendations being made:
- ELC lets a Public-Private Commercial Partnership (PPCP) contract with (i) an External Operator element for existing EVI and, (ii) a Concession element for future EVI.
 - ELC should secure the ability to break the contract in the event of poor equitability outcomes and/or have the unhindered ability to contract other suppliers to fill any gaps, under other complementary models.
 - At least two suppliers be procured who can both handle a diverse portfolio of On-Street, Destination and Journey chargepoints.

- A contract duration of seven years be targeted. This could be in the form of 5+2+2 years which gives ELC one option to exit from the contract early and one option to extend.
- A transparent revenue-share model is adopted and profit-share is avoided.
- ELC controls technical specifications, locations, electricity supply and tariff pricing principles.
- A range of KPIs be deployed to quantify the quality of the project and show if changes need to be made to the programme
- A range of ELC roles are identified or resourced to deliver the programme

3.10 ELC have recently secured the following external grant funding:

- £441k from UK government on the basis of 60% subsidy for around 100 devices. This would result in ELC's EVI estate growing from 205 devices to around 305 devices this financial year. Adoption of a PPCP contract model would allow us appoint partners whose private investment would then provide the gap funding required to deliver this project which amounts Not adopting a PPCP contract model will mean us returning the majority of the £441k unspent unless other ELC or match funding was secured.
- £80k from Scottish government on the basis of 100% subsidy for the recruitment of staff and consultancy resource during FY23/24 to allow the fuller investigation of the selected option and production & publishing of a detailed EV strategy by 31st March 2024.

3.11 During this financial year we would also seek:

- A. any significant value of grant funding to allow the retention of the existing *own-and-operate* model for as long as it remains attractive to do so such that we further improve our existing charging assets ahead of the point we leverage them to attract the best private investment available.
- B. around a further £1 million from Scottish Government (100% subsidy basis) for the installation of around a further 750 additional retention sockets at many existing sites, plus funding for external staff resource for project delivery. These retention sockets will then allow the quick and cheap installation of more charging devices at these sites as demand grows in the future.
- C. a further value from Scottish government (up to around a 50% subsidy basis) to deliver at least a further 600 devices at many of these sites and additional new sites over the next three financial years, in line with the growth advised by Cenex page 23 of the CENEX Outline Electric Vehicle Infrastructure Strategy (lodged in the Members' Library- ref: 92/23). Eligibility to apply for this funding is contingent upon publishing of the above noted detailed EV strategy and attraction of private investment.
- D. a further £200k from UK government (up to around a 50% subsidy basis) to deliver around a further 50 devices as part of a similar parallel programme to the above.

3.12 A Risk Register is available in the Members' Library (ref: 92/23).

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not negatively affect the wellbeing of the community nor have a significant negative impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - The proposal is likely to generate sufficient income to support the maintenance and future roll-out of vehicle charging infrastructure, and as such has no negative impact on financial resources.

6.2 Personnel - Additional resource required, to be resourced from a mix of 100% grant funding for specific short term projects and from income generated for longer term appointments.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Supporting papers lodged in the Members' Library (ref: 92/23):

- Appendix 1: Options Appraisal Report
- Appendix 2: Detailed Options Appraisal
- Appendix 3: Outline EV Infrastructure Strategy
- Appendix 4: Risk Register

AUTHOR'S NAME	Ian Lennox
DESIGNATION	Roads Asset and Regulatory Manager
CONTACT INFO	ilennox@eastlothian.gov.uk ;
DATE	14 th August 2023

REPORT TO: Cabinet

MEETING DATE: 12 September 2023

BY: Executive Director for Place

SUBJECT: Various Roads East Lothian, Introduction and Amendments to Traffic Regulation Orders September 2023

10

1 PURPOSE

- 1.1 To seek Cabinet approval of the statutory procedures necessary to make and amend Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits, Quiet Roads NCN 76 Haddington and close off a lay-by.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the statutory procedure necessary to initiate, consider any objections and make or amend Traffic Regulation Orders in accordance with the relevant legislation in respect of locations and proposals listed in **Appendices A, B, C & D**.

3 BACKGROUND

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

- 3.3 Following the introduction of parking prohibition between the hours of 10pm and 6am at Yellowcraig car park, some vehicles are now parking on Ware Road, partially over verges and footpaths. It is recommended that the existing waiting restrictions be extended to just south of the Eel Burn Bridge. **Appendix A.**
- 3.4 Pedestrians and cyclists are having difficulty in crossing the A198 coast road just east of its junction with Lyars Road, Longniddry. It is recommended that the existing 40mph speed restriction on Lyars Road be extended to cover a section of A198 coast road. **Appendix B.**
- 3.5 Concerns have been raised about the speed of traffic passing Harelaw Stables just east of Longniddry. Horses are regularly crossing from the stables to an adjacent field opposite. It is recommended that the existing 40mph speed limit be extended further east to include the stables. **Appendix B.**
- 3.6 Following an amendment to the speed limits on the A1087 through West Barns from 30mph to 20mph and the reduction in speed on the A1087 from 30mph to 20mph at Belhaven it has left a section in-between still 30mph and West Barns Primary School have raised concerns about parents walking their children to school at this section. It is recommended to also reduce this section to 20mph which will give a consistent speed limit. **Appendix B.**
- 3.7 Sustrans in partnership with East Lothian Council propose to provide a safer and more attractive route for cyclists and pedestrians travelling to and from the east side of Haddington via Brae Heads Loan, using the existing NCN 76 cycle route. The proposals will include a speed reduction from national speed limit to 40mph with traffic calming measures through Haddington golf course using an 18 month Experimental traffic Order. A more detailed brief is attached to this report. **Appendix C.**
- 3.8 There is an existing lay-by on the B1377 east of Drem at the Peffer Burn which has been prone to fly tipping for a number of years now. It is recommended that the lay-by be closed to vehicular traffic and access restricted at both ends with only authorised vehicles allowed for maintenance / inspection of the adjacent bridge and cundy. **Appendix D.**

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Roads revenue budget.
- 6.2 Personnel - None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Ian Lennox
DESIGNATION	Roads Asset and Regulatory Manager
CONTACT INFO	Grant Talac or Keith Scott
DATE	28/8/2023

Appendix A		
The Amendments of the Prohibition and Restriction waiting, loading and unloading at Various Streets, Traffic Regulation Orders		
No.	Location	Description
1	U109 road to Meadowmill Sports Centre	Introduce waiting restrictions at Council Amenity Depot to improve sightlines due to indiscriminate parking
2	Meadowpark jcn Knox Place, Haddington	Introduce waiting restrictions on Knox Place to improve sightlines for vehicles exiting Meadowpark
3	Dunbar Road / Traprain Terrace, and Dunbar Road / Artillery Park, Haddington	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
4	Woodbush Brae, Dunbar	Introduce waiting restrictions to allow two way traffic and improve the free flow of traffic
5	Back Road / North Street, Belhaven	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
6	Edinburgh Road opp Countess Crescent, Dunbar	Extend existing waiting restrictions by approx. 25m west to allow bedding area to be seen and not obscured by parked high sided vehicles
7	Main Street / Buxley Road, Elphinstone	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
8	Opp 5 Ashgrove, Musselburgh at private lane serving the rear of properties on Albert Terrace	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
9	Campie Gardens, Musselburgh	Introduce 2 No. disabled parking spaces and an ambulance bay opposite Campie Court Sheltered Housing
10	Northern section of Balcarres Road, Musselburgh	Introduce waiting restrictions to allow unrestricted access and egress to the rear of the racecourse and the Musselburgh Amenity site

11	High Street o/s CO-OP, East Linton	Introduce timed restrictions to the two disabled parking spaces with maximum stay of 90 minutes
12	Haddington Road / Ormiston Avenue, Tranent	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
13	Duncan Gardens / Fowler Street, Tranent	Introduce waiting restrictions to improve sightlines due to indiscriminate parking
14	Winton Place near High Street, Tranent	Extend double yellow lines to protect dropped kerb at crossing point and reduce length of loading bay
15	Greendykes Road, Macmerry	Introduce waiting restrictions to keep vehicles clear of traffic lights
16	Melbourne Road at Lifeboat Station, North Berwick	Introduce Lifeboat Crew Only spaces for emergency situations
17	Heugh Brae, North Berwick	Extend existing waiting restrictions southwards to exit of Amenity Services public recycling site to improve the free flow of traffic
18	Main Street, Gifford at and opp The Square car park	Introduce waiting restrictions to improve sightlines due to indiscriminate parking and to assist public service vehicles turning
19	Ware Road, Dirleton	Extend existing waiting restrictions southwards
20	Carberry Grove, Musselburgh	Introduce waiting restrictions in turning head
21	Haddington Road / Ormiston Avenue, Tranent	Introduce waiting restrictions to improve sightlines due to indiscriminate parking

Appendix B		
Speed Limits		
No.	location	Description
1	A198 at Lyars Road, Longniddry	Extend existing 40mph speed limit to include section of A198
2	A198 at Harelaw Stables, Longniddry	Extend existing 40mph speed limit further east to include frontage of Harelaw Stables
3	A1087 West Barns to Belhaven	Reduce the existing 30mph speed limit to 20mph

Appendix C		
Haddington Quiet Roads		
No.	location	Description
1	NCN 76 Haddington	Introduce 18 month Experimental 40mph speed limit from Brae Heads loan to Haddington East

Appendix D		
Peffer Burn Lay-By		
No.	location	Description
1	B1345 Peffer Burn, Drem	Close lay-by to non-essential vehicles

Brief for Quiet Roads NCN 76 Haddington Experimental Traffic Regulation Order (ETRO) Application

14 August 2023

Keith Scott
Roads Officer | Road Services | Infrastructure | Partnerships & Community
Services | East Lothian Council
Contact email: kscott@eastlothian.gov.uk

We work for and with communities, helping them come to life
by walking, wheeling and cycling to create healthier places and
happier lives for everyone. www.sustrans.org.uk

Registered charity no. 326550 (England and Wales)
SC039263 (Scotland).

Category	Details
Author(s):	Graham Wilkinson (GW) Jingsi Li (JL)
Draft date:	11/08/2023
Reviewed by:	Graham Wilkinson (GW) Ross Morrison (RM)
Review date:	14/08/2023

Project Name:

Quiet Roads NCN 76 Haddington, East Lothian

Phase 2 NCN76 Haddington to Brae Heads Loan Quiet Roads

From: East Lothian Council and Sustrans

To: The Cabinet of East Lothian Council

This brief serves to seeking the approval of an Experimental Traffic Regulation Order (ETRO) for the "Quiet Roads NCN 76 Haddington" project, which is jointly proposed by the East Lothian Council and Sustrans.

- **Purpose and Objectives**

The purpose of this project is to provide safer and attractive links for all users on the section of National Cycle Network (NCN) 76 from Haddington to East Linton in East Lothian, Scotland. Phase 2 of the project includes the NCN 76 from Haddington to Brae Heads Loan via Haddington Golf Course as identified in orange hatch in Figure 1. The objective is to reduce traffic speeds by proposing 40 mph speed limit on-road and making all users in particular motorists aware of the share space on this section of road. The Whittingham Drive section which currently serves as the NCN76 route, as highlighted in light blue hatch in Figure 1, will also be subject to 30/40mph zone but will not be included as the share space route. Anticipated outcomes involve a rise in the number of non-motor users such as walking, cycling, and riding horses, making the area more liveable and sustainable.

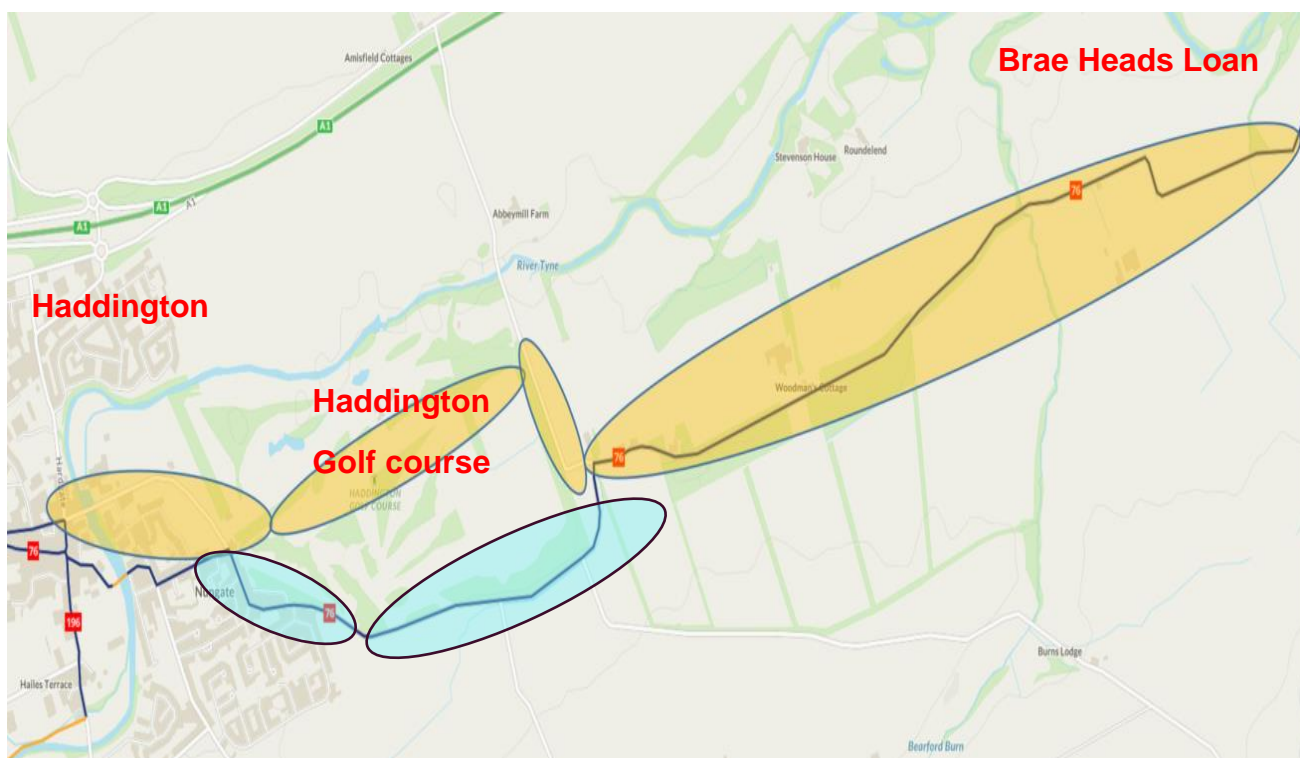


Figure 1 Proposed Project Area

- **Present Condition and Proposed Solution**

In order to understand current road usage conditions for all users and determine appropriate improving measures, Sustrans implemented surveys along the proposed route, as identified in Figure 2 over a 7-day period, for both non-motor vehicles (as marked by cyan circles) and motor vehicles (as marked by red circles) to identify existing traffic volumes and speeds.

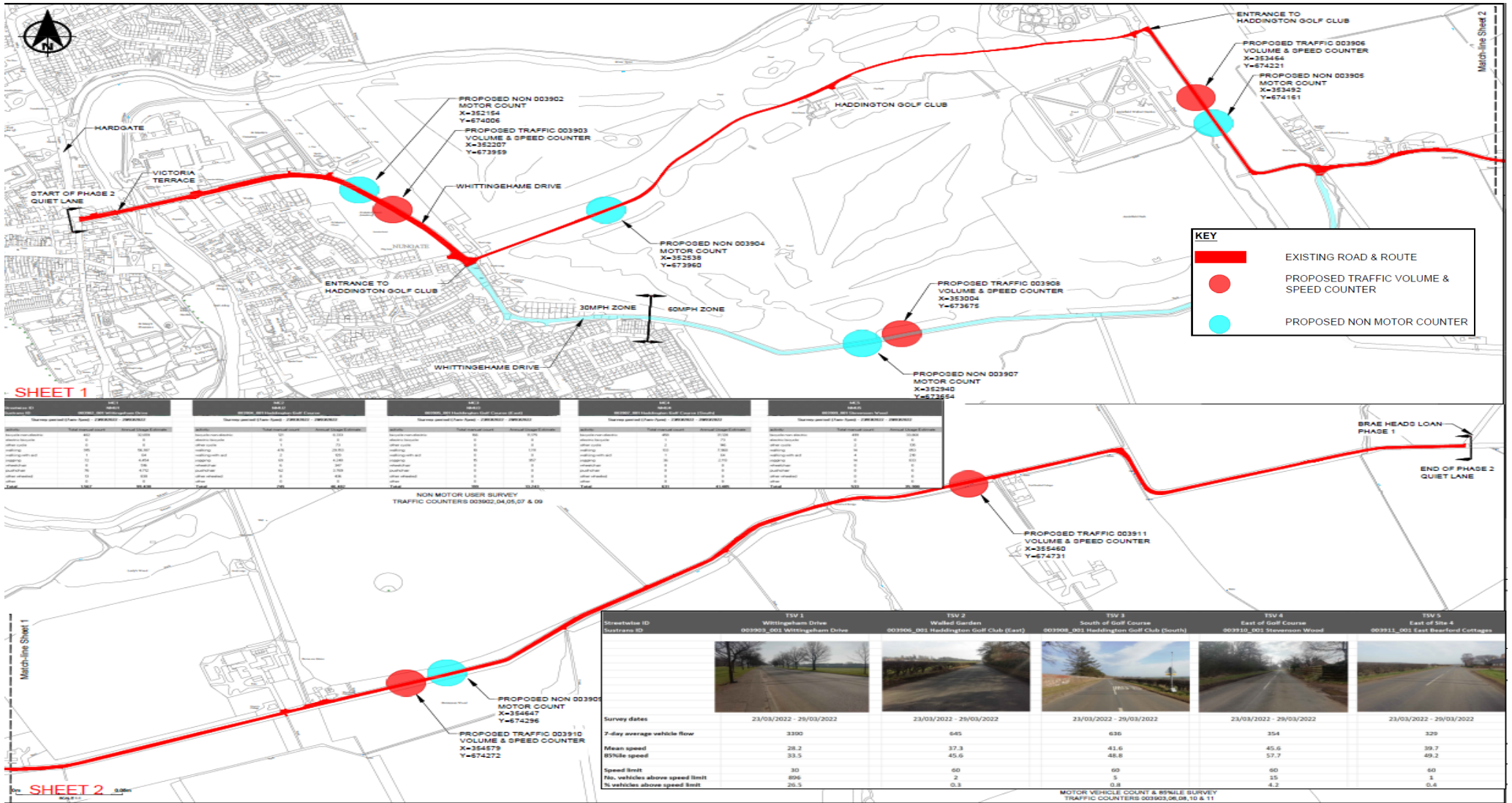


Figure 2 Proposed Traffic Survey Location

It is estimated that the annual usage of non-motorised modes across the surveyed locations varies between 13243 and 99630, predominantly walking and non-electric bicycle activities. As highlighted by the collected motorised traffic data, the 85th percentile vehicle speeds range from 45mph to 58mph (on national speed limit zones) with exception of monitoring counter at Whitingham Drive which is subject to 30mph zone¹.

Further to the study, Sustrans and East Lothian Council preferred quiet road measure is to provide speed limit and share space traffic signage as identified in Figure 3². The reason for this option is to boost safety and comfortableness for the active travel users, promote and encourage the use of non-motorised modes of transport.

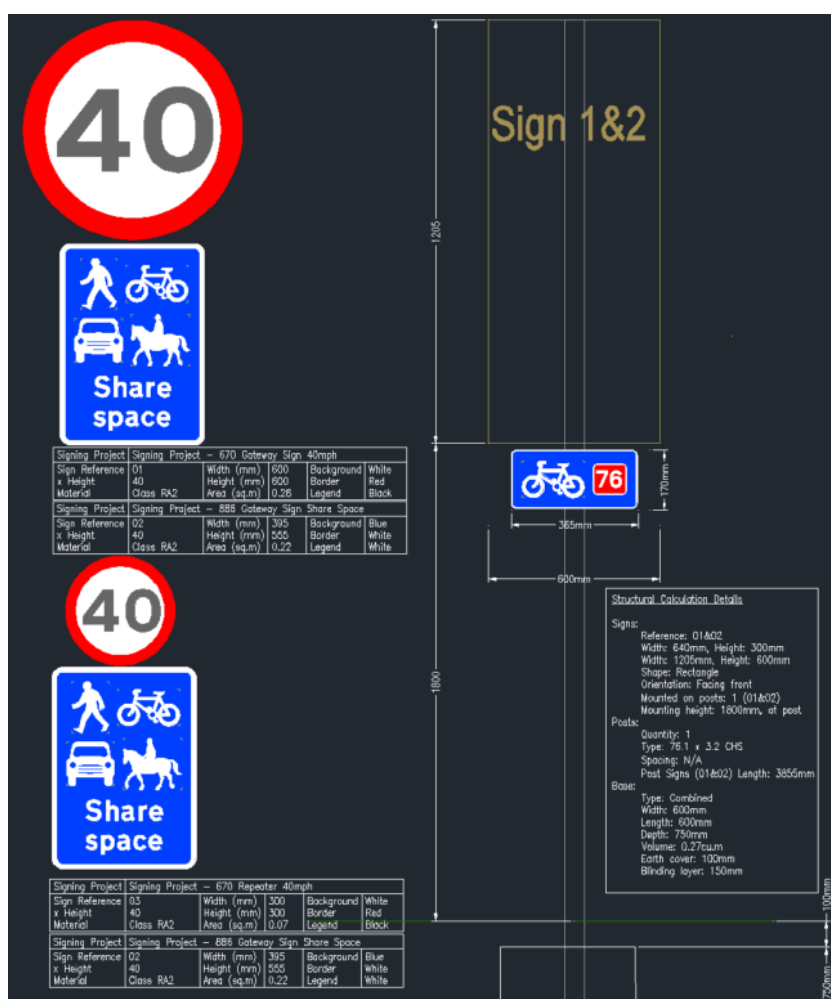


Figure 3 Proposed Speed Limit and Share Space Traffic Sign

¹ Detailed survey data and results can be referred to 'APPLICATION FOR AUTHORISATION OF NON-PRESCRIBED TRAFFIC SIGNS AND SPECIAL DIRECTIONS 2016'.

² Detailed design of gateway and repeater signs can be referred to 'APPLICATION FOR AUTHORISATION OF NON-PRESCRIBED TRAFFIC SIGNS AND SPECIAL DIRECTIONS 2016' and drawings 13598-HADD-F-GA-00-01-01 to 20, where this brief accorded with.

4 Brief for Quiet Roads NCN 76 Haddington Experimental Traffic Regulation Oder (ETRO) Application

The quiet road measure through Haddington golf course will include 1 set of speed cushions as shown in Figure 4 within existing access road within golf course and the extension of sealed path surface from Haddington golf course car park to the Amisfield Walled Garden.

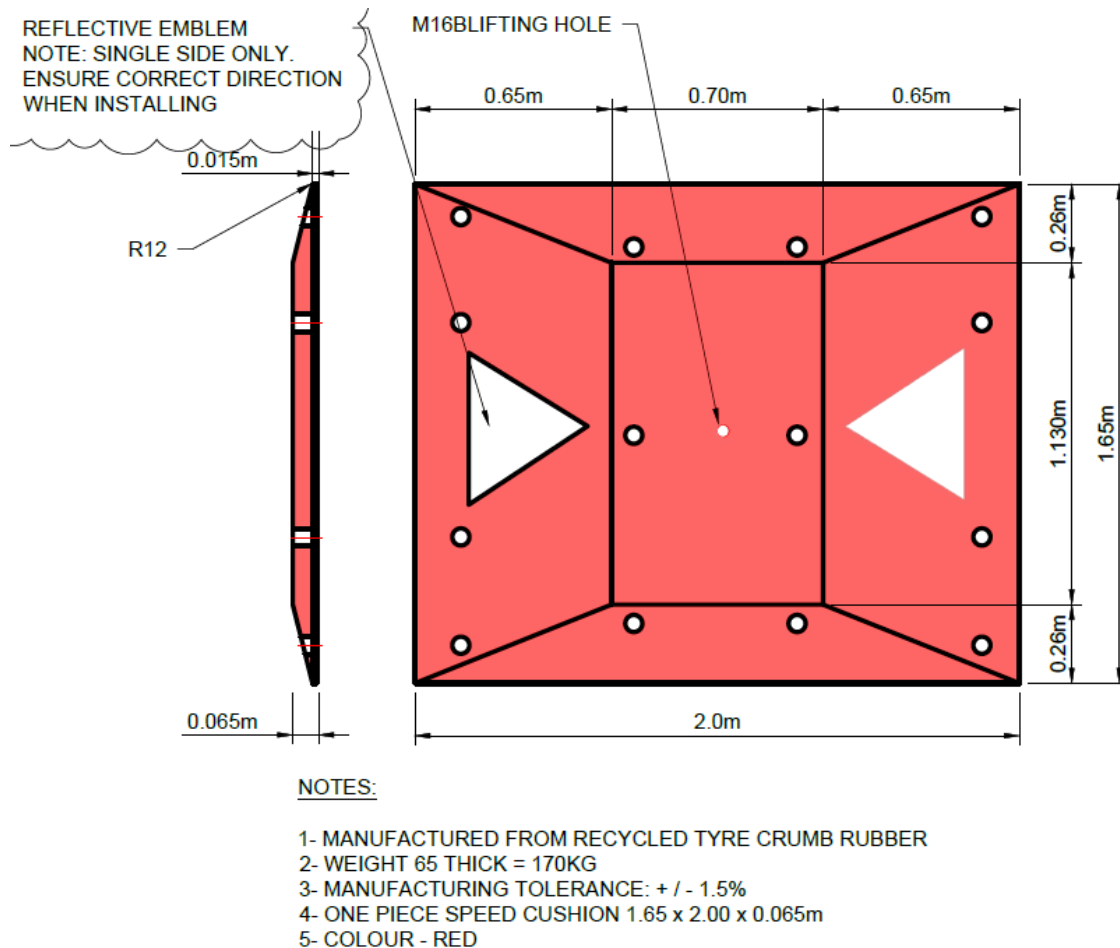


Figure 4 Proposed Traffic Speed Cushion

- **Future Work**

Once the ETRO is approved and implemented, there will be a period of 6 months in which any person may object to the ETRO becoming permanent, thereafter the ETRO will remain active for a maximum of 12 months, during which time, its effects will be carefully monitored. Additional traffic assessments will be carried out to determine if there is a decrease in traffic speeds and volume. Subsequently, East Lothian Council will consider whether to make the ETRO permanent.