



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 MAY 2024
VIA A DIGITAL MEETING FACILITY

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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 Bruce	Councillor J Findlay
Councillor S McIntosh	Councillor C Yorkston

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms N McDowell, Head of Education
Ms L Byrne, Head of Children's Services
Ms C Rodgers, Head of Communities
Mr K Dingwall, Service Manager - Planning
Mr S Cooper, Service Manager - Communications
Mr C Grilli, Service Manager – Governance
Mr P Vestri, Service Manager – Policy, Performance & Organisational Development
Mr J Coutts, Service Manager – Community Housing & Homelessness
Ms Z Rathe, Team Manager – Information Governance
Ms E Clater, Service Manager – Children & Young People Community Resources
Ms S Cheyne, Projects Officer - Landscape
Mr N Morgan, Outdoor Access Officer
Ms J Squires, Planner (Policy & Projects)
Ms S Fitzpatrick, Team Leader – Licensing & Landlord Registration

Clerk:

Ms F Currie

Apologies:

Declarations of Interest:

None

The Convener advised Members that, under the terms of Standing Order 5.4, the report for Item 4: ELC Transformation Strategy, had been called in. In accordance with this process, this item of business had been withdrawn from this Cabinet agenda and would be referred to the next ordinary meeting of Council for consideration.

1. MINUTES FOR APPROVAL: CABINET, 12 MARCH 2024

The minutes of the meeting of the Cabinet on 12 March 2024 were approved.

2. CIVIC GOVERNMENT LICENSING

A report was submitted by the Executive Director for Council Resources informing Cabinet of the results of the independent review of the Civic Government licensing fees and seeking approval to set the Civic Government Fees as set out in this report.

The Service Manager – Governance, Carlo Grilli, presented the report summarising the background and outcome of the fee review and the methodology to be used in calculating fees going forward. The new fee structure, if approved, would take effect from 1 June 2024.

Mr Grilli responded to a question from Councillor Forrest providing further information on DVLA categories for taxi drivers and how these would impact on the requirements for licensing.

The Team Leader – Licensing & Landlord Registration, Sheila Fitzpatrick, replied to a question from Councillor McGinn on the licensing of dog breeders.

Councillor McGinn thanked officers for taking on board the comments of Elected Members and engaging in further consultation with stakeholders. He also commented on concerns raised around an increase in dog breeding across the county and the need for further discussion on this matter. Lastly, he made a plea for the setting up of a functioning Taxi Drivers and Owners Association and he encouraged taxi drivers and business owners to come forward and work with officers to help deliver this.

Councillor Forrest echoed his colleagues' remarks and offered his particular thanks to officers for the additional engagement work on this report.

Councillor McMillan echoed his thanks to officers for their further work on this report and encouraged taxi drivers, owners, and others such as window cleaners to be mindful of the need to meet regulations and to strive to deliver a good service across East Lothian.

The Convener concurred with all remarks and added that safety was also an important consideration. He commended the work on the fee review, and he hoped that the report would be similarly welcomed in the community.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- i. approve the proposed fees for the licences as set out in Appendix 2; and
- ii. authorise the Service Manager, Governance to make any necessary alterations to application and guidance documentation required as a consequence of the updated fee levels agreed.

3. DATA PROTECTION POLICY

A report was submitted by the Executive Director for Council Resources informing Cabinet that East Lothian Council's Data Protection Policy had been revised and updated with minor changes in line with its regular scheduled review. Cabinet was asked to approve the updated Policy.

The Team Manager – Information Governance, Zarya Rathe, presented the report outlining the legislative background to the policy and the changes that had occurred since the implementation of the existing policy. She reminded Members that compliance with the policy and legislation was reported annually to the Audit & Governance Committee. She then outlined some of the proposed updates to the policy.

Ms Rathe responded to questions from Councillor McMillan, Councillor McGinn and the Convener. She outlined the impact of home and hybrid working and the challenges involved in managing data and maintaining staff training and awareness. She advised that the Council had implemented digital forms and she agreed to work with Members to develop appropriate digital/online forms for use in constituency enquiries. She also provided information on digital record retention and offered to provide more detailed briefing in a separate forum.

Responding to further questions from Councillor Akhtar and Councillor Dugdale, Ms Rathe outlined the mandatory training which staff were required to undertake and some of the ad hoc resources available to office and school staff. She also provided an update on progress with the development of Information Champions and Microsoft 365 Champions.

Councillor McMillan drew attention to passages within the report highlighting the individual responsibility of Council employees to ensure the secure and compliant processing of personal data. He also highlighted the seven foundational principals of the data protection policy.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the Council's updated Data Protection Policy

4. ELC TRANSFORMATION STRATEGY 2024-2029

This report was called in under the terms of Standing Order 5.4 and would be referred to the next ordinary meeting of Council for consideration.

5. EAST LOTHIAN CORPORATE PARENTING PLAN 2024-27

A report was submitted by the Executive Director for Education and Children's Services presenting the East Lothian Corporate Parenting Plan 2024 - 2027 to Cabinet for discussion and approval.

The Service Manager – Children & Young People Community Resources, Emma Clater, provided a detailed summary of the report drawing attention to the legislative background and the four key themes within the Plan.

Ms Clater responded to a range of questions from Councillor McGinn and Councillor McIntosh on issues such as apprenticeships, employer recruitment incentives, guaranteeing interviews for care experienced young people, and the ongoing partnerships with Queen Margaret University, Edinburgh College and others. She also spoke of the work being undertaken to get young people involved in the steering group to implement the Corporate Parenting Plan and

helping them to have their voices heard in a way that was comfortable for them. The Head of Childrens' Services, Lindsey Byrne, responded to a question on tracking of outcomes for care experienced and looked after children.

Replying to a question from Councillor Dugdale, the Head of Education, Nicola McDowell, provided details of the work to track educational attainment and maximise the opportunities for care experienced children and young people.

Responding to final questions from Councillor Akhtar and the Convener, Ms Clater acknowledged that Elected Members had a key role in encouraging partners to get involved in corporate parenting work. She offered to provide further advice to Members on how they could support the implementation of the Plan.

Councillor McMillan drew attention to the language used in the Plan and how this also reflected the aims and values of the Council. He emphasised the importance of supporting these young people to achieve their ambitions.

Councillor Dugdale thanked officers for their engagement with families and young people in preparing the plan and said she was reassured by the amount of work going on to help care experienced young people to maximise their opportunities and, most importantly, to thrive.

Councillor McGinn commended the work to reduce to zero the number of young people in secure care. He said he was delighted to hear about the opportunities available for care experienced young people to be supported into further education and employment. He was also pleased to see collaboration and advocacy throughout the Plan, and he thanked all of those who had contributed to it.

Councillor Akhtar noted the level of commitment expressed by officers and Members to supporting and delivering for care experienced young people, and she drew particular attention to the staff at Lothian Villa. She highlighted the importance of promoting initiatives such as Anchor Institutes and supporting families and young people as widely as possible.

The Convener referred to the growing population in East Lothian but noted that the numbers of care experienced young people had not increased, as might be expected. He commended the work of officers in supporting and maximising opportunities for all care experienced young people.

Decision

The Cabinet agreed unanimously, by roll call vote, to endorse and approve the Corporate Parenting Plan 2024 - 2027 and note the responsibilities in the Children and Young People's (Scotland) Act 2014 to prepare, publish and review its Corporate Parenting Plan every three years.

6. BRITISH SIGN LANGUAGE PLAN 2024-2030

A report was submitted by the Executive Director for Place seeking Cabinet approval for East Lothian Council's British Sign Language Plan 2024-2030.

The Service Manager – Policy, Performance & Organisational Development, Paolo Vestri, presented the report. He referred to the first Plan prepared in 2018 and said that the Council was required to publish a second Plan by May 2024. He confirmed that a range of stakeholder groups had been consulted and their views considered when preparing the new Plan. He advised that the Action Plan prepared to accompany the new Plan built on the work of previous years and would continue to evolve throughout the life of the Plan.

Mr Vestri responded to questions from Councillor Bruce, Councillor McIntosh and Councillor Akhtar on the availability of interpreters, the consultation with stakeholders when developing the Plan and the analysis of actions achieved under the previous Plan. He also confirmed that staff within the Health & Social Care Partnership (HSCP) had been involved in the consultation process and the drafting of the Plan and would also be involved in its delivery.

In reply to questions from the Convener and Councillor Dugdale, Mr Vestri agreed to investigate whether a technological solution could be found to allow the deaf community to hear webcast meetings or see transcripts. He also agreed to provide information on the development of technological solutions to assist deaf users of public transport and to seek information from colleagues within the HSCP on future planning for health care services as a result of the growing/ageing population.

Following a question from Councillor McMillan, Mr Vestri advised that there was currently no timeframe for officers to report back on progress with implementation of the Plan. The Convener said he would raise this with the Chief Executive and agree a timescale for a report to be brought forward to Cabinet or Council.

Councillor Akhtar commended the Plan and the collaboration with partner agencies to deliver key actions. She noted that the resource provided to the Council to achieve this work was small and that they should continue to advocate for fair funding which reflected the rate of population growth within the county.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the East Lothian Council BSL Plan 2024-2030.

7. TENANT PARTICIPATION STRATEGY 2024-27

A report was submitted by the Executive Director for Place seeking approval of the Council's Tenant Participation Strategy as the basis for effective tenant participation between now and 2027.

The Service Manager – Community Housing & Homelessness, James Coutts, presented the report outlining the background and legal requirement for the Strategy. He advised that the Council went beyond what was required to ensure that the Strategy was developed in collaboration with tenants. It set out the format for future engagement with tenants and included an action plan.

Mr Coutts responded to questions from Councillor Forrest and Councillor Akhtar on the development of digital services, efforts to engage with younger tenants and the development of Tenants & Residents Association (TRA) groups across the county.

Councillor Forrest thanked all staff within the service for all of their work to engage with and signpost support to tenants and residents. He encouraged all Councillors to engage with and show their support for their local TRA groups.

Councillor McMillan commended the report and highlighted aims 7 and 8 within the Strategy and the importance of building trust and encouraging active collaboration. He also welcomed the development of further support for underrepresented groups. He said that building an understanding of what people need would help drive actions to improve the service.

Councillor Dugdale said she was pleased to see a truly collaborative approach to the development of the Strategy and the engagement with the Champions Board was particularly welcome. She agreed that TRA groups were helping to build good relationships and she commended all participants for their willingness and hard work.

Councillor Akhtar commended the work of the Haddington East TRA, ELTRAP and others for providing support and advice to tenants and residents, engaging with young people, and helping to deliver wider benefits for local communities.

The Convener concurred with his colleagues' remarks. He welcomed the Strategy and the work to support and give a voice to tenants across the county.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- i. approve the Tenant Participation Strategy publication in line with legal requirements under the Housing (Scotland) Act 2001.
- ii. recognise that the Strategy is a living document and that as such the action plan in particular will evolve as consultation with tenants and tenant organisations help inform the Council's future plans in this area.

8. PROPOSED TREE AND WOODLAND STRATEGY FOR EAST LoTHIAN

A report was submitted by the Executive Director for Place outlining the key changes made to the Draft Tree and Woodland Strategy for East Lothian as a result of public consultation and to seeking approval for the proposed Tree and Woodland Strategy for East Lothian. The report also asked that Cabinet note the associated Report of Consultation, Environment Report, Habitat Regulations Appraisal/Appropriate Assessment, and Integrated Impact Assessment.

The Projects Officer – Landscape, Sarah Cheyne, provided a detailed summary of the development of the Strategy. She outlined its links to the Local Development Plan, the consultation process, the Strategy's aims and the importance of the Council working with landowners to encourage new tree planting and to preserve and enhance existing trees and woodland.

Ms Cheyne responded to a variety of questions from Members. She provided further information on the protections in place for existing woodland and the involvement of Area Partnerships in agreeing appropriate levels of tree canopy for their own local areas. She also outlined plans for further consultation with all stakeholders in developing more detailed targets and actions once the Strategy was agreed. She also replied to questions on protections for hedgerows, conflicts around access to land and the enforcement of Tree Preservation Orders.

In reply to further questions, Ms Cheyne agreed to increase the emphasis of the section within Strategy document which set out how to report concerns about trees being felled without permission, and what actions could be taken. This information would also be included in the press release accompanying the launch of the Strategy and would be added to the Council's website.

Councillor McGinn said that this was a fantastic paper and he commended the work of all those involved in its development. He felt that the principles and practice within the Strategy would significantly benefit East Lothian for generations to come benefiting both the environment and people's health and wellbeing. He was particularly pleased to see the references to volunteering and he added that the importance of raising awareness of woodlands as outdoor

learning spaces could not be overstated. He commended the work of the countryside ranger service and also highlighted the importance of people seeking advice before felling trees. He said he was delighted to approve this Strategy.

Councillor McMillan also praised the paper and said that the Strategy would undoubtedly help to make East Lothian an even better place to live, work and visit. He commented on the level of thoughtfulness demonstrated within the document and said he was particularly pleased to see references to hedgerows and hutting. He said that this was a comprehensive, aspirational, and action-based document and a hugely positive step for East Lothian.

Councillor Forrest thanked officers for a really excellent report which he was happy to support. He also commended the work of the Musselburgh Area Partnership who had already been involved in tree planting and he said it was good to see a strategy which would help areas to thrive and grow.

The Convener echoed the comments made by his colleagues. He highlighted the importance of the Strategy in relation to planning decisions and in mitigating the impacts of climate change on local trees and woodland. He also pointed to the role of woodland in a variety of areas such as carbon capture, drainage and the local economy, as well as in enhancing urban spaces. He concluded by welcoming the Strategy and encouraging people to work with the Council to ensure that East Lothian had the highest quality of woodland.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- a) Note the findings of the associated Environment Report, Habitat Regulations Appraisal and Appropriate Assessment and contents of the Consultation Report;
- b) Approve the Tree and Woodland Strategy for East Lothian;
- c) Delegate authority to the Chief Planner, following consultation with the Convener, to amend the Proposed Tree and Woodland Strategy and associated documents in respect of non-material editorial amendments, corrections of factual error and presentational changes. This shall include any changes agreed with NatureScot to meet the terms of the Conservation (Natural Habitats, &c) Regulations 1994; and
- d) Delegate authority to the Chief Planner to prepare and publish the statutory Post-Adoption Statement required by the Environmental Assessment (Scotland) Act 2005 with regard to this strategy.

9. THE EAST LOTHIAN (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2024

A report was submitted by the Executive Director for Place asking 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 2024 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian.

The Outdoor Access Officer, Nick Morgan, presented the report outlining the background and confirmed that the area to be covered by the Order was the same as last year. A range of stakeholders had been consulted, including the Local Access Forum, but no responses had been received. No public access issues were anticipated.

Responding to a question from Councillor McMillan, Mr Morgan advised that the Order did not cover all of the practice days. To request an Order for more than 6 days would require an application to the Scottish Government which could take up to 3 months.

Councillor McMillan welcomed the return of the Scottish Open to The Renaissance Club for another year and highlighted the positive impacts for the local economy and tourism sector. He also commended the work of the Club and the Golf Alliance.

Councillor McGinn echoed his colleague's remarks and thanked Mr Morgan for his efforts. He was pleased to see that this event was growing every year.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2024.

10. THE EAST LOTHIAN (BESIEGED, YELLOWCRAIG) (EXEMPTION) ORDR 2024

A report was submitted by the Executive Director for Place asking Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Besieged 2024 mediaeval re-enactment, to be held at Yellowcraig, Dirleton, East Lothian.

Mr Morgan presented the report advising Members that this event would take place on 4-9 September and an Order was required as visitors to the neighbouring caravan park often walked their dogs on the land that would be used for the event. The Local Access Forum had been consulted but no issues had been raised. The event organisers were still engaging with the Safety Advisory Group (SAG) and Mr Morgan confirmed that an Order would only be made once the event had met all of the requirements set out by SAG.

Mr Morgan responded to questions from Councillor McMillan confirming that the organiser had arranged car parking in a nearby field so would not be reliant on the Yellowcraig Car park.

Councillor Hampshire noted that the organisers had provided a Traffic Management Plan, but this was not considered to adequately address all factors and they had been asked to rectify this prior to the next SAG meeting. He reiterated the point that if the organisers did not meet the requirements set out by the Group, they may not get approval for their event.

Councillor McMillan commented that this event, if approved, would build on the work of the Historical Society and others in promoting the history of East Lothian and encouraging visitors to historical sites across the county. He was content to vote in favour of an Order being made, subject to the event being given approval by the Safety Advisory Group.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the making of The East Lothian Council (Besieged, Yellowcraig) (Exemption) Order 2024.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet

REPORT TO: Cabinet

MEETING DATE: 10 September 2024

BY: Executive Director for Council Resources

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 2018 (GDPR) – Compliance Statistics in 2023

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 2023 (i.e.: from 1 January 2023 to 31 December 2023).
- 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 2023 (i.e.: from 1 January 2023 to 31 December 2023).

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 2023, 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 2023 was 1,545. By way of comparison, 1,287 requests were received during the previous calendar year, 2022. An increase of 258. 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 2023 was 93. By way of comparison, 62 review requests were received during the previous calendar year, 2022. An increase of 31. 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 2023:

	FOI				EIR			
	2023		2022 (for comparison)		2023		2022 (for comparison)	
On time	965	99%	910	99%	248	97%	145	97%
Late	7	1%	7	1%	8	3%	5	3%
Cancelled/Withdrawn	5		8		14		10	
Suspended	53		40		219		138	
Invalid	22		15		4		9	
Ongoing			0				0	
TOTAL ACTIONED	1,052*		980		493		307	

*Includes 25 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 2023:

	FOI				EIR			
	2023		2022 (for comparison)		2023		2022 (for comparison)	
On time: Within 20 Working Days	30	100%	34	92%	61	98%	22	96%
Late	0		3	8%	1	2%	1	4%
Upheld or partially upheld	25		33		58		22	
Overtuned	3		4		4		1	
Decision reached for the first time (previously we failed to respond).	2		0		0		0	
Additional Info Provided	0		0		0		0	
Review Invalid	0		0		0		0	
Review Cancelled	0		1		1		0	
Review Suspended	0		1		0		0	
Still Outstanding	0		0				0	
Total Actioned	30*		39		63		23	

*Includes 3 requests which were covered by both FOI and EIR legislation.

3.7 The top three categories of enquirer in 2023 were:

- 1) General Public (39%)
- 2) Commercial Organisations (29%)
- 3) MSP/MPs (19%)

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 2023 was 198. By way of comparison, 177 requests were received during the previous calendar year, 2022. An increase of 21.

3.11 The table below provides a breakdown of the response timescales for DP “Subject Access Requests” received in 2023.

	2023		2022 (for comparison)	
Completed on time (within one month or extended time)	140	92%	125	92%
Late	12	8%	11	8%
Suspended	40		40	
Withdrawn	3		1	
Ongoing	3		0	
Total Actioned	195		177	

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	19 August 2024

REPORT TO: Cabinet

MEETING DATE: 10 September 2024

BY: Executive Director for Council Resources

SUBJECT: Annual Pensions Report 2023/24

3

1 PURPOSE

- 1.1 To summarise the early retirement activity within the financial year 2023/24, 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 2023/24.

3 BACKGROUND

Council's Retirement Activity in Financial Year 2023/24

- 3.1 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 2023/24 is as follows:

Department	Health & Social Care	Education & Children's Services	Place	Council Resources	Totals
Compulsory Severance (pensionable)	-	-	2	-	2
Voluntary Severance (pensionable)	-	-	-	-	-
Medical Retirement (Lothian Pension Fund)	1	4	6	1	12
Medical Retirement (Teachers Scheme)		-			
Flexible Retirements	4	5	8	1	19

3.3 Details of the Council's financial commitments relating to pensions are included in the unaudited 2023/24 Financial Statements. The unaudited 2023/24 Financial Statements were reported to Members' Library on 30 June 2024. As a result of ongoing pension costs arising from decisions taken in earlier years, in addition to the up-front strain costs now due in the year they accrue, during

2023/24 the Council spent £0.741 million (£0.704 million in 2022/23) on early retirements for Local Government Workers and £0.470 million (£0.454 million in 2022/23) for teachers.

- 3.4 The Council continues to have an obligation to pay pension costs in the future. At 31 March 2024 the pension fund was reported to have a pension surplus through the annual actuarial assessment. This means that at 31 March 2024 the value of the pension assets exceeded the value of the pension liability. The value of the pension surplus has been actuarially assessed as £172.411 million (and at 31 March 2023 a pension surplus of £185.633 million). As noted in the unaudited 2023/24 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 for the funded liabilities.
- 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 resulted in a reduction in the contribution rate from 22.6% to 17.6% from 1 April 2024. The contribution stability mechanism remains in place with the Lothian Pension Fund. Based on the valuation results at 31 March 2023 the contribution rate will remain at 17.6% until 31 March 2027 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 78 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 2023/2024 was £51,249 (and in 2022/23 it was £48,383). 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 £0.196m 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 – Many of the decisions relating to early retirement result in a financial liability for the Council, and therefore remain under close review. There are no immediate budgetary implications associated with this report.
- 6.1 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.
- 6.2 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](#)

AUTHOR'S NAME	Paul Ritchie
DESIGNATION	Service Manager People & Council Support
CONTACT INFO	01620 827767 pritchie@eastlothian.gov.uk
DATE	24 June 2024

REPORT TO: Cabinet

MEETING DATE: 10 September 2024

BY: Executive Director for Place

SUBJECT: Homelessness Action Plan – Response to National Housing Emergency

4

1 PURPOSE

- 1.1 To seek Cabinet approval for the East Lothian Homelessness Action Plan 2024-26 and associated interim amendments to the Council's Housing Allocations Policy in recognition of the national housing emergency.
- 1.2 The plan will be subject to strict monitoring with reporting through Policy & Performance Review Committee.
- 1.3 A formal review will be undertaken half-way through the project plan, with any further changes brought to Cabinet as appropriate.

2 RECOMMENDATIONS

- 2.1 Cabinet approves the East Lothian Homelessness Action Plan prepared in response to the National Housing Emergency.
- 2.2 Cabinet agrees interim amendments to the Council's Housing Allocations Policy, to assist with identified homelessness pressures, with an implementation date of 1 October 2024.
- 2.3 Cabinet notes that East Lothian Tenant's & Resident's Panel has been consulted in relation to the proposed amendments and fully support the Action Plan and associated amendments to the Allocations Policy.
- 2.4 Cabinet agrees that the policy amendments will be reviewed and brought back to Cabinet in 6 months to monitor the impact of the changes.

3 BACKGROUND

- 3.1 On 15 May 2024, the Scottish Parliament declared a national Housing Emergency¹, following five of Scotland's 32 local authorities declaring housing

¹ [Scotland's Housing Emergency – SPICe Spotlight | Solas air SPICe \(spice-spotlight.scot\)](https://www.spice-scotland.org.uk/news/scotland-housing-emergency)

emergencies in their areas since June 2023 (this number has now risen to ten). There is no standard definition of what constitutes a housing emergency and while the reasons for this are complex and varied, common themes include pressures on homelessness services, high levels of people in temporary accommodation, high need and demand for affordable housing and a lack of affordable homes. The lack of affordable homes is likely to decrease significantly as a result of reduced investment from Government.

- 3.2 In April 2024, the Scottish Housing Regulator named eight local authorities as being at heightened risk of systemic failure regarding the delivery of homelessness services². It is recognised that some local authorities are now at, or are approaching, the limits of their capacity to do more, and the demands on some local authorities could shortly exceed their capacity to respond. East Lothian Council is one of the local authorities named, with a particular focus on high levels of breaches in respect of the Unsuitable Accommodation Order and use of temporary accommodation.
- 3.3 The Council is committed to working closely with the Scottish Government and Scottish Housing Regulator to discuss its homelessness service and monitor and assess risks, to ensure we continue to do all we can to prevent, tackle and mitigate homelessness pressures. An Action Plan has been prepared, for 2024/26, as per Appendix 1.

Housing Allocations Policy

- 3.4 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007. A review of the Policy took place in 2018/2019 with full implementation on 1 May 2019.
- 3.5 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy assists the Council to make best use of Council housing stock and achieve balanced and sustainable communities via local lettings plans.
- 3.6 The current Allocations Policy continues to deliver positive outcomes for many households on the housing list, provides choice to applicants, supports high tenancy sustainment levels and at the same time has reduced refusal rates, in turn assisting with the quicker turnaround of empty houses.
- 3.7 Notwithstanding these positive outcomes, the level of homelessness generally (795 homeless applications in 2023/24 compared with 695 in 2022/23) and the demand for temporary accommodation remains high. Waiting times for single homeless applicants for rehousing continues to increase significantly with a concomitant increase in the length of time single homeless applicants are spending in temporary accommodation (average length of time in temporary accommodation by single homeless households was 452 days in 2022/23³, compared with the Scottish average of 207 days). Accordingly, breaches of the Unsuitable Accommodation Order remain high at circa 125 rolling breaches.

² <https://www.housingregulator.gov.scot/landlord-performance/the-risks-we-will-focus-on/our-risk-assessment-of-social-landlords-summary-outcomes-april-2024/>

³ Table 39. Homelessness in Scotland 2022-2023. Scottish Government Statistics

Legal Obligations

- 3.8 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (amended) stipulated that no household comprising children, or a pregnant person should be accommodated in 'unsuitable accommodation for more than seven days. The Order has since been extended from 1 October 2021 and no homeless households are permitted to remain in 'unsuitable accommodation' for more than seven days, with this constituting a breach of duties under the extended Order.
- 3.9 Homeless households continue to be placed in 'unsuitable accommodation' on a regular basis, with most households being single applicants. The Council reports breaches of the Order to the Scottish Government monthly.

Homelessness Demand and the Council's Allocations Policy

- 3.10 The Scottish Housing Regulator has queried the number of homelessness cases still outstanding by year of application, as part of their engagement plan discussions with the Council. Analysis shows that 93% of those waiting for more than a year are single households, reflecting low availability of one bedroomed (2apt) accommodation in East Lothian.
- 3.11 This extended period has a detrimental impact on the wellbeing of homeless households; increases the use of temporary accommodation; contributes to a context of breaches of the Unsuitable Accommodation Order; and has financial implications for the Council, as single households are more likely to be accommodated in costly non council temporary accommodation.
- 3.12 Within the current Allocations Policy, the bedroom entitlement for single households is one-bedroom (2apt) properties. However, assessing both supply and demand for one-bedroom properties, it is evident that there are fewer one-bedroom properties in Council stock (1,938 properties) relative to two and three-bedroom properties and demand for these properties is greatest (57% of the general waiting list and 77% of the homelessness priority list) as per Tables 1 – 3.

Studio flat	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	Total
43	1938*	4733	2366	273	9353**

*Not all stock is accessible to single person homeless households i.e., there are approximately 670 sheltered/amenity properties within 1-bedroom stock.

**Not all stock is available/ready to let.

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Transfer	261 (30.9%)	271 (32.15%)*	231 (27.36%)	81 (9.59%)

General Needs	1,727 (57.03%)	888 (29.32%)	364 (12.02%)	49 (1.61%)
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*Only 11.4% of transfer applicants requesting 2 bedrooms are in a smaller property.

Table 3. Homelessness Demand - Homeless Households by Bedroom Requirements at 01 July 2024				
	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Households*	77.2%	16.6%	4.3%	1.9%

Applications from homeless households are included in general needs figures (Table 2). However, single applicants comprise over 77% of households to whom the Council owes a rehousing duty under homelessness legislation.

- 3.13 As an interim measure, and in response to homelessness pressures, changing the bedroom entitlement regarding the Council's Allocations Policy for qualifying single homeless households in order that they can access two-bedroomed (3apt) properties, would significantly increase their opportunities for an offer of permanent housing, and reduce time spent in temporary accommodation.
- 3.14 For a single homeless household to qualify for this interim action, checks would be undertaken to ensure rent accounts are being managed appropriately and there are no tenancy management issues.

Areas of Choice & Property Types - Six Month Policy

- 3.15 The Allocations Policy currently states: -

There are no restrictions placed on the minimum number of areas an applicant can select. In addition, an applicant can also choose as many towns/villages as they wish as well as housetypes.

However, applicants who have been accepted for rehousing under homelessness legislation and who have not received an offer of housing within 6 months of acceptance, will be required to meet with their Housing Options Officer to review their application where existing areas and house types are not realistic.

This will result in a mandatory widening of areas of choice (to include a main town), property size (in accordance with existing occupancy levels) and include all property types (unless there is a relevant health assessment to indicate otherwise) to enable an offer of housing being made. This is to allow the Council to meet its statutory obligations.

- 3.16 In East Lothian, the average total time spent in temporary accommodation for all homeless households in 2022-23 was 423 days compared with a Scottish average of 223 days⁴. Households accepted for rehousing in East Lothian

⁴ Table 39. Homelessness in Scotland 2022-2023. Scottish Government Statistics

require to maximise their opportunities for an offer of permanent housing from the date of their statutory homelessness decision.

- 3.17 The six-month policy delays the widening of areas of choice to one main town and the consideration of all suitable house types. In order to reduce time spent in temporary accommodation and maximise the opportunity for rehousing the six-month policy requires to be removed and all homeless households asked to select a minimum of one main town, with all suitable property types added from the date rehousing priority is decided.
- 3.18 The interim measures above have the support of East Lothian Tenants and Residents Panel who concur that a wider consultation with tenants and housing applicants is not required given the context described above and elsewhere in this report. These measures will be closely monitored and revisited at various points pending the wider review of the Allocations Policy referenced in the Council's Local Housing Strategy.

Homeless Action Plan – other measures

- 3.19 The other measures in the action plan are centred around:
- Working with RSL partners to allow nomination of single households to two-bedroom properties in line with the proposed interim allocations policy changes described above.
 - Implement a programme of tenancy conversions from temporary to permanent
 - Reviewing the voids process and implementing a performance framework to reduce the relet times for our void properties
 - Reducing use of temporary accommodation generally and unsuitable accommodation specifically, whilst aiming to get homeless households into secure accommodation more swiftly and without the need to enter temporary accommodation where it can be avoided.
 - Reviewing and transforming the Housing Options Service to improve processes and procedures.
 - Exploring all options to help maximise the supply of new affordable housing.

4 POLICY IMPLICATIONS

- 4.1 The proposed Action Plan and associated amendments to the Council's Allocations Policy will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2001, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (as amended) and the Homelessness etc. (Scotland) Act 2003

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - A combination of the removal of the Council's six months' policy and allocating 3apt properties to single person households will assist in reducing financial strain on the provision of temporary accommodation by improving throughput via the housing system to settled accommodation. It is difficult to put a figure on savings at this early stage, however this change should see a reduction in the current backlog of single person households resulting in a saving from the B&B budget.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Cabinet Report - New Housing Allocations Policy – March 2019
- 7.2 Cabinet Report – Council House Allocations Targets for 2024/25 – March 2024
- 7.3 Integrated Impact Assessment – March 2019.

AUTHOR'S NAME	Wendy McGuire
DESIGNATION	Head of Housing
CONTACT INFO	James Coutts [REDACTED]
DATE	29 August 2024

Appendix 1 – Homelessness Action Plan 2024-26

Action	Baseline position	Agencies	Outcome	Timescale
Change bedroom entitlement re Council's Allocations Policy for qualifying single homeless households	Bedroom entitlement as agreed 2019	Community Housing & Housing Options Team	Increase flow through housing system	Commence 01 Oct 2024 for new applicants, review Mar, 2025
Remove six-month policy re Council's Allocations Policy for all homeless households	Policy as agreed 2019	Community Housing & Housing Options Team	Increase flow through housing system	Commence 01 Oct 2024 for new applicants, review Mar 2025
Explore potential changes to nominations with RSL partners	Informal discussions ongoing	RSLs & Housing Options Team	Increase flow through housing system	Formal meetings held by 31 Oct 2024
Return 15 units of temporary accommodation to RSLs	38	RSLs and Housing Options Team	Reduction in temporary accommodation stock	31 March 2025
Convert a maximum of 15 temporary accommodation units	142	Community Housing and Housing Options Team	Reduction in temporary accommodation stock	31 March 2025
Return 5 units of PSL temporary accommodation to private landlords	12	Housing Options Team and private landlord	Reduction in temporary accommodation stock	31 March 2025
Cease use of 10 emergency accommodation units		Housing Options Team and providers	Reduction in temporary accommodation stock	31 March 2025
Roll out new case management system to Accommodation Officers		Housing Options Team	More efficient ways of working and alleviate staff pressures	31 March 2025

REPORT TO: Cabinet

MEETING DATE: 10 September 2024

BY: Executive Director for Place

SUBJECT: Redetermination of Countess Crescent, Dunbar

5

1 PURPOSE

- 1.1 To seek Cabinet approval of the statutory procedures necessary to make and amend Traffic Regulation Orders to close Countess Crescent, Dunbar to motorised vehicles.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the statutory procedure necessary to make or amend a Traffic Regulation Order in accordance with the relevant legislation in respect of Countess Crescent, Dunbar.

3 BACKGROUND

- 3.1 Countess Crescent was closed to motorised vehicles under the Spaces for People programme. The closure has been well received by local residents and the school as it enhanced the safer route to school. Public consultation in late 2021 demonstrated that the majority of respondents supported making the change permanent.
- 3.2 On 14 June 2022 East Lothian Council Cabinet approve the initiation of procedures to create a Traffic Regulation Order to permanently redetermine the road.
- 3.3 Following advertisement and consultation one unresolved objection remains which is the subject of a separate Members' Library report (June MLS, ref 70/24).
- 3.4 Cabinet is now asked to approve the making of the permanent order.

4 POLICY IMPLICATIONS

- 4.1 This proposal will contribute towards fulfilling the East Lothian Plan 2017 – 2022, in particular:
- Outcome 2.1: “East Lothian has strong, resilient communities where people respect and support each other” and
 - Action k: “We will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities.”

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 associated with the making of this order can be accommodated within existing budget.
- 6.2 Personnel – None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Members’ Library Service report - Redetermination of Countess Crescent (June MLS, ref: 70/24).

AUTHOR’S NAME	Ian King
DESIGNATION	Team Manager; Asset and Regulatory
CONTACT INFO	iking@eastlothian.gov.uk
DATE	6 August 2024

REPORT TO: Cabinet

MEETING DATE: 10 September 2024

BY: Executive Director for Place

SUBJECT: Traffic Regulation Orders to Prohibit Overnight Parking at Coastal Car Parks

6

1 PURPOSE

- 1.1 To seek Cabinet approval of the statutory procedures necessary to make and amend Traffic Regulation Orders (TRO) to *prohibit overnight parking at coastal car parks*.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the statutory procedure necessary to make and amend the Traffic Regulation Orders in accordance with the relevant legislation in respect of locations and proposals listed in Appendix A.

3 BACKGROUND

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending of Traffic Regulation Orders as necessary.
- 3.2 Since the COVID pandemic, there has been an increase in the numbers of vehicles parking overnight at coastal car parks. Camping and motorhome activity at coastal car parks has caused damage to the biodiversity of this protected area by the lighting of fires and barbeques as well as generating litter.
- 3.3 In January 2023, Road Services obtained Cabinet Approval to prohibit overnight parking from 2200-0600 at coastal car parks under Experimental Traffic Regulation Order (TO 071/23), and this will shortly expire. There were no formal Objections to the ETRO, but comments were raised and acted on regarding the length of the enforcement period.
- 3.4 We now ask members to support a new TRO which takes on board feedback on the implementation of the Experimental Order, and reduces the enforcement period to 2300-0400, and also makes provision for creating and enforcing

additional motorhome parking spaces at Linkfield, Whitesands and Prestonpans in the future.

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

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DATE	20 August 2024

Appendix A		
The Prohibition of Overnight Parking at Various Coastal Car Parks, Traffic Regulation Orders		
No.	Location	Description
1	Longniddry Bents No. 1	Prohibit overnight parking from 2300 – 0400 daily
2	Longniddry Bents No. 2	Prohibit overnight parking from 2300 – 0400 daily
3	Longniddry Bents No. 3	Prohibit overnight parking from 2300 – 0400 daily
4	Gullane Bents	Prohibit overnight parking from 2300 – 0400 daily
5	Yellowcraig	Prohibit overnight parking from 2300 – 0400 daily, except for pre-booked, designated spaces
6	Tyninghame	Prohibit overnight parking from 2300 – 0400 daily
7	Linkfield	Prohibit overnight parking from 2300 – 0400 daily, except for pre-booked, designated spaces
8	Shore Road, Belhaven Bay	Prohibit overnight parking from 2300 – 0400 daily, except for pre-booked, designated spaces
9	Shore Road hammerhead	Prohibit overnight parking from 2300 – 0400 daily
10	Whitesands	Prohibit overnight parking from 2300 – 0400 daily, except for pre-booked, designated spaces
11	Barns Ness	Prohibit overnight parking from 2300 – 0400 daily
12	Aberlady Bay	Prohibit overnight parking from 2300 – 0400 daily
13	Backsands / Fisherrow	Prohibit overnight parking from 2300 – 0400 daily
14	Mountjoy	Prohibit overnight parking from 2300 – 0400 daily
15	Levenhall	Prohibit overnight parking from 2300 – 0400 daily
16	Morrison's Haven	Prohibit overnight parking from 2300 – 0400 daily
17	Boat Yard Car Park, Prestonpans	Prohibit overnight parking from 2300 – 0400 daily, except for pre-booked, designated spaces
18	Pondhall	Prohibit overnight parking from 2300 – 0400 daily
19	Skateraw	Prohibit overnight parking from 2300 – 0400 daily
19	Thorntonloch	Prohibit overnight parking from 2300 – 0400 daily

