

**REPORT TO:** Cabinet

**MEETING DATE:** 12 June 2012

**BY:** Executive Director (Support Services)

**SUBJECT:** Summary of Contracts Awarded by East Lothian Council,  
1 March - 31 May 2012

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**1**

## **1 PURPOSE**

- 1.1 To advise Members of all contracts awarded by the Council from 1 March - 31 May 2012 with a value of over £150,000.

## **2 RECOMMENDATIONS**

- 2.1 To note the award of contracts with a value of over £150,000 from 1 March - 31 May 2012, as listed in Appendix 1 to this report.

## **3 BACKGROUND**

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.
- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

[http://www.eastlothian.gov.uk/site/scripts/meetings\\_committees.php?headerID=102](http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102)

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 EQUALITIES IMPACT ASSESSMENT**

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

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

- 7.1 None

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<b>DATE</b>	31 May 2012



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE  
FOR THE PERIOD 1 MARCH – 31 MAY 2012**

<b>Originator</b>	<b>Report Title/Project Summary</b>	<b>Contract Awarded To</b>	<b>Contract Value</b>	<b>Members' Library Bulletin &amp; Reference</b>
Executive Director of Community Services	Gullane Day Centre and Medical Centre	Hub South East Scotland Ltd	£2,917,967.00 (predicted maximum cost)	56/12
Executive Director (Services for Communities)	Proposed Refurbishment of Stoneyhill Community Centre (Phase 1), Musselburgh	John A Smith & Son	£200,337.47	113/12
Executive Director (Services for Communities)	Proposed Electrical Alterations and Improvements at Meadowmill Sports Centre, Prestonpans	FES Ltd	£395,455.30	136/12
Executive Director (Services for Communities)	Proposed Alterations and Extension at North Berwick Museum and Library	T & A Kernoghan	£1,213,700.00	140/12
Executive Director (Services for Communities)	Proposed Housing Development at High Street, Prestonpans – Offer from Hart Builders (Edinburgh) Ltd	Messrs Hart Builders (Edinburgh)Ltd, Macmerry.	£2,581,586.00	143/12

31 May 2012



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Services for Communities)  
**SUBJECT:** Strategic Housing Investment Plan 2012/13-2014/15

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**2**

## **1 PURPOSE**

- 1.1 To inform Cabinet of the Strategic Housing Investment Plan (SHIP) for 2012/13 to 2014/15.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to note the contents of this Report and approve the content of the SHIP Context Statement as detailed in Appendices 1A and 1B.
- 2.2 Cabinet is also asked to note that the arrangements for Scottish Government funding through the Affordable Housing Supply Programme (AHSP) have changed and these are explained below at 3.9.

## **3 BACKGROUND**

- 3.1 This is the fifth year local authorities have been required to submit a Strategic Housing Investment Plan (SHIP) to the Scottish Government. Local authorities were required to submit their SHIP to the Scottish Government no later than 30<sup>th</sup> March 2012, which East Lothian Council has complied with.
- 3.2 Scottish Government Guidance identifies the SHIP as part of the Council's new Local Housing Strategy (LHS), which was approved by Cabinet on 13 March 2012. Together with the LHS, the SHIP will be used as a key strategic planning document to allocate resources for housing provision.
- 3.3 The main purpose of the SHIP is to set out how investment in affordable housing will be directed over a three year period to achieve the outcomes set out in the Local Housing Strategy (LHS) through a range of funding

streams. The SHIP includes affordable housing supply through new provision, replacement, rehabilitation and modelling inclusive of any provision local authorities are planning.

- 3.4 The Scottish Government have made some revisions to the SHIP process aimed at streamlining the process, reduction in the number of tables and narrative and for the SHIP period to cover three years instead of five.
- 3.5 The SHIP has been developed through the Local Housing Strategy (LHS) Affordable Housing Group, which includes representatives from RSL's, Scottish Government, East Lothian Tenants and Residents Panel, Scottish Rural Property and Business Association and the Rural Housing Service.
- 3.6 The SHIP submission is based on three sub-areas which are contiguous with sub areas established in the Lothian Housing Needs and Market Study 2005:
  - East (Dunbar, North Berwick, Haddington etc.)
  - Central (Tranent, Prestonpans, Ormiston, Longniddry etc.)
  - West (Musselburgh, Wallyford, Whitecraig etc.)
- 3.7 The SHIP identifies that 928 affordable housing unit tender approvals could be delivered between 2012/13-2014/15. This is based on a tenure mix of 201 housing association rent, 178 intermediate tenures (predominantly Low Cost Home Ownership and Mid-market rent) and 549 local authority rent. Funding in the region of £14.091m from the Scottish Government's Affordable Housing Supply Programme (AHSP) would be required alongside funding of £75.195m from the Council for its new build programme. A further £1.315m is estimated from Second Homes Council Tax Discount, RSL funding of £7.512m and a further £9.978m from private finance to achieve these tender approvals.
- 3.8 The funding contribution in the SHIP identified from East Lothian Council includes prudential borrowing to fund its new build programme, General Fund capital utilised to bring empty below tolerable standard properties back into use through the Council's Scheme of Assistance, revenue raised through the reduced discount of long term empty and second homes council tax to be used for affordable housing delivery, contributions in kind through land sales at below market values and developer contributions for affordable housing.
- 3.9 The Scottish Government has indicated that the future AHSP will be moved to a resource planning approach from 2012/13. This means that:
  - a. Challenge funding will be discontinued for the main part of the AHSP;
  - b. The funding streams for RSLs and Councils will be brought into one budget, with each Council allocating funding based on three year resource planning assumptions in their area through to March 2015;

- c. Councils will put forward to the Scottish Government a programme of social and affordable housing developments based on Local Housing Strategies and SHIPs, which will be agreed by the Scottish Government Housing Supply Area Teams;
- d. The Scottish Government will hold and manage the AHSP budget centrally and make payments to both Councils and RSLs on completion of their approved projects.

#### **4 POLICY IMPLICATIONS**

- 4.1 The SHIP demonstrates that it will go a considerable way to helping achieve the affordable housing supply targets set out in the new LHS 2012-17.
- 4.2 In conjunction with the preparation of the SHIP, the Council submitted a screening report to the Scottish Government Strategic Environmental Assessment (SEA) Gateway in relation to identifying whether there was a requirement to undertake a full SEA. The Council has determined that there is no requirement to undertake a full Strategic Environmental Assessment (SEA).

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment has been completed and no negative impacts have been found.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 The SHIP budgets for East Lothian Council funding of £75.195m over the three-year period to fund the building of local authority housing.

Other funding from the sources identified in 3.7 is also required to help deliver this programme. The Council will be clearer about the Scottish Government's allocation shortly but remains fairly confident that this allocation will be forthcoming based on the initial distribution criteria.

- 6.2 Personnel - Existing temporary staff contracts will need to be extended or made permanent to help facilitate the delivery of this programme. Discussions are ongoing with Finance and Human Resources.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Attached Appendix 1A : Strategic Housing Investment Plan Context Statement 2012/13 – 2014/15

Appendix 1B: Strategic Housing Investment Plan Tables

- 7.2 Guidance on Preparing Strategic Housing Investment Plans, HSGN 2012/13, Scottish Government
- 7.3 Cabinet Report 13 March 2012 – Local Housing Strategy 2012-17
- 7.4 Local Housing Strategy 2012-17 lodged in the Members' Library.

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<b>DATE</b>	30 May 2012



**EAST LOTHIAN COUNCIL  
STRATEGIC HOUSING INVESTMENT PLAN 2012**

**2012/13 to 2014/15**

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# 1. INTRODUCTION

1.1 The purpose of this Strategic Housing Investment Plan (SHIP) is to clearly state East Lothian's housing development priorities which will deliver the outcomes set out in East Lothian's Local Housing Strategy (LHS). These priorities will guide the application of Scottish Government and Local Authority funding for housing development over the coming three year period. The SHIP includes affordable housing supply through new provision, replacement, rehabilitation, remodelling, housing provided or assisted by other Scottish Government initiatives and housing provided by Local Authorities.

The SHIP is a working tool to improve long-term strategic planning and to show how LHS investment priorities for affordable housing will be delivered in practice through a range of funding streams. It provides an opportunity for East Lothian Council to:

- Set out its investment priorities for affordable housing
- Demonstrate how these will be delivered.
- Identify the resources required to deliver these priorities
- Enable the involvement of key partners.

This SHIP covers the period 2012/13 – 2014/15 and has been prepared in accordance with revised Scottish Government Guidance on Preparing Strategic Housing Investment Plans issued in January 2012.

1.2 The role of the LHS as the key strategic planning document for housing was highlighted through the publication of the Scottish Government's Firm Foundations document in 2007. In 2011 the Scottish Government published Homes Fit for the 21<sup>st</sup> Century which set out a vision for '...a housing system which delivers an affordable home for all by 2020' and focuses particularly on:

- Investigating new ways of generating investment in affordable housing;
- Making better use of existing housing stock;
- How people are supported in the housing market; and
- Reducing carbon emissions;

The key challenge facing affordable housing providers in the current funding climate is a reduction in the availability of public funding and the Scottish Government is asking providers to look at alternative ways of delivering housing, such as through: new sources of finance, alternative financial investment models, new products, wider income generation and improved management of existing resources.

To this end, Scottish Government Initiatives include;

- Affordable Housing Supply Programme Funding (AHSP) – including social rent, Low Cost Initiatives for First Time Buyers, LIFT and Mid Market Rent projects;
- National Housing Trust Initiative (NHT);
- Council House Building Programme; and
- House-building Infrastructure Loan Fund (HILF).

Local Authority Initiatives include:

- Prudential borrowing;
- Open Market Acquisitions;
- Use of Council Tax revenue from second and long term empty homes and Developer Contributions to assist affordable housing provision; and
- Other models – such as use of other Council funding mechanisms to deliver the SHIP

## **2. Local Housing Strategy**

2.1 East Lothian Council received Cabinet approval for its new LHS covering the period 2012-2017 on 13<sup>th</sup> March 2012. The LHS sets out how its strategic vision will be achieved by meeting a set of outcomes which reflect local priorities and national policy objectives. The Strategy has five key outcomes:

- Increase housing supply and improve access to appropriate housing including affordable housing;
- Improve the condition and energy efficiency, and where appropriate the management, of existing housing stock;
- Fewer people become homeless;
- People with particular needs are able to access and sustain their choice of housing including independent living, where appropriate; and
- Fewer people live in fuel poverty.

The LHS was developed in the context of increasing pressure on the housing market in East Lothian and increasing the supply of affordable housing is a corporate priority for the Council. House prices are among the most expensive in Scotland and there is significant demand for social rented housing. The level of homelessness applications has stabilised in recent years but remains high. The adverse economic climate continues to impact on the ability of households to meet their housing needs. The East Lothian housing market operates within the wider South East Scotland Strategic Development Plan (SESplan) housing market area, the most pressured housing market area in Scotland, with a significant affordable housing requirement. The SESplan housing market area includes land within the administrative boundaries of the City of Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and the Southern half of Fife Council.

## 2.2 Housing Need and Demand

As at 1<sup>st</sup> April 2011, 4,403 households were on the Council's housing list. Until recently, the Council's turnover has remained at around 5% per annum with RSL's in East Lothian turning over around 4% of their stock. This represents an average of 610 social lets per annum and shows significantly lower turnover rates than the national average. However, as a result of an increase in supply through the Council's new build programme and increased transfer activity, the Council let a total 627 properties in 2010/11, a turnover rate of 7.5% and this trend is set to continue in 2011/12 and 2012/13 too.

Comparing the number of Council housing applicants currently looking for housing in a particular area, with the number of properties typically becoming available for rent each year provides an indication of how many housing list applicants might be competing for each property. This is known as 'waiting list pressure' and indicates to what extent there is a shortage of social housing. Across East Lothian waiting list pressure is 8.1, well above the national average of 6.1. Pressure is particularly evident in Haddington villages, North Berwick and Dunbar

A housing need and demand assessment has been undertaken across South East Scotland, to contribute to strategic planning for housing for the South East Scotland Strategic Development Plan (SESplan). This provides an estimate of total housing need by calculating current housing need and future housing need. The estimated supply from existing stock turnover is then deducted to provide the net housing need. Using the 2010 land audit, SESplan have estimated how much demand can be met using existing land allocations and how much additional land will be required. These estimates show that 6,835 new houses can be developed in East Lothian between 2009 and 2024. This information has been broken down over a 15 year period to provide an average requirement per annum over that period of 164 affordable units and 291 market units. This is not intended to be an annual target but gives an indication of the delivery which could be expected and provides a benchmark for monitoring performance against. These annual figures relate to the housing supply target and not the housing land requirement which is only broken down to 2009 -19, 2020-24 and 2025-32.

The primary requirement in relation to affordable housing is for social rented housing, however it is recognised that other affordable housing models may be required to meet need and demand.

The SHIP projects that in total 928 affordable units could receive tender approval during the period 2012/13 – 2014/15 and that £103.431m will be required to deliver this programme.

The ability to deliver these targets is dependent upon a combination of affordable housing providers, which includes Registered Social Landlords (RSLs), East Lothian Council and the private sector.

This SHIP has been produced within a challenging economic climate, with the Scottish Government facing a significant reduction in available resources in the immediate future. A range of options for funding affordable housing in the future are currently under consideration to mitigate against this and other negative impacts of the economic climate. To meet the challenges over the coming years, local and national government must also prioritise and target efforts more effectively, combine services with others and make best use of constrained public services. The SHIP process will be critical to achieving these aims.

### **3. Delivery Mechanisms**

- 3.1** To reflect identified needs and meet the aim of increasing the supply of tenures, the split of social rented housing and alternative affordable housing tenures should be approximately 80:20. It is anticipated that the majority of these alternative forms of tenure will come forward as mid market rent or low cost home ownership.

With high demand for housing across all tenures, increasing the supply of affordable housing is a key priority for the Council and its partners. This SHIP sets out how it sees the investment being directed with the involvement of key partners.

The Council intend on undertaking a detailed assessment of the need and demand for different affordable housing tenures to supplement the evidence available through SESplan Housing Needs and Demand Assessment. It is intended that East Lothian Council's Planning Department will also review its affordable housing policy in line with development of the Local Development Plan (LDP) to be published in 2014.

### **3.2 Efficiencies / RSL Procurement**

During 2010, the Council and Scottish Government Housing Investment Division East Region (HID) office jointly conducted a process to select a preferred RSL partner or partners to deliver the Government's Affordable Housing Investment Programme (AHIP) in East Lothian for a 3 year period from April 2011. Formal Preferred RSL Partner Status was however postponed when the Affordable Housing Investment Programme was superseded by the Investment & Innovation Fund. Occasionally, some projects may be developed by other RSLs.

### **3.3 Council House-building Initiatives**

#### **3.3.1 Prudential Borrowing**

Local Authorities are in a position, where appropriate, to make additional funding for housing investment available through the Prudential Borrowing Regime. The Council took a decision in 2004 to commence its own new build programme and to date, has delivered 330 units through this funding arrangement.

### **3.3.2 Open Market Acquisitions**

Approval was sought on 25<sup>th</sup> October 2011 to purchase houses on the open market on a time limited and selective basis to assist in delivering the provision of affordable housing.

The budget paper approved in February 2012 reported £11.2m was allocated during the current financial year towards acquiring houses on the open market, with a further £2.8m being made available for 2012/13, resulting in a total of £14m approved since October 2011. The Council will have purchased a total of 72 units at a cost of £8.046m by 31<sup>st</sup> March 2012. It is anticipated that a further 50 units will be purchased with the remaining £5.95m in 2012/13.

### **3.3.3 Lending Facility**

The Council has put in place a lending facility of £25million for East Lothian Housing Association to fund the private finance element of its affordable housing programme in East Lothian. The opportunity to provide this facility arose as a result of increasing uncertainty in the credit markets and the significant risk this posed to the delivery of affordable housing. An article on the facility was included in the Chartered Institute of Housing Discussion Paper 'Investing in Affordable Housing – A Radical Rethink' published in December 2009 as an example of good practice.

### **3.3.4 Below Tolerable Standard/Empty Homes Grant**

As part of its Scheme of Assistance, East Lothian Council provide discretionary grant funding to assist owners of empty properties, that are below tolerable standard, bring them back into use in the private rented sector. In 2011/12, £80,000 was made available for this purpose and will be made available in 2012/13 also. It is anticipated that around five properties will be brought back into use as a result. It is likely that properties will be predominately in rural areas. As a condition of grant funding, owners are required to let the property at 20% below the applicable Local Housing Allowance rate for a minimum of 5 years.

The Council is also participating in a one-year Shared Services Empty Homes Pilot Project in 2012/13 called Homes Again. The project will see a Regional Empty homes Officer working across three local authorities, including East Lothian. The project aims to bring 20 properties back into use during the pilot. It is likely that this project will increase uptake of the BTS/empty homes grant by enabling greater promotion and awareness raising.

### **3.3.5 Second Homes Council Tax**

Income raised by reducing Council Tax Discount on second homes and long-term empty properties can be used to support:

- RSL or Council New Build Programme;
- Bringing empty properties back into housing use; and
- Land acquisition for affordable housing

For the purposes of the SHIP an assumption has been made that this funding source could be used as top up funding to assist in the delivery of both the RSL and Council new build programme.

The Scottish Government has recently introduced an Unoccupied Properties etc (Scotland) bill, which proposes enabling local authorities to increase the Council Tax levy on long-term empty properties. If approved, this increased revenue could be used to fund a range of affordable housing or empty homes projects although will not be ring fenced for such.

### **3.3.6 Commuted Sums**

Commuted Sums are obtained through the Council's Affordable Housing policy, when on site provision cannot be achieved. These sums contribute towards the overall provision of affordable housing within East Lothian. Since the approval of the East Lothian Affordable Housing Policy in 2003, £199,707.50 has been received. The Council has used this funding stream to acquire sites in Tranent and Ormiston and will continue to identify new sites for potential acquisition with a further £80,000 anticipated this year.

### **3.3.7 Opportunities**

East Lothian Council has had a clear long-term strategy in place to increase the delivery of affordable housing in the county. Much of this delivery is dependent on the Council's Affordable Housing Policy, which specifies that 25% of new housing should be affordable. However, the economic climate and its resulting effect on the housing market and house building industry are clearly having a negative impact on the delivery of affordable housing. This has enabled the Council to enter into discussions with a number of developers regarding opportunities they may have to deliver affordable housing. To date, the council have secured 63 new units through exploring opportunities to help kick-start some mothballed sites.

### **3.3.8 Infrastructure Options**

The current economic climate has impacted on the ability of private developers to fund infrastructure requirements 'up front'. The contribution falls equally on affordable housing providers, which can become prohibitive if sums are large. In response to this, the Council has contacted the landowners and private developers involved in all the larger strategic sites offering to look at financial solutions to front fund infrastructure within strategic sites, until the economic climate improves. Discussions in this regard are progressing well on a number of sites.

## **4. Scottish Government House Building Initiatives**

### **4.1 Scottish Government Funding for Council House-Building**

The Council has submitted a total of four bids for funding from the Scottish Government's Kick-starting Council House-building and latterly through the Innovation and Investment Fund in 2011/12. The Council has been successful in securing a total of £11.4m to date towards the delivery of 411 units. The first draw down of funding, totalling £2.95m for 118 units was undertaken in March 2011. A further £3.06m will be received before the end of March 2012.

### **4.2 National Housing Trust**

The Council participated in procurement Phases 1 and 2 of the NHT that aims simultaneously to deliver intermediate rented housing and kick start house construction. Unfortunately, no tenders were received at the 'Invitation to Tender' stage for either phase.

### **4.3 Low Cost Initiatives for First Time Buyers (LIFT)**

In January 2008, the Scottish Government introduced a range of initiatives for first time buyers known as LIFT. LIFT is aimed at broadening the range of financial products and other forms of assistance available to help people achieve and sustain home ownership.

#### **4.3.1 Open Market Shared Equity (OMSE)**

OMSEP assists households to purchase on the second hand market by an RSL taking an equity stake of up to 30% of the property. The Scottish Government's Open Market Shared Equity Scheme (OMSE) budget for South East Scotland was increased in September 2011.

In 2011/12, East Lothian has seen the greatest number of sales across the six local authority areas to date, a total of 15 sales between April 2011 and February 2012 representing 40% of sales across Edinburgh, Lothians, Borders and Fife.

#### **4.3.2 New Supply Shared Equity:**

New Supply Shared Equity assists people on low to moderate incomes to become home owners where ownership is expected to be affordable for them over the long term. It is part of a range of assistance from the Scottish Government under the Low-cost Initiative for First-Time Buyers (LIFT). Under this scheme, the Scottish Government will keep a financial stake in the property which is secured by a standard security on the property. Recent activity in East Lothian includes:

- Windygoul J, Tranent – Construction of nine units started on site in

November 2010 and is currently being marketed.

- Redrow Homes, Mid Road, Prestonpans – two shared equity units were delivered last financial year.

#### **4.3.4 New Supply Shared Ownership:**

Although this scheme is no longer in operation, recent activity in East Lothian has delivered:

- Elphinstone Road, Prestonpans – five units were delivered in 2010/11.
- Rollo's Yard, Prestonpans – eight units will complete at the end of April 2012

#### **4.3.5 New Supply Shared Equity with Developers**

Outline approval was given for 10 units to be delivered under this scheme in 2011/12, although no units were delivered. Developers will have a further opportunity to bid for this fund in April 2012

- 4.3.6** The Council and its partners will continue to explore new ways of facilitating the funding of affordable housing, working together to maximise efficiencies through initiatives such as joint procurement to reduce development constraints and construction costs.

The Council's new build programme continues to be one of its core priorities and the Council continues to have a clear long-term strategy in place to increase the delivery of affordable housing in the county. Much of this delivery will come through the Council's own new build investment programme along with the Council's affordable housing planning policy which specifies that 25% of new housing should be affordable.

## **5. Partnership Process**

- 5.1** Officers from the Housing Strategy and Development Unit of the Council developed the SHIP in draft form prior to consulting with its affordable housing group members. The East Lothian Affordable Housing Group is one of five strategic housing groups, which forms part of the East Lothian LHS Group Structure and reports to the overarching East Lothian Housing Partnership (ELHP).

The Affordable Housing Group's remit includes the implementation of the LHS affordable housing objective and more specifically, responsibility to 'Develop and Produce the East Lothian SHIP'. Membership includes:

- Scottish Government
- Scottish Rural Property and Business Association
- Rural Housing Service
- Places for People Group
- East Lothian Housing Association
- Dunedin Canmore Housing Association

- East Lothian Tenants and Residents Panel
  - Housing Strategy and Development, East Lothian Council
  - Legal, East Lothian Council
  - Finance, East Lothian Council
  - Policy and Projects, East Lothian Council
  - Community Housing and Property Maintenance, East Lothian Council
- 5.2** A draft SHIP was due to be discussed at a meeting of the Affordable Housing Group, however, due to timescales, this meeting did not take place. Instead a draft was issued to members of the group prior to submission to the Scottish Government.
- 5.3** The finalised SHIP will also be reported to the members of the East Lothian Housing Partnership (ELHP) in June 2012. A final draft was issued to members of the Partnership prior to submission to the Scottish Government. Membership of the ELHP includes:
- Scottish Government
  - Castle Rock Edinvar Housing Association
  - Dunedin Canmore Housing Association
  - East Lothian Housing Association
  - East Lothian Tenants and Residents Panel
  - Adult Social Care, East Lothian Council
  - Community Housing and Property Maintenance, East Lothian Council
  - Environment and Consumer Services, East Lothian Council
  - Homelessness, East Lothian Council
  - Housing Strategy and Development, East Lothian Council
  - Policy and Projects, East Lothian Council
- 5.4** The draft SHIP was published on the Community of Practice (COP) for Local Government website, which provides a forum for members of the wider SESplan Housing Market Partnership to exchange views and provide feedback on housing related documents. The draft was also circulated directly to a wide range of stakeholders for comment and input prior to finalisation.
- 5.5** Developing Registered Social Landlords (RSLs) were consulted in detail on their development proposals to inform the SHIP, including:
- Places for People Group, acting as development agent for both Castle Rock Edinvar and East Lothian Housing Association; and
  - Dunedin Canmore Housing Association.
- 5.6** The following organisations have been identified as having the capacity to deliver stage 3 adaptations for the East Lothian programme, based upon their track record in the county and an assumption has been made based on historical data as to stage 3 funding over the next 3 years:
- Margaret Blackwood Housing Association;

- Bield Housing Association;
- Homes for Life Housing Partnership;
- Cairn Housing Association;
- East Lothian Housing Association; and
- Castle Rock Edinvar Housing Association.

## 6. Affordable Housing Investment Programme

6.1 As set out in 2.2 above, the investment strategy in East Lothian is based on the overall aim of the current Local Housing Strategy, which is to deliver around 164 affordable units per year.

6.2 Table 1 below shows the amount of affordable housing provided between 2009 and 31<sup>st</sup> March 2011.

**Table 1: Affordable Housing Delivery in East Lothian 2009/10 – 2010/11**

Year	Overall Completions	Particular Needs Completions*	LCHO
2009/10	144	11	10
2010/11	256	12	13
<b>Total</b>	<b>400</b>	<b>23</b>	<b>23</b>

\* Includes specialised accommodation for single homeless people

## 6.3 Development Priorities

The LHS 2012-17 does not specifically set out the tenure balance to be achieved nor does it set out a sub- area level. Whilst broad targets have been set, more research will be undertaken in 2012/13 to ascertain the demand for alternative tenures in particular mid-market rent.

The Housing Need and Demand Assessment undertaken in 2005 did not identify tenure split at a sub-area level either. A target for sites that come through the affordable housing policy however remains at 80% of affordable housing being for rent and 20% for LCHO. There are more new homes being proposed in the West and East, in comparison with Central area.

This reflects the fact that there are more development opportunities and strategic sites in these areas and that delivery in previous years has been concentrated in the central area. The total number of units identified in the SHIP, are broken down by sub-area below:

- Sub Area **A** – **323 units** - East (including Haddington, North Berwick and Dunbar)
- Sub Area **B** – **153 units** - Central (including Prestonpans and Tranent)
- Sub Area **C** – **362 units** - West – (including Musselburgh)

6.4 An assumption has been made in the SHIP for 10% particular needs

development across each of the three sub-areas. The SHIP makes provision for 10% provision in all new build rented developments through a combination of supported housing and wheelchair accessible housing, although this will be reviewed in light of recently commissioned research in relation to Particular Needs and the commitment to undertaking further work at a strategic level to set a Particular Needs supply target against various client groups.

## 6.5 The Programme

The SHIP projects that in total 928 units could receive tender approval<sup>1</sup> during the period 2012/13 – 2014/15 and that £103.431m will be required to deliver this programme taking all funding streams into account. It is estimated £14.091m will be required from the Scottish Government's Affordable Housing Supply Programme and £75.195m will be required from the Council's own investment in new build affordable housing. A further £1.315m is estimated through Second Homes Council Tax Discount with £7.512m from the RSL funding and a further £9.978m from private finance.

**Table 2: Summary of Funding and Units**

Years	Total Units	AHSP Funding (£m)	ELC Funding (£m)	ELC (CHT)	RSL Funding	RSL PF	Other
2012/13	313	5.308	28.815	0.595	0.900	1.742	
2013/14	343	5.220	25.828	0.225	5.390	3.320	
2014/15	272	3.557	20.552	0.495	1.222	4.916	
<b>TOTAL</b>	<b>928</b>	<b>14.091</b>	<b>75.195</b>	<b>1.315</b>	<b>7.512</b>	<b>9.978</b>	

\*Includes Empty Homes, 2<sup>nd</sup> Homes Council Tax and Open Market Shared Equity – which are not allocated to a specific sub-area

**Table 3: Summary of Projects**

Years	Total Units Rent	Total Units Other tenures
2012/13	313	0
2013/14	247	96
2014/15	190	82
<b>Total</b>	<b>750</b>	<b>178</b>

<sup>1</sup> Tender approval is defined as the stage when a project is formally approved prior to a site start.

- 6.6** The Scottish Government outlines key areas for strengthening investment in the social housing sector and consideration of alternative sources of private finance and approaches to funding affordable housing. In November 2010 the Scottish Government announced that access to and the amount of subsidy it would provide for new affordable housing projects would change significantly. A new £50million competitive funding arrangement (which was later increased to £111m) was put in place to allow all suppliers of affordable housing to place bids to the Scottish Government to receive funding to provide new affordable homes. East Lothian Council was awarded £4.3m + £900k last year through this fund.

This year the Scottish Government has announced that the challenge funding for the main part of the affordable housing supply programme will be discontinued and they will bring together the council and RSL funding streams into one budget and from this, subject to agreement with COSLA, give each council a combined 3 year resource planning assumption through to March 2015. Following agreement of new ways to operate the Scottish Government's Affordable Housing Supply Programme announced in January 2012, the Scottish Government is inviting each local authority, working with housing associations, to put forward a strategic local programme of social and affordable housing developments for delivery over the next 3 years to meet needs identified through the Housing Need and Demand Assessment, local Housing Strategy and Strategic Housing Investment Plan.

- 6.7** The Scottish Government have advised that resource planning assumptions would not be provided for this round of SHIPs; however, the Council together with its RSL partners have tried to be as realistic as possible in detailing the project costs.
- 6.8** The anticipated funding levels are based on named sites that have a realistic prospect of achieving tender approvals in the timescales stated. The Council and its partner Registered Social Landlords (RSLs) have been through a process of considering a number of sites and eliminating those, particularly in the case of Affordable Housing Policy windfall sites, where there has been no recent contact with the developer.
- 6.9** The SHIP spreadsheets have been checked against the draft Housing Land Audit (HLA) to minimise anomalies, some of which arise as the information is presented in different ways, for example the draft HLA 2011 estimates completions while the SHIP estimates tender approvals. The HLA is based on the land available as at 31<sup>st</sup> March 2011 and utilises RSL Strategy Plans for the period 2012/13 to 2014/15. The SHIP includes Council owned sites that don't currently have planning consent. Most importantly the SHIP only includes sites, which either the Council or RSLs consider are likely to obtain tender approval and site starts within the next three years. There are therefore some differences between sites included in the SHIP and those included in the draft HLA.

It is highly likely that expenditure will be required on windfall sites identified

through the Affordable Housing Policy, which as yet have not been brought forward by private developers. An assumption has been made that approximately 40 additional units will come forward over the next three years as a result of potential windfall sites.

**6.10** The tenure mix of the affordable units is anticipated as follows:

**Table 4: Tenure / Supplier Mix**

	<b>Housing Association (HA) Rent</b>	<b>Intermediate Tenures</b>	<b>Local Authority (LA) Rent</b>	<b>Total</b>
<b>2012/13</b>	139	0	174	313
<b>2013/14</b>	21	96	226	343
<b>2014/15</b>	41	82	149	272
<b>Total</b>	201	178	549	928

**6.11** The number of new supply affordable units over the 3-year period is anticipated to be 928. The breakdown between housing association and local authority rented units will be carefully reviewed by the Council's administration after the election period. The Council welcomes any opportunity to maximise the Scottish Government's investment in new supply affordable housing in East Lothian.

The number of new intermediate tenure supply over the period of the SHIP represents 19.2% of the total affordable housing tender approvals.

## **7. PRIORITISATION METHODOLOGY**

### **7.1 Prioritising Sites – Need and Demand**

Sites have been prioritised according to alignment with strategic objectives and deliverability.

In light of current economic and housing market conditions, the SHIP is flexible and subject to change. Some developments may not proceed while others may come forward if additional resources were to become available

### **7.2 Deliverability**

### **7.2.1 Economic Climate**

The recession of 2009 and resulting credit crunch is continuing to have an impact on the housing system in a number of different ways:

- Demand for new build housing has plummeted, which is in part a consequence of the availability of mortgages. Mortgages have become expensive or difficult to obtain for house purchasers leading to a significant decrease in movement within the housing market;
- There has been a sharp decrease in consumer confidence in the housing market, although house prices in East Lothian are continuing to increase, just at a slower pace than they were in 2008.
- Organisations and businesses (Registered Social Landlords and private housing developers) seeking to borrow to fund new housing projects are facing difficulty in accessing credit and less generous interest rates;
- Over the past year house builders have continued to shed jobs and delay or halt projects which has meant that nationally, private sector new build start and completion figures continue to be significantly lower than pre-recession levels. When conditions improve and housing projects, restart, it is likely to take some time to build capacity back up in the construction industry to pre-downturn levels; and
- There is likely to be a significant impact on new affordable housing supply delivered through the Council's planning policy for affordable housing as developer led projects are delayed, impacting equally on affordable housing provision.

### **7.3 Scottish Government Investment**

The Council has adopted a policy of maximising Scottish Government Investment in East Lothian. Where potential under spend is identified in the Scottish Government Programme, the Council will explore any opportunity to ensure this investment is fully spent.

The Council will continue to work closely with the Scottish Government and its partners to identify opportunities, which ensure maximum delivery of affordable housing and ensure that the Council's policy of maximising investment is realised.

### **7.4 Landbanking / Development Opportunities**

The availability of land that can be developed for affordable housing is a key resource issue and there are concerns regarding the impact that this has on the delivery of programmes and the Council's strategic objectives, particularly in light of the current economic climate.

To identify potential development opportunities, the Council has established an internal working group to assess land in the Council's ownership and its

potential for affordable housing development. To date, land identified has been used to facilitate both the RSL and Council's new build development programmes. There are few additional opportunities, which remain. The Council has in the past and will continue to make land available to RSLs at below market value to assist where possible.

In light of the economic issues identified, a number of additional steps are being taken to identify opportunities in conjunction with the private sector. Discussions are being held with house builders operating across the County, regarding the possibility of the Council or RSLs purchasing some new suitable sized houses directly. This approach is combined with targeting both house builders and landowners regarding the potential purchase of land for the Council's or RSLs new build programmes.

A number of off the shelf opportunities are being assessed and a number of developments are being progressed by both the Council and developing RSLs in partnership with landowners and house builders that either own or have an option to develop land for housing.

## **7.5 Infrastructure**

In East Lothian, there will be challenges with respect to infrastructure costs as the majority of new housing development in East Lothian requires associated infrastructure investment. Increasingly this is funded through Section 75 developer contributions. An example of this is for education. Existing school capacities impose a development constraint on five of the six strategic land allocations in East Lothian. These land allocations all require new school provision, which must be provided before the bulk of house building begins.

Clearly the current economic climate has an impact on the ability of private developers to fund these infrastructure requirements 'up front'. The contribution falls equally on affordable housing providers, which can become prohibitive if sums are large, particularly as these costs are not eligible for Scottish Government funding.

In response to this the Council has taken a decision in the past to assist RSLs to fund s75 contributions on a number of specific projects. It has taken this decision on the basis that the Council would expend a larger amount of money delivering its objective of increasing the supply of affordable housing through its own new build programme and losing inward investment of both Housing Association Grant and private finance through RSLs. The Council cannot continue to fund these costs if sums become exceptionally large resulting in a financially unviable development.

In addition to this the Council has contacted the landowners and private developers involved in all the larger strategic sites offering to look at financial solutions to front fund infrastructure within strategic sites, until the economic climate improves. Discussions in this regard are progressing well on a number of sites.

Lack of drainage capacity has been a development constraint in the past. Scottish Water is responsible for the provision of water and drainage in East Lothian and we are therefore reliant on them to provide the necessary requirements as development progresses.

Resolution to land stability is also an issue in some areas, for example a £6m grouting programme on one of the strategic land allocations.

## **7.6 Affordable Housing Policy**

East Lothian Council has had an Affordable Housing Policy in place since December 2003.

Rates of new build developments have seen a significant slowdown in the numbers of developers contacting the Council to progress affordable housing policy sites.

To date only ten units have been completed through the Affordable Housing Policy, including three units in Musselburgh, two units in Prestonpans and five in a rural steading conversion in Under Bolton, just south of Haddington. A further five are expected to start on site at Kingston Farm in North Berwick in 2012/13.

The Council and its RSL partners are actively in discussion with a range of developers on a number of the sites listed within the programme.

## **8. Energy Efficiency and Environmental Considerations**

### **8.1 Strategic Environmental Assessment**

In September 2008 and again in October 2010 the Council submitted a screening report to the Scottish Government Strategic Environmental Assessment (SEA) Gateway to identify whether there was a requirement to undertake a full Strategic Environmental Assessment on the SHIP for the corresponding year. On both occasions, the SEA Gateway advised there was no such requirement as the Local Plan should address the main environmental impacts associated with allocating land for housing. The Council subsequently determined that there is no requirement to undertake a full SEA.

The same process was followed in development of the LHS 2012-2017,

where again it was determined that no requirement for the assessed plan to undergo a full screening report as the environmental impacts of house building would be addressed through the local plan.

As this process has been followed when developing two previous SHIPS and on the LHS, which stand further up in the hierarchy of plans and strategies, the current SHIP has not been through an SEA screening process.

## **8.2 Energy Efficiency in New Build Housing**

Sustainability is a key priority for the LHS 2012 – 2017 and remains so for the SHIP where the drive towards low-carbon standards in new housing is regulated by planning and building standards legislation, guidance and policy, which have made improvements in energy standards for new housing over many years. In 2007 a carbon dioxide emissions based methodology for assessing carbon and energy performance in new buildings was introduced. The standards introduced in the 2010 Building regulations are intended to achieve an improvement on this target, reducing emissions by approximately 30% compared to 2007 standards, and a further 30% reduction will be required by 2013, leading to zero carbon developments by 2016.

In order to meet building regulations a number of new build Council houses have been equipped with renewable technologies. The approach to date has been to increase the insulation standards in properties and to provide solar thermal hot water. As building standards increase other alternatives are being explored by increasing the insulation even further and by introducing alternative site specific renewable, low carbon and ventilation solutions. Other house builders operating in the county are formulating similar responses to meet the building regulations and this is resulting in an increase in renewable technologies being introduced into the new build sector.

In terms of meeting carbon targets the proportion of the total stock made up by new-build is relatively small, this is certainly the case for East Lothian where, over the past few years, less than 1% of the total housing stock has been provided as new build. As a housing developer (the largest housing developer in East Lothian in 2011) East Lothian Council will continue to revise its strategy in response to the appropriate planning legislation, guidance and policy and to Building Standards.

## **9. Equalities**

- 9.1** A comprehensive approach to equalities was taken with regard to developing the LHS 2012-17, to enable equalities issues to be flagged up and addressed throughout the process of developing the strategy. Adhering to an LHS Equalities Plan ensured the LHS took account of the needs of equality groups; equality and diversity were systematically considered;

meaningful engagement with equalities groups and consultative bodies could influence the LHS and there were clear links from the outset with East Lothian Council's single Equality Scheme.

An Equalities Impact Assessment (EIQA) was carried out in conjunction with key stakeholders at an Affordable Housing Group meeting on 28<sup>th</sup> September 2010, to consider the equalities issues relating to the area of affordable housing in the LHS more generally and the production of the 2011/12 Strategic Housing Investment Plan (SHIP).

Further to this a series of equalities impact assessments were carried out at key stages of developing the LHS, which included all activities in relation to the development of affordable housing and the provision of new housing as detailed in the SHIP.

The SHIP reflects a commitment to equalities with 10% of new affordable housing provision for particular needs housing.

An LHS Equalities Report sets out how equalities issues have been considered and how statutory public sector equality duties have been met with a systematic approach to equalities embedded throughout the LHS. This Report is available on request.

## **10. Risk Management**

**10.1** The key risks identified in the delivery of the SHIP are as follows:

- Land is not available to develop for affordable housing;
- Insufficient HAG, particularly when strategic sites are developed;
- Dependence on the market for delivery of sites/units, especially Affordable Housing Policy sites. Programming is therefore largely out with the control of the Council and RSLs;
- Educational capacity is insufficient;
- Sewerage capacity is insufficient;
- Insufficient prudential borrowing to fund the Council's programme; and
- The emergence of serious problems in the international credit market has resulted in a cumulative effect upon the ability for first time buyers to secure a mortgage, and in turn will present a major obstacle of access to the housing market.

**10.2** Appendix A assesses the likelihood and potential impact of the key risks and what actions can be taken to address these.

**10.3** In the preparation of the SHIP East Lothian Council and its partners have focused on identified sites, where work has commenced and there is a realistic chance of achieving a site start. It is the case, however, where windfall sites will arise and to ensure the efficient working of the Affordable Housing Policy these sites may require HAG or prudential borrowing funding. An approach to the SHIP in future years should therefore consider planning for a provisional sum for affordable housing windfall sites. This would be part of the Council's overall approach to minimising risk.

## **11. Conclusion**

- 11.1** Key housing priorities for East Lothian Council are increasing the supply of affordable housing and the maximisation of Scottish Government funding.
- 11.2** The Strategic Housing Investment Plan sets out an investment programme of £103.431m delivering tender approvals of 928 affordable housing units. It clearly demonstrates that there are opportunities for the Scottish Government to invest in the provision of affordable housing in East Lothian.
- 11.3** The current economic climate is providing both challenges and opportunities. The Council will continue to work closely with its partners and the private sector to ensure that we make the most of any opportunities available.

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## APPENDIX A – RISK REGISTER

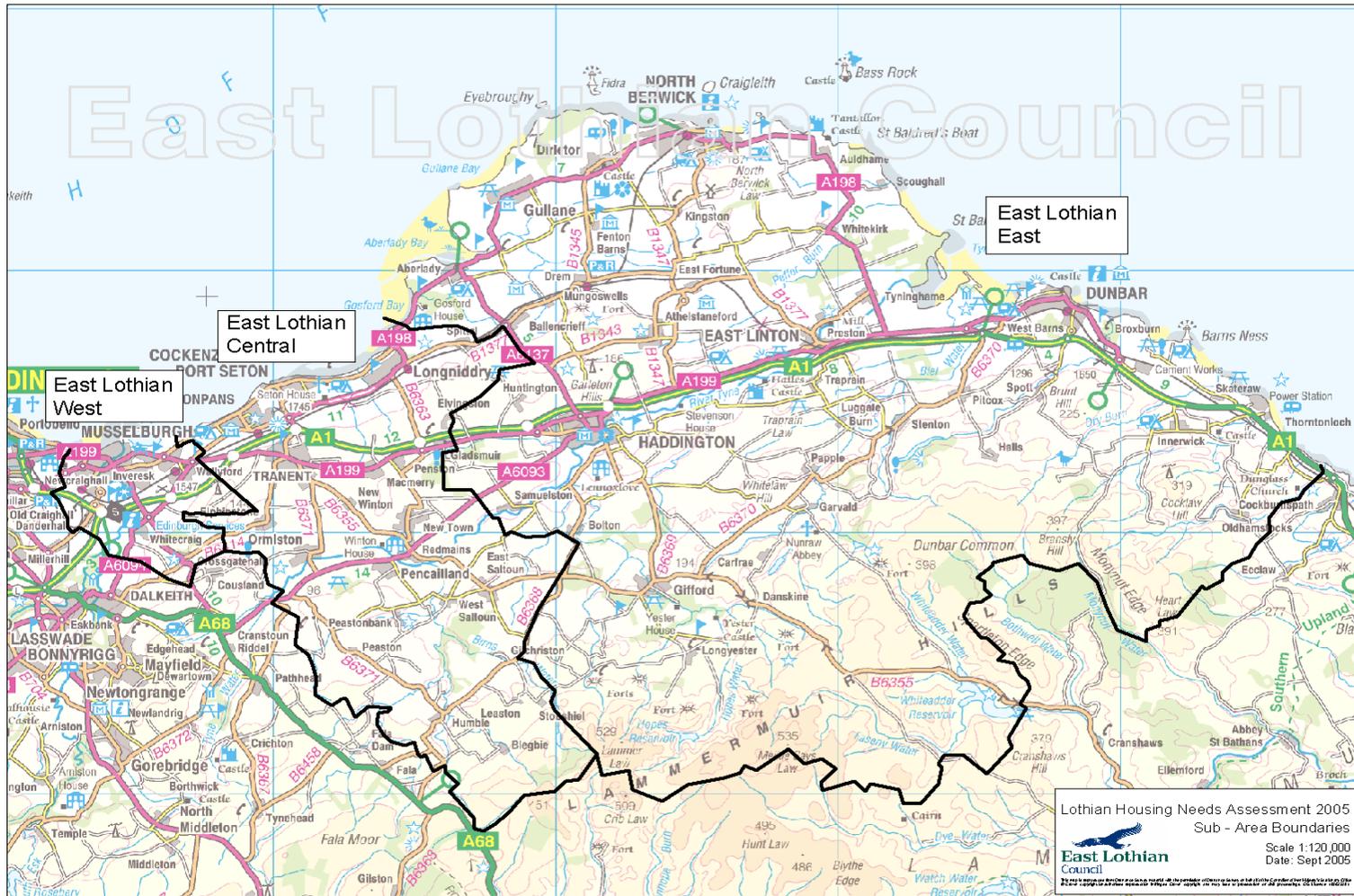
Risk Description	Probability	Impact	Risk Score	Actions	Process Owner
Land is not available to develop for affordable housing.	2	3	6	<ul style="list-style-type: none"> <li>▪ Sites included in SHIP are sites most likely to be delivered.</li> <li>▪ ELC/RSLs to buy land for development whenever possible.</li> </ul>	ELC/RSLs
Insufficient funding, particularly when strategic sites are developed.	2	3	6	<ul style="list-style-type: none"> <li>▪ Programme development of sites as far as possible (most are privately owned).</li> <li>▪ ELC to make case with other Lothian authorities for increase in HAG funding.</li> </ul>	ELC/CS
Delivery of units, especially through AHSP, dependent on the market and decisions of private developers.	3	3	9	<ul style="list-style-type: none"> <li>▪ Try and purchase sites at an early stage whenever possible</li> <li>▪ Agree allowance for windfall and AHP sites in future SHIPs</li> </ul>	ELC/RSLs ELC/CS
Educational capacity is insufficient.	3	3	9	<ul style="list-style-type: none"> <li>▪ Discuss with Education service interim measures to increase capacity to avoid risk of delays.</li> <li>▪ Continue to engage with developers regarding funding infrastructure</li> </ul>	ELC

Sewerage capacity is insufficient.	3	2	6	<ul style="list-style-type: none"> <li>▪ Continue to engage with developers regarding funding infrastructure</li> <li>▪ Meet with Scottish Water to identify and plan for issues with water capacity.</li> </ul>	ELC
'Credit crunch' and housing market decline	3	3	9	<ul style="list-style-type: none"> <li>▪ Work with Private developers to identify opportunities</li> <li>▪ Make use of Scottish government's proposals to bring forward funding</li> </ul>	ELC/RSLs
Changes in funding regimes	3	2	6	<ul style="list-style-type: none"> <li>▪ Identify innovative and more cost effective development solutions</li> </ul>	ELC/RSLs

**Probability:** 3 high, 2 medium, 1 low

**Impact:** 3 high, 2 medium, 1 low

# APPENDIX B - HOUSING MARKET SUB-AREA MAP



# APPENDIX C – PRIORITISATION TOOL

## METHOD FOR CALCULATING PRIORITY

### *Housing Need*

- High [3] - Little opportunity & Highest demand
- Medium [2] - High Demand
- Low [1] - High Demand, but a lot of opportunity

### *Project Deliverability*

- High (3) – No constraints and consents in place
- Medium (2) – No major constraints, but need consents
- Low (1) – Constraints and no consents

**Priority = Housing Need x Deliverability**

3	6	9
2	4	6
1	2	3

<b>PROJECT</b>	<b>SUB-AREA</b>	<b>Constraints</b>	<b>HOUSING NEED</b>	<b>DELIVERABILITY</b>	<b>PRIORITY</b>
Nethershot Road, Prestonpans	Central	Awaiting consent	High	High	HIGH
Eskmills phase 1, Musselburgh	West	None	High	High	HIGH
Abbeylands, Dunbar	East	None	High	High	HIGH
Jooglie Brigg, Musselburgh	West	Awaiting consent	High	High	HIGH
Bayswell Road, Dunbar	East	Funding	High	Medium	MEDIUM
Orchardfield, East Linton	East	Private Developer	High	Low	MEDIUM
Lidl, High Street, Prestonpans	Central	None	High	High	HIGH
Station Road, Macmerry	Central	None	High	High	HIGH
Kilwinning Street, Musselburgh	West	None	High	High	HIGH
Kilwinning Street, Musselburgh	West	None	High	High	HIGH
Goosegreen, Musselburgh	West	None	High	High	HIGH
Law Site, North Berwick	East	None	High	High	HIGH
Cockenzie Harbour, Cockenzie	Central	Private Developer	High	Low	MEDIUM
Ideal Garage Site, Haddington	East	Private Developer	High	Medium	HIGH
Wallyford Strategic (Rent), Wallyford	West	Private Developer / Infrastructure	High	Medium	HIGH
Wallyford Strategic (other), Wallyford	West	Private Developer / Infrastructure	High	Medium	HIGH
Limeylands, Ormiston	Central	Funding	High	Medium	MEDIUM

(other)						
Market Street, Musselburgh (other)	West	Awaiting consent	High	Medium		MEDIUM
Kingston Farm, North Berwick	East	None	High	High		HIGH
Letham Mains, Haddington (Rent)	East	Private Developer / Infrastructure	High	Medium		HIGH
Letham Mains, Haddington (other)	East	Private Developer / Infrastructure	High	Medium		HIGH
Hallhill, Dunbar (Rent)	East	Private Developer / Infrastructure	High	Medium		HIGH
Hallhill, Dunbar (other)	East	Private Developer / Infrastructure	High	Medium		HIGH
Victoria Park, Haddington	East	Awaiting consent	High	Medium		HIGH
Pinkie Mains, Musselburgh (Rent)	West	Private Developer / Infrastructure	High	High		HIGH
Pinkie Mains, Musselburgh (other)	West	Private Developer / Infrastructure	High	High		HIGH
Wallyford Strategic, Wallyford (Rent)	West	Private Developer / Infrastructure	High	Medium		HIGH
Wallyford Strategic, Wallyford (other)	West	Private Developer / Infrastructure	High	Medium		HIGH
Redmains Farm, Pencaitland	Central	Awaiting consents	High	Low		MEDIUM
Whitecraig Crescent, Whitecraig (Rent)	West	Private Developer	High	Low		MEDIUM
Whitecraig Crescent, Whitecraig (other)	West	Private Developer	High	Low		MEDIUM
Pinkie Road, Musselburgh (other)	West	Private Developer	High	Medium		HIGH
Eskmills, Musselburgh phase 2 (rent)	West	Awaiting consent / funding	High	Medium		HIGH
Eskmills, Musselburgh	West	Awaiting consent	High	Medium		HIGH

STRATEGIC HOUSING INVESTMENT PLAN (SHIP)

2012/13 - 2014/15

LOCAL AUTHORITY

East Lothian Council

TABLE 1 - HOUSING PRIORITIES (PROJECTS NOT YET APPROVED OR ON SITE)

PRIORITY	PROJECT	SUB-AREA	UNITS	PROGRAMME <small>(Select from Drop Down List)</small>	EST. START Fin. Year	EST. COMPLETION Fin. Year	SCOTTISH GOVERNMENT FUNDING £0.000m				COUNCIL FUNDING £0.000m			OTHER FUNDING £0.00m			TOTAL £0.000m			
							AHSP	COP	CHB	NHT	OTHER	CHT	DEVELOPER	OTHER	RSL	PUBLIC		PRIVATE		
Medium	Nethershot Road, Prestonpans	Central	9	Social Rent (LA)	2012/13	2013/14	0.27		0.765									1.035		
High	Eskmills phase 1	West	31	Social Rent (RSL)	2012/13	2013/14	0.929					0.325					1.742	2.996		
High	Abbeylands, Dunbar	East	24	Social Rent (LA)	2012/13	2014/15	0.720		2.780									3.500		
High	Joogie Brigg, Musselburgh	West	16	Social Rent (LA)	2013/14	2014/15	0.510		1.840									2.350		
High	Bayswell Road, Dunbar	East	18	Social Rent (RSL)	2012/13	2013/14	0.810					0.270						1.980		
Medium	Orchardfield, East Linton	East	13	Social Rent (RSL)	2014/15	2015/16	0.585					0.195			0.900	0.650		1.430		
Medium	Lidl Site, Prestonpans (Rent)	Central	24	Social Rent (LA)	2012/13	2013/14			2.800									2.800		
High	Station Road, Macmerry	Central	14	Social Rent (LA)	2011/12	2012/13			1.850									1.850		
High	Kilwinning Street, Musselburgh	West	20	Social Rent (LA)	2012/13	2013/14	0.600		1.740									2.340		
High	Kilwinning Street, Musselburgh	West	6	Social Rent (LA)	2012/13	2013/14	0.180		0.510									0.690		
High	Goosegreen, Musselburgh	West	19	Social Rent (LA)	2012/13	2013/14	0.540		1.640									2.180		
High	Law Site, North Berwick	East	42	Social Rent (LA)	2012/13	2014/15	1.260		4.240									5.500		
Low	Cockenzie Harbour, Cockenzie	Central	31	Social Rent (LA)	2013/14	2014/15	0.990		2.060									3.050		
Medium	Ideal Garage Site, Haddington	East	27	Social Rent (LA)	2013/14	2014/15			3.240									3.240		
High	Wallyford Strategic Site (Rent)	West	34	Social Rent (LA)	2013/14	2015/16			5.060									5.060		
High	Wallyford Strategic Site (LCHO)	West	10	LIFT (Developers)	2013/14	2015/16	0.260							0.260		0.780		1.300		
Low	Limeyards, Ormiston (LCHO)	Central	12	LIFT (Developers)	2014/15	2015/16	0.312							0.312		0.936		1.560		
Medium	Market Street, Musselburgh	West	19	Mid Market Rent (RSL)	2013/14	2014/15	0.570							1.520				2.090		
High	Kingston Farm, North Berwick	East	5	Other	2013/14	2014/15												0.000		
High	Letham Mains, Haddington (Rent)	East	47	Social Rent (LA)	2014/15	2015/16			5.452									5.452		
High	Letham Mains, Haddington (LCHO)	East	10	LIFT (Developers)	2014/15	2015/16	0.260							0.260		0.780		1.300		
High	Hallhill, Dunbar (Rent)	East	50	Social Rent (LA)	2013/14	2015/16			5.750									5.750		
High	Hallhill, Dunbar (LCHO)	East	10	LIFT (Developers)	2013/14	2015/16	0.260							0.260		0.780		1.300		
High	Victoria Park, Haddington	East	20	Social Rent (LA)	2013/14	2014/15			2.320									2.320		
High	Prinkie Mains, Musselburgh (Rent)	West	24	Social Rent (LA)	2013/14	2015/16			2.780									2.780		
High	Prinkie Mains, Musselburgh (MMFR)	West	10	Mid Market Rent (Developers)	2013/14	2015/16	0.300							0.800				1.600		
High	Wallyford Strategic (RSL)	West	20	Mid Market Rent (RSL)	2014/15	2016/17	0.800									1.600		2.400		
High	Wallyford Strategic (rent)	West	24	Social Rent (LA)	2014/15	2016/17			2.760									2.760		
High	Redmains Farm, Pencaitland	Central	45	Social Rent (LA)	2014/15	2016/17			5.220									5.220		
Medium	Whitecraig Crescent, Wallyford	West	33	Social Rent (LA)	2014/15	2016/17			3.800									3.800		
Medium	Whitecraig Crescent, Wallyford (MMFR)	West	20	Mid Market Rent (RSL)	2014/15	2016/17	0.800							1.600				2.200		
Medium	Prinkie Road (Garage site)	West	20	Mid Market Rent (RSL)	2013/14	2015/16	0.600					0.3				1.600		2.700		
High	Eskmills phase 2 (DCHA)	West	8	Social Rent (RSL)	2014/15	2015/16			0.920									0.920		
Medium	Olivebank	West	22	Mid Market Rent (Developers)	2013/14	2015/16	0.880									1.760		2.640		
Medium	Olivebank	West	6	Social Rent (LA)	2013/14	2015/16			0.708									0.708		
Medium	Westbank, Macmerry	Central	18	Social Rent (LA)	2013/14	2015/16			2.070									2.070		
Medium	Kellie Road, Dunbar	East	16	Social Rent (LA)	2012/13	2014/15			1.850									1.850		
High	Minugulay	East	8	Social Rent (RSL)	2013/14	2014/15	0.360					0.120			0.400			0.880		
High	Dirleton Court	East	9	Social Rent (RSL)	2013/14	2014/15	0.315					0.105			0.350			0.770		
Medium	Workshop Home, East Linton	East	4	Social Rent (RSL)	2013/14	2014/15	0.180							0.200				0.380		
Medium	Tranent Infant School	East	20	Social Rent (RSL)	2014/15	2016/17			2.400									2.400		
Medium	Windfall	East Lothian	40	Social Rent (RSL)	2012/13	2012/13			4.700									4.700		
Medium	Open Market Acquisition	East Lothian	50	Social Rent (RSL)	2012/14	2012/14			5.940									5.940		
<b>SG PROGRAMMES</b>			<b>928</b>						<b>14.091</b>	<b>0.000</b>	<b>75.195</b>	<b>0.000</b>	<b>0.000</b>	<b>1.315</b>	<b>0.000</b>	<b>69.255</b>	<b>7.512</b>	<b>0.000</b>	<b>9.978</b>	<b>103.431</b>

SG PROGRAMMES

COUNCIL PROGRAMMES

AHSP

CHT Council Tax on Second/Empty Homes

COP

Developer Developer Contributions to assist Affordable Housing

Medical Adaptations	2012/13	2013/14	2014/15
Estimated Requirement (£0.000m)	0.135	0.14	0.145





**STRATEGIC HOUSING INVESTMENT PLANS 2012-2013**

LOCAL AUTHORITY East Lothian Council

**TABLE 4 - Council Contributions to Affordable Housing Programmes**

**1. COUNCIL TAX ON SECOND/EMPTY HOMES (£0.000m)**

	2010/11
Tax Raised *	1.700
Tax Used to Assist Housing	
Sum Carried Forward to 2011/12	1.700
Units Assisted	

\*Including underspend carried forward from previous years and interest earned

**2. Projects Funded by Council Tax Contributions**

2010/11 (£0.000m)		
Project	Tax Used	Units Assisted***
<b>Total</b>	<b>0.000</b>	<b>0</b>

2011/12 (£0.000m)		
Project	Tax Used**	Units Assisted***
<b>Total</b>	<b>0.000</b>	<b>0.000</b>

\*\* Where not yet spent, indicate expected expenditure and units assisted

\*\*\* Please include any units have also been funded by Council Tax from previous financial years, but mark in brackets any numbers of units which may have been counted in other years as well

**3. DEVELOPER CONTRIBUTIONS\***

	2010/11	2011/12
Sum Raised *		
Sum Used to Assist Housing		
Sum Carried Forward to 2011/12	0.000	
Units Assisted		

**4. Projects Funded by Developer Contributions**

2010/11 (£0.000m)		
Project	Sum Used	Units Assisted
<b>Total</b>	<b>0.000</b>	<b>0</b>

2011/12 (£0.000m)		
Project	Sum Used	Units Assisted
Muirpark Wynd, Tranent	0.069	100
<b>Total</b>	<b>0.069</b>	<b>100</b>

\* Contributions to include Commuted Sums. Section 75 Contributions etc.

## **PROGRAMME CODES**

AHIP Legacy - Home Ownership (GRO-Developers)  
AHIP Legacy - Private Rent (GRO - Developers)  
AHIP Legacy - Rural Empty Property Grant  
AHIP Legacy - Rural Home Ownership Grant  
Community Ownership Re provisioning (RSL)  
Housebuilding Infrastructure Loan Fund (HIFL)  
LIFT (Developers)  
LIFT (RSL)  
Mid Market Rent (Developers)  
Mid Market Rent (RSL)  
National Housing Trust (LA)  
National Housing Trust (RSL)  
Other  
Other (Developers)  
Other (LA)  
Other (SG)  
Social Rent (LA)  
Social Rent (RSL)

## COMPLETION NOTES - TABLE 1

TABLE 1 - HOUSING PRIORITIES (PROJECTS NOT YET APPROVED OR ON SITE).	
COLUMN HEADING	
<b>PRIORITY</b>	Enter Priority as High, Medium, Low
<b>PROJECT</b>	Insert name of Project. <b>Note:</b> Mixed tenure projects should be entered on separate lines.
<b>SUB-AREA</b>	Insert Name of Sub-Area.
<b>UNITS</b>	Insert number of units - or estimated number if project details have yet to be finalised.
<b>PROGRAMME</b>	Click in cell and then on drop down arrow - select Programme from list.
<b>ESTIMATED START/ COMPLETION DATES</b>	Enter Financial Year for estimated Site Start/Completion date e.g. 2012/13. For SHIP purposes dates should be best estimates of when the project could start if funding was secured and all other constraints had been removed.
<b>SCOTTISH GOVERNMENT FUNDING COLUMNS</b>	Enter any Scottish Government Funding requirements under the appropriate Programme Headings. Figures should be entered in £'0.000m i.e. in £'millions to 3 Decimal Places. <b>Note:</b> Please enter total costs not annual breakdowns.
<b>COUNCIL/OTHER FUNDING COLUMNS</b>	Complete as for the Scottish Government funding columns above.
<b>MEDICAL ADAPTATIONS</b>	If local authorities consider medical adaptations to be a priority please enter an estimated annual requirement for each of the 3 years in the appropriate box.

## COMPLETION NOTES - TABLE 2

TABLE 2 - COMMITTED PROJECTS (ON SITE OR WITH SCOTTISH GOVERNMENT APPROVAL)	
COLUMN HEADING	
<b>PROJECT</b>	Insert name of Project. <b>Note:</b> Mixed tenure projects should be entered on separate lines.
<b>SUB-AREA</b>	Insert Name of Sub-Area.
<b>PROGRAMME</b>	Click in cell and then on drop down arrow - select Programme from list.
<b>PLANNED EXPENDITURE</b>	Enter any annual Scottish Government Funding requirements under the appropriate Year column. Figures should be entered in £'0.000m - i.e. in £'millions to 3 decimal places. Note: Some projects may only be funded on completion.

**NOTE:** This should be an update on last year's SHIP.

## COMPLETION NOTES - TABLE 3

TABLE 3 - COMMITTED PROJECTS (ON SITE OR WITH SCOTTISH GOVERNMENT APPROVAL) - UNIT COMPLETIONS	
COLUMN HEADING	
PROJECT	Insert name of Project. <b>Note:</b> Mixed tenure projects should be entered on separate lines.
SUB-AREA	Insert Name of Sub-Area.
PROGRAMME	Click in cell and then on drop down arrow - select Programme from list.
UNITS EXPECTED TO COMPLETE	Enter number of units expected to complete by Year. <b>Note:</b> Units should be counted on practical completion of the whole project and not on a phased basis.

**NOTE:** This should be an update on last year's SHIP.

## COMPLETION NOTES - TABLE 4

**TABLE 4 - COUNCIL CONTRIBUTIONS TO AFFORDABLE HOUSING PROGRAMME**

These tables should be relatively self-explanatory.

Financial figures should be entered in £'0.000m - i.e. in £'millions to 3 decimal places.

phase 2 (other)		/ funding			
Olivebank, Musselburgh (rent)	West	Private Developer / funding	High	High	HIGH
Olivebank, Musselburgh (other)	West	Private Developer / funding	High	High	HIGH
Westbank Road, Macmerry (Rent)	Central	Private Developer	High	Medium	MEDIUM
Kellie Road, Dunbar (rent)	East	Private Developer	High	Medium	MEDIUM
Queens Road, Dunbar (other)	East	Private Developer	High	Low	MEDIUM
Mingulay Cottage, Haddington (rent)	East	Consents	High	Medium	HIGH
Dirleton Court, North Berwick (rent)	East	Consents	High	Medium	HIGH
Workshop Homes, East Saltoun (rent)	Central	Consents	High	Low	MEDIUM
Tranent Infant School, Tranent (rent)	Central	Consents	High	Low	MEDIUM
Windfall		Consents			



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Services for Communities)  
**SUBJECT:** Housing Information and Advice Strategy 2012-17

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**3**

## **1 PURPOSE**

- 1.1 The Housing Information and Advice Strategy sets out East Lothian Council's approach to developing a planned, joined up approach to good quality, continuously improving, consistent housing information and advice.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to approve the Housing Information and Advice Strategy 2012-17.

## **3 BACKGROUND**

### **The Need for a Housing Information and Advice Strategy**

- 3.1 The Council has a statutory duty to provide housing information and advice and recognises that this advice enables service users to make well informed housing decisions as well as helping to improve their financial, welfare and other social issues.
- 3.2 It is acknowledged that there is scope to improve further the housing advice and information provided both by the Council and other partner organisations.
- 3.3 Developing a planned, joined up approach to good quality, continuously improving, consistent housing information and advice is viewed as a strategic priority.
- 3.4 The East Lothian Single Outcome Agreement 2011 aims to "ensure that people in housing need have access to an appropriate type, tenure and standard of housing and are prevented from becoming homeless".

- 3.5 The East Lothian Local Housing Strategy 2012-17 aims to “increase housing supply and improve access to appropriate housing including affordable housing”. This will be done in part by improving the provision of housing information and advice.

### **The aims of the Advice Strategy**

- 3.6 The Housing Information and Advice Strategy 2012-17 has five strategic outcomes, these are:
- To ensure that accurate, up to date, comprehensive and good quality housing advice and information is tailored to meet the needs and preferences of all service users.
  - To promote public awareness of housing advice and information services.
  - To maximise choice by providing advice on housing options.
  - To achieve agreed quality standards for providing housing advice and information that comply with the Scottish National Standards for Information and Advice providers.
  - To improve joint working arrangements between advice and information providers in East Lothian.

### **The proposals for improving Advice and Information delivery**

- 3.7 The Council will set up an electronic, web-based, Housing Information and Advice manual which will ensure that staff can provide informed, consistent and accurate advice to local citizens. Staff will be trained to maximise their skills in providing such advice.
- 3.8 The Council will establish a comprehensive, “one stop”, web-based Housing Options Guide to allow local residents to investigate their housing options. This will also be available for use by other Council staff, housing association staff, and other local housing advice providers.
- 3.9 The Council and partner providers will ensure that appropriate systems are put in place to maintain and continuously improve the delivery of housing advice.

## **4 POLICY IMPLICATIONS**

- 4.1 Implementation of this strategy will significantly improve the quality of housing information and advice given to East Lothian residents and others.

- 4.2 Joint working arrangements with partner agencies in the statutory and voluntary sectors, for providing comprehensive advice, will be improved.
- 4.3 The strategy will help the Council to meet its obligations under the Housing (Scotland) Act 2001, the Single Outcome Agreement 2011-12 and the East Lothian Local Housing Strategy 2012-2017.

**5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required. Implications arising from the various actions identified in support of the Strategy will be addressed as they are implemented.
- 5.2 An Equalities Impact Assessment has been carried out on the Strategy and is available at:  
[http://www.eastlothian.gov.uk/downloads/download/1128/equality\\_impact\\_assessment-community\\_services\\_department](http://www.eastlothian.gov.uk/downloads/download/1128/equality_impact_assessment-community_services_department)

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial – A software package is to be procured to deliver the housing advice and information database. The financial resource for this purchase has been already been identified in the service budget.
- 6.2 Personnel – None.
- 6.3 Other – None.

**7 BACKGROUND PAPERS**

- 7.1 Appendix 1 - Housing Information and Advice Strategy 2012-17.
- 7.2 East Lothian Local Housing Strategy 2012-17 available at [www.eastlothian.gov.uk/lhs](http://www.eastlothian.gov.uk/lhs)

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<b>DATE</b>	7 May 2012



**East Lothian Council**

**HOUSING INFORMATION AND ADVICE  
STRATEGY 2012-17**

**May 2012**

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Appendix 1 – Electronic questionnaire issued to advice and information providers (gap analysis exercise).

## 1. Strategic Aims and Outcomes

East Lothian Council recognises that the provision of housing advice and information plays an important role in enabling service users make the best housing decisions for their circumstances, as well as improving their financial, welfare and other social issues.

It is acknowledged that there is scope to further improve the housing advice and information provided both by the Council and other partner organisations. Developing a planned, joined-up approach to good quality, continuously improving, consistent housing advice and information is viewed as a strategic priority.

The East Lothian Single Outcome Agreement 20111 aims to 'ensure that people in housing need have access to an appropriate type, tenure and standard of housing and are prevented from becoming homeless'. This will be delivered through a range of short term outcomes.

The East Lothian Local Housing Strategy (LHS) 2012-17<sup>2</sup>, seeks to 'increase housing supply and improve access to appropriate housing including affordable housing'. This will be achieved by developing and implementing a comprehensive Housing Advice and Information Strategy for the period 2012-17 that achieves the following five strategic outcomes:

- 1. Ensure that accurate, up to date, comprehensive and good quality housing advice and information is tailored to meet the needs and preferences of all service users.**
- 2. Promote public awareness of housing advice and information services.**
- 3. Maximise choice by providing advice on housing options.**
- 4. Achieve agreed quality standards for providing housing advice and information that comply with the Scottish National Standards for Information and Advice Providers.**
- 5. Improve joint working arrangements between advice and information providers in East Lothian.**

This strategy incorporates the following inter-linked strategic areas included in the East Lothian LHS 2012-17:

- Housing supply access and affordability;
- Good quality and energy efficient homes;
- Reducing and preventing homelessness;
- Particular needs and housing support (including older people, people with physical disabilities, people with learning disabilities, people with mental

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<sup>1</sup> <http://www.eastlothiancommunityplanning.org.uk/>

<sup>2</sup> <http://www.eastlothian.gov.uk/lhs>

health issues or having a drug and /or alcohol problem). This section also includes Gypsy/Travellers; and

- Reducing fuel poverty.

This strategy was developed by a Housing Advice and Information Project Team of Council staff representing the Homelessness, Community Housing, Service Development and Housing Strategy services. The Project Team provide a link between external agencies and Council departments providing housing advice and information and to ensure consistency between the Housing Advice and Information Strategy and other operational functions within East Lothian Council.

## **2. Local and National Legislative and Policy Context**

This strategy reflects legislation, links into other key strategies, good practice guidelines and guidance as well as national and local research.

### **2.1 National Standards for Information and Advice**

The National Standards for Information and Advice (first produced by Homepoint in 1995) were compiled with the assistance of advice providers in the voluntary and statutory sectors. The Standards are a framework for the development of effective and efficient services and were compiled in recognition of the fact that people choose to access information and advice from various sources. Information and advice is defined by a range of activities which are broken down into three Types of intervention. The Standards include specific competencies for housing information and advice.

To become accredited under the National Standards an agency must be able to demonstrate that it meets the quality level defined by the standards and provide an efficient and effective service.

A range of staff at East Lothian Council are currently trained to meet advisor competences on housing topics however the Council is not an accredited information and advice provider. A number of partner organisations are accredited information and advice providers or are working towards accreditation.

### **2.2 Performance Standards**

Local authorities are subject to regulation and inspection by the Scottish Housing Regulator against a range of performance standards. These standards emphasise the importance of providing accurate and accessible advice and information services.

Guiding Standard GS3.2, states: 'We provide or secure effective information and advice in line with the national standards for housing information and advice services'. Activity Standard AS4.6, states: 'local authority landlords should arrange free and effective information and advice services for homeless or potentially homeless people based on the national standards for housing information and advice services'.

### **2.3 Housing Supply, Access and Affordability**

A key policy objective set out in Homes Fit for the 21<sup>st</sup> Century<sup>3</sup> is to make better use of existing housing stock by giving people better information and advice about the housing options open to them, including providing housing 'health checks' at key life stages for people who feel that their home no longer suits them.

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<sup>3</sup> Homes Fit for the 21<sup>st</sup> Century, The Scottish Government's Strategy and Action Plan for Housing in the Next Decade: 2011-20

Across East Lothian there is an acute shortage of affordable housing. This means the provision of housing advice and information is of critical importance.

Some initial development work was undertaken during 2010 by the Council's Service Development Team<sup>4</sup> that focuses on improving the housing options advice and information delivered by front line housing staff.

The Council is also currently investigating the feasibility of simplifying access to and providing comprehensive information regarding affordable housing for rent in East Lothian.

## **2.4 Private Sector Housing**

The Housing (Scotland) Act 2006 (parts 1 & 2) introduces measures to improve the condition and management of private sector housing. Part 2 of the Act requires local authorities to have a Scheme of Assistance in place to assist homeowners, private landlords and private tenants to repair, maintain, improve and adapt their properties.

The Council's Private Sector Housing Team takes the lead in co-ordinating the provision of information, advice, practical and financial assistance to homeowners, private landlords and private tenants.

In 2010 the Council commissioned a private sector stock condition survey to gather accurate information on the physical condition of the private sector housing stock. The findings of this survey will inform the Council's approach to the provision of advice and information to home owners, private landlords and private tenants.

The national landlord registration system<sup>5</sup> and licensing of houses in multiple occupation were introduced in April 2006 and October 2000 respectively<sup>6</sup>. Advice and information is available from staff and from the Council website on this. The Council actively promotes the national landlord accreditation scheme and holds regular Landlord Forums.

The Private Rented Housing (Scotland) Act 2011 seeks to introduce a requirement for private landlords to provide a tenant with a Tenant Information Pack. It is anticipated that the pack will include a copy of the Tenancy Agreement, details on the tenant's rights to refer matters to the Private Rented Housing Panel, an inventory, information regarding deposits and landlord registration number.

The introduction of The Tenancy Deposit Schemes (Scotland) Regulations 2011 will aim to introduce a more professional way of dealing with tenancy deposits in the private rented sector.

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<sup>4</sup> Scoping paper for Housing Staff Advice Manual, November 2010. Proposal for unified provision of Housing Information and Advice – discussion paper, December 2010.

<sup>5</sup> Antisocial Behavior etc (Scotland) Act 2004, Part 8.

<sup>6</sup> The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

## **2.5 Tenancy and property management**

The Council has a legal duty to keep Council tenants informed regarding tenancy and property management issues, as per the Scottish Secure Tenancy Agreement. The Council and Registered Social Landlord (RSL) websites contain a wide-range of useful advice and information and is also delivered 'on the ground' by relevant staff.

## **2.6 Homelessness**

Local authorities have a duty under Section 2 of The Housing (Scotland) Act 2001 to ensure that advice and information about the prevention of homelessness and any services which may assist in the prevention of homelessness are available free of charge to any person in the authority's area. The general duty in Section 2 of the 2001 Act is accompanied by guidance which identifies that the local authority has responsibilities on three levels: as providers of information and advice (in accordance with quality standards outlined in the Scottish National Standards for Information and Advice Providers), as funders of such services and as a strategic body with responsibility for ensuring an appropriate range of services is available within the local authority area.

The Homeless Persons Advice and Assistance (Scotland) Regulations 2002 sets out the types of advice and assistance that local authorities must provide as a minimum to homeless applicants and applicants threatened with homelessness who are either in priority need or, if in priority need, have become homeless intentionally.

The Code of Guidance on Homelessness (2005) also emphasises that local authorities should be proactive in developing advice and information services and emphasises the importance of adopting an inter-agency approach.

The Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010 were made in pursuance of the power in section 32a of the Housing (Scotland) Act 1987, and came into force on 25 February 2010. This enables local authorities in certain circumstances and subject to certain tenancy conditions to discharge their duty to homelessness households by providing a tenancy in the private rented sector.

Given the current pressure on the Council to meet the 2012 homelessness target for the abolition of priority need<sup>7</sup>, and the severe shortage of affordable housing in East Lothian, it is widely agreed that there is a pressing need to improve housing options advice as a preventative tool to help households find suitable, realistic and sustainable housing solutions. This is an important element of the Council's Homelessness Strategy<sup>8</sup> and a pilot housing options approach was introduced on 1 April 2011.

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<sup>7</sup> The Homelessness etc (Scotland) Act 2003 gives all unintentionally homeless households the right to settled accommodation by December 2012. This gives local authorities a target of ending the 'priority need' test by December 2012.

<sup>8</sup> East Lothian Homelessness Strategy 2009-14, Strategic Outcome 1, Objective 2.

## **2.7 Particular Needs and Housing Support**

National health and social care policy has resulted in a 'shift in the balance of care' with a reduction of older people and adults with learning disabilities and mental health problems living in hospital and institutional settings and a consequential increase in people independently living at home, or in a community setting. This has implications for the provision and availability of housing advice and information.

In 2011 the Council commissioned a Particular Needs Housing and Housing Support Needs Assessment<sup>9</sup> to provide evidence of the scale and nature of housing and housing support needs for a range of groups. The report made specific recommendations in relation to the provision on housing options advice to work with households to plan for future housing and support needs, particularly in relation to transitions to independent living and people with dementia.

### **2.7.1 Older People**

The recent Wider Planning for an Ageing Population consultation exercise, 2010, focuses on delivering advice and information more effectively, the timing and targeting of information and potential delivery mechanisms (outcome 5).

Homes Fit for the 21st Century builds on this and committed to publishing a national strategy on housing for older people. The Strategy, Age, Home and Community: A Strategy for Housing for Scotland's Older People 2012-21, was published in November 2011. The Strategy recognises that high quality information and advice services will be vital to ensuring older people have access to the right housing and support and sets out specific actions in relation to information and advice including:

- Reviewing information and advice services and publicising information sources;
- Working with local authorities to pilot housing options approach for older people; and
- Encouraging accreditation under the Scottish National Standards for Information and Advice Providers.

There is a forecasted growth in the number of older people living in East Lothian. This will mean that there will be a need to evaluate the specific housing advice and information needs for older people.

The East Lothian Older People's Strategy 2011-20 aims to ensure that services meet the needs of East Lothian's growing and ageing population and enables older people to live independently, with support whenever necessary. The Strategy recognises the importance of facilitating the provision of appropriate housing advice and information.

Care and Repair East Lothian offers independent advice and assistance to help home owners or private tenants aged over 60, or disabled and over 50 regarding adaptations, improvements, repairs and / or smaller repairs.

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<sup>9</sup> Report to be published in summer 2012.

### **2.7.2 Physical Disability**

The Social Work (Scotland) Act 1968 places a general duty on local authorities to promote social welfare by making available advice, guidance and assistance on areas such as housing adaptations and equipment.

The Council also has a legal duty to assist disabled social tenants, homeowners and private tenants make their home suitable for their needs, as per part 2 of the Housing (Scotland) Act 2006 Act.

The Scottish Government produced guidance regarding the Provision of Equipment and Adaptations in December 2009. Following this, government websites have been developed to provide a useful resource for users and carers to access information on equipment and adaptations. The Scottish Government has also produced a range of accessible information sources with detailed information on equipment and adaptation services.

The draft East Lothian Physical Disability and Sensory Impairment Joint Strategy 2012-20 provides a framework for the future development of services for people with a physical disability and / or sensory impairment and their carers. The draft Strategy sets out a requirement for affordable, good quality housing which is accessible inside and out and offers choice. East Lothian Council is also developing an Equipment and Adaptations Partnership Agreement which aims to streamline the decision making process for adaptations while embedding housing options advice as part of the process and improving joint working between Adult Social Care and Housing.

See also Care and Repair East Lothian above.

### **2.7.3 Mental Health**

The Mental Health (Care and Treatment)(Scotland) Act 2003 places a duty on local authorities in relation to the provision of accommodation, support services, advocacy and the promotion of well being and social development for people who use mental health services or have a learning disability or dementia.

The Council commissioned research about the accommodation and housing support needs and preferences of people with mental health problems in October 2003<sup>10</sup> which recommended 'increasing knowledge of housing allocation procedures'.

However, the provision of advice and information in relation to the common housing issues facing people with mental health remains underdeveloped. For example, there is minimal tailored advice and information regarding: housing support services; finding suitable accommodation; funding for housing support; and financial assistance available via the Council's housing options web page.

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<sup>10</sup> Meeting the housing support and accommodation needs and preferences of people with mental health problems. Scottish Development Centre for Mental Health, October 2003.

A Sense of Belonging: Joint Mental Health and Wellbeing draft Strategy 2011-16 sets out the vision to improve mental health and wellbeing services across Lothian over the next 5 years. However there is no mention of housing advice and information provision.

#### **2.7.4 Learning Disability**

*The same as you?* national review of services for people with learning disabilities was published in 2000. It set out a 10-year programme of change that would support those with learning disabilities lead a full life, giving choice about where they live and what they do, be able to use local services wherever possible and special services if they need them and be included, better understood and supported by the communities in which they live.

The provision of advice and information in relation to the common issues facing people with learning disability remains underdeveloped. There is minimal tailored advice and information regarding housing options and support services available via the Council's housing options web page.

#### **2.7.5 Drug and Alcohol**

The Midlothian and East Lothian Drug and Alcohol Partnership Drug and Alcohol Strategy, 2010-13, sets out a range of priorities that link closely with the provision of housing advice and information including: supporting service users take control of their lives; providing information and support about options available; and working to mitigate the effects of homelessness.

#### **2.7.6 Gypsy/Travellers**

East and Midlothian Gypsy/Traveller Site Management Policies and Practice Working Group has developed useful sources of information and advice in line with the recommendations of an independent housing needs research conducted in 2008.

#### **2.7.7 Looked After Young People**

Corporate parenting means the formal and local partnerships needed between all local authority departments and services, and associated agencies, who are responsible for working together to meet the needs of Looked After children and young people, and care leavers.

The East Lothian Corporate Parenting Policy (2010) has nine objectives including:

'To maximise opportunities for looked after children, young people and care leavers, in terms of further education, training, employment and living accommodation.'

The importance of preventing looked after young people from entering the homeless route, of which the provision of information and advice is a key element particularly in relation to forward planning.

## **2.8 Fuel Poverty, Climate Change and Energy Efficiency**

The Housing (Scotland) Act 2001, section 89 (5) (b) requires councils to develop local housing strategies that ensure “so far as reasonably practicable that persons do not live in fuel poverty.” The Fuel Poverty Statement published by the Scottish Government in 2002 set 2016 as the target date to eradicate fuel poverty as far as is reasonably practicable.

The Council promotes energy efficiency across all tenures and provides energy efficiency, money / debt advice and information via the East Lothian Energy Advice Centre (ELEAC) service, Warm and Well Project and CABs.

This strategy will promote effective links between fuel poverty advice and housing advice.

## **2.9 Welfare and Money Advice**

The Coalition Government’s 21<sup>st</sup> Century Welfare publication and Welfare Reform Bill 2011 introduces significant changes to the welfare and housing benefit system. The Council’s impact assessment concludes that the proposed reforms will result in an increased demand for welfare rights, benefits, money debt advice, energy advice, information and support.

The ‘credit crunch’ has meant that more people are getting into debt and having difficulties with financing their housing. This has led to increased enquiries to specialist services in relation to welfare rights, benefits and money debt advice.

This strategy will promote effective links between housing advice, financial inclusion and money advice.

## **2.10 Promoting Equality**

A comprehensive housing advice and information service is viewed as a key resource in the promotion of equality and the elimination of all forms of unlawful or unfair discrimination. An Equality Impact Assessment (EQIA) was undertaken in June 2011. This identifies some service user groups face barriers accessing housing advice and information, although most people are able to access housing advice and information with the right level of support to do so. The strategy reflects these issues.

### **3. Shaping the Strategy Action Plan**

In order to inform the development of the strategy action plan, it has been necessary to:

- Establish a sound understanding of the current provision of housing advice and information throughout East Lothian, including how this is delivered, and by whom;
- Identify any gaps and deficits in available housing advice and information;
- Undertake an assessment of the likely future advice and information required;
- Identify any gaps or weaknesses in current provision of housing advice and information, taking into account upcoming changes to the law, guidance, good practice, local research, development work and service user needs; and
- Identify what (if any) referral arrangements are in place between all housing advice and information providers.

An electronic questionnaire was issued to 53 known information and advice providers based throughout East Lothian in July 2011. A copy of the questionnaire is provided for information at Appendix 1 (still to be attached).

A summary of the 32 responses received is provided below:

- Housing advice and information is provided to a wide range of service user groups in East Lothian.
- A broad range of topics are covered that fit around the National Standards for Housing Information and Advice Providers. There is a high level of type 1 and 2 provision and a few type 3 accredited providers.
- Information and advice is provided in a range of ways. This is predominantly done through face to face contact.
- 66% of respondents have formal arrangements in place with other local advice and information providers to either take or make referrals.
- 50% of respondents confirmed existing referral arrangements could be improved.
- Some other gaps and weaknesses were identified regarding the provision of housing advice and information and these are addressed in the strategy action plan provided in section 5.

A consultation event for particular needs groups was held in November 2011 in relation to the East Lothian Draft LHS, facilitated by East Lothian Community Care Forum. The following points were raised in relation to housing advice and information:

- Provide consistent and helpful housing options advice and information.
- The Council and registered social landlords should improve information about how to access affordable rented housing (both mainstream and adapted), explain how allocations decisions are made, and provide clarity on room size eligibility and lettings activity / trends.
- Increase awareness regarding housing support, telecare services, aids and adaptations.
- Develop a central hub for information, advice and signposting on housing.

As a result of the work in developing this Strategy the following issues have been identified as key to the successful delivery of housing information and advice in East Lothian:

- East Lothian has a range of different services providing housing advice and information and catering to a range of different needs.
- There is scope to further improve the consistency, co-ordination and delivery of housing advice and information.
- Partnership working is generally good. However, a key challenge for the future will be to continue to build on this to improve and deliver high quality housing advice and information.
- The council should establish a comprehensive 'one stop' web based housing options guide for use by Council, RSL, local advice providers and all service users.
- The council and other providers should ensure that appropriate systems are put in place to continuously improve the delivery of housing advice and information.

#### 4. Action plan

The following action plan has been drafted to assist the Council fulfil the aims of the strategy and provide a guide to the main actions that need to be progressed and an indication of resources and staff input required to deliver the strategy.

Strategic outcome 1 - ensure provision of accurate, up to date, comprehensive and good quality housing advice and information is tailored to meet the needs and preferences of all service users.

Action	Completion Date	Responsibility / Lead	Comment	Resource Inputs
Develop a specification and project plan for a manual for staff and a web based housing options guide.	April 2012	Service Development Officer (SDO)	Consider system for updating the housing options guide and for monitoring outcomes of the housing options guide(s). Link to National Standards for Information and Advice Providers.	Staff time only
Procure web based housing manual and housing options guide.	August 2012	Housing Information and Advice Project Team	SDO to develop specification and work with IT to define technical requirements.	£12,000
Undertake development / implementation work.	September 2012	SDO, admin staff (to be identified) and software provider	Design and inputting information.  Put in place systems for ongoing maintenance / updating.	Staff time plus software set up costs included above
Develop a housing options guide in other formats for service users who do not have internet access.	October / November 2012	SDO		£1,000
Undertake staff training on the housing options	November / December 2012	SDO	To include CHM's, CHO's, homeless officers, customer	Staff time only

guide.			service staff and partner agencies (where there is a demand).	
Launch manual and online housing options guide including other formats.	January 2013	Corporate Communication / Strategic Policy Officer (SPO).	Publish the housing manual and housing options guide on ELC website and using alternative formats.	Staff time plus budget

**Strategic outcome 2 - promote public awareness of housing advice and information services.**

<b>Action</b>	<b>Completion Date</b>	<b>Responsibility / Lead</b>	<b>Comment</b>	<b>Resource Inputs</b>
Develop a communication and marketing strategy.	January 2013	Corporate Communication / SPO.	Publicise the housing options guide and directory of advice and information providers to Council services, local advice and information providers and service users.	Staff time plus small budget

**Strategic outcome 3 - maximise choice by providing advice on housing options.**

<b>Action</b>	<b>Completion Date</b>	<b>Responsibility / Lead</b>	<b>Comment</b>	<b>Resource Inputs</b>
Undertake a review of housing options interview approach provided by the homelessness service.	August 2012	Homelessness Manager		Staff time
Roll out and deliver housing options interviews to all new / existing waiting list applicants.	August 2013	Housing Advice and Information Project Team	Develop detailed procedures / guidance for staff.  Develop mechanisms for recording and evaluating outcomes.	Staff time
Develop specific housing options approach which focuses on planning for future housing and	August 2013	SPO / Adult Social Care / Children's Services	Recommendation from Housing and Housing Support Needs Assessment.  Linked to the	Staff time

support needs of particular needs groups.			development of the Housing Options Guide and other areas of development in relation to housing options.	
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**Strategic outcome 4 - achieve agreed quality standards for providing housing advice and information that comply with the Scottish National Standards for Information and Advice Providers.**

<b>Action</b>	<b>Completion Date</b>	<b>Responsibility / Lead</b>	<b>Comment</b>	<b>Resource Inputs</b>
Review provision of up to date and appropriate reference materials to ensure that all Council staff involved in the provision of housing advice and information are given the tools required to carry this out to a high standard.	September 2012	SPO / SDO	Part of the set up process for the manual which will be reviewed on a regular basis as part of the software contract	See cost for set up plus cost of reference materials, online subscriptions etc and staff time
Develop a feedback mechanism to assess the advice and information needs of service users and tailor the service accordingly.	January 2013	SPO	Review June 2013.	Staff time
Develop systems to effectively record and monitor the provision, quality and accuracy of information and advice provided by Council staff.	January 2013	SPO / SDO	Link with the housing options guide development work.  Review April 2013.	Staff time
Agree the scope of advice and information services to be provided and requirements for accreditation.	August 2013	SPO	Review the National Standards guidance and discuss with relevant Council services.	Staff time
Ensure Council	September -		Most staff already	Significant

staff adequately trained to meet the National Standards.	December 2013		trained to type 1 or 2 level. Ongoing requirement for training, discussion and feedback.	staff time and cost for training materials
Review and assess progress towards achieving accreditation.	January 2014	SPO	Produce action plan.	Staff time
Commission independent accreditation audit of housing advice and information service	April 2014	SPO		Cost for research
Encourage and support partner agencies to adopt the National Standards.	Ongoing	SPO	SPO develop proposal regarding approach used.	Staff time

**Strategic outcome 5 - improve joint working arrangements between advice and information providers in East Lothian.**

Action	Completion Date	Responsibility / Lead	Comment	Resource Inputs
Investigate establishing a multi-agency advice and information forum to share best practice.	September 2012	SPO	Link with development of Housing Options Guide	Staff time
Investigate demand for developing a joint training programme across all housing advice and information providers.	January 2013	SPO		TBC
Undertake a review of joint- working arrangements across partner agencies delivering housing advice and information, and make recommendations to improve practice if required.	April 2013	SPO	Follow-up on feedback provided by advice providers	Staff time



## **5. Monitoring and reviewing the strategy**

It is important that the progress towards achieving the outcomes of this strategy is clearly measured and reported.

The Housing Advice and Information Project Team will be responsible for the overall monitoring of this strategy on a quarterly basis and will take forward any specific tasks that may arise and take into account changes to legislation, policy and practice.

There will be an annual progress report produced in June each year on the implementation of this strategy and to identify areas where further action require to be developed. This will be reported to the East Lothian Housing Partnership.

## Appendix 1: Electronic questionnaire issued to advice and information providers

Organisation name

Lead officer

Address

Core service hours

Contact details

My dept / organisation provides housing advice and information to residents in East Lothian (Yes / No)

Indicate client group

Indicate the topics your dept / organisation provide on and to who (housing options, homelessness, rent / mortgage arrears, welfare benefits, HB and CT Benefit, mortgage / secured loans, money and debt advice, anti-social behaviour/neighbour disputes, discrimination, relationship breakdown, tenancy rights, repairs and maintenance, energy efficiency, aids and adaptations, tenancy support, white goods / furniture).

Any comments about advice and information your dept / organisation provides?

How is advice and information provided? (office based drop-in, office based – appointments, home visits / outreach surgeries, telephone advice line, website, other).

How would you describe the advice and information service that your dept / organisation provides? (display leaflets on topics, explain information but direct to other services for advice, actively advise and assist people to resolve their problem, we provide representation).

Does your dept / organisation have formal arrangements with other providers to take, or make, referrals?

If yes, please provide details.

Are there any dept / organisations you would like to improve referral arrangements with?

Please provide details.

Identify examples of good practice in the provision of housing advice and information.

Identify any existing and / or future gaps in the provision of housing advice and information.

Suggest possible actions that could be taken to address the gaps identified.

**REPORT TO:** Cabinet

**MEETING DATE:** 12 June 2012

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Tenant Participation Strategy 2012-2015

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**4**

## **1 PURPOSE**

- 1.1 To seek approval of the Council's Tenant Participation Strategy as the basis for effective tenant participation between now and June 2015.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet endorses the Tenant Participation Strategy publication in line with its legal requirements under the Housing (Scotland) Act 2001.
- 2.2 That Cabinet recognises 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.
- 2.3 That Cabinet notes that the success of the Strategy is dependent on good relationships being developed between the tenants' movement and Elected Members. To this end Elected Members will be invited to specific tenant participation training events in 2012/13 and are encouraged to attend.

## **3 BACKGROUND**

- 3.1 The Housing (Scotland) Act 2001 introduced new rights for tenants and obligations for social landlords in relation to tenant participation and consultation.
- 3.2 These duties include:
- Councils and Registered Social Landlords (RSL's) must prepare and publish a Tenant Participation Strategy. The Strategy must include an assessment of resources required to ensure effective tenant participation. The Strategy should show how the Council intends to take the views of tenants into account, what matters the Council is

likely to consult tenants about and the information that it will provide to tenants.

- The requirement to set up a publicly available Register of Tenants Organisations (RTO's) in line with guidance from the Scottish Executive.
  - Landlords must ensure that the Tenant Participation Strategy complies with equal opportunities requirements.
- 3.3 Council gave approval for the 2007-2010 Tenant Participation Strategy in November 2007.
- 3.4 Prior to the conclusion of the 2007-2010 Strategy it was agreed with East Lothian Tenant's and Residents Panel (ELTRP), who are the umbrella organisation for tenants and residents groups in East Lothian, that the 2007-10 Strategy should first be reviewed before embarking on the development of a new Strategy.
- 3.5 This review of the 2007-2010 Strategy started in March 2010 and involved the Tenant Participation Strategy Group comprising both Council staff and Tenant representatives looking at the successes and challenges of the old Strategy.
- 3.6 The review of the Strategy included, but was not restricted to, consultation with tenants, tenant groups and staff which was highlighted in the rent consultation letter. A Tenants Survey that was sent out with Homefront. A Tenants Open Day was held in November 2010 which asked tenants for their views on tenant participation and provided information on housing services.
- 3.7 The new Strategy was similarly developed by the Tenant Participation Strategy Group building on previous successes within the approach taken to review the 2007-2010 Strategy, at the same time as recognising future challenges.
- 3.8 The draft Strategy was fully consulted on during December 2011 and January 2012.
- 3.9 Consultation methods used included, but were not limited to, letter, newsletter, questionnaire, website information, consultation events and a freephone service.
- 3.10 Comments, views and opinions expressed during the consultation period were recorded and form part of the Tenant Participation Strategy Consultation Register. This register and a report on the consultation are publicly available on the Council's website or on request.
- 3.11 There was strong support for the new Strategy. All views were considered by the Tenant Participation sub-group and where appropriate reflected in the new draft Strategy.

- 3.12 Subject to formal approval, the Strategy will be formally launched at the East Lothian Tenants & Residents Panel Annual Conference on 30 June 2012.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Tenant Participation Strategy recognises, links to and underpins other Council Strategies, including the Local Housing Strategy.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment has been completed and negative impacts have been found. Action has been taken to mitigate against these impacts. This document can be found using the link below.

[http://www.eastlothian.gov.uk/downloads/download/1128/equality\\_impact\\_assessment-community\\_services\\_department](http://www.eastlothian.gov.uk/downloads/download/1128/equality_impact_assessment-community_services_department)

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The existing tenant participation budget will not be significantly impacted by the new Strategy.
- 6.2 Personnel – None.
- 6.3 Other – None.

#### **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council Tenant Participation Strategy 2012-15 lodged in the Members' Library.
- 7.2 Tenant Participation Strategy Consultation Register & Report – available on the Council's website.

<b>AUTHOR'S NAME</b>	Richard Jennings
<b>DESIGNATION</b>	Head of Housing & Environment
<b>CONTACT INFO</b>	Angela Kirkham – Ext 7342
<b>DATE</b>	8 May 2012



**REPORT TO:** Cabinet

**MEETING DATE:** 12 June 2012

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Serious Tenancy Breaches Policy (Houses and Gardens)

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**5**

## **1 PURPOSE**

- 1.1 To advise Cabinet of a proposed new Policy dealing with breaches of tenancy (STB) in Council-owned houses and gardens.
- 1.2 To seek approval for the provisions of the policy and the sanctions it proposes for dealing with breaches, up to and including eviction.

## **2 RECOMMENDATIONS**

- 2.1 Approve the procedures outlined for resolving tenancy breaches.
- 2.2 Approve the legal sanctions proposed if tenants refuse to cooperate.

## **3 BACKGROUND**

### **Outline of the Serious Tenancy Breaches Policy**

- 3.1 This Policy provides a consistent approach to dealing with these tenancy breaches, across all Council housing area offices, and replaces current ad hoc arrangements.
- 3.2 This Policy deals with the condition of gardens and houses, where these are in a seriously unacceptable condition and/or unsightly.
- 3.3 The Policy seeks the cooperation of the tenant in the first instance, to address problems. It requires Council Officers to consider whether the tenant may be vulnerable or in need of support to manage their house and/or garden. Tenants will be given support if required, from Tenancy Support Officers and under schemes such as Garden Aid.

- 3.4 If no vulnerabilities or support needs are identified the tenant(s) will be given clear timescales to tackle specific problems identified with their homes and/or gardens.
- 3.5 If they do not address the issues we have identified, within the timescales we have set, then the Council will apply a range of sanctions, up to and including eviction.
- 3.6 The proposed sanctions are noted below.
- 3.7 **Actions of specific implement** - will be considered when the tenancy breach is one specific instance of unacceptable behaviour. Examples include dangerous garden sheds or rusty car bodies in gardens.
- 3.8 **Environmental health legislation** - will be used in cases when the tenant's action or inaction puts public health at risk. For example, rat-infested bin bags left on a driveway.
- 3.9 **A compulsory (management) move** - will take place when, for instance, a tenant has persistently failed to keep his/her garden in order. The tenant would be moved to a gardenless flat.
- 3.10 **Notice of Proceedings and Eviction** - will only be used as a last resort. Tenants will be referred for homelessness advice and information, before any eviction takes place.
- 3.11 The Council will ensure that tenants' rights are respected under all relevant legislation, when dealing with serious tenancy breaches.
- 3.12 An extensive consultation exercise was undertaken. All Council tenants were sent a questionnaire. The issue was raised with tenants and residents groups and a presentation was made at the ELTRP AGM. A focus group of young people was held at Bridges Project.
- 3.13 97.9% of 1800 questionnaire respondents agreed that the Council "should be trying to reduce the incidents of STB". 95.6% agreed that our staged approach was correct and 91.9% that the proposed sanctions will be effective. 87% believed the Policy offers sufficient protection to vulnerable tenants. A full report on the consultation, and the consultation register, are available in the Members' Library.

#### **4 POLICY IMPLICATIONS**

- 4.1 Implementation of this Policy will improve visual and environmental amenity for other Council tenants and private owners and renters.
- 4.2 It will identify problems and deal with them, faster than the existing arrangements for managing Serious Tenancy Breaches.
- 4.3 It connects with other Policies that concern tenancy breaches, such as Antisocial Behaviour, Rent Arrears and Garden Aid.

## **5 EQUALITIES IMPACT ASSESSMENT**

5.1 An Equalities Impact Assessment has been completed and negative impacts have been found. These impacts are noted overleaf. The full Assessment can be found at:

[http://www.eastlothian.gov.uk/downloads/download/1128/equality\\_impact\\_assessment-community\\_services\\_department](http://www.eastlothian.gov.uk/downloads/download/1128/equality_impact_assessment-community_services_department)

5.2 Disabled tenants may find it harder to keep houses clean and gardens tidy.

5.3 Mental Health issues may be difficult to identify and, where appropriate, advice may be sought from Social Workers and health professionals.

5.4 Some elderly tenants may not qualify for GA but will still have to improve their gardens. There may be health/capability issues within houses.

5.5 Mitigating action against these negative impacts will be taken by identifying those with support needs. The operational procedures developed to implement the Policy will highlight this requirement.

## **6 RESOURCE IMPLICATIONS**

6.1 Financial – None.

6.2 Personnel – None.

6.3 Other – None.

## **7 BACKGROUND PAPERS**

7.1 Serious Tenancy Breaches (houses and gardens) Policy Document. Members should note that Policy section 4 cannot be completed until the Policy is approved. It contains operational guidance.

7.2 Consultation Members' Library Report.

7.3 Consultation Register.

7.4 Consultation written responses summary.

<b>AUTHOR'S NAME</b>	Richard Jennings
<b>DESIGNATION</b>	Head of Housing & Environment
<b>CONTACT INFO</b>	Mike Lloyd - Ext 7816
<b>DATE</b>	8 May 2012





**East Lothian Council  
Serious Tenancy Breaches Policy  
Gardens and Houses**

**March 2012 (final)**

**Contents:**

- Introduction**
- Purpose of Policy**
- Section 1 Identification**
- Section 2 Assessment**
- Section 3 Sanctions**
- Section 4 Appendices**

## Introduction

The East Lothian Scottish Secure Tenancy agreement places certain obligations on tenants. Not fulfilling such obligations is a breach of the tenancy agreement. Where the breaches are considered serious, they can lead to sanctions against the tenant up to and including eviction. For certain types of serious breach, the action(s) that the council will take and the circumstances in which it will take those actions have been set out in other policy documents; for example the Antisocial Behaviour and Garden Aid policies. This policy document specifies the actions that the Council will take if there are breaches of tenancy and/or breaches of Council policy, concerning gardens and houses.

The Council will ensure that this Policy does not discriminate between tenants on any grounds. Standard information and documentation will be made available in different languages and other formats as required, to enhance the promotion of equal opportunities for all tenants.

**Purpose of Document:** This section describes the circumstances in which these kinds of Serious Tenancy Breaches (STBs) occur, and states how the Council will respond to such breaches when it is made aware of them. As well, it sets out the standards that both landlord and tenant should meet, to comply with their legal obligations.

**Section 1 Identification:** Shows how properties, which appear to breach tenancy rules, will be identified.

**Section 2 Assessment:** Outlines the steps which will be taken to communicate with the tenant and assess any vulnerability due for example to age or disability. If such a vulnerability is identified we will work with the tenant to offer alternatives including support, before any STB action is initiated. It outlines the assessment process, and defines the criteria by which the extent of the problem will be judged.

**Section 3 Sanctions:** Describes the attempts that will be made to ensure the tenant cooperates and explains how STB's can be resolved without recourse to sanctions. It considers the legal powers that may be used against the tenant and describes the circumstances in which those powers will be used.

**Section 4 Appendices:** Contains the warning letters to tenants, extracts from the relevant legislation and NIMBUS process maps.

## Purpose of policy document

**Policy** – This policy document clarifies and systematises existing arrangements followed by East Lothian Council's Community Housing and Property Maintenance section. It provides a framework for a robust and consistent approach towards Serious Tenancy Breaches within the Community Housing Service.

At the start of a tenancy, the Council will make every effort to ensure that tenants are informed of all the responsibilities and activities associated with maintaining it. Tenants will be encouraged to act appropriately to prevent placing their tenancy at risk. Tenants will be advised of the consequences of failing to adhere to their tenancy agreement. The methods by which the Council may seek to remedy a situation will be explained. Tenants judged vulnerable because of age, disability or for any other reason will be offered support and assistance to ensure their tenancy is maintained successfully. Where enforcement action is taken, this will be proportionate to the breach of tenancy conditions and clearly state what action the tenant must take to resolve the issue. We will make sure that tenants understand that the Council may seek to escalate enforcement actions or sanctions, if the issue(s) persist.

**Law** – The Council has a duty to protect its interests. As well, the Council has a duty to all its tenants and the wider community, to ensure that they are able to live in an environment that is attractive, well maintained and safe and secure. This includes taking appropriate action against those living in Council tenancies when they breach their tenancy agreements. Under the terms of the Housing (Scotland) Act 2001, most tenants are given Scottish Secure Tenancies (SSTs). SST tenants have a right to a written tenancy agreement. The East Lothian SST requires tenants to maintain their gardens and look after their houses. Enforcing the terms of the Scottish Secure Tenancy, Short Scottish Secure Tenancy, or any other tenancy agreement provided by the Council will assist with this.

In addition to the legislation noted above, the laws regarding Environmental Health and Antisocial Behaviour may be used to tackle instances of STB.

**Good Practice** – Early intervention and working with the tenant to resolve problems are considered good practice, both by the Chartered Institute of Housing and the Scottish Housing Regulator. Likewise, guidance for tenants about 'acceptable' and 'unacceptable' behaviour must be provided. We will offer this guidance through explanatory leaflets and Internet downloads.

**Targets** - We will set specific targets for action by tenants and we will make clear the standard to which we expect those actions to be performed. Tenants will be given a fair period of time to remedy tenancy problems, and the timescales are defined in this policy. Community Housing Officers will also adhere to timescales, when responding to the complaints concerning the STB's that are outlined here.

## **Section 1. Identification of the need to take action**

East Lothian Council has the right to inspect tenants' homes. This right is set out in the East Lothian Scottish Secure Tenancy (section 5.12)<sup>1</sup> and will be exercised as described in our STB procedural documentation and process maps.

There can be many triggers for inspection, and these include reports from Housing or Repairs officers, Social Workers, Police or Tenancy Support officers that the tenancy is not in an acceptable condition.

The Community Housing officer (CHO) will attempt to verify any complaints before any action is taken. S/he will talk to the complainer and visit the garden or house in order to assess the condition of the garden/house and decide whether action is required.

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<sup>1</sup> As established by the Housing (Scotland) Act 2001

## Section 2 – Assessment

The assessment of the condition of the house/garden will be conducted according to criteria that will be made clear to the tenant, in advance of the inspection. The tenant will be given specific, detailed and attainable goals, for remedying STBs.

### 2.1 Dealing with gardens that breach the tenancy terms

The CHO will assess whether the condition of the garden is acceptable or unacceptable. S/he will specify the actions the tenant must take, in order to correct the tenancy breach. S/he may take photographs of the garden, to capture detailed evidence of that breach.

S/he will write to the tenant, giving him/her a list of actions that must be taken to remedy specific problem(s) within a set time-scale. The letter will be sent first-class within one week of the assessment, except where complaints need to be investigated. One working day will be allowed for delivery, after which the tenant will be given a week (five working days) to remedy the issues found. This time period will be amended only if there are exceptional circumstances. Before sending the letter, the CHO will identify whether there is any evidence of a vulnerability, including age or disability that requires support. Examples of support needs are given below. S/he will consider as well, whether the tenant is likely to qualify for assistance under the ELC Garden Aid scheme.

If there is no response from the tenant, or the work has not been completed by the specified deadline, the CHO will contact the tenant to discover why this is. S/he will decide what further action to take, depending on whether there are mitigating circumstances. This will be decided on a case-by-case basis and may include:

- The tenant is/has been away on holiday
- The task is too big to be completed within the timescale
- A Tenancy Support need is identified due to vulnerability

If no mitigating circumstances are evident, the tenant will be written to, warning that s/he has only a further week to complete the work. If s/he fails to do so, then the sanctions and/or legal remedies described in Section 3 of this policy will be triggered.

If there is a legitimate reason for the tenant's delay, the deadline may be extended by up to a fortnight. Where a Tenancy Support issue is detected the problem(s) will be discussed with the Area Housing Manager, who will decide whether support is necessary. Sanctions and/or legal remedies will be suspended for no more than one month whilst Tenancy Support officers attempt to resolve the issue, by working with the tenant. An extension will be granted only at the discretion of the Area Housing Manager.

## 2.2 Dealing with houses that breach the tenancy terms

On receipt of a complaint, and after making checks as to the circumstances of the tenant, the CHO will arrange to visit the property and inspect it. Should the tenant be reluctant to allow a visit, s/he will be reminded that the Council has a right to inspect its properties at any time. Whilst every attempt will be made to make an arrangement for a visit at a time convenient to the tenant, if necessary the Council may force entry.

The CHO will assess the condition of each room in which it is alleged that the tenant is breaching his/her tenancy and compile a report. With the tenant's permission, s/he may also take photographs of the condition of the house. S/he will note specific items requiring action, for example the removal of pet faeces, food remains and vomit. Breaches that result from damage and/or unauthorised repairs work will also be recorded. A list of items that trigger a need for remedial action, derived from Good Practice guidelines set by the Chartered Institute of Housing and the Scottish Housing Regulator, is attached to this policy in the appendices. The tenant's support needs, if any, will be identified, as well and appropriate support will be offered after discussion with the area manager.

Whether or not the tenant signals verbal agreement, s/he will be sent a letter by the CHO within one week (five working days), which contains a copy of the tenancy condition report, reminds the tenant of the specific actions that the Council requires him/her to take, and specifies the deadline for taking those actions. If the tenant puts the problem(s) right then no further action will be taken, although the CHO may visit the property (at times arranged with the tenant), to check that its condition has not deteriorated.

The tenant will be told that s/he must deal with these issues within a set timescale. That timescale will depend on the seriousness of the breaches and the amount of work required to put them right, but will be no less than one week from receipt of the letter of notification and no more than 8 weeks, except in circumstances which, in the view of the Area Housing Manager, require extra time to be allowed.

If there is no response from the tenant or the work has not been completed by the specified deadline, the CHO will contact the tenant to establish why this is. S/he will decide what further action to take, depending on whether mitigating circumstances exist. This will be decided on a case-by-case basis and delay reasons may include:

- The tenant is/has been away on holiday
- The task is too big to be completed within the timescale
- There are undetected Tenancy Support needs

If no mitigating circumstances are evident the tenant will be written to, warning that s/he has only a further week to complete the work. If s/he fails to do so, then the sanctions and/or legal remedies described in Section 3 of this policy will be triggered. For the vulnerable, any sanctions and/or legal remedies being considered, will be suspended whilst the Tenancy Support officers attempt to resolve the issue by working with the tenant. The time allowed for the support intervention will not exceed three months. An extension will be granted only at the discretion of the Area Housing Manager.

## Section 3 Sanctions and Legal Remedies

Sanctions will be used only in extreme cases. The principal legal remedies available to the Council will be those conferred under the Housing (Scotland) Acts and the the Antisocial Behaviour etc. (Scotland) Act (2004), as well as the common law. Other legislation may be invoked when appropriate, such as Environmental Health laws. These make a variety of legal actions available to Community Housing and Property Maintenance, including:

- **Actions of Specific Implement.** These will be considered when the tenancy breach is one specific instance of unacceptable behaviour. Examples include dangerous garden sheds or rusty car bodies in gardens.
- **Environmental Health legislation.** This will be used in cases where the tenant's action or inaction puts public health at risk. For example, rat-infested bin bags left on a driveway.
- **A compulsory (management) move.** This will take place when for instance, a tenant has persistently failed to keep his/her garden in order. The tenant would be moved to a gardenless flat. We may seek to evict a tenant in order to move them.
- **Notice of Proceedings and Eviction.** These are the ultimate sanctions and will be used only as a last resort. A Notice of Proceedings (NoP) will be issued prior to court action. CIH and SHR guidance emphasises that NoPs must not be used as a threat, without being followed up with a Court action, if necessary. Nevertheless, an eviction may not take place following an NoP, because the tenant has responded by dealing with the issue.

The Council will ensure that this Policy meets all legislative and good practice requirements and minimises evictions. The legislation includes, but is not restricted to, the Acts mentioned above, Equality Act 2010 and the Homelessness etc. (Scotland) Act 2003. The Council will ensure that no tenant's human rights are breached by the implementation of this policy. In particular the Council will ensure that tenants have a fair hearing and will have respect for their private and family life, their homes and correspondence, in accordance with the Human Rights Act (1998).

The Council will work with tenants identified as vulnerable to explore alternatives to eviction, wherever possible. However, the Council may need to use that sanction as a last resort. Tenants and any qualifying occupiers who are due to be evicted will be fully advised of the homelessness responsibilities the Council has towards them. This will include advice and assistance about temporary accommodation and how to secure alternative permanent accommodation. In addition, the Council will ensure that no personal data relating to eviction is passed to a third party in breach of the Data Protection Act 1998. This includes information given to qualifying occupiers and locally elected members.

The Council operates a Complaints Procedure, which is available to any applicant who is not satisfied with the way in which their case has been dealt with. Details of the Complaints Procedure can be obtained from any Council office.



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Services for Communities)  
**SUBJECT:** Travelling Persons Site - Pitch Allocations Policy

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**6**

## **1 PURPOSE**

- 1.1 To seek Cabinet approval of the new Travelling Persons Site Pitch Allocations Policy prior to implementation.
- 1.2 To present Cabinet with further supporting information in respect of the new Policy in relation to consultation and equalities duties.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the new Travelling Persons Site - Pitch Allocations Policy.
- 2.2 That Cabinet agrees the implementation date of 18 June 2012.
- 2.3 That Cabinet notes the consultation process approach meets the Council's legal requirements under the Housing (Scotland) Act 2001 and also reflects good practice.

## **3 BACKGROUND**

- 3.1 The current Housing Allocations Policy was approved by Cabinet in March 2007. The Policy was implemented on 2 July 2007.
- 3.2 The aspects relating to the let of pitches to Gypsies/Travellers did not form part of the Housing Allocations Policy, as at that time an Accommodation Needs Assessment for Gypsies/Travellers was being undertaken on behalf of East Lothian Council, Midlothian Council, City of Edinburgh Council and Scottish Borders Council.
- 3.3 The Accommodation Needs Assessment for Gypsies/Travellers was concluded by Heriot Watt University et al in April 2008.

## **Key Policy Principles**

- 3.4 The Housing (Scotland) Act 1987 sets out the local connection criteria for a social housing provider to assist them in determining whether an applicant is eligible for an offer of housing (these rules are also applied to the allocations of pitches). It is left to social housing providers to determine their use of local connection criteria.
- 3.5 Given the nomadic cultural lifestyle of Gypsies/Travellers both East Lothian Council and Midlothian Council agree that the local connection rules will not apply to the allocations of pitches on the Travelling Persons Site.
- 3.6 The Travelling Persons Site – Pitch Allocations Policy has been aligned with the Housing Allocations Policy i.e. where appropriate, it will use the same housing needs factors to prioritise applications for a pitch on the Travelling Persons Site.
- 3.7 The Policy and supporting processes/documentation will address the points raised in the Accommodation Needs Assessment for Gypsies/Travellers i.e. ‘to review allocations policies to ensure appropriate criteria for meeting site accommodation needs’.
- 3.8 The new Policy has identified links to and is cognisant of other Council corporate and housing policies and strategies - such as the Local Housing Strategy and the Housing Allocations Policy.

## **Consultation Process**

- 3.9 Consultation with existing site residents and appropriate stakeholders was jointly undertaken by Shelter Housing Aid Centre and Community Housing Staff from East Lothian Council.
- 3.10 Shelter Housing Aid Centre have provided a report on the consultation process with residents on the site at Whitecraig, which is lodged in the Members’ Library.
- 3.11 A Consultation Register was used to record the details of all the stakeholders contacted during the process and any responses received. This is also lodged in the Members’ Library.

## **4 POLICY IMPLICATIONS**

- 4.1 None.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment has been completed and negative impacts have been found. Action has been taken to mitigate against these impacts. This document can be found using the link overleaf:

[http://www.eastlothian.gov.uk/downloads/download/1128/equality\\_impact\\_assessment-community\\_services\\_department](http://www.eastlothian.gov.uk/downloads/download/1128/equality_impact_assessment-community_services_department)

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The Policy is cost neutral
- 6.2 Personnel – None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 Appendix 1 - Travelling Persons Site Pitch Allocations Policy
- 7.2 Travelling Persons Site Pitch Allocations Policy – Residents Consultation Report by Shelter Housing Aid Centre available in Members’ Library.
- 7.3 Travelling Persons Site Pitch Allocations Policy Consultation Register available in Members’ Library.

<b>AUTHOR’S NAME</b>	Richard Jennings
<b>DESIGNATION</b>	Head of Housing & Environment
<b>CONTACT INFO</b>	Angela Kirkham – Ext 7342
<b>DATE</b>	8 May 2012





**East Lothian**  
Council

Midlothian



**Old Dalkeith  
Travelling Persons Site**

**Allocations Policy**

**September 2011**

East Lothian Council can provide information in user friendly versions in other formats, for example, braille, large print, audiotape. We can also provide signers and interpreters for council business. Phone **01620 827199** for more information.

**Urdu**

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**Bosnian**

Vijeće za područje East Lothian-a u mogućnosti je pružiti Vam informacije na Vašem jeziku u pristupačnom i jednostavnom formatu. Osiguravamo usluge prevodioca za zdravstvo, školstvo, socijalni rad, i ostale vladine i lokalne službe. Za informacije molimo Vas obratite se na telefon: **01620 827199**.

**Albanian**

Keshilli i East Lothian ju ofron informata ne gjuhen e juaj ne nje version te afert. Ne gjithashtu ofrojme perkthyes per punet e keshillit. Per informata me te shumta, ju lutem kontaktoni : **01620 827199**.

## **Contents Page**

- Section 1: Introduction
- Section 2: Policy Objectives
- Section 3: Legal & Regulatory Framework
- Section 4: How our Allocations Systems Works
- Section 6: Appeals and Complaints

This Policy is available on request in different languages and in other formats such as large print, tape, Braille.

## Section 1: Introduction

The Old Dalkeith Colliery Travelling Persons Site is managed by East Lothian Council on behalf of both East & Midlothian Councils. The site consists of twenty hard stand pitches with access to individual amenity blocks. This policy describes how we will allocate the pitches on the Site. It also describes how we set priorities between applicants.

The Travelling Persons Site Allocations Policy forms part of the Council's general policy framework. For example, it is linked to other Council policies and strategies such as the Local Housing Strategy, Homelessness Strategy and the Community Housing Allocations Policy.

Both East & Midlothian Councils are committed to the provision of pitches to enable gypsy and traveller families to continue with their cultural lifestyle. The Councils' recognise the Gypsy/Traveller community as a minority ethnic group and give due regard to the Human Rights Act 1998 which prohibits discrimination, and the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and the Equality Act 2010.

East Lothian Council has adopted the definition of equal opportunities presented in the 2007 UK Equality Review. The definition presents the concept of an 'equal society' seeks equality in the freedoms that people have to lead a fulfilling life.

*'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would chose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.'* UK Equalities Review 2007.

This definition of equality captures three aspects of equality:

**Opportunity** - whether everyone really has the same substantive freedom to flourish.

**Agency** - what degree of choice and control an individual has in achieving the valued activity.

**Process** - whether discrimination (or some barrier or process) causes or contributes to a particular inequality.

We consider that the development of this allocations policy is an important development to ensure that the Gypsy/Travellers have fair and equal access to the facilities available locally.

## Section 2: Policy Objectives

2.1 The main objectives of our Travelling Persons Site Allocation Policy are:

- meeting legal and good practice standards, in particular the range of housing needs specified in allocation and homelessness law
- delivering accommodation to applicants with different housing needs in order to achieve balanced and sustainable communities
- working in partnership with all stakeholders and the Gypsies/Traveller community to meet our required standards
- to assist in preventing homelessness in line with our Homelessness Strategy
- that all applicants are treated in a fair and equal manner by adopting a unified approach to allocations. This means that all applications are held together and their circumstances assessed as needs factors
- applicants will not be discriminated against because of age, disability, language, religion or belief, race, sex, gender reassignment, sexual orientation or marriage or civil partnership, as well as discrimination on grounds of class or social origin or personal beliefs or opinions
- promoting equal opportunities through positive initiatives to meet individual needs. For example, we will consult with disabled people and ethnic minorities to provide services that are accessible to them, we will provide information in accessible languages and we will promote the policy to those for whom the relevance of the policy has changed
- allocating pitches based on a detailed evaluation of an individuals or families need and demand. We will allocate pitches based on both need and applicant choice
- we will promote site occupants' rights such as the right to exchange pitches on the site and networks of sites throughout Scotland
- providing applicants with detailed advice and information about their housing options
- processing applicants' personal details in line with legal obligations to ensure confidentiality

- informing applicants about our appeals and complaints system so that applicants can obtain a fair hearing if they are not happy with Council decisions
- monitoring how we perform through all the stages of the allocation process
- reviewing our policy every three years in consultation with site occupants as well as other service users, for instance, housing list applicants

### Section 3: Legal & Regulatory Framework

An allocation policy must meet specific legal requirements. Section 3 is a plain language summary of the main legal rules; it is not intended as a precise statement of the law.

The main law that deals with the allocation of houses is detailed in the **Housing (Scotland) Act 1987** (as amended). These rules deal with the following issues:

- admission to the housing list
- groups to receive reasonable preference when houses are let
- factors to be ignored when houses are let
- information and publicity, and
- housing information supplied by applicants

#### 3.1 Regulatory Standards

We have established allocation practices that meet the regulatory standards of The Scottish Housing Regulator in relation to housing. We have also applied these standards to our pitch allocation practices. The Scottish Housing Regulator housing standards cover (a) admission to the housing list (b) general allocation practice and (c) Sites for Gypsies /Travellers.

##### (a) Access to Housing (Activity Standard 1.1)

“We make sure that people have fair and open access to our housing list and assessment process. We work with others to maximize and simplify access routes into our housing.” We have applied this standard to the letting of pitches.

##### (b) Lettings (Activity Standard 1.2)

“We let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximizes choice; and helps to sustain communities.” We have applied this standard to the letting of pitches.

##### (c) Sites for Gypsies/Travellers (Performance Standard: AS6.1)

“We plan and provide or arrange good-quality, serviced stopping places for Gypsies/Travellers. We let pitches in a way that ensures fair and open access for all. We take Gypsies/Travellers’ views into account in delivering our services, and we are responsive to their needs.” We have applied this standard to the letting of pitches.

#### 3.2 Admission to the Pitch List

Any person aged **sixteen** years or over is allowed to register on the Pitch List. Applicants from EU countries who are employed or have a right to reside in this country, or who are normally resident in this country can also

register on the pitch list. Admission to the list does not mean though, that applicants have a right to be made an offer of a pitch. The priority given to individual applicants depends on how they are prioritised within our allocation system; this is explained in detail in Section 4.

### 3.3 Reasonable Preference

The **Housing (Scotland) Act 1987** tells us that certain sections of our community are to be given reasonable preference when allocating houses. Reasonable preference simply means the priority given to these applicants for housing. We have applied this standard to the letting of pitches where appropriate.

These groups are:

(a) homeless people or people threatened with homelessness and

(b) people living in:

- housing below the tolerable standard
- overcrowded houses or in large families
- unsatisfactory housing conditions

### 3.4 Homelessness Responsibilities

It is important to stress that the **Housing (Scotland) Act 1987** also deals with homelessness law; and that applicants have specific housing rights under homelessness law.

Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 and 2003 Acts) sets out the powers and duties of local authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

These duties include providing temporary or permanent accommodation where appropriate and, more generally, the duty to give advice and assistance to anyone threatened with homelessness.

### 3.5 Circumstances Not Considered

The **Housing (Scotland) Act 1987** (as amended by the 2001 Act) tells us that we must ignore certain matters when selecting site occupants; these are:

- the length of time applicants have lived in East Lothian
- housing debt for which applicants are not responsible. For example - rent arrears owed by a former partner

- former housing debt that has been cleared
- non-housing debt. For example - council tax arrears
- the applicants age, except for housing that has been designed or adapted for people of a certain age, such as sheltered housing
- the applicants' income or property owned, including income or property owned by other members of the household

### 3.6 Other Circumstances Not Considered

The **Housing (Scotland) Act 1987** tells us that we must also take no account of whether an applicant lives in East Lothian if the applicant:

- is employed or has been offered employment in the area
- wishes to move into the area to seek employment and we are satisfied that this is the case
- wishes to move into the area to be near a relative or carer
- has special social or medical reasons for needing to be re-housed in the area
- is subject to harassment and so wants to move into the area, or
- runs the risk of domestic violence and so wants to move into the area

However, given the nomadic cultural lifestyle of the Gypsy/Traveller community, both East and Midlothian Council agree that local connection rules will not apply when applying for a pitch on the Travelling Persons Site.

The law also covers three specific requirements that we must **not** impose, namely that:

- applications are in place for a minimum period
- a divorce or judicial separation is obtained, or that
- applicants live apart from someone else before they are considered for housing

### 3.7 Housing Information Supplied by Applicants

Applicants are entitled to view personal information supplied in connection with their application for housing. This is a right contained in the **Housing (Scotland) Act 1987**.

They are also entitled to access personal information as permitted under the **Data Protection Act 1998**.

We provide this information, on request, within forty working days.

### 3.8 Tenant Consultation

The **Housing (Scotland) Act 2001** states that landlords must consult with tenants and registered tenants organisations on proposals that affect them, such as housing management and related standards of service. The **Housing (Scotland) Act 1987** states that any changes must be made publicly available within six months of the alteration being made - this is a legal requirement.

The Travelling Person's Site Allocation Policy is an important housing management policy. It is critical that we involve site occupants and other service users in its development and implementation.

### **3.9 Equalities Issues**

All applications to the pitch list will be handled in a non-discriminatory way. We work to ensure that we meet our obligations under the Equality Act 2010 and other European Directives in relation to equal opportunities.

East Lothian Council's Single Equality Scheme sets out our commitment to equality, diversity, and human rights. This strategy is principally concerned with tackling discrimination and prejudice and the barriers faced by individuals and community groups on the grounds of:

- Race
- Disability
- Sex
- Age
- Sexual Orientation
- Gender reassignment
- Religion or Belief
- Pregnancy and Maternity

It should also be noted that the Housing (Scotland) Act 2001 requires both Registered Social Landlords and Local Authorities to follow Equal Opportunities law.

In line with East Lothian Council's positive approach to achieving equal opportunities, a full Equalities Impact Assessment was carried out on this policy in April 2011. For a copy of this assessment please email [policy@eastlothian.gov.uk](mailto:policy@eastlothian.gov.uk)

## Section 4: How our system for the Allocations of Pitches works

This Policy sets out the criteria by which East Lothian Council allocates pitches on its Travelling Person's Site, both to new applicants and to existing site occupants seeking to transfer pitches within the site.

East Lothian Council will assess all applicants in a fair, transparent and equitable manner. Wherever possible, the Travelling Person's Site Allocations Policy has been developed to align with the Council's Housing Allocation Policy.

The policy aims to allocate pitches to eligible applicants based on the following criteria.

- The needs of transfer applicants/allocations targets
- An assessment of need
- Time spent on the housing list

### 4.1 The needs of Transfer applicants/allocations targets

Allocations targets for transfers and general needs allocations are set annually by the Council's Cabinet. However, if no transfer applicants exist, then the allocation of a pitch will go to new applicants on the Pitch List who are assessed as being in the most need i.e. the application with the highest number of points.

### 4.2 An Assessment of Need

When applying for a pitch, all applicants must complete an application form. This asks questions in relation to the specific needs of the applicant i.e. current household circumstances, health & support needs and any other housing needs.

Points will be awarded for particular needs in the same way as the Council's Housing Allocations Policy.

Any health needs will be assessed using the Council's Health & Housing Assessment process. Applicants must complete a separate application form should they wish to apply for an award of medical points.

Should an applicant feel that they could become **homeless** or are **threatened with homelessness** i.e. have no accommodation available to them, or a caravan but nowhere to site it, they should contact the Council's Homelessness Unit for advice and assistance on Freephone number 0800 169 1611.

### 4.3 Exceptional Circumstances

In exceptional circumstances, the Council reserves the right to consider other needs when prioritizing applications. For example social needs - this may include the need to be closer to specialist medical or support facilities. Such applications will be referred to and considered by the Council's Rehousing Panel on a case by case basis.

### 4.4. The Points Table

A summary of the needs factors that can be used when assessing a pitch application to determine priority.

Needs Factor	Points
Health Needs (which also includes)	6 - 80
• Closer to family support/carer	
• Discharge from Hospital	
• Discharge from care placement	
Homelessness Needs Factors	6 - 80
Social Needs	1 - 300

### 4.5 Time spent on the Pitch list

In line with Council's Housing Allocations Policy, the offer of a pitch will go to an applicant who has the greatest need. All offers will be made in writing as a minimum requirement and where possible the applicant will be contacted by telephone.

Where no applicants with assessed needs exist, the offer of pitch will be allocated by date of application. The applicant with the earliest date of application will be made the offer.

Where an applicant does not respond to an offer within seven days, this will be counted as a refusal and the offer will be made to the next applicant on the list. After the refusal of three reasonable offers the Council will suspend an application for twelve months. Please refer to the leaflet 'Cancellation, Suspensions & Exclusions' for further details.

### 4.6 Change in circumstances

Once an application has been received and registered, the applicant is responsible for informing the Council of any changes in their circumstances that may affect the application for a pitch, for example, any change in household circumstances or contact details.

### 4.7 When an offer won't be made

East Lothian Council reserve the right to defer any application should an unsatisfactory tenancy report be received or if the applicant has provided misleading information, or relevant information is withheld by the applicant, where this has had the unintended effect of being allocated a pitch. In all cases we will write to the applicant informing them of our decision and of their right of appeal. We also have the right to suspend applications from people: -

- who have rent arrears amounting to more than one month's rent, unless there is an arrangement in place to repay the arrears and that this arrangement has been adhered to for at least 3 months.
- who have been found to be involved previous anti-social behaviour
- who have lodged an application for asylum in the United Kingdom

This list is not exhaustive. Please see our leaflet '**Cancellation, Suspensions & Exclusions**' for further information.

#### **4.8 Review**

We undertake a yearly review of all applications on our pitch list; the review date is based on date of registration. This ensures that an accurate list is maintained and the information we hold is up to date.

We request applicants to inform us within **twenty eight days** if they want to stay on the pitch list.

If applicants fail to respond, we send out a reminder allowing a further **fourteen day** period.

If applicants still fail to respond, we remove applications from the pitch list. We obtain applicants' consent to do this on their application form.

#### **4.9 Cancellation**

Applications are also cancelled if the applicant (a) requests this, for example, because she or he no longer requires a pitch, or (b) if she or he has died.

Applications will also be cancelled when the applicant has received and accepted an offer of a pitch. The site occupant may then re-apply to the pitch list should they wish to do so.

## **5.0 Performance Management**

We will monitor all elements of the Pitch Allocations Policy so that practice can be modified as required; this supports the corporate organisational commitment to achieving continuous improvement in service delivery.

The issues that we monitor are as follows: -

- accessing the Gypsies/Travelling Persons Site Pitch List
- offers and refusals
- pitch lets
- appeals and complaints

Information on all of the matters that we presently monitor is available on request.

We present information monitored to Policy & Performance Review Panel on a quarterly basis.

We also provide information on allocation performance to tenant groups and to tenants generally through the Homefront Newsletter, our website, and regular meetings with the East Lothian Tenants & Residents Panel.

### **5.1 Accessing Gypsies/Travellers Pitch List**

- number of new applications, including processing within policy targets of 28 days
- reasons for application to assess levels of need and applicants' preferences
- applications deferred and cancelled
- equality information by reference to issues concerning age, disability, ethnicity and gender

### **5.2 Offers and Refusals**

- the total number of offers made including acceptances or refusals
- reasons for refusal
- equality information concerning age, disability, ethnicity and gender

### **5.3 Pitch Lets**

- number of pitch lets
- equality information concerning age, disability, ethnicity and gender

### **5.4 Appeals and Complaints**

- number of appeals made including outcomes
- number of complaints made including outcomes
- equality information concerning age, disability, ethnicity and gender

## **5.5 Documentation**

- Pitch allocation documentation to meet agreed equality and plain language standards, for example, the policy, the allocation booklet and leaflets.

## Section 6: Appeals and Complaints

This section provides information on our appeal and complaints systems. Details of how to appeal or complain are provided to all applicants as part of general information that they receive when applying for a pitch.

Applicants being assessed under the homelessness legislation have a statutory right of appeal, details of which will be given to the applicants by their case officer.

If you want to make a comment, suggestion or complaint about a council service, you can get a Feedback form from your local office. This tells you about the Council's complaints procedures. It includes a form where you can make your comments. Post the form to the council. You do not have to pay for stamps - just use the Freepost address on the leaflet. Or, you can phone the Complaints Officer to discuss the issue on 01620 826600.

### 6.1 Appeals

Applicants may appeal against decisions with which they are dissatisfied. For example, they may appeal if they think that points awarded are not an accurate reflection of their circumstances.

Applicants also have a right of appeal in relation to the reasonability of an offer. Further information can be found in the '**Appeals for Community Housing Services**' Leaflet.

In addition, applicants whose applications are dealt with through the homelessness procedures have a legal right of appeal to have the decision reviewed by a senior officer not party to the original decision.

### 6.2 Feedback to the Scottish Public Services Ombudsman

Applicants have the right to complain if we **don't**:

- apply policy principles properly or
- meet our standards, for instance, not providing accurate advice and information

We give occupants a copy of our complaints procedure when they sign their Pitch Agreement.

We also provide information about the Scottish Public Services Ombudsman; this officer investigates complaints that concern maladministration. Applicants must, in general, use the internal complaints system before contacting the Ombudsman. You should contact the Scottish Public Services

Ombudsman within 12 months of the date that you first noticed the problem you are complaining about. In special circumstances the Ombudsman may be prepared to deal with matters that have gone on longer than 12 months. Please write to the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh. EH3 7NS. Freephone tel: 0800 377 7330, freephone fax: 0800 377 7331. Email: [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Support Services)  
**SUBJECT:** Sustainable Procurement Policy (SPP)

---

7

## **1 PURPOSE**

- 1.1 To inform members of and secure approval for a new Sustainable Procurement Policy.

## **2 RECOMMENDATIONS**

- 2.1 The Cabinet is recommended to approve the attached Sustainable Procurement Policy and supporting Action Plan.

## **3 BACKGROUND**

- 3.1 This policy forms part of the delivery of the current Corporate Procurement Strategy approved by the Council in February 2011 which sets out our priorities over the next 3 years. Priority 6 within that strategy is to “increase the focus on sustainable procurement including the use of Community Benefits Clauses (CBIP) and corporate social responsibility policies”.
- 3.2 The Council spends approximately £140m per annum on goods, services and construction. We want to spend this as sustainably as possible, with a view to potential social and economic benefits as well as reducing our impact on the environment. The Sustainable Procurement Policy gives us the framework to do that.
- 3.3 To deliver its sustainable procurement objectives, the Council is following the Scottish Government’s Sustainable Procurement Action Plan (SPAP). Implementing this new policy and undertaking the actions in the action plan will take us to level 1 of the Scottish Government’s Flexible Framework. There will be further work required, as a second and third phase, to reach levels 2 and 3 in due course. We are working on embedding sustainability into every stage of the procurement process

through use of the Scottish Government's online tool "the Procurement Journey".

- 3.4 Our Corporate Procurement Manager has received extensive training and has been appointed as the sustainable procurement champion. Other key procurement staff have received basic training.
- 3.5 Part of doing procurement in a more sustainable way is engaging with suppliers. The Council is a member of the Supplier Development Programme and is committed to delivering regular "Meet the Buyer" events locally and the provision of pre-tender briefings where appropriate. In addition, to support the social aspirations of this policy a Community Benefits Initiative was launched on 27<sup>th</sup> April and Community Benefits are now being incorporated into contracts.
- 3.6 How this policy is shared and adopted by key officers in the Council will be crucial to its success. As purchasing is devolved, it will be up to individual managers throughout the services, with the active support of senior management, to ensure that the policy is adhered to. Training will also be required, particularly on whole life costing. An action plan can be found in Appendix II to the policy.

#### **4 POLICY IMPLICATIONS**

This is a new policy and will require some changes to the current approach to procurement and purchasing.

#### **5 EQUALITIES IMPACT ASSESSMENT**

An Equalities Impact Assessment has been completed and no negative impacts found.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – There will be some areas where implementation of this policy will result in reduced expenditure for example through demand management. There may be other areas where there may be higher purchase prices but overall the whole life costs may be lower.
- 6.2 Personnel - officers involved in procurement, particularly authorised procurement officers, will be required to undertake training to ensure that they are fully aware of all opportunities to maximise the sustainable impact of the work that they do.
- 6.3 Other – none

## **7 BACKGROUND PAPERS**

7.1 Corporate Procurement Strategy – 22 February 2011

7.2 Community Benefits Initiative – 27 March 2012

<b>AUTHOR'S NAME</b>	Julie Caughey
<b>DESIGNATION</b>	Corporate Procurement Manager
<b>CONTACT INFO</b>	01620 827998
<b>DATE</b>	25 May 2012



This Policy applies to all employees

**Section**

- 1 Policy Statement**
- 2 Statutory Obligation**
- 3 Achieving Council Priorities**
- 4 Aims of the Policy**
- 5 Policy Principles**
- 6 Implementation**
- 7 Monitoring and Review**

**SUSTAINABLE PROCUREMENT  
POLICY**

June 2012

## 1. Policy Statement

- 1.1. As part of meeting its obligations to secure Best Value, East Lothian Council (the Council) is committed to maximising the social and economic benefit derived from its procurement and minimising the environmental impact of goods and services that it procures.
- 1.2. The Council spends approximately £140 million every year on goods, services and construction projects, which represents a substantial opportunity to deliver additional social, environmental and economic benefits to East Lothian. This approach is consistent with the position of the Scottish Government, which believes that *'procurement is a key means of achieving the social, economic and environmental benefits that sustainable economic growth demands'*.<sup>1</sup>
- 1.3. The UK Sustainable Development Task Force defines Sustainable Procurement as *'the process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis. It results in benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment'*.<sup>2</sup>

## 2. Statutory Obligations

- 2.1 The Climate Change (Scotland) Act 2009, places a statutory requirement on all public bodies to, in exercising their functions, act in the way best calculated to contribute to delivery of the Act's emissions reduction targets (42% by 2020 and 80% by 2050) and in a way that it considers most sustainable. The Council has already committed to achieving a 25% reduction in greenhouse gas (GHG) emissions through its award-winning [Carbon Management Plan](#) and implementing this policy will further assist the Council towards fulfilling this obligation.

## 3. Achieving Council Priorities

- 3.1 As well as underpinning the Council's wider commitment to improve the quality of life in East Lothian and fulfilling the statutory requirements of the Climate Change (Scotland) Act 2009, this policy also supports a wide variety of corporate policies and priorities, including:

- [The Draft Council Plan \(2012-17\)](#)
- [Corporate Procurement Strategy \(2011-14\)](#)
- [East Lothian Single Outcome Agreement \(2011\)](#)
- [East Lothian Environment Strategy \(2010-15\)](#)

The Council is also drafting a Community Planning Economic Development Strategy and this policy will have a direct role to play in delivery of that strategy.

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<sup>1</sup> John Swinney, Cabinet Secretary for Finance, Employment and Sustainable Growth

<sup>2</sup> Procuring the Future (2006)

For further details of the links to Corporate Policies and Priorities please see Appendix I.

#### **4. Aims of the Policy**

- 4.1 Through delivery of this policy we will seek to protect and enhance the environment and create better lives, well-being and opportunities for the people of East Lothian through our procurement process.
- 4.2 The sustainable procurement policy will enable us to secure Best Value, whilst purchasing environmentally and socially responsible products and services.
- 4.3 This policy will allow us to ensure that the Council's commitment to social, ethical, environmental and economic sustainable procurement is made clear to East Lothian Council employees, suppliers and councillors.

#### **5. Policy Principles**

The key sustainability principles of the Council in procuring goods, services and works are to:

##### **5.1 Social & Ethical Principles**

- **Community Benefits** - Maximise the social benefit derived from procurement by incorporating community benefit clauses into contracts wherever appropriate. This includes work experience and mentoring by suppliers as well as the delivery of apprenticeships on larger contracts;
- **Supported Businesses** - Encourage purchasing from supported businesses wherever possible and practical (Article 19)
- **Fair Trade** – We will sign up to be a “Fair Trade Council”.

##### **5.2 Economic Principles**

- **Economic Development** - Maximise the local economic benefit of procurement activities by
  - Hosting local regular scheduled “meet the buyer events”
  - Continued membership of the supplier development programme.
- **Third Sector and Social Enterprises** - make efforts to engage with the third sector and social enterprise network where appropriate (for example in our sustainable food project)

##### **5.3 Environmental Principles**

- Reduce, reuse and recycle wherever possible to avoid the depletion of natural resources and minimise cost. Reduced consumption has the biggest impact possible;
- Select products and services that have minimal effect on biodiversity.

- Re-think procurement contracts to ensure that services are delivered in the most resource efficient manner, for example, by splitting into geographical lots;
- Minimise the environmental impact of the products that are procured by, for example, selecting durable, low energy products and purchasing goods from accredited sustainable sources where appropriate;
- Improve the sustainability of the supply chain by encouraging suppliers and contractors, through specification, to offer sustainable products and services and improve their internal environmental performance;

## **6. Implementation**

- 6.1 There will be a series of projects, the first one being developed is regarding sustainable food procurement - a cross functional project between education, facilities management, sustainability, economic development and procurement as well as with the Sustainable Scotland Networks and Social Enterprise Network East Lothian.
- 6.2 A supplier engagement plan has been developed which has 3 strands:
- Regular scheduled local meetings for local businesses
  - Regular scheduled local meetings with key suppliers
  - Local Pre-tender meetings for specific contracts
- 7.3 The sustainable procurement policy will be implemented via the Sustainable Procurement Action Plan and a Sustainable Procurement Best Practice Guide, which will provide further guidance to the sustainable procurement process.
- 7.4 There will also be a sustainable procurement forum to oversee implementation of the action plan and to record and monitor progress.
- 6.5 Procurement staff and authorise procurement officers will be given training on sustainable procurement principles to enable delivery of this policy;
- 7.5 The policy will be communicated with all staff, partners and suppliers, councillors and the Council Management team will actively promote it.

## **7. Monitoring and Review**

- 7.1 The sustainable procurement forum will monitor and record progress against the Action Plan. The Sustainable Procurement Policy, Best Practice Guidance and Action Plan will be reviewed and updated, where appropriate, on an annual basis.

**Mr Jim Lamond**  
**Head of Council Resources**  
**May 2012**

## **Appendix 1 – Links to Corporate Policy and Priorities**

The Sustainable Procurement Policy (SPP) supports a wide variety of Corporate Policies and Priorities, as well as the Council's wider commitment to improve the quality of life in East Lothian.

### **Draft Council Plan (2012 – 17)**

The SPP contributes directly to 4 of the 5 of the overarching principles that inform the plan:

- Services built around people and communities
- Effective, efficient and excellent services – resource maximisation
- Working together to achieve outcomes – partnership working
- Sustainability – economic, social and environmental resilience

### **East Lothian Council Corporate Procurement Strategy (2011-14)**

The SPP contributes directly to achieving key strands of the Corporate Procurement Strategy, approved by the Council on 22 February 2011 and in particular Priority 6: Increase focus on sustainable procurement including the use of Community Benefits Clauses (CBIP) and corporate social responsibility policies

### **East Lothian Single Outcome Agreement (2011)**

The SPP will also directly contribute to the delivery of four key outcomes within the East Lothian SOA:

- Outcome 1: East Lothian has a sustainable and successful local economy through developing key local sectors and enhancing business performance;
- Outcome 11: East Lothian has high quality natural and built environments that enhance the wellbeing of the local community;
- Outcome 12: East Lothian is less dependent on finite resources by moving to a more localised, low carbon economy and reducing its ecological and carbon footprints by 80% by 2050; and
- Outcome 13: East Lothian has well connected communities with increased use of sustainable forms of transport.

### **East Lothian Environment Strategy (2010-15)**

The SPP also contributes directly towards achieving the vision of the East Lothian Environment Strategy:

*East Lothian will be a place of opportunity for all, with a thriving low carbon economy, high quality environment and healthy communities that are prepared for the challenges of climate change*

As well as four of its key priorities:

- Priority 1: Moving to a low carbon and more localised economy;
- Priority 2: Reducing dependence on finite resources;

- Priority 3: Recognising the importance of a well-looked after natural environment to the health and well-being of East Lothian's communities; and
- Priority 5: Connecting communities and increasing use of sustainable forms of transport.

**Economic Development Strategy (expected summer 2012)**

## EAST LoTHIAN COUNCIL – APPENDIX II – SUSTAINABLE PROCUREMENT ACTION PLAN

<b>Delivery Area</b>	<b>Objective</b>	<b>Action</b>	<b>Timescale</b>
<b>Policy, Strategy and Communications</b>	<i>Communicate SPP to elected members</i>	<i>Submit SPP to Cabinet for approval</i>	<i>June 2012</i>
	<i>Communicate SPP to staff</i>	<i>Publicise through an e-mail from the CX, CRAW network, eNews and ELNet</i>	<i>Aug 2012</i>
	<i>Communicate SPP to key suppliers</i>	<i>Email SPP to key suppliers</i>	<i>Aug 2012</i>
<b>People</b>	<i>Deliver basic sustainable procurement training to all procurement staff</i>	<i>Half-day training for key APOs delivered internally</i>	<i>Jun 2011</i>
		<i>Source/design eLearning package and roll out to all procurement staff and some key non-procurement officers and elected members</i>	<i>Dec 2012</i>
<b>Procurement Process</b>	<i>Conduct prioritisation exercise to identify further opportunities</i>	<i>Invite key stakeholders to training &amp; prioritisation event (working with Sustainable Scotland Network)</i>	<i>Dec 2012</i>
		<i>Create a series of projects, beginning with the Sustainable Food Project</i>	<i>Ongoing</i>
	<i>Improve understanding of Whole-Life-Costing (WLC) and encourage wide spread use</i>	<i>Identify appropriate practical whole life costing Tool</i>	<i>Dec 2012</i>
		<i>Provide training session on whole life costing using case studies relevant to ELC</i>	<i>March 2013</i>
<b>Engaging Suppliers</b>	<i>Key suppliers targeted for engagement and views on SPP</i>	<i>Supplier Engagement Plan developed and actioned – 3 strands:</i> <ul style="list-style-type: none"> <li>• <i>Local regular meet the buyer events for local businesses</i></li> <li>• <i>Local regular meetings with key suppliers</i></li> <li>• <i>Contract specific pre-tender meetings</i></li> </ul>	<i>Dec 2012</i>
<b>Measurement &amp; Results</b>	<i>Monitor progress against Action Plan</i>	<i>Conduct Annual Review</i>	<i>June 2013</i>



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Support Services)  
**SUBJECT:** North Berwick Harbour – Area to be Transferred  
as Part of Proposed Empowerment Order

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**8**

## **1 PURPOSE**

- 1.1 To seek a Cabinet decision on the area to be transferred as part of the proposed North Berwick Harbour Empowerment Order.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to:-

- (i) Approve that the area of land currently leased to the Scottish Seabird Centre (SSC) does not form part of the proposed Empowerment Order, as per plan attached in Appendix 1; and
- (ii) Approve that, three years following the formation of the prospective new Harbour Trust, a joint review be undertaken of the SSC position on being part of the overall Harbour Trust with the Harbour Trust as its potential landlord.

## **3 BACKGROUND**

- 3.1 At its meeting on 13 March 2007, Cabinet agreed to remit Council officials to work together with members of North Berwick Harbour Trust Association to examine potential developments relating to the management of North Berwick Harbour, with a view to establishing a Harbour Trust.
- 3.2 The report at that time was non-specific as to the detail of what would constitute the area of land to be transferred – although the general view at the time was that in the interests of all the Harbour Trust Association be invited to accept an extensive area of Harbour land, including the SSC site.

- 3.3 Council officials have liaised closely with representatives of the Harbour Trust Association, who have successfully managed the Harbour area on behalf of the Council since June 2007.
- 3.4 The Harbour Trust Association has made positive improvements to the Harbour management, including closer supervision of the Harbour Master's duties; increased quality control of the Harbour area; and improved collection of mooring and dinghy parking fees, all as a result of a locally managed arrangement which is more responsive to day-to-day requirements.
- 3.5 During this time, the Council has made significant financial investment, circa £300,000, in improvements to the fabric and safety of the Harbour. In addition, the Harbour Trust Association has been allowed to retain the annual revenue income generated from the Harbour area, circa £30,000 per annum.
- 3.6 In the course of ongoing discussion regarding the detail of the legal framework for the transfer of the Harbour area, the Empowerment Order, it became evident that there was an issue regarding the transfer of the area leased by SSC. The current lease covers an area of 1481.3 m<sup>2</sup> on the eastern edge of the Harbour, as shown in Appendix 1, and expires on 31 December 2097.
- 3.7 The Harbour Trust Association is of the view that the area leased by SSC should form part of the Harbour area covered by the Empowerment Order. The reasons for this include, but are not limited to, the fact that they consider the transfer of the lease would secure the future of the Seabird Centre, it would increase the ability of the Trust to attract external funding, it would make Harbour by-laws more manageable, and it would stop a precedent being set whereby other lessees may wish to retain the Council as landlord.
- 3.8 SSC, however, wishes to retain the Council as its direct landlord and does not want the area covered by its current lease transferred as part of the Order. Their view, strongly held, is that the partnership between SSC and the Council has been successful in achieving a national visitor attraction. They believe there is no requirement, or benefit to SSC, for the lease to be transferred to the Trust, nor any detriment to the Trust. SSC think this would be a retrograde step which would put its future at potential risk.
- 3.9 Due to the differing and very strongly held views of both organisations, the Council has been required, and attempted, to facilitate a preferred local agreement. Meetings involving Elected Members and senior officials have been held with both parties, independently and collectively. In addition, and as a result of these meetings, both parties were also encouraged to meet together to find a mutually acceptable solution. All these attempts have failed to secure a locally agreed outcome.
- 3.10 The Council also offered provision for independent mediation but this was declined.

- 3.11 In the absence of a local agreement, the Council is, therefore, required to make a final decision. Having considered the matter, the Head of Policy & Partnerships is of the view that, on balance, there should be no detriment to the Harbour Trust should the land currently leased to SSC be excluded from the Empowerment Order. I do not believe that this exclusion will limit Trust ambitions and aspirations for North Berwick Harbour. Protected access for SSC operations can be easily accommodated through a grant of servitude of access – a relatively straightforward process.
- 3.12 In acknowledgement that the potential new Harbour Trust will be finding its own feet over the first few years in operation and that SSC may want to reconsider its current position on preferred landlord status, it would be appropriate that three years following the formation of the new Harbour Trust a joint review of the SSC position on being part of the overall Harbour Trust, with the Harbour Trust as its potential landlord, be undertaken.

#### **4 POLICY IMPLICATIONS**

- 4.1 This report supports two of the key focus areas in the Draft Council Plan 2012-2017 – growing our economy and growing our communities. Both SSC and the Harbour play an important role in the economic and community benefit of the area.

#### **5 EQUALITIES IMPACT ASSESSMENT**

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

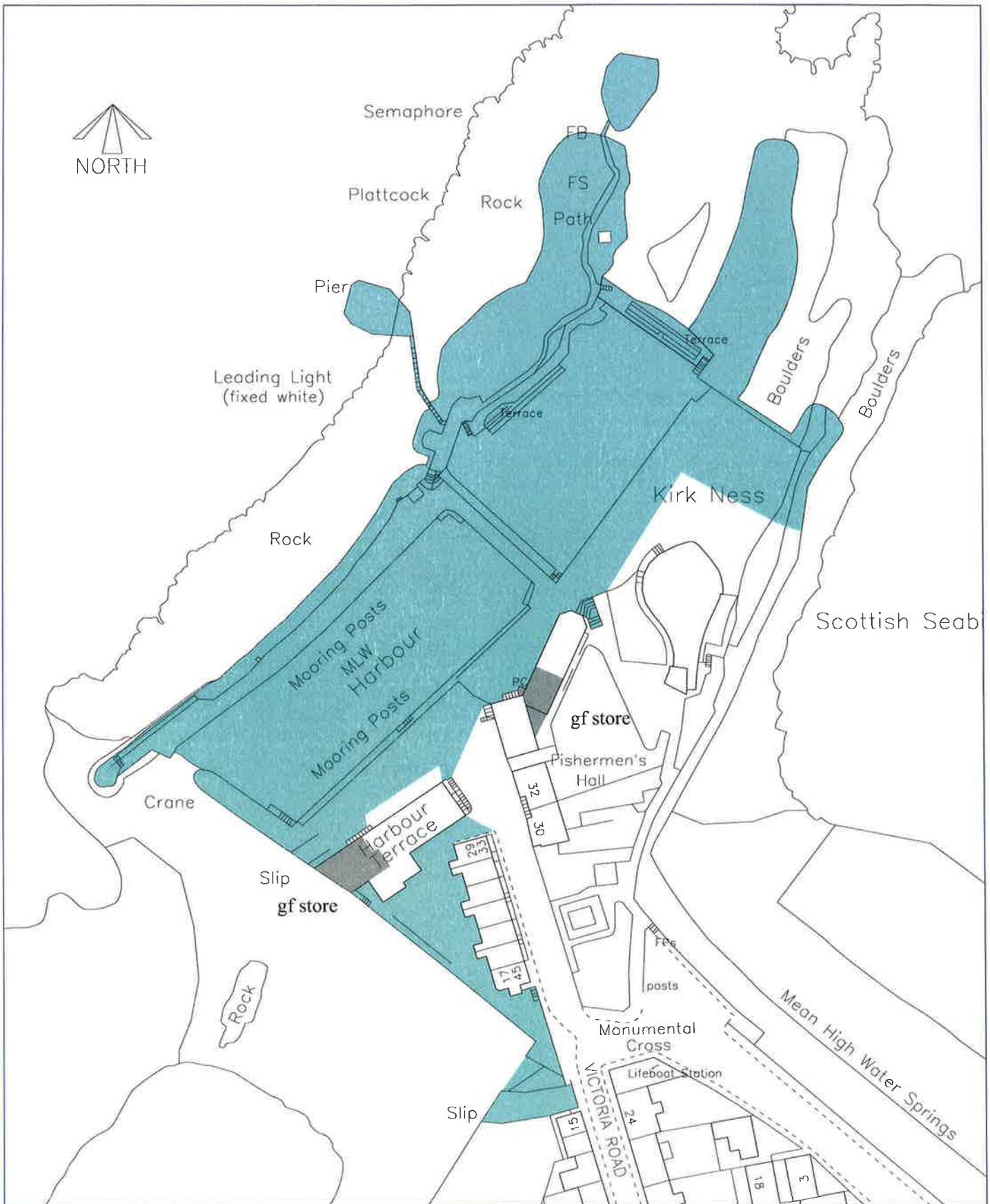
#### **6 RESOURCE IMPLICATIONS**

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

#### **7 BACKGROUND PAPERS**

- 7.1 Report to Cabinet - North Berwick Harbour – Future Management Arrangements - 13 March 2007.

<b>AUTHOR'S NAME</b>	Tom Shearer
<b>DESIGNATION</b>	Head of Policy and Partnerships
<b>CONTACT INFO</b>	Tel: 01620 827560 E-Mail: <a href="mailto:tshearer@eastlothian.gov.uk">tshearer@eastlothian.gov.uk</a>
<b>DATE</b>	30 May 2012



TITLE : The Harbour  
North Berwick

Plan Ref : 4908  
File Ref :

Scale 1: 1250  
Date :28/05/2012



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**REPORT TO:** Cabinet

**MEETING DATE:** 12 June 2012

**BY:** Executive Director (Services for People)

**SUBJECT:** Payments to Voluntary Organisations – Children’s Wellbeing 2012-2013

9

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**1 PURPOSE**

- 1.1 To seek approval for the payment to voluntary organisations of the amounts specified, for the financial year 2012-2013.

**2 RECOMMENDATIONS**

- 2.1 Members are asked to agree to award grants, for 2012-2013, as shown in Appendix 1 of this report. Members are also asked to note that, except where indicated, these awards are based on grants made to these organisations in 2011-2012. There has been no uplift to funding for the year 2012-2013.

**3 BACKGROUND**

- 3.1 Section 10 of the Social Work (Scotland) Act 1968 allows local authorities to make grants to voluntary organisations whose sole purpose is to promote social welfare.
- 3.2 The council also has the power to purchase certain services, which it is obliged to provide, from the independent sector using other funding streams. Under certain circumstances the council can tender for such services, for example Who Cares? Scotland providing advocacy and support to children and young people who are looked after away from home, in foster care or residential care.
- 3.3 A summary of the organisations to be funded for 2012/13 is attached, along with the amount provisionally allocated.
- 3.4 It should be noted that some voluntary organisations have been allocated levels of funding that are lower than requested. For example, Richmond’s Hope, a voluntary organisation providing a bereavement service for children, has approached the council for funding for the third

year but it has not been possible to award any grant in view of the Service's budget allocation for 2012/13.

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no immediate policy implications arising from this report. The framework for the purchasing and commissioning of services for children that are provided by the voluntary sector has previously been shared with Members and ensures governance arrangements are in place and helps to deliver best value.
- 4.2 Education and Children's Wellbeing have developed a Commissioning Strategy for East Lothian's Children. This will inform the commissioning of services and procurement for Education and Children's Wellbeing in 2013-2014.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial -This report proposes awards of funding to voluntary organisations for 2012-2013, at a total cost of £850,731. Resources to support the recommendations in this report are contained in the Education and Children's Wellbeing budget for 2012-2013.
- 6.2 Personnel -There are no personnel implications arising from this report.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Summary of financial assistance provided to voluntary organisations and sources of funding (Appendix 1)

<b>AUTHOR'S NAME</b>	Celia Borland
<b>DESIGNATION</b>	Acting Service Manager Resources (Children's Wellbeing)
<b>CONTACT INFO</b>	Ext: 7930
<b>DATE</b>	25 April 2012

Grants to Voluntary Organisations – Children’s Wellbeing – Summary Position

APPENDIX 1

Organisation	2011/12 Award	2012/13 Request	Recommended for 2012/13	Notes	Funding Source
<p><b>East Lothian Special Needs Playscheme.</b> Provision of specialist school holiday playschemes (Easter, summer, October) for about 70 East Lothian children with a range of complex and enduring needs providing social recreation for the children and respite for their families. Playschemes located at North Berwick, Prestonpans and The Hub, Tranent. Use over 100 volunteers each year. Majority recruited from local secondary schools and further education colleges – providing them with experience and training. Seeking additional £20,000 funding for the Hub, Tranent. This is Playscheme for children with most complex and enduring needs. Cost per annum circa £25,000. Funding in place for 2012-2013 but not secure thereafter. User Feedback raised Waiting List issue -up to 3 years. Once children get place feedback from parents and professionals excellent.</p>	£62,955	£62,955 plus additional £20,000 funding for the Hub Playscheme Transport for all 3 playschemes up to £39,908	<p>£62,955 + transport costs (up to £39,908)  <b>£102.863</b></p>	Negotiating a 3 year Service Level Agreement.	<b>Children Ext Prov (5036)</b>
<p><b>Scottish Adoption Association</b>                      Colleagues at Scottish Adoption provide valuable expertise in this complex aspect of family placement work. The agency focuses on the recruitment of prospective adoptive parents. They also have expertise in the area of Post Adoption Support. The Adoption and Children (Scotland) Act 2007 has placed increased expectations on local authorities to offer post adoption support. The independence they offer in some cases is extremely helpful.                      · Provide adoption placement for 1 child 0-8 years per annum at reduced rate to spot purchase price £27,000                      · Adoption Counselling for adopted adults. Positive feedback from Children's Wellbeing about level of support from workers                      . Positive Care Inspectorate Inspection reports latest 2010 – Very Good</p>	£24,500	£25,000	<b>£25,000</b>	Propose another annual Service Contract letter starting 1 <sup>st</sup> April 2012.	<b>S10 - Children Ext Prov (5036)</b>

<p><b>St Andrew's Children's Society</b>          Colleagues at St Andrew's Children's Society have also developed specialist expertise in the recruitment of adopters and post adoption support. They provide Roman Catholic and non-Roman Catholic adopters. Children whose birth parents request placement with adopters of Roman Catholic faith are first referred to St Andrew's.          There is added value in having separate Service Contracts with both adoption agencies.</p> <ul style="list-style-type: none"> <li>· Provide adoption placement for 1 child 0-8 years per annum at reduced rate to spot purchase price.</li> <li>· Post placement support after one year is covered in placement price</li> <li>· Prospective adopters matched with East Lothian child will be provided with 4 days SafeBase training at no extra cost. Spot purchase price is over £1000.</li> <li>· Pre Adoption work with relinquishing women/parents with Roman Catholic heritage</li> <li>· After Adoption Support/Adoption Counseling can be spot purchased</li> <li>· Feedback: Positive support to adopters/good communication</li> <li>· Service Manager is one of our Adoption Panel chairs providing valuable independence</li> <li>· Positive Care Inspectorate Inspection reports latest Feb 2012- Very Good</li> </ul>	£18,850	£21,000	£21,000	<p>Propose a Service Level Agreement for a year starting 2012.</p> <p>The cost of spot purchasing an adoption placement (BAAF Interagency Fees) is £27,000.</p>	<b>Payments to Voluntary Organisations</b>
<p><b>Places for People</b></p> <ul style="list-style-type: none"> <li>· Voluntary Housing Support Agency · Providing support to young people 16-25 with care background or mental health issues to develop skills in independent living including how to manage a tenancy</li> <li>· Tenancies in Edinburgh</li> <li>· One to one support provided to 2 East Lothian young adults - staff very skilled and helpful at working with young adults (Children's Wellbeing feedback)</li> </ul>	£9,500	£9,500	£9,500	Number of East Lothian young adults waiting for service.	<b>S10 - Children Ext Prov (5036)</b>

<ul style="list-style-type: none"> <li>· Group support via Drop in Centre and planned activities</li> <li>. Demand continues for these places despite the tenancies provided being in Edinburgh.</li> <li>. Very positive feedback from Children's Wellbeing Throughcare After Care Team</li> <li>. Care Inspectorate inspection report in Sept 2010 graded Excellent</li> </ul>					
<p><b>Children 1st - Family Group Conference Project</b></p> <ul style="list-style-type: none"> <li>· Three year Service contract in place until March 2012 has been extended for a year with option of additional year.</li> <li>. Currently exploring a shared SLA with Midlothian.</li> <li>· 1 full time FGC Co-ordinator</li> <li>· Cases prioritised are children in danger of being Looked After away from home, Looked After away from home Children and children where permanent care plans are being explored.</li> <li>· Opportunity to explore whether there is a safe solution to the child's future care and support within the family</li> <li>· Family Plan is reviewed</li> <li>· Established project within Children's Wellbeing. Feedback positive, sometimes felt time from referral to FGC too long.</li> <li>· 4 Children's Services staff are trained FGC Co-ordinators and this enables us to offer this focus of working to more families in East Lothian.</li> </ul>	£46,240.	£46,240	<b>£46,240</b>	Children 1st make contribution of an additional 20%.	<b>SLA – Partnership funding (5041)</b>
<p><b>Who Cares? Scotland</b></p> <ul style="list-style-type: none"> <li>· 3 year Service Contract (2008-2011)– Have extended contract for 1 year whilst explore Shared Service Level Agreement with Midlothian.</li> <li>· Providing advocacy and support to children and young people who are Looked After away from home, in foster care or residential care (25 hours)</li> <li>· Who Cares? Scotland provides 365 day cover</li> <li>· Obtain feedback from service users about services offered, including exit interviews when young people have a placement ending using a range of consultation methods.</li> <li>. Facilitate focus groups of Young People e.g. Corporate</li> </ul>	£33,817.50	£33,818	<b>£33,818</b>		<b>SLA - CCSF &amp; 5036</b>

<p>Parenting agenda, involvement of young people in recruitment and selection of professional staff</p> <ul style="list-style-type: none"> <li>· Permanent post holder due to resume in August 2012</li> <li>· Generally positive feedback from Children's Wellbeing staff re service provided.</li> </ul>					
<p><b>Family Mediation Lothian</b></p> <ul style="list-style-type: none"> <li>· Provides information, advice and mediation to families experiencing difficulty as a result of separation and divorce. Focus on supporting children including groupwork.</li> <li>· One parent must live in East Lothian</li> <li>· Service operates 7 days per week</li> <li>· Sustain contact arrangements between parents and their children and young people</li> <li>· Supervised Child Contact Centre in East Lothian is Olivebank, Musselburgh – 5 other centres in Lothians</li> <li>· 44 families and 59 children used Musselburgh contact centre</li> <li>· Me2 Project for 12-18 years – self referrals and some made by Children's Wellbeing.</li> <li>· 60 Client Intake appointments from East Lothian</li> <li>· 26 Family Mediation appointments from East Lothian</li> </ul>	£9,740	£10,000	£8,780 + £960 recharge to Olivebank <b>£9740</b>	Request for reimbursement of £960 to cover heating and lighting costs of Olivebank, by budget holder. Family Mediation advised this has been reduced from Grant from 1 <sup>st</sup> April 2012.	<b>S10 Children Ext Prov (5036)</b>
<p><b>Star Youth Club</b></p> <ul style="list-style-type: none"> <li>· Weekly youth club at North Berwick Community Centre for young people with complex and enduring needs aged 12 – 18 years, transport provided, valued by families</li> <li>· S10 grant contributes £47.36 per member per year</li> <li>· Positive feedback from young people.</li> <li>· Provide a residential weekend for young people– video evidences enjoyment of all who attend</li> <li>· Established and well thought of provision</li> <li>· Run by experienced workers and 15 volunteers per session</li> <li>· Operates a waiting list system in preference to assessment of need resulting in a long wait for placement (2-3 years)</li> <li>· Children's Wellbeing, feedback very positive about provision</li> </ul>	£1,180	£5,000	<b>£1,180</b>	<p>To be included as part of Service Contract with East Lothian Playschemes.</p> <p>Also receive £2,500 from Community Wellbeing for Star Youth Club and £2,100 from Community Wellbeing for Star Youth Club residential weekend. This Community Wellbeing contribution is</p>	<b>S10 Children Ext Prov (5036)</b>

				included in the Service Contract.	
<p><b>Adoption UK</b></p> <ul style="list-style-type: none"> <li>· National self-help organisation for prospective and adoptive parents and long term foster carers providing, information, advice support and training. The professionals providing the support and training are very skilled adoptive parents.</li> <li>· Promoting education and training on therapeutic parenting strategies for children placed for adoption or long term fostering.</li> <li>· Run regular support sessions for adopters in East Lothian</li> <li>· Arrange a family day for adopters in East Lothian</li> <li>· Provide resources e.g. books, DVDs for use by the East Lothian group</li> <li>· Information sharing re training and seminars provided by Adoption UK</li> <li>· Quarterly Newsletter sent to East Lothian Members of Adoption UK (5)</li> <li>· Very positive feedback from adopters, carers and workers who have been involved in Adoption UK training. Useful and challenging articles in magazine.</li> </ul>	£1,000	£1,000	<b>£1,000</b>		<b>S10 Children Ext Prov (5036)</b>
<p><b>Children's Hospice Association Scotland</b></p> <ul style="list-style-type: none"> <li>· Provide comprehensive professional care, help and support to children and young people under 16 years and their families and who have a terminal illness or condition.</li> <li>· Hospices - Rachel House, Kinross and Robin House, Balloch</li> <li>· Support from referral to death of the child and beyond.</li> <li>· Accept referrals at diagnosis, midpoint or end stages</li> <li>· Provide bereavement support, through one to one counselling, support groups, siblings group, spiritual and religious support, and Remembering Days.</li> <li>· Feedback from Parents and Children's Services staff rate the service very highly.</li> <li>· Also provide support to families not linked into Children's Wellbeing</li> </ul>	£3,460	£11,887	<b>£3,460</b>	Chief Executive recently met with CHAS Chief Executive regarding a request for an increase in funding. Explained current financial constraints on budgets. Agreed to explore if some additional funding could be identified within Council budgets, however none is available	<b>S10 Children Ext Prov (5036)</b>

				within Children's Wellbeing and none has been identified to date from other Service budgets.	
<p><b>Birthlink</b></p> <ul style="list-style-type: none"> <li>· Provides service to adopted adults, birth parents of people adopted as children and their families, local authorities and voluntary agencies.</li> <li>· Majority of service users self referring - 27 East Lothian referrals</li> <li>· Retains the records of adoptions arranged by the Guild of Service up to mid 1980s.</li> <li>· Maintains the Adoption Contact Register for Scotland – receives partial funding from the Scottish Government.</li> <li>· Maintains the Scottish Adoption Registry – computerized index of available adoption records</li> <li>· Telephone information service – After Adoption Information Line</li> <li>· Counselling, mediation and support to those seeking further information on birth relatives and reunion</li> <li>· Volunteers do the public records searches</li> <li>· Last Care Inspectorate report 2010 - grading Very Good</li> </ul>	£1,340	£1,340	<b>£1,340</b>		<b>S10 Children Ext Prov (5036)</b>
<p><b>Homestart</b></p> <ul style="list-style-type: none"> <li>· Established in East Lothian in August 2000</li> <li>· Located at Sanderson's Wynd Early Years Centre, Tranent. Council provides accommodation.</li> <li>· Service providing regular parenting support to parents of children 0-8 years in East Lothian via volunteer befrienders. Currently work with 57 families, 144 children with 82 under 5 years.</li> <li>· Two Co-ordinators now in post (following Big Lottery award in 2008 of £330,000 over 5 years and £49,000 for 3 years ( Big Lottery Extra Help)</li> <li>· Strong demand for service via other agencies and self</li> </ul>	£56,370	£56,370	<b>£56,370</b>		<b>Payments to Voluntary Organisations</b>

referral · Strong community links · Ongoing recruitment, training and support of volunteers · Feedback from parents receiving service very positive · Feedback from Children's Wellbeing Staff very positive when referral accepted.					
<b>Children 1st –Young Families Outreach Project</b> · Three year Service contract in place until March 2012 has been extended for a year with option of additional year. · Currently exploring a shared SLA with Midlothian. · Family support · Addressing long waiting list – Area Manager, Practice prioritises referrals · Positive feedback from Children's Wellbeing staff who refer to the project.	£185,000	£185,000	<b>£185,000</b>	£4,187 from Lloyds/TSB.  Children 1st contribute 25 % of the cost of the project.	<b>SLA Partnership Funding (5041)</b>
<b>Bankfoot, Aberlour</b> · Provide residential respite places to children and young people with disabilities in a small unit in Prestonpans. · The children having respite at Bankfoot are the children with the most complex and enduring needs for example children with physical disabilities who need specialist equipment for moving and lifting and sleeping arrangements and children on the autistic spectrum who present with challenging behaviour. · Small outreach service also provided (see below) · Placements usually provided at weekends. · Packages of support agreed and reviewed at Multi-Agency Respite Support Panel using Vulnerability Tool. · Families receiving this service offered a week's holiday respite (Easter, summer or October) · Flexibility to spot purchase placement midweek when crises have arisen with known children or young people. · Feedback from Service User's families and Children's Wellbeing is positive.	£294,000	£294,000	<b>£294,000</b>	Service Level Agreement until 31 <sup>st</sup> March 2013.	<b>Partnership Funding (5041)</b>
<b>Aberlour - Outreach</b> See above	£19,220		<b>£19,220</b>		<b>Partnership Funding</b>

					<b>(5041)</b>
<b>Action for Children – Gilmerton Road, Edinburgh</b> · SLA 50% Health 50%/East, Mid, West Lothian and Edinburgh .Currently updating SLA with partners to run until March 2014 · Respite provided for 4 children with complex needs and challenging behaviour. · 3 children provided with Outreach Service · East Lothian children identified and reviewed for this service via Multi-Agency Respite Support Panel using Vulnerability Tool. · Action for Children Psychologist offers training to carers and parents which has been greatly appreciated	£41,000	£41,000	<b>£41,000</b>	Formerly NCH, Gilmerton Road, Edinburgh. Budget has yet to be finalised. Lack of uplift may lead to small service reduction.	<b>Partnership Funding (5041)</b>
<b>Richmond's Hope</b> . Application also made last 2 years .Bereavement project for children and young people between ages of 4-18 years based in Niddrie, Edinburgh and Dalkeith . The children are supported through their grief by project workers on a one to one basis for 12 sessions using therapeutic play and art activities. .Over 70 referrals from East Lothian since 2008 without funding in place. Application highlights they are unable to sustain position. . Very positive feedback from staff with experience of project. Staff raised funds for the project in 2011 . Offering 15 places to East Lothian Children for 1:1 bereavement counseling @ £551 per child . Spot purchase @ £1150	None	£8,265	None	Unable to offer funding in view of budget position.	<b>S10 Children Ext Prov (5036)</b>
<b>TOTAL</b>			<b>£850,731</b>		

**REPORT TO:** Cabinet

**MEETING DATE:** 12 June 2012

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Cycling, Walking & Safer Streets (CWSS) - Proposed Projects for 2012/13 (Year 12)

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**10**

## **1 PURPOSE**

- 1.1 This report presents the background to, and the proposed works for, the twelfth year of grant funding from the Scottish Government for the CWSS initiative.

## **2 RECOMMENDATIONS**

- 2.1 To progress the proposals in Appendix A during 2012/13.

## **3 BACKGROUND**

### **3.1 Cycling, Walking & Safer Streets**

On 12 April 2001 the Scottish Executive announced funding to assist Local Authorities to give greater prominence to Cycling, Walking and Safer Streets (CWSS) projects. Initial funding for CWSS in East Lothian for 2001/02 (Year 1) was £55,000 followed by £71,000 in 2002/03 (Year 2) and £148,000 in 2003/04 (Year 3). Funding for 2004/05 (Year 4), 2005/06 (Year 5) and 2006/07 (Year 6) was confirmed as £146,000, £154,000 and £157,000 respectively. Further funding for 2007/08 (Year 7) was also announced and East Lothian's allocation was £162,000. As part of the Concordat agreement with Local Government the funding for 2008/09, 2009/10 and 2010/11 was set at £170,000, respectively. Ring fenced funding was set at £139,000 for 2011/12 (Year 11).

- 3.2 Ring fenced funding for East Lothian for 2012/13 (Year 12) is £113,000.

- 3.3 This report recommends proposals for which the 2012/13 CWSS funding will be used to support cycling and improve road safety. These projects have been identified through the Council's Road Safety Working Group. Appendix A lists the locations and a brief description of the proposed projects.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Cycling, Walking and Safer Streets initiative contributes towards Providing a Safer Environment - a key priority for East Lothian Council.
- 4.2 The Cycling, Walking and Safer Streets initiative also contributes towards East Lothian's Single Outcome Agreement Outcome 9 – *East Lothian's homes and roads are safer.*

#### **5 EQUALITIES IMPACT ASSESSMENT**

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

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – It should be noted that detailed costs on an individual project basis are not available at this stage, which may result in some of the projects listed not being implemented on site during the current financial year.
- 6.2 Personnel - None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Environment & Technical Services Committee – Cycling, Walking and Safer Streets (CWSS) Projects 2001/02; 18 September 2001.
- 7.2 Environment & Technical Services Committee – Cycling, Walking and Safer Streets (CWSS) Proposed Projects 2002/03; 1 February 2002.
- 7.3 Environment & Technical Services Committee – Cycling, Walking and Safer Streets (CWSS) – Year 3 Proposals 2003/04; 11 June 2002.
- 7.4 Cabinet – Cycling, Walking & Safer Streets (CWSS) – Year 4 Proposals 2004/05; 9 March 2004.
- 7.5 Cabinet – Cycling, Walking & Safer Streets (CWSS) – Year 5 Proposals 2005/06; 8 February 2005.
- 7.6 Environment & Technical Services Committee – Assessment Procedure for 20mph Limits and Zones; 16 April 2002.
- 7.7 Cabinet – 20mph Limits Outside Schools – Phase 1; 28 October 2003.
- 7.8 Cabinet – 20mph Limits Outside Schools – Phase 2; 20 April 2004.

- 7.9 Cabinet – 20mph Limits Outside Schools – Phase 3 and other Measures Proposed for Safer Routes to Schools in 2005/06; 7 June 2005.
- 7.10 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 6 Proposals 2006/2007 - 20mph Limits Outside Schools (Phase 4) & Safer Routes To Schools Proposals 2006/2007; 2 May 2006
- 7.11 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 7 Proposals 2007/2008 - 20mph Limits Outside Schools (Phase 5) & Safer Routes To Schools Proposals 2007/2008; 13 March 2007
- 7.12 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 8 Proposals 2008/2009 13 May 2008
- 7.13 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 9 Proposals 2009/2010 9 June 2009
- 7.14 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 10 Proposals 2010/2011 5 May 2010
- 7.15 Cabinet – Cycling, Walking & Safer Streets (CWSS) Year 11 Proposals 2011/2012 14 June 2011

<b>AUTHOR'S NAME</b>	Brian Cooper
<b>DESIGNATION</b>	Senior Transportation Manager
<b>CONTACT INFO</b>	Colin Baird - Ext 7739
<b>DATE</b>	28 May, 2012



<b>CWSS PROJECTS 2012/13</b>		
	<b>LOCATION</b>	<b>PROPOSAL</b>
<b>1</b>	Hallhill, Dunbar	Cyclepaths / footpaths / lighting - Phase II
<b>2</b>	East Linton	B1377 Village Gateway Improvements
<b>3</b>	New Joint School Campus, Haddington	Victoria Road, Pedestrian / cyclist links improvements



**REPORT TO:** Cabinet  
**MEETING DATE:** 12 June 2012  
**BY:** Executive Director (Services for Communities)  
**SUBJECT:** Amendments to Speed Limits – Various Locations

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**11**

**1 PURPOSE**

- 1.1 To advise Cabinet of proposed amendments to speed limits at the locations listed in Appendix A.

**2 RECOMMENDATIONS**

- 2.1 To approve the introduction of the proposed amended speed limit restrictions at the above locations (see Appendix A) and the initiation of the Traffic Regulation Order formal consultation and legal procedures.

**3 BACKGROUND**

- 3.1 A199 east end of Tranent – Reducing the speed limit using a “40 to 30mph” buffer is required to accommodate recent housing development served by a new roundabout junction.
- 3.2 A6093 west end of Pencaitland, 30 mph speed limit to be relocated 70 metres west of existing speed limit. Agreed in consultation with the Community Council.
- 3.3 A6093 east end of the Main Road, Pencaitland. 30mph speed limit to be relocated east of existing crossroads. Agreed in consultation with the Community Council. Concerns raised about the speed of traffic east/west on the A6093 at the crossroads.
- 3.4 A199 Wallyford Park and Choose/Haddington Road to Levenhall roundabout. November 2010 Cabinet report recommended that a 40mph speed limit should be implemented.
- 3.5 B1361 Mid Road, Prestonpans – a 40mph ‘buffer’ speed limit is proposed, from South Lodge near to Royal Musselburgh Golf Club entrance, to existing 30mph speed limit signs at Prestongrange Road roundabout.

- 3.6 A6094 West end of Wallyford - November 2010 Cabinet report recommended relocating the existing 30 mph limit metres eastwards and to introduce a 40mph 'buffer' speed limit.
- 3.7 A199 Macmerry re-locate 30mph speed limit westwards by 160metres for pedestrian safety. Recent housing development will increase number of pedestrians crossing the A199 at the point where the 30mph speed limit signs are located at present.

**4 POLICY IMPLICATIONS**

- 4.1 These proposals are expected to contribute towards providing a Safer Environment - a key priority for East Lothian Council.
- 4.2 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 9 - East Lothian's roads and homes are safer.

**5 EQUALITIES IMPACT ASSESSMENT**

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

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial - all costs involved in the consultation, advertising, design, staff time and implementation associated will be covered by the developer.
- 6.2 Personnel - None.
- 6.3 Other - None.

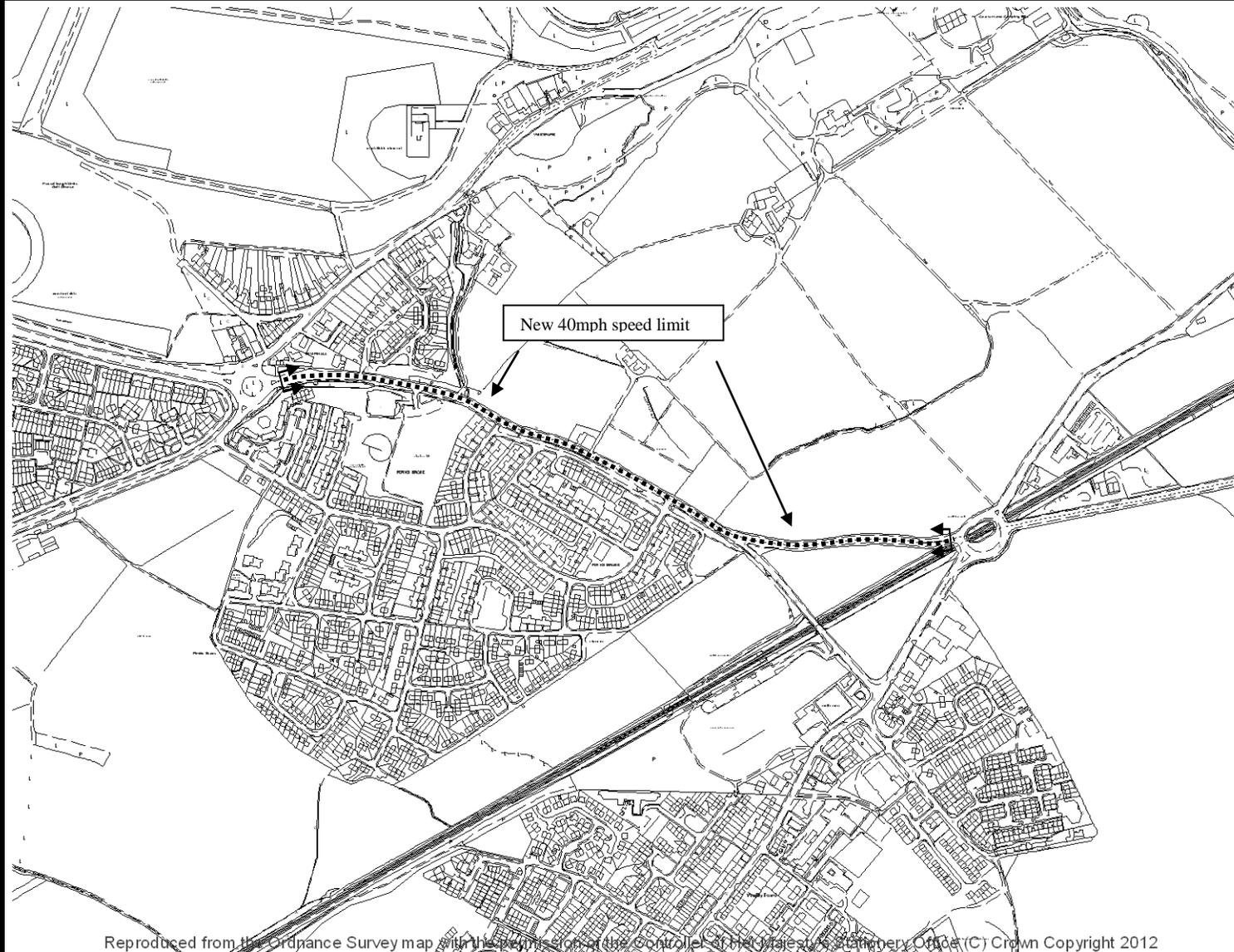
**7 BACKGROUND PAPERS**

- 7.1 None

<b>AUTHOR'S NAME</b>	Brian Cooper
<b>DESIGNATION</b>	Senior Transportation Manager
<b>CONTACT INFO</b>	Graeme McLeod – Ext.7675
<b>DATE</b>	May 2012

<b>Appendix A</b>		
<b>No.</b>	<b>Location</b>	<b>Description</b>
1	A199, East end of Tranent,	40mph speed limit to accommodate new housing development. Speed limit length to be 260 metres or thereby.
2	A6093, West end of Pencaitland	Extend 30mph speed limit westwards 70 metres or thereby.
3	A6093, East end of the Main Road, Pencaitland	Relocate 30mph speed limit on A6093, 95 metres or thereby north-east of crossroads with the B6355; introduce 30mph speed limit on B6355 northbound 40 metres or thereby south of crossroads with A6093; introduce 30mph speed limit on B6355 southbound 90 metres or thereby north of crossroads with A6093.
4	A199, Wallyford Park and Choose/Haddington Road to Levenhall Roundabout.	40mph speed limit, 1km or thereby in length.
5	B1361 Mid Road, Prestonpans	40mph to 30mph 'buffer' speed limit from South Lodge to existing 30mph limit, 270 metres or thereby.
6	A6094, West end of Wallyford	Relocate 30mph limit north-east to village and introduce 40mph to 30mph 'buffer' speed limit 375 metres or thereby.
7	A199 Macmerry	30mph speed limit re-located 160 metres or thereby, west of village

# EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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A199 Haddington Road new 40mph speed limit



East Lothian Council  
 Transportation Department  
 Road Network Management  
 John Muir House  
 Haddington  
 EH41 3HA  
 Tel: 01620 827827

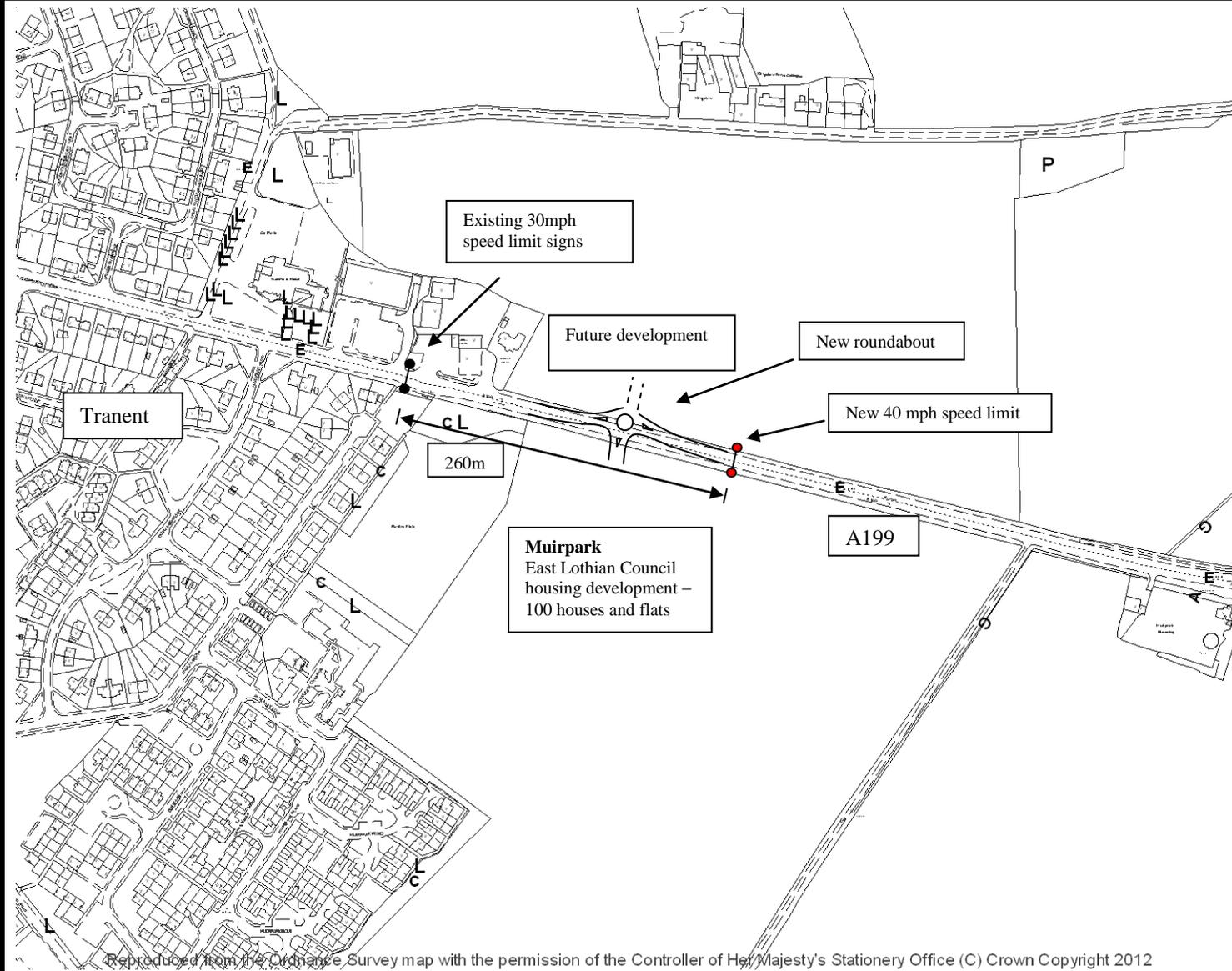


**Date:** May 2012  
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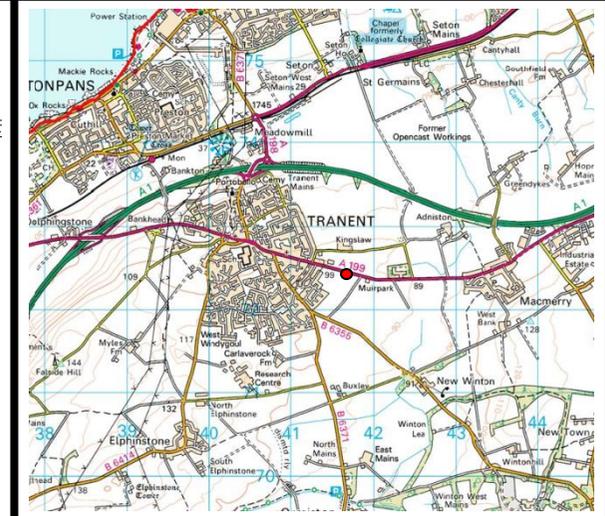
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**Checked by:**

**DRG. NO.LEV-SL-01**

# EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Introduce 40mph speed limit on east side of new roundabout – 260 metres east of existing 30mph speed limit.

New 40mph speed limit

East Lothian Council  
Transportation Department  
Road Network Management  
John Muir House  
Haddington  
EH41 3HA  
Tel: 01620 827827



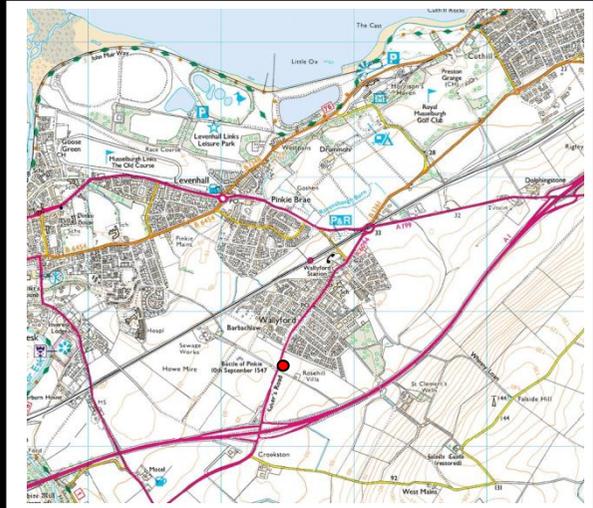
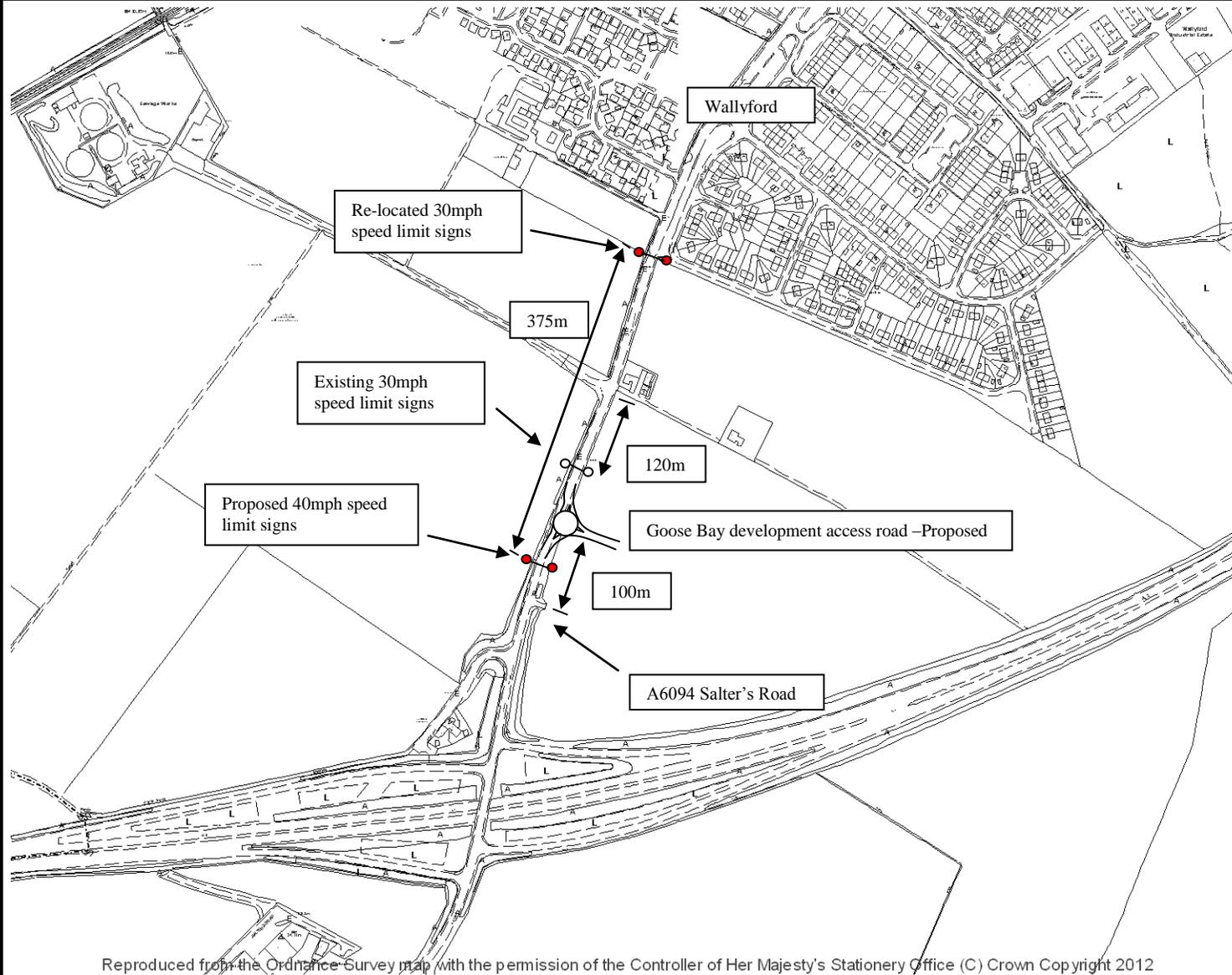
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Checked by:

DRG. NO. TRA-SL-01



# EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



## Notes

- 1) 30mph speed limit to be re-located north-east to limits of village
- 2) Proposed 40mph 'buffer' speed limit to be introduced south west of proposed 'Goose Bay' development access road.

East Lothian Council  
 Transportation Department  
 Road Network Management  
 John Muir House  
 Haddington  
 EH41 3HA  
 Tel: 01620 827827



Wallyford re-located 30mph speed limit signs and 30 to 40mph 'buffer' speed limit

Date: May 2012  
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