East Lothian
Council

MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY

THURSDAY 25 OCTOBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:
Councillor L Broun-Lindsay (Convener)
Councillor W Innes
Councillor D Grant
Councillor J McMillan
Councillor P MacKenzie

Advisers to the Local Review Body:
Mr P McLean, Planning Adviser to the LRB
Ms M Ferguson, Clerk/Legal Adviser to the LRB

Others Present:
Mr N Millar, Planner
Mr R Sinclair, Communications Officer
Ms F Currie, Committees Assistant

Committee Clerk:
Ms A Smith

The Clerk/Legal Adviser, Morag Ferguson, introduced Members of the Local Review Body (LRB) and the Planning Adviser, Phil McLean. She advised that Mr McLean would present a summary of the planning policy issues. Members would then decide if they had sufficient information, taking into account the submissions, site visit and Mr McLean's summary, to reach a decision. If they did not, the meeting would adjourn for further written representations or for a full hearing. Should Members decide they had sufficient information, the issue would be discussed and a decision reached on whether to uphold or overturn the decision of the Planning Officer.
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1.   REVIEW AGAINST DECISION (REFUSAL)
        PLANNING APPLICATION   12/00378/P: ERECTION OF ONE SINGLE
        GARAGE AT 1 MARKET VIEW, TRANENT

Mr McLean informed Members that the application was for the erection of a detached garage in front of the house, 1 Market View, Tranent. The application had been registered on 3 May 2012 and refused under delegated powers on 2 July 2012. The Notice of Review had been received on 23 August 2012.

The application site was within a predominantly residential area, designated under local plan policy ENV1. The main policy considerations were design and road safety; impacts on residential amenity were also a relevant consideration. Key development plan policies were Structure Plan policy ENV1G, and Local Plan policy DP2. Transport policies T1 and T2 were also relevant.

Mr McLean referred Members to the officer's report and to the reason for refusal. The applicant had requested a review as he understood that if the hedge grew to 2 metres in height then his proposal may be looked on more favourably. The applicant asked that his application be approved with a suspensive condition preventing work being carried out until the hedge was at the appropriate height. Mr McLean advised there had been no public representations on the application. One consultation response had been received from the Transportation Division, which raised no objections but recommended that the area of hard surfacing to be formed in front of the house be secured by planning condition.

He concluded that the key questions for the LRB to consider in reviewing the case were - did the proposed development comply with the policies of the development plan in respect of design and road safety, with or without any conditions and were there any other material considerations that should be taken into account.

Ms Ferguson advised that it was now for Members to decide if they had sufficient information before them to reach a decision today.

Members indicated that they had sufficient information to reach a decision.

Debate
Councillor MacKenzie stated that he would be upholding the officer's decision and agreed with the reasons for refusal. He made reference to the beauty of the landscape in this particular area, evident during the site visit.

Councillor McMillan indicated that he was of a similar opinion. He noted that there had been no objections from present neighbours and other residents. However, with regard to long term views and viability of the site he would be upholding the decision to refuse.

Councillor Innes stated he was of the contrary opinion. The view would be removed when the hedge reached a height of 2 metres, there was a contradiction; the view that Members were trying to protect would be gone. He stated that once the hedge had reached that height there would be no planning reasons to refuse. He felt the applicant's proposed course of action was reasonable and he would be upholding the appeal, subject to the imposition of a condition regarding the height of the hedge.

Councillor Grant remarked that the issue of the hedge complicated matters; if it was not there he would have upheld the Planning Officer's decision, however, the hedge altered his opinion. There was no doubt that the houses had been positioned south facing because of the aspect, as alluded to earlier. On balance, he would be supporting the appeal, on the basis of the hedge being in place and the erection of the garage not being carried out until the hedge had reached a height of 2 metres.

Councillor Broun-Lindsay indicated that despite the comments expressed by Councillors Innes and Grant the LRB was required to make a decision on the application as it existed at present. He had read the relevant planning policies and concurred with the decision in the Planning Officer's report. The building by itself would be detrimental to the design of the development and would breach the built edge. He remarked that if there was no hedge the LRB would not be divided. He added that the applicant could wait until the hedge reached a height of 2 metres and could then reapply.

Decision
The LRB agreed, by a majority of 3 to 2, to reject the review and uphold the decision of the Planning Officer to refuse this application for the reason set out in the original Decision Notice. The Clerk/Legal Adviser stated that a formal Decision Notice would be issued within 21 days.

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East Lothian Council

Annual audit report to the Members of East Lothian Council and the Controller of Audit

Year ended 31 March 2012

12 October 2012

Contents

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About this report

This report has been prepared in accordance with the responsibilities set out within the Audit Scotland's *Code of Audit Practice* ("the *Code*").

This report is for the benefit of East Lothian Council ("the Council") and is made available to Audit Scotland and the Accounts Commission (together "the beneficiaries"). It has been released to the beneficiaries on the basis that wider disclosure is permitted for information purposes, but that we have not taken account of the wider requirements or circumstances of anyone other than the beneficiaries.

Nothing in this report constitutes an opinion on a valuation or legal advice.

We have not verified the reliability or accuracy of any information obtained in the course of our work, other than in the limited circumstances set out in the scope and objectives section of this report.

This report is not suitable to be relied on by any party wishing to acquire rights against KPMG LLP (other than the beneficiaries) for any purpose or in any context. Any party other than the beneficiaries that obtains access to this report or a copy and chooses to rely on this report (or any part of it) does so at its own risk. To the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability in respect of this report to any party other than the beneficiaries.

We also draw your attention to the following:

- management of East Lothian Council are responsible for preparing financial statements that show a true and fair view and for implementing appropriate internal control systems;

- weaknesses or risks identified by us are only those which have come to our attention during our normal audit work in accordance with the Code, and may not be all that exist; and

- communication by us of matters arising from the audit of the financial statements or of risks or weaknesses does not absolve East Lothian Council management from its responsibility to address the issues raised and to maintain an adequate system of control.

Our audit work is undertaken in accordance with Audit Scotland's *Code of Audit Practise* ("the *Code*"). This specifies a number of objectives for our audit.

We reported, in our audit strategy, our responsibilities in respect of the audit. The Council's responsibilities are set out in appendix two.

This report summarises our work for the year ended 31 March 2012.

We wish to record our appreciation of the co-operation and assistance extended to us by Council staff during the course of our work.

Financial statements	
Draft 2011-12 financial statements were provided on 28 June 2012, in line with the agreed timetable; we have issued an unqualified audit opinion. The year end bank reconciliation was not available until 29 August and the receipt of a satisfactory response from the Council's external property valuer was subject to delay, both causing inefficiencies in the audit process. Management agreed that there was a material error in the 2010-11 financial statements; a prior year adjustment was processed in the 2011-12 financial statements to correct the error.	-
Use of resources	
The Council had a statutory deficit of £7.5 million in 2011-12 (2010-11: £5.9 million surplus). This resulted in a decrease in the general fund reserves of £4.1 million and housing revenue account and capital fund reserves of £3.4 million. Total capital expenditure in 2011-12 was £71.5 million, lower than the approved capital plan of £77.3 million. This level of capital investment represented a 26% increase over 2010-11 levels. From Audit Scotland's analysis of the 32 local authorities, the Council has the highest level of net external debt of all Scottish local authorities, representing a significant risk to future revenue budgets. The 2012-13 budget forecasts a breakeven position, incorporating a further £4 million utilisation of reserves. The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2014. In 2014-15 the Council is budgeting for a break-even position.	Pages 3 - 7
Performance management	
We have considered the Council's arrangements in responding to Audit Scotland and Accounts Commission national studies, preparing short returns to Audit Scotland as appropriate. We have identified some opportunities for improvement. The Council has developed an improvement framework which should support management's ongoing assessment of the extent to which the Council is achieving Best Value and support the Council's drive for continuous improvement.	Pages 14 - 17
Governance	
Following local government elections, there have been revisions to the membership of the Council and its committees. The governance statement confirms the existence of a comprehensive framework of internal control. Arrangements to prevent and detect fraud are embedded in internal controls, including processes to comply with the National Fraud Initiative.	Page 21 - 23
Internal audit completed their plan, reporting a number of weaknesses during the year and concluding that reasonable assurance could be placed on the adequacy and effectiveness of the Council's internal control systems for the year. We have made a number of recommendations to improve the Council's control framework.	Page 23

Mandatory communications	
We are required by ethical standards to formally confirm our independence to you.	Appendix three

The Council had a statutory deficit of £7.5 million in 2011-12 (2010-11: £5.9 million surplus). This resulted in a decrease in the general fund reserves of £4.1 million and housing revenue account and capital fund reserves of £3.4 million.

2011-12 has been a landmark year for the Council, due in part to reserves being used for the first time. This practice will continue, with further planned use of reserves included in the approved three-year financial plan.

Financial outturn

The Council had a statutory deficit of £7.5 million in 2011-12 (2010-11: £5.9 million surplus). This resulted in a decrease in the general fund reserves of £4.1 million and housing revenue account and capital fund reserves of £3.4 million.

The decrease in the housing revenue account related primarily to £4 million capital expenditure financed from revenue as part of the Council's open market acquisition strategy. Additionally, management transferred £2.5 million from the capital fund to the housing revenue account at year end to provide sufficient funds to cover planned expenditure in 2012-13.

2011-12 was the first year that the Council planned to utilise brought forward reserves, having expected to utilise £5.3 million. The final outturn position was a £2.1 million utilisation, representing 24% of opening useable reserves. The lower utilisation was mainly a result of the lower than planned primary school numbers and higher than expected funding from the Scottish Government for teacher employment. The movement in the planned use of reserves over the year is summarised below.

Planned use of reserves
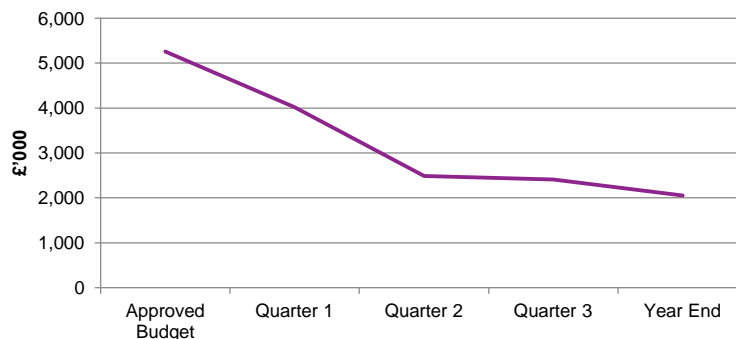
Source: East Lothian Council

Further utilisation of reserves was incurred in respect of committed elements of the general fund, mainly in relation to £1.3 million of the cost reduction fund. This was primarily due to the cost of staff restructuring and rationalisation.

Based on an Audit Scotland survey of the 32 Scottish local authorities, only four others utilised reserves in 2011-12. However, the total usable reserves carried forward as a proportion of revenue expenditure is of a similar ratio to other councils. This indicates that in previous years the Council held a higher proportion of reserves when compared to other councils.

As at 31 March 2012, the Council had usable reserves of £21.5 million. These consisted of the general fund (£13.7 million), the housing revenue account (£2.8 million), and the capital fund (£4 million) - which is used to fund capital expenditure within the housing revenue account. The funds are illustrated in the diagram below.

Analysis of reserves
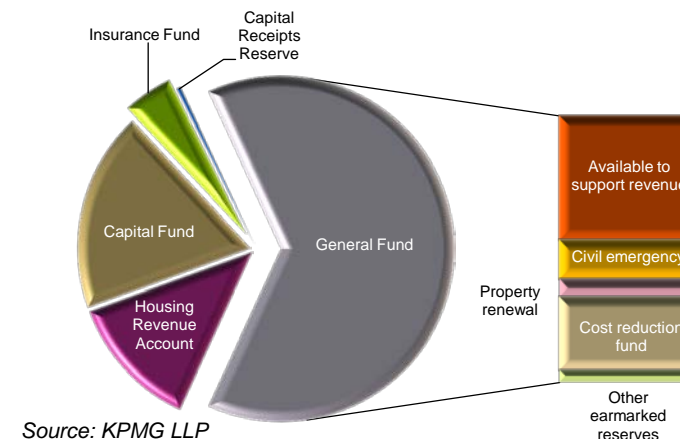
Source: KPMG LLP

An open market acquisition strategy was approved, which provided a set of criteria to determine which houses could be purchased. A budget of £11.2 million was set aside for this strategy and to date £6.4 million has been spent to acquire 57 houses.

Despite the investment in affordable housing during 2011-12, achievement of the Scottish Government's target that all homeless people are offered permanent accommodation remains increasingly challenging.

The table below shows the variance against budget for each service at the year end.

	Budget 2011-12 £000	Actual 2011-12 £000	Variance £000
Education and children's services	288,058	287,520	(538)
Community services	107,252	106,760	(492)
Chief executive's office	3,344	4,101	757
Environment	25,920	25,972	52
Corporate resources	1,924	1,632	(292)
Corporate management	(421,238)	(421,726)	(488)
Other movements	-	(149)	(149)
Decrease in usable revenue reserves	**5,260**	**4,110**	**(1,050)**

Source: East Lothian Council

The largest deficit compared to budget is in the chief executive's office, which relates to costs for exit packages agreed as part of the restructuring. The decrease of £4.1 million in useable revenue reserves primarily represents £2.1 million required to support the revenue budget and £1.3 million use of the cost reduction fund. These costs were subsequently charged against the cost reduction fund.

As part of the financial reporting process, each service group is given a financial risk rating (low, medium or high). Management has identified that all groups rated as 'high' overspent against their approved budgets. There are risks going forward of achievement of a sustainable financial position should service groups continue to overspend against approved budgets.

Housing revenue account ("HRA")

The outturn position on the HRA is a deficit of £4.4 million. However, after making the adjustments between the accounting basis and funding basis under statute (credit of £0.2 million) and a transfer from the capital fund (£2.5 million) the decrease in the year was £2 million, giving a carry forward balance at 31 March 2012 of £2.7 million. The deficit on the HRA was due to rental income being below budget, reflecting lower numbers of affordable house completions.

Open market acquisition

The Council is required to provide dwellings for homeless people as part of new legislation that comes into effect later in 2012. Due to the economic climate, there has been a slowdown in the completion of new build affordable housing, and consequently the Council approved the purchase of houses from the open market.

An open market acquisition strategy was approved, which provided a set of criteria to determine which houses could be purchased. A budget of £11.2 million was set aside for this strategy and to date £6.4 million has been spent to acquire 57 houses. The scheme is currently on hold while the Council brings the acquired houses up to the appropriate standards.

As part of this strategy, the Council approved £4 million capital expenditure to be funded by revenue. This amount was fully utilised during the year and substantially accounts for the net decrease in the HRA. This strategy had a direct impact on the housing revenue account revenue reserves during 2011-12.

Despite the investment during 2011-12 in affordable housing, achievement of the Scottish Government's target that all homeless people are offered permanent accommodation remains increasingly challenging.

Total capital expenditure in 2011-12 was £71.5 million, below the approved capital plan of £77.3 million. This level of capital investment represented a 26% increase over 2010-11 levels.

Management has commenced a review of the capital plan. This will include consideration of the timescale of the plan, the timings of individual projects and the associated costs. As part of this review management is considering the overall affordability of the plan in the context of ensuring financial sustainability.

Capital programme

Total capital expenditure in 2011-12 was £71.5 million, below the approved capital plan of £77.3 million. This level of capital investment represented a 26%, or £14.7 million increase over 2010-11. The table below provides an analysis of capital expenditure across general services and the housing revenue account; comparing actual capital expenditure to budget and prior year.

Year	Total	Housing Revenue Account	General Services
2011-12 (£m)	71.5	33.2	38.3
Capital plan budget (£m)	77.3	37.4	39.9
Under / (over) spend (£m)	5.8	4.2	1.6
2010-11(£m)	56.8	30.1	26.7
Increase from 10-11 (£m)	14.7	3.1	11.6
Increase from 10-11	26%	10%	43%

Source: East Lothian Council

In respect of the housing revenue account the largest element of the capital underspend (£4.6 million) was on the Council's approved open market acquisition strategy. The scheme is currently on hold while the Council brings those acquired properties to appropriate standards and management reflects on the strategy.

Actual capital expenditure on general services was £38.3 million; the most significant capital projects undertaken are set out below. A small underspend of £1.6 million against the approved budget was achieved. This related to a number of small underspends, the more significant of which were projects that have taken longer than expected to initiate, including the Musselburgh care home and the Gullane day centre projects.

Management has also identified some areas of capital overspends totalling around £1.5 million. These are in respect of the Brunton hall refurbishment, Dunbar community facility and Ormiston community facility. Management estimate that a significant proportion of the additional cost will impact the available resources in 2012-13; putting pressure on achievement of the 2012-13 capital plan. Management has initiated a review of these projects.

In addition, as part of the approach to medium to long-term financial planning, management has commenced a review of the capital plan. This will include consideration of the timescale of the plan, the timings of individual projects and the associated costs. As part of this review management is considering the overall affordability of the plan in the context of achieving recurring financial balance.

Analysis of capital projects: 2011-12

Project	Expenditure £ m
New affordable homes (HRA)	14.2
Modernisation (HRA)	11.0
Roads	7.0
Open market acquisition (HRA)	6.4
Haddington joint school	4.3
Dunbar community facility	4.0
John Grey centre	3.7

Source: East Lothian Council

Of all Scottish local authorities, the Council has the highest level of net external debt as a proportion of revenue spend, representing a significant risk.

The level of external debt needs to be considered in the context of the medium to long-term financial position to ensure that a sustainable financial position is achieved over the medium to long-term.

Borrowing

The Council's capital expenditure is largely funded through borrowing, which has the effect of increasing the level of indebtedness which the Council must repay, with interest, from future revenue budgets.

Borrowing increased in 2011-12 by £38.9 million (15%), compared to a 26% increase in capital expenditure. Taking into account the impact of increased capital grants and capital funded from revenue, the increase in capital expenditure funded from borrowing was approximately 13%; comparable with the increase in borrowing.

In benchmarking undertaken by Audit Scotland, from analysis of the unaudited financial statements of Scotland's 32 local authorities, the Council has the highest level of net external debt when taken as a proportion of revenue expenditure (166%) and per head of population (£3,500 per head). In addition, the Council has the fourth highest level of debt as a proportion of fixed assets, with a ratio of 0.75.

Interest payable and similar charges as a proportion of net revenue spend is 7%, being the ninth highest percentage of the 32 other local authorities within Audit Scotland's analysis.

The Council is forecasting an increase in debt repayments over the next three years, linked to the increased borrowing costs. These will be paid from the general services and housing revenue account budgets and have been included in the next two years budgets. From 2014-15, the general services budget will not be able to fund these repayments.

The Council's level of debt places significant pressures on future available revenue funding as debt and associated interest must be repaid. This represents a significant risk for the Council, placing a strain on available revenue resources in future years. The level of external debt needs to be considered in the context of the medium to long-term financial position of the Council to ensure that a sustainable financial position is achieved over the medium to long-term.

Recommendation one

External debt as a proportion of revenue spend – 32 Scottish local authorities
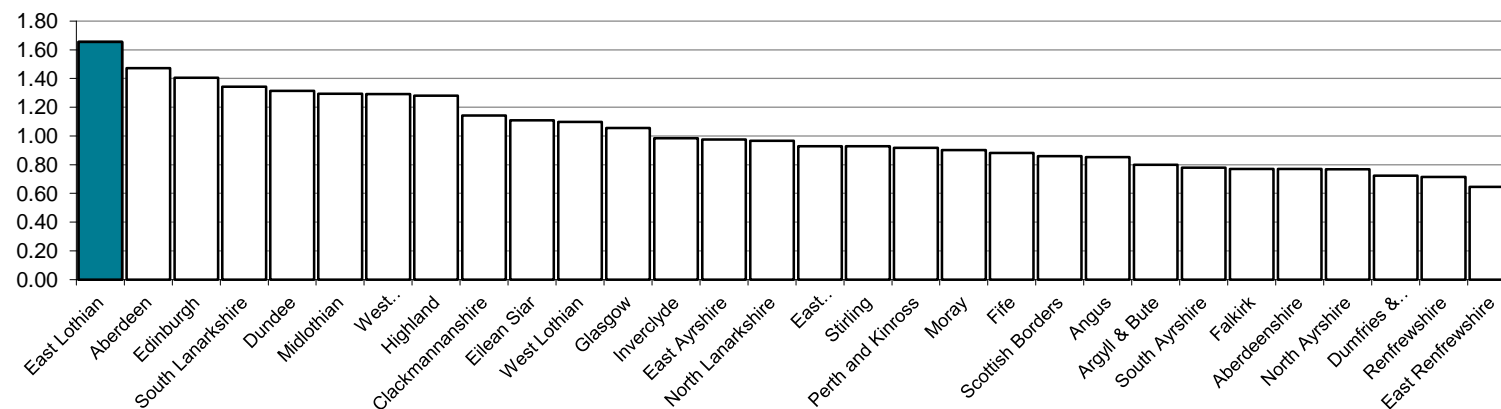
Source: Audit Scotland

The 2012-13 budget forecasts a breakeven position, incorporating a further £4 million utilisation of reserves.

Background

Scottish Government spending plans have identified that local government funding is expected to fall by 3% between 2011-12 and 2012-13, and cumulatively by 6.3% by 2014-15. Furthermore, capital funding is anticipated to continue to fall over the next two years with corresponding increases in 2014-15 and 2015-16.

Revenue budget

A three year revenue budget was approved by council in February 2012. This used the 2011-12 budget as a base and reflected changes for known items of income and expenditure in future years. The 2012-13 budget forecasts a breakeven position, incorporating a further £4 million utilisation of reserves. This budget has been set on the assumption that council tax will remain frozen in 2012-13.

The main changes over the period to 2014-15, by service, are summarised below. These are based on the previous structure, which has now changed following the chief officer restructuring exercise. The changes detailed below are incorporated in the approved budgets and comprise of both known changes and agreed efficiency savings / measures.

A significant element of the efficiency savings relate to streamlined workforce management, group savings targets to meet from service redesign, removal of current or future vacancies and tighter management of variable staffing costs, such as overtime.

Department	Budget 2011-12 £000	Changes 2012-13 £000	Changes 2013-14 £000)	Changes 2014-15 £000	Cumulative 2015 £000
Chief executive	3,644	(34)	(127)	23	3,506
Community services	70,427	(167)	(903)	297	69,654
Corporate resources	8,802	(339)	(404)	94	8,153
Education and children's services	94,870	(556)	(654)	940	94,600
Environment	15,600	(214)	20	274	15,680
Net expenditure	**193,343**	**(1,310)**	**(2,067)**	**1,627**	**191,593**
Corporate income	(217,028)	(1,744)	(1,324)	(5,599)	(225,695)
Transfer to/(from) reserves	(5,260)	1,187	1,789	2,284	-
Corporate commitments	28,945	1,867	1,602	1,688	34,102
(Surplus) / deficit	**-**	**-**	**-**	**-**	**-**

Source: East Lothian Council

The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2014. In 2014-15 the Council is budgeting for a break-even position.

While as at 31 March 2012, management confirmed that the Council remains on track with its existing financial strategy, significant financial risks continue to emerge, including the inability of certain services to constrain and reduce costs and overspends on elements of the capital plan.

Management are planning to undertake a mid-year financial review for presentation to council.

The changes have been projected across each of the three years, to obtain the budget figures to 2014-15, which will be the first year when reserves are forecast not be used to meet recurring expenditure. The increased level of debt charges represent the largest movements within corporate commitments, reflecting the increased borrowing requirements.

Cost reduction fund
The Council has a cost reduction fund, set up in October 2009 with £1 million, and later revised in February 2011 to £5 million. This was set up to provide earmarked reserves for cost reduction activities. As at 31 March 2012, £3.7 million was available to cover the cost of further service reviews and other potential efficiency savings.

Use of reserves
The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2014. In 2014-15 the Council is budgeting for a break-even position. Theoretically, while reserves are not planned to be required in 2014-15, this clearly gives rise to significant challenge and risk for the Council, requiring it to achieve budget in each of the next two financial years and to ensure that the level of required change is delivered to achieve an underlying recurring financial balance from 2014-15.

While as at 31 March 2012, management confirmed that the Council remains on track with its existing financial strategy, significant financial risks continue to emerge, including the inability of certain services to constrain and reduce costs and overspends on elements of the capital plan.

Management are planning to undertake a mid-year financial review for presentation to council. We understand this will consider the current financial position against the targets set. This is a key element of ensuring assessment and challenge of the financial position and will help enable decisions to be taken in order to facilitate achievement of the medium to long-term financial strategy and achievement of recurring financial balance. As part of the planned mid-year review, management will incorporate a review of the capital plan.

The results for quarter one of 2013, to 30 June 2012, show an underspend compared to budget and consequently an improved reserves position. However, management has identified areas of potential overspend in the remainder of the year and are proactively monitoring over the next quarter in order to manage reserves use for the full year.
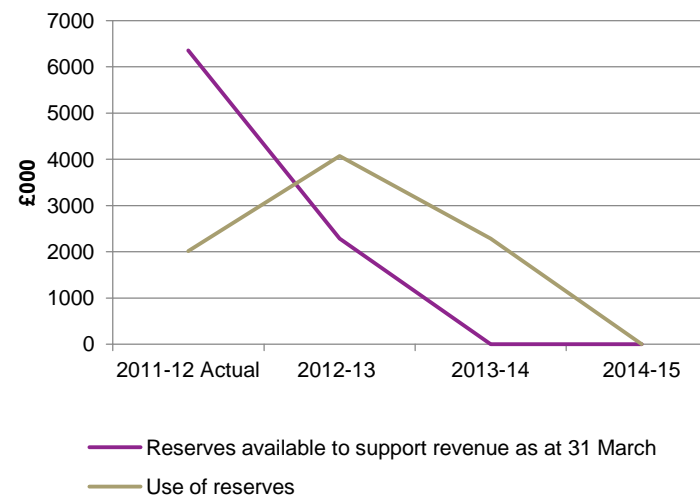
Source: KPMG LLP

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The Council has established a strategic welfare reform group to consider and plan for the associated risks and to ensure the Council is prepared to respond to the changes.

An agreement was reached to share the post of executive director of education with Midlothian Council. A decision has yet to be taken in respect of whether this arrangement will continue into 2013 and beyond. Following the change in administration the decision to appoint a joint head of education with Midlothian Council was rescinded.

Welfare reform

As a result of the Welfare Reform Act 2012, a number of significant changes will be required in how councils deliver benefit services. The most significant change is the introduction of 'universal credits', which is an integrated working age benefit which will replace existing benefits, including housing benefit. Universal credits will be administered by the Department of Work and Pensions ("DWP"). Changes to current arrangements are expected to commence during 2013.

The Council has established a strategic welfare reform group to consider and plan for the associated risks and to ensure the Council is prepared to respond to the changes that are required. Officers have provided a number of briefings to members on the impending changes and the likely consequences for benefit claimants and Council staff. The Council considers that the planned reforms will impact on adult social care services, housing and homelessness services and free school meals but feels the specific consequences are difficult to quantify. Additional briefings are planned once more information is available.

While responding to the introduction of universal credits, which not only impacts the nature of benefits available in the future, but also the Council's role in the administration of these benefits, will present challenges for the Council, it is clear that action has commenced by officers to mitigate the associated risks. Given the significance of this matter it is important that continued regular updates are provided to members and there is continued senior officer involvement in ensuring the timely implementation of transition arrangements.

Recommendation two

Partnership working

During 2011-12, following the retirement of the director of education at Midlothian Council, an agreement was reached to share the post of executive director of education across the two councils from 1 April 2012 until 31 December 2012. A decision has yet to be taken in respect of whether this arrangement will continue into 2013 and beyond.

In addition, the Council approved an education shared services initiative with Midlothian Council which included the appointment of a joint head of education. However, following the change in at the Council the administration the decision to appoint a joint head of education was rescinded.

At a recent meeting of the joint liaison group, a group comprising of senior officers and members from both the Council and Midlothian Council, the sharing of a health and safety manager across East and Midlothian councils on a six month trial basis was approved. This will help the Council to draw on the expertise and resources of the current manager at Midlothian, while providing team resources to Midlothian Council.

One of the key improvement points identified by the Council from the 'How Good Is Your Council?' self-evaluation and consideration of issues highlighted in the Accounts Commission report, *Overview of Local Government in Scotland*, was to identify opportunities for achieving Best Value and making efficiency savings through partnership working. Shared services are an important component in enabling the Council to achieve its financial plan. Management recognise that it is important that as part of the mid-year financial review, consideration is given as to how the planned efficiency savings through shared services will now be achieved.

East Lothian is one of the pilot areas for the integrated resource framework which is intended to provide the basis for clearer decisions regarding resource allocation between social and health care funds. The Council is in discussion with both Midlothian Council and NHS Lothian about the possibility of sharing various projects and services. The Council's audit and governance committee has agreed to review partnership arrangements and understand the plans and impact on the financial strategy.

Police & Fire and Rescue

The Police and Fire & Rescue Reform (Scotland) Act 2012 ("the Act") created a national police force and a national fire and rescue force. This replaces local authorities' current role as police authorities and fire & rescue authorities. The Act includes a framework for the delivery of local scrutiny and engagement arrangements, which all local authorities and the new services will need to implement when the legislation is enacted from April 2013.

The Council has participated in the *Local Scrutiny and Engagement Implementation Network* and formed a pathfinder with Lothian and Borders Fire & Rescue and Lothian & Borders Police. Discussions are ongoing with these bodies and pilot arrangements have been established.

On 26 June 2012, the Council agreed to establish a shadow police and fire & rescue services board for the period running up to the establishment of the new national bodies. The board has now been established and the first meeting was held in September 2012. A further three meetings are planned before April 2013, to help determine the final governance arrangements to be established from 1 April 2013.

Audit risks were identified in respect of opening balances, financial position, senior staff structure, group financial statements, valuation of property, plant and equipment and heritage assets.

Management agreed that there was a material error in the 2010-11 financial statements; a prior year adjustment has been processed in the 2011-12 financial statements to correct the error.

Issue	Key risk and implications	KPMG comment
Opening balances	International Standard on Auditing (UK and Ireland) 510: *Initial audit engagements – opening balances* requires auditors to obtain sufficient, appropriate audit evidence that opening balances do not contain misstatements that materially affect the financial statements. The standard also requires auditors to verify that appropriate accounting policies are reflected in the opening balances and that they have been consistently applied in the current period's financial statements.	We have: ▪ held discussions with the Council's previous external auditors in respect of prior year audit focus areas, corporate governance and general risk assessment; and ▪ reviewed the prior year financial statements, annual audit reports and other reports issued by the previous external auditors. As a result of this work we identified a number of areas for further enquiry and review across the primary financial statements and associated notes, including group financial statements, investments and the valuation of other land and buildings. Our consideration of these, and other technical accounting matters, are set out on the following pages.
Valuation of property, plant and equipment – *other land and buildings*	A valuation of *other land and buildings* was performed by an external valuer engaged by the Council, as at 1 April 2011. While the final valuation report was not available to the Council at the time of preparing the 2010-11 financial statements, it was received in August 2011, prior to the 2010-11 financial statements being finalised. The report was not analysed until after the financial statements were signed and it showed a net valuation decrease to other land and buildings of around £95 million, after adjusting for the componentisation of secondary school assets.	In accordance with accounting standards, we highlighted to management that the valuation provided evidence of fair value at 31 March 2011. Therefore, in our view, this matter should have been treated as an adjusting 'post-balance sheet event' and reflected within the 2010-11 financial statements. Further to our discussions, management accept that there was a material error in the 2010-11 financial statements and a prior year adjustment has been processed in the 2011-12 financial statements to correct the error. Following consideration by management the Council's external valuers has confirmed that the decline in residential development land values occurred mid to late 2008, consequently the prior year adjustment has been applied to the earliest date possible within the financial statements; opening reserves as at 1 April 2009. We have reviewed the prior year adjustment disclosures and are content that they are materially correct.

There are different valuation cycles across property, plant and equipment categories; management has made assumptions regarding the fair value of certain categories, most notably 'council dwellings' which have not been formally revalued since 1 April 2009.

Due to the potential complications that may arise from revaluing council dwellings we recommended management review and take action on the current approach to the valuation of council dwellings.

Following detailed discussions with us, the Council has consolidated the joint boards into the group financial statements having concluded that they have significant influence.

Issue	Key risk and implications	KPMG comment
Valuation of property, plant and equipment – *policy on valuations and componentisation*	The Code, in line with IAS 16 property, plant and equipment, requires that where property, plant and equipment are held at fair value, valuations shall be carried out at intervals of no more than five years. Valuations may be carried out on a rolling basis or once every five years. In addition, the Code requires that each item of property, plant and equipment with a cost that is significant in relation to the total cost of the item should be depreciated separately. Componentisation of property, plant and equipment is applicable from the earliest date a revaluation is carried out after 1 April 2010.	In our view the level of clarity in respect of the Council's policy of valuations; the programme of valuations and the assessment of the appropriateness of carrying values at the balance sheet date could be improved. To address these matters we have recommended that management should review the valuation policy and procedures to ensure compliance with the Code and accounting standards. Council dwellings were last revalued as at 1 April 2009; at our request management has obtained confirmation from the district valuer that the value of council dwellings reflected within the financial statements at 31 March 2012 remain appropriate. We have also sought, and obtained, management representations regarding the value of council dwellings. Due to the potential complications that may arise from revaluing council dwellings (since they are held as one line item with enhancements also held as one line item) we have recommended that management review and take action on the current approach to the valuation of council dwellings.
Group financial statements	The Council has interests in a number of different organisations, including Lothian and Borders Fire and Rescue Board, Lothian and Borders Police Board and Lothian Valuation Joint Board. These joint boards were included as associates in the group financial statements in 2010-11. This continued approach to accounting for these interests was subject to discussion during the interim audit process.	During the audit we discussed with management the group structure and, specifically, management's rationale for possible non-inclusion of the joint boards. Although the Council does not have more than 20% of the voting rights of each joint board, which would indicate the Council has significant influence, there are other indicators of significant influence, as outlined in IAS 28 *investments in associates.* As part of our analysis we concluded that the requirements of IAS 28 *investments in associates* were met and that the joint boards should be accounted for as associates. Before the financial statements were completed management concluded that it was appropriate to include the joint boards in the group accounts and account for them as associates. The disclosures relating to the group accounts have been updated to reflect the requirements of the Code.

During 2011-12 changes to the chief officer structure were implemented. We did not identify any material non-compliance with internal procedures or legislation, however we noted that there were opportunities to improve the documentation of internal meetings and discussions and human resources and legal advice received.

Payments to individuals were made in line with procedures. We have reviewed the exit packages disclosure within the remuneration report, where appropriate and concluded that they are appropriate.

Issue	Key risk and implications	KPMG comment
Chief officer structure	Following agreement of the three-year council plan and approval of the budget, in early 2012, the chief executive proposed changes to the chief officer structure to ensure the efficient and effective delivery of council services.	During 2011-12 changes to the chief officer structure were implemented. The proposals were considered and approved by the Council on 28 February 2012 and the revised chief officer structure came in to effect from 1 April 2012. The need for restructuring arose primarily from the discussions around the most efficient and effective way to deliver the 2012-17 council plan. The posts subject to restructure were: ▪ four director posts were reduced to three; and ▪ 11 heads of service; reduced to seven. The chief executive led and implemented a restructuring process that was based on internal and external consultation. We did not identify non-compliance with internal procedures or legislation, however we noted that there were opportunities to improve the documentation of internal meetings and discussions and human resources and legal advice received. In addition, we noted that while the monitoring and section 95 officers jointly commissioned legal advice from a different source, the existence of this separate legal advice was not mentioned in the council paper (28 February 2012). However, in the chief executive's view, some of the content informed, indirectly, the content of the council paper. Payments to individuals were made in line with procedures. We have reviewed the exit packages disclosure within the remuneration report, where appropriate and concluded that they are appropriate.

We discussed changes to the Code with management. During our final financial statement audit, we confirmed that these changes had been appropriately applied. However, we identified a number of disclosure amendments which have been correctly updated in the financial statements.

Issue	Key risk and implications	KPMG comment
Code 2011-12	The Council is required to prepare financial statements in accordance with the Code. The Code 2011-12 has been updated and a number of changes required consideration by management for any impact on the reporting requirements and financial statements	We discussed changes to the Code with management. The main changes impacting the financial statements were: • applicability of FRS 30 *Heritage Assets*; • additional guidance added in respect of leases; • new disclosure requirement in respect of exit packages; and • new requirement for a specific statement in the annual governance statement / statement on the system of internal financial control on whether financial management arrangements conform with the governance requirements of the statement on "the role of the chief financial officer in local government." During our final financial statement audit, we confirmed that these changes had been appropriately applied. Following completion of the Code disclosure checklist and consideration of Audit Scotland 's Notes for Guidance, we identified a number of disclosure amendments which have now been correctly updated in the financial statements.

Local response to national studies

As part of our annual audit process, we consider the Council's arrangements in respect of performance management and in responding to Audit Scotland and Accounts Commission national studies.

Audit area	Overview	Findings
Local response to national studies	Audit Scotland and the Accounts Commission periodically undertakes national studies on topics relevant to the performance of public sector bodies. To ensure that added value is secured through the role of Audit Scotland and the Accounts Commission and its appointed auditors, auditors will continue to ensure that audited bodies respond appropriately to reports from the programme of national performance audits.	We have considered the Council's response to the following national reports:

Findings (continued):

We have considered the Council's response to the following national reports:

- Scotland's public finances: responding to the challenge;

- transport for health;

- community health partnerships; and

- modernising the planning system.

We have prepared a short return to Audit Scotland for each report. Our assessment concluded that reports are considered by the audit and governance committee, except in respect of *transport for health* and *modernising the planning system* which were not formally considered. In addition, we noted that management has not performed a self-assessment of local arrangements against the recommendations in any of the reports.

We raised a recommendation in our interim management report that management should ensure that the content of all relevant national reports are discussed by the council or a sub-committee, that self-assessments are performed and that appropriate action plans and timetables are agreed to feedback local actions.

In March 2012 the Accounts Commission published their overview report on local government in Scotland. At the audit and governance committee meeting on 18 September 2012, the committee agreed to consider the Council's position against the key findings of this report, including utilising the 'How Good is Our Council (HGIOC") framework to inform debate. Management has identified several improvements which have been incorporated in to the Council improvement plan for 2012-13.

As part of its targeted approach to following-up a small number of performance audit reports each year, Audit Scotland has identified _Maintaining Scotland's roads: a follow-up report_ for follow-up in 2011-12.

We carried out follow-up work to consider the Council's response to the report.

Maintaining Scotland's roads: a follow up

As part of its targeted approach to following-up a small number of performance audit reports each year, Audit Scotland has identified the _Maintaining Scotland's road – follow-up report_ for follow-up by local auditors in 2011-12. The aim of the follow-up work is to assess the progress that councils have made in driving forward road maintenance activities, managing the performance of road maintenance activities, and maximising value for money in road maintenance services. Set out below are our findings from our follow up work.

Question	Audit Scotland prompt	Findings
How did the council respond to _Maintaining Scotland's roads: a follow-up report_ following publication?	Was the report formally considered by the: ▪ full council? ▪ audit committee? ▪ senior management team? ▪ other committee? Please provide the date the report was considered and the key actions in any action plan developed.	Audit Scotland and the senior transportation manager attended the March 2011 audit and governance committee where the report was discussed in detail. The report was also discussed at the April 2011 meeting of the policy and performance review committee. This was also attended by the senior transportation manager.
Does the Council have appropriate plans to drive road maintenance activities?	Does the Council have a comprehensive road asset management plan, developed in accordance with the SCOTS road asset management project? Does the Council adequately monitor progress against the road asset management plan and do monitoring results demonstrate satisfactory progress?	A road asset management plan was prepared by the senior transportation manager and approved by the environment policy and performance review committee in June 2010. A copy of the road asset management plan was provided to us as part of our follow-up work. It is detailed and has been developed in accordance with the SCOTS road asset management project. The Council monitors progress against the road asset management plan annually through the policy and performance review committee. It was last considered at the June 2012 meeting. The report submitted to the committee demonstrates satisfactory progress.

Question	Audit Scotland prompt	Findings
How does the Council manage performance of its road maintenance activities?	Is the Council using relevant performance indicators to help manage its road maintenance service? ▪ To what extent have SCOTS' core performance indicators been adopted? ▪ To what extent have SCOTS' secondary and statistical indicators been adopted? In which areas is the Council performing particularly well against its performance indicators? In which areas does the Council need to improve its performance and what plans are in place to address this? The Council did not meet its target in relation to number of working days lost due to sickness absence. However, this had reduced considerably since 2008-09 and there is a strict sickness absence policy.	The Council uses a road network management scorecard which includes a number of performance indicators. All SCOTS performance indicators have been adopted, including core performance indicators and secondary statistical indicators. The Council is performing particularly well against customer service indicators, such as response to routine correspondence and operations indicators, such as repairs times. The Council did not meet its target in relation to number of working days lost due to sickness absence. However, this had reduced considerably since 2008-09 and there is a strict sickness absence policy.
What is the Council doing to maximise value for money in its road maintenance service?	What is the Council doing to maximise value for money in its road maintenance service? Within the last 18 months to what extent has the Council investigated the following opportunities to improve value for money in its road maintenance service: comparison of costs and performance with other councils, Transport Scotland or the private sector; partnership working with other councils, Transport Scotland or the private sector; service reconfiguration; pooling and flexible use of resources; innovative practices; and any other opportunities? What improvements in economy or service has the Council achieved as a result of these initiatives to date? If planned improvements have still to be achieved, when is this likely to happen? What other steps are being taken in response to the national review of roads maintenance?	The Council is a member of the Association for Public Service Excellence ("APSE") thus it is benchmarked across similar councils across the UK for highways and winter maintenance. This includes benchmarking against financial indicators, such as cost of gritting roads. The Council is a member of the Edinburgh, Lothian, Borders and Fife ("ELBF") forum. As part of this the use of sharing roads maintenance was looked into, but has not progressed following advice from the Council's legal team. For capital works to roads, the Council uses Scotland Excel, the local government procurement centre of expertise. Through inclusion in APSE the Council has improved on sickness absence among the transportation team. There is now a strict regime over refilling posts to ensure staff costs remain controlled.

Under the Local Government in Scotland Act 2003 ("the 2003 Act"), auditors have a duty to be satisfied that councils have made proper arrangements to secure best value.

The timing, nature and extent of Best Value work is determined as part of the shared risk assessment process.

In accordance with the principles of Best Value, the Council seeks to pursue 'continuous improvement'. The Council has developed an improvement framework, approved on 27 March 2012, which sets out five inter-related elements:

■ setting clear outcomes and priorities.;

■ self-evaluation;

■ service and improvement planning and management;

■ performance management, monitoring and reporting; and

■ external assessment and accreditation.

This framework can be considered best practice, and should support management's ongoing assessment of the extent to which the Council is achieving Best Value and support the Council's drive for continuous improvement.

Setting clear outcomes and priorities
Setting clear service outcomes and priorities is derived from a number of sources. The framework is illustrated in the diagram below.
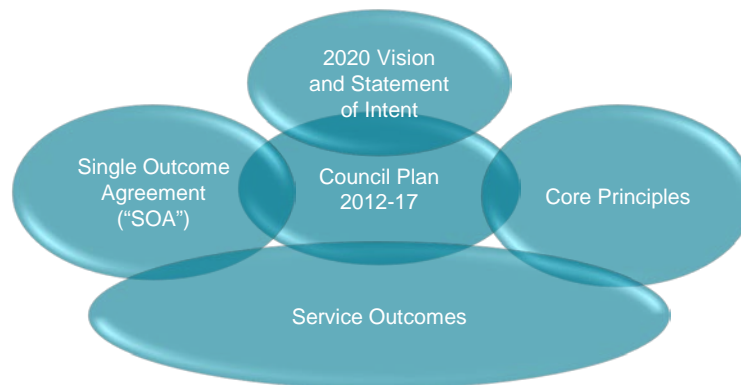
The council approved the draft Council plan 2012-17 in January 2012. Following the May 2012 local government elections the Council plan was updated to reflect the manifestos of the new coalition administration. In developing the Council plan management has aligned it to the requirements of the agreed outcomes within Single Outcome Agreement ("SOA") and the broader public sector reform agenda. Additionally, the Council plan has been developed to take into account the local priorities of East Lothian. The revised Council plan was approved in August 2012.

The Council plan has four key objectives, all of which are aligned to the SOA: grow our economy; grow our people; grow our communities; and growing the capacity of our Council. Furthermore, agreed service plan outcome areas are aligned with the Council plan. This approach ensures that there is clear and transparent alignment of objectives.

East Lothian Community Planning Partnership ("ELCPP") is a partnership of organisations from the public, voluntary, private and community sectors who are working together for community planning. The partnership is led by the Council leader. Achievement of the agreed SOA outcomes is the responsibility of ELCPP, with all members of the partnership contributing to achievement of the agreed outcomes.

Each performance indicator for the Council is linked to one of the SOA outcomes. Performance against these is reported in the Council's annual performance report. The Council intends to review the SOA during 2012-13, in line with guidance to be issued for SOA 2013. As part of the panned future approach we understand that management intend to bring an increased focus to reporting on agreed priority areas.

Source: East Lothian Council

Single outcome agreements align public sector activity to national priorities.   While there are no audit requirements in respect of the Council's performance against its SOA, the Council is expected to have suitable arrangements to:

- develop governance and accountability arrangements to support its SOA;

- ensure clear links between high-level SOA outcomes and more detailed service-level outcomes, both within the Council and across it's community planning partners;

- ensure the SOA is supported by robust performance management and reporting arrangements;

- report progress towards SOA outcomes to the Scottish Government; and

- undertake public performance reporting on progress towards SOA outcomes.

Source: Audit Scotland

Self-evaluation
The Council utilises the 'How Good Is Our Council?' ("HGIOC") self-evaluation model. This model collates information on service performance across five key questions. A facilitation team helps services to complete this work. Self evaluations, using the HGIOC framework, were performed during February and March 2012, based on the previous 12 months performance. These were performed at different levels across services.

During 2011-12 internal audit completed a review of the HGIOC process. A number of recommendations were made to improve the process. The key recommendations were in respect of duplication of questions, confusion about the definitions of stakeholders, leadership and management. We understand that the recommendations from the audit were implemented.

The corporate policy unit has also produced a report evaluating the current process. This makes a number of suggestions for enhancement to the current arrangements. These include broadening the approach to service reviews to support the Council's focus on continuous improvement and achievement of Best Value by introducing increased senior officer review and challenge, allowing additional comparisons and contrasting of performance to be undertaken to support service improvement. As part of planned changes to future arrangements we understand that management are also planning to introduce a more risk based approach to undertaking service reviews.

To ensure effective preparation, management have incorporated questions from the Best Value 2 toolkits into HGIOC.

Service and improvement planning and management
Service plans are required to recognise the improvement actions from the HGIOC self-evaluation process. In the corporate policy unit service plan information on the level of resource required to meet each agreed activity / SOA outcome has been included. As part of the continuous improvement agenda, there would be benefit in reviewing the effectiveness of this approach and rolling this out, where applicable / appropriate across the other service and operational plans.

Additionally, in the long-term it is anticipated that the timeline for the self-evaluation and service planning will be brought forward to enable resource requirements to inform the Council's budget setting process; supporting a 'bottom-up' approach to budget setting. This will have benefits in ensuring resources are appropriately allocated to areas of priority and the use of resources can be more directly linked and evaluated against performance achieved against agreed outcomes.

The Council approved a council improvement plan ("CIP") for 2012-13. This draws on actions from the HGIOC self-evaluation process and the corporate governance self-evaluation process, prepared by management to inform the annual governance statement disclosure within the 2011-12 financial statements. In addition it captures the 2012 employment survey results and identified focus areas arising from the AIP. A review of progress against the CIP 2011-12 was undertaken and a number of action points have been carried forward to the 2012-13 CIP.

Performance management
Together with the focus on self-evaluation, the main element of performance management takes place through monitoring service performance against agreed performance indicators. Elected member scrutiny is primarily performed by the policy and performance review committee and the audit and governance committee. In addition, the corporate management team reviews performance on a continuous basis.

The Council considered the impact of workforce changes upon performance, and has concluded that although there has been a slight reduction in staff numbers, there has not been a negative impact upon performance. The Council has conducted an employee engagement survey, with comparable results to previous years. The extent to which services have sufficient staff to deliver activities received a relatively low score and this issue is being considered through planned service reviews.

External accreditation
Management are seeking to achieve Council-wide accreditation for Investors in People ("IiP") and Customer Service Excellence ("CSE"). Management consider there are close links and alignment between these accreditation schemes and the current work being undertaken on enhancement to the self-evaluation arrangements. These links will support the Council to continue to build a sustainable and integrated improvement approach.

Shared risk assessment
The Council's Assurance and Improvement Plan ("AIP") assessed no areas as being areas of operational scrutiny risk, three as areas of 'uncertainty' and the remaining 35 as 'no significant risk'. The three areas of 'uncertainty' are corporate services, challenge and improvement and use of resources – asset management. These were also assessed as areas requiring ongoing scrutiny in the previous AIP.

The AIP concludes that *"there are no significant concerns about East Lothian Council's overall performance. The LAN recognises the Council's ongoing commitment to continuous improvement and self-evaluation. There is a clear vision and direction for the work of the Council and a number of improvement activities are already underway and progressing well."*

The Council considered the updated AIP on 28 August 2012. It is expected that this will assist in service planning and in supporting the development and implementation of the Council's improvement framework.

Shared risk assessment
- A key aspect of the Scottish Government's scrutiny agenda is to better coordinate and streamline scrutiny and achieve greater effectiveness, while protecting the independence of scrutiny bodies.
- The local area network ("LAN") met during 2012 to update the three year rolling Assurance and Improvement Plan ("AIP") for the Council.
- The Council's updated AIP was published in May 2012, in conjunction with the National Scrutiny Plan for Local Government.

Source: Audit Scotland

Framework

The statutory deadline for publication by the Council of statutory performance indicators ("SPIs") is 30 September 2012. Since 2009-10, there has been a significant shift in approach to SPIs, with a significant reduction in the number of specific indicators that councils are required to use, while including measures designed to encourage councils to use a greater range of information as part of their mainstream performance management and reporting activities.

The Council is responsible for having appropriate arrangements to collect, record and publish complete and accurate data, so far as is practicable.

Our responsibilities, as the Council's external auditors, extend to understanding the arrangements and systems that the Council uses to generate performance results and reports.

The Council reports on the 25 set SPIs and also has a suite of other performance indicators which it has developed. Each performance indicator is linked to one of the outcomes in the SOA.

The Council uses the *Aspireview* system to input, manage, interrogate and present data. Inherent within the system are IT controls. For each indicator a performance indicator verification certificate is produced. Management consider that there are adequate checks and controls to provide comfort over the completeness and accuracy of data. Internal audit completed a review of the SPI arrangements and sample testing on the completeness and accuracy of data used. Minor errors were identified with the accuracy of two SPIs. Internal audit are discussing these with the relevant services.

Performance against the Council's performance indicators is reported in an annual performance report, publically available and discussed at the policy and performance review committee. The 2011-12 performance report highlighted that the Council has achieved or exceeded agreed targets for 61% of the performance indicators.

In comparing performance against 2010-11 for 51% of performance indicators there was an improvement in performance, for 49% of indicators there was no demonstration of improvement, with 32% of performance indicators actually showing a decrease in performance.

Results of performance indicators: against previous period
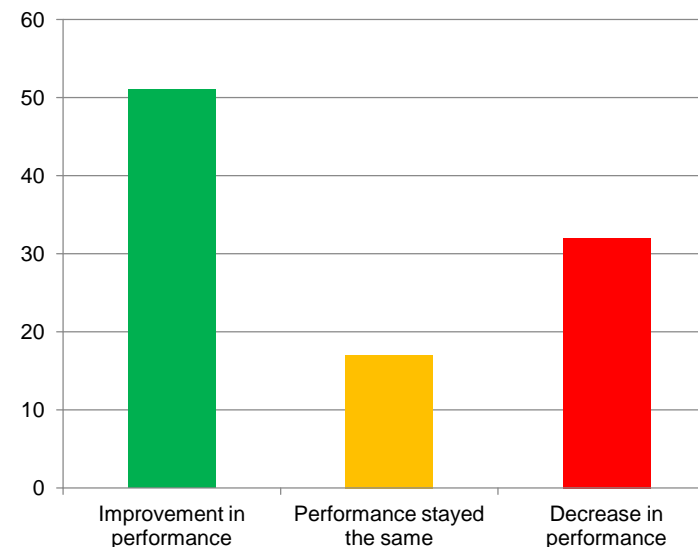
Source: East Lothian Council

Over-arching and supporting corporate governance arrangements provide a framework for organisational decision-making.

Corporate governance	The Council operates a committee based structure with the Council supported through five committees: planning, education, policy and performance, audit and governance and the petitions committees. The audit and governance committee and the policy and performance committee are chaired by members of opposition parties. These provide scrutiny and challenge to strategic decisions and performance.
	The Council maintains an integrated governance framework to provide an appropriate structure for maintaining decision-making, accountability, control and behaviour. Although there has been no changes in the overall governance framework, there have been a number of changes in councillor composition as a result of the local elections in May 2012. One notable change is the implementation of the monthly joint group, a new arrangement for an interface between administration members and officers. Under the former administration an equivalent group was in place, being the 'Leader's Briefing'.
	Following our interim audit we reported that the risk management strategy and supporting documentation, including service and corporate risk registers, demonstrated a commitment to good practice and increased focus by senior officers since 2009. The strategy remains under review and we would encourage management to use this revision to clearly define 'risk appetite'. This would support the Council in using risk management as a strategic and operational tool to drive decision-making and strategic developments, and mitigate the risk of the process increasing bureaucracy. At the same time, management recognises the need to embed risk management at an operational level and increase cultural awareness that it is everyone's responsibility to manage risk on a day to day basis.
Political landscape	The May 2012 elections saw a change in administration; changing from an SNP / Liberal Democratic coalition to a Labour / Conservative coalition. An elected member induction pack was submitted to the members' library service during April 2012. This included induction events relevant to the work, role and responsibilities of the Council. Management are also planning on completing a '100 day review', to assess progress since the elections and help identify the continuing induction and development needs of members.
	In addition, a session is being planned for members of the audit and governance committee, as part of the overall induction arrangements, which will be led by CIPFA to facilitate a session on challenge and scrutiny. Also, consideration is being given to the potential benefits to members of attending and observing the operation of the other audit committees across other areas of the public sector.
	In their *Overview of local government in Scotland*, published in March 2012, the Accounts Commission included a checklist for new and returning elected members to use to assess their own understanding and training needs. We recommend that this checklist is utilised as part of management's '100 day review' process, to inform additional training needs but also as a basis for reviewing the effectiveness of the induction arrangements completed to date.
	Recommendation three

Our reporting throughout the year has identified a number of significant weaknesses and risks arising from gaps in the strategic and financial control framework, including in respect of procurement arrangements, bank and other reconciliation and journal authorisation processes.

Annual governance statement	The governance statement provides details of the purpose of the framework of internal control, along with an analysis of its effectiveness. It describes a number of sources of assurance for the accountable officer and identifies areas for improvements to be focussed on in the future. The statement also highlights the annual self evaluation exercise carried out by the Council, which is based on the SOLACE/CIPFA good governance framework. Improvement points from this exercise are included within the statement and in the corporate improvement plan.
	We reviewed the governance statement and requested a number of amendments to ensure compliance with guidance and our understanding of the Council. We requested a change to the annual governance statement to identify how the Council's arrangements comply with the CIPFA *statement on the role of the chief financial officer in local government* (2010) to ensure compliance with the requirements of the Code.
Remuneration report	Scottish Statutory Instrument 2011 number 64, *The Local Authority Accounts (Scotland) Amendment Regulations 2011 amended the Local Authority Accounts (Scotland) Regulations 1985* added the requirement for local authority bodies to prepare a remuneration report.
	The Local Government Finance Circular number 8/2011, issued by the Scottish Government, provides guidance that the remuneration report is a statement in its own right and not a note to the financial statements. While there is no statutory prescription on its placement in the financial statements, it suggests a suitable placement would be after the governance statement. The remuneration report follows the annual governance statement at the end of the financial statements.
Internal controls	Our reporting throughout the year has identified a number of significant weaknesses and risks arising from gaps in the strategic and financial control framework, including in respect of procurement arrangements, bank and other reconciliation and journal authorisation processes.
	As the financial and operating environment in which the Council operates continues to change, with developing priorities and new and emerging financial and non-financial risks, it is increasingly important that the Council plan, supporting service plans and other developments are underpinned by effective organisation-wide controls, robust financial management processes and effective key financial controls.

The absence of a number of controls identified by us as part of the audit process, does, in our view increases the risk of fraud, or other irregularity not being prevented or detected on a timely basis.

Prevention and detection of fraud	The Council has policies and codes of conduct for staff and councillors including a whistle blowing policy. Management has confirmed that no significant fraud or irregularities have been identified during the year. However, the absence of a number of controls identified by us as part of the audit process, does, in our view increases the risk of fraud, or other irregularity not being prevented or detected on a timely basis.
National fraud initiative	NFI helps participating bodies to identify possible cases of fraud and to detect and correct under or overpayments. NFI also helps auditors to satisfy their duties to assess bodies' arrangements for preventing, deterring and detecting fraud.
	The Council has an established process for investigating cases of potential fraud highlighted by the NFI and although some services have resource constraints and are unable to follow-up matches themselves, suitable arrangements are in place to ensure this work is covered. As a result of the corporate restructuring, the investigations team which deals with most of the NFI work now reports to internal audit. This is beneficial as the Council's internal audit department will now be working more closely with those involved in investigating NFI cases.
Internal audit	As set out in our audit plan and strategy, we have evaluated the work of internal audit and concluded that we can rely, where relevant, on their work. The content of the internal audit plan is in line with our expectations.
	Internal audit reported that *"subject to the weaknesses outlined in the controls assurance statements, that reasonable assurance can be placed on the adequacy and effectiveness of the Council's internal control systems for the year to 31 March 2012."* The most significant areas where internal audit identified weaknesses in the design or operation of internal controls included procurement arrangements, the effects of organisational culture on internal financial controls, bank reconciliations, income collection from PPP facilities, software licenses, compliance with financial procedures, administration of the LEADER program and tender evaluation arrangements.

Appendices

The action plan summarises specific recommendations, together with related risks and management's responses.

Priority rating for recommendations

Grade one (significant) observations are those relating to business issues, high level or other important internal controls. These are significant matters relating to factors critical to the success of the organisation or systems under consideration. The weaknesses may therefore give rise to loss or error.

Grade two (material) observations are those on less important control systems, one-off items subsequently corrected, improvements to the efficiency and effectiveness of controls and items which may be significant in the future. The weakness is not necessarily great, but the risk of error would be significantly reduced if it were rectified.

Grade three (minor) observations are those recommendations to improve the efficiency and effectiveness of controls and recommendations which would assist us as auditors. The weakness does not appear to affect the availability of the control to meet their objectives in any significant way. These are less significant observations than grades one or two, but we still consider they merit attention.

Finding(s) and risk(s)	Recommendation(s)	Agreed management actions
1 Borrowing		**Grade one**
The Council's capital expenditure is largely funded through borrowing, which has the effect of increasing the level of indebtedness which the council must pay, with interest, from future revenue budgets. Borrowing increased in 2011-12 by £38.9 million, being a 15% rise. In benchmarking undertaken by Audit Scotland, from analysis of the unaudited accounts of Scotland's 32 local authorities, the Council has the highest level of net external debt when taken as a proportion of revenue expenditure (166%) and per head of population (£3,500 per head).	The Council's level of debt places significant pressures on future available revenue funding as debt and associated interest must be repaid. This represents a significant risk for the Council, placing a strain on available revenue resources in future years. The level of external debt needs to be considered in the context of the medium to long-term financial position of the Council to ensure that a sustainable financial position is achieved over the medium to long-term.	The Council has already commenced a review of capital programmes and expect to report on this to the October meeting of the Council. **Responsible officer:** Head of Council Resources **Implementation date:** 31 October 2012

Finding(s) and risk(s)	Recommendation(s)	Agreed management actions
2 Welfare reform		**Grade three**
As a result of the Welfare Reform Act 2012, a number of significant changes will be required in how councils deliver benefit services. The Council has established a strategic welfare reform group to consider and plan for the associated risks and to ensure that Council is prepared to respond to the changes that are required.	While responding to the changes, such as the introduction of universal credits, will present challenges for the Council, it is clear that action has commenced by officers to mitigate the associated risks. Given the significance of this matter it is important that continued regular updates are provided to members and there is continued senior involvement in ensuring the timely implementation of transition arrangements.	Agreed. **Responsible officer:** Executive Director of Support Services **Implementation date:** January 2013
3 New member training		**Grade three**
Although there has been no changes in the overall governance framework, there have been a number of changes in councillor composition as a result of the local elections in May 2012. An elected member induction pack was submitted to the members library service during April 2012 and was approved by Council (through noting of documents in the members library service) on 15 May 2012. This included induction events relevant to the work, role and responsibilities of the Council.	It is recommended that the new and returning member checklist, included as part of the *Overview of local government in Scotland*, published in March 2012 by the Accounts Commission, is used by members as a tool to inform training needs or review the effectiveness of the Council's arrangements.	Continuing professional development ("CPD") for elected members will be launched on 30 October 2012. The CPD approach (self-evaluation, identification of training and development needs on an individual and tailored basis) is more comprehensive than the generalised checklist approach set out in the Overview of Local Government in Scotland report. The key issues in the checklist will be covered in the competency based self-evaluation used in the CPD process to identify individual councillors' training needs. **Responsible officer:** Corporate Policy Manager **Implementation date:** 30 October 2012

Finding(s) and risk(s)	Recommendation(s)	Agreed management actions
4 Remuneration report		**Grade three**
The Council includes the remuneration report after the primary statements and notes, at the back of the financial statements. While not out of line with some other local authorities, it is inconsistent with our experience of good practice in other sectors.	It is recommended that the Council considers whether the existing presentation of the remuneration report demonstrates a continued commitment to transparency. Consideration should be given to repositioning the annual governance statement and remuneration report to follow the foreword, prior to the primary financial statements, to set the context up front for the preparation of the financial statements.	Consideration will be given as part of 2012-13 accounts arrangements. **Responsible officer:** Business Finance Manager **Implementation date:** June 2013

Audit Scotland code of audit practice – responsibilities of the Council

Financial statements

Audited bodies' financial statements are an essential part of accounting for their stewardship of the resources made available to them and their performance in the use of those resources. Audited bodies are responsible for:

- ensuring the regularity of transactions, by putting in place systems of internal control to ensure that they are in accordance with the appropriate authority;

- maintaining proper accounting records;

- preparing financial statements which give a true and fair view of their financial position and their expenditure and income, in accordance with the relevant financial reporting framework (eg, the Financial Reporting Manual or an Accounting Code of Practice);

- preparing and publishing with their financial statements an annual governance statement, statement on internal control or statement on internal financial control and a remuneration report; and

- preparing consolidation packs and, in larger bodies, preparing a Whole of Government Accounts return.

Systems of internal control

Audited bodies are responsible for developing and implementing systems of internal control, including risk management, financial, operational and compliance controls. They are required to conduct annual reviews of the effectiveness of their governance, systems of internal control, or internal financial control, and report publicly that they have done so. Such reviews should take account of the work of internal audit and be carried out by those charged with governance, usually through bodies' audit committees.

Prevention and detection of fraud and irregularities

Audited bodies are responsible for establishing arrangements to prevent and detect fraud and other irregularity. This includes:

- developing, promoting and monitoring compliance with standing orders and financial instructions;

- developing and implementing strategies to prevent and detect fraud and other irregularity;

- receiving and investigating alleged breaches of proper standards of financial conduct or fraud and irregularity; and

- participating, when required, in data matching exercises carried out by Audit Scotland.

Standards of conduct and arrangements for the prevention and detection of bribery and corruption

Audited bodies are responsible for ensuring that their affairs are managed in accordance with proper standards of conduct and should put proper arrangements in place for:

- implementing and monitoring compliance with appropriate guidance on standards of conduct and codes of conduct for members and officers;

- promoting appropriate values and standards; and

- developing, promoting and monitoring compliance with standing orders and financial instructions.

Audit Scotland code of audit practice – responsibilities of the Council (continued)

Financial position

Audited bodies are responsible for conducting their affairs and for putting in place proper arrangements to ensure that their financial position is soundly based having regard to:

- such financial monitoring and reporting arrangements as may be specified;

- compliance with any statutory financial requirements and achievement of financial targets;

- balances and reserves, including strategies about levels and future use; and

- the impact of planned future policies and foreseeable developments on their financial position.

Best Value

Achievement of Best Value or value for money depends on the existence of sound management arrangements for services, including procedures for planning, appraisal, authorisation and control, accountability and evaluation of the use of resources. Audited bodies are responsible for ensuring that these matters are given due priority and resources, and that proper procedures are established and operate satisfactorily.

We are required by ethical standards to formally confirm our independence to you.

There are no specific matters which have impinged on our independence.

Professional ethical standards require us to provide to you at the conclusion of the audit a written disclosure of relationships, (including the provision of non-audit services) that bear on KPMG LLP's objectivity and independence, the threats to KPMG LLP's independence that these create, any safeguards that have been put in place and why they address such threats, together with any other information necessary to enable KPMG LLP's objectivity and independence to be assessed. This statement is intended to comply with this requirement and facilitate a subsequent discussion with you on audit independence.

We have considered the fees paid to us by the Council for professional services provided by us during the reporting period. There were no fees payable other than in respect of our audit.

We are satisfied that our general procedures support our independence and objectivity.

General procedures to safeguard independence and objectivity

KPMG LLP is committed to being and being seen to be independent. As part of our ethics and independence policies, all KPMG LLP partners and staff annually confirm their compliance with our ethics and independence policies and procedures including in particular that they have no prohibited shareholdings. Our ethics and independence policies and procedures are fully consistent with the requirements of the Ethical Standards issued by the UK Auditing Practices Board. As a result we have underlying safeguards in place to maintain independence through:

- instilling professional values;
- communications;
- internal accountability;
- risk management;
- independent reviews.

Please inform us if you would like to discuss any of these aspects of our procedures in more detail. There are no other matters that, in our professional judgement, bear on our independence which need to be disclosed to the Council.

Confirmation of audit independence

We confirm that as of 17 September 2012, in our professional judgment, KPMG LLP is independent within the meaning of regulatory and professional requirements and the objectivity of Stephen Reid and audit staff is not impaired.

This report is intended solely for the information of the Council and should not be used for any other purposes.

Yours faithfully

KPMG LLP

KPMG

cutting through complexity ™

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Support Services)

4

SUBJECT: Council Risk Management Strategy

1   PURPOSE

1.1   The purpose of the report is to seek Council approval of the revised Risk Management Strategy.

2   RECOMMENDATIONS

2.1   It is recommended that the Council approves the revised Risk Management Strategy (Appendix 1).

3   BACKGROUND

3.1   The Council adopted the Risk Management Strategy in December 2009. The Strategy has been reviewed and updated and was considered by Audit and Governance Committee, 13 November 2012. The revised Strategy (Appendix 1) is now presented for final approval by Council.

3.2   The main changes to the Strategy relate to updating the responsibilities of senior officials in line with the re-organisation of the Council Management Team that took place in March 2012. Also, the Very High, High, Medium and Low risk categorisation in the Risk Rating Matrix has been redefined.

3.3   The Corporate Risk Register (CRR) was approved by Audit and Governance Committee on the 26 April 2011. Since then the Register has been reviewed by local/ service Risk Working Groups and the Council Risk Management Group. The revised Corporate Risk Register is to be considered and approved by the Council Management Team before being submitted to the Cabinet and Audit and Governance Committee in January 2013.

4   POLICY IMPLICATIONS

4.1   In approving the revised Risk Management Strategy the Council will be affirming the process of embedding risk management principles across the Council.

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.

6   RESOURCE IMPLICATIONS

6.1   Financial – There are no direct financial implications associated with approving the revised Strategy although it is anticipated that implementation may give rise to improvement measures which may themselves have financial implications.

6.2   Personnel – There are no immediate implications.

6.3   Other – Effective implementation of the Risk Management Strategy will require the support and commitment of those identified within the strategy to have specific responsibilities.

7   BACKGROUND PAPERS

7.1   Appendix 1 – Council Risk Management Strategy; October 2012

AUTHOR'S NAME	Scott Kennedy
	Paolo Vestri
DESIGNATION	Risk Officer
	Corporate Policy and Improvement Manager
CONTACT INFO	01620 827900
	01620 827320
DATE	4th December 2012

Risk Management Strategy

OCTOBER 2012

CONTENTS

Document Control			
Version No.	Effective Date	Reason for Update	Lead Reviewer
1.0	December 2009	New document	CMT/EP&RM
2.0	October 2012	Revised	CMT/EP&RM

1. Background

East Lothian Council provides a diverse range of services to the community of East Lothian and visitors to the area. The strategic and operational hazards and potential risks associated with delivering these services are many and varied.

East Lothian Council regards risk as the threat that an event or action will adversely affect the Council's ability to achieve objectives and the successful execution of strategies. Risk Management is the process of identifying, analysing, treating and monitoring risks which face the organisation and forms part of East Lothian Council's internal control and corporate governance strategy.

Developing a risk management culture and integrating risk management into the way the Council delivers services is essential for achieving best value, taking up opportunities and achieving the Council's Vision of making East Lothian a good place to live, work or visit. When risk is well managed it often goes unnoticed. If it is poorly managed or not managed at all the consequences can be significant and high profile. Effective risk management is needed to prevent such failures.

2. Policy Statement

2.1   The Elected Members and Chief Officers of East Lothian Council are committed to creating a culture within the Council where all staff are encouraged to develop new initiatives, improve performance and achieve their goals safely, effectively and efficiently by consistent application of tried and tested methodologies for identifying and managing opportunity and risk.

2.2   In doing so the Council aims to make the most of opportunities to:

- achieve high standards of performance;
- deliver high quality services for service users;
- provide an environment that meets Health & Safety requirements for the people it employs;
- protect assets and liabilities against potential losses, and
- minimise uncertainty in achieving its goals and objectives.

3. Scope

3.1   Whilst the Chief Executive has overall accountability for risk management, the Head of Policy and Partnerships has responsibility for the implementation of a suitable and effective risk management framework, and is supported in this respect by the Emergency Planning & Risk Manager and the Risk Officer whose remit is to co-ordinate, integrate, oversee and support the risk management agenda and ensure that risk management principles are embedded across the Council.

3.2   The Council has agreed that the Council Risk Management Group (chaired by the Head of Policy and Partnerships) is the lead Group overseeing the development, implementation and maintenance of risk management across all services. Risks will be recorded within the corporate risk register, service risk registers or project risk registers and development of the Aspireview risk module will facilitate this electronically.

3.3   **Corporate risks** represent those with the potential to impact on the 'corporate body', East Lothian Council, in achieving its stated policies and corporate objectives and those that require strategic leadership (for example the Council Plan and the Single Outcome Agreement). Service risks may be included on the corporate risk register where a risk impacts on multiple services or requires significant central resources in the development of risk control measures.

3.4   **Service risks** represent the potential for impact on 'individual services' in relation to service delivery, or the experience of those who work within the services, i.e. staff, partners, contractors and volunteers, or the general public and clients in receipt of the services provided.

3.5   All risk will be analysed in terms of impact on the Council, its component services and the likelihood of occurrence. This analysis will produce an evaluation of risk as being Low, Medium, High or Very High. The council's response in relation to adverse risk, or 'tolerance for risk' is such that:

- 'Low' risk is broadly acceptable without any further action to prevent or mitigate risk;

- 'Medium' risk is tolerable with control measures that are cost effective;

- 'High' risk may be tolerable providing the Council is assured that adequate and effective control measures are in place; and,

- 'Very High' risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position.

High and Very High risk will be subject to closer scrutiny by the Council Management Team and the Cabinet or Audit and Governance Committee.

3.6   This document represents the risk management framework to be implemented across the Council and effectively contributes to the signing of the Statement of Internal Control, which is an annual requirement of the Head of Council Resources.

4.   Risk Management Philosophy and Objectives

4.1   Risk Management is about the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects[1]. It is pro-active in understanding risk and uncertainty, it learns and builds upon existing good practice and is a continually evolving process that has an important role to play in ensuring that defensible and beneficial 'risk-aware' not 'risk-averse' decisions are made. It ensures that the Council provides high quality services and staff are aware that every effort has been made to maximise their opportunities to succeed.

4.2   East Lothian Council uses the risk management process shown below[2].
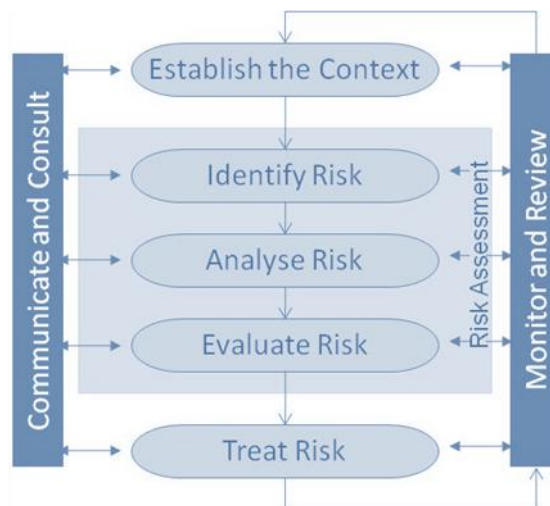
4.3   Risk Management Objectives

The specific risk management objectives of the Council are to:

(i)   integrate governance and risk management into the day to day activities of all Council employees including project management and service planning;

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[1] Australia/ New Zealand Risk Management Standard, AS/NZS 4360: 2004
[2] Australia/ New Zealand Risk Management Standard, AS/NZS 4360: 2004 and ISO 31000 (2009)

(ii)   create a consistent approach to risk across all services using the adopted process;

(iii)   promote practical measures to reduce the council's exposure to risk and potential loss;

(iv)   define clear lines of responsibility for the management of risk, including corporate risks, service risks and those involving specialised support functions;

(v)   provide a system for monitoring the effectiveness of the risk management framework;

(vi)   provide a system for feedback on the management of key risks to Elected Members, with clear and measurable targets set, and reports on progress made against those targets;

(vii)   comply with legislative requirements; and

(viii) comply with the requirements of Corporate Governance

4.4   The fundamental principles of Risk Management are to:

- ensure that the Risk Management process takes account of and links to Council objectives;
- monitor the provision of, and attendance at, Risk Management training events;
- to keep the elected members and senior managers advised of any significant risk management issues;
- to promote an open and fair reporting culture;
- encourage local ownership of the Risk Management process by ensuring that decisions on risk management are taken locally rather than centrally.
- agree clear roles and definitions relating to the accountability, management, escalation and communication of key risks; and
- approach the assessment of risks and opportunities consistently.

5.   Benefits of Effective Risk Management

5.1   Effective risk management will contribute to delivering significant benefits for the Council. The primary benefit is that appropriate, defensible, timeous and best value decisions are made. Such 'risk-aware' decisions should be based on a balanced appraisal of strengths, weaknesses, opportunities and threats, and should enable acceptance of a certain level of risk in order to achieve a particular goal or reward.

5.2   Defensible decision-making means that:
- all reasonable steps in the decision-making process will have been taken;
- all relevant information will have been collected and thoroughly evaluated;
- reliable assessment methods will have been used;
- decisions (and supporting rationales) will have been clearly documented, and
- processes will have been put in place to monitor the effectiveness of the decision outcomes.

5.3   Other benefits would include:
- high achievement of objectives and targets;

- high levels of staff morale and productivity;

- better use and prioritisation of the council's resources;

- high levels of user experience/ satisfaction with a consequent reduction in adverse incidents, claims and/ or litigation;

- further enhancement of the council's good reputation both as an employer and as a public service provider; and

- avoid duplication of Risk Management issues which affect more than one service and bring them together to benefit from good practice.

6.   Standard Procedures

6.1   Standard procedures (6.1.1 – 6.1.14) should be fulfilled in order to achieve a consistent approach to effectively implementing risk management across all areas of the Council.

6.1.1   Full implementation of the continuous risk management process, embedding risk management within existing Council processes so that an assessment of risk as well as costs and benefits becomes routine wherever possible.

6.1.2   Identification of risk using standard methodologies and involving managers throughout the service with detailed knowledge of the service and the environment in which it operates.

6.1.3   Each Service through its Risk Working Group will identify events which may have the consequence of affecting the Council's ability to provide services and achieve its objectives.

6.1.5   Consistent application of a standardised 5x5 risk matrix to analyse risk in terms of impact and likelihood of occurrence, thus producing a risk score and evaluation of either 'low', 'medium', 'high' or 'very high.' The values attached to the risk for likelihood and impact are then multiplied and placed on the risk matrix, which shows the level of risk ranging from 1 to 25.

6.1.6   Consistency of approach for risk response/ treatment where appropriate actions are taken to bring a situation to a level where the exposure to risk is acceptable to the Council, either through termination, tolerance, transfer or treatment of the risk.[3]

It will be for the Management Team or the departments Risk Working Group to decide on what action they take to deal with the identified corporate or operational risks.

6.1.7   Implementation and maintenance of risk registers as a means of collating risk information in a consistent format allowing comparison of risk evaluations and informed decision-making in relation to prioritisation of resources. The council will progress the development of the Aspireview 'risk' module to ensure consistency of approach and format of risk registers.

6.1.8   Routine reporting of risk information to the appropriate group e.g. Audit and Governance Committee, Council Management Team and Cabinet dependent on the type and significance of risk.

6.1.9   Periodic re-assessment of individual risks, proportionate to significance of risks (i.e. low risks fully reassessed every two years, medium risks every year and significant [high and very high] risks every 6 months) including routine audit of robustness of measures implemented to control risks.

6.1.10   To fully document the risks in the risk registers and to monitor and carry out an annual review of corporate and service risk registers/ risk management plans to ascertain progress and to check for contextual changes affecting the risks.

6.1.11   Mid-year progress review of service risk management plans by Management Teams.

6.1.12   Ongoing proactive identification of new and/ or potential risks as a general responsibility of all service areas specifically those where risk is inherently discussed as part of their remit.

6.1.13   Supporting Risk Management Guidance will provide further direction regarding the above.

6.1.14   Link Service Risk Register to Service plans.

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[3] **Termination** - avoiding the risk by not proceeding with the activity likely to generate the risk;

Tolerance - ensuring that adequate plans exist to respond to potentially disruptive events and monitoring current controls where the probability of harm materialising is low and/or the economic cost of further reducing the risk is disproportionately high;

Transfer - arranging for another party to bear or share some part of the risk, through insurance, contracts, partnerships, joint ventures etc.; and

Treatment - controlling the likelihood and consequences of the occurrence through preventative measures.

7. Structural Arrangements and Responsibilities

7.1 All employees are responsible for managing risk to varying degrees within East Lothian Council and it is important that employees are made aware by the Council of their specific responsibilities in order to ensure risk is successfully managed throughout the Council. The Risk Framework (Figure 2.0) illustrates the relationship between different levels of employees and their accountability amongst each other. It shows the structure whereby information, instruction, training, supervision and reporting in relation to the management of risk will be effectively communicated within the Council.

7.2 The process must be driven from the most senior level of the Council. The framework (2.0) shows that the Council Management Team has collective responsibility for the management of risk and that the process of implementing the strategy will be through the Council Risk Management Group and thereafter cascading through the Council departments.

Figure 2.0

Reporting Arrangements
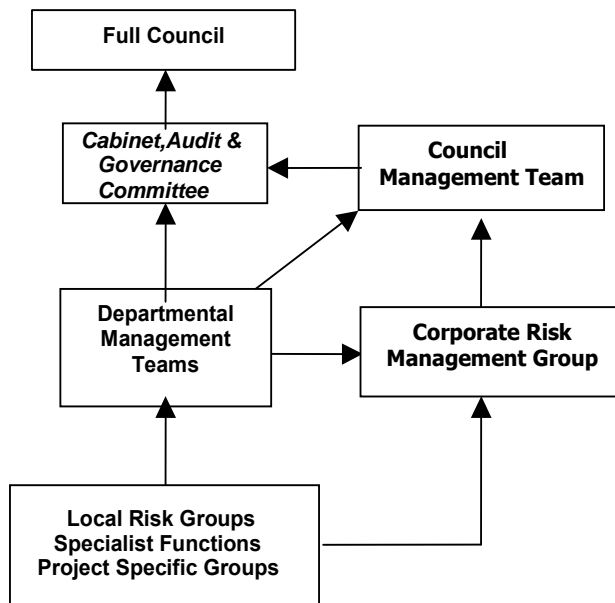
7.3 **Formal Groups**

7.3.1 Elected Members, Full Council, Cabinet and Audit and Governance Committee

Elected Members will promote a culture of risk management throughout the Council and encourage effective management of risk by Officers.

As part of its corporate governance role, **Full Council** is accountable for ensuring that the organisation has a suitable risk management framework in place and that significant risks are adequately identified and controlled. At meetings of the relevant committees, Elected Members will:

- approve service risk registers and risk management plans submitted on an annual basis, and

- conduct a mid year progress review of service risk management plans.

Cabinet has delegated authority for and on behalf of Council for ensuring that corporate risks and any emerging significant (high and very high) risks within their specific remit are adequately controlled. Cabinet will approve the Corporate Risk Register.

Audit and Governance Committee will scrutinise and review the effectiveness of the implementation of the risk management processes within the Council. It will also scrutinise and review the Risk Registers.

7.3.2 <u>Council Management Team</u>

Council Management Team will promote the importance placed on risk management within the Council and will:

- oversee the implementation of this strategy throughout the Council;

- review the proposed corporate risk register and agree the risks for the Council in achieving its key corporate objectives;

- monitor the effective management of known risk by officers of the Council, by reviewing action taken in managing risks identified on the corporate risk register on an annual basis;

- support implementation of the strategy throughout the Council;

- timeously identify potential risks arising from the Council's external environment, and

- ensure effective systems of internal control and Risk Management are in place to support the corporate governance of the Council advise and promote the Risk Management framework, policy and strategy.

7.3.3 <u>Council Risk Management Group</u>

The Council Risk Management Group is fundamental to the delivery of risk management throughout East Lothian Council and will meet on a regular basis to ensure that risk management remains high on the corporate agenda. The Council Risk Management Group comprises the Emergency Planning and Risk Manager, Risk Officer and representatives from each Risk Working Group, Internal Audit, Insurance Services, Health and Safety, IT Security and other relevant members by invitation and will:

- identify and review corporate risks, in consultation with the Board of Directors and Heads of Service, through the production of a corporate risk register that will demonstrate the overall risk profile of the council and be used to focus on developing actions for effectively managing the risks;

- co-ordinate arrangements for monitoring progress of action plans designed to manage corporate risks;

- provide regular risk management reports to the Council Management Team (in respect of risk registers, risk management plans);

- assist in implementation issues across the council, share experiences and inform changes to the strategy and direction;

- adopt and monitor progress against a Risk Management Action Plan which will show the direction for medium to long term risk management objectives, and

- form a sub group(s) from within the Council Risk Management Group to take forward specific initiatives complimentary to the remit of the Group when required.

7.3.4 <u>Risk Working Group (Departmental)</u>

Risk Working Groups will:

- organise training and raise awareness in their area of responsibility to ensure practical prevention and control measures are put in place to minimise risk;

- contribute to the service risk register and regularly review its content to ensure it continually reflects the key risks of the service and highlights the service's top risks;

- report progress to their Departmental Management Team on a regular basis;

- on behalf of the Service Director, contribute to the council's assurance framework through the annual submission of their service's risk register and risk management plan to the

Head of Policy and Partnerships, for review prior to submission to the Audit and Governance Committee. These plans will provide a summary of progress made in managing risks identified in the previous year's plan, will set out plans for the coming year for managing identified keys risks and incorporate estimates of planned reduction in financing costs where possible;

▪ provide the central point for co-ordination of risk management policy within the service;

▪ oversee the implementation of this strategy throughout the service at an operational level, and

▪ provide a representative to the Council Risk Management Group.

7.3.5   Specialist Functions

Specialist functions such as Insurance and Health and Safety will:

▪ provide a central resource of expertise to the wider Council, and

▪ be responsible for the development and actioning of corporate risk management initiatives, either directly or through other Council services.

Where relevant, the Council will access external sources of expertise such as the Police or the Council's Insurers.

7.3.6   Internal Audit

Internal Audit is an independent appraisal function within the Council. Internal Audit will:

▪ review, appraise and report on the adequacy and effectiveness of Risk Management arrangements within the Council, and

▪ take into account the Council's Corporate Risk Register when identifying areas to be included in the Internal Audit plan.

7.4   **Individuals**

7.4.1   Chief Executive

The Chief Executive has ultimate responsibility for ensuring that there are suitable and effective arrangements in place to manage the Council's risks.

7.4.2   Head of Policy and Partnerships

The Head of Policy and Partnerships is the lead for risk management, its related strategy and supporting processes. He/She is supported in this respect by a dedicated risk management resource in the Emergency Planning and Risk Manager and the Risk Officer.

7.4.3   Executive Directors

All Executive Directors are accountable to the Chief Executive for the management of risk within their areas of responsibility. Executive Directors will ensure that risks identified as likely to impact on their delivery of the strategic objectives are managed effectively.

It is the responsibility of each Executive Director and their senior management team to implement local arrangements which accord with the principles, objectives and standard procedures set out in this strategy. Specifically, they will:

▪ implement the strategy within their own range of services, seeking every opportunity to embed risk management methodologies within their existing processes;

- monitor and review the effective application of the risk management process throughout their service and report on significant risks to the Council Risk Management Group, and

- encourage their Risk Working Group to promote staff learning and development in risk management and monitor operational risk management progress;

Whilst an Executive Director has overall responsibility for the management of a risk within their services, they might not 'own' the risk control mechanisms being implemented to manage the risks (e.g. implementation of policies developed by other services, such as Finance or Human Resources). In this case, the role of the Executive Director is to oversee that the control(s) is/ are fit for purpose and operating effectively within their area of responsibility.

7.4.4   Heads of Service

Heads of Service are accountable to their Executive Director for the management of risk within their areas of responsibility. They will ensure that any risks identified as likely to impact on their service are documented in the Risk Register and thereafter managed effectively.

Heads of Service across East Lothian Council have a responsibility to ensure that all employees are familiar with the latest risk management strategy, guidance and controls.

7.4.5   Emergency Planning and Risk Manager

The Emergency Planning and Risk Manager, in conjunction with the Risk Officer, will:

- organise the meetings of the Council Risk Management Group;

- offer advice and support to service managers and other groups in the management of corporate and service risks;

- appraise the services' risk management plans, and

- maintain the corporate risk register and risk management systems for the Council.

7.4.6   All East Lothian Council Empoyees

All Council employees should be encouraged to be involved at all levels in identifying current and potential risks where they work. They should make every effort to be aware of situations which place themselves or others at risk, report identified hazards and implement risk reduction measures developed by their service. Risk assessments should encompass all facilities used to deliver services and be completed using the knowledge and experience of all relevant staff and where appropriate service users. This approach will support the formal risk review conducted annually by all services and enable staff to:

- understand the risks that relate to their roles and their activities;

- understand how the management of risk relates to their own and their client's/ the public's safety;

- understand their accountability for particular risks and how they can manage them;

- understand how they can contribute to continuous improvement of risk management;

- understand that risk management is a key part of East Lothian Council's culture;

- report systematically and promptly to senior management any perceived new risks or failures of existing control measures, and

- liaise with line managers to assess risk in their jobs and will manage risk effectively in their jobs.

8.   Training, Learning and Development

8.1   To implement this strategy effectively, it is essential to have a workforce with the competence and capacity to identify and manage risk and handle risk judgements with confidence including learning from past experience.

8.2   The Council recognises that for Risk Management to be successfully embedded in the Council's day to day activities appropriate training must be undertaken by all members of staff to varying degrees. The Emergency Planning and Risk Manager, supported by the Risk Officer, will regularly review the risk management training needs of the Council and ensure the implementation of a programme of training for all staff to be undertaken both internally and also through specialist external trainers. This will ensure that all employees are equipped with the skills to act effectively in accordance with good practice.

8.3   Depending on the purpose, nature and extent of the training, it can provide staff with knowledge of the following:

- the risk management process;

- risk reporting requirements;

- risk management roles and responsibilities;

- risk tools and techniques and how and where they are applied; and how to identify, assess and manage risks;

- the Council's policy on risk, and

- the Council's risk appetite, risk tolerance levels and escalation rules.

9.   Monitoring and Reviewing Risk Management Activity

9.1   Efficient and effective risk management requires a monitoring and review structure to ensure that changes to the council and its environment are identified and addressed.

9.1.1   There will be reports to the Council Management Team and Cabinet on progress in managing the risks recorded in the Corporate Risk Register. This will detail the most significant risks and what actions have been taken to mitigate them. The risks will be reviewed as follows:

- Very high risks and the actions taken to mitigate them will be reviewed every 6 months;

- High risks and the actions taken to mitigate them will be reviewed every 9 months;

- Medium risks and the actions taken to mitigate them will be reviewed annually, and

- Low risks and the actions taken to mitigate them will be reviewed every 2 years.

9.1.2   There will be annual reporting to the Audit and Governance Committee on progress against the risk management plans and service risk registers;

9.1.3   There will be regular reporting to Business/ Departmental Management teams on progress against the risk management plans and service risk registers;

9.1.4   There will be regular reporting on progress on the Risk Management Action Plan to the Corporate Risk Management Group;

9.1.5   There will be quality assurance checks on the risk management process conducted through meetings of the Council Risk Management Group;

9.1.6   There will be ad hoc tailored reports/ presentations to Cabinet on specific risk related issues/ topics arising from discussion or specific enquiry;

9.1.7   There will be continual review by Risk Working Groups of progress in managing individual risks listed in the service risk registers;

9.1.8   There will be regular reporting of claims data to Heads of Service by the Insurance Section and 'Stewardship reports' provided by the council's Insurers;

9.1.9   There will be annual review of risk registers by the Audit and Governance Committee.

9.2   A review of the above and other data sources should determine whether:

▪ the risk management framework and process is fit for purpose and aligned to the Council's corporate objectives;

▪ staff across the Council have sufficient risk management skills, knowledge and competence in line with the activities they are required to perform on a daily basis, and

▪ improved knowledge would have helped to make better judgements or reach better decisions and identify lessons for future assessments and the management of risks.

9.3   Such a review should shape future risk management priorities and activities and be reflected in the revision of the Risk Management Action Plan and preparation of the Council's Risk Management Annual Report that is provided to the Audit and Governance Committee, forming part of their assurance to Council.

10. Risk Registers

10.1   The Council Risk Management Group will establish a Corporate Risk Register, which aligns with the Council Plan and they will have responsibility for maintaining the Register.

10.2   Each Service will, through its Risk Working Group, establish a Risk Register which aligns to its Service Plan and which will, where appropriate, be linked to the Corporate Risk Register. The information to be contained in both the Corporate Risk Register and the respective Service Risk Registers will be:

- risk identification number;
- risk description (linked to the achievement of business objectives);
- likelihood/impact rating;
- risk rating;
- controls in place;
- potential residual risk;
- planned actions;
- service or person responsible for planned actions/managing the risk;
- timescale for completion of action, and
- evidence of regular review.

11. Strategy Implementation, Communication and Review

11.1   The Council's Risk Management Strategy was approved by Council at its meeting on 8 December 2009 and subsequently revised in October 2012. The Strategy accurately represents the arrangements for managing risk within the Council at the time of approval. Implementation of this strategy will be underpinned by Risk Management Guidance and the Risk Management Action Plan.

11.2   The Elected Members and Chief Officers consider that effective communication of risk management information across all services and levels of staff is essential in developing a coherent, consistent and effective approach to risk management. Copies of this strategy are available on ELnet and specific details will feature in the induction programme for all new staff.

11.3   This strategy will be reviewed at periodic intervals of at least every 2 years to ensure that it reflects current standards and best practice in risk management and fully reflects the rapidly changing environment in local government.

12. Outputs and Benefits of the Risk Management Strategy

12.1 Embedding a Risk Management culture throughout East Lothian Council is vital to the success of this strategy. The anticipated outputs and benefits of the Risk Management Strategy are:

- Improved service delivery;
- Better value for money;
- Improved corporate governance and compliance systems;
- Improved insurance management;
- Improved decision making;
- Enhanced understanding of the Council's vulnerabilities;
- Improved use of resources;
- Enhanced strategic awareness;
- Compliance with legislation/ regulation;
- Adds value to the activities of the organisation, and
- Increases the probability of success in achieving business objectives.

12.2 These outputs and benefits will protect and enhance East Lothian Council's reputation, which will in turn increase public trust.

Appendix 1 – Risk Rating Matrix

The probability (likelihood) of an event occurring being almost certain, likely, possible, unlikely or remote and the impact ranging through, catastrophic, major, moderate, minor or none, that such an event may have on the following areas; service objectives, financial, people, time and reputation. See next page for descriptions of risk ratings.

Impact

	Remote (1)	Unlikely (2)	Possible (3)	Likely (4)	Almost certain (5)
Extreme (5)	Medium	High	High	Very High	Very High
Major (4)	Low	Medium	High	High	Very High
Moderate (3)	Low	Medium	Medium	High	High
Minor (2)	Low	Low	Medium	Medium	High
Insignificant (1)	Low	Low	Low	Low	Medium

Likelihood

Key

- Very High (Red)
- High (Orange)
- Medium (Yellow)
- Low (Green)

Descriptions of Risk Ratings

Very High Risk (17 – 25)	These are classed as primary or critical risks requiring immediate attention. Their potential consequences are such that they must be treated as a high priority. This may mean that strategies should be developed to reduce or eliminate the risks, and the risk monitored every 6 months. Consideration should be given to planning being specific to the risk rather than generic. Examples of impact include: national attention, Government intervention, total service disruption and fatality. Very High risks are unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position.
High Risk (10 – 16)	These risks are classed as significant. They may have a high or low likelihood of occurrence but their potential consequences are sufficiently serious to warrant appropriate consideration after those risks classed as 'very high'. Consideration should be given to the development of strategies to reduce or eliminate the risks and they should be reviewed every 6 months. Examples of impact include: national media, adverse comments (reputational risk), external audit, MSP intervention, significant service disruption and disability (or other serious injury). High risks may be tolerable providing the Council is assured that adequate and effective control measures are in place.
Medium Risk (5 – 9)	These risks are less significant but may cause upset and inconvenience in the short term. These risks should be monitored to ensure they are being appropriately managed and should be reviewed annually. Examples of impact include: local media attention, service user complaints, service disruption and lost time injuries. Medium risks ares tolerable with control measures that are cost effective.
Low Risk (1 – 4)	These risks are either unlikely to occur and not significant in their impact. They should be managed using normal or generic planning arrangements and require minimal monitoring and control unless subsequent risk assessments show a substantial change. They should be reviewed every two years. Examples of impact include: isolated complaints and minor service disruption. Low risks are broadly acceptable without any further action to prevent or mitigate risk.

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Services for People)

SUBJECT: Carers Strategy Update

5

1 PURPOSE

1.1 To update the Council on the development of the Carers Strategy and to highlight the integration of a Carers Forum and Champion into the Strategy.

2 RECOMMENDATIONS

2.1 That Council note the progress made in developing the Strategy and the proposal for introducing a Carers Champion and Carers Forum.

3 BACKGROUND

3.1 The East Lothian Joint Planning group for Carers and Young Carers has been the driving force behind the development of the East Lothian Carers Strategy 2013-2018.

3.2 The new strategy for carers is being developed in line with Caring Together: The Carers' Strategy for Scotland 2010-2015

3.3 Work conducted by the Planning group members has included two workshop days to develop the Logic model in support of the Strategy Action Plan and regular Joint Planning group meetings to identify the resources and activities supporting carers in East Lothian. The group members have actively participated in drafting and reviewing the core documents. The Action Plan is directly linked to the East Lothian Single Outcome Agreement and the resources required to support the actions are identified across all agencies including third sector providers.

3.4 A key element of the local Strategy is to provide support to Carers to be heard in forums which determine the future shape of services. Specifically Carers have asked that they have an increasing dialogue

with those responsible for delivering and developing services in their support. The challenge is to increase dialogue without increasing the burden on carers who already have significant pressures to deal within their lives.

3.5 The Action plan identifies a number of local organisations tasked with supporting carers to be involved including Carers of East Lothian, East Lothian Young Carers, and the Community Planning Partnership Health & Social Care Theme Group.

3.6 A recent motion to Council has sought support for a Carers Champion to be identified who would be asked to work with carers and senior Council Officers to support local carers to ensure that they have a strong and effective voice at the heart of Council.

3.7 The development of a carers champion role is identified as an action within the strategy, as is the provision of a Forum.

3.8 It is proposed therefore that the detail of the identification of a Carers Champion and forum model will be provided as an action from the implementation of an approved strategy. It is anticipated the draft strategy will be presented to Cabinet/Council for consideration in February of next year.

4   POLICY IMPLICATIONS

4.1   There are no identified Policy Implications at this time

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   Financial – There are no financial implications at this time

6.2   Personnel - There are no personnel implications at this time

6.3   Other - None

7   BACKGROUND PAPERS

7.1   Carers Strategy Logic Model

7.2   Carers Strategy Action Plan draft

7.3   Equalities Impact Assessment

7.4 Caring Together: The Carers' Strategy for Scotland 2010-2015 (Members Library)

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REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Services for Communities)

6

SUBJECT: Introduction of Parking Charges at Coastal Car Parks

1   PURPOSE

1.1   To seek approval of the introduction of parking charges at ten coastal car parks.

2   RECOMMENDATIONS

2.1   Council is asked to:

1)   Note the content of the report

2)   Approve the introduction of parking charges at coastal car parks under the statutory powers in Section 35 of the Road Traffic Regulation Act 1984

3)   Commence the statutory procedure to promote a Traffic Regulation Order prohibiting parking within designated coastal car parks without payment of the charge, and associated waiting, loading and unloading restrictions on the surrounding road network.

4)   Approve the revocation of the Parking Pace Regulations currently in place for Gullane Bents, Yellowcraig and Longniddry Bents

5)   Note the two online petitions opposing the introduction of charges at coastal car parks (para 3.11)

3   BACKGROUND

3.1   Officers have been asked to review the Council decision taken at the meeting of 28 October 2008 when it was agreed not to progress with the

introduction of parking charges at each of East Lothian`s 13 coastal car parks:

- Longniddry Bents No. 1

- Longniddry Bents No. 2

- Longniddry Bents No. 3

- Aberlady Bay Local Nature Reserve

- Gullane Bents

- Yellowcraig

- John Muir Country Park - Linkfield

- John Muir Country Park - Shore Road

- John Muir Country Park - Tyninghame Links

- Skateraw

- White Sands

- Barns Ness

- Thorntonloch

3.2 The Council owns seven of the car parks, with the management of the other six being undertaken by the Council through either a Management or Access Agreement between the Council and the landowner. Agreement to introduce charging to these car parks will have to be agreed with the respective landowners.

3.3 **Legal Position**

3.3.1 In the report to Cabinet on 13 June 2006 it was advised that there two statutory power options that could be used as the basis for the provision of "pay-to-use" off - street car parking. These were as follows:-

- Section 32 of the Road Traffic Regulation Act 1984, where this is for the purpose of relieving or preventing congestion of traffic and would require the making of Statutory Orders that would have to be approved by Scottish Ministers

- Section 20 of the Local Government in Scotland Act 2003 - Power to Advance Well-being

3.3.2 The proposals, in both the 13 June 2006 and 8 April 2008, Cabinet reports was that the statutory power that should be used to introduce the

charges lay in Section 20 of the Local Government (Scotland) Act 2003 under the Power to Advance Wellbeing, rather than under the Road Traffic Regulation Act 1984.

However, there are limitations to the introduction of charges under Section 22 of the Local Government (Scotland) Act. There is a lack of flexibility on how the income raised can be spent. S22(7) provides that the power under Section 20 does not enable a local authority to do anything for the purpose of enabling the authority to raise money by levying or imposing any form of tax or charge, by borrowing or otherwise. However, under S22 (8) nothing in Section 22(7) prevents a local authority from imposing reasonable charges for anything done by the authority under Section 20. In this case the provision of improved car parking and facilities at coastal car parks would be the primary purpose, with the charge being the secondary element required to recover the costs incurred in making the improvements.

3.3.3   In light of these limitations, the provisions of the Road Traffic Regulation Act 1984 have been looked at again, in particular Sections 32 and 35:

- Section 32 – this section provides that the Council may introduce off-street parking places where this is necessary for the purposes of relieving or preventing congestion of traffic.

- Section 35 – this section gives the Council power to impose conditions on the use of off-street parking places, including the levying of charges for the use of the parking places, all pursuant to a Traffic Regulation Order made for this purpose.

It is considered that charges for off-street parking could be introduced under Section 35 of the Act as the car parks have already been established in accordance with Section 32 in order to alleviate congestion. The advantages of introducing the charges under the Road Traffic Regulation Act are greater flexibility as to the level of funds generated and the potential use of any surplus funds for the management and maintenance of the car parks as set out in the statement of reason below for the introduction of charges under a Traffic Regulation Order.

3.3.4   It is an offence under Section 35A of the Road Traffic Regulation Act for someone to breach a TRO. This includes the non-payment of the charge. A fixed penalty notice for such an offence can be issued under the Road Traffic Offenders Act 1988. As parking without paying the charges is a criminal offence the non- payment of the parking charge is enforced by the police and traffic warden service.

3.3.5   In order to introduce charging a Traffic Regulation Order (TRO) requires to be introduced. It is proposed that the statement for reason for introducing charges under a TRO should be:

East Lothian Council operates public coastal car parks along the coast of East Lothian in accordance with the powers and duties contained in the Road Traffic Regulation Act 1984 as amended.

The purpose of the coastal car parks is to provide a safer parking location; assist traffic management by providing facilities off-site; manage visitors to coastal sites; protect the natural heritage of designated sites and to support and benefit the economy and tourism of East Lothian.

The management and operation of coastal car parks requires maintenance, the provision of visitor facilities, a safe low risk environment, as well as staff to manage, monitor and maintain use. It is, therefore, appropriate for those who use public coastal car parks to pay to do so and all reasonable steps will be taken to keep the cost as low as reasonably practicable.

A TRO is also required to implement the necessary parking restrictions needed to prevent potential displacement parking onto nearby roads and streets.

It would, therefore, be expedient to initiate the statutory procedure to introduce one TRO that would cover both the introduction of parking charges and parking restrictions. It should be noted that as objections can be made to the TRO and, if not withdrawn, a public hearing will be required.

3.3.6 Historically, parking charges were levied at a number of car parks including Gullane Bents until 2006, Yellowcraig until 2006, Longniddry Bents until the early 1990s, Linkfield and Shore Road pre-1980.

The historic arrangements for charging to use the Gullane Bents, Yellowcraig and Longniddry Bents car parks were under old Parking Place Regulations. Under the Gullane Bents Parking Place Regulations an exemption from paying charges was given to residents within that community.

However, arrangements of this nature, which treat nationals or some nationals of an EC State more favourably than other nationals of other EC Member States, have been declared illegal by the European Commission and there is clear case law in the European courts that a two tier system of charging for residents and non-residents is discriminatory.

It would not, however, be unlawful to introduce a season ticket or other periodic concession rates where residency was not a requirement.

These Parking Place Regulations, therefore, require to be revoked.

3.4 **Car Park Improvement Programme**

The condition of the road network and parking surface in all the car parks is poor and requires upgrading and improvement. This is highlighted by the photographs in Appendix 1.

The facilities provided in the car parks, such as toilets, showers and signage need to be of a standard that meets visitor and recreational user expectations. A start has been made on improving the facilities through funding from the Capital Plan. New toilets and showers have been constructed at Yellowcraig and Linkfield, John Muir Country Park. However, further improvement work is required at both these car parks and the other coastal car parks. This is highlighted by the photographs in Appendix 2.

Off-site improvements such as signage, waiting restrictions and physical barriers will be required to discourage off-site displacement parking.

It is proposed that initial improvements to the car park and infrastructure will be undertaken to enable charging to commence. Thereafter, improvements identified for each car park and the facilities within the car park, will be implemented through a rolling programme of improvements.

3.5 **Coastal Car Parks to which charging is to be introduced**

Each car park has been evaluated and graded in relation to the immediate road safety problems, traffic and visitor management issues, the impact on the environment, local residents, local businesses and the East Lothian economy and tourism that would arise as an outcome of there being no car park at these locations.

Coastal Car Park	Grade
Longniddry Bents No 1	1
Longniddry Bents No. 2	1
Longniddry Bents No. 3	1
Gullane Bents	1
Yellowcraig	1
John Muir Country Park – Linkfield	1
John Muir Country Park – Shore Road	1
John Muir Country Park - Tyninghame Links	1
Whitesands	1
Barnsness	1
Aberlady Bay Local Nature Reserve	2
Skateraw	2
Thorntonloch	2

The evaluation exercise indicates that three car parks would currently have a low impact if they were not available.

As there is nothing in the TRO legislation or guidance that requires charging to be introduced to all coastal car parks, provided that there is a

reasonable and rational reason for treating some car parks differently, it is proposed that Aberlady Bay Local Nature Reserve, Skateraw and Thorntonloch car parks be excluded from the TRO on the basis of the outcome of the evaluation.

Improvements to these car parks and associated facilities will, therefore, have to be carried out over a longer period.

These car parks will be closely monitored to assess the impact charging at the other car parks may have on them.

3.5.1 It is also proposed that the TRO be reviewed after 3 years along with the car parks that had been excluded from the TRO. If it is considered appropriate, a new TRO could then include any car park where there has been a significant increase in road safety problems, negative impact on car park condition, the natural environment and or the local economy and tourism.

3.6 **Parking Charging Hours**

It is proposed that the parking charges apply daily from 8.00am – 6.30pm, April – September and 8.00am – 4.00pm, October – March.

3.7 **Parking Charges**

The proposed parking charges are:

Daily - £2

Annual Season Ticket (covering all coastal car parks) - £40

Blue Badge Holders – Free (See Equalities Impact Assessment)

It should be noted, however, that the charges once set through the TRO are fixed and cannot be adjusted, other than for any changes in the VAT rate. Any changes to the charges would have to be through a review of the TRO, which is proposed in 3.5.1 above and set in a new TRO.

3.8 **Cash collection**

The preferred methods of cash collection are a combination of an automatic barrier and ticket machine system and pay and display machines.

An automatic barrier and ticket machine system would mean that payment of the charge was at the point of entry. This would lower the risk of loss of income on very busy days at those car parks that receive the largest number of visitors and the need to enforce non-payment of charges.

Pay & display machines would be sufficient at Tyninghame Links, White Sands and Barns Ness car parks

An electricity supply needs to be provided at all the car parks other than Yellowcraig, Shore Road and Tyninghame Links where there is an existing supply.

3.9 **Increased Annual Revenue Costs**

Currently coastal toilets are not open all year round. However, with an introduction of parking charges toilet facilities will need be available throughout the year, with the associated increased annual revenue costs.

The toilets will also have to be maintained to a high standard through an annual planned maintenance programme, with an increase in the associated annual maintenance costs.

3.10 **Public Consultation**

3.10.1 A public consultation exercise on the proposal to introduce parking charges at coastal car parks was undertaken during the summer of 2008, the outcome of which was reported at the Council meeting on 28 October 2008.

117 of the 526 respondents indicated that they did not wish charges to be introduced. Other respondents remained silent on the introduction of charges, or indicated that if charges were to be introduced, East Lothian residents should be allowed to park for free (88 respondents) and that there should be concessions for pensioners (12).

107 respondents considered that if charges were introduced then their preferred method of payment was by season ticket, 98 preferred a daily charge and 5 preferred an hourly charge.

The report concluded that the public consultation on the introduction of car park charges was not conclusive and that what had emerged from the consultation was that from many users there was a desire to see improvements at various sites, particularly for water sports and where there are insufficient or unsatisfactory on site facilities and infrastructure, such as inadequate road surfacing and toilet welfare facilities.

3.10.2 **Public Petitions**

There are currently two online public petitions.

The first petition is an e-petition on East Lothian Council's website and

calls on East Lothian Council not to introduce car parking charges at car parks at beaches within East Lothian.

This petition has 80 signatories as at the date of this report.

In addition to the e-petition on the Council's website, there is also a web based petition entitled

Against East Lothian Coastal Car Park Charges

This petition is hosted on the GoPetition website and has 883 signatories to date. This site contains details of the signatories' residential town/city which can be analysed as follows:

East Lothian	451
Edinburgh	236
Midlothian	20
Scottish Borders	15
Other UK	151
Outwith UK	10
TOTAL	**883**

3.10.3 A letter has also been received from **Dunpender Community Council** expressing their opposition to the introduction of parking charges as they considered that charging at Tyninghame Links car park would have a direct impact on local people who use the beach for recreational purposes, costs associated with imposing a charge seem to be prohibitive, there could be displacement parking onto the busy A198 and there may be an adverse effect on visitors to the area.

4   POLICY IMPLICATIONS

4.1   The Vision for the East Lothian Coastal Tourism Strategy is `An integrated year round coastal tourism industry, based on an outstanding natural environment and a quality tourism product that meets and exceeds visitor expectations, whilst bringing economic, social and environmental benefits to East Lothian`s coastal communities`. One of the aims of the Strategy is `To improve the quality of visitor experience`.

Providing a quality visitor experience at the rural coast sites will also contribute to SO1 in the Economic Development Strategy - `To be Scotland`s leading coastal, leisure and food and drink destination`.

The maintenance and upkeep of coastal facilities is key to providing a quality environment and visitor experience. However, without investment in improving the existing facilities, and a sufficient revenue budget to maintain them, the quality of the sites will decline impacting on the economic value of the East Lothian coast as a tourism destination.

5   EQUALITIES IMPACT ASSESSMENT

5.1   An Equality Impact Assessment has been carried out and negative impacts have been found.

The introduction of parking charges could have a negative impact on people with disabilities and older people who may have restricted income.

In order to try and lessen the impact it is proposed that Blue Badge holders be entitled to park at coastal car parks free of charge and that the annual Season Ticket can be paid in monthly instalments in order to spread the cost.

6   RESOURCE IMPLICATIONS

6.1   Financial - It is anticipated that initial work required on the car parks to cover the cost of electrical supply, ticket machine/barrier installation and the provision of necessary internal and external road works etc will cost in the region of £700,000. This work will be carried out on a phased basis in support of the introduction of any car park charging scheme over the 2013/14 and 2014/15 financial years. If this report is approved a sum of this amount will require to be included in future capital programmes.

The financial results arising from the introduction of car park charging will be dependent upon a wide range of factors. A number of financial scenarios have been examined in relation to the possible introduction of car park charging. On the basis of the introduction of a £2 daily charge and £40 season ticket, an initial drop off in visitor numbers but with a prompt recovery thereafter, an increase in visitors of 10% over a 10 year period, an assumption that 30% of visits would be covered by season tickets and a 10% non payment rate, net income would be an average of £440,000 each year.

This income stream will be kept under review and will be used to fund a programme of improvement works.

6.2   Personnel - None

6.3   Other - None

7   BACKGROUND PAPERS

7.1   Cabinet Report of 13 June 2006

7.2   Cabinet Report of 8 April 2008

7.3   East Lothian Council Report of 28 October 2008

7.4 Road Traffic Regulation Act 1984

7.5 Local Government (Scotland) Act 2003/Power of Wellbeing Guidance, Scottish Executive 2004

7.6 Against East Lothian Coastal Car Park Charges online petition

7.7 Council Public e- petition calling on east Lothian Council not to introduce charges at car parks at beaches within East Lothian

7.8 Dunpender Community Council letter of 5 October 2012

7.9 Working papers on financial modelling

7.10 Programme of implementation and improvement works

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DATE	3 December 2012

Appendix1

Access Road to John Muir Country Park Linkfield Car Park

Yellowcraig Car Park Surface

Gullane Bents Car Park Internal Road

Longniddry No 3 Parking Surface

Appendix 2

Longniddry No 2 Toilets

Longniddry No 3 Toilets

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Chief Executive

SUBJECT: Courts Consultation

7

1   PURPOSE

1.1   To supply a draft for the Council's response to the Scottish Court Service consultation "Shaping Scotland's Court Services: A Public Consultation on Proposals for a Court Structure for the Future". The consultation proposes amongst other things the closure of the Sheriff Court and Justice of the Peace Court in Haddington.

2   RECOMMENDATIONS

2.1   That the Council approve the terms of the attached draft as the basis for the Council's response, subject to final editing in accordance with the Council's views, for submission by the Chief Executive.

3   BACKGROUND

3.1   The Scottish Court Service published their consultation paper in September 2012. The closing date is 21 December 2012, at noon.

3.2   The paper is about structuring the Scottish court system in a way that "best makes use of the public money that Government invests in the system", in the context of forthcoming changes to the justice system. Amongst the paper's many proposals for change, including several court closures across Scotland, are the closure of Haddington Sheriff Court and Justice of the Peace Court.

4 POLICY IMPLICATIONS

4.1 The Council has already stated its intention to "oppose any plans to close Haddington Sheriff Court" [East Lothian Council Plan, p20]. The suggested response is in line with that policy intention.

4.2 Apart from the closure of the Haddington courts, the consultation paper's proposals include the moving of some types of business to Edinburgh from courts other than Haddington, including sheriff and jury trials, "specialised" business and business from other courts which would then close.

4.3 The consultation paper does not say how the Court Service has analysed Edinburgh's capacity to take on extra business, nor does it say how new technologies, such as videoconferencing, would be operated in areas such as East Lothian.

4.4 Our suggested response deals with the likely detrimental effect of the proposals on East Lothian people who have dealings with the court, their families and support networks, and directly on the Council which is a significant user of court services.

4.5 We suggest that insufficient thought has been given to the likely economic impact of closing the courts in Haddington.

4.6 We also propose that the Court Service should think more creatively around court boundaries to make Haddington available to other communities with good transport links.

5 EQUALITIES IMPACT ASSESSMENT

5.1 The proposals to close Haddington Sheriff Court and Justice of the Peace Court would likely have detrimental implications for the wellbeing of East Lothian people who use the courts, particularly children and vulnerable adults. This is covered in some detail in the suggested response.

6 RESOURCE IMPLICATIONS

6.1 Financial – none as a result of the recommendations in this report. The Scottish Court Service proposals themselves have financial implications that are dealt with in the proposed response.

6.2 Personnel - none as a result of the recommendations in this report. The Scottish Court Service proposals themselves have resource implications that are dealt with in the proposed response.

6.3 Other – none as a result of the recommendations in this report.

7   BACKGROUND PAPERS

7.1   Scottish Court Service consultation "Shaping Scotland's Court Services: A Public Consultation on Proposals for a Court Structure for the Future".

7.2   East Lothian Council Plan

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DATE	6 December 2012

SHAPING SCOTLAND'S COURT SERVICES – CONSULTATION ISSUES FOR SHAPING ELC RESPONSE

[VERSION 4]

1. **Summary of consultation proposals affecting different types of court and trial**

   Reducing number of venues in which High Court sits – ELC has no view as it would not change Edinburgh as a venue for High Court sittings, as now.

   Proposals relating to other sheriffdoms – the Court Service could look more creatively at redrawing court boundaries as this affects Haddington in part.

   Sheriff and jury trials – note that proposals to move these to Edinburgh would reduce business at Haddington Sheriff Court but increase pressure and reduce capacity at Edinburgh Sheriff Court. Haddington runs sheriff and jury trials at present and we understand has capacity to continue. To do so would retain some flexibility.

   Specialization – note that proposal to concentrate specialisms at Edinburgh would affect capacity at Edinburgh Sheriff Court and presumably business elsewhere including Haddington.

   Under-utilized courts [does not apply to Haddington]: note that proposal to close Peebles Sheriff Court would put additional pressure on Edinburgh Sheriff Court.

   Proposal to close Haddington Sheriff Court – East Lothian Council opposes this proposal. This would close both the JP court and the Sheriff Court.

   Being 18 miles away from the court to which its business would transfer, Haddington is at the outer edge of the 20 mile limit chosen (apparently arbitrarily) by the Scottish Court Service for this exercise. Combined with the high level of business currently being carried out by the court, this justifies reconsideration of the closure plans. **Haddington would be the busiest court to be selected for closure, at the furthest distance from the court to which its business is being transferred.** The Council believes this would be a harmful step for our communities, for reasons set out below.

2. **Justice being done and being seen to be done** within the local community and sensitive to local issues

2.1. **Under the Local Government in Scotland Act 2003, the Council has the power to advance community wellbeing. The Council contends there is value in having a local court sensitive to local issues and local history, where a sheriff, prosecutors, defence and other solicitors have some knowledge of local circumstances, local conditions, local families and local concerns.** This is relevant not just to criminal cases but to the civil work undertaken at Haddington around child welfare through Child Protection Orders and Adoption/ Permanence work. The Council takes very seriously its duties as corporate parent.

2.2. **Removing the JP court would take cases out of the local area.** Travelling to Edinburgh is likely to be inconvenient for many East Lothian JPs and the Council would anticipate recruitment/ retention problems.

2.3. **Value for local community seeing reports of cases in their area.** Since local newspapers would be unable to report cases heard in Edinburgh to the same level as they do in East Lothian, (see also under paragraph 10.8 below), local communities would not have the same opportunity to see justice being done.

2.4. **Value of local disposals** The Council's delivery of a community justice service keeps relevant disposals local to our communities. We need sheriffs who understand the value of local disposals. Local disposals also have an economic effect: people who are doing community service locally use local transport and local shops.

3. **Benefit of good working relationships**

In the consultation paper, SCS says it would like to develop and replicate the model of "Livingston Civic Centre" (also known as West Lothian Civic Centre), where court services are co-located with a number of local service providers such as the Council. This is a model which we have enjoyed and benefitted from in Haddington for many years. We are pleased that SCS promotes it in principle, and equally we would urge SCS not to dismantle it in practice here in East Lothian. We have the Sheriff Court co-located with the Council Headquarters in Haddington, with the premises of both the Procurator Fiscal and the police close by. These are based within historic buildings in Haddington's townscape, and their proximity to each other means that a new-build (such as exists in Livingston) has not been required. With the new single police structure for Scotland, there are opportunities for closer strategic links between key police officers and the Council through further co-location: our Chief Executive has already begun dialogue to that effect with the new Chief Constable.

Good decisions partly stem from good working relationships between officers from all organisations. The Council has grave concerns that this

would be lost to a great extent if East Lothian offenders have to appear in an Edinburgh court (presumably with a duty social worker from the city).

Offenders, victims and witnesses at Haddington Sheriff Court are most likely to live in East Lothian therefore staff supporting them are likely to have good local knowledge and networks and can provide quick referrals to local support organisations.

Until recently the Criminal Justice Social Work team which services the court (write reports, does court duty etc) was based in Haddington. Although the team has moved to Musselburgh, it is able to maintain the relationship through contact with the Sheriff Clerk and Sheriff, and maintaining a presence in the court. Information received from colleagues within other council areas would appear to indicate that the volume of business which is conducted within Edinburgh does mean that there is not the same level of working relationship available that currently exists with Haddington Sheriff Court.

4. **East Lothian's growing population**

4.1. The population of Scotland is projected to rise by 10 per cent over the next 25 years. The population of 22 of the 32 Council areas in Scotland is projected to increase while the population in the other 10 are projected to decrease. **Significantly, the Council area with the greatest projected percentage increase in population, and one that is far in excess of the projected Scottish rate, is East Lothian, which is projected to grow by 33 per cent over 25 years.** For comparison, Inverclyde (-17 per cent) and Eilean Siar (-11 per cent) have the largest projected decreases.

Table: General Registrar for Scotland, 2010-based population projections for Scottish Areas (Feb 2012)

EAST LOTHIAN						
2010	2012	2015	2020	2025	2030	2035
97500	99858	103315	109263	115933	122949	129729

4.2. The number of children aged 0-15 is projected to increase in half of Scotland's Council areas, with the biggest percentage increase again projected for East Lothian (+41 per cent). The number of people of pensionable age is also projected to rise significantly, (+ 38 per cent).[1]

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[1] The table reached via the following link gives more information about population projections: http://www.gro-scotland.gov.uk/files2/stats/population-projections/scottish-areas-2010-based/j21704304.htm%23tableb

4.3.   A significant part of the projected population increase will be driven by additional planned housing in the central/east parts of East Lothian: in North Berwick (500 houses), Dunbar (500 houses) and Haddington (750 houses) in addition to 1600 houses at Blindwells, 1000 at Wallyford and 450 in Musselburgh. While the Council recognises that travel on public transport from the west of the county to Edinburgh is easier and cheaper than travel to Haddington, much of the planned expansion of the county is in the eastern part, furthest from Edinburgh and nearer to Haddington.

5. Policing

5.1.   Having to travel to Edinburgh for court cases would take East Lothian police officers away from their other duties for longer. This would mean less police visibility, and indeed less policing, within our communities. Local agencies work well together to keep East Lothian's crime rate as low as it is; we do not want to compromise that by losing valuable policing time in travel to and waiting at Edinburgh sheriff court. (At present police officers can wait on standby at the station and do paperwork/answer phones etc.)

5.2.   Determining bail conditions requires a degree of local knowledge if they are to be effective.

5.3.   Ongoing communication/consultation on statements/productions/ further enquiry is easier for police officers when the Procurator Fiscal's office is local.

6. Children/ vulnerable adults

We believe that moving the court to Edinburgh would have a detrimental effect on children and vulnerable adults, and worsen the service that they receive.

6.1. **Children**

Adoption/ Permanence work: we understand that there are already significant delays with these cases in Edinburgh and that the court there is already not meeting the timescales required. Time is critical in these factors as the window for re-attachment for these children is very narrow. The court process can already be long and slow; these children need decisions made speedily.

Child Protection Orders: these are usually done in an emergency and having the court locally helps these crucial decisions be made speedily. There is often also a good local knowledge around the children/ young people and their families which helps within these situations when heard within Haddington Sheriff Court. Transferring to Edinburgh would significantly impact on the timescales around these decisions and would result in staff having to travel to court with

the added delays associated with that (travel/ parking/ appointments etc). At the moment social workers are assisted by colleagues in our legal services team in court. The worry is that solicitors in that team would not be available to do this at short notice and social workers would have to deal with the potential for procedural problems, meaning possible delays in what is almost always an urgent situation. Having quick access to the court for Child Protection matters is very important. The Court at Haddington at the moment manages to deal with permanence and adoption cases within the timescales set down by the Sheriff Principal. These time limits were set because there is ample evidence to demonstrate that the longer a child remains within the care system then the poorer the outcomes for that child. We understand there is considerable drift in the timescales at Edinburgh: we anticipate that can only get worse with an increased workload. This would be directly detrimental to the children in the care system.

[information due from SCS on number and progress of cases referred to above]

Children's Panel: Children's Reporters were relatively recently transferred into Edinburgh and now all work from there. It may well be that they would find it beneficial to not have to travel to Haddington Sheriff Court. However in proof hearings the proposals would require children/ young people and their families and council staff having to travel into Edinburgh, with associated delays/ concerns/ lack of continuity of Sheriff etc.

General Haddington Sheriff Court does significant work with our most concerning children/ young people and their families and is often able to maintain a link throughout a case. Transferring to Edinburgh would likely mean that cases would be allocated on an 'as available' basis which would mean that this local link and knowledge would be lost.

6.2. **Adult Protection**
ELC's adult protection officer makes application to the court for Protection Orders for Adults at Risk of Harm. There have been ten applications over the past 2 years. All require staff time.

If an Adult at Risk of Harm is required to give evidence then the team invoke the Vulnerable Witnesses Act. This business has already been moved to Edinburgh as it involves giving evidence behind a screen, and as we understand it there are no such screens in Haddington sheriff court. (This may also be appropriate for child witnesses.) As well as the screen the adult may be supported by a member of staff and an appropriate adult – again depending on circumstances. This would involve two staff members - depending on the case this could tie workers up for very short periods of time or days on end.

For Adults at Risk living in East Lothian, the benefit of attending Haddington is that it is local and less daunting than attending Edinburgh Sheriff court. Attending court can be very intimidating with the added difficulties of not knowing the surrounding areas. Edinburgh Sheriff court is very large and busy in comparison to Haddington and could add to the distress of the adult attending court if required and therefore affect the quality of evidence. Also public transport can be expensive.

We currently also have the facility to apply for warrants etc locally and some of these may be urgent. How accessible is court time in Edinburgh? We would need travel time there and back should we have an urgent or immediate situation that doesn't necessarily involve the police. This could further compound an already complex situation.

There are also numerous applications for Guardianship each year for Adults with Incapacity that go through the court, with similar issues in terms of staff time and cost travelling to Edinburgh.

According to the Mental Welfare Commission, East Lothian Council had the second highest rate of increase of Applications for Guardianship in Scotland last year. That will only increase further as our elderly population grows as detailed in our economic development strategy. This is a particularly vulnerable group of court users who would find travelling to Edinburgh particularly difficult if they wanted to oppose an application; this also affects their families and council staff.

7. **ASBOs and evictions**

Moving this business to Edinburgh would occasion extra travelling time for council officers, police, witnesses and the people affected. Currently we perceive some value in a sheriff being able to see the consistency with which our policies are applied locally. We anticipate that this would be lost in a bigger court.

8. **Travelling time and expense** [although the paper makes the point that, from some parts of East Lothian, bus travel would be cheaper to Edinburgh than to Haddington].

8.1. Times given in the consultation paper for public transport journeys are only to central Edinburgh; around another 15 minutes would be needed to actually reach the sheriff court building. (Buses to Haddington stop directly opposite Haddington Sheriff Court.) Bus transport from east of Tranent is not terribly frequent: one bus being late could be critical. The lack of frequency of buses also means that it is more likely that different factions could find themselves on the same bus for a long journey with little alternative.

8.2. We have recently seen operators choosing to shrink the public bus network in East Lothian, especially in the eastern part of the county, and in our view there remains a risk of further contraction.

8.3. There is no time allowed in the consultation paper's figures to take account of potential travel disruption arising from road works and general traffic conditions. Travel from the east end of the county to Edinburgh, particularly by public transport, can mean around two hours from door to court, and costs are steep. Even travelling by car from Haddington can easily take up to an hour when factoring parking into the equation.

8.4. There are few long term car parks in and around Chambers Street. The consultation document does not mention car parking charges on top of the mileage into Edinburgh: the nearest car park to Edinburgh Sheriff Court charges £4.90 for up to 2 hours; £7.90 for 2 to 4 hours.

8.5. Although the great majority of East Lothian residents can access central Edinburgh there are many smaller communities where the residents can only access central Edinburgh by using two buses. This could create time and financial difficulties for such residents.

8.6. Witnesses have their expenses paid for them. The majority of accused do not appear from custody and must pay their own travelling expenses.

8.7. We understand that it is unlikely that local solicitors' travelling expenses to Edinburgh would be met through Legal Aid; this may lead solicitors not to take local criminal cases. If the accused cannot afford to travel to Edinburgh to see a solicitor there, then there is a danger that access to justice will have been denied.

8.8. Families and friends of victims, witnesses and accused do not have their expenses reimbursed. Fares east of Tranent are likely to be prohibitive for people on low incomes, particularly from Dunbar (unless eligible for concessionary bus travel scheme). This has the potential for reducing family support at a time when presumably it is very valuable.

8.9. There are occasional problems at present when people from other areas are arrested and brought to Haddington, from where they are released with no means to return home. We can foresee this problem being greatly magnified (and transferred to Edinburgh) if Haddington Sheriff Court closes.

8.10. If these proposals were carried through, there would be no facilities in Haddington for the payment of small fines, and people would presumably not be able to pay in instalments the way they currently do.

9. **Caseloads**

9.1. It is difficult on the face of it to understand how Edinburgh can accommodate the Haddington caseloads, and all the other caseloads which would result from implementation of the proposals, without causing substantial delays. On the Council's behalf, officers sought and received information about the factors taken into account by the Scottish Court Service when assessing Edinburgh Sheriff Court's capacity. The figures received do not appear to take into account delays in hearing cases. Our perception is that delays in the progress of cases in Edinburgh are occasioned more often by non-appearance of witnesses/ police/ social work etc, and that delays in Haddington are more often occasioned by a lack of an appropriate number of sheriffs to deal with the business (for which space is available). Presumably this does not show up in the figures which only deal with timetabled cases.

9.2. There is also a perception that the Fiscal in Haddington is more accessible, which arguably helps solicitors and their clients when considering how to plead, and may have contributed to the drop in the number of trials where evidence is led in Haddington (following the summary justice reforms of 2010-11), compared to the rise experienced in Edinburgh.

9.3. The figures also take no account of the "closed court" and chambers work done with a sheriff."

9.4. Elsewhere in this response we talk about delays for Adoption and Permanence orders for children. We also understand that commissary cases take longer at Edinburgh Sheriff Court than they do in Haddington. All executries needing confirmation require to go through the Sheriff Court. This is a significant part of the court business but is not considered at all in the consultation document. It is important to the community as a whole because there are understood to be considerable delays at Edinburgh; at Haddington they are processed in approximately 6 weeks. This releases cash into the economy for the beneficiaries, and for the Council it means that outstanding debt such as care home fees, council tax etc is rectified quickly and efficiently. That would not be the case if handled in Edinburgh. There might be hardship for families who have to wait for payment from estates.

10. **Economic effect** of closing the Sheriff Court and JP court.

10.1. It is disappointing that the consultation paper characterises the economic impact of these proposals as "localised, minimal and short term". East Lothian Council is extremely concerned about the potential impact on the economy of East Lothian more widely, and Haddington in particular. For East Lothian the economic losses are

not a zero-sum exercise, whatever they may be for Scotland as a whole.

10.2. The Court itself employs 11 people and those jobs would be lost to East Lothian. Additional jobs would be lost in local solicitors firms and also perhaps in other areas such as the local newspaper that regularly covers 2 pages with local court reports. Those reports would be lost to the community.

10.3. There would of course be a huge impact on the local firms of solicitors who currently undertake court work. We understand that the legal aid rates of pay for travel will be very low and will not be worthwhile economically. Clients who pay privately would have added costs to pay for the time their solicitor has to spend travelling to court. It is generally felt that local solicitors would inevitably close particularly in the current economic climate where court departments have had to support loss making conveyancing colleagues.

10.4. We would see the closure of the Procurator Fiscal's office as inevitable, and again those jobs would be lost to East Lothian.

10.5. The Federation of Small Businesses have told the Council that the court in central Haddington is a vital part of the town centre economy: the court's staff and visitors spend money in central Haddington and thus help sustain the town centre. The FSB's view as stated to the Council is that at a time when the Government has convened a Town Centre Regeneration study and are offering rates discounts to businesses that open in empty town centre retail space, closing a court responsible for significant town centre footfall is very unhelpful.

10.6. There were almost 2,000 cases (civil and criminal) at Haddington in 2011/2012. People coming to court – whether as accused, victims, witnesses, lawyers, family or friends attending in support of those appearing – use Haddington's shops, restaurants and cafes. Loss of this business would have a proportionately larger effect on Haddington town centre than gaining such business would on Edinburgh city centre. If just three people involved with each case spent £5 locally, this would have brought £30,000 in to the local economy.

10.7. Additionally, closure of the Court would result in vacant premises in a prominent location within the town centre, which would have a detrimental effect on the town centre environment within the town and on the visitor/ shopper experience.

10.8. The editor of one newspaper told us that court closure would have a severely detrimental effect on local newspapers, because they would not be able to cover cases routinely if they were moved to Edinburgh. This editor anticipates an impact from a business point of view as research shows that the court page is one of the best-read elements

of the paper. This editor feels certain that the loss of court copy would affect sales figures at a time when local newspapers are already facing an uncertain future.

11. **Direct effect on the Council** of closing Haddington Sheriff Court

As well as detrimental effects on the wellbeing of our local communities, the Council anticipates the following direct effects on its own establishment:

11.1. **Staff time**
The Council is a heavy user of court services at Haddington Sheriff Court – we have staff in court every day. Because the court is co-located with Council headquarters, and because of the good working relationships our council solicitors have with court staff, they can minimise the "down" time they spend at court before their case calls. One solicitor can currently cover relevant timetabled cases in Haddington over the course of a sitting day. In Edinburgh, by contrast, the potential for distributing cases across a number of courtrooms means that this would no longer be the case. For example, in Haddington the heritage court (which deals with evictions for non-payment of rent) sits on a Monday and all relevant cases can be covered on this day. In Edinburgh, the heritage court sits every day, which has the potential for requiring a solicitor for the Council for this court on different days of the week.

Some of our other officers who must come to court are not based in the Council's Haddington HQ, but they are around 10-15 minutes' drive away; they have the convenience of the Council HQ car park and an office base for their use if required.

The proposals would mean the addition of around 2 hours travelling time for every officer involved in a case, and further "down" time if prior cases take longer than originally timetabled. **The Council asserts that this is not sustainable.**

Rent Income Teams – although officers try to avoid taking tenants to court for rent arrears, we still take a significant number through the process. On occasion officers are cited to appear as witnesses at proof hearings. In the majority of cases, hearings are postponed or cancelled at the last minute and it would be costly and inconvenient for team members to travel to Edinburgh in these circumstances. Officers are concerned the proposed changes may increase the timescales from making an application for a court hearing date to the case actually being held at court.

Corporate Debt Team – work includes bankruptcies (creditor petitions - around 5 per annum), small claims for former tenants (around 10 per annum) and recovery of Council Tax (to facilitate the granting of inhibitions on the dependence – around 5 per annum).

Members of the team will also on occasion be required to appear as witnesses in proof hearings. The requirement for solicitors and witnesses representing the Council to travel to Edinburgh would be both costly and inconvenient.

Officers currently apply to Haddington Sheriff Court for Council Tax and Business Rates' summary warrants. We usually have around a dozen a year for Council Tax (values range between £200k and £1.8 million) and around eight or so a year for Business Rates. As we have a local court, and a good working relationship with Haddington Sheriff Clerk's office, we currently have very little delay between applying for the warrant to progressing recovery action and collection of the debt. Some of our Council Tax summary warrants can be worth upwards of £1.5 million. If we had to apply to Edinburgh Sheriff Court, there would be a potential for significant delay and a negative effect on income received by the Council. There are also the logistics of securely submitting our papers to Edinburgh and collecting and delivering back to Haddington once signed. All of this would incur heavy additional costs for the Council and thus for the people of East Lothian.

While it is certainly difficult to quantify the costs involved for the Council, they are likely to be in the order of hundreds of thousands of pounds annually. The following is a very basic estimate of new costs for East Lothian Council arising directly from the proposals.

[Table of costings to be provided]

These sums will be a call on the budgets of the relevant front-line services provided by the Council: for example children's services, social work, and the Housing Revenue Account.

11.2. **Effect of SCS vacating the premises**
Haddington Sheriff Court is co-located with the Council in a building on Court Street in Haddington. The Court's main entrance and the part of the building owned and occupied by the Scottish Court Service – essentially an upper portion - front directly onto Court Street. This building constitutes a significant and prominent feature of Haddington's townscape. The Council and the Court Service share some responsibilities and costs as to the fabric and maintenance of common areas. This being the case, the Council is concerned to see that SCS have estimated a backlog of maintenance of the order of £471,000 as part of its projected savings should Haddington Sheriff Court close. The Council finds it difficult to accept this figure and would wish to be made aware of what the backlog involves, especially as we will have responsibility for a proportion of the costs. It is essential that these estimated savings are revised and properly quantified in dialogue with the Council.

If the Court closes, deterioration of the fabric of the building due to the premises being unused/unheated for an extended period would likely represent an increased maintenance burden to the Council. There could also be security issues with the Court being empty.

The Council has been taking steps to reduce the size of its own estate in recent years, and so it cannot be assumed that the Council would be a willing buyer.

Difficulties in the property market and the relatively large size of the Court premises, together with the shared aspect with the Council, would make this building difficult to sell or lease. The Scottish Court Service must see this as a major concern for the Council and the town, in that the premises could be vacant for some considerable time. This also means that the Scottish Court Service would not realise the capital gains it anticipates.

Should the SCS sell or lease for an alternative use, the Council would be directly affected by sharing space with the new owner/ tenant. The Council would have the right to object to change of use during the planning process.

The Council's "Adam Room", which hosts marriage and citizenship ceremonies, shares the entranceway with the Court. If the Court building were to be closed up or sold, the Council might have to consider relocating these ceremonies, with consequent costs.

12. **Anticipated improvements in technology** – e.g. video links – there is no indication of timescale for introducing that, nor of the practicalities involved. People having to go to court before these facilities are introduced, by definition, cannot benefit from them. How locally-accessible will such facilities be, bearing in mind the need for efficiency and the need to make them secure? Who will run them? We cannot see any assurance that they will compensate local people in any way for the loss of the court.

13. **Possibility of redrawing boundaries**

13.1. There is a proposal that the business from Duns Sherriff court is to go to Jedburgh; a previous proposal to close Selkirk Sheriff Court was dropped because Jedburgh could not absorb its work. There is the mention within the document that the redrafting of Sheriff Court boundaries may be an option. With the better transport system up the A1 corridor, there is a good argument to be made that the work from Duns should come to Haddington and that Haddington should remain open as a vibrant court with sufficient business. Then Selkirk, as a court that has much less business than Haddington, could close and its work go to Jedburgh.

14. Summary

14.1. In summary, Haddington is a busy court, of an appropriate scale and location for East Lothian. Closing it would significantly disadvantage the East Lothian community. Additionally, any savings for the Scottish Court Service would be translated into considerable costs for other parts of the public sector.

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Services for Communities)

8

SUBJECT: Scotland's Third National Planning Framework (NPF3)

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1   PURPOSE

1.1   To advise Members that the Scottish Government has started work on the Third National Planning Framework (NPF3), and to seek Members' approval for a response to the initial consultation.

2   RECOMMENDATIONS

2.1   It is recommended that Members note that work has started on NPF3 and approve the proposed response to the initial consultation on Scotland's Third National Planning Framework.

3   BACKGROUND

3.1   The National Planning Framework (NPF) is prepared by the Scottish Government. It sits at the top of the hierarchy of Scottish development plans and provides a framework for the spatial development of Scotland as a whole.

3.2   The Scottish Government has started work on the third NPF (NPF3). Once published in June 2014, NPF3 will set out the Scottish Government's strategic development priorities over the next 20-30 years. It can designate National Developments, which are considered by Ministers to be essential to Scotland's strategic spatial development. These might include major strategic transport, water and drainage and waste management infrastructure projects. Designation in the NPF establishes the need for such developments in the national interest.

3.3   The existing National Planning Framework (NPF2) identifies 14 National Developments, including Cockenzie Power Station as a site for new non-nuclear baseload power generation. East Lothian is also included within NPF2's 'Central Scotland Green Network' National Development. Other

examples of National Developments in NPF2 include the Replacement Forth Crossing and a high-speed rail link to London.

3.4   Three publications mark the start of the formal preparation process of NPF3: The Participation Statement, the Call for Candidate National Developments, and the Strategic Environmental Assessment (SEA) Scoping Report. A questionnaire has also been published, asking about the key issues for NPF3 to address.

3.5   At this stage interested parties have therefore been invited to put forward proposals for National Development status, and to comment on the priorities NPF3 should address and its spatial strategy. There will be further opportunities to submit comments when the NPF Main Issues Report and associated assessments are published; this is scheduled for March 2013.

3.6   Proposals for National Development status must be of more than regional significance, and must make a significant contribution to one or more of: (a) An 80% reduction in emissions by 2050; (b) Achieving the aims of the Zero Waste Plan; (c) The Scottish Government's Renewable Energy Targets; (d) Skills development, reducing unemployment and job creation; (e) Strengthening Scotland's links with the rest of the world; (f) Improving our digital, transport, utilities or green infrastructure networks; (g) Adapting to or mitigating the effects of climate change; (h) Improving the quality of the built or natural environment.

3.7   It is recommended that East Lothian Council continues to support the identification of Cockenzie Power Station in the NPF as a site for non-nuclear baseload power generation. This proposed development, and its associated gas pipeline have the required statutory permissions. It is also recommended that the Council supports the continued inclusion of the Central Scotland Green Network (CSGN) and the high-speed rail link to London as National Developments.

3.8   In line with priorities identified in the Council Plan 2012-17 and the Council's Economic Development Strategy 2012-2022, it is further recommended that the Council proposes dualling of the A1 east of Innerwick to the English border as a Candidate National Development on the basis that it would strengthen Scotland's links with northern England and markets beyond (see pro forma at Appendix One).

3.9   It is also recommended that the Council calls for a stronger focus on delivery within NPF3, including funding of strategic infrastructure proposals such as the key transport improvements required to unlock growth in the Edinburgh city region. The link and junction capacities of the A720 Edinburgh City Bypass are particular issues. Within East Lothian, capacity constraints at the Old Craighall Junction are such that Transport Scotland will raise objection to any significant development that further impacts on this, unless there is an agreed solution and a mechanism identified for its delivery. Transport Scotland expects this matter to be resolved by local authorities with the funding requirement delivered through developer contributions.

3.10 In view of the potential impact of these capacity constraints on the economy of south east Scotland, and consequently on the wider Scottish economy, it is recommended that the Council proposes the upgrading of the A720 Edinburgh City Bypass as a Candidate National Development (see pro forma at Appendix One).

3.11 The estimated decommissioning date of the existing Torness Power Station is 2023. Since generation started, in 1988, the station has made a significant contribution to meeting Scotland's energy requirements. It is recommended that the importance of the Torness site be recognised by its inclusion as a Candidate National Development for future nuclear baseload generating capacity.

3.12 The Scottish Government has published a questionnaire that asks respondents to select from a list what they think the key ambitions are for Scotland in the long terms and what the opportunities are for planning at a national level to help achieve these ambitions. It is not recommended that the Council submits a response using the questionnaire as it would be difficult not to agree that all of the options within it are important.

4 POLICY IMPLICATIONS

4.1 None

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.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Phil McLean
DESIGNATION	Planner, Policy & Projects
CONTACT INFO	x7017 pmclean@eastlothian.gov.uk
DATE	19 November 2012

National Developments Proposal Form

National Planning Framework 3 - National Developments Proposal Form	
Proposer	East Lothian Council
Contact details	Phil McLean 01620 827017 pmclean@eastlothian.gov.uk
Date	15/11/2012
Title of development	**Dualling of the A1(T)**
Elements to be covered by national development status (list)	Dualling of remaining single carriageway stretches of A1(T) between Dunbar and the English Border. Associated junction alterations and improvements.
Fit with criteria and statement of more than regional importance (guide - 500 words)	This development is of national significance and would meet the criterion 'improve Scotland's links with the rest of the world'. NPF2 identifies this route as a 'strategic freight corridor' and notes that *"Cross-Border road and rail links are of prime economic importance … The economic benefits of tourism can be spread more widely if more of Scotland can be brought within 3 hours of major English cities. … Reducing journey times on routes between Aberdeen and Newcastle would improve the connectivity of knowledge economy clusters on the East Coast. … The Scottish Government will work with the UK Government and other bodies to strengthen cross-Border transport links."* East Lothian Council believes that support for dualling of the A1(T) is an essential component of achieving this ambition. It would reduce journey times between the Edinburgh city region and the Tyne and Wear conurbation and make them more reliable, with benefits for trade between the two regions and wider national benefits. The A1(T) is one of the key road links with England and it is also significant that as a low-lying route it is the one least likely to be affected by winter weather.
Location (description, map reference, or map)	A1(T) between Dunbar and English Border.

Public Engagement to date (guide - 100 words)	**None specifically on this project, however there is a history of support for improvements to the A1 since the late 1980s (the A1 Safelink Campaign).**
Environmental Study / Assessment available? (yes / no)	No
If yes, what significant effects were identified	
Delivery timescale	Not applicable at this stage
Development lifespan	Not applicable at this stage
Consents required	Planning permission
Visual representation of the development available? *If yes, please list and state if provided.*	No but current route of A1(T) is readily identifiable.

National Planning Framework 3 - National Developments Proposal Form	
Proposer	East Lothian Council
Contact details	Phil McLean 01620 827017 pmclean@eastlothian.gov.uk
Date	15/11/2012
Title of development	**Upgrading of the A720(T) Edinburgh city bypass**
Elements to be covered by national development status (list)	Grade separation of Sheriffhall roundabout and assessment and capacity increases of other junctions including Old Craighall interchange.
Fit with criteria and statement of more than regional importance (guide - 500 words)	This development is of national significance and would meet the criterion 'improve Scotland's links with the rest of the world'. The STPR identifies the A720(T) as part of the national transport corridor linking SE Scotland with the west, north and north-east of the country. Movement of freight is fundamental to economic growth so transport links need to be fit for purpose in providing links to ports, the wider UK and global markets. NPF2 identifies this route as a 'strategic freight corridor' and notes that *"The economic benefits of tourism can be spread more widely if more of Scotland can be brought within 3 hours of major English cities. … Reducing journey times on routes between Aberdeen and Newcastle would improve the connectivity of knowledge economy clusters on the East Coast. … The Scottish Government will work with the UK Government and other bodies to strengthen cross-Border transport links."* East Lothian Council believes that support for upgrading of the A720(T) is an essential component of achieving this ambition. It would reduce journey times between the Edinburgh city region and the Tyne and Wear conurbation and make them more reliable, with benefits for trade between the two regions and wider national benefits.
Location (description, map reference, or map)	A720(T) between and including Gogar roundabout and Old Craighall interchange.

Public Engagement to date (guide - 100 words)	None specifically on this project. 100
Environmental Study / Assessment available? (yes / no)	No
If yes, what significant effects were identified	
Delivery timescale	Not applicable at this stage
Development lifespan	Not applicable at this stage
Consents required	Planning permission
Visual representation of the development available? *If yes, please list and state if provided.*	No but current route of A720(T) is readily identifiable.

National Planning Framework 3 - National Developments Proposal Form	
Proposer	East Lothian Council
Contact details	Phil McLean 01620 827017 pmclean@eastlothian.gov.uk
Date	15/11/2012
Title of development	**Torness Power Station – safeguard for future nuclear baseload generating capacity**
Elements to be covered by national development status (list)	The operational and non-operational land associated with the generation of electricity by British Energy at Torness Power Station.
Fit with criteria and statement of more than regional importance (guide - 500 words)	This development is of national significance and would meet the criteria of an '80% reduction in emissions by 2050', 'Skills development, reducing unemployment and job creation' and 'adapting to or mitigating the effects of climate change.' Torness will be decommissioned in 2023. Given its importance as a baseload generating station, consideration should be given now to the future contribution the site can make to Scotland's generating capacity.
Location (description, map reference, or map)	Torness Power Station
Public Engagement to date (guide - 100 words)	None specifically on this project.
Environmental Study / Assessment available? (yes / no)	No
If yes, what significant effects were identified	
Delivery timescale	Not applicable at this stage
Development lifespan	Not applicable at this stage
Consents required	Permission under the Electricity Act
Visual representation of the development available? *If yes, please list and state if provided.*	No but site is readily identifiable.

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Services for People)

9

SUBJECT: Annual Report of the Chief Social Work Officer 2011/2012

1   PURPOSE

1.1   To provide Council with the Annual Report of the Chief Social Work Officer on the statutory work undertaken on the Council's behalf. The report also provides Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

2   RECOMMENDATIONS

2.1   Council is asked to note the Annual Report of the Chief Social Work Officer.

3   BACKGROUND

3.1   The requirement that every local authority should have a professionally qualified Chief Social Work Officer is contained within Section 45 of the Local Government (Scotland) Act, 1994. The particular qualifications are set down in regulations. This is one of a number of officers, roles or duties with which local authorities have to comply.   The role replaced the requirement in Section 3 of the Social Work (Scotland) Act, 1968 for each local authority to appoint a Director of Social Work.

3.2   **The Role of the Chief Social Work Officer**

A key proposal from the *Changing Lives, 21st Century Social Work Review* was the recommendation of the need to strengthen the governance and leadership roles of the Chief Social Work Officer. A national Working Group was established and tasked with developing the principles, requirements and guidance of the role of the Chief Social work Officer (CSWO). This Working Group reported in February 2009 after a period of formal consultation. This is attached as <u>Appendix 1</u> and is noted in the

Recommendations section of this report. The paper clarifies the role and function of the CSWO and how the post will support local authorities and Elected Members in ensuring that this statutory post enhances professional leadership and accountability and provides a key support and added value to a local authority and its partners in delivering positive outcomes locally.

3.3 **Statutory Duties and Decisions**

East Lothian Council's delegated Agency Decision Maker on fostering and adoption is Children's Wellbeing Service Manager (Resources). The Deputy Agency Decision Maker is the Head of Children's Wellbeing.

3.3.1 **Fostering & Adoption**

As at 31 March 2012, there were 83 children in Foster Care Placements in East Lothian and a further 29 children in Formal Kinship Care. During the year 116 children were placed with registered foster carers.

There were a further 5 East Lothian children in Foster Care, whose placements were out with East Lothian.

It is the Agency Decision Maker's responsibility to make decisions based on the recommendations by the Fostering Panel, the Adoption and Permanent Care Panels, two Kinship Care Panels, and two Adoption and Permanent Care Panel groupings. The Fostering and Adoption and Permanent Care Panel groupings are each scheduled to meet on a four-weekly basis and consider the following:-

Fostering Panels :

- Foster Carer Approvals.
- Foster Carer Reviews.
- Share the Carer Approvals.
- Share the Carer Reviews.
- Day Carer Approvals.

Adoption and Permanent Care Panels:

- Approval of Prospective Adopters.
- Registration of children or young people for Adoption or long- term Fostering.
- Matching children with prospective adopter(s) or long-term foster carers.

- Advice on complex situations that are being considered for Adoption or Permanent Care.

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The Kinship Care Panel groupings are scheduled to meet on an eight-weekly rota.

Kinship Care Panels:

- Approval of Kinship Carers of Looked After Children.

- Registration of Private Foster Carers

The Agency Decision Maker receives Minutes of the meetings, meets with the Chair of the Panel, if required, and makes decisions based on the recommendations. For many of these tasks there are specific legal timescales.

All Foster Carer, Prospective Adopter and Kinship Carer applicants and Foster Carers, Prospective Adopters and Kinship Carers can request a review of the decision not to approve them; the detail of their approval or decision to terminate their approval. A different Panel grouping and Chair must undertake the Review and a different Agency Decision Maker must make a decision based on the recommendation of the Panel.

Volume of Business:

Fostering Panel Business January 2011 – 31 December 2011

Foster Care Approval	Foster Care Review	Foster Care De-Reg	Level 2/3 application	Share The Care Approval	Share The Care Review	Share The Care De-reg	Long-Term foster approval
13	18	4	2	6	3	1	0

Internal Carer Reviews 2011

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	1	4	2	7	8	2	2	2	0	1	3

Fostering Panel Business January 2012 – 20 September 2012

Foster Care Approval	Foster Care Review	Foster Care De-Reg	Level 2/3 application	Share The Care Approval	Share The Care Review	Share The Care De-reg	Long-Term foster approval
7	24	1	4	7	4	0	1

Internal Carer Reviews 2012

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	2	3	1	3	1	4	2	0	0	0	0

Adoption Panel Business January 2011 – 31 December 2011

Registration for Permanency	Panels Deferred	Permanency decisions revisited	Matchings	Adopter	Long-term foster approvals	Permanence Orders	
						P.O.	P.O.A.
7	6	2	6	6	4	0	5

Adoption Panel Business January 2012 – 27 September 2012

Registration for Permanency	Panels Deferred	Permanency decisions revisited	Matchings	Adopter	Long-term foster approvals	Permanence Orders	
						P.O.	P.O.A.
20	1	2	5	3	2	13	9

3.3.2 Child Protection

As at 31 March 2012, there were 66 children on the Child Protection Register, a rate of 3.5 per 1,000 0-15 population GRO(S) compared with a national rate of 2.9. However, the average for the year was 62 children, still significantly above the national average. The majority of registrations were due to physical neglect and there were only eight children who had appeared on a Child Protection Register previously. Eleven children on the Register were also Looked After.

Patterns of registration vary considerably across Scotland. Within the Lothians, East Lothian's figures are generally similar to Edinburgh, and significantly lower than Midlothian.
Several other small authorities also have relatively high registration rates. There were 44 families who were represented on the register, so

movement could lead to changes in numbers. More importantly, there are close working relationships between agencies (Getting It Right For Every Child) which ensure that concerns are reported and there is intolerance of neglect and abuse.

3.3.3 Secure Orders: Secure Accommodation Authorisations

The use of secure accommodation is rare in East Lothian. Decisions are made by the CSWO with advice from Children's Wellbeing senior managers. In the absence of the CSWO this will be delegated to senior Children's Services Managers, and any decisions with regard to secure accommodation will be reported to the CSWO as soon as reasonably possible following the decision. Authorisations will be noted in the CSWO report to the Council.

Last year, at different times, a total of five young people were in secure accommodation from East Lothian, but never more than two at a time. As at 31.03.12 there were 2 young people in secure accommodation. Between 01.04.11 and 31.03.12 there was a total number of 61 Secure Order weeks used by East Lothian young people.

3.3.4 Private Fostering

At 31 March 2012 no children known to ELC were placed with registered private foster carers. There was a Private Fostering awareness raising initiative for professionals and community groups in East Lothian in February and March 2012. A private fostering action plan is in place.

3.3.5 Adult Protection

Since the implementation of the Adult Support and Protection (Scotland) Act 2007 in October 2008, the duties, powers and measures to safeguard adults who may be at risk of harm have been embedded into practice and used to improve outcomes for people.

Adult Protection Activity 2010-2012

Measure	Short Term Trend	Long Term Trend	2010/11	2011/12
Referrals	⬆	⬆	835	941
Inquiries	⬆	⬆	140	306
Investigations/IRD	⬆	⬆	70	146
Case conference	⬆	⬆	46	95
Open cases (average)	⬆	⬆	29	56
LSI	⬆	⬆	4	5
Protection Orders	⬇	⬆	8	4

Adult protection referrals leading to a Duty to Inquire have increased significantly from 143 in 2010-11 to 307 in 2011-12, with 47% (145) progressing to Inter-agency Referral Discussion, and 65% (95) of those progressing to case conference. The average number of cases being managed under Adult Support and Protection procedures over the year increased from 29 in 2010/11 to 56 in 2011/12.

Protection orders

The use of protection orders is still a very small part of the work introduced by the Act, however a protection order is routinely considered when someone is at risk of serious harm.

In 2010/11 applications were granted for one Assessment Order which resulted in no further action under the Act; one Removal Order to remove someone from a situation of serious harm to a suitable place and six Banning Orders, all with powers of arrest. In 2011/12 there were four Banning Orders again with powers of arrest. As expected, Banning Orders are the most commonly used of the protection orders available under the 2007 Act, and in East Lothian they have been used successfully in a variety of situations; in some cases where the subject is a family member or partner, and in others, an acquaintance who had befriended the adult and thereafter caused them serious harm.

Large Scale Investigations

In total there have been nine large scale investigations in the last two years in the East Lothian council area. Four of these investigations related to three different care homes and five related to three different care at home agencies. With the care homes, issues were around manual handling, infection control and dignity and respect, and with the Care at Home agencies, issues were mostly around physical and financial harm. These figures are not included in the number of referrals and inquiries quoted in above except where individual investigations have been required as well.

East Lothian Prevalence from 1st April 2010 – 31st March 2012

Where It Happened

community 9%
care home/residential 10%
supported accommodation 1%
Service user facility 1%
Home 79%
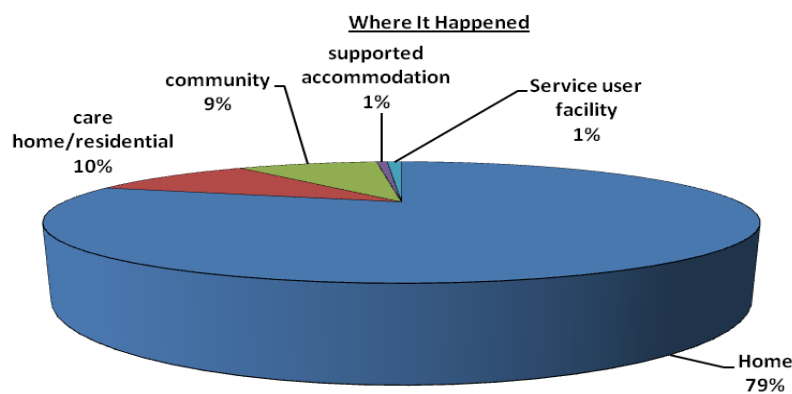
In East Lothian the vast majority of harm (79%) happens in the adult at risk's home.
The 10% occurrence in care home reflects the individual adult protection investigations in care home settings.

3.3.6 Mental Health (Care & Treatment) Act

The Mental Health (Scotland) Act 1984 introduced the requirement for local authorities to appoint experienced, trained and accredited personnel to be involved in the compulsory detention of people with mental disorders. Under the terms of the Act, it is the responsibility of the MHO (Mental Health Officer) to "satisfy himself that detention in a hospital is in all circumstances of the case the most appropriate way of providing the care and medical treatment the patient needs".

In the course of their assessment MHOs draw on a wide range of evidence, from interviews with the individual, carers and professionals (social work/care and medical) to referring to police, medical and social work records, emphasising the complexity of the task.

Mental Health (Care & Treatment) Act Orders 2011

	Apr -11	May- 11	Jun -11	Jul -11	Aug -11	Sep -11	Oct -11	Nov -11	Dec -11	Jan -12	Feb -12	Mar -12	Total
CTO1	0	0	0	0	0	0	0	0	2	1	1	1	5
Emergency Detention	2	3	0	2	3	0	1	2	0	2	0	0	15
Short Term Detention	7	4	5	9	6	4	7	5	2	4	2	6	61

Guardianship Orders granted by local Authority Area 01 April 2011 to 31 March 2012

Local Authority Guardianships Granted 2011-12	Private Guardianships granted 2011-12	All applications granted 2011-12	LA Rate per 100k Over 16 pop	Private Rate per 100k over 16 pop	Total Rate per 100k over 16 pop	
15	22	37	19	28	48	

Duration of orders granted to Local Authorities 01 April 2011 to 31 March 2012

Up to and including 3 years	Greater than 3 but including 5 years	Greater than 5 years	Indefinite	Total Orders	% of total orders granted which are indefinite	
10	2	0	3	15	20	

Duration of Orders granted to private individuals 01 April 2011 to 31 March 2012

Up to and including 3 years	Greater than 3 but including 5 years	Greater than 5 years	Indefinite	Total Orders	% of total orders granted which are indefinite
3	11	4	4	22	18

The mental health officers' statutory work in relation to the Mental Health (Care and Treatment) Act has remained stable in the past year and is commensurate to the population of East Lothian.

However, there has been a very significant increase in statutory mental health officer work relating to the Adults with Incapacity Act which has been commented on by the Mental Welfare Commission for Scotland (Annual Report 2011-2012). In particular, there was a 76% rise in approved guardianship applications in East Lothian in year 2011-12 . There were 37 guardianships granted making East Lothian the sixth highest per capita local authority area for guardianships in Scotland.

Reasons for this increase are:

- The active work Adult Wellbeing staff have done to raise awareness of the Adults with Incapacity Act with parents of young people in transition from Children's to Adult services (12 of the 22 private applications were for young adults)
- Intervention orders under the Act are no longer seen as a sufficient measure under which ongoing tenancies can be signed on behalf of an adult who lacks capacity and therefore a guardianship application has to be completed and lodged with the court pending a hearing.
- Statutory requirement to supervise all Private Guardians.

This has had an impact on the workload of mental health officers (MHO) with the result that social work task required can no longer be completed by the involved MHO and have to be transferred to a social worker. However, this does ensure the ongoing focus of the MHO and his/her client remains as above.

The Mental Welfare Commission has a responsibility to carry out visits to people with mental disorder under section 13 of the Mental Health (Care and Treatment) (Scotland) Act 2003. They have authority in respect of interviewing individuals (Section 14) and inspecting records (Section 16). They look at the at the care service users receive, their views on their care, service providers' and care managers' concerns, if any, and whether there is proper legal authority to support individual care packages where necessary.

3.3.7 Criminal Justice Services

Community Payback Order legislation was introduced in February 2011 and since that time Criminal Justice Social Workers (CJSW) have been supervising such orders as well as probation and community service orders, made on offences committed before the date of legislation.

It is useful to understand the increase in orders this year – in 2010/11 there were in total 63 community sentences (i.e. probation and Community Payback Order (CPO)) whereas this year there have been 87 community sentences. In terms of unpaid work orders in 2010/2011 there were 164

orders made which required offenders to undertake unpaid work and in 2011/2012 there were 216 orders made.

This represents almost a 40% increase in supervisory work and over a 30% increase in unpaid work.

The Caledonian programme is a multi agency, integrated approach to tackling domestic abuse. The programme works with both perpetrators and victims to decrease risk. The programme has 12 East Lothian perpetrators on it, all of whom are subject to risk assessment and management, liaison with other departments and preparation for groupwork.

Over the last year we have had the introduction of the LSCMI (Level of Service Case Management Inventory) risk assessment and management tool. This has involved the whole team in 5 days training and there are continuing challenges with the implementation of the tool. This is being led by one of the team leaders.

The team also do throughcare work both statutory and voluntary, which includes supervisory work in the community and active contact during incarceration. There have been increases in this area of work although voluntary through care has shown a dip. Interestingly the numbers of voluntary cases has reduced more than the number of individuals suggesting that involvement with the individual may be more long term and potentially indicates a more meaningful intervention.

There are ongoing discussions with Community Care to see how we can work more effectively with offenders who require the services of both disciplines. This is positive and hopefully will result in more seamless interventions.

Criminal Justice Social Workers are active within MAPPA (Multi Agent Public Protection Arrangements) and in the past year have there have been 34 Risk Management Case Conferences – on both sexual and violent offenders. These have been chaired by the Sex Offender Liaison Officer team leader and are in effect the template for the MAPPA meeting.

During 2011/2012 we had 13 offenders on supervision who were assessed at Level 1 and 5 managed at MAPPA Level 2. There were no Level 3 offenders. The Criminal Justice Service Manager has chaired the L2 multi agency meetings, sharing this responsibility with the police inspector.

The team also work at the beginning of the system preparing diversion reports which has also shown a slight increase. There were 41 reports requested in 2011/2012 compared with 35 in 2010/2011.

Community Payback Order legislation has sought to emphasise the reparatory nature of the order whether it be supervisory or unpaid work - it is a sentence and is thus not breachable by further offence, a fact that has not been easily accepted by the judiciary. The service needs the judiciary

to have confidence in the order, seeing it as something that can be as credible as custody. Unpaid work is a requirement of the Community Payback Order which is popular with the judiciary. It is more readily understandable as a disposal which allows the offender to give back to the community in equal measure to that which they have offended against the community. There is an argument however that unpaid work is no longer used as an alternative to custody and breaches by offenders who would not realistically have been imprisoned due to their index offence put them at risk of being imprisoned.

Criminal Justice Social Work is aware that it needs to engage with the judiciary to make supervision as credible.

Raising the profile of the work of the Criminal Justice Social Work service is under way - we have had a major role in Adult Wellbeing Briefings, we have published in the Living Magazine and made presentations to the Access Forum. In the following year we hope to have more dialogue and debate with the Sheriff.

The Criminal Justice team are also aware of the need to engage within the whole area of community planning and have moved to become more proactive with questionnaires to service providers (unpaid work), engagement in looking at service design for offenders (arrest referral/ drugs), offers to speak a the induction of community councillors and members of the resident and tenant association.

3.4 Regulation & Inspection

3.4.1 Care Inspectorate

The Care Inspectorate (CI) has established a process to determine a proportionate level of scrutiny of social work services in Scotland. The level of scrutiny is determined through the Initial Scrutiny Level Assessment (ISLA). The ISLA establishes the amount of scrutiny to be carried out in each Council through a risk-based assessment of evidence. Inspectors consider evidence submitted by Councils against nine risk based questions, alongside case file reading and focus groups.
East Lothian Council's social work services for adults, children and families underwent the ISLA process during the latter part of 2011. This resulted in the Council's social work services being assessed by the Care Inspectorate as "*Level one assessment – low risk, good performance and good improvement work*" (Care Inspectorate definition).

The Council's ISLA rating is the best possible outcome. The importance of the Level One assessment is that it resulted in the lowest level of scrutiny of Council Services, reflecting a high level of confidence in our services by the inspectors.

Against its nine risk based questions, the Care Inspectorate identified six "green" areas in the Council's assessment. This means they had no

significant concerns and did not require to inspect these areas any further. A further three areas were assessed as "amber" meaning that while the Care Inspectorate did not have concerns about these areas, they had some uncertainty that they required to look into further to remove their uncertainty.

On-site scrutiny to look at the three amber areas was carried out by inspectors from 11- 13 January 2012. In line with the Level One assessment, the scrutiny was completed over 15 sessions each of which involved one or two inspectors meeting with key individuals or focus groups of staff or service users.

The amber areas covered by the inspectors were;

- Is there evidence of effective governance including financial management?
- Is there evidence of positive outcomes for people who use services and carers across the care groups?
- Is there effective partnership working?

The inspection report made three recommendations to the Council and we have developed an action plan in response to these. The recommendations made by the inspectors were;

i.   East Lothian Council should drive down the number of exclusions of looked after children. Senior managers in Education Services and in Children's Services should regularly monitor progress, reducing exclusions of looked after children and should take timely remedial action   if progress is not satisfactory

ii.   East Lothian Council should strive to improve the educational attainment of looked after children. In the event of progress that is not satisfactory, senior managers in Education Services and in Children's Services should   take timely remedial action

iii.   Adult Social Care should implement its plans to increase the amount of respite provision for older people – this includes overnight respite and daytime respite. Adult Social Care should increase the amount of daytime respite for adults, if this is feasible within the available budget.

3.4.2 Scottish Commission for the Regulation of Care (SCRC)

Care Commission Reports are presented in Appendix 2

3.5 **Public Policy**

3.5.1 **Integration of Adult Health and Social Care**

The Scottish Government signalled its intention to integrate health and social care services in late 2011. In May 2012, it published a consultation paper seeking views on its proposals to bring forward legislation to integrate health and social care services. Cabinet approved the Council's response which was prepared jointly with East Lothian Community Health Partnership in September 2012. Production of our response involved extensive discussions between Council officers and our partners in the statutory, voluntary and community sectors.

The Scottish Government plans to introduce legislation to create Health and Social Care Partnerships (HSCPs). The purpose of HSCPs is to bring together a range of existing NHS and local authority services within a formal partnership to focus their combined resources on supporting more people to be supported in their own homes and communities than is currently the case, thereby shifting the balance of care and improving service outcomes.

There will be a focus on locality planning bringing together not only professional health and social care staff working in local communities , but also partners from local voluntary and community organisations and independent sector care providers.

In summary, the Scottish Government proposes;

- The integration of all services focusing initially on services for older people
- A broad approach to partnership emphasising the role of the voluntary and independent sectors
- Integrated budgets that encompass all spend on health and social care for older people and some acute care, where money loses its identity
- A senior Joint Accountable Officer reporting to Chief Executives of both the Council and the Health Board
- Two options for governance; either a separate body corporate, or where this is delegated to a host partner
- Integration measures included as part of Single Outcome Agreements and publication of local performance data
- Locality service planning led by professional staff groupings with devolved decision making and budgetary responsibilities
- The abolition of Community Health Partnerships
- One Partnership Committee per Council area. Equal health and council representation with a minimum of three elected members and three NHS non executive directors

- NHS Board Chair and Council Leader to oversee effectiveness of partnership and review meetings to monitor effectiveness by NHS Chairs and Council Leaders.

The establishment of Health and Social Care Partnerships is designed to improve outcomes for service users by shifting the balance of care and encouraging greater use of preventative services. The local partnership will therefore support delivery of East Lothian's Older People's Strategy, the Council Plan and Single Outcome Agreement.

Detailed planning for the establishment of a Health and Social Care Partnership in East Lothian is now underway.

3.5.2 Adoption and Children (Scotland) Act, 2007

The Adoption and Children (Scotland) Act, 2007 was implemented on 28 September 2009 and was the first major change in adoption legislation in over 20 years, emphasising the ongoing, flexible support necessary for children and young people and others affected by adoption. The major changes from the previous adoption legislation include:-

(i) **Permanence Orders** - Replaced Freeing for Adoption Orders and Parental Responsibility Orders. This makes the route to securing permanence for children more straightforward and allows for greater flexibility in planning future care and support. Permanence Orders can have ancillary provisions attached which can provide birth parents and others with a full range of rights and responsibilities other than residence. It is hoped that this will lead to better outcomes for children and enable permanence to be better suited to the individual's needs.

(ii) **Adoption Support** - A duty was placed on local authorities and adoption agencies to assess the needs of a range of people who have issues relating to adoption and provide comprehensive support. This can include birth parents, adopters, siblings, etc.

(iii) **Criteria for Adopters -** The new Act also extended the range of people who may apply to adopt or foster children. The criteria to adopt has been widened to include single people and same sex couples (S.29 & S.30). The same rigorous process of assessment and approval remains, but this development opens up the potential for a significant more diverse range of people to care for our most vulnerable children on a permanent basis.

(iv) East Lothian Council submitted their Adoption Service Plan (S4) requested by the Minister for Children and Young People for 31st March 2012.

(v) East Lothian Council has registered with Scotland's Adoption Register.

(vi)   The Register is funded by the Scottish Government and operated by BAAF Scotland.   The creation of the Register was a recommendation from the Adoption Policy Review Group, the main political drivers being to increase the numbers of adoptions in Scotland and to contribute to increasing the speed in which these happen. The primary way in which the Register plans to do this is through the creation of a National Linking Service.   Scotland's Adoption Register will also collate adoption data for the Scottish Government.

3.5.3 Self Directed Support

The Self Directed Support (Scotland) Strategy (2010) sets out a 10 year vision and plan for increasing people's choice and control over the support they receive.

The strategy defines self-directed support as supported people, families and carers having "...an informed choice about the way support is provided..[to them][1]

Key Facts about the Bill
- General principles: involvement, informed choice, and collaboration.
- The local authority must offer four options: (1) direct payment to the person; (2) The person selects their own support and the local authority or provider manages the budget; (3) The local authority selects, arranges and manages the budget; (4) The person chooses a mixture of options 1 to 3.
- The local authority duty to assess remains the same, though assessment will be made more collaborative
- There will be equal access for everyone with care and support needs. This includes offering SDS options to people with mental health problems, dementia and learning disabilities.
- The four options are, however, not open to individual ineligible for direct payments under existing legislation. These include people subject to certain mental health / criminal justice orders.
- Young adults (16yrs – 18yrs) will have choice and management of any of the four options.
- For children (over 12 yrs) the person with parental responsibility will have choice and management of any of the four options – with maximum input from the child.
- Where carers are assessed as needing support in their own right, they will also be given the choice of the four options.

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[1] Scottish Government (2010) "Self- directed Support Strategy" (November 2010) http://bit.ly/HU0g8G

East Lothian Council Adult Wellbeing and Children's Wellbeing held a stakeholder event on November 22 2012 to launch implementation of Self Directed Support in advance of the Bill receiving Royal Assent in autumn 2013

3.6 **Consultation**

- LAC Peer Group – This group allows looked-after young people to relax together and also to contribute to consultations.

- Corporate Parenting Event took place on 28 November 2012. We looked at the progress we have made since 2007 and seek ways to build on this work and expand our corporate parenting role in the challenging times ahead. It's an opportunity to improve the futures of our looked-after children and young people. The event featured a keynote speech from Tam Baillie, Scottish Children and Young People's Commissioner. There was also inputs from the Chief Executive, Sharon Saunders and Marion Wood in Children's Services and, of course, from young people themselves.

- 'Family led Information Point' (FLIP) continues to meet once a month and has a role in advising services on how their information resources could improve as well. FLIP have set up their own web page on the East Lothian council website and they now have a Facebook page

- Education Accessibility Strategy –consultation with schools; community planning; school councils; FLIP parents; the Disability Team and focus group.

- Autism Support Worker Project – provided evidence / interviews to support funding proposal.

- Listen More Assume Less 5 – a bi-annual report produced by the Involvement Officer for Integrated Children's Services. It lists involvement / consultation and engagement activity with children and families. It also reports on outcomes arising from consultation / involvement activity and what needs to be done to address new issues arising from consultation and the involvement of children, young people and their families.

- My Future –the Transitions follow-on Group.

- Commissioning Strategy – focus groups, development and delivery of SHANARRI (key welfare indicators) Bull's Eye, service evaluation questionnaire for young people in residential provision.

- SHANARRI wheel – Development of outcomes-based questionnaire for Family Support Team to gauge views of families, young people and workers

- Involvement in recruitment for new Head of Education and Knox Headteacher posts. This model is now used to recruit staff to other senior management posts in Knox.

- Involving children, young people, parents and carers in a wide range of consultations and focus groups, including A Right Wee Blether, Care Inspectorate, SCRA/Children's Hearings, Listen and Learn, National Foster Carer Contract, Who Cares? Scotland Regional Forum, Shared Services etc

- Regular feedback from children and young people through Viewpoint and Your Views

- Active involvement of foster carers and young looked-after people in planning and delivery of fostering recruitment campaign, including input into content and design of recruitment materials and media work.

- Consultations with service users of the Tynebank service as part of the re-tendering exercise.

- Consultation with members of the Joint Planning Groups as part of the review of East Lothian's joint planning system.

- Consultation with staff, managers and partners as part of the process of responding to the Scottish Government's consultation on the integration of health and social care.

- Consultation with Adult Wellbeing staff on budget savings options as part of the Autumn 2012 staff briefings programme.

- Consultation with service users on the Violence Against Women re-tendering exercise.

3.8 **Major Achievements**

- We have now established 46 projects under the Older Peoples Change Fund. These are focused on reshaping care for older people and provide a range of services from low level support in the home and community, to more complex care in residential settings. The projects are managed by a very successful partnership of the Council, the NHS, voluntary and independent sectors.

- Our Emergency Care Service is now in its second year of operation and demand for the service continues to grow. During August 2012, the service received 528 calls. This compares with 194 calls during August 2011.

- In October 2012, East Lothian Council and NHS Lothian won the award for Telecare in Care Homes to Reduce Falls in the national e-Health Awards, against UK wide competition. The aim of the project is to use appropriate telecare equipment to reduce the number of falls in care homes: a significant cause of emergency admissions to hospital. The use of falls detectors, chair and bed occupancy sensors led to an average 37% reduction in falls.

- We have developed the Education & Children's Wellbeing Commissioning Strategy, 2012 – 2022, which aims to keep children safely together with their families wherever possible so that we can avoid the need for them to become looked after, and to improve the quality of the care experience and longer term outcomes for all children, including those who are looked after and those affected by disability or with additional support needs (ASN). This will be the basis of most of our future planning.

- One of our Looked After Children is to be congratulated for securing a place at university.

- Anne Beattie, Senior Practitioner, Social Work Team, Children's Wellbeing received an ADSW travel award to travel to Perth, Australia to further her research and practice using the Signs of Safety model. She will be going to Australia in November/December 2012

4   POLICY IMPLICATIONS

4.1   There are no policy implications arising from this report.

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.

6   RESOURCE IMPLICATIONS

6.1   Financial - None

6.2   Personnel - None

6.3   Other - None.

7 BACKGROUND PAPERS

7.1 Appendix 1 – The Role of Chief Social Work Officer – Scottish Government Guidelines 2011

7.2 Appendix 2 - SCRC Inspections of ELC Services 2010/2011

7.3 Appendix 3 - SCRC Inspections of ELC Services 2011/2012

7.4 Appendix 4- Children's Wellbeing Inspections by the Care Inspectorate between April 2011 and March 2012

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DATE	4 December 2012

THE ROLE OF THE CHIEF SOCIAL WORK OFFICER

Principles, Requirements and Guidance pursuant to Section 5(1) of the Social Work (Scotland) Act 1968

Introduction

1. The 21st Century Social Work Review, *Changing Lives*, described the changing social environment in which we operate and the complexities, challenges and expectations this brings. Engaging with people in developing the solutions which best meet their needs in line with local priorities will make a significant contribution to improved outcomes for individuals and communities. This requires a confident, competent and valued social care workforce, capable of working flexibly in a variety of settings. Particular challenges are raised for staff working in integrated service delivery arrangements whether they be internal, interdepartmental settings or multi agency partnerships with NHS or Police partners. While these matrix arrangements can carry great benefits for effective service delivery, they do re-emphasise the need for clarity of accountability and professional leadership.

2. Clarification of the role and function of the Chief Social Work Officer will support local authorities and elected members in ensuring that this statutory post not only enhances professional leadership and accountability, but provides a key support and added value to a local authority and its partners in delivering positive outcomes locally.

Background

3. The requirement for every local authority to appoint a professionally qualified Chief Social Work Officer (CSWO) is contained within Section 3 of the Social Work (Scotland) Act 1968. The particular qualifications are set down in regulations. This is one of a number of statutory requirements in relation to posts, roles or duties, with which local authorities must comply.

4. The overall objective of the CSWO post is to ensure the provision of effective, professional advice to local authorities – elected members and officers – in the authorities' provision of social work services. The post should assist authorities in understanding the complexities of social work service delivery – including in relation to particular issues such as corporate parenting, child protection, adult protection and the management of high risk offenders – and the key role social work plays in contributing to the achievement of national and local outcomes. The CSWO also has a role to play in overall performance improvement and the identification and management of corporate risk insofar as they relate to social work services. Clarity and consistency as to the purpose and contribution of the CSWO is particularly important given the diversity of organisational structures that exist.

5. *Changing Lives* concluded that there was a need to strengthen the governance and professional leadership roles of the CSWO to oversee social work services and ensure the delivery of safe, effective and innovative practice. In doing this, there are a number of key issues to be clarified and addressed:

(a)   Role and function;

(b)   Competencies, scope and responsibilities;

(c)   Accountability and reporting arrangements.

6.   This guidance:

(a)   will assist local authorities in the discharge of their social work responsibilities;

(b)   will help local authorities maximise the added value of the CSWO – both at a corporate and professional level;

(c)   acknowledges that local authorities operate with very different management and organisational structures;

(d)   provides advice on how best to locate the CSWO role within operational structures to maximise its effectiveness; and

(e)   is sufficiently generic to remain relevant in the event of future management or organisational structural change.

Role and Function

7.   The CSWO is required to ensure the provision of appropriate professional advice in the discharge of local authorities' statutory social work duties. For the role to be effective in the varying circumstances and configurations of Scottish local authorities, a focus on role and function rather than position or structures is appropriate. However, the CSWO should be positioned at a level of seniority commensurate with being able to advise the local authority and undertake the complex duties described in this guidance.

8.   The CSWO is a 'proper officer' in relation to the social work function: an officer given particular responsibility on behalf of a local authority, where the law requires the function to be discharged by a specified post holder.

Competencies, Scope and Responsibilities of the CSWO

9.   Clarification of competence, scope, responsibilities and access, should maximise the effectiveness of the post and the corporate and professional contribution it makes.

9.1 *Competencies*

The qualifications of the CSWO are set down in regulations[1]. The post holder must be a qualified social worker, registered with the Scottish Social Services Council. Local authorities will want to ensure that the CSWO can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services.

9.2 *Scope*

The scope of the role relates to all social work and social care services, whether provided directly by the local authority or in partnership with other agencies. Where services are purchased on behalf of the authority, including from the private and voluntary sector, the CSWO has a responsibility to advise on the specification, quality and standards of services commissioned.

9.3 *Responsibility for values and standards*

The CSWO should:

(a)   promote values and standards of professional practice, including relevant National Standards, and provide a clear statement of expectation of social services workers and employers (consistent with the SSSC Codes of Practice) to be agreed with the Chief Executive and elected members;

(b)   ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically;

(c)   work with Human Resources (or equivalent support function) to ensure that all social service workers meet the requirements of the SSSC's Code of Practice and that all registered workers meet the requirements of their regulatory body;

(d)   support and advise managers in maintaining and developing high standards of practice and supervision;

(e)   ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;

(f)   ensure that there are effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the council's corporate policy on risk does not reflect this balance, the CSWO is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements;

(g)   ensure appropriate advice is provided on corporate workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;

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1   **1996 No. 515 (S.49)** The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 HMSO

(h)   actively promote continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of the service user;

(i)   oversee the quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;

(j)   ensure that appropriate systems are in place both to promote good practice and to identify and address weak and poor practice. The CSWO should work with managers to ensure these systems are effective and, where this is not the case, the CSWO has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems;

(k)   ensure that significant case reviews are undertaken into all critical incidents either resulting in – or which may have resulted in – death or serious harm;

(l)   take final decisions on behalf of the local authority in relation to a range of social work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time;

(m) contribute to reports to the Chief Executive and elected members – providing independent comment where necessary – on the findings of relevant performance reports, setting out:

i.   implications for the local authority, for services, for service users and carers, for individual teams/members of staff/partners as appropriate;

ii.   implications for delivery of national and local outcomes;

iii.   proposals for remedial action;

iv.   means for sharing good practice and learning;

v.   monitoring and reporting arrangements for identified improvement activity;

(n)   report to the local authority on any other social work related issues;

(o)   prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role.

9.4 *Access*

To discharge these responsibilities effectively, the CSWO needs:

(a)   **access** to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners, partner services and agencies. These arrangements will vary according to individual councils, but should be clearly articulated;

(b) to be able to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;

(c) to **be visible and available** to any social services worker and ensure the availability of professional advice and guidance;

(d) to provide professional advice as required to senior managers across the authority in support of corporate agendas.

9.5 *Leadership responsibilities*

The CSWO is responsible for providing professional leadership. The CSWO should:

(a) support and contribute to evidence-informed decision making and practice – at professional or corporate level – by providing appropriate professional advice;

(b) seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;

(c) support the delivery of social work's contribution to achieving local outcomes;

(d) promote partnership working across professions and agencies to support the delivery of suitably integrated social work services; and

(e) promote social work values across corporate agendas.

Accountability and Reporting Arrangements

10. Local authorities will need to agree:

(a) how the CSWO is enabled to influence corporate issues, such as managing risk, setting budget priorities and public service reform;

(b) access arrangements for the CSWO to the Chief Executive and elected members;

(c) how the CSWO reports to the Chief Executive;

(d) a statement on how any potential conflict of interest will be recognised and resolved;

(e) the relationships, responsibilities and respective accountabilities of managers and the CSWO;

(f) a mechanism to include an independent, professional perspective to the appointment of the CSWO;

(g) procedures for removal of a CSWO postholder, bearing in mind the need for continuity in the provision of the CSWO functions, the value of independent professional advice and the arrangements for the appointment and removal of the local authority's other proper officers;

(h) formal deputising arrangements to cover any period of absence by the CSWO.

February 2009

Appendix 2
SCRC Inspections of ELC Services 2010/2011

UNIT NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - QUALITY OF CARE AND SUPPORT	GRADING - QUALITY OF ENVIRONMENT	GRADING - QUALTY OF STAFFING	GRADING - QUALITY OF MANAGEMENT AND LEADERSHIP	NO. REQUIREMENTS	NO. RECOMMENDATIONS
Greenfield Park	Residential Care Home	20 April 2010	Announced	4	N/A	4	N/A	1	0
Eskgreen	Residential Care Home	09 June 2010	Announced	4	N/A	4	N/A	0	2
Adult Services	Adult Placement Service	06 July 2010	Announced	5	N/A	N/A	4	0	0
Fa'side Lodge	Residential Care Home	13 August 2010	Announced	5	5	5	N/A	0	1
Pathway Resource Centre	Young People's Care Home Service	10 September 2010	Unannounced	5	N/A	4	N/A	0	2
Lothian Villa	Residential Unit for Looked After Young People	21 September 2010	Announced	6	N/A	5	N/A	0	0
Fa'side Lodge	Residential Care Home	03 November 2010	Unannounced	N/A	N/A	N/A	5	0	1
The Abbey	Residential Care Home	22 November 2010	Announced	5	N/A	N/A	N/A		
Greenfield Park	Residential Care Home	22 November 2010	Unannounced	4	N/A	N/A	N/A	0	0
Lothian Villa	Residential Unit for Looked After Young People	10 December 2010	Unannounced	5	N/A	N/A	N/A	0	0
Education & Children's Services	Adoption Service	January 2011	Announced	5 (from Dec 2009)	Not Applicable	4 (from Dec 2009)	5 (from Dec 2009)	3 (from Dec 2009) All Now Met	0
Education & Children's Services	Fostering Service	January 2011	Announced	4 (from Dec 2009)	Not Applicable	4 (from Dec 2009)	5 (from Dec 2009)	3 (from Dec 2009) All Now Met	0
Port Seton Resource Centre	Adult Day Centre	12 January 2011	Announced	5	N/A	N/A	N/A	0	1
Prestonpans Resource Centre	Adult Day Centre	12 January 2011	Announced	5	N/A	N/A	N/A	0	2

1 = Satisfactory; 2 = Week; 3 = Adequate; 4 = Good; 5 = Very Good; 6 = Excellent; N/A = Not Assessed

Appendix 3

SCRC Inspections of ELC Services 2011/2012

UNIT NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - QUALITY OF CARE AND SUPPORT	GRADING - QUALITY OF ENVIRONMENT	GRADING - QUALTY OF STAFFING	GRADING - QUALITY OF MANAGEMENT AND LEADERSHIP	NO. REQUIREMENTS	NO. RECOMMENDATIONS
Eskgreen	Residential Care Home	18 January 2011	Unannounced	5	N/A	N/A	N/A	0	0
Mansfield Road Resource Centre	Adult Day Centre	18 January 2011	Announced	5	N/A	N/A	N/A	0	1
Tynebank Resource Centre	Adult Day Centre	19 January 2011	Announced	5	N/A	N/A	N/A	0	1
The Abbey	Residential Care Home	24 January 2011	Announced	5	N/A	N/A	N/A	0	0
The Abbey	Residential Care Home	07 March 2011	Unannounced	5	N/A	N/A	N/A	0	0
Throughcare After Care Team	Housing Support Service	29th March 2011	Announced	5	N/A	3	N/A	3	3
Throughcare After Care Team	Housing Support Service	3 November 2011	Unannounced	5		5	N/A	0 (previous all met)	5
Pathway Resource Centre	Young People's Care Home Service	5-6 July 2011 11 January 2012	Unannounced Unannounced	2 4	5 N/A	N/A N/A	N/A 4	2 4 (previous all met)	2 2
Family Support Team	Care at Home Service	November 2011	Unannounced	4		4	4	1	1

1 = Satisfactory; 2 = Week; 3 = Adequate; 4 = Good; 5 = Very Good; 6 = Excellent; N/A = Not Assessed

Appendix 4

Children's Wellbeing Inspections by the Care Inspectorate between April 2011 and March 2012

NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - QUALITY OF CARE AND SUPPORT	GRADING - QUALITY OF ENVIRONMENT	GRADING - QUALTY OF STAFFING	GRADING - QUALITY OF MANAGEMENT AND LEADERSHIP	NUMBER OF REQUIREMENTS	NUMBER OF RECOMMENDATIONS
Throughcare and Aftercare Team	Housing Support Service	3/11/11	Low intensity	Very Good	N/A	Very Good	Not inspected	0	5
Pathway Resource Centre	Care Home Service	6/07/11	Medium intensity, unannounced	Weak	Very Good	Not inspected	Not inspected	2	2
Pathway Resource Centre	Care Home Service	11/1/12	Unannounced	Good	Not inspected	Not inspected	Good	2	4
Family Support Service	Support Service Care at Home	17/11/11	Unannounced	Good	N/A	Good	Good	1	6

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Chief Executive

10

SUBJECT: Appointment of Head of Service (Education) and continuation of the appointment of the Shared Executive Director (Services for People) with Midlothian Council

1 PURPOSE

1.1 To advise Council of the decision of the Appointment Panel to appoint Darrin Nightingale to the post of Head of Service (Education).

1.2 To seek approval for the continuation of the appointment of the shared Executive Director (Services for People) with Midlothian Council.

2 RECOMMENDATIONS

2.1 Council is asked to:-

(i) note the decision of the Appointment Panel in its selection of Darrin Nightingale as the preferred candidate for the post of Head of Service (Education) and to note that Mr Nightingale commenced employment with the Council on Monday 3 December 2012;

(ii) approve the Minute of the Appointment Panel held on 30 October 2012 for the appointment of the Head of Service (Education) (attached at Appendix 1).

(iii) approve the request from Midlothian Council to continue the current arrangement to share the Executive Director (Services for People) on a fifty/fifty basis beyond the previously agreed end date of 31 December 2012.

3   BACKGROUND

Head of Service Appointment

3.1   Following the implementation of the Chief Officers review in April 2012, the post of Head of Service (Education) remained unfilled. Following a decision of Council on 28 August 2012 to appoint to the position a recruitment campaign was undertaken.

3.2   It was agreed that the appointment process for the post of Head of Service (Education) should be by way of an Appointment Panel and that the Panel should comprise Councillors Innes, Akhtar and MacKenzie.

3.3   Peter Hay, HR Consultant, provided independent external advice throughout the recruitment campaign, candidate selection and the candidate interview processes. The online assessments were carried out by the Keil Management Centre.

3.4   Formal competency based interviews took place on 30 October 2012. Candidates made a presentation to the Appointments Panel and responded to pre-set interview questions.

3.5   Following interview and taking full account of the candidates' performance in relation to the presentations and online assessments, the Panel unanimously determined that Darrin Nightingale was the preferred candidate, for the post of Head of Service (Education).

3.6   Darrin Nightingale took up the post on 3 December 2012. A Minute of the Appointments Panel which conducted the interviews for the post on 30 October 2012 (Appendix 1) is presented for approval.

Appointment of the Shared Executive Director

3.7   The Review of Chief Officer Structure Report to Council on 28 February 2012 included a recommendation that the Council approve a request from Midlothian Council to share East Lothian Council's Executive Director Services for People on a fifty/fifty basis from 1 March 2012 until the end of 2012. This was approved by the Council.

3.8   Following the Council elections in May of this year, partnership working between East Lothian and Midlothian in respect of Education and Children's Services has continued albeit the model being adopted has changed from that initially envisaged in February when the joint position was agreed and as a result the Director has in effect been carrying out two distinct and separate roles within the two Councils during this period.

3.9   The Joint Liaison Group (JLG) continues to give direction to the partnership arrangements between the two local authorities and recently approved several workstreams that will be pursued by the Director and the respective teams. It is clear that the reform agenda will increasingly have an impact on the future shape of both organisations. The divisional structure for the Police Service offers opportunities to examine our arrangements, particularly in respect of public protection and, at the

same time, the move to Integrated Health & Social Care Partnerships in the near future will also allow partners to review our practices. Both local authorities are keen to use this joint appointment to help direct future delivery models to ensure East and Midlothian Councils continue to focus on improved outcomes for people in our communities.

3.10 In addition to leading specific areas of work agreed by the Joint Liaison Group, the Executive Director will be ideally placed to identify and explore other opportunities for partnership working between ourselves and Midlothian Council and there remains considerable potential for both Councils to achieve better outcomes and service efficiencies through the further development of this work.

4 POLICY IMPLICATIONS

4.1 None

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.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel – Darrin Nightingale holds the post and the responsibilities of the Head of Service (Education) with effect from 3 December 2012.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Angela Leitch
DESIGNATION	Chief Executive
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DATE	10 December 2012

**MINUTES OF THE MEETING OF THE
APPOINTMENTS PANEL
For the Post of
HEAD OF SERVICE (EDUCATION)
Held on 30 October 2012**

PROVOST'S BOARDROOM, JOHN MUIR HOUSE, HADDINGTON

Chief Officer Appointments Panel:

Councillor Willie Innes (Chair)
Councillor Shamin Akhtar
Councillor Peter MacKenzie

In Attendance:

Peter Hay, External HR Consultant

Council Officials:

Angela Leitch, Chief Executive
Sue Cormack, HR Manager, Operational Services
Kirstie MacNeill, Corporate Legal Adviser

The Appointments Panel interviewed each candidate in turn. Candidates began their interview by giving a ten minute presentation to the Panel setting out what their personal vision of how they felt, the new strategic leadership team, could best work on the delivery of the ambitious priorities set out in The Council Plan 2012-17. In addition they out-lined what individual skills and qualities they could bring to the team. This was followed by a series of set competency based questions from panel members and was supplemented by ad hoc questions.

When all candidates had been interviewed the Panel discussed the relative merits of the candidates with assistance from Mr Hay and the Chief Executive. Mr Hay presented to the Panel, an overview on the outcome of the online assessments exercise undertaken by the candidates.

The Panel then proceeded to score the 5 candidates. Candidate Mr Darrin Nightingale received the highest score and Mr Nightingale was accordingly declared to be the preferred candidate.

The HR Manager explained that usual pre-employment checks on the preferred candidate would be carried out prior to formal appointment.

East Lothian Council

11

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Services for People)

SUBJECT: Law Primary School: Assessment of Maximum Physical Building and Design Capacities

               REPLACEMENT REPORT

---

1   PURPOSE

1.1   The purpose of this report is to ask Council to approve the maximum physical building and design capacities of Law Primary School for pupil intake management and class organisation purposes following the reassessment of existing accommodation in November 2012.

2   RECOMMENDATIONS

2.1   To approve a maximum physical building capacity of 670 and maximum physical design capacity of 603 for Law Primary School following the reassessment of the physical size of teaching spaces in the school.

3   BACKGROUND

3.1   The Property Projects Unit in conjunction with key stakeholders in the Education Service are re-assessing the physical building and design capacities of each local authority primary school across East Lothian. As such, similar reports may be made to Council in respect of other such schools if and when appropriate.

3.2   The existing school capacity is calculated having regard to Circular 2/2004: Guidance on Determining School Capacities and in particular Regulation 8 (1) the School General (Scotland) Regulations 1975 which states that '*An education authority shall determine from time to time the maximum number of pupils who may be suitably accommodated in every room to which this regulation applies ….and shall have regard to the dimensions of the room and the type of equipment provided…*'

3.3   The physical building capacity is a measurement of permanent capacity based on available classroom teaching spaces, the physical size of these spaces and the permissible occupancy rates based on the standard maximum area of $1.75m^2$ per pupil, and maximum functional class size limits. From this the maximum pupil roll that can be accommodated in any school can be calculated.

3.4   The physical design capacity is a measurement of the physical building capacity with an allowance for class organisation headroom. This headroom is applied to the physical building capacity in primary school roll bandings and reduces the physical building capacity accordingly as follows:

   3.4.1   222-444 pupils – 7%

   3.4.2   444-666 pupils – 8.5%

   3.4.3   666+ pupils – 10%

3.5   Law Primary School is based on a 1960's design and the facility has been modified and updated over time. The reassessment of Law Primary School's existing physical building capacity in November 2012 established that the school currently has 23 teaching spaces.   The reassessment further established that the existing building capacity is influenced by the size of some teaching spaces. The size of these teaching spaces is contemporary with the period of the buildings original design and they do remain fit for purpose, but they are below the area needed to accommodate the normal full sized classes expected today, as set out in **Appendix 1** and summarised as follows:

   3.5.1   Number of class sized spaces with capacity for 33 pupils – 2

   3.5.2   Number of class sized spaces with capacity for 30-32 pupils – 8

   3.5.3   Number of class sized spaces with capacity for 25-29 pupils – 13

   3.5.4   Total number of class sized spaces = 23

3.6   The maximum roll that can be accommodated at Law Primary School has been based on the ability of its teaching spaces to accommodate pupils in line with the standard for permissible occupancy rates as set out above. This assessment has also maximised the use of smaller rooms by assuming their use for P1 – P3 with larger rooms for P4-7 as appropriate. A 23 school class organisation with constrained space standards provides a maximum physical building capacity of 23 class sized rooms of 670 which provides a design capacity of 603 with a 10% allowance for class organisation headroom.

3.7   Please note that due to the differences in the pupil numbers at each stage within a school and the maximum class sizes of 25 pupils in Primary One, 30 pupils in Primary Two and Primary Three and 33 pupils in Primary Four to Seven, it would be unlikely that the class structure could be organised to accommodate 670 pupils.

3.8 Council is also requested to note that based on the current baseline pupil roll projection there would be no need to increase the number of teaching spaces at Law Primary School should it approve the building and physical design capacities set out at paragraph 2.1 above.

4 POLICY IMPLICATIONS

4.1 There are no policy implications in this report for the Council.

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.

6 RESOURCE IMPLICATIONS

6.1 Financial – None

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Appendix 1 – Law Primary School Capacity Assessment November 2012

AUTHOR'S NAME	Pauline Sales
DESIGNATION	Principal Officer (Information & Research), Education Business Unit
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DATE	12 December 2012

APPENDIX D/1

LAW PRIMARY SCHOOL: ANALYSIS OF EXISTING DESIGN CAPACITY

CLASSROOM CAPACITY	Number	Room Number	Room Area(m²)	Capacity	2012 Pupil Occupancy
Classroom with Capacity for 33 Children	1	R015	59.8	33	25
Temporary Unit	2	R004	59.3	33	
Classroom with Capacity for 30 Children	1	R130	56	32	22
	2	R126	56	32	30
	3	R017	54	31	24
	4	R031	54	30	23
	5	R033	54	30	30
	6	R035	52	29	30
	7	R084	56	32	28
	8	R086	56	31	29
Clasrooms with Capacity for 25 Children	1	R042	47	27	23
	2	R047	50	28	25
	3	R050	47	26	25
	4	R054	47	26	
	5	R057	49	28	30
	6	R133	49	28	30
	7	R064	49	28	30
	8	R068	50	28	32
	9	R070	49	28	33
	10	R073	48	27	25
	11	R081	50	28	32
	12	R089	49	28	30
	13	R066	48	27	
Total capacity				670	
Design Capacity allowing 10% headroom allowance for class organisation				603	556

OTHER ROOM TYPES				Area		
				required	under	over
Movement and Dance	1	R027	76	120	44	
Support For Learning	1	R025	50	50		
Quiet Room	1	R024	14	20	6	
Tutorial	1	R016	16	25	9	
Tutorial	1	R116	38	25		13
GP / music	1	R022	36	60	24	
Library	1	R138	52	60	8	
GP/Breakout Space	1	R061	43			
GP/Breakout Space	1	R078	40			
GP/Breakout Space	1	R056	29			
Total GP for 23 classrooms (5sqm per class)			112	115	3	
Dining Area 1	1	R100	148			
Dining Area 2	1	R097	93			
Total Dining area			241	226		15
Hall	1	R095	145			
2 badminton court size hall (18.2x17.4)				317	172	
School Resources	1	R052	38			
School Resources	1	R023	8			
Total for School Resouces			46	60	14	
Staff Room	1	R010	14			
Staff Room	1	R011	22			
			36	60	23	
Head Teacher's Room	1	R123	13	16	3	
DHT Office		R121	11	16	5	
Staff Base		R136	10	25	15	
School Office	1	R124	23	30	7	
Medical Room	1	R003	12	10	2	
Auxilliary	1	R004	12	7	4	
Hygiene Room	1			15	15	
Shortfall in current accommodation in Law PS (areas of over provision ignored)				1257	354	
Add allowance for circulation -18%					61	
TOTAL SHORTFALL IN AREA					415	

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Support Services)

SUBJECT: Membership of Committees and Appointment of Representatives to Outside Bodies

12

1 PURPOSE

1.1 To seek Council approval to alter the membership of the Joint Consultative Committee.

1.2 To seek Council approval of a number of additional nominations to the list of Elected Member appointments of representatives to outside bodies.

2 RECOMMENDATIONS

2.1 That the Council approves the proposed amendment to the membership of the Joint Consultative Committee, as outlined in Section 3.1 of the report.

2.2 That the Council:

- Approves the nomination of Councillor Hampshire to represent the Council on the CoSLA Convention, replacing Provost Broun-Lindsay;

- Approves the nomination of Councillor Libberton to represent the Council on the Preston/Seton/Gosford Twinning Association;

- Approves the nomination of Councillor Akhtar to represent the Council on the Children's Hearings Scotland East Lothian Area Support Team;

- Nominates one Councillor to represent the Council on the East Lothian Educational Trust, replacing Councillor McMillan.

2.2.1 Nominates one Councillor to represent the Council on the Scottish Seabird Centre Trust, replacing Councillor Goodfellow, who was appointed to represent the Council at its meeting of 23 October 2012. Members are asked to note that the approval of two-thirds of Members present is required to rescind the decision of Council on 23 October.

3   BACKGROUND

3.1 At its meeting of 15 May 2012, the Council determined the membership of the Council and its committees. At that meeting, the Council approved the appointment of 9 Elected Members to the Joint Consultative Committee (JCC). However, it transpires that the JCC constitution states that the Council may only appoint 8 Elected Members. In light of this information, the Administration has advised that Councillor McNeil will resign his position on the JCC with immediate effect.

3.2 At its meetings of 15 May 2012 and 23 October 2012, the Council proposed and approved Elected Member nominations to a number of outside bodies. Since those meetings, requests have been received from a number of other outside bodies seeking Council representation, and, for various reasons, changes are required to a number of those nominations already approved.

3.3 Members are asked to nominate Council representatives as outlined below:

- CoSLA Convention – due to other commitments, the Provost has indicated that he wishes to resign his place on CoSLA Convention. The Administration has nominated Councillor Hampshire to replace the Provost.

- Preston/Seton/Gosford Twinning Association has contacted the Council seeking Elected Member representation. The Administration is proposing Councillor Libberton as the Council's representative.

- Children's Hearings Scotland has contacted the Council seeking Elected Member representation on the Children's Hearings Scotland East Lothian Area Support Team, which is being established in accordance with the Children's Hearings Act 2011. The Administration is proposing Councillor Akhtar as the Council's representative.

- It has come to light that Councillor McMillan is not eligible to represent the Council on the East Lothian Education Trust, as he is not currently a member of the Education Committee. Councillor McMillan has therefore resigned from the Trust, and the Council is now requested to appoint an alternative representative, who is a member of the Education Committee.

3.2 At its meeting on 23 October 2012, the Council approved the nomination of Councillor Goodfellow as a Council representative on the Scottish Seabird Centre Trust (SSCT). However, it was subsequently determined that Councillor Goodfellow would not be eligible to continue to be a Member of the East Lothian Licensing Board if he took up his position on the SSCT. Councillor Goodfellow has therefore relinquished his position on the SSCT, and an alternative nomination is now sought.

3.3 Members are asked to note that the updated list of Elected Member representation on outside bodies will be published on the Council's website.

4   POLICY IMPLICATIONS

4.1   None.

5   EQUALITITIES IMPACT ASSESSMENT

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

6   RESOURCE IMPLICATIONS

6.1   Financial – There may be expenses incurred in relation to allowances and other expenses Council appointees attending meetings of such Bodies, but these will be similar to expense for such purposes incurred in the past and will be met from the appropriate budgets.

6.2   Personnel – none.

6.3   Other – none.

7   BACKGROUND PAPERS

7.1   None.

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Democratic Services Manager
CONTACT INFO	lgillingwater@eastlothian.gov.uk x7225
DATE	4 December 2012

REPORT TO: East Lothian Council

MEETING DATE: 18 December 2012

BY: Executive Director (Support Services)

13

SUBJECT: Submissions to the Members' Library Service
11 October – 5 December 2012

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1 PURPOSE

1.1 To record the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1, into the Council's Business.

2 RECOMMENDATIONS

2.1 Council is requested to record the reports submitted to the Members' Library Service between 11 October and 5 December 2012 as listed in Appendix 1, into the Council's Business.

3 BACKGROUND

3.1 The Members' Library Service has a formal role in the consultative process between Council officers and Members as outlined in Standing Order 9(iv). It is therefore necessary to circulate a list of those reports submitted to the Library Service, to be recorded into the proceedings of the Council.

3.2 If Members have no objections to the reports listed in Appendix 1 they will be recorded into the Council's Business. All reports submitted to the Members' Library since January 2005 are available on eGov.

4 POLICY IMPLICATIONS

4.1 None

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.

6 RESOURCE IMPLICATIONS

6.1 Financial – None

6.2 Personnel – None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 East Lothian Council's Standing Orders – 9(iv)

7.2 Report to East Lothian Council on 25 January 2005 – Submission to the Members' Library Service 29 October 2004 - 14 January 2005, and Changes to the Members' Library Process

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Democratic Services Manager
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	5 December 2012

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
11 October – 5 December 2012**

Reference	Originator	Document Title	Committee	Access
239/12	Head of Council Resources	Framework Award – Bed & Breakfast Services	Cabinet	Public
240/12	Head of Housing & Environment	Building Warrants issued under Delegated Powers, 1-30 September 2012	Planning	Public
241/12	Head of Policy & Partnerships	Wish You Were There	Cabinet	Public
242/12	Head of Infrastructure	Contract for the Provision of Transport Services, 1.10.12 – 31.7.16	Cabinet	Private
243/12	Executive Director (Services for People)	Consultation on a Proposal for a Children and Young People's Bill	Cabinet	Public
244/12	Head of Infrastructure	Amenity Services Staff – Equal Pay Claim Settlement	Cabinet	Private
245/12	Head of Policy & Partnerships	Community Empowerment and Renewal Bill Consultation – ELC Response	Cabinet	Public
246/12	Head of Policy & Partnerships	Sports Awards Scheme – Special Awards	Cabinet	Public
247/12	Executive Director (Services for Communities)	Edinburgh and Lothians Forestry and Woodland Strategy	Cabinet	Public
248/12	Internal Audit per Executive Director (Services for People)	East Lothian Council Internal Audit Report on Free School Meals and Clothing Grants	Education	Public
249/12	Head of Housing & Environment	Mortgage to Rent Scheme – Purchase of a House in Musselburgh	Cabinet	Private
250/12	Head of Adult Wellbeing	Change Fund Management and Support	Cabinet	Private
251/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of a House in Wallyford	Cabinet	Private
252/12	Executive Director (Services for Communities)	Transfer of Land at The Law, North Berwick	Cabinet	Private
253/12	Chief Executive	Proposed British Sign Language Bill – Consultation	ELC	Public
254/12	Chief Executive	Procurement Reform Bill Consultation – Response	ELC	Public

255/12	Executive Director (Services for People)	Service Review – Secondary Schools Management Review Implementation Update	Cabinet	Private
256/12	Executive Director (Services for Communities)	Building Warrants issued under Delegated Powers (for October)	Planning	Public
257/12	Executive Director (Services for Communities)	Service Review – Facilities Management Services at Haddington Campus	Cabinet	Private
258/12	Executive Director (Services for Communities)	The East Lothian Council (Revocation of TPO 47) Tree Preservation Order No. 131(2012)	Planning	Public
259/12	Executive Director (Support Services)	Service Review – Proposed Restructure of Administration and Business Support Provided to Board of Directors	Cabinet	Private
260/12	Executive Director (Services for Communities)	Erection and Maintenance of Retro-reflective and Electronic Road Traffic Signs 2012-2015	Cabinet	Public
261/12	Executive Director (Services for People)	Care at Home Procurement Process	Cabinet	Public
262/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of a House in Macmerry	Cabinet	Private
263/12	Executive Director (Services for Communities)	Sale of Land at Macmerry	Cabinet	Private
264/12	Executive Director (Services for Communities)	Proposed Fire Damage Reinstatement – Haddington	Cabinet	Public
265/12	Executive Director (Support Services)	Proposed Hire Charges for Brunton Hall, Musselburgh	Cabinet	Public
266/12	Head of Council Resources	Framework Award – Building Surveyors	Cabinet	Public
267/12	Executive Director (Support Services)	Civic Receptions – December 2012	Cabinet	Public
268/12	Executive Director (Services for Communities)	Service Review – Environmental & Consumer Services – Food & Safety Team	Cabinet	Private
269/12	Executive Director (Services for Communities)	Service Review – Environmental & Consumer Services – Safer Communities Team	Cabinet	Private
270/12	Executive Director (Services for People)	Service Review – Change to Staffing Establishment within Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP)	Cabinet	Private

271/12	Executive Director (Support Services)	Service Review – Transfer of Administrative Post within Organisational Development to Policy & Partnerships	Cabinet	Private
272/12	Head of Policy and Partnerships	Golf Tourism Scotland	Cabinet	Private
273/.12	Executive Director (Services for People)	Service Review – Curriculum for Excellence Development Resource	Cabinet	Private
274/12	Head of Council Resources	2012-13 Q2 Awards made by Common Good Funds	Cabinet	Public
275/12	Executive Director (Services for Communities)	Land Application – Cockenzie	Cabinet	Private
276/12	Executive Director (Services for People)	Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) Delivery Plan 2012-15	Cabinet	Public
277/12	Executive Director (Support Services)	Service Review –Finance & IT	Cabinet	Public
278/12	Executive Director (Services to Communities)	Building Warrants Issued under Delegated Powers between 1 and 30 November 2012	Planning	Public
279/12	Executive Director (Services for Communities)	Lease Extension, Spott Village Hall, Spott	Cabinet	Private
280/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Prestonpans	Cabinet	Private
281/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Tranent	Cabinet	Private
282/12	Executive Director (Support Services)	John P Mackintosh Memorial Lecture 2012 – Civic Reception	Cabinet	Public
283/12	Executive Director (Services for Communities)	Gullane Day Centre and Medical Centre Facility	Cabinet	Public
284/12	Council Leader	Welfare Reform (Letter to Secretary of State for Work and Pensions)	Council	Public

Updated on 17 December 2012