



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 FEBRUARY 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor S Currie
Councillor A Forrest
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director, Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr D Oliver, Service Manager – Environmental Health Services
Ms S Fortune, Service Manager – Business Finance
Ms L Shaw, Corporate Finance Manager
Mr A Stubbs, Service Manager – Roads
Mr P Forsyth, Road Asset and Regulatory Manager
Mr S Cooper, Team Manager – Communications
Mr C Clark, Principal Environmental Protection Officer

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 20 DECEMBER 2016

The minutes of the meeting of the Cabinet of 20 December 2016 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 1 DECEMBER 2016 – 31 JANUARY 2017

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 1 December 2016 to 31 January 2017, with a value of over £150,000.

Councillor Currie welcomed the contract award in respect of the new Wallyford Primary School, stating this would make a huge difference to the local community.

Councillor Akhtar also welcomed the contract for the new Wallyford Primary School; she also welcomed provision of the new football pavilion in Ormiston.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

3. FINANCIAL REVIEW, 2016/17 QUARTER 3

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the third quarter of financial year 2016-17.

The Head of Council Resources, Jim Lamond presented the report, providing an overview of the Quarter 3 position. He drew attention to General Services Revenue, highlighting the key elements. He gave details of the position as regards the Housing Revenue Account and General Services Capital budgets. He reported that there had been a mixed financial performance across service areas with a number of favourable variances, particularly in staffing and corporate income. Overall, the Council's position was satisfactory but finely balanced and remained extremely challenging.

Councillor MacKenzie, referring to the pre-school education budget underspend, asked, of the 3 elements mentioned, if the biggest element concerned staff vacancies. Sarah Fortune, Service Manager – Business Finance, replied that staff vacancies were a significant element but the biggest factor was the provision of a wider choice relating to nursery hours.

Councillor Berry raised several questions. In relation to social work budgets he questioned the efficiency savings, stating these were unrealistic and that the budget requirement had been constantly underestimated. Mr Lamond stated that very aggressive efficiency targets had been set for Adult Wellbeing, which had been felt achievable. This had been reported on during previous quarterly reviews; he added that at the last quarterly review the suggested information indicated that there was still a belief that the efficiencies could be achieved albeit they would most likely not fully deliver within the current financial year. In response to

Councillor Berry's point about the merger of NHS and social work services in England, which had not provided the efficiencies expected, Mr Lamond stated that the level of efficiencies did not directly relate to efficiency savings through integration. David Small, Director of the Health and Social Care Partnership, added that the benefits of integration in financial terms were not clear yet. In response to more questions Mr Lamond stated the intention was to use the planned £3 million from reserves to balance the position in the current year.

In response to Councillor Goodfellow's questions about affordable housing, Mr Lamond clarified the overspend and total expenditure and stated that the housing would comprise a broad mix of different types, which included council housing.

Councillor Currie raised several areas of concern. In relation to Adult Wellbeing, as stated by Councillor Berry, the budget was not sufficient; this had been raised on numerous occasions. Commenting on the Cost Recovery Plans he stated these were in effect plans to reduce expenditure. He made reference to the situation in Landscape and Countryside services. He also expressed concern about the Housing Capital underspend. He stressed that to be underspending at these levels overall was not good; budgets were not correct.

Councillor Veitch praised the overall performance and indicated that it was right to focus on Adult Wellbeing. The Council was making progress regarding efficiency savings and he paid tribute to all staff. He also commented favourably on the reallocation of underspends, indicating that parking improvements was a key aspect.

Councillor Berry agreed with Councillor Currie's comments; there were serious flaws in the way this Council budgeted. In relation to underspends, no measure was taken to the degree in which the public were adversely affected. There needed to be more of a focus on education. A major rethink of how the Council actually delivered services was required.

Several Members of the Administration reiterated that good quality services were being provided for the people of East Lothian despite reductions to local authority budgets. In relation to Adult Wellbeing, this was a demand led service and the situation was similar across all UK local authorities. Officers were praised for their considerable efforts.

Opposition Members stated that the amounts set in the budget should be spent on their allocated purpose. Criticisms were directed at the Administration, not officers.

The Convener praised this excellent report; the work done by officers showed that the Council was in a strong financial position. This Administration had stabilised services.

Decision

The Cabinet agreed to note the financial performance of services at the end of December 2016.

4. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2017

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to start the statutory procedure necessary to introduce and amend various Traffic Regulation Orders (TROs) to prohibit waiting, loading and unloading, introduce 20mph, 30mph and 40mph speed limits and to ban and permit various types of vehicular traffic.

The Roads Services Manager, Alan Stubbs, presented the report, outlining the Council's responsibility as Local Traffic Authority in respect of TROs. He informed Members that this

was the initial stage of the process, before stage 1. He outlined the various stages: stage 1 - design and consultation (with statutory consultees); stage 2 - advertising the TROs and stage 3 - making the Order. He also gave details of the timescales, advising that these could vary depending on whether there were objections and/or changes required. He drew attention to the appendices which detailed the various TRO amendments and additions.

Mr Stubbs and Peter Forsyth, Road Asset and Regulatory Manager, responded to questions from Members. In reply to Councillor Veitch Mr Stubbs confirmed that the East Linton 20mph order had gone through the consultation process and was in hand. Mr Forsyth added that a very detailed consultation had been carried out with a full survey of all residents, there had been over a 1,000 responses with 86% in favour of the proposal.

Councillor Berry queried, in relation to North Berwick, if the Lochbridge Road scheme could be brought to the High Street; he also made comments about the High Street's parking requirement. Mr Stubbs indicated that following the initial consultation comments could be taken on board but stressed that this was the initial stage of the process; the report was presented to Cabinet seeking approval for initiation of the statutory procedure.

Referring to the introduction of TROs for town centre car parks, Councillor Day asked if a report could come back to Cabinet next session if something was missed. Mr Stubbs confirmed this could be done. Mr Forsyth added that the actual statutory procedures had started a year ago and there was a programme in place for 2017/18.

A number of Members raised queries in relation to TRO amendments and additions within their ward; Mr Stubbs reiterated that all Members would be contacted as part of the statutory consultation process and would have the opportunity to put forward their views at that point. Mr Stubbs indicated he would be happy to provide further details in regards to any of the proposed TROs outlined in the report if required.

Councillor Veitch welcomed this report. The introduction of decriminalised parking enforcement had been successful and had transformed town centres. He made particular reference to a number of the schemes for Dunbar and the surrounding area which had all been led by different community groups. The experimental 20mph speed limit in Dunbar was a very ambitious, community council led, proposal. All of these schemes were good examples of the Council listening to, and working with, local areas.

Councillor Currie also welcomed the report and associated himself with Councillor Veitch's comments. With regard to Musselburgh, he remarked that there were several ongoing issues that needed looked at including residents' parking and misuse of the sports centre car park. He appreciated that consultation would be carried out and also that this was a long process.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that were in force in respect of locations and proposals listed within the report and the appendices.

5. POLICY ON BALLOON AND CHINESE/SKY LANTERN RELEASES

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to introduce a policy banning all releases of balloons or lanterns on Council property, Council owned land and at Council licensed, endorsed or supported events, including those not on Council owned land.

The Service Manager – Environmental Health Services, Derek Oliver, presented the report. He outlined the background and drew attention to the hazards posed by the release of these items to wildlife and livestock. He made reference to the Council's statutory duty in relation to the Environmental Protection Act. He highlighted the organisations that supported this proposal. Mr Oliver then took Members through the Policy, highlighting several aspects for their attention. He added that this matter had been brought to his attention in a letter from a local school pupil.

In response to a question from Councillor Day, Mr Oliver advised that if the land was privately owned the Council could, if a licence was required, attach the Policy as a condition to the grant of the licence. It was also the intention to publish alternatives to balloon releases on the website.

Mr Oliver, responding to Councillor McMillan's question, replied that the Council could not apply instructions to private retailers. The Council was seeking to be a responsible local authority and engender a change by raising awareness of the hazards.

Councillor Hampshire drew attention the adverse effect on livestock and other wildlife. Many countries and many UK local authorities had implemented such a policy; he was supportive of the proposal.

Councillor Currie expressed his support, making reference to the range of organisations detailed in the report that supported the proposal.

Councillor Akhtar suggested that the young person who wrote the letter be thanked and sent a copy of the Policy.

Decision

The Cabinet agreed:

- i. to approve the Policy Statement prohibiting balloon and lantern releases on Council owned land and property and at events licensed, endorsed or supported by the Council, including those on non-Council land; and
- ii. to authorise the Council as Licensing Authority to attach a condition to all Public Entertainment Licences prohibiting the release of balloons or lanterns at any event covered by said licences.

6. MUSSELBURGH AIR QUALITY ACTION PLAN

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the Musselburgh Air Quality Action Plan and agreement for its submission to the Scottish Government, Scottish Environment Protection Agency and Department for Environmental, Food and Rural Affairs.

Mr Oliver presented the report. He took Members through the report in detail. He reported that a further feasibility study was being carried out; the Action Plan was under constant review. He drew particular attention to the 13 measures identified and assessed for taking forward within the Action Plan. He referred to the consultation process and to the number of responses. He outlined development of the Action Plan. He reported that there had been improvement to the vehicles used by bus operators. The Action Plan was a legal document in relation to air quality objectives and focused on quantifiable methods.

Councillor Currie asked if the Council was currently complying with the legal limits as regards air quality. Mr Oliver advised that the 2016 report, which detailed the 2015 results, had shown that the Council was below the upper limit. The 2017 report, which would detail the 2016 results, would be available late summer/early autumn; the figures had to be ratified by SEPA and the Scottish Government. In relation to the 16 responses to the public consultation and given this low number, the relevance of the data returned, Mr Oliver agreed that the number of responses had been disappointing; whether the responses were representative of the views of the general public was difficult to determine.

Mr Forsyth confirmed, in response to questions from Councillor Currie about moving the bus stop from the Citizens Advice Bureau to Kilwinning Street that this was being looked at; he added that relocation of bus stops was considered as part of the traffic modelling, this would allow assessment in relation to traffic movement. Regarding a query about the Council's vehicle fleet, Ray Montgomery, Head of Infrastructure, stated that the Council continued to invest heavily in diesel engines but was increasing the number of electric vehicles.

Mr Oliver responded to questions from Councillor Berry advising that micro particulates from diesel engines were not, and had never been, a concern. In response to further questions regarding the East Coast to North Berwick bus service which went through Musselburgh, Mr Montgomery replied that the move from First Bus to East Coast Buses had led to a significant review of the services provided.

Councillor McNeil asked it would be possible to provide information to the public about air quality levels, updated on a daily basis. Colin Clark, Principal Environmental Officer, said that providing this information at public information points could be looked at.

Councillor Hampshire welcomed the report which showed that emissions continued to reduce in the High Street. He stated that every measure identified in the Action Plan could be replicated anywhere else in East Lothian where there was traffic congestion. He hoped that private companies would sign up to the Eco-Star scheme.

Councillor Veitch welcomed this report. Musselburgh benefited from an excellent bus service. The vehicles used by all the current operators were good. In terms of Lothian Buses and questions raised by Members today he cautioned against asking for a reduction in provision. In relation to bus stops, he referred to discussions at the Bus Forum, stating it was standard practice, if there was high density, to split the buses to different bus stops. He also made comments regarding the longer term measures for Musselburgh train station.

Councillor Currie welcomed this instructive report; some progress had been made. He made reference to the measures identified for inclusion in the Action Plan noting the differing timescales. He stated that any problems on the road network east of Edinburgh had a disproportionate impact on Musselburgh.

Several other Members also welcomed the measures proposed in the Action Plan.

Councillor McAllister praised the work carried out by Councillor Veitch as Chair of the Bus Forum; he had achieved a considerable amount as regards public transport in East Lothian.

Decision

The Cabinet agreed:

- i. to note the content of the report, particularly in respect of progress with initiatives and actions to reduce emissions from road traffic sources, and the ongoing reduction in general levels of nitrogen dioxide (NO_2) concentrations in Musselburgh High Street;

- ii. to approve the Musselburgh Air Quality Action Plan to improve air quality in Musselburgh High Street and note the ongoing work that was being undertaken to further develop the Plan in conjunction with road traffic modelling work that was being undertaken in relation to the Local Development Plan (LDP); and
- iii. to approve submission of the Musselburgh Air Quality Action to the Scottish Government, Scottish Environment Protection Agency (SEPA) and Department for Environment, Food and Rural Affairs (DEFRA), as required under the Environment Act 1995.

7. MINUTES FOR NOTING

The minutes of the Safe and Vibrant Communities Partnership of 8 September 2016 and the Sustainable Economy Partnership of 21 September 2016 were noted.

VALEDICTORY

The Convener paid a personal tribute to Morag Ferguson, Service Manager – Legal and Procurement, who was leaving the Council, for her integrity and erudite advice to Members over a considerable period of time. He was sure that all Members would wish to extend their best wishes to her for the future.

Councillor Currie, on behalf of the SNP Group, endorsed all these comments.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet



REPORT TO: Cabinet

MEETING DATE: 14 March 2017

BY: Chief Executive

SUBJECT: Council Plan 2012- 2017: Final Review and Monitoring Report

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1 PURPOSE

1.1 To present the Council Plan 2012-2017: Final Review and Monitoring Report.

2 RECOMMENDATIONS

2.1 Cabinet is asked to note the Council Plan 2012-2017: Final Review and Monitoring Report (as per Appendix 1).

3 BACKGROUND

3.1 '*Working Together for a Better East Lothian: The East Lothian Council Plan 2012-2017*' was approved by the Council in August 2012. The Plan set out the Council's aim of creating a prosperous, safe and sustainable East Lothian that will allow our people and communities to flourish. To achieve this aim the Council Plan set out four themes/ objectives:

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

3.2 The Council Plan detailed the actions that would be pursued over the five years 2012-2017, to achieve these objectives.

3.3 Progress in meeting the Council Plan objectives and actions has been reported in October 2014 and October 2015.

- 3.4 The appendix to this report provides a final monitoring report on progress in achieving the 2012-2017 Council Plan. Despite difficult financial circumstances faced by the Council, all the commitments made in the 2012-2017 Plan have either been delivered or are at advanced stages of being delivered.
- 3.5 The 2014 and 2015 Council Plan review and update reports detailed some of the key achievements in meeting the Plan in the period 2012 – 2015. Since the last report key achievements have included:

Growing our People

- Over 25 young people supported into job opportunities with local businesses through the Scottish Employment Recruitment Initiative and council funds were used to create paid graduate internships and Modern Apprenticeships
- The Construction and Technology Academy was established in Musselburgh with capacity for 160 places for pupils from East Lothian schools
- The Council supported the creation of the East Lothian Food and Drink Business Improvement District (BID)
- The Council has supported the development of a Master Plan for the former Cockenzie Power Station site which has been the subject of extensive public consultation

Growing our People

- Record low number of children on East Lothian's Child Protection Register in 2015/16 with the total never exceeding 30
- Olivebank received the highest possible grading of 'Excellent' in all four areas of inspection in the latest Care Inspectorate Report
- Attainment and post school participation shows an improving trend over the last few years
- The Council invested over £1.4m in providing a new communications provision for children with additional support needs at Knox Academy
- A Joint Inspection of Older People's Services by the Care Inspectorate highlighted many areas of strength such as outcomes for older people and innovative services

Growing our Communities

- The Council has continued the council house building programme with several new housing developments which delivered 48 new properties in 2015/16 with a further 82 new homes due for completion in 2016/17

- Tendering exercises undertaken by the Council for supported bus services resulted in improved services with better and more frequent service in key routes
- The new waste collection service, centred on weekly food waste collection has made a major contribution to increasing East Lothian's waste recycling rate from just under 43% to over 52%
- The six Area Partnerships received £600,000 additional funding in 2016/17 to support initiatives aimed at reducing the attainment gap
- The Council adopted a proposed Local Development Plan which identifies preferred sites for over 10,000 new homes and business growth

Growing the Capacity of our Council

- Legal and Licensing Services received very good results from a national benchmarking exercise which showed they operate efficiently and cost effectively and have high levels of client satisfaction when compared to other local authorities
- Local Government Benchmarking data shows that the Council performed well in respect of several key indicators including measures of public satisfaction with council services, the % of Council Tax and Business Rates collected and the cost of support services and democratic services
- The Council has established a Transformational Change Programme supported by a dedicated Programme Manager and Project Managers.

4 POLICY IMPLICATIONS

- 4.1 The review of progress in achieving the 2012-2017 Council Plan has shown that much progress has been made in delivering the commitments set out in the Plan to achieve the Plan's four objectives – Growing our Economy, Growing our People, Growing our Communities and Growing the Capacity of our Council.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none associated with this report.
- 6.2 Personnel – none associated with this report.
- 6.3 Other – none associated with this report.

7 BACKGROUND PAPERS

- 7.1 Appendix 1: 2012-2017 Council Plan Monitoring Report
- 7.2 Council Plan 2012-2017; East Lothian Council, 28 August 2012
- 7.3 Council Plan – Two Year Review; East Lothian Council, 28 October 2014
- 7.4 Council Plan Update; East Lothian Council, 27 October 2015

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DATE	3 March 2017

2012 – 2017 COUNCIL PLAN MONITORING REPORT – February 2017

1. Growing Our Economy

	Council Plan Action/ Commitment	What we have done	Has it been delivered?
1.1	Implement the East Lothian Economic Development Strategy 2012-2022 and its action plan to achieve two strategic goals – increase the number of local businesses and increase the number of residents working in East Lothian	<p>The Economic Development Strategy was approved by Council and East Lothian Community Planning Partnership in Autumn 2012. Key achievements to date include:</p> <ul style="list-style-type: none"> • establishment of East Lothian Works and implementation of Developing East Lothian's Young Workforce (see 1.4) • attracting and supporting major golf tournaments to East Lothian, including the 2013 British Open (economic impact, £17.6m) and the 2015 Scottish Open • organising the Wish You Were There activity and other events to promote East Lothian as a tourism destination • EU Regional Selective Assistance award to Prestonpans, Wallyford, Whitecraig, Cockenzie and Port Seton • developing East Lothian Food and Drink Business Improvement District (BID) • supporting and encouraging the development of land for business • reductions in unemployment claimant count for 18-24 year olds and over 25 year olds • increase in number of jobs per 10,000 adults from 3,393 in 2014/15 to 3,627 in 2015/16 • Increase in the number of businesses per 10,000 adults in East Lothian from 374 in 2014/15 to 394 in 2015/16. <p>In partnership with other local authorities in South East Scotland City Region, the council has supported the bid for an 'Edinburgh and South East Scotland City Region Deal' to both UK and Scottish Governments. The City Region Deal is a mechanism for accelerating growth by levering in significant government investment. By investing this funding in infrastructure, skills and innovation, economic performance will be significantly improved.</p>	10-year strategy being delivered

1.2	<p>Establish an Economic Forum with business and farming community representatives and further education institutions and engage with local businesses and potential investors in East Lothian to identify how the Council can further support business growth</p>	<p>Following the review of the East Lothian Partnership governance arrangements the Sustainable Economy Partnership was established in 2012 with responsibility three of the outcomes in the Single Outcome Agreement. The Sustainable Economy Partnership, which includes representatives from the Federation of Small Businesses and Chamber of Commerce and Edinburgh College performs the role envisaged of the Economic Forum.</p> <p>The Council supports various groups to support delivery of the Economic Development Strategy and engage with key sectors of East Lothian's economy, including:</p> <ul style="list-style-type: none"> • Attractions Group • Golf Alliance • Food and Drink Hospitality and Producers Group • Festivals Group. <p>In addition, the Partnership and Council have engaged with individual businesses and business people through direct contact and meetings with businesses and events such as 'Business Breakfasts' and 'Open for Business' meetings.</p>	Delivered
1.3	<p>Continue to support the county's farmers and fishing communities through the food and drink and other initiatives and funding programmes</p>	<p>Various food and drink promotion initiatives have been delivered including presence at national Trade Shows such as the Royal Highland Show, producer and supplier engagement events and competitions.</p> <p>Jointly with East Lothian's food and drink producers, the Council developed the East Lothian Food and Drink Business Improvement District (BID); the first of its kind in Europe. The aim of the East Lothian Food and Drink BID is to create a collective identity for local food and drink producers that will enable the development of business opportunities and help build a prosperous and sustainable business sector, as well as market East Lothian as a quality provider of outstanding produce. Following a ballot of eligible businesses the BID was approved and established in June 2016.</p> <p>The Council is working in partnership with Scottish Borders Council to deliver EU Maritime and Fisheries Programme 2014-2020 and with Midlothian Council to deliver EU LEADER</p>	Delivered

		(rural development) Programme 2014-2020.	
1.4	Provide high quality employment pathways for East Lothian's workforce which will support those furthest from the labour market to develop work ready skills and give every young person the opportunity to undertake training, take up an apprenticeship, work experience or a job	<p>East Lothian Works (the Council led, partnership employability hub) was established in March 2013, working in partnership with key employability agencies to provide more targeted and efficient joined-up employability services, focussing on young people through a Skills Centre, bespoke Activity Agreements and Work Experience programmes.</p> <p>In 2014/15 the service used funding from the Youth Employment Scotland Fund to support 163 young people into employment; 107 in the private sector and 56 in the Council (including paid work experience placements, graduate internships and modern apprenticeships).</p> <p>In 2015/16 East Lothian Works made use of the Scottish Employer Recruitment Initiative to support 26 young people into a job opportunity with a local business. The council used existing budgets to create 4 graduate internships, additional Modern Apprenticeships and paid work experience placements within the council. In addition, the Council facilitated 976 work experience placements for school pupils through a combination of one week and flexible placements.</p> <p>Significant progress is being made in implementing the Developing East Lothian's Young Workforce action plan. Positive Destinations (employment, training, education or volunteering) has improved from under 90% to over 93%, although it is recognised that further work is required to improve this statistic yet further.</p> <p>A focus on positive destinations for Looked After Children has been incorporated into Children's Wellbeing strategic and operational plans. Initiatives to support young people into employment and increase their preparedness for work include supporting pupils disaffected with school through the Tots & Teens programme, Activity Agreements, and the development of academies in partnership with QMU and Edinburgh College.</p>	Delivered
1.5	Use the Council's purchasing power through	Community benefits in procurement (CBIP) has been embedded into all appropriate procurement contracts, and resource refocused, to support this. Business interest continues	Delivered

	<p>the use of community benefit clauses to provide opportunities for work experience, training and apprenticeships</p>	<p>to grow in this expanding programme.</p> <p>Key achievements/ activities supported through CBIP include:</p> <ul style="list-style-type: none"> • increasing numbers of work placements for school leavers • over 20 companies actively participating • creation of Modern Apprenticeships • School Career Talks, mock Interviews and CV workshops • Construction and Event Hospitality Design Projects. 	
1.6	<p>Support investment in business start ups and growing businesses, including the construction industry and other key sectors, through interest free loans and other local and national support programmes</p>	<p>The Council operates a number of schemes to support business growth including:</p> <ul style="list-style-type: none"> • East Lothian Investments Ltd Interest-Free start up loans and established business loans and signposting to other forms of grant and loan funding • Business Development Grant • Social enterprise grant assistance • Trade Association Grants • Companies supported into Scottish Enterprise account managed status • Business Gateway advice and start-up loans. 	Delivered
1.7	<p>Identify areas for business opportunities in the East Lothian Local Development Plan and reduce the time taken to determine commercial planning applications through a more efficient and streamlined approach to dealing with all planning applications</p>	<p>The proposed Local Development Plan has been agreed with land identified for business growth</p> <p>The Council has introduced eplanning and ebuilding standards to improve the service provided to applicants.</p> <p>The time taken to determine commercial planning applications has fluctuated depending on the number, scale and complexity of applications.</p> <p>The planning service's annual Planning Performance Framework report has shown improved performance across a range of indicators.</p>	Delivered

1.8	<p>Support and encourage the development of land allocated for business; where appropriate, fund infrastructure to enable sites to be developed to support new jobs and opportunities for strong sustainable economic growth through working with the business sector and agencies such as Scottish Development International to attract inward investment</p>	<p>Through developer negotiations several sites have been considered for mixed use, resulting in opportunities to unlock development on undeveloped or redundant economic land allocations and provide impetus for business development. For example:</p> <ul style="list-style-type: none"> • approval was granted for Gateside East planning application subject to s75 agreement to provide serviced business land and opportunity for ELC to develop if no activity from the developer • ongoing engagement with QMU regarding development of the site at Oldcraighall for a new business and innovation park • eight new business units were delivered at Mid Road Industrial Estate • the Council converted former offices in its Brewery Park building in Haddington for 10 business start up units • masterplanning for the former Cockenzie power station site is nearly concluded, with the generation of employment opportunities a key objective. 	Delivered
1.9	<p>Work with partners and providers to explore how we can improve connectivity, including the roll out of faster Broadband and mobile communications across the county to support and encourage local business and home working</p>	<p>A Broadband strategy was adopted in October 2014. The Council has engaged with the Scottish Government, Community Broadband Scotland and private sector providers to ascertain, and try to resolve demand and supply issues around the roll out of Broadband across the county. The Council has continued to lobby Government and providers for faster roll out and full coverage of broadband and mobile connectivity.</p> <p>It is projected that by the end of 2017 96% of East Lothian will have Fibre Broadband and that 92% of East Lothian will have access to Broadband speeds of at least 24mbps.</p> <p>WiFi has been provided in Haddington and Dunbar Town Centres and various Council offices and premises. A project is underway to extend WiFi provision to other town centres.</p>	Delivered
1.10	<p>Support local companies and build their capacity to ensure they have the opportunity to compete for</p>	<p>The Council provides a range of procurement advice for local businesses including procurement seminars and 1:1 consultancy advice. The Council is a member of the Supplier Development Programme, a national scheme aimed at assisting companies to tender for public sector contracts and any East Lothian business can access bespoke</p>	Delivered

	Council and other public sector contracts	<p>assistance through this scheme. The Council's procurement team has attended Meet the Buyer and Meet the Council events and PQQ training has been given to suppliers along with feedback on draft PQQ completion.</p> <p>During 2015/16 the Council contracted with 506 local suppliers (an increase of 76 from the previous year) with 22% of our spend being with local suppliers and 51% with Small and Medium Enterprises.</p>	
1.11	Work with East Lothian's tourism sector to support appropriate tourism opportunities including sports and cultural events that attract visitors to East Lothian	<p>The Council continues to refresh East Lothian's tourism offer in conjunction with Visit Scotland and local businesses and through grants and sponsorship support to new and existing events. A wide range of sports and cultural events have been supported by the Council including 2013 British Open (economic impact £17.6m) and 2015 Scottish Open, Fringe by the Sea, the Saltire Festival, Lammermuir Festival, the John Muir Festival and the RSPB Big Nature Festival.</p> <p>The Council has supported various tourism promotion events, including the Wish You Were There activity during the Edinburgh Festival. Promotion of the John Muir Way and the John Muir 'brand' has contributed to an increase in footfall in Dunbar town centre.</p> <p>The number of Tourist days – staying visitors increased by over 25% from 1,452,600 in 2012/13 to 1,856,000 in 2015/16.</p>	Delivered
1.12	Work with the voluntary sector to create and develop social enterprises using the Social Investment Fund and other sources of funding and support	<p>The Council has worked with both Social Enterprise East Lothian and STRIVE, the third sector interface, to support the development of Social Enterprises through advice from a dedicated Social Enterprise Business Adviser, direct grant support and/ or signposting to other forms of funding.</p> <p>In 2016/17 22 potential social enterprises were given pre-start up support and advice; six new Social Enterprises were supported to become established; and 2 existing Social Enterprises were given growth funding.</p> <p>Children's Wellbeing supported the establishment of a Public Sector Partnership through</p>	Delivered

		Children 1 st providing family and young people's support services in East Lothian	
1.13	Regenerate East Lothian's town centres through: ensuring that planning decisions made by the Council are sympathetic to preserving the vitality and viability of our town centres; supporting "Shop Local" promotional activity and initiatives that will support the re-opening of empty shops; reducing congestion and improving town centre parking	<p>Town centre regeneration is a focus of the Sustainable Economy Partnership and also of several of the Area Partnerships, which have undertaken 'charrette' exercises to support town centre development planning. Strategies, including the Musselburgh Town Centre Strategy, have been developed and are being implemented. Approximately £500,000 a year has been allocated in the Council's Capital Programme for Town Centre Regeneration.</p> <p>The Council has attracted funding from the Conservation Area Regeneration Scheme (CARS) for Haddington, Tranent, and most recently, Cockenzie.</p> <p>Shop Local promotions have been supported including the Christmas Shop Local, involving over 100 retailers and attracting over 7,000 entries annually.</p> <p>The Council has sought to improve parking in town centres where possible (e.g developing proposals for parking in North Berwick. Following the loss of the traffic warden service provided by the Police the Council instigated proposals to decriminalise parking. A new traffic warden service began to operate in January 2017.</p>	Delivered
1.14	Develop a new Culture and Heritage Plan that maintains the success of community initiatives, tourism opportunities and recent Council investment in infrastructure to support the economic development strategy	<p>A draft of the Cultural and Heritage Strategy and Plan has been produced and forms the basis for development of cultural and heritage services through the arts Service, Museums Service, the John Gray Centre and the Council's partnership with the Brunton Theatre Trust.</p> <p>The Council supports a large programme of arts and cultural events and activities including instrumental tuition, arts festivals, an expanding programme of events and activities at the Brunton Theatre, exhibitions in the John Gray Centre and other facilities including Prestongrange Museum. As is shown above (1.11) cultural events such as the Saltire Festival play a major part in the overall economic development strategy and the promotion of East Lothian as a tourism destination.</p>	Partly delivered
1.15	Support Fair Trade County status for East Lothian	Most of East Lothian's towns have Fair Trade status.	Partly delivered

2. Growing Our Communities

	Council Plan Action/ Commitment	What we have done	Has it been delivered?
2.1 Housing			
2.1.1	Implement the East Lothian Local Housing Strategy 2012-2017	The Local Housing Strategy 2012-2017 has been implemented a new local Housing Strategy 2017-2022 is being developed in consultation with stakeholders.	Delivered
2.1.2	Identify sites for house building through the Local Development Plan	Following extensive consultation and assessment of options the proposed Local Development Plan has been agreed with sites for over 10,000 new homes in East Lothian.	Delivered
2.1.3	Use planning and other powers to ensure that new housing developments have the community infrastructure they need to create and support viable, balanced and sustainable communities	Significant improvements to community infrastructure have been and will continue to be delivered through new housing developments, for example: <ul style="list-style-type: none"> • Pinkie Mains - redevelopment of local retail facilities in conjunction with housing development • Lochbridge Road - social housing development included improvements to route of John Muir Way • Major housing and related development approved for Wallyford, including new primary school, community facilities and a commercial centre • Mains Farm - permission for housing development, community facilities, sports provision, commercial and business units. 	Delivered
2.1.4	Support affordable housing initiatives, prioritising the building of sustainable new homes to provide affordable housing	The Local Housing Strategy new build programme has continued to deliver a significant number of affordable home completions. The Council has worked with Housing Associations, private sector house builders and the Scottish Government to offer a range of options to provide affordable housing including council / social rented housing, mid-market rent, shared ownership, shared equity and subsidised properties for first time buyers.	Delivered

	of all tenures (social rent, mid-market rent, shared ownership, shared equity and sale) and help first time buyers and young people to enter the housing market	Between 2012/13 and 2015/16 over 420 affordable homes were built by the Council and Housing Associations. In 2015/16 these included 48 new Council houses at Pinkie Mains, Musselburgh, Monktonhall Terrace and Rotary Court, Dunbar. A further 235 Council, Housing Association, mid-market rent or Discounted houses for sale are projected to be completed in 2016/17.	
2.1.5	Re-introduce and review the provision of loft conversions and extensions	<p>Provision for loft conversions has been re-instated, enabling families to remain in their community rather than be forced to move outwith the area.</p> <p>The Council has continued to invest in its modernisation programme and provided a day-to-day and emergency repairs service to tenants. In 2014/15 and 2015/16 it provided 917 new kitchens and 753 new bathrooms. Customer satisfaction rates for new bathroom and kitchen installations were 97% and 95%. In 2015/16 the Council undertook 15,262 domestic day-to-day repairs and 9,727 domestic emergency repairs. The Council improved its average turnaround time for both categories.</p> <p>There is ongoing demand for medical adaptations to allow members of the household to live independently in their own home. Since 2012 ELC has completed 405 major medical adaptation works at a cost of just under £2m. This is in addition to minor works such as grab rails, door handles etc.</p>	Delivered
2.1.6	Introduce sustainable, fair allocation policies to support balanced communities	The allocations review was completed and approved by Council along with several local lettings plans.	Delivered
2.1.7	Provide additional supported tenancies for young and vulnerable people	Housing and Children's Wellbeing teams have worked together to develop suitable housing options and opportunities for vulnerable young adults, including Looked After young people; for example, the Blue Triangle / Mill Hill Flats which accommodate four formerly looked after young people in Musselburgh.	Delivered

2.2 Transport

		Delivered
2.2.1 / 2.2.2 / 2.2.3	<p>Implement the East Lothian Local Transport Strategy and lobby public transport providers and the Scottish Government to improve the quality and accessibility of road, rail and bus links and services across East Lothian, and to support community transport initiatives</p> <p>Work with local bus operators to improve services across the county and aim to use the Council's share in Lothian Buses to help secure an expanded service</p> <p>Actively support improvements to rail services in East Lothian, including: a better service between Edinburgh and Dunbar/Berwick; the re-opening of East Linton station; a rail halt at Blindwells; and, better car parking at the county's stations</p>	<p>A Transport Strategy is being produced which takes into account the transport infrastructure requirements of the new Local Development Plan.</p> <p>The Council has lobbied for, and supported the provision of a new railstop at East Linton and is providing match funding required to attract investment from the Scottish Government. The Council has continued to lobby for improvements to the East Coast main line and services and to services on the North Berwick to Edinburgh route. A Community Rail Partnership (CRP) was established for East Lothian. The Partnership works with local community groups and businesses, as well as the rail industry to encourage more local people and visitors to use trains. The East Lothian CRP is able to access funding for improvements to local stations and extnsions of station car parks (e.g. Dunbar, Drem and Longniddry).</p> <p>A Bus Forum was established to support dialogue between the Council and bus operators which has led to improvements in bus services and the agreement of the Charter. The tendering exercise undertaken by the Council for supported bus services (non-commercially viable routes that require Council subsidy) in 2015 resulted in improved services with better and more frequent services in key routes. Greater provision of commercially operated bus routes around the county means that supported bus services are no longer required in some areas. This has allowed resources to be deployed in other areas instead, giving the public a wider coverage and better overall access to public transport. The new supported bus services have been a great success especially the link to Edinburgh Royal Infirmary where passengers numbers have increased every month since the start.</p> <p>In mid-2016 First Bus, the main commercial bus operator in East Lothian announced it would cease operating in East Lothian. The Council supported the development of a new service provided by Lothian Region Transport which started operation in East Lothian in August 2016 to replace most of the services operated by First Bus. Other operators (Prentice and Perrymans) have also increased frequency or commenced commercial routes in the area.</p>

		The Council is supporting a pilot local community bus operation from Humbie to Haddington. The service, which commenced in August 2016. The pilot is being monitored to see if this model can be extended to other communities.	
2.2.4	Lobby for dualling of the A1 east of Innerwick and junction safety improvements	The Council has supported the cross council group pressing for improvements to the A1. There has been active political engagement in support of the group's lobbying for improvements that are part of the plan to bring long term growth to East Lothian and South East Scotland.	Delivered
2.2.5	Introduce measures to reduce speeding, including 20mph speed limits where these are supported by residents	Several 20mph speed limit areas have been piloted and are being made permanent. The Council pioneered the implementation traffic restrictions around schools, with the first pilot carried out in Haddington, an approach that has been replicated by other Scottish local authorities.	Delivered
2.2.6	Protect the roads maintenance budget to ensure that all local roads are maintained to a very high standard, and surface water drainage is improved to help prevent flooding	The roads maintenance budget in the Capital Programme has been maintained with capital allocations totalling £16.15m in the three years, 2014 – 2017 with a further £16.25m allocated in the following three years, 2017 – 2020.	Delivered
2.3 Communities			
2.3.1 / 2.3.2	Establish Local Area Partnerships for all six areas of East Lothian to give local communities, Community Councils and	A framework for establishing Area Partnerships was approved and six Area Partnerships were established in 2014. All six Partnerships have established core memberships and independent chairs and have developed Area Plans aligned to the Single Outcome Agreement. Area Partnerships have contributed to consultations on the Main Issues Report/ Local Development Plan, the draft Health & Social Care Partnership Strategic Plan and local	Delivered

	<p>local groups more say in local services and to develop Local Community Plans that will influence the achievement of the Community Planning Partnership's Single Outcome Agreement (SOA).</p> <p>Devolve decision making and budgets starting with allocating a £100,000 budget for each secondary school cluster</p>	<p>Police Plans.</p> <p>The Council devolved a total of £1.25m in 2015/16 (and subsequent years) to the six Area Partnerships from three funding streams:</p> <ul style="list-style-type: none"> • £600,000 for services provided by the Council's Amenities Services • £300,000 for roads capital expenditure • £350,000 for non-recurring general services priorities. <p>Projects and initiatives that were funded and supported by Area Partnerships through this funding in 2015/16 included:</p> <ul style="list-style-type: none"> • Traffic calming measures; improvements to paths and cycleways and public spaces; other initiatives to support and encourage 'Active Travel' • Facilities and activities for young people such as skateparks and motorcycle projects • Older people's network to support dementia friendly activities in North Berwick. • Educational activity and counselling services around drug and alcohol misuse. <p>From 2016/17 Area Partnerships have been given £600,000 (equivalent of £100,000 per secondary school cluster) for projects or initiatives that contribute to increasing attainment and achievement, to be allocated in consultation with head teachers.</p>	
2.3.3	<p>Keep public services as local as possible and explore the further integration of Council and other public services at Local Area level, ensuring that locality planning arrangements are integrated with the work of Local Area Partnerships</p>	<p>Four Area Managers have been appointed to support Area Partnerships, the delivery of Area Plans and the co-ordination of local services</p> <p>Integrated working between customer services and libraries has improved the delivery of services to the public from Council offices, in particular where these have been co-located – Bleachingfield, Dunbar and George Johnstone Centre, Tranent</p>	Delivered

2.3.4	Build community capacity and support local civic events, voluntary, community and social enterprise organisations across all communities in East Lothian	<p>Community Learning and Development has delivered a range of capacity building training and development initiatives for community organisations.</p> <p>The Council supports a significant number of local community events, including Galas, music events, Dunbar Civic Week and the 3 Harbour Arts Festival.</p> <p>The Saltire Awards and Young People's volunteering are being used to build young people's capacity. In 2015/16, there were 202 Dynamic Youth Awards across East Lothian. Knox Academy won the Inter-schools trophy for the most pupils achieving a Saltire certificate. A Saltire Awards celebration event, organised by young volunteers themselves, was held in Haddington Corn Exchange (March 2016) attended by young people and their parents where almost 100 certificates were presented.</p> <p>The Council has supported and worked with Strive, the third sector interface to support volunteering and the voluntary sector and the development of Social Enterprises (see 1.12 above).</p> <p>The Council's Emergency Planning Manager has supported several Community Councils to develop local resilience plans that prepare communities for severe weather and other emergency situations.</p>	Delivered
2.3.5	Support and celebrate diversity in our communities	The Council has supported events, such as Multi-cultural Day, Black History Month and Holocaust Remembrance Day to highlight the importance of, and celebrate diversity in, our communities.	Delivered
2.3.6	Support the Transition Towns initiative across all East Lothian's towns as a means of developing resilient communities	<p>Dunbar and Musselburgh are Transition Towns.</p> <p>The Council has supported various initiatives to increase the resilience of the county's six towns (see 1.13 above).</p>	Delivered

2.3.7	<p>Implement the Asset Management Strategy to maximise use of existing resources and engage with partner organisations such as the NHS to achieve best value from local assets, including possible use or sale of surplus land and property for housing development</p>	<p>A Council Asset Management Strategy and an East Lothian Partnership Joint Asset Management Strategy have been approved.</p> <p>The release of NHS assets to support Partnership priorities such as affordable housing is dependent on Government policy on maximising revenue from sale of surplus assets.</p> <p>The Council has been working closely with Police Scotland on a proposal to co-locate police from Haddington Police Station to the former Court Building and John Muir House.</p> <p>The multi-agency East and Mid Lothian Public Protection Unit, which brings together officers working across both councils and police officers is based at the Brunton.</p> <p>The new Torness Offsite Coordination Centre has been re-located from the former Cockenzie Power Station to Penston House.</p>	Delivered
2.3.8	<p>Explore opportunities for imaginative and flexible use of facilities, including community use of school buildings outwith school time and reviewing opening hours of community facilities with a view to increasing activities by young people</p>	<p>Public use of East Lothian's libraries continues to increase, in particular in the new shared facilities at John Gray Centre (Haddington), Bleachingfield (Dunbar) and George Johnstone Centre (Tranent). As well as providing the traditional book lending service our libraries have continued to extend the services they provide including access to computers and wifi for people who want to access the internet. Libraries have also become essential facilities for people who need support and advice in applying for Universal Credit for which East Lothian became a pilot area for the new Digital full service, whereby people can only apply for, and receive information about, their Universal Credit claim on-line.</p> <p>Some local initiatives to increase use of facilities by young people have been developed, for example, Tranent Colts have been given access to Sanderson's Wynd Primary School changing facilities out of hours.</p> <p>The 'Face-to-Face Services' review included recommendations to make better use of Council buildings and to share buildings where appropriate. Further work is required on developing community use of school buildings and community facilities.</p>	Partly Delivered

2.3.9	Explore community ownership and control of local facilities where appropriate	<p>The management of several Community Centres has been transferred to community management committees.</p> <p>The Council has explored options for community control or ownership of other facilities such as Haddington Corn Exchange,</p>	Delivered
2.3.10	Develop a new sports development strategy including extending provision at the Meadowmill Sports Centre and providing sporting pathways within the County for our young people	<p>Meadowmill Sports Centre has been refurbished.</p> <p>Over the last few years East Lothian has seen continuous development of the ' Active Infrastructure' across the County . This has included – Tennis courts across multiple sites; 3G pitches at North Berwick, Prestonpans and Dunbar; 2G Pitch resurfacing at Pinkie, Musselburgh, Haddington; and the new hockey pitch at Meadowmill.</p> <p>A significant amount of new and refurbished paths across the county have been undertaken many with the support of levering over £2m external funds to enhance East Lothian's Active Infrastructure to support a Healthier East Lothian.</p> <p>East Lothian Council has continued to provide sporting pathways within the county through its sport development and Active schools structure. The opportunity to participate and play and where appropriate progress into district, regional and national programmes is well serviced with East Lothian having positive representation and regional and national levels. Almost a quarter of the medals won by Scotland at the 2014 Commonwealth Games were won by sportsmen and women from East Lothian.</p> <p>Active Schools in East Lothian continues to offer a wide range of opportunities for pupils and programmes are well serviced with over 600 volunteers supporting activity across the County. East Lothian operated 10% above the national average for activity in 2015/16 Academic year.</p> <p>Sports Hubs have been established in each East Lothian town.</p>	Delivered

2.3.11	Work with the new single police force to establish effective local scrutiny and engagement arrangements which will maintain a strong police presence in our communities by continuing to support initiatives such as the Police Initiative Teams in order to reduce anti-social behaviour, crime and fear of crime	<p>The Council works in partnership with Police Scotland on an on-going basis. It continues to support Police Initiative Teams and works with Police Scotland in delivering the Anti Social Behaviour Strategy and to target specific anti-social behaviour hot spots. Elected members and the Council's anti social behaviour team participate in Community and Police Partnerships in each of the multi-member wards.</p> <p>Overall, anti-social behaviour and crime has reduced since 2012 and public surveys have recorded that fear of crime has reduced.</p> <p>A new Police, Fire and Rescue and Community Safety Scrutiny Committee was established in 2016 to provide scrutiny of the new single police force and fire and rescue service. The Council, Police Scotland and the Scottish Fire and Rescue Service are key partners along with representatives from the East Lothian Tenants and Residents Panel and Association of Community Councils on the Safe and Vibrant Communities Partnership.</p>	Delivered
2.4 Environment			
2.4.1	Implement the East Lothian Environment Strategy and the Council's Carbon Management Plan, reducing carbon emissions in line with national targets	<p>The Council continues to monitor its carbon emissions and is focussed on reducing these carbon emissions through better asset management including:</p> <ul style="list-style-type: none"> • fitting solar panels to council buildings including the Kinnegar center and some schools. This has helped to reduce the Council's Carbon Footprint by over 180 Tonnes CO2 per annum, producing over 400,000 KWHrs of electricity and a financial saving of over £60,000 per annum to the Council. • Installing a combined heat and power system in the new Crookston care home. • replacing 60% of street lighting lanterns with LED. <p>The Council's Carbon Management Plan has resulted in emissions associated with operational activities having reduced by more than the 25% target set in the Plan.</p> <p>In order to improve air quality the Council declared an Air Quality Management Area (AQMA) and developed an air quality action plan for Musselburgh High Street.</p>	Delivered

2.4.2 / 2.4.3	<p>Meet the Council's recycling targets and investigate ways of dealing with collected material locally including development of renewable energy sources such as bio-mass</p> <p>Bring forward plans to modernise waste collection services to take account of new legislative requirements relating to collection of food waste including free special uplifts</p>	<p>In order to meet the new waste recycling target and new legislative requirements the Council adopted an ambitious Waste Strategy in June 2014. Weekly food waste collection and fortnightly refuse and recycling collections were introduced in April 2015.</p> <p>Every household now has access to weekly food waste collection, fortnightly glass, cans, plastics, paper and cardboard recycling, fortnightly garden waste collections and fortnightly residual/non recyclable waste collection. It also meant that a dedicated trade waste collection service including recycling was rolled out to our 1500 trade customers.</p> <p>The new service has made an important contribution to increasing East Lothian's recycling rate (the percentage of household waste that is recycled) by almost 10% in one year; from 42.7% in 2014/15 to 51.4% in 2015/16. At the same time we have also seen a significant increase in use of recycling centres.</p> <p>The free special uplift service was re-introduced in 2012.</p>	Delivered
2.4.4	Explore options for taking stronger action to reduce the problem of dog fouling	Arrangements for dealing with dog fouling at a county level are monitored and, where required, further action such as publicity campaigns and targeted intervention has been taken in particular problem areas.	Delivered
2.4.5	Seek investment from the Scottish Government and take action to protect East Lothian from flooding and coastal erosion	<p>The Local Flood Risk Management Plan, which includes Flood Protection Schemes (FPS) for Musselburgh and Haddington and further flood studies in various locations in East Lothian was approved by Cabinet in May 2016.</p> <p>The Scottish Government will contribute 80% of the cost of FPSs. Provision for the Council's contribution towards the Musselburgh FPS (current estimate almost £2m) has been identified in the Capital Programme. Provision for the Haddington FPS and other Flood Protection Studies identified in the Flood Risk Management Plan will be required in future years subject to confirmation of contributions from the Scottish Government.</p>	Being delivered

2.4.6	Ensure the quality and character of East Lothian's natural environment is preserved and enhanced through a range of measures	Ongoing work to protect East Lothian's natural environment is undertaken through Landscape and Countryside services. The Council has supported local 'In Bloom' groups which have been successful in achieving Scotland In Bloom awards for Haddington and North Berwick. The Council is investing in improving facilities in and around our coastal car parks.	Delivered
2.4.7	Work to ensure stricter regulation on the siting of wind turbines	A new policy framework was established to addresses all types of wind turbine developments within the Council's decision making powers. Councillors have been supportive of the guidance and the decisions stemming from it. Issues have arisen where developers have appealed to Scottish Ministers and Reporters have given little weight to the guidance in decisions.	Delivered

3. Growing Our People

	Council Plan Action/ Commitment	What we have done	Has it been Delivered?
3.1	Implement the Integrated Children's Service Plan	A new Integrated Children and Young People's Service Plan was produced in 2015. New governance arrangements for Services for Children were established, based on a Children's Strategic Partnership and seven thematic multi-agency Planning & Delivery Groups. In 2015/16 there was a record low number of children on the Child Protection Register, with the total never exceeding 30. The rate per 1,000 (0-15 pop.) of 1.3 during the year was considerably below the national average rate of 3.2.	Being delivered
3.2	Continue to increase educational attainment and ensure that the	Overall attainment and post school participation in East Lothian shows an improving trend over the seven year period to 2016. A report on the SQA attainment in 2016 was presented to the Education Committee (20 th September 2016). Results were either maintained or	Being delivered

	<p>Council has a resource strategy to implement the Curriculum for Excellence, protect school budgets, reduce the number of composite classes and protect rural schools</p>	<p>show an improvement over the previous year's results at most levels, for example:</p> <ul style="list-style-type: none"> • pass rates for National Qualifications 2 to 4 remain consistent at 100% in East Lothian in 2016 • 76.8% of National 5 entries in 2016 passed with an A-C award, a slight drop on last year's rate of 77.5%; however, 32.4% passed at Grade A (Band 1 or 2), a 0.8% improvement on the previous year • Higher pass rates in 2016 are at the highest level since 2012 at 77.9% and there were marked improvements in the percentage of passes in Higher English (82.2%) and Higher Maths (76.4%), all above the 2016 national rates • the percentage of passes at Grade A in Higher English rose to 25.8%, the highest rate in five years in East Lothian • the percentage of passes at Grade A in Higher Maths also increased to its highest rate from 20.8% last year to 32.4% this year • Advanced Higher passes dropped by 2.6% from 82.6% in 2015 to 80.0% in 2016. However, this has to be set against higher presentation levels and young people possibly achieving an award and unit awards at this level, which are not included in these figures • the percentage of S5 pupils gaining 5 or more Highers increased by 0.5% and shows an improved long term trend from 13.7% in 2012 to 15.7% in 2016 • the percentage of S6 pupils gaining 1 or more Advanced Higher increased by 2.6% to 21.7%, its highest rate in 5 years, again showing an overall improved trend in East Lothian since 2012. <p>Overall, attainment and post school participation in East Lothian shows an improving trend over the seven-year period to 2016. East Lothian's performance in 2016 is typically higher than the national trend with the exception of the percentage of school leavers in positive destinations and Literacy and Numeracy at SCQF levels 5 and 6. Further improvements still need to be made in Literacy and Numeracy at SCQF Levels 5 and 6 or better, and</p>	
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		<p>overall in the middle 60% attaining grouping, to bring East Lothian's performance more in line with its 'Virtual Comparator'.</p> <p>The Council's Library service continues to work with parents and schools to promote reading through class visits, the Lennox Author Award, homework clubs and via the national Summer Reading challenge during the summer holidays. After a big increase in 2014/15, the number of class visits to libraries in 2015/16 remained stable, while the number of Bookbug session for babies and pre-school children increased significantly.</p> <p>In December 2015 the Council allocated £1,000 to literacy co-ordinators in each school cluster to support the further development of reading and literacy skills. This additional funding was used to support raising literacy skills within contexts specific to each cluster. For example, in Musselburgh a whole community approach was adopted ('Reading is Braw') where the focus is on all members of the community engaging with, and promoting reading in, a wide range of settings.</p> <p>In 2015/16, £2,000 was provided to each school cluster to deliver cluster based 'Numeracy Academies', and support Professional Learning to develop pedagogy to improve attainment in numeracy in East Lothian.</p> <p>School budgets have been protected. There have been no proposals to close any East Lothian school. Composite classes are kept to a minimum.</p> <p>The Council has invested over £1.4m on a new specialist facility for children with significant additional support needs; The new provision, Meadowpark, at Knox Academy, which opened in August 2016, includes extensive specialist facilities including sensory room, activities room, Life Skills flat, therapy room and Food Court.</p>	
3.3	Take advantage of technological opportunities for senior pupils to access a wider range of subjects	Following the successful Bring Your Own Device pilot, a new Connected Learning Network is being rolled out to all schools to support this initiative. Currently all six secondary schools and 22 primary schools have been completed. The remaining primary schools are scheduled to be completed during the 2017/18 academic year.	Being delivered

	at their own school	The most notable improvement in the 2015/16 Student Evaluation of Experience (SEE) survey of pupils in P6 and S2 was in the number of pupils agreeing that, 'they use the school website to help in their learning' (increase of 5.4%).	
3.4	Develop the partnership with Queen Margaret University and the Further Education colleges to develop the Academy model and provide vocational training spaces in all secondary schools	<p>The successful Tourism and Hospitality Academy model has been used as a model for rolling out to other areas and other subjects including Creative Industries, Food Science, Health & Social Care.</p> <p>In partnership with Edinburgh College and with financial support from the Scottish Futures Trust, the Council has established a Construction and Technology Centre in a former council building in Musselburgh to help address a skills shortage in the construction sector. Introductory construction trades courses and new Foundation Apprenticeship in civil engineering will be delivered, with input from the construction industry to ensure courses are relevant and likely to lead directly to employment for students. The Centre opened in August 2016 and in future years will have capacity to offer 160 places.</p>	Delivered
3.5	Fully support the development of early intervention, including: delivering family interventions that strengthen families so that children can safely stay with them; rolling out the Support from the Start model across East Lothian through cluster based engagement with local people and groups; and, beginning an ambitious programme to develop	<p>The Children's Wellbeing service meets its duties and responsibilities to:</p> <ul style="list-style-type: none"> • Protect and support children and families in or 'on the cusp' of care • Meet statutory and legal obligations • Improve the long-term life chances of children and young people who have a disability or a 'looked after' by East Lothian Council. <p>The Council continues to support Support from the Start and other initiatives, including the development of a local parenting pathway in each cluster area to ensure equality of access to parenting support.</p> <p>The Council and partners set up a Total Place Pilot focussing on Vulnerable Families in Musselburgh. This has resulted in the development of a new Families Focus Service which will provide an innovative, early intervention multi-agency service for very vulnerable children and families.</p>	Delivered

	children and families services in the community across East Lothian	Olivebank, the targeted Early Years Family and Childcare Service, transferred from Education Services to Children's Wellbeing in January 2014. In partnership with Children 1 st the Council has invested resources in outreach work to supplement the Centre's services. This ensures co-ordinated support and intervention services for the most vulnerable families with very young children. The Centre received the highest possible grading of "Excellent" in all four areas of inspection in the last Care Inspectorate report.	
3.6	Implement the agreed approach to kinshipcare	<p>A new Kinship Care and Fostering Strategy was agreed in April 2013 and increased payments to Foster Carers and Kinship Carers were implemented in summer 2013. Kincare placements have increased. However, due to continuing problems in recruiting enough foster carers and adopters the Council mounted a major campaign to recruit more fostering and adopting parents in 2016</p> <p>In East Lothian, Looked After Children are increasingly being looked after in a community setting rather than in residential care. The use of foster care, the largest group within community care, leads to better outcomes for children and comes at a far lower cost than residential care. East Lothian Council is making greater use of home supervision, formal kin care (where children are legally placed in the custody of friends or relatives) and informal kin care arrangements.</p> <p>The East Lothian Champions Board provides a platform for care experienced young people to have their voices heard and an opportunity to influence policy and practice at a strategic level. The Champions Board was successful in its bid to the Life Changes Trust for a total of £224,000 over three years. The funding will support the Champions Board to bring about transformational change in the lives of care leavers.</p>	Delivered
3.7	Ensure women and children who experience domestic violence have access to specialist services and support	The East and Midlothian Public Protection Office has been established. This streamlines organisational and governance arrangements across adult protection, child protection and violence against women through a single Public Protection Committee. A multi-agency Public Protection Team brings together officers across the various agencies involved in public protection.	Delivered

		<p>Police Scotland report every incidence of Violence Against Women / housecall where children have been in the family and these reports are reviewed weekly by the Multi-Agency Screening Group (MASG). Midlothian Women's Aid links into MASG and offers support to women and children who have been victims of domestic violence.</p>	
3.8	Develop equitable early years and nursery services to provide nursery places for all 3 and 4 year olds and work towards meeting parental choice	<p>The Council has delivered 600 hours early learning and childcare provision for 3 and 4 year olds and 'priority' 2 year olds. Work has begun to develop proposals to meet the new commitment from the Scottish Government to extend this offering to 1140 hours a year.</p> <p>The Education Service's focus on early years in 2015/16 included:</p> <ul style="list-style-type: none"> • promoting, publicising and supporting parents in accessing and taking up nursery provision for 'Priority 2s' (2-year olds in families where one or more parent is unemployed) leading to 154 applications (2015-16) with 135 2-year olds being allocated a place, predominantly in Partnership Centres • continuing to invest in high quality early learning and childcare provision across a range of settings to ensure the best outcomes for children & young people; opening a third Tots & Teens provision at Musselburgh Grammar to compliment the childcare modules undertaken by pupils. • opening of new nursery provision in Prestonpans. • developing a Play Strategy to ensure play is woven into Council policies; acknowledging the importance of play for children of all ages. • co-ordinating and supporting the roll out of phase two of the Early Development Instrument (EDI) Study and using the results to inform planning of both universal and targeted supports for parents and young children. 	Delivered

3.9	<p>Update the Older People's Strategy and develop a new integrated early intervention services model to build on the success of our response and rehabilitation service to continue to shift the balance of care through developing community based options and maximising opportunities to live independently for as long as possible</p>	<p>The Health & Social Care Partnership's Strategic Plan that incorporates the Older People's Strategy was adopted following extensive engagement with stakeholders. The Plan has a focus on providing a balance of care that aims to ensure people remain in their own home and communities for as long as possible.</p> <p>In 2015/16 East Lothian's health and social care services were the subject of a Joint Inspection of Older People's Services by the Care Inspectorate. The inspection's report (June 2016) highlighted many strengths in services for older people in East Lothian, in particular: outcomes for older people; innovation in services such as ELSIE and Crookston Care Home; focus on maintaining older people at home; staff experience; public engagement; public protection; strategic planning; and, leadership and management.</p> <p>The inspection also identified areas for improvement, including: delayed discharge; anticipatory care planning; carers assessments; capacity in home care; post diagnostic support in dementia; timely needs assessments and service provision; reviews of care and support; staff absences; and financial stability.</p> <p>The Health & Social Care Partnership has established a delayed discharge task group (reporting directly to the Integration Joint Board), which is developing priorities for reducing delayed discharge, including:</p> <ul style="list-style-type: none"> • additional assessment capacity • payment of the living wage for staff in care homes and home care providers • close working with home care providers to try to fill the demand for care at home services • the opening of 20 step down beds at Crookston Care Home. <p>The Health and Social Care Partnership has been working actively to address the problem of delayed discharge through early intervention measures such as the establishment of the Hospital at Home service which has expanded into a responsive 7 days a week service, and establishing ELSIE (East Lothian Service for Integrated care for the Elderly) to improve our capacity to prevent admissions to hospital.</p>	Delivered
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3.10	To meet the growing demand for home care services we will work with the voluntary sector and encourage the creation of social enterprises to work together with commercial home care services to enhance the quality, standards and choice and capacity of care available to East Lothian residents	<p>The Council collaborated with Social Enterprise East Lothian to support the establishment of a Social Enterprise to provide home care services.</p> <p>The Council completed a procurement exercise with the aim of delivering on outcome focused support for people who require help to live at home and provide increased capacity within East Lothian's care at home services. However, continuing problematic market conditions in the home care sector has contributed to shortages of home care staff and home care providers to meet the demand for care packages.</p> <p>The Community Response and Community Access Teams continue to support people staying in their own homes with rapid response to Community Alarm/ Telecare activations and requests for aids and adaptations.</p>	Delivered
3.11	Modernise adult day services led by users and guarantee personal development plans for all vulnerable adults	<p>The Council created a new Hub for people with a range of needs in Fisherrow, Musselburgh. This provides increased opportunities for access to education, training, employment and social activity.</p> <p>The Council has worked closely with service users to provide personal development plans and support, and engaged with external providers to look at how that these can be provided. Individual plans are being introduced as part of the self directed support assessment.</p>	Delivered
3.12	Provide high quality respite opportunities for carers and users of care services	<p>Respite services for older people have been enhanced by the purchasing of places within the private sector, thereby offering different choices for support and care. A new respite unit (Potters Path) for people with a disability was opened as a replacement for a service that could no longer be sustained and is offering respite to people with complex needs.</p> <p>The Council has produced a strategy and action plan for delivery of respite services which will introduce a respite bureau which will allow people to "book" their choice of respite through one central position.</p> <p>The approach to respite will be refreshed as part of the delivery of the Health & Social Care Partnership's Strategic Plan.</p>	Delivered

3.13	Promote opportunities for Healthy Living throughout East Lothian	The Council and health service has worked closely together to develop a Physical Activity Strategy as the basis for developing opportunities for healthy living through East Lothian. Also, the Council has supported the development of the Ageing Well service and related activities such as the award winning sporting memories project at the John Gray Centre.	Delivered
3.14	Continue to plan for the introduction of a Health and Social Care Partnership and further develop opportunities with NHS Lothian for integrated service provision to protect local health care services and ensure East Lothian residents have access to local health facilities	<p>The Council approved an integration scheme in March 2015, which set out how NHS health services will be integrated with Council social services. Integration of health and social care services is intended to provide a better service by improving joint working and the allocation of resources between health and social care.</p> <p>The Integration Joint Board (IJB) was established and met for the first time in July 2015. The IJB's membership is made up of equal number of voting members nominated by East Lothian Council and NHS Lothian and non-voting members representing various stakeholder interests including carers, the third sector, the independent sector, service users, staff and trade unions. The IJB has established effective governance and financial management arrangements and strategic planning and performance frameworks.</p> <p>During 2015 the IJB consulted extensively on its draft Strategic Plan which was formally adopted in January 2016.</p>	Delivered
3.15	Implement the Tackling Poverty Strategic Plan, increase access to welfare and money advice and to Credit Unions in East Lothian and seek to minimise any potentially negative impacts from the UK Government's welfare reforms	<p>Tackling poverty and promoting equality are key overarching priorities for the Council. A key focus of the Council's approach to tackling poverty has been to continue mitigating the impact of welfare reform in East Lothian. This has involved</p> <ul style="list-style-type: none"> • the delivery of the Scottish Welfare Fund paying Community Care Grants and Crisis Grants coupled with the administration of the available funding has assisted many East Lothian households in sustaining their independence during times of increasing financial hardship • distribution of Discretionary Housing Payments to mitigate the impact of Housing Benefits under occupancy • collaboration between the Welfare Reform Task Group (Council and DWP group to 	Delivered

		<p>oversee the actions to mitigate the impact of welfare reform) and the Welfare Reform Reference Group (a wider group of partners and third sector groups)</p> <ul style="list-style-type: none"> • partnership working between the Council and Job Centre Plus/DWP to support vulnerable people who are affected by the rollout of Universal Credit in East Lothian • implementing the Digital Inclusion Strategy and Action Plan to improve access to digital services for people who may be otherwise excluded (e.g. provision of broadband and access to computers in community centres and libraries) • joint funding for a Macmillan Welfare Adviser and additional Tenancy Support Officers • a new single contract for advice services with the East Lothian Advice Consortium, which replaced Service Level Agreements and project funding for Haddington and Musselburgh CABx and Carers of East Lothian • supporting Capital Credit union providing a public service from Aldhammer House, Prestonpans • lobbying the UK and Scottish Governments for action to mitigate the most damaging aspects of Universal Credit. <p>The Council established the independent East Lothian Poverty Commission in 2016. The Commission's report and recommendations will form the basis for a new Poverty Action Plan.</p>	
3.16	Oppose any plans to close Haddington Sheriff Court	The Council played a leading role in opposing the proposal to close Haddington court, through appropriate representations to the Scottish Court Service, the Scottish Parliament Justice Committee and the Cabinet Secretary for Justice. The Council also joined with local stakeholders such as the Haddington Citizens Advice Bureau and the Faculty of Local Procurators, to resist closure. Despite this activity, the Scottish Court Service decided to close the court from January 2015.	Delivered, although the Court Service decided to close the Court

4. Growing Our Capacity

	Council Plan Action/ Commitment	What we have done	Has it been Delivered?
4.1	Implement the Council's Improvement Framework to pursue 'continuous improvement' in the delivery of services and ensure that waste, bureaucracy and administrative costs are minimised so that funding is ploughed into front line services and the Council provides the highest quality of services	<p>As part of the Council's rolling 3-year budget ambitious target have been set for efficiency savings. Between 2013 and 2017 the Council budgeted for a sum of around £24m in combined efficiency measures, savings and increased income. Progress against these planned reductions has been reported to Cabinet each quarter with an annual efficiency statement also made to the Scottish Government.</p> <p>Within this programme of efficiencies, the Council applied a stringent Efficient Workforce Management Plan that delivered significant savings in staffing budgets and Worksmart and Buysmart programmes that delivered savings in administration and supplies and services spending.</p> <p>The Council's external auditors have reported that the Council has sound and well established governance arrangements that ensure effective scrutiny and challenge. Despite the continuing challenging operating environment, the Council performed well ahead of the budget in recent years and has delivered better than anticipated financial results year on year. Sound budgetary processes are supported by a strong internal control environment. The Council has a well established self improvement framework and procedures for ensuring Best Value.</p> <p>In 2015/16 the Council was the top collecting Scottish local authority for Business Rates and 4th for collecting Council Tax. Current tenant rent arrears fell by 9.86% in 2014/15 and by 7.75% in 2015/16. The Council's Revenues team was Highly Commended in the Revenues Team of the Year category of UK IRRV Performance Awards in 2015.</p>	Delivered
4.2	Implement the strategies that support the Improvement Framework; including; People Strategy;	<ul style="list-style-type: none"> • A People Strategy 2012-15 was approved in January 2012 and formed the basis of the Workforce Development Strategy and Plan which has been delivered through various staff training and development programmes. For example, the Council now has 90 CSPQ graduates – 7% of the total graduates in Scotland. The Council gained Investor In 	Delivered

<p>Asset Management Strategy; Risk Strategy; Customer Contact Strategy; IT Strategy; Procurement Strategy; and, Consultation and Engagement Strategy</p>	<p>People accreditation in 2014 and is in the process of gaining Investor in Young People accreditation.</p> <ul style="list-style-type: none"> • The Asset Management Strategy has formed the basis for a focussed and strategic approach to driving maximum benefit from the Council's physical assets. For example, the Council consolidated office space in and around Haddington which allowed several Council buildings to be sold or leased. EDF Energy located its new Torness Offsite Co-ordination Centre in council offices at Penston. The Council converted former council offices in Brewery Park into 10 business units for rent to local businesses. • The Council has adopted a Risk Strategy which was reviewed and revised in January 2017. Council and Service Risk Registers have been developed and are reviewed annually by Cabinet and the Audit & Governance Committee respectively. • The 'Face-to-Face Services' review resulted in an improved integrated customer service. The Contact Centre has taken on responsibility for dealing with public contact for additional services, including Property Maintenance and care services. • The Council's IT strategy was refreshed and implemented. A Digital Strategy to take council services into the 'Digital age' has been prepared. • The Procurement Strategy has been progressed along with a Procurement Improvement Programme (PIP). A new Corporate Procedures Manual was published in August 2013. The Council has improved its Procurement Capability Assessment (PCA) score. • The Consultation and Engagement Strategy has been implemented – a Consultation Hub on the Council's website provides the public with easy access to all Council consultations; a Citizens' Panel was established and has been surveyed on a wide range of issues at least twice a year since 2014; the Council supports the East Lothian Tenants and Residents Panel (ELTRP) as the principle vehicle for engagement with Council tenants. 	
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4.3	Support and develop partnership working through: the Community Planning Partnership; the partnership funding strategy; exploring shared and integrated service provision with local partners and other local authorities; other strategic partnerships such as Scottish Futures Trust and South East Scotland hubCo	<ul style="list-style-type: none"> The Community Planning Partnership governance arrangements were reviewed in 2013 and a new East Lothian Partnership and supporting partnerships were established. A new Single Outcome Agreement (SOA) was agreed in September 2013. The Partnership has supported effective partnership working between the Council and its partners, including NHS Lothian, Police Scotland, Scottish Fire & Rescue Service, Edinburgh College, Queen Margaret University, STRIVE and business organisations. A new Partnership Fund was established, bringing together various grant funds into a single fund focussed on funding groups and projects that support delivery of the Council Plan and SOA objectives. The Health and Social Care Partnership and Integration Joint Board have been established. (see 3.14 above) Several areas of partnership working have been developed with Midlothian council including Health and Safety, Public Protection, Trading Standards and out of hours contact centre services. The Council has a good working relationship with Scottish Futures Trust and South East Scotland hubCo which has brought funding for various projects including the Gullane Health and Day Centre and new school projects. 	Delivered
4.4	Implement the Single Equality Scheme	The Council adopted the Single Equality Scheme and reports progress via mainstream reports.	Delivered
4.5	Adopt a new integrated impact assessment process	A new Integrated Impact Assessment was developed and is now used to assess the equalities and environmental, economic and social sustainability impact of new policies.	Delivered
4.6	Introduce a 'Living Wage' for Council employees	Around 200 council employees benefited from the introduction of the Living Wage in April 2013. From October 2016 the Council has provided funding to home care providers to pay their staff the Living Wage.	Delivered

4.7	Maintain the Council Tax freeze in line with Scottish Government policy	The Council maintained the Council Tax freeze from 2007 to 2016 in line with Scottish Government policy. Throughout the period of the Council Plan the Council has maintained a balanced budget within the resources provided through the Scottish Government Revenue Support Grant, Business Rates and Council Tax.	Delivered
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REPORT TO: Cabinet

MEETING DATE: 14 March 2017

BY: Depute Chief Executive – Resources and People Services

SUBJECT: North Berwick Harbour Management Rules

3

1 PURPOSE

- 1.1 To seek approval of Cabinet for the creation of new Management Rules for North Berwick Harbour and to advise Cabinet of the advertising process required to bring said Rules into force.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the draft Management Rules annexed hereto and authorises the advertising thereof in terms of paragraph 3.6 to enable the Rules to be confirmed and brought into force.

3 BACKGROUND

- 3.1 In terms of the Civic Government (Scotland) Act 1982, Section 112, a Local Authority may make Management Rules to regulate the use of, and the conduct of persons on, land, which is owned, occupied or managed by the Authority. Once made, such Rules continue in force for a period of ten years, and thereafter expire automatically and require to be renewed.
- 3.2 The Council promoted Management Rules for North Berwick Harbour under this legislation in 2006. These Rules have recently expired.
- 3.3 Discussions have been ongoing for some time with harbour users regarding the content of new Management Rules to replace those which have now expired. A draft has been agreed and is annexed hereto.
- 3.4 In terms of the legislation, at least one month prior to promoting any such Management Rules, the Council must advertise in at least one local newspaper its intention to do so, the general purpose of the Rules, the location where a copy of the Rules may be inspected, and details of the objection process.

- 3.5 The public have a period of 28 days from the advertisement in which to lodge any objection to the proposed Rules. The Council is obliged to take account of any objections properly received before it confirms the proposed Rules, and affords any objector the opportunity to be heard in respect of their objection.
- 3.6 It is proposed that
- (i) the creation of the attached Rules be advertised in the East Lothian Courier following Cabinet approval,
 - (ii) following the period for objections, in the event that none are received, delegated authority be granted to the Depute Chief Executive - Resources & People Services and such officers as he may appoint to arrange for the proposed Rules to be executed by the Council and brought into force with immediate effect, or
 - (iii) In the event that objections are received, that a further report be submitted to Cabinet detailing the objections received and seeking formal implementation of the Rules, having first taken account of any such objections and affording the objectors an opportunity to be heard.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Draft North Berwick Harbour Management Rules

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EAST LOTHIAN COUNCIL

Management Rules for

North Berwick Harbour



**East Lothian
Council**

EAST LOTHIAN COUNCIL
MANAGEMENT RULES FOR NORTH BERWICK HARBOUR

East Lothian Council, by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 HEREBY MAKES the following MANAGEMENT RULES to regulate the use and the conduct of persons while on or in NORTH BERWICK HARBOUR:-

Interpretation

The Interpretation Act 1978 shall apply to these Management Rules in the same way as it applies to an Act of Parliament and the Interpretation and Legislative Reform (Scotland) Act 2010 shall apply to these Management Rules in the same way as it applies to an Act of the Scottish Parliament.

1. PRELIMINARY

1.1 Title and commencement

These MANAGEMENT RULES may be cited as the North Berwick Harbour MANAGEMENT RULES and shall come into operation on the [to be inserted].

1.2 Application

These MANAGEMENT RULES shall apply to the Harbour area as defined in rule 1.3.5 hereof.

1.3 Interpretation

In these MANAGEMENT RULES, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

1.3.1 “Master” shall include owners, charterers, licensees, any authorised agent of the Master or other person for the time being having the command, charge or management of the Vessel. The “Master” shall be aged 16 years or over. It shall at no time include the Trust;

1.3.2 “the Trust” means North Berwick Harbour Trust Association, a registered Charity with Charity number SC045318, and having their business address at Harbour Master’s Office, The Harbour, North Berwick, EH39 4JL, and their successors, who have day to day responsibility for the management of the Harbour in terms of the Minute of Agreement between the Council and the Trust dated 1 June 2007;

- 1.3.3 "Berth or Mooring" means the allocation for a boat or vessel of a berth or mooring in or on the Harbour at a prescribed charging rate as may be decided from time to time by the Trust and includes a quayside dinghy parking bay and "seasonal berth or mooring" means such allocation for a specified Summer or Winter season.
- 1.3.4 "Berthed" when used in relation to a Vessel means secured to a pier, quay, jetty wall, bank, pontoon, stage or dolphin, or to any other Vessel so secured, or on a mooring laid within the harbour;
- 1.3.5 The "Harbour" comprises North Berwick Harbour including the pier, quays, slipways and berths and mooring facilities thereof together with Galloway's Pier and the access thereto, the Low Quay and slipway and the environs of the Old Granary, the buildings, car parks, boat parking and storage areas and all other facilities and services on land and on water; but excluding any area which is publicly adopted highway maintained by East Lothian Council as Highways Authority and also excluding any area in private ownership which was not previously owned, occupied, managed or otherwise under the control of East Lothian Council. The harbour shall include all of that area described upon the attached map falling within the red line described as "extent of harbour" taking into account the foregoing description and exclusions.
- 1.3.6 the "Harbour Master" means the person appointed as such by the Trust and includes deputies, assistants and any other person for the time being authorised by the Trust to act, either generally or for a specific purpose, in the capacity of Harbour Master;
- 1.3.7 "Vehicle" includes any Vehicle propelled on wheels either mechanically propelled or otherwise including caravans and other trailers of any description, cycles of any description, any machinery on wheels or caterpillar tracks, and includes a hovercraft or any other amphibious Vehicle.
- 1.3.8 "Vessel" means a ship, boat, raft, sailing Vessel or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hovercraft or any other amphibious Vehicle.
- 1.3.9 "The Council" means East Lothian Council, incorporated under the Local Government Etc (Scotland) Act 1994 and having their registered office at John Muir House, Brewery Park, Haddington, EH41 3HA.

2. GENERAL OBLIGATIONS

- 2.1 All Vessels using the Harbour are to be maintained in a seaworthy condition.

- 2.2 All Vessels used in the pursuit of commercial gain shall be fit for purpose and hold licence and/or certification suitable for purpose. Such licence/certification must be submitted to the Trust with application to trade or operate before commencement of such trade or operation.
- 2.3 Masters must abide by and conform with all Health & Safety regulations which are in force from time to time.
- 2.4 It is the duty of Masters to ensure that crew and any workers on their Vessels have received suitable training and are sufficiently skilled to carry out the required work. All work done in the Harbour must be carried out in compliance with the Health & Safety at Work Act 1974 and any regulations made thereunder.
- 2.5 The Master must further ensure that there are sufficient crew or other competent persons available to allow the Vessel to be safely navigated and moored within the Harbour.
- 2.6 The Master of every registered Vessel shall, on demand, produce the certificate of such Vessel to the Trust.
- 2.7 All Vessels must be equipped with adequate firefighting equipment as recommended by the Royal Yachting Association and the Department of Trade and Industry in the R.Y.A. Publication G9 or as required by law.
- 2.8 All persons using the Harbour are obliged to comply with the laws referred to in 2.7 above, and in addition all persons using the Harbour are obliged to comply with all Health and Safety Notices and Statutory and Advisory Notices.
- 2.9 CCTV may be operated at this Harbour and may be used as evidence, if required, during any investigation of breach of these Management rules.
- 2.10 The Harbour Master's instructions shall be obeyed at all times in any matter concerning the Harbour.

3 BERTHS AND MOORINGS

- 3.1 The Master of any visiting boat or vessel intending to use the Harbour shall report forthwith to the Harbour Master for a berth or mooring and shall not thereafter tie up to the Harbour nor take any berth or mooring without the permission of the Harbour Master.
- 3.2 The Master of any boat or vessel intending to use a Seasonal berth or mooring in the Harbour shall apply to the Trust for such Seasonal berth or mooring and once granted shall not move to any other berth or mooring without the permission of the Harbour Master.

- 3.3 No Master of any boat or vessel may use or continue to use the Harbour unless he shall have first paid the appropriate berth or mooring dues as specified from time to time by the Trust.
- 3.4 Unless in distress no boat or vessel exceeding 14 metres in length shall be permitted to use the Harbour.
- 3.5 The Master of a boat or a vessel shall, when so required by the Harbour Master, move his boat or vessel from one berth or mooring to another, or slacken its moorings or remove it from the Harbour or do otherwise as instructed by the Harbour Master from time to time. Failure to respond to the Harbour Master's instructions for any reason shall entitle the Harbour Master to move or otherwise deal with any boat or vessel at the owner's risk and expense.
- 3.6 The Trust and in the case of any visiting boat or vessel the Harbour Master shall have the right to refuse any berth or mooring on any grounds they see fit, including without prejudice to that generality the grounds of insufficient use of the relevant vessel by the applicants.
- 3.7 Tenders may not be left in the water or on the quaysides, jetties, slipways or pontoons when not in use unless a berth is separately provided or an area for the parking of tenders is designated by the Trust.
- 3.8 Notwithstanding 3.7 above, vessels on moorings may be allowed to keep a tender within the confines of the Harbour for the purposes of access and egress from their Vessel with no additional charge to that of the main Vessel at the sole discretion of the Trust or with immediate permission of the Harbour Master. **All** other Vessels are required to submit for permission to moor and pay mooring charges as set by the Trust or have a waiver of such charges if passed by the Trust.
- 3.9 The Vessel shall be berthed or moored by the Master in such a manner and position as the Trust may require and the necessary warps and fenders shall be provided by the Master. Berths may be rented calculated by reference to the Trust's published charges.
- 3.10 No person shall make a Vessel fast to any post, quay, ring, fender, rope or any other thing or place not assigned for that purpose.
- 3.11 Berth holders shall assist in the maintenance of adequate security within the Harbour by securely locking their Vessels when not in use and storing below, where possible, valuable equipment. All berth holders shall also assist in maintaining a high level of security by reporting any suspicious circumstances to the Harbour Master, the police or the Trust.
- 3.12 Vessels allocated a mooring should provide their own moorings and risers if not already provided by the Trust. Such moorings and risers must be suitable for the Vessel and position. Any doubts on suitability of such items should be referred to the Harbour Master before laying such. No mooring shall be laid

within the Harbour, nor use of existing moorings be made without the permission of the Trust or Harbour Master. All Vessels must be moored independently fore and aft.

- 3.13 No Vessel can remain in the Harbour for more than 28 days without the written approval of the Trust.
- 3.14 The right to moor within the Harbour will not be sold or transferred with the Vessel to a new owner or owners without the express permission of the Trust, and then only in extraordinary circumstances.

If a Vessel is to remain on a harbour mooring, the owner or Master of any Vessel wishing to sell a Vessel, or shares in a Vessel, with or without a transfer of mooring to any new owner(s) or part owner(s) name(s), must have prior written agreement from the Trust before the transaction takes place. Failure to do so may result in forfeiture of the mooring at the sole discretion of the Trust.

Fully paid up harbour dues do not give an automatic right of transfer of mooring from the existing owner or Master to another party or parties. In particular any sale or transfer of shares, howsoever distributed, in a vessel which has a mooring may render both the existing and new shareholder(s) subject to resubmission to any waiting list which may exist at the time at the sole discretion of the Trust.

For the avoidance of doubt there is expressly:

- No guarantee of maintenance of an existing right to a mooring following any sale or part of a sale or transfer or part of a transfer of ownership of a Vessel

and

- No guarantee of position of seniority on any waiting list following any sale or part of a sale or transfer or part of a transfer of ownership of a Vessel.

- 3.15 The provisions of 3.14 shall not apply to commercial Vessels. Commercial Vessels may be sold or otherwise have ownership transferred on the basis that their existing mooring shall be transferred with the title to the Vessel provided the prior approval of the Trust to such a sale or transfer is obtained. The Trust will consider the bona-fides and character of the prospective new owner and may reject the application, acting reasonably, if the Trust considers the applicant to be unsuitable for any reason. Nothing in this section shall give rise to a monetary value being attached to the existence of an existing mooring. Section 2.2 of these Management Rules shall be complied with prior

to any consideration of transfer of a mooring to a new owner. There shall be a presumption that an application will be approved in the absence of good reason to the contrary.

- 3.16 Any sale of a Vessel allocated a mooring within the Harbour must be notified to the Trust or Harbour Master as soon as possible thereafter. Should an owner or Master wish to retain his mooring after sale of his Vessel, he must obtain prior approval from the Trust or Harbour Master to moor any new Vessel.
- 3.17 No Vessel shall be launched or placed within the Harbour without either payment of a day launch permit or the submission to and acceptance by the Trust of a mooring application form. Any violation of this rule may result in the Vessel being removed by the Trust and any costs incurred in so doing being charged to and recovered from the owner or Master.

4. GENERAL MANAGEMENT PROVISIONS

- 4.1 No boat or vessel may be permanently laid up, stored or otherwise kept on the pier and quays of the Harbour, without the prior permission of the Trust.
- 4.2 No boat or vessel may be repaired on the pier or quays of the Harbour unless with the prior approval of the Harbour Master.
- 4.3 No goods awaiting the loading onto or awaiting removal after unloading from any boat or vessel shall be left lying on the Harbour, without the permission of the Harbour Master.
- 4.4 No vessels, spars, sails, anchors, chains, ballasts, stores, ropes, nets or any kind of fishing or sailing gear, or fittings or equipment, supplies, stores or the like, or other articles may be left on or adjacent to the Harbour except in places set aside for such purposes and without the permission of the Harbour Master.
- 4.5 No person may deposit any dirt, litter, stones, shells, ashes, chaff, food, filth, carrion, fish, offal, rubbish or refuse of any kind on or in the Harbour.
- 4.6 All bait shall be kept in sealed containers on board fishing vessels.
- 4.7 The Harbour Master may:-
 - (a) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene the MANAGEMENT RULES, expel that person with his boat or vessel from the Harbour.
 - (b) If he has reasonable grounds for believing that a person is about to contravene the MANAGEMENT RULES exclude that person and/or his boat or vessel from the Harbour.

- 4.8 In terms of Section 118 of the Civic Government (Scotland) Act 1982 any person who:-
- (a) on being required to leave the harbour by the Harbour Master or a Constable who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any MANAGEMENT RULES applying to the harbour, fails to leave;
 - (b) on being informed by the Harbour Master or a Constable who has reasonable grounds for believing that the person is about to contravene any MANAGEMENT RULES applying to the harbour that he is excluded from the land or premises, enters or attempts to enter the harbour.
 - (c) being a person subject to an Exclusion Order under Section 117 of the Civic Government (Scotland) Act 1982, enters or attempts to enter the land or premises to which the Exclusion Order relates,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the Standard Scale.
- 4.9 No beach launched boats, unless in exceptional circumstances, shall be permitted into the Harbour.
- 4.10 Parking of vehicles is permitted only in areas designated for that purpose. The barrier gate at the entrance to the Esplanade and dinghy park, which are restricted areas for vehicles, may be locked shut without notice to prevent access or egress. No unauthorised vehicles shall be allowed on the esplanade and no parking of any vehicles shall be allowed in the area of the esplanade without the permission of the Harbour Master. All persons are required to park their vehicles securely in such a position and manner as shall, from time to time, be directed by the Harbour Master, the police or the Trust. Vehicles parked otherwise than in compliance may be removed from the harbour area and the registered keeper of the vehicle shall be liable for the cost. The trust shall not be liable for any commensurate loss suffered by any person in consequence of such a removal, or in consequence of a vehicle being unable to be removed due to locked gates.
- 4.11 All boats or vessels which enter or are moored in the Harbour must have a minimum of third party insurance. Documentary evidence of such insurance must be available for inspection by the Harbour Master on request by him.
- 4.12 Work on Vessels by outside contractors is not permitted without the permission of the Trust. All work in the harbour must be carried out in accordance with Health and Safety At Work Act 1974 and any regulations made thereunder.

5. SAFETY

- 5.1 Petrol and other inflammable substances shall not be stored on a Vessel except in a receptacle specifically designed for such purposes. No fuel or other flammable substance shall be stored ashore within the harbour other than in containers approved under all current regulations, and with the knowledge and approval of the Trust.
- 5.2 No chemicals should be stored at any time on the Harbour quayside unless the Master is given prior consent by the Harbour Master. Any such request to store such chemicals must also be referred to the Trust and, if granted, will have restrictions of time and security imposed.
- 5.3 Smoking and naked lights are strictly forbidden in the refuelling area. Engines must be switched off while refuelling.
- 5.4 A person shall not navigate any Vessel in the Harbour whilst unfit through the influence of alcohol or drugs.
- 5.5 A speed limit of three knots applies to all Vessels under power within the Harbour and Harbour entrance. A speed limit of five knots applies to all Vessels under power within that part of the harbour limits known as the fairway. No Vessel shall be navigated at a speed or in such a manner as to endanger or inconvenience other Vessels. The speed limits shall not apply to any vessel engaged in a response to an emergency.
- 5.6 The Master of a vessel emerging from the harbour has a duty to maintain a lookout and make an informed judgement on the safety for all concerned in so doing. Any vessel under way in the vicinity of the harbour mouth must maintain an exclusion distance of 20 metres from the west end of the north pier unless that vessel is intending to enter or exit the harbour. Vessels making way towards the harbour and intending to enter must not breach the exclusion zone until the Master can see that the entrance is clear and that it is safe to enter.

6 RESTRICTIONS OF USE

- 6.1 No part of the Harbour or a Vessel within the harbour area shall be used by any person for the purposes of trading, or other commercial purpose, except with the written consent of the Trust, which may be withheld at the Trust's sole discretion. "Trading" shall include but is not restricted to the buying or selling of food, beverages, goods or property
- 6.2 No lobster / crab creels shall be set or soaked within the confines of the Harbour without the permission of the Harbour Master.
- 6.3 The landing within the Harbour of undersize fish or any fish caught in contravention of relative legislation is not permitted.

- 6.4 Digging for fishing bait is not permitted anywhere within the confines of the Harbour.
- 6.5 Swimming, diving, skin diving, bathing and other such activities are expressly forbidden within the Harbour, or its approaches, unless authorised for a specific purpose by the Trust or, in case of urgency, the Harbour Master. Any person taking part in such activities either with or without such authorisation does so entirely at their own risk and without the expectation of any form of compensation from the Trust in the event of death or injury, howsoever caused.
- 6.6 Vessels must not be used for permanent residential purposes.
- 6.7 The minimum age for a person to be accepted for Vessel mooring/slipped or launched within the Harbour shall be 16 years of age. Any person under the age as specified above, using a Vessel must do so under the direct supervision of the Master. The Master shall be held responsible for any damage or nuisance created under his charge. In addition all slipped or launched Vessels shall be covered by a policy of insurance as specified in Section 12.

7 ABANDONMENT

- 7.1 No person shall abandon a Vessel within the Harbour.
- 7.2 For the purposes of paragraph 7.1 of this Management rule, a person is deemed to abandon a Vessel if that person leaves a Vessel within the Harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it unless the contrary intention is shown. The Trust may, with consideration to circumstances, issue the Master with a Notice specifying the abandonment and requiring that the Master remove the vessel within 14 days. If the Master fails to remove the vessel within this time, a further Notice of 14 days will be given by the Trust. At the termination of this additional period of 14 days, the Trust will have the right to remove the Vessel from the Harbour to a suitable location to be determined by the Trust, either by their own means, or by securing the services of such salvage contractors as have in the opinion of the Trust, sufficient skills and resources to ensure the removal of the vessel from the harbour. Responsibility and liability for the vessel will at all times rest with the Master unless and until any unlawful negligence be shown by any other party. The Master shall be responsible for all costs arising out of such removal including alternative fees.
- 7.3 If any Vessel abandoned within the Harbour or deemed to be abandoned within the Harbour is or becomes a danger or obstruction to navigation, then the Harbour Master may direct that Vessel to be removed immediately, or if ownership is not readily apparent, may arrange for the removal of that Vessel as specified in Section 7.2. In the event of emergency or legitimate urgency then the periods of notice shall be waived.

8 TRAILERS AND CRADLES

- 8.1 All trailers and cradles used for wintering of Vessels on hard standing within the confines of the land managed by the Trust shall be removed by the Master when not in use, unless authorised otherwise by the Trust.
- 8.2 Only trailers used for daily launchings will be allowed to park on the Harbour piers or ground during the period whilst the Vessel is launched. Trailers parked under this rule must be parked safely and securely without nuisance to others, in the area designated by the Trust or Harbour Master. Exceptions to this rule must be authorised by the Harbour Master or allowed in the event of an emergency. In particular, trailers and vessels of any description must not obstruct that slipway known as the “lifeboat slipway” or otherwise impede the safe launching of the RNLI lifeboat or other rescue vessels.

9. POLLUTION

- 9.1 No refuse, litter or other foreign material shall be disposed of within the Harbour in any way other than in receptacles provided by the Trust or approved by the Trust.
- 9.2 No person shall deposit or throw into the waters of the Harbour any rubbish or other material whatsoever or place it in a position such that it may fall, blow or drift into the Harbour.
- 9.3 Refuse, galley waste, effluent and sewage must not be discharged in the Harbour at any time. Toilets not connected to a sewage holding tank must not be used within the confines of the Harbour.
- 9.4 Oil, fuel or foul bilge must not be discharged into the Harbour. No Master shall allow discharge of bilge water within the Harbour if that bilge water is contaminated, for example, with diesel or engine oil.
- 9.5 The Harbour is subject to the Control of Pollution Act 1974, , the Prevention of Oil Pollution Act 1971 and any regulations made pursuant to any of these Acts. Masters and users of the Harbour will be accountable in full for any breaches of these Acts and regulations made thereunder

10 NUISANCE

- 10.1 All dogs must be kept under control within the Harbour. Any fouling of the piers, grassed areas or ground must be cleared up by the person in charge of the dog at the time and immediately placed in the bins provided for this use.

- 10.2 All persons are required to behave in a safe and responsible manner such that they do not cause damage to the property of others or create hazards to public safety.
- 10.3 Engines, radios or other apparatus or machinery shall not be operated within the Harbour so as to cause nuisance or annoyance to the Trust, to any other users of the Harbour or any person residing in the vicinity of the Harbour.
- 10.4 Every effort must be made to minimise noise from halyards and rigging. All Vessels to be derigged on hardstanding.

11 LIABILITY

- 11.1 The Trust shall not be liable for any loss, theft, or any damage of whatsoever nature caused to any Vessel or Vehicle or other property of the Master or others claiming through the Master. All persons visiting or using any part of the Trust's premises or facilities within the Harbour for whatever purpose do so at their own risk. The Trust shall not be liable for any injury or damage to persons visiting or using any part of the Trust's premises or facilities within the Harbour for whatever purpose unless any injury or damage to that person or property sustained within the Harbour was caused or resulted from the negligence or wilful act of the Trust or those for whom the Trust are responsible.
- 11.2 Masters will be responsible for the conduct of and fully accountable for any loss, injury, damage, or nuisance caused by or committed by their crew members, agents or guests while on board the Vessel or on duty within the Harbour.

12 INSURANCE

- 12.1 The Master shall indemnify the Trust against all loss, damage, costs, claims or proceedings incurred by, or instituted against the Trust or their servants, agents, crew, guests or sub-contractors except to the extent that such loss, damage, costs, claims, or proceedings was caused by the negligence or wilful act of the Trust or those for whom the Trust is responsible.
- 12.2 The Master shall insure his Vessels and Vehicles adequately against loss or damage howsoever caused and shall maintain third party and public liability insurance in respect of himself and each of his Vehicles and Vessels, his crew for the time being, and his agents, visitors, guests and sub-contractors in a sum of not less than £1.5 million in respect of each accident or damage. The Master shall also ensure that there is adequate salvage insurance in place in respect of each Vessel. Such insurance shall be effected and maintained in an insurance office of repute and the Master shall produce the policy or policies relating thereto to the Trust on demand. Failure to make such a production may result in a fine or revocation of the Vessel's harbour licence, such measures being at the discretion of the Trust.

13 RIGHTS OF THE TRUST

- 13.1 All Vessels, Vehicles, trailers or other equipment in or on the Trust's Harbour or within may be moved by the Trust to any other part of the Harbour as they see fit.
- 13.2 The Master of a Vessel shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the Vessel and provide all reasonable facilities for its inspection and examination.
- 13.3 The Harbour Master may enter into any Vessel within the Harbour to search for any fire or light in or suspected to be in such Vessel, and may extinguish the same.
- 13.4 The Trust shall have the right to moor, re-berth, board, enter or carry out any emergency work on a Vessel if, in the Trust's opinion such action be necessary for the general safety or convenience of the Vessel or for the general safety or convenience of other users of the Harbour, or to avoid pollution, or for the safety of the Trust's premises, plant and equipment. The Master shall pay the Trust's charges for such action.
- 13.5 In view of the proximity of rabies on the Continent of Europe the Trust may, at any time and without prior notice, require that all dogs and other animals are removed from the Harbour. No animal which has been outside the United Kingdom within the previous six months may be brought into the Harbour. The harbour is not a designated port or part of an approved route for the importation of animals. Only certain transport companies and routes can be used to bring pet dogs, cats and ferrets into the UK under the Pet Travel Scheme. These are known as approved routes. This means they have been authorised to bring pets into Great Britain under the Pet Travel Scheme and as part of that approval, are responsible for checking that the animal meets the rules of the Scheme.

14. RIGHTS OF MASTERS

Masters are permitted to carry out normal maintenance work on their Vessel in the Harbour.

15. DUES

- 15.1 First time applicants to moor within the Harbour must pay their first year's mooring fee in advance of placing the Vessel on the mooring.
- 15.2 All monies due to the Trust will be paid in full upon falling due.

16 NOTIFICATION OF SAFETY BREACHES

- 16.1 The Master of a Vessel which –

- (a) has been involved in a collision with any Vessel or property, or has been sunk or grounded or become stranded within the Harbour; or
- (b) by reason of accident, fire, defect or otherwise, is in such condition as to affect its safe navigation or to give rise to danger to other Vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway; or
- (d) has discharged any pollutant or noxious substance; or
- (e) has jettisoned or lost any object which potentially obstructs the fairway; or
- (f) has experienced a “near miss” which could have resulted in any of the incidents in (a) to (e) above or any other incident with potentially serious consequences; or
- (g) has sustained damage outside the Harbour which affects or is likely to affect its seaworthiness, or from which oil is escaping or likely to escape, or is likely to become a navigation hazard, endanger, or compromise the safety of the Harbour;

shall, as soon as reasonably practicable, report the occurrence to the Harbour Master (and as soon as practicable thereafter) provide the Harbour Master with full details in writing. Where the damage to the Vessel is such that it affects, or is likely to affect, its seaworthiness, the Master shall not move the Vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

17 Previous Management Rules

- 17.1 The previous North Berwick Harbour Management Rules dated 18 April 2006 are hereby repealed.

The foregoing Management Rules were made by East Lothian Council [at its meeting in Haddington on.....] / [on, in terms of the decision of the Cabinet of East Lothian Council on 14 March 2017 to delegate authority to the Depute Chief Executive (Resources & People Services) to confirm and execute the said Rules]

Service Manager - Legal & Procurement



REPORT TO: Cabinet

MEETING DATE: 14 March 2017

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Digital Strategy

4

1 PURPOSE

- 1.1 The purpose of this report is to present the Digital Strategy to Cabinet and outline the implications of its adoption.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the adoption of the Digital Strategy as attached at Appendix 1.

3 BACKGROUND

- 3.1 The Digital Strategy is a high level business strategy, not an IT strategy, and provides a framework for how Services will work to deliver the objectives set out in the Council Plan.
- 3.2 The main ethos of Digital is that the Council puts its customers at the heart of everything it does. Services are then redesigned accordingly, using technology wherever possible to both improve the customer experience and deliver reduced costs by rationalising and streamlining processes.
- 3.3 The proposed strategy further recognises that the Council has a wider role to play in ensuring that East Lothian residents of all ages have the skills they require to prosper in an increasing Digital World. It also recognises that having the skills alone is not enough, and that access to a digital infrastructure that is fit for purpose and allows residents, businesses and visitors alike to thrive in East Lothian is essential.
- 3.4 The proposed strategy sets out a number of principles which should be adopted whenever undertaking work programmes or projects that have a technology element to them. These principles should be reviewed annually to ensure they remain effective and relevant.

- 3.5 Allocation and management of resources will be key to the success of delivering a Digital Council. The strategy outlines governance arrangements which include the formation of a Digital Strategy Executive Group which will report directly to the Council's Executive Team. This group will oversee all work relating to the strategy to ensure clear prioritisation of projects, efficient allocation of resources and adherence to the Digital Strategy.

4 POLICY IMPLICATIONS

- 4.1 The Digital Strategy provides a new strategic policy context within which key work programmes and projects can be supported through the effective deployment of digital technologies.
- 4.2 The new strategy will compliment and assist with the delivery of approved policy commitments made within the Council Plan.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment is being prepared out and will be available prior to the meeting on 14 March 2017.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None directly associated with the approval of the strategy. However, financial resources will be required by work programmes and projects that will be delivered in accordance with the Digital Strategy, for example the Transformation Programme. The Council made additional provision within its recently approved Capital Budget that will help support such programmes.
- 6.2 Personnel - None. However there may be personnel implications arising out of the work programmes and projects that will be delivered in accordance with the Digital Strategy.
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Appendix 1 - Digital Strategy

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DATE	2 March 2017

East Lothian Council

Digital Strategy

SECTION

1. INTRODUCTION
2. GOVERNANCE ARRANGEMENTS
3. GROWING THE CAPACITY OF OUR COUNCIL
4. GROWING OUR ECONOMY
5. GROWING OUR PEOPLE
6. GROWING OUR COMMUNITIES
7. ICT CAPABILITY AND CAPACITY
8. GUIDING PRINCIPLES

Glossary

March
2017
Version 1.0

1. Introduction

From the outset East Lothian Council has invested in information and communications technologies (ICT) in support of service delivery, improvements in organisational efficiency and increasing attainment levels within our schools. This investment has typically been in response to individual service requirements to meet service specific objectives with little or no integration with other services or systems. However, our customer's expectations have increased and they are no longer happy to be constrained by our internal structures and systems. Instead, they expect Council Services to be more dynamic, reflecting their customer journey and being accessible in ways and at times that suit them rather than ourselves.

Customer expectation must be placed alongside the requirement for sustained cuts to already squeezed budgets. It is unlikely that further minor tinkering with existing services will achieve this and a major change in the way services are delivered is required. This will only be achieved through the exploitation of technology, innovation and redesign of core services.

The redesign will include the implementation of more flexible ways of working and further rationalisation of our accommodation along with the streamlining of processes to more accurately reflect the customer journey. This will require continued investment in our digital infrastructure and the introduction of modern information systems to enable a 'Digital by default' approach to service delivery. This will be key to deliver the Council's 2020 vision which states:

"In 2020 East Lothian will have an established reputation as having the highest quality of life in the United Kingdom and the quality of our environment will be recognised as amongst the best in Europe.

Our dynamic and flourishing economy will support strong, sustainable, safe and inclusive communities where: the demand for affordable, high standard housing will be met; our world class education service will encourage all our children and young people to achieve their full potential; and, all our citizens will have access to the highest quality public services and a modern integrated transport infrastructure.

In 2020 our citizens will be proud of East Lothian."

Along with national strategies including Scotland's Digital Future, Digital Transformation, Enhancing Learning and Teaching through the use of Digital Technology, Shared Services, and the Council's statutory duty for providing Best Value, the 2020 Vision will drive the Council's Digital strategy over the next 3 years. The Digital strategy will also be influenced by the:

- Single Outcome Agreement 2013 - 2023
- 2012 – 17 East Lothian Council Plan
- Corporate Asset Management Plan
- East Lothian Digital Learning & Teaching Strategy
- East Lothian Next Generation Internet Connectivity Strategy
- Digital Inclusion & Participation Strategy 2014-2016
- East Lothian Digital Marketing Strategy
- Carbon Management Plan

- Business Continuity Plans

The 2012-2017 Council Plan sets out four objectives:

- Growing the Capacity of our Council
- Growing our Economy
- Growing our People
- Growing our Communities

These objectives are also mirrored in the Single Outcome Agreement and will form the basis of the structure for this Digital strategy. These four objectives are interlinked and to achieve full ‘Digital’ implementation and integration will take many years and significant resources.

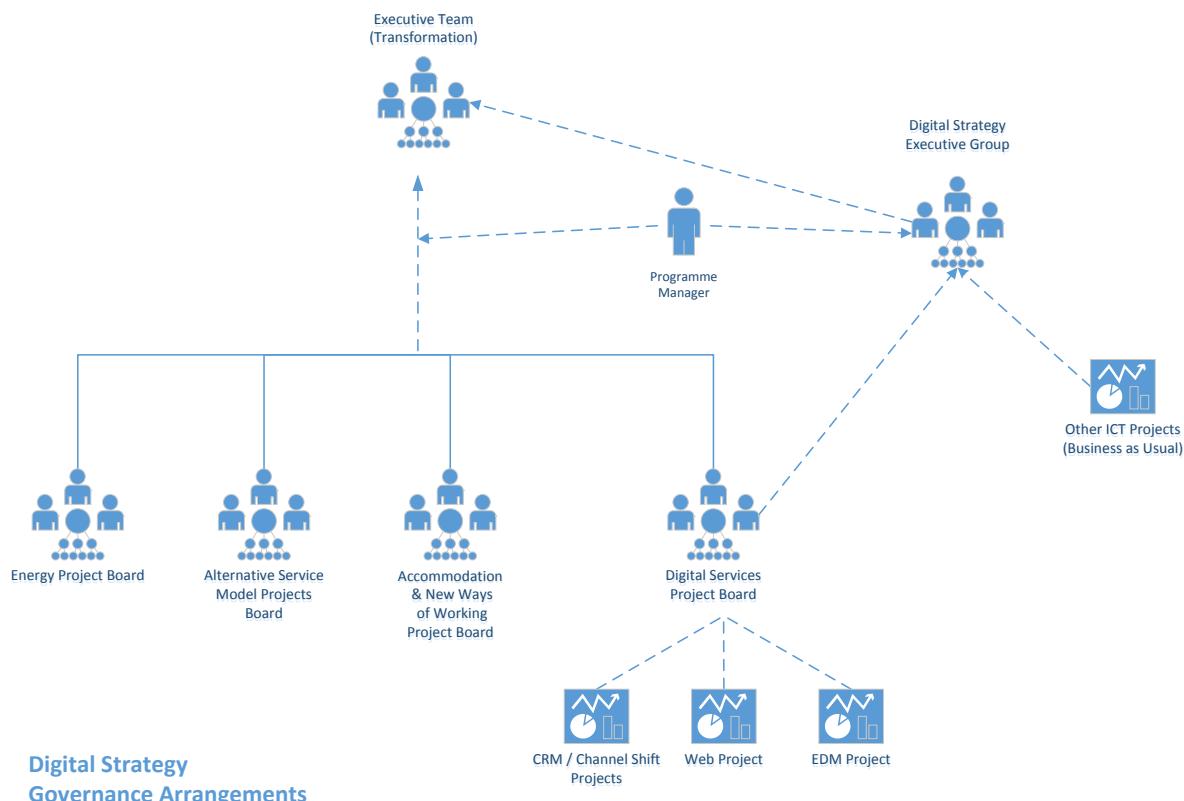
This is also reflected in the Scottish Government’s document ‘Scotland’s Digital Future: Delivery of Public Services’ which states

“Our aim is transformational change though our approach will be incremental and pragmatic in making best use of existing public finance investment. We state our ambition but not a finite end point: our objective is an agility to respond to technological and societal change that will provide the foundation for continuous improvement in the delivery of public services”

Consequently, this strategy is not a definitive list of projects but instead outlines key programmes, and guiding principles required to deliver digital services to meet the Council’s 2020 vision and requirements as they arise in the future.

2. Governance Arrangements

It is important to recognise that a Digital Strategy is not an ICT Strategy but a Council Wide Business Strategy. By its nature, it will cover many disparate work streams ranging from internal transformation projects to external digital infrastructure projects. Some will operate in isolation but the majority will be inter-dependent and should be brought together in related work programmes.



The Council's Executive team will own the digital strategy and oversee its implementation in conjunction with the existing Transformation Programme. The remit of the Executive Team with regard to the Digital Strategy and Transformation programmes include:

- Ownership of the Council wide digital strategy and its implementation
- Drive digital stakeholder engagement and communication
- Secure and allocate resources as required
- Coordination of the overall programme of work
- Set the overall priorities for the programmes
- Identify and remove blockages to strategy implementation
- Ensure digital benefits are realised
- Manage high level risks and issues associated with the strategy
- Track customer satisfaction and enable work to improve it
- Review overall performance of strategy implementation

- Form partnerships with other Councils and organisations to streamline service delivery and improve customer experience

A new Digital Strategy Executive Group will be established, chaired by Depute Chief Executive (Resources and People Services). This group will be responsible for the practical implementation of the technology elements of the Digital Strategy. These will come from both the Transformation Programme, via the Digital Services Project Board and from services via the IT Service. Prioritisation of projects and allocation of resources will be a critical aspect of this groups work. Consequently, all significant service improvement or delivery projects which have an ICT element must be presented to this group for approval prior to commencement to ensure alignment with existing plans and resource availability. The remit of the group will include:

- Prioritise ICT resources to match the key priorities set by the Executive Team
- Decide which projects should proceed based on business case, resources, return of investment, and match with the digital strategy
- Ensuring technological adherence to the Digital Strategy
- Prioritise business as usual ICT activities in line with service priorities and available resources
- Secure and allocate resources as required
- Provide coordination between business as usual and transformation project activities
- Management of the ICT risks
- Identify and remove technical blockages to strategy implementation

The delivery of the strategy will be controlled by a number of Programme and Project boards. The actual number may vary through time depending on the active work streams. The remit of these boards will include:

- Creation and management of work plans to deliver the programme/project
- Allocation of resources to the projects
- Management of the programme/project risks
- Project benefits realisation
- Monitor overall programme/project progress
- Resolve issues arising from Digital Services Project Board of the Transformation Programme and from Business as usual ICT activities

As we begin to shift service from traditional channels (face to face and telephone) towards lower cost digital channels it will be imperative that we continually monitor take up, success rates and service levels. Metrics will be developed by the Digital Services Project Board to enable these to be measured and quantified.

3. Growing The Capacity of Our Council

If we were starting from scratch to design the myriad of services the Council provides it is highly unlikely we would end up with the model we currently have. New technology offers opportunities to both greatly improve the customer experience and bring about significant reductions in cost.

A ‘One Council’ approach to service delivery requires Council services to break from the traditional silo mentality and work together and with external partners and other organisations.

To achieve this, services will be redesigned to be ‘Digital by default’ making them available to customers wherever and whenever they choose, whilst realising operational and cost efficiencies through improved and streamlined processes. Simply making an existing service available via the web is unlikely to realise significant cost savings. Business processes and structures must be redesigned to provide an enhanced customer experience with the customer journey at the centre and electronic delivery the first and preferred option wherever possible. Inevitably there will still be a requirement for traditional delivery methods although they must be viewed as secondary and resourced and structured accordingly.

Fundamental to Digital by default service delivery is a modern responsive website that supports integration with the Council’s information systems. This must be backed up with investment in technical staff with the skills to develop web services and carry out the integration with the Council’s information systems.

In parallel with redesigning services to be Digital by default new ways of working will be introduced. By investing in new technologies it is possible to revolutionise the way many staff carry out their duties. They can become more mobile, able to capture data at source, better able to share and collaborate on documents, and no longer need to return to base to update records and get their next work schedule. This will result in a more efficient and productive workforce whilst also potentially improving their work life balance. Accommodation will also be used more effectively, helping to reduce our property costs, reduce our CO₂ footprint and create a more resilient organisation less dependent on buildings.

The Council recognises that Social Media is a powerful tool capable of reaching various customer groups of all ages and serving a variety of purposes ranging from information exchange to marketing East Lothian to a worldwide audience. It further recognises that in order to be credible and effective it has to be run as a 7 days a week, 365 days a year operation. A dedicated team should be set-up to manage the Council’s presence backed up with investment in a management platform, analytics capabilities and training for senior managers across the Council to raise awareness of the power and potential risks involved.

4. Growing East Lothian's Economy

Businesses need a strong digital infrastructure and an IT literate workforce to locate and grow in East Lothian. Technology enables businesses to reduce costs, to automate processes and to manage supply chains. The Internet opens up global markets for both large and small enterprises. Fast Internet links also enable access to specialist services and remote working, which can reduce travel costs, improve productivity and increase business agility.

East Lothian, despite its proximity to Edinburgh, has traditionally suffered from poor voice and data communication networks. Mobile coverage has been patchy and offered poor performance whilst data communications have been limited to either inadequate broadband speeds or very expensive leased circuits.

The Digital Scotland Superfast Broadband project to deliver Next Generation Broadband across Scotland is well underway. It is projected that 95% of premises across East Lothian will be capable of receiving speeds in excess of 24Mbps by 2018. The Scottish Government has since given a further commitment for 100% of premises in Scotland to be capable of receiving 30Mbps broadband by the end of the current parliament. It has set-up the R100 programme to deliver this, however this is still in its infancy and details on what will be delivered when have not yet been worked out. The Council will continue to work with Digital Scotland and any subsequent initiatives set-up to deliver superfast broadband to ensure East Lothian gets the best possible speeds and coverage.

Mobile coverage across the County is improving with 4G services being rolled out by some providers, however as you move away from the A1 and East Coast Mainline corridor coverage becomes patchy. The Council will continue to work with mobile providers to influence network coverage and availability across the county. In particular, we will explore whether we can use our own requirements as a lever to secure better coverage in rural areas.

The tourism sector is a key part of the East Lothian economy and the Council has recently commissioned a Digital Marketing Strategy. This highlighted a number of improvements that should be made including redesign of the www.visiteastlothian.org, www.foodanddrinkestothian.com and www.golfeastlothian.com websites and the implementation of a more coordinated approach to social media and digital marketing which includes businesses involved in this sector across East Lothian and beyond. The action plan will be implemented in conjunction with the other web and social media related programme outlined earlier. Visitor destinations will also benefit from free wifi internet access and we will work to provide either ourselves as funding permits or in conjunction with partners.

5. Growing our People

The growth in the uptake of technologies such as tablets, smart phones, social media, and the increasing availability of high speed broadband and better mobile coverage present huge opportunities for the Council in terms of being able to communicate with customers and transact business digitally.

Despite the widespread take up of these technologies many people remain digitally excluded. There are many reasons for this including lack of fast broadband, poor mobile coverage, the cost of home computing, lack of knowledge of what the Internet can offer and poorly designed services which discourage people from connecting. Typically, those being left behind with technology are also being left behind across many spheres and this has a negative impact on their own life chances.

The benefits of being digitally literate and having access to these technologies are great and are outlined in the Council's Digital Inclusion and Participation Strategy. They include time and money savings, improved education attainment and improved job and salary prospects. A digitally literate client base also offers Council (and other public sector) services greater scope to adopt digital by default methods of service delivery. East Lothian has been the first Council to fully adopt online only applications for Universal Credit. This has further highlighted the difficulties faced by those who don't possess solid digital skills or access to the Internet. The Council will work to implement the Digital Inclusion and Participation Strategy action plan to begin to address this.

Education is fundamental to ensuring our young people are equipped with the digital skills they require. To deliver this our schools require all teaching staff to be competent in the use of technology and backed up by modern, flexible ICT facilities that are properly resourced and supported. The Council has an excellent track record of capital investment in ICT in Education and this will be maintained. It is recognised that there is a significant revenue cost associated with providing the ICT environment required and the Council will explore ways of meeting this need. When both capital and revenue funding streams are in place the Education ICT Strategy can be delivered successfully.

6. Growing our Communities

East Lothian, like most other Local Authorities faces the unprecedented impact of significant demographic change. Partly as a consequence of successful health care programmes and changes in delivery of care services, there is an explosion of elderly people who are living independently in the community. The deployment of telecare and telehealth technologies will enable these citizens to better lead independent lives of a higher quality whilst making it easier to target intervention where it is required most.

As previously noted we are likely to achieve 95% superfast broadband coverage by 2018. The Council has been working with Community Broadband Scotland to create a community project to deliver superfast broadband to the remaining 5% and has secured funding of £1.246M. However due to the uncertainty around how the Scottish Government's commitment to 30Mbps to all premises will be delivered our community project is on hold. Despite being unable to continue with the project at present Community Broadband Scotland have ring fenced the funding for use in East Lothian. The Council will continue to work with Community Broadband Scotland and the R100 team to bring forward viable projects as the Government strategy becomes clearer.

Even with 100% superfast broadband coverage affordability will remain a significant challenge. Consequently, there will still be a requirement for free Wi-Fi Internet access across our communities. We will continue to roll out free Wi-Fi Internet access across Council premises and in town centres as funding allows.

The Internet of Things (IoT), whilst still in its infancy, offers incredible potential to deploy sensors to monitor things as diverse as a person's blood pressure to traffic density across the county in real time. We will look to exploit the opportunities offered by sensor technologies as they develop over the lifetime of this strategy.

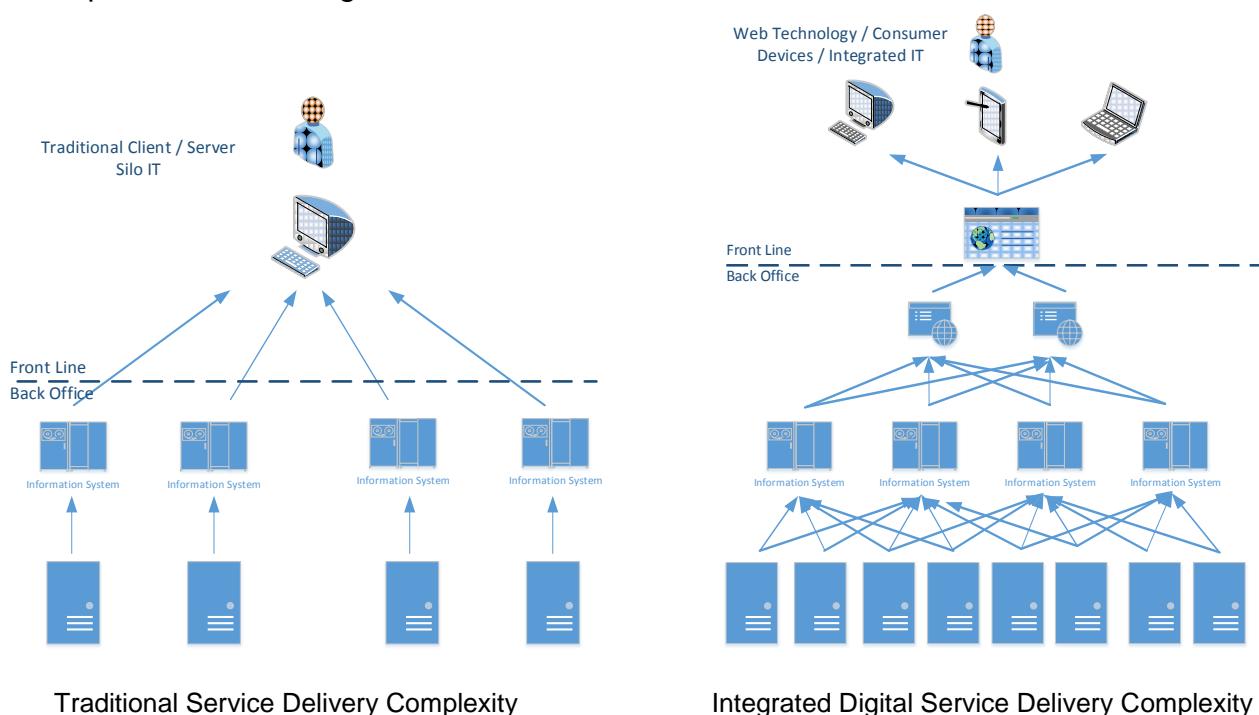
The Council will also explore options to provide free or subsidised Internet access in all of its housing stock. This will help with the implementation of the Social Inclusion and Partnership Strategy action plan and will also be an enabler in allowing sensor technologies to be deployed.

Technology also offers opportunities to improve community safety. The Council currently operates an extensive CCTV network which will be upgraded to use the latest technology to increase capability.

ICT Capability and Capacity

The move to digital service delivery offers the potential to provide joined up customer journeys and sustainable services. It does this by offering the customer the opportunity to use multiple methods of accessing information and processes at a time that is convenient to them.

In order to deliver the flexible, joined up customer experience the complexity of the back office technology required is many times more complex than that used to deliver the traditional series of individual standalone services. This is due to the integration of systems and data sets combined with the need to make the user experience device agnostic.



East Lothian Council's ICT Service is currently resourced for the delivery of traditional services. Successful Digital Service delivery in line with this strategy will require significant investment in both the technologies required and the people to operate them. The ICT Service will need to gradually transform from an internal technology provider to a commissioner and integrator of digital solutions, satisfying East Lothian's targeted outcomes and the changing needs of our citizens. A service review will be undertaken to re-structure the service for the key role it will have in the delivery of this Strategy.

It must be recognised that it will not be possible for the Council to carry all of the specialist skills required, nor are we likely to be able to "borrow" them from other authorities. Individuals with the relevant skills in certain key areas are highly sought after and command salaries well in excess of what East Lothian can afford. These will need to be bought in as and when required. Examples of these are likely to include Infrastructure Architects, Business Analysts specialising in Digital Transformation and specific technology specialists.

Across all Council services, there is a need to increase the degree of digital literacy at all levels. It is vital that all staff have the ability to carry out basic ICT related tasks. To facilitate this a Digital Competency Framework setting out the minimum standards required will be created and training provided to ensure staff meet this level. Testing against the Framework will be included as part of all future recruitment exercises.

7. Principles

The strategy is underpinned by a series of core principles which should be adhered to during implementation. The Digital Strategy Executive group and the ICT Service will be responsible for ensuring this happens.

Governance Principles

Business Strategy not an IT Strategy - The purpose of this Digital Strategy is to improve service delivery, the wider digital infrastructure across East Lothian and equip our staff and residents with the digital skills they require to thrive in the modern world. To deliver such a broad range of objectives will require commitment from all Council Services.

Ownership - This strategy is owned by the Executive Team (Transformation) and must be reviewed annually.

National Digital Transformation Board - East Lothian Council will remain a member and participate fully in the work of the associated work streams for as long as it gains benefit from the collaboration.

Working in Partnership - It is recognised that the Council will be required to work with partner organisations, including Scottish Government, other local authorities, 3rd sector organisations, the Improvement Service, Health, suppliers, etc.

Procurement - Whenever possible, the Council will look for partners in procurement to develop shared services and / or secure a better price. If no partners are available, we will look to national and local framework agreements to obtain best value. On all procurements, total cost of ownership, adherence to strategy and open standards will be key award criteria.

Tactical v Strategic – new methods of service delivery may take time to emerge and mature and alignment of plans and technologies may not always be in place so the transition will at times be gradual and pragmatic, necessitating the need for sometimes taking tactical decisions along the path to achieving longer term strategic goals.

New Projects – all new projects with an ICT element relating to service delivery or improvement must be presented to the Digital Strategy Executive Group for approval. This will ensure better coordination of priorities and resources and prevent duplication.

Transformation Principles

Digital by Default – The Transformation Programme will gradually redesign services to streamline business processes and ensure that everything that can be delivered to citizens online is delivered online. Whether these services are delivered directly by East Lothian Council or in partnership with other public bodies, or via the

Government Cloud based services, ease of use and value for money combined with security and business continuity will be of paramount importance.

Customer first – There must be a benefit either directly or indirectly to our customers in everything that we do.

Identity Access Management – SAML 2.0 will be the standard used for authentication.

myaccount – Look to simplify online customer interactions with the use of Myaccount. This provides a single, simple, secure way to access a range of public sector services. It is already in use by Councils such as Edinburgh, Midlothian, Highland, North Lanarkshire, Aberdeenshire and within the NHS to authenticate patients using 'My Diabetes My Way'

Ease of Use – All new services must be designed and implemented with a focus on ease of use to ensure they are accessible to all. On demand, device agnostic, well-designed web services can provide customers with personalised information and enable them to request services, report issues and undertake transactions online simply and quickly at a time that suits them.

Service Redesign – In order to successfully and cost effectively implement systems Council wide there must be recognition that services may have to change policies and working practices to adopt Council wide procedures. Failure to do so will result in inertia, increased costs and loss of credibility.

Rationalise Systems – We will strive to minimise the number of information systems and processes used to deliver the same or similar services eg. resource booking, document management, workflow systems etc.

Social Media - It is recognised that Social Media is a powerful set of tools to engage with many of our disparate customer groups. However, to use it successfully requires resources, expertise and a coordinated approach.

Information Management – Information is a key resource and it is vital it is managed accordingly both to maintain its integrity and ensure high levels of public confidence. The Council will ensure we comply fully with all relevant legislation including but not limited to Public Records (Scotland) Act 2011, Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998.

Web Site Principles

Website – The Council website www.eastlothian.gov.uk will be the gateway to Council Digital Services. The website must be responsive to work well on all form factors from desktop computer to smartphone, must have easy navigation, have a search engine that works, allow easy creation of electronic forms, and be as accessible as possible for all users.

Forms – not apps. Web forms should be used wherever possible instead of custom built Apps. Custom built Apps are expensive to develop and difficult to maintain with specific versions required for each platform.

Good Design - To increase take-up of online services, good design is essential. Poorly designed electronic services can defeat even the most experienced web user, and often means additional contact is needed, wasting time and money for client and provider and frustration for the customer. Understanding our customers' needs and designing web services around the customer journey are key to delivering the right digital services.

Accessibility – As a minimum East Lothian Council websites will conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0. This is in line with the GOV.UK recommendations.

Socitm 4* Website – Endeavour to ensure our main website achieves a Socitm 4-star rating (Society of IT Management's highest rating). This ensures that our website is designed around activities that citizens wish to undertake and meets current good practice.

Web Content – Must be up to date and relevant. Most people do not need to contact the Council. When they do, they want it to be when they choose and for it to be over with quickly and efficiently.

Excellent Search Facilities – Too often public sector websites are let down by poor search facilities. A good search engine is essential to allow visitors to quickly locate the service or information they require.

ICT Principles

Standards Based – Every technology and system we use has a cost of ownership associated with it. This comprises the lifecycle costs of purchasing, then operating, maintaining and supporting it during its active life and finally disposing of the asset at the end of its life. The largest individual costs are generally the staff costs associated with the operating, maintaining and supporting assets. In order to keep these to a minimum, Open Standards will be followed wherever practical.

All new systems must adhere to open standards to allow easy inter-operability and sharing of data.

Industry Best Practice – The ICT service will follow industry best practice and open standards wherever possible.

Interoperability – Software and hardware should conform to defined standards that promote interoperability for data, applications and technology.

Security – The ICT Service will have a security function that will ensure best practice in line with the ISO27001 standard and CESG guidance is followed at all times to protect customers, staff, and the Council.

PSN - The Council will ensure it keeps its accreditation to use the PSN network to exchange information with Government departments such as Work and Pensions. This will be done by meeting its extensive obligations for security by adhering to the PSN Code of Connection.

East Lothian Council is committed to protecting and utilising the personal information it holds in accordance with the Data Protection Act 1998 and building towards compliance with the General Data Protection Regulation (GDPR) when it comes into force in May 2018.

We are committed to sharing information across our systems and with other relevant bodies to ensure the safety and rights of the public, particularly vulnerable adults and children. However, data sharing will only be implemented where legally required or when relevant protocols for the sharing have been agreed between parties and any necessary consent has been obtained.

Environment – The ICT service will ensure it complies fully with the Council's Environment strategies in all procurement and will manage our assets accordingly. Technology (such as server and desktop virtualisation software) will be introduced wherever possible to reduce power consumption and reduce the carbon footprint of the Council. This will also include continuing to phase out standalone facilities such as printers and scanners in favour of larger, cheaper to run shared networked devices. Use of cloud services where appropriate.

Scottish Wide Area Network (SWAN) - East Lothian Council currently runs an MPLS network. Capacity is rented to Capita Updata to connect other public sector bodies to the SWAN. East Lothian Council will join SWAN only when economically and operationally advantageous to do so.

Processes - The delivery of the ICT Service will be based on the use of ITIL (IT Infrastructure Library). In conjunction with a standards based approach this will enable cost effective service delivery.

Project Management - Prince2 will be used as the methodology for managing all major projects. Alternative methodologies such as Agile will be explored for smaller projects.

New Software – All new software must conform to the current IT Technical Requirements Specification

Software Versions – The IT Service will support a maximum of 2 appropriate versions of any software application.

System Databases – to lower the total cost of ownership all new systems must use either Microsoft SQL or Oracle as the database platform. The use of other databases will only be by exception and specific approval.

APIs – All new strategic information systems must provide a full set of vendor supported APIs to allow data integration with other systems.

Glossary

API – Application Programming Interface. A set of routines, protocols and tools for building software applications and exchanging information between systems.

MPLS Network – Multiprotocol Label Switching. A form of high performance telecommunications network.

myaccount – a simple, secure way to access a range of Scottish public services online using just a username and password. Provided by the Improvement Service and funded by the Scottish Government, it is currently used by 7 Scottish Local Authorities and is becoming the standard.

SAML 2.0 – Security Assertion Markup Language. A standard for exchanging authentication and authorisation data between security domains, most commonly used for single sign on in web browsers.

SWAN Network – a Scottish Government led programme in partnership with the wider Scottish public sector to create a single public services network available for use of any and potentially all public service organisations within Scotland.

WCAG 2.0 – Web Content Accessibility Guidelines. These are a wide range of recommendations for making Web content more accessible. Following these non technology specific guidelines makes content accessible to a wider range of people with disabilities.



REPORT TO: Cabinet

MEETING DATE: 14 March 2017

BY: Depute Chief Executive – Resources and Peoples Services

5

SUBJECT: Re-Use of Public Sector Information Regulations 2015
(ROPSI) Policy

1 PURPOSE

- 1.1 To seek approval from Cabinet of the Re-Use of Public Sector Information Regulations 2015 (ROPSI) Policy (Appendix 1).

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the attached ROPSI Policy and adopts it as Council policy.
- 2.2 That Cabinet approves and adopts the charges contained in the Appendix to the ROPSI Policy.

3 BACKGROUND

- 3.1. ROPSI came into force in 2015.
- 3.2 The re-use of information is directly linked to Freedom of Information (FOI) requests. The timescales for both types of request are identical as are the processes. The procedures for the handling of ROPSI requests will be appended to the Council's FOI procedures.

4 POLICY IMPLICATIONS

- 4.1 The Policy will provide clarity and consistency of approach for staff, clients and members of the public.

5. INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
- 6.2 Personnel – The policy will be communicated via Elnet and E-alert to employees of the Council.
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 None

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DATE	7 February 2013

EAST LOTHIAN COUNCIL

Re-use of Public Sector Information Regulations Policy



East Lothian Council
Re-use of Public Sector Information Regulations Policy

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East Lothian Council
Re-use of Public Sector Information Regulations Policy

1. Introduction

- 1.1 This document sets out East Lothian Council's ("the Council's") policy regarding the Re-use of Public Sector Information Regulations 2015 ("the Regulations"). As compliance with the Regulations is closely linked with compliance with the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2002, this policy should be read in conjunction with the policy on Freedom of Information.
- 1.2 "Re-use" means the use by a person of a document held by a public sector body for a purpose other than the initial purpose within that public sector body's public task for which the document was produced. This includes documents held for commercial and non-commercial purposes in alignment with the Council's vision for Open Data.
- 1.3 The Regulations came into force in 2015 and are intended to make information easier to re-use, resulting in economic, social and civil benefits. Under the Regulations, providing information for re-use has become mandatory under an open licence.
- 1.4 Each public authority has the duty to adopt and maintain an Information Asset Register that details the information it holds for re-use. East Lothian Council's Information Asset Register is its publication scheme and can be found on the Council's website: <http://www.eastlothian.gov.uk/site/scripts/downloads.php?categoryID=704>

2. Statement of Intent

- 2.1 East Lothian Council is committed to transparency about the way in which it operates and makes decisions and will favour disclosure of information whenever possible.
- 2.2 The Council will ensure that the public will have a general right to re-use the information it holds, subject to certain conditions and exemptions and subject to the Open Government Licence.
- 2.3 The Council will adopt and maintain an Information Asset Register which relates to the publication of information by the Council.
- 2.4 The Council will ensure that training (including refresher training) is provided to officers who may be required to provide information, and that these officers are familiar with the requirements of the

East Lothian Council
Re-use of Public Sector Information Regulations Policy

Regulations. The Council will ensure that all relevant staff attend briefing sessions on the Regulations.

- 2.5 This policy applies to all information (regardless of format) produced, held or disseminated by the Council which relates to the delivery of services and provisions of a statutory function and is not protected by third party copyright. These are defined by the Council's Public Task and can be found in the Public Task Statement on the Council's website.

3. Roles and Responsibilities

- 3.1 The Council recognises its corporate responsibility under the Regulations to provide a general right of re-use to the information that it holds.
- 3.2 The Council's Information Governance Manager will take the lead role to be responsible for the provision of advice and guidance regarding the Regulations and will be responsible for keeping this document up to date.

4. Dealing with Requests

- 4.1 A person who wishes to make a request for re-use must ensure that the request:
- i. is in writing (by letter or email)
 - ii. states the name of the applicant and an address for correspondence
 - iii. specifies the document requested, and
 - iv. states the purpose for which the document is to be re-used.
- 4.2 If the information has not been previously disclosed, the request will be treated as a request for information under the Freedom of Information (Scotland) Act to determine if the information is exempt. Only when the information is provided will it become eligible for re-use. At that point, the re-use element of the request will become a valid request for re-use.
- 4.3 The Regulations require information to be provided 'promptly'. In agreement with other public sector authorities, the Council will base its response to requests under the Regulations on responding to requests under the Freedom of Information (Scotland) regime and respond within 20 working days. The timescale may, however, be extended if the request involves an extensive number of documents or raises complex issues. If the timescale is extended, applicants will be informed before the 20 working day deadline as to why the

East Lothian Council
Re-use of Public Sector Information Regulations Policy

response time has been extended, and provided with a date on which to expect a response.

- 4.4 The Council will make information available for re-use in the format and language in which we hold it. The Council will endeavour, whenever possible, to make information available in a machine readable format with appropriate metadata.
- 4.5 The Regulations do not apply to third-party copyright information. Any applicant requesting re-use of such information will be directed to the copyright holder. When the copyright is jointly held by the Council and a third party, the permission of both bodies must be agreed before re-use is permitted.
- 4.6 Where requests are refused, the applicant will be advised of the decision and their right to make a formal complaint.

5. Fees and Charges

- 5.1 The Council can charge marginal costs for allowing the re-use of its information. These are limited to the reproduction, provision and dissemination of documents. There are three exceptions to this:
 - i. where the Council is required to generate revenue to cover a substantial part of the costs relating to our public task
 - ii. where the Council is required to generate revenue from documents to cover a substantial part of our costs
 - iii. where the information is held for the purposes of our libraries, museums or archives.
- 5.2 For an outline of the charges, please see the Appendix.

6. Terms and Conditions of Reusing Information

6.1 UK Open Government Licence

The [Open Government Licence](#) is the default licence for most of the Council's copyright information produced. It is a non-transactional open licence which enables use and re-use with virtually no restrictions. It is applicable when use and re-use, including for commercial purposes, is at no cost to the user/re-user. The Open Government Licence only requires public authorities to link to the Licence where it is hosted on the National Archives website.

6.2 Non-commercial Government Licence

East Lothian Council
Re-use of Public Sector Information Regulations Policy

The Open Government Licence will not be appropriate in all cases, such as where information may only be used for non-commercial purposes. The [Non-Commercial Government Licence](#) covers this situation. As with the Open Government Licence, the Non-Commercial Government Licence is hosted by the National Archives.

6.3 Charged Licence

Where the Council charges a fee for the re-use of information, it must do so in accordance with the [Charged Licence](#). The licence consists of standard licensing terms and, like the above licenses, forms part of the UK Government Licensing Framework. It, too, can be accessed on the National Archives website.

7. Refusal of Re-use Requests

- 7.1 If the Council refuses a request for re-use, it will notify the applicant of the reason for the refusal within the 20 working days and provide a detailed explanation of the reasons for its decision.
- 7.2 If the information for re-use is refused because the copyright of the document is owned by a third party, the Council will identify that third party in its response, or provide the name of the person from whom the Council obtained the document.
- 7.3 All responses will provide details of the internal appeals process to the applicant.

8. Appeals and Complaints

- 8.1 Where applicants are dissatisfied with a decision, they are entitled to an independent appeal of the decision through an internal appeals procedure.
- 8.2 This internal appeals procedure will be conducted through and in accordance with the Council's freedom of information review procedure and a response will be issued within 20 working days. The timescale may, however, be extended if the appeal involves an extensive number of documents or raises complex issues. If the timescale is extended, applicants will be informed before the 20 working day deadline as to why the response time has been extended, and provided with a date on which to expect a response.
- 8.3 If applicants are not satisfied with the Council's response to their complaint, they can complain to the UK Information Commissioner. The UK Information Commissioner will confer with the Scottish

East Lothian Council
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Information Commissioner (as appropriate) and investigate and assess if the Council has met its obligations under the Regulations.

- 8.4 Any complain to the UK Information Commissioner must be in writing, state the nature of the complaint and include a copy of the Council's decision notice.

9. Review of Policy

- 9.1 This policy will be reviewed every three years from the date of approval.

East Lothian Council
Re-use of Public Sector Information Regulations Policy

APPENDIX

CHARGING UNDER THE RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS

Email transmission	no charge
CD/DVD per disk	£2 (incl. VAT)
Postage cost	Variable (weight & size) Costs based on Royal Mail Standard 2 nd Class
Photographs	Cost of reproduction

Photocopy Charges		
Paper Size	Black and White (£ per sheet)	Colour (£ per sheet)
A4	10p	50p
A3	20p	£1.00
A2	40p	£1.50
A1	80p	£2.00
A0	£1.60	£2.50

A Fee Notice will be issued when the total disbursement costs, detailed above, exceed £5; however, the Council reserves the right to charge for amounts below this limit on a case-by-case basis. Payment needs to be received before the information will be sent and within 3 months of the Fee Notice being issued.