

**MINUTES OF THE MEETING OF
EAST LoTHIAN COUNCIL**

**TUESDAY 9 DECEMBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
AND VIA HYBRID MEETING FACILITY**

1

Committee Members Present:

Councillor S Akhtar	Councillor C McFarlane
Councillor R Bennett	Councillor C McGinn (R, pm)
Councillor L Bruce (R)	Councillor G McGuire
Councillor D Collins	Councillor S McIntosh (R)
Councillor F Dugdale	Councillor K McLeod
Councillor J Findlay	Councillor J McMillan (Provost and Convener)
Councillor A Forrest	Councillor L-A Menzies (from Item 4b) (R)
Councillor N Gilbert (R)	Councillor B Ritchie
Councillor N Hampshire	Councillor T Trotter
Councillor L Jardine	Councillor C Yorkston

Council Officials Present:

Mr L Rockey, Chief Executive
Ms L Brown, Depute Chief Executive – Communities and Children
Ms S Fortune, Depute Chief Executive – Resources and Economy
Ms F Wilson, Director of Health and Social Care (R)
Ms H Barnett, Head of Corporate Support
Ms L Byrne, Head of Children's Services (R)
Mr K Dingwall, Head of Development
Ms E Dunnet, Head of Finance
Mr E John, Head of Communities and Partnerships (R)
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing (R)
Ms E Barclay, Democratic Services Assistant
Ms A Cameron, Service Manager – Early Years and Childcare
Mr S Cooper, Service Manager – Communications
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms A-M Glancy, Service Manager – Corporate Accounting (R)
Mr C Grilli, Service Manager – Governance (R)
Mr A Stubbs, Service Manager – Roads

(R) = remote participant

Visitors Present:

Mr J Boyd, Audit Scotland (R)
Mr D MacDonald, Stantec

Clerk:

Mrs L Gillingwater

Apologies:

Councillor L Allan

Councillor C Cassini

Councillor L-A Menzies (for Items 1–4a)

The Convener advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for five years from the date of the meeting.

The clerk recorded the attendance of Members by roll call.

Note: at Councillor Allan's request, the Clerk read the following statement out on her behalf: *'I need to submit my apologies for the Council meeting on 9 December as I am unwell and unable to attend. For the purposes of the record, I would also like to note that, had I been present, I would have withdrawn from Item 4 relating to parking management proposals, as I have previously expressed public views on this issue.'*

Declarations of Interest/Transparency Statement:

Item 5: Transparency statement – Councillor Bennett noted that his partner is employed by a funded early years provider.

Announcements

The Provost shared the news that Douglas Buttenshaw, former District Secretary of East Lothian District Council, had died recently. He paid tribute to the contribution made by Mr Buttenshaw to the Council and, on behalf of the Council, conveyed his condolences to the family.

The Provost also announced that the artist Richard Demarco had recently been named 2025 Scottish European of the Year.

1. MINUTES FOR APPROVAL

The minutes of the following meetings of East Lothian Council were approved: 28 October 2025.

2. ACTION LOG

The Council agreed to note the list of actions and to close those actions recommended for closure.

As regards Action 25/19 (Energy Report and LHHES Delivery Plan Update), Keith Dingwall, Head of Development, reported that Council officers would be meeting with Lothian Heat CIC in December with the aim of agreeing the Memorandum of Understanding (MoU). In response to a question from Councillor McIntosh, Mr Dingwall advised that there had not been sufficient

time since the October Council meeting to get the MoU finalised and agreed. He added that Lothian Heat CIC would still be in a position to apply for funding, given that the Council was supportive in principle.

As regards Action 25/22 (Motion on Supporting Head Teachers to Develop a Phone-free Learning Environment in East Lothian Schools), Nicola McDowell, Head of Education, reported that since the October Council meeting, she had met with the Secondary and Primary Schools Executive Team, and it had been agreed to run a pilot scheme of lockable containers for mobile phones in primary schools. For secondary schools, she noted that the pilot scheme at Dunbar Grammar School was proving effective in reducing phones in classrooms, and that this scheme would be rolled out more widely. There would be a consultation with stakeholders on this matter in January 2026, and the updated Digital Learning and Teaching Policy would be presented to the Education and Children's Services Committee in March 2026.

3. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 13 OCTOBER TO 23 NOVEMBER 2025

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in October 2025.

With reference to report 114/25, Councillor McGinn congratulated the Council's Library Service on their recent success at the Scottish Library and Information Council Awards.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 13 October and 23 November 2025, as listed in Appendix 1 to the report.

4. PARKING MANAGEMENT PROPOSALS

A suite of reports was submitted by the Depute Chief Executive – Resources and Economy presenting parking management proposals for Dunbar, Haddington, Musselburgh and Tranent.

The Head of Development, Keith Dingwall, provided a detailed report on the rationale for the parking management proposals, namely, promoting vibrant town centres by ensuring the turnover of parking spaces and reducing indiscriminate and poor parking by way of parking enforcement; promoting the safety, health and wellbeing of town centre users; supporting the Council's commitment to the climate emergency; and providing increased investment to town centres through income generation. He made reference to the significant engagement undertaken with the affected communities, and thanked all those who had submitted their views.

4a. PARKING MANAGEMENT PROPOSALS – DUNBAR

A report was submitted by the Depute Chief Executive – Resources and Economy advising Council of the outcome of the public consultation on the parking interventions proposed in Dunbar; presenting the resultant amendment made to improve the scheme and to mitigate public concerns raised; and recommending that the Council progresses to the next stage of the Traffic Regulation Order (TRO) process, the intent to make the Order.

Peter Forsyth, Project Manager for Growth and Sustainability, presented the report. He highlighted the current parking issues in Dunbar, summarised the outcome of the consultation

process, and drew attention to the proposals and mitigations relating to the introduction of parking charges in the town.

Mr Forsyth responded to a series of questions from Members on various aspects of the proposals (some of which related specifically to Dunbar and others that were more general), including: the statutory TRO process, including further opportunities for people to submit their views and for changes to be made to the scheme; the rights of the Council to implement parking charges on common land; the maintenance contract for parking meters; the deployment of Parking Attendants across each of the towns; income projections and the financial methodology used; the impact of charges on Dunbar harbour users; engagement with local businesses; opportunities for amending the detail of the schemes, such as parking time limits; and the positive impact of enforcement on indiscriminate parking and other contraventions.

An amendment was submitted by Councillors Jardine and Gilbert:

- i. That any implemented parking management scheme in East Lothian be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review will summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed.
- ii. That the formal one-year post-implementation review for North Berwick must be received and considered by Council before final implementation decisions are taken in other towns, while allowing preparatory work (including TRO advertisement, design refinement, engagement and technical modelling) to proceed.
- iii. That the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy.
- iv. That officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design.
- v. That officers ensure parking management proposals in Dunbar clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families.
- vi. That officers articulate how existing seasonal enforcement flexibilities will be used to respond to Dunbar's distinct peak-season pressures, particularly in coastal and harbourside areas.
- vii. That set out clearly, within the TRO documentation, how the existing consideration of access for harbour users, water users, coastal businesses and tourism operators has been reflected in the proposals for Dunbar.

Councillor Jardine presented the amendment, indicating that it (and also those proposed for the Haddington, Musselburgh and Tranent) provided transparency, consistency and clarity,

and was focused on process. She made reference to issues particular to Dunbar, mainly around the coastal and harbour areas, and suggested that some flexibility may be required during peak periods and that the proposals should take account of access requirements for users of these areas.

Councillor Gilbert seconded the amendment.

There followed a debate, with Members acknowledging that communities wanted greater enforcement to prevent indiscriminate parking. It was pointed out that the required level of enforcement could only be provided through the introduction of parking charges, and that the proposals would also result in a greater turnover of parking spaces, thereby increasing footfall in the town centre. Safety issues due to increased traffic and inappropriate parking around schools was also raised as an issue. However, other Members spoke out against the introduction of charges, with concerns being raised about the affordability of charges and lack of public transport between Dunbar and rural areas. The ongoing impacts of COVID-19 and the cost-of-living crisis on town centre businesses were highlighted, as was the impact of free parking at out-of-town retail parks. The experiences of towns in other areas where parking charges had been introduced was also referenced.

Councillor McIntosh, concerned that supporting Councillor Jardine's amendment in its entirety may result in a lengthy delay in the process, proposed a further amendment, namely, to support Councillor Jardine's amendment but with the deletion of the second point. This was seconded by Councillor Hampshire.

The Provost then moved to the roll call vote on the recommendations versus amendment 1 (as proposed by Councillor Jardine) and amendment 2 (as proposed by Councillor McIntosh):

In favour of recommendations (1): Councillor McLeod
In favour of amendment 1 (3): Councillors Gilbert, Jardine, Trotter
In favour of amendment 2 (11): Councillors Akhtar, Bennett, Dugdale, Forrest, Hampshire, McFarlane, McGinn, McIntosh, McMillan, Ritchie, Yorkston
Against (4): Councillors Bruce, Collins, Findlay, McGuire
Abstentions (0)

Amendment 2 was therefore carried.

Decision

The Council agreed:

- i. to note the extensive consultation exercise carried out between 11 March and 9 June 2025, the level of community engagement, the welcome receipt of varied and detailed responses to the survey questionnaire, and the explanation as to how these have influenced the proposals for Dunbar;
- ii. to approve the proposals shown in Appendix B to the report and summarised in paragraphs 3.76 and 3.77 of the report, noting the amendments made to improve the scheme and mitigate public concerns raised through the consultation and engagement exercise;
- iii. to note the completion of the consultation stage of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulation 1999 (as amended), and that the intent to make the Order, will allow opportunity for the public to raise further representations and objections to the proposals as amended, following which a report will be brought back to Council;

- iv. that any implemented parking management scheme in East Lothian would be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review would summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed
- v. that the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy;
- vi. that officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design;
- vii. that officers ensure parking management proposals in Dunbar clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families;
- viii. that officers articulate how existing seasonal enforcement flexibilities will be used to respond to Dunbar's distinct peak-season pressures, particularly in coastal and harbourside areas; and
- ix. that officers set out clearly, within the TRO documentation, how the existing consideration of access for harbour users, water users, coastal businesses and tourism operators has been reflected in the proposals for Dunbar.

4b. PARKING MANAGEMENT PROPOSALS – HADDINGTON

A report was submitted by the Depute Chief Executive – Resources and Economy advising Council of the outcome of the public consultation on the parking interventions proposed in Haddington; presenting the resultant amendment made to improve the scheme and to mitigate public concerns raised; and recommending that the Council progresses to the next stage of the Traffic Regulation Order process, the intent to make the Order.

Mr Forsyth responded to questions from Members regarding: financial assumptions and the potential for costs to increase should the proposals be delayed; the proposed future use of the car park at John Muir House; the evaluation of the impact of parking management on town centre businesses; improved parking enforcement; the provision of permits for care workers; the potential impact of parking at the Aubigny Centre on users of that facility; and the divergence between the outcome of the public engagement survey and the data provided in the appendices to the report.

An amendment was submitted by Councillors Trotter and Gilbert:

- i. That any implemented parking management scheme in East Lothian be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:

- This review will summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed.
- ii. That the formal one-year post-implementation review for North Berwick must be received and considered by Council before final implementation decisions are taken in other towns, while allowing preparatory work (including TRO advertisement, design refinement, engagement and technical modelling) to proceed.
 - iii. That the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy.
 - iv. That officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design.
 - v. That officers ensure parking management proposals in Haddington clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families.
 - vi. That officers bring forward, ahead of implementation decisions, a transparent set of options for John Muir House parking that:
 - recognises operational and statutory requirements for mobile/frontline staff,
 - ensures fairness and consistency with public long-stay provision
 - sets out criteria for determining staff vs. public space allocation, and
 - integrates the final approach into the Parking Management Principles Framework
 - vii. That officers prepare a clear plan for safeguarding access to public-facing Council services at and around John Muir House as part of the TRO process.

Councillor Trotter presented the amendment, highlighting points (vi) and (vii) in particular. He acknowledged the concerns raised by the public in relation to the proposals. He urged Members to be open-minded when considering this matter and he welcomed the further opportunity for consultation.

Councillor Gilbert seconded the amendment.

Councillor McIntosh, seconded by Councillor Hampshire, proposed a further amendment to Councillor Trotters' amendment, which confirmed support for that amendment but with the deletion of the second point. The same amendment would also apply to Items 4c and 4d.

A debate on the proposals for Haddington then took place. It was recognised that this was an emotive subject within the community, with many objections being submitted by both the business community and residents. Concerns were raised that the introduction of parking charges would have a detrimental impact on the town centre, as well as commuters incurring additional costs to drive to work. However, other Members took the view that with a growing population and the resultant increase in traffic, action had to be taken, and without the income

from charges additional enforcement could not be provided. It was commented that there was no evidence to suggest that parking charges would deter people from coming to Haddington.

The Provost then moved to the roll call vote on the recommendations versus amendment 1 (as proposed by Councillor Trotter) and amendment 2 (as proposed by Councillor McIntosh):

In favour of recommendations (1):	Councillor McLeod
In favour of amendment 1 (3):	Councillors Gilbert, Jardine, Trotter
In favour of amendment 2 (11):	Councillors Akhtar, Bennett, Dugdale, Forrest, Hampshire, McFarlane, McGinn, McIntosh, McMillan, Ritchie, Yorkston
Against (4):	Councillors Bruce, Collins, Findlay, McGuire
Abstentions (0)	

Amendment 2 was therefore carried.

Decision

The Council agreed:

- i. to note the extensive consultation exercise carried out between 3 March and 30 June 2025, the level of community engagement, the welcome receipt of varied and detailed responses to the survey questionnaire, and the explanation as to how these have influenced the proposals for Haddington;
- ii. to approve the proposals shown in Appendix B to the report and summarised in paragraphs 3.74 and 3.75 of the report, noting the amendments made to improve the scheme and mitigate public concerns raised through the consultation and engagement exercise;
- iii. to note the completion of the consultation stage of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulation 1999 (as amended), and that the intent to make the Order, will allow opportunity for the public to raise further representations and objections to the proposals as amended, following which a report will be brought back to Council;
- iv. that any implemented parking management scheme in East Lothian would be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review would summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed
- v. that the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy;
- vi. that officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design;

- vii. that officers ensure parking management proposals in Haddington clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families;
- viii. that officers bring forward, ahead of implementation decisions, a transparent set of option for John Muir House parking that:
 - recognises operational and statutory requirements of mobile/frontline staff
 - ensures fairness and consistency with public long-stay provision
 - sets out criteria for determining staff vs public space allocation
 - integrates the final approach into the Parking Management Principles Framework; and
- ix. that officers set prepare a clear plan for safeguarding access to public-facing Council services at and around John Muir House as part of the TRO process.

Sederunt: Councillor Menzies joined the meeting during the debate on Item 4b. It was noted by the Provost that with Item 4 (including 4a-4d) being of a quasi-judicial nature, Councillor Menzies would not be able to take part in the remainder of the item due to her not being present in its entirety.

4c. PARKING MANAGEMENT PROPOSALS – MUSSELBURGH

A report was submitted by the Depute Chief Executive – Resources and Economy advising Council of the outcome of the public consultation on the parking interventions proposed in Musselburgh; presenting the resultant amendment made to improve the scheme and to mitigate public concerns raised; and recommending that the Council progresses to the next stage of the Traffic Regulation Order process, the intent to make the Order.

In response to a question on the provision of additional disabled parking bays, Mr Forsyth advised that increased provision could be considered, noting that Blue Badge holders could also park on double and single yellow lines (subject to conditions). On the reinvestment of funds raised through parking charges, this would be considered at a later stage in the process.

An amendment was submitted by Councillors Menzies [to be presented and moved by Councillor Jardine] and Gilbert:

- i. That any implemented parking management scheme in East Lothian be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review will summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed.
- ii. That the formal one-year post-implementation review for North Berwick must be received and considered by Council before final implementation decisions are taken in other towns, while allowing preparatory work (including TRO advertisement, design refinement, engagement and technical modelling) to proceed.

- iii. That the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy.
- iv. That officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design.
- v. That officers ensure parking management proposals in Musselburgh clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families.
- vi. That officers articulate how current seasonal enforcement flexibilities will be used in Musselburgh to manage peak-season coastal pressures, including those linked to known anti-social behaviour patterns.
- vii. That officers clearly set out, as part of the TRO process, the engagement undertaken with residents in existing permit zones and how this has informed the proposals for Musselburgh.
- viii. That officers clearly set out, within the Musselburgh TRO documentation, how the parking management proposals complement and support the town's ongoing active travel improvements, including along the High Street and river corridor.
- ix. That nothing in this amendment prevents officers progressing at pace with Musselburgh's proposals, recognising strong local interest in moving forward promptly, provided statutory processes remain open-minded and compliant.

Presenting the amendment, Councillor Jardine drew attention to parking pressures around Queen Margaret University, which had had an impact on other areas of Musselburgh. She suggested that measures implemented in particular places would need to be considered in the context of the wider area.

Councillor Gilbert seconded the amendment.

Councillor McIntosh and Councillor Hampshire had indicated at Item 4b that they were proposing a further amendment to Councillor Jardine's amendment for 4c, which confirmed support for that amendment but with the deletion of the second point.

During the debate, Members highlighted the impact of the lack of parking management on Musselburgh town centre businesses, and commented that with better management footfall would improve and the town centre would be more vibrant. It was noted that there was currently insufficient parking provision for disabled people; further consideration of this issue was welcomed.

The Provost then moved to the roll call vote on the recommendations versus amendment 1 (as proposed by Councillor Jardine) and amendment 2 (as proposed by Councillor McIntosh):

In favour of recommendations (1): Councillor McLeod
 In favour of amendment 1 (3): Councillors Gilbert, Jardine, Trotter

In favour of amendment 2 (11): Councillors Akhtar, Bennett, Dugdale, Forrest, Hampshire, McFarlane, McGinn, McIntosh, McMillan, Ritchie, Yorkston
Against (4): Councillors Bruce, Collins, Findlay, McGuire
Abstentions (0)

Amendment 2 was therefore carried.

Decision

The Council agreed:

- i. to note the extensive consultation exercise carried out between 13 March and 28 July 2025, the level of community engagement, the welcome receipt of varied and detailed responses to the survey questionnaire, and the explanation as to how these have influenced the proposals for Musselburgh;
- ii. to approve the proposals shown in Appendix B of the report and summarised in paragraphs 3.68 and 3.69 of the report, noting the amendments made to improve the scheme and mitigate public concerns raised through the consultation and engagement exercise;
- iii. to note the completion of the consultation stage of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulation 1999 (as amended), and that the intent to make the Order, will allow opportunity for the public to raise further representations and objections to the proposals as amended, following which a report will be brought back to Council;
- iv. that any implemented parking management scheme in East Lothian would be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review would summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed
- v. that the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy;
- vi. that officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design;
- vii. that officers ensure parking management proposals in Musselburgh clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families;
- viii. that officers articulate how existing seasonal enforcement flexibilities will be used in Musselburgh to manage peak-season coastal pressures, including those linked to known anti-social behaviour patterns;

- ix. that officers clearly set out, as part of the TRO process, the engagement undertaken with residents in existing permit zones and how this has informed the proposals for Musselburgh;
- x. that officers set out clearly, within the Musselburgh TRO documentation, how the parking management proposals complement and support the town's ongoing active travel improvements, including along the High Street and river corridor; and
- xi. that nothing in this amendment prevents officers progressing at pace with Musselburgh's proposals, recognising strong local interest in moving forward promptly, provided statutory processes remain open-minded and compliant.

4d. PARKING MANAGEMENT PROPOSALS – TRANENT

A report was submitted by the Depute Chief Executive – Resources and Economy advising Council of the outcome of the public consultation on the parking interventions proposed in Tranent; presenting the resultant amendment made to improve the scheme and to mitigate public concerns raised; and recommending that the Council progresses to the next stage of the Traffic Regulation Order process, the intent to make the Order.

In response to a question about the affordability of resident parking permits, Mr Forsyth confirmed that this had been covered in the Integrated Impact Assessment.

An amendment was submitted by Councillors Menzies [to be presented and moved by Councillor Jardine] and Gilbert:

- i. That any implemented parking management scheme in East Lothian be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review will summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed.
- ii. That the formal one-year post-implementation review for North Berwick must be received and considered by Council before final implementation decisions are taken in other towns, while allowing preparatory work (including TRO advertisement, design refinement, engagement and technical modelling) to proceed.
- iii. That the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy.
- iv. That officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design.
- v. That officers ensure parking management proposals in Tranent clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families.

- vi. That officers provide detailed mapping and signage proposals to safeguard access to the Loch Centre and GP practices, ensuring these remain easily accessible during any changes.
- vii. That officers set out clearly, as part of the Tranent TRO process, how monitoring of streets previously considered for potential permit schemes has informed the proposals and how any displacement issues will be kept under review.
- viii. That officers review the position on Sunday charging in light of feedback from community groups and churches.
- ix. That officers may proceed at pace with development of Tranent's TRO proposals, reflecting strong community interest in progressing promptly, while maintaining open-minded statutory decision-making when TROs return for determination.

Councillor Jardine presented the amendment, highlighting the parking pressures in Tranent, particular as regards people parking in the centre of the town and commuting to Edinburgh by bus.

Councillor Gilbert seconded the amendment.

Councillor McIntosh and Councillor Hampshire had indicated at Item 4b that they were proposing a further amendment to Councillor Jardine's amendment for 4d, which confirmed support for that amendment but with the deletion of the second point.

There followed a debate, with Members commenting on the increased traffic levels and indiscriminate parking in Tranent town centre in recent years. There were concerns raised about the introduction of parking permits outwith the High Street area. Some Members were of the view that the proposed parking management arrangements would create safer streets, reduce instances of poor parking, provide easier access to buses for those with mobility issues, and ensure that the town centre remains vibrant. There was an alternative view put forward, namely that there was enough business for parking attendants to be funded through existing enforcement measures without having to apply parking charges. This view was disputed on the grounds that there was insufficient budget to employ the additional parking attendants required to carry out enforcement.

The Provost then moved to the roll call vote on the recommendations versus amendment 1 (as proposed by Councillor Jardine) and amendment 2 (as proposed by Councillor McIntosh):

In favour of recommendations (1):	Councillor McLeod
In favour of amendment 1 (3):	Councillors Gilbert, Jardine, Trotter
In favour of amendment 2 (11):	Councillors Akhtar, Bennett, Dugdale, Forrest, Hampshire, McFarlane, McGinn, McIntosh, McMillan, Ritchie, Yorkston
Against (4):	Councillors Bruce, Collins, Findlay, McGuire
Abstentions (0)	

Amendment 2 was therefore carried.

Decision

The Council agreed:

- i. to note the extensive consultation exercise carried out between 12 March and 3 June 2025, the level of community engagement, the welcome receipt of varied and detailed responses to the survey questionnaire, and the explanation as to how these have influenced the proposals for Tranent;
- ii. to approve the proposals shown in Appendix B of the report and summarised in paragraphs 3.62 and 3.63 of the report, noting the amendments made to improve the scheme and mitigate public concerns raised through the consultation and engagement exercise;
- iii. to note the completion of the consultation stage of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulation 1999 (as amended), and that the intent to make the Order, will allow opportunity for the public to raise further representations and objections to the proposals as amended, following which a report will be brought back to Council;
- iv. that any implemented parking management scheme in East Lothian would be subject to a formal one-year post-implementation review reported to Council, consistent with the Council decision of 10 December 2024 for the North Berwick TROs:
 - This review would summarise what worked well, what did not, and recommend necessary adjustments
 - That officers review income and enforcement against seasonal variance
 - That the parking management programme be aligned with relevant Council strategies as they are next refreshed
- v. that the principles relating to traffic logic, exemptions, Blue Badge and accessibility provision, enforcement expectations, and monitoring and reinvestment arrangements be clearly set out alongside the TRO proposals and incorporated into the next scheduled update of the Local Parking Strategy;
- vi. that officers strengthen plain-English communication and engagement during the TRO stage, appreciating that the formal TRO notice is a prescribed legal document, by providing clear explanatory materials that set out what is being proposed, what is not, and how public feedback will influence the final design;
- vii. that officers ensure parking management proposals in Tranent clearly demonstrate how they support or enhance Safer Routes to School, including through the work of the Road Safety Working Group, to improve safer walking, wheeling and cycling for children and families;
- viii. that officers provide detailed mapping and signage proposals to safeguard access to the Loch Centre and GP practices, ensuring these remain easily accessible during any changes;
- ix. that officers set out clearly, as part of the Tranent TRO process, how monitoring of streets previously considered for potential permit schemes has informed the proposals and how any displacement issues will be kept under review;
- x. that officers review the position on Sunday charging in light of feedback from community groups and churches; and
- xi. that officers may proceed at pace with development of Tranent's TRO proposals, reflecting strong community interest in progressing promptly, while maintaining open-minded statutory decision-making when TROs return for determination.

5. DELIVERY OF EARLY LEARNING AND CHILDCARE

A report was submitted by the Depute Chief Executive – Children and Communities updating the Council on changes to the delivery of Early Learning and Childcare from August 2025.

The Head of Education, Nicola McDowell, presented the report, supported by Alison Cameron, Service Manager for Early Years and Childcare. She confirmed that the Council would continue to meet its statutory duties with the proposed changes, with 48-hour week provision being available in each locality. She confirmed that there were no budget savings or redundancies planned as a result of the changes, adding that interim childcare proposals would be confirmed by the end of January. A further report on this matter would be presented to the Education and Children's Services Committee in March 2026.

In response to questions from Members, Ms McDowell and Ms Cameron provided information on the consultation with stakeholders during December, the mix of nursery provision between Council facilities and private partners, the arrangements for providing care for eligible two-year-olds, the budget situation for early years' services, the update to the Integrated Impact Assessment, the reasons for making changes in certain locations, the introduction of peripatetic early years' cover to provide a reliable service, and the impact of Local Development Plan 2 on future early years' provision.

An amendment (amendment 1) was submitted by Councillors Findlay and McGuire:

The amendment seeks to delete all Recommendations and replace with the following:

[Members are recommended:]

- i. To note the complaints that have been made by parents, the lack of proper consultation by ELC and the impact that the policy outlined in this paper will have on working families;
- ii. To pause the implementation of this policy until the academic year 2026/27;
- iii. To implement further consultation with current parents who are due to use Council-owned nursery facilities in the academic year 2026/27 and those parents who have already indicated that they are likely to use Council-owned nursery facilities in the academic year 2027/28; and
- iv. To come back to Council before the end of this academic year with a report outlining the result of those consultations and the measures put in place to ensure that the delivery of the Early Learning and Childcare Policy in 2027/28 fulfils the needs of parents and children as required by Scottish Government Policy.

Councillor Findlay presented the amendment. He indicated that he understood the need for the changes, but was critical of the consultation process and the timing of the changes. He was concerned about the impact of the changes on working parents, noting that some may have to give up their jobs or reduce their working hours, and he was of the view that the changes would contravene the 1140 hours policy. Councillor Findlay was particularly concerned about the situation in North Berwick, advising that he had received complaints by a number of parents and that there was a petition against the changes circulating. He added that reducing the hours in North Berwick would have a knock-on effect on demand for early years' places at Gullane Primary School.

The amendment was seconded by Councillor McGuire.

A further amendment (amendment 2) was submitted by Councillors Jardine and Menzies:

Delete the recommendations and replace with:

Members are recommended to:

- i. Note the report and the pressures facing early learning and childcare, and agree the following to strengthen transparency, equity and scrutiny of implementation:
 - a. Request that the updated Integrated Impact Assessment (IIA), together with proposed mitigation measures, is published on the Council's website following completion of the January engagement exercise.
 - b. Request that a draft Early Learning and Childcare Sufficiency Statement for 2024–2030 is prepared, setting out the balance of 38- and 48-week provision by locality, projected demand, and any identified risks to equitable access
 - c. Ask officers to review their criteria for admissions, taking into consideration feedback from families across the 7 affected settings.
 - d. Request that officers identify and report options to mitigate disproportionate impacts on low-income households, single-parent families, and those without local support networks — including any transport or time-poverty impacts arising from changes to local provision.
 - e. Call for strengthened engagement with affected families and providers, with a public “What We Heard / What We’re Doing” summary published before the committee cycle in March 2026.
 - f. Request that progress on all of the above is reported for scrutiny to the Education & Children’s Services Committee in March 2026.
- ii. Council further requests assurance that the implementation of these changes maintains clear line of sight to the core purposes of the national 1140 hours policy, within allocated resources — including flexibility, accessibility, equity of access, and support for parental employment.

Councillor Jardine presented the amendment. She recognised that demand for childcare was increasing alongside staffing challenges. She remarked that the Administration should have foreseen this issue arising, and was critical of the lack of a sufficiency assessment and up-to-date impact assessment.

The amendment was seconded by Councillor Menzies.

There followed a debate, with Members commenting on the need for adequate funding to deliver services and the need to make best use of existing funding. The potential impact of the changes on working parents was acknowledged, as was the commitment to engage with those affected in order to find solutions.

The Provost then moved to the roll call vote on the recommendations versus amendment 1 (as proposed by Councillor Findlay) and amendment 2 (as proposed by Councillor Jardine):

In favour of recommendations (1): Councillor McLeod
In favour of amendment 1 (4): Councillors Bruce, Collins, Findlay, McGuire
In favour of amendment 2 (15): Councillors Akhtar, Bennett, Dugdale, Forrest, Gilbert, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McMillan, Menzies, Ritchie, Trotter, Yorkston

Against (0)
Abstentions (0)

Amendment 2 was therefore carried.

Decision

The Council agreed:

- i. to note the report and the pressures facing early learning and childcare, and agree the following to strengthen transparency, equity and scrutiny of implementation:
 - a. Request that the updated Integrated Impact Assessment (IIA), together with proposed mitigation measures, is published on the Council's website following completion of the January engagement exercise.
 - b. Request that a draft Early Learning and Childcare Sufficiency Statement for 2024–2030 is prepared, setting out the balance of 38- and 48-week provision by locality, projected demand, and any identified risks to equitable access
 - c. Ask officers to review their criteria for admissions, taking into consideration feedback from families across the 7 affected settings.
 - d. Request that officers identify and report options to mitigate disproportionate impacts on low-income households, single-parent families, and those without local support networks — including any transport or time-poverty impacts arising from changes to local provision.
 - e. Call for strengthened engagement with affected families and providers, with a public “What We Heard / What We’re Doing” summary published before the committee cycle in March 2026.
 - f. Request that progress on all of the above is reported for scrutiny to the Education & Children’s Services Committee in March 2026; and
- ii. to further request assurance that the implementation of these changes maintains clear line of sight to the core purposes of the national 1140 hours policy, within allocated resources — including flexibility, accessibility, equity of access, and support for parental employment.

Sederunt: Councillor Bruce left the meeting.

6. CONSULTATION RESPONSE: FUTURE OF COUNCIL TAX IN SCOTLAND

A report was submitted by the Depute Chief Executive – Resources and Economy advising of the proposed response to the Scottish Government consultation on the future of council tax in Scotland.

The Head of Finance, Ellie Dunnet, presented the report, noting that the draft response to the consultation had been shared with the cross-party budget working group. She pointed out that, in addition to the consultation response, a letter would be issued to the Cabinet Secretary for Finance and Local Government setting out the Council's concerns as regards potential funding allocations.

Ms Dunnet responded to questions from Members in relation to the potential financial impact of the changes on East Lothian and the risk to future service provision, as well as the process for revaluing properties.

An amendment was submitted by Councillors Jardine and Menzies:

Replace Recommendation 2.2 with the following:

Agree that, alongside this response, a letter will be sent to the Cabinet Secretary for Finance and Local Government from the Council Leader in consultation with political group leaders, setting out some of the Council's broader concerns regarding the allocation of funding to local authorities as set out in para. 3.4 [of the report]

Add a further recommendation:

Council requests that officers bring forward high-level financial scenario analysis once the Scottish Government publishes detailed proposals, so Members can understand the implications before any final policy position is taken.

Councillor Jardine presented the amendment, noting that cross-party agreement on the letter to the Cabinet Secretary would strengthen the Council's voice on this issue. She also believed it was necessary for the Council to take decisions based on evidence rather than assumptions, hence the proposed further recommendation.

Councillor Menzies seconded the amendment.

The consultation process was welcomed by Members. However, it was stressed that council tax should be used to provide local services and should not be redistributed to other areas.

The Provost then moved to the roll call vote on the recommendations versus the amendment:

In favour of recommendations (1): Councillor McLeod
In favour of the amendment (18): Councillors Akhtar, Bennett, Collins, Dugdale, Findlay, Forrest, Gilbert, Hampshire, Jardine, McFarlane, McGinn, McGuire, McIntosh, McMillan, Menzies, Ritchie, Trotter Yorkston

Against (0)

Abstentions (0)

The amendment was therefore carried.

Decision

The Council agreed:

- i. to approve the proposed consultation response set out within Appendix 1 to the report, to be submitted by 30 January 2025;
- ii. that, alongside this response, a letter would be sent to the Cabinet Secretary for Finance and Local Government from the Council Leader in consultation with political group leaders, setting out some of the Council's broader concerns regarding the allocation of funding to local authorities as set out in para. 3.4 of the report; and
- iii. to request that officers bring forward high-level financial scenario analysis once the Scottish Government publishes detailed proposals, so Members can understand the implications before any final policy position is taken.

7. FINANCIAL AND CAPITAL STRATEGIES 2026-31

A report was submitted by the Depute Chief Executive – Resources and Economy providing an update on the financial outlook facing the Council; providing an update on the budget development process, which would inform the setting of budgets for 2026/27 onwards; and seeking approval of the 2026/27 to 2030/31 Financial and Capital Strategies, attached as Appendices 1 and 2 of the report.

In response to questions from Members, Ellie Dunnet, Head of Finance, provided the rationale for rescheduling the budget-setting meeting to 24 February 2026. She advised that the Strategies and resources were aligned to Council Plan objectives and statutory services. For any budget proposals requiring an Integrated Impact Assessment this would be done in advance of the budget-setting meeting. As regards the budget consultation, the results would be shared with the cross-party budget working group before submission to the Members' Library later in December.

Members expressed concern at the challenging financial outlook for the Council, noting that there would be difficult decisions to be made going forward.

The Provost then moved to the roll call vote on the recommendations, which were approved unanimously.

Decision

The Council agreed:

- i. to note the financial outlook, budget projections and key assumptions for financial planning 2026/27 onwards set out within the Financial Strategy in Appendix 1 to the report and summarised in the report;
- ii. to note the changes to the current approved strategy and approve the updated Financial Strategy for 2026/27 to 2030/31 set out in Appendix 1 to the report;
- iii. to note the changes to the current approved strategy and approve the updated Capital Strategy for 2026/27 to 2030/31 set out in Appendix 2 to the report;
- iv. that the Council budget meeting for the 2026/27 budget would take place at the scheduled Council Meeting on 24 February 2026, and that other Council business would be considered at the meeting previously scheduled for the budget on 17 February 2026;

- v. to approve the budget development process set out in paragraph 3.15 of the report, which would inform the development of 2026/27 and future years budget proposals.
- vi. to note that agreeing the process set out in paragraph 3.15 of the report would mean that there will be no option for Elected Members to submit formal amendments to the budget papers for debate at the Council meeting after noon on 6 February, other than for the correction of errors.
- vii. to delegate authority to the Chief Financial Officer and Monitoring Officer, in discussion with Political Group Leaders to make any necessary changes to the timelines set out in paragraph 3.15 of the report.
- viii. to note the indicative timetable for the parliamentary process for Scottish Government's 2026/27 budget, set out paragraph 3.22 of the report; and
- ix. that any funding announced after 17 February 2026 would be held as contingency to offset budget risks and future year pressures in the first instance, with any subsequent decision to commit this funding being considered at a future Council meeting.

8. QUARTER 2 FINANCIAL REVIEW 2025/26

A report was submitted by the Depute Chief Executive – Resources and Economy providing an update on the in-year financial position at the end of September 2025.

Ellie Dunnet, Head of Finance, responded to questions from Members on debt charges, borrowing terms, teacher funding and class contact time, and the IJB funding position.

During the debate, concerns were raised regarding the overspend within social care services; however, it was recognised that this was largely due to demand. The improved financial position for other services was welcomed, as was the progress made on reducing the housing voids backlog.

The Provost then moved to the roll call vote on the recommendations, which were approved unanimously.

Decision

The Council agreed:

- i. to note the outcome of the Quarter 2 financial performance against approved budgets including progress toward delivering agreed budget efficiencies;
- ii. to note the risks and other factors that may impact that position by year-end and the range of ongoing intervention measures approved by Council;
- iii. to note the additional Scottish Government funding received since Council approved the budget in February 2025;
- iv. to note the update on the Integrated Joint Board position (IJB);
- v. to note the changes to the accounting arrangements within Roads Services;
- vi. to approve the changes in services delegated to the IJB;
- vii. to note the key performance information for Council Tax Collection, Rent Collection and Scottish Welfare Fund spending;

- viii. to note the revised General Services Capital budget and forecast spend and the update on Prudential and Treasury Indicators; and
- ix. to note the HRA Revenue and Capital Spend forecast.

9. ANNUAL AUDIT REPORT AND ANNUAL AUDIT REPORT FOR THE DR BRUCE FUND 2024/25

The Council's Annual Audit Report and the Annual Audit Report for the Dr Bruce Fund for 2024/25 were submitted by Audit Scotland.

Given the volume of business on the agenda, and that both reports had been considered by the Audit & Governance Committee in November 2025, with the agreement of John Boyd of Audit Scotland and Sarah Fortune, the Council's Chief Financial Officer, the Provost proposed that both reports be withdrawn from the Council agenda and instead be submitted to the Members' Library. Members signalled their agreement to this course of action, on the basis that the Council had now discharged its duties as regards the 2024/25 audit process.

Decision

The Council agreed that the Annual Audit Report for 2024/25 and the Annual Audit Report for the Dr Bruce Fund for 2024/25 should be submitted to the Members' Library.

10. CORPORATE GOVERNANCE FRAMEWORK

A report was submitted by the Depute Chief Executive – Resources and Economy presenting the East Lothian Council Local Code of Corporate Governance and confirming the approach to the development of the Annual Governance Statement for 2025/26.

The Head of Corporate Support presented the report, advising of the new requirement for local authorities to adopt their own Local Code of Corporate Governance. She advised that the proposed Code, which would support the development of the Annual Governance Statement, had been considered at the recent Audit and Governance Committee meeting, where it was recommended for approval by Council.

The Code was welcomed by Members.

Decision

The Council agreed:

- i. to approve the East Lothian Council Local Code of Corporate Governance; and
- ii. to note the approach to the 2025/26 annual assurance process and the development of the Annual Governance Statement.

11. APPOINTMENT OF A RELIGIOUS REPRESENTATIVE TO THE EDUCATION AND CHILDREN'S SERVICES COMMITTEE

A report was submitted by the Depute Chief Executive – Resources and Economy seeking approval of the appointment of a religious representative to the Education and Children's Services Committee.

The appointment of Reverend Mills to the Committee was welcomed by Members.

The Provost then moved to the roll call vote on the recommendation, which was approved unanimously.

Decision

The Council agreed to approve the appointment of Reverend Keith Mills of the Baptist Church of Dunbar as a religious representative on the Education and Children’s Services Committee.

DRAFT

Signed

Provost John McMillan
Convener of the Council

The webcast for this meeting will be available at the link below for five years from the date of the meeting: https://eastlothian.public-i.tv/core/portal/webcast_interactive/1026873

East Lothian Council
Action Record, February – December 2025

2

Action Ref.	Meeting Date	Item Number and Title	Action(s) Agreed	Action Owner(s)	Target Completion Date	Actual Completion Date	Comments/Responses/ Additional Information
25/19	28 10 25	05 Energy Report and LHEES Delivery Plan Update	Amended report recommendation: v. to bring the MoU to the December 2025 meeting of the Council for a report and decision	Head of Development	December 2025	17 02 26	Report on Council agenda of 17 02 26 Recommended for closure
25/20	28 10 25	05 Energy Report and LHEES Delivery Plan Update	Amended report recommendation: v. to ask officers to write to SGN Ltd to confirm that the Council in principle supports the Caledonia H2 project, while recognising that this project seeks to connect industrial sites and therefore is entirely separate from the issue of heat in buildings and the Council's obligations under the Local Heat and Energy Efficiency Strategy	Head of Development		05 01 26	Letter issued to SGN on 05 01 26 (and shared with Group Leaders) Recommended for closure
25/21	28 10 25	05 Energy Report and LHEES Delivery Plan Update	Additional question: To provide all Members with information on requirement for developers to ensure	Head of Development		05 12 26	Response issued to Members on 05 12 25 Recommended for closure

Action Ref.	Meeting Date	Item Number and Title	Action(s) Agreed	Action Owner(s)	Target Completion Date	Actual Completion Date	Comments/Responses/ Additional Information
			decarbonisation of new homes				
25/23	28 10 25	09 Strengthening Planning Enforcement Powers	<p>Amended motion:</p> <ul style="list-style-type: none"> i. to instruct the Chief Planning Officer to bring forward within three months an options paper setting out: <ul style="list-style-type: none"> a. how existing enforcement powers are currently deployed b. opportunities to make fuller and timelier use of Stop and Temporary Stop Notices and Fixed Penalty Notices c. indicative timelines from complaint to action d. any resource implications for consideration through the budget process 	Head of Development	February 2026	17 02 26	Report on Council agenda of 17 02 26 Recommended for closure
25/24	28 10 25	09 Strengthening Planning Enforcement Powers	<p>Motion:</p> <ul style="list-style-type: none"> iii. to instruct officers to review East Lothian Council's current approach to planning enforcement, 	Head of Development	February 2026	17 02 26	Report on Council agenda of 17 02 26 Recommended for closure

Action Ref.	Meeting Date	Item Number and Title	Action(s) Agreed	Action Owner(s)	Target Completion Date	Actual Completion Date	Comments/Responses/ Additional Information
			including resources, response times, and communication with residents, and report back to Council with recommendations				
25/25	28 10 25	09 Strengthening Planning Enforcement Powers	Motion: iv. to request that the Council's Planning Enforcement Charter be reviewed and actively promoted to ensure residents understand how to report potential breaches and what actions the Council can take	Head of Development	February 2026	17 02 26	Report on Council agenda of 17 02 26 Recommended for closure
25/27	09 12 25	04b Parking Management Proposals - Haddington	Additional question: To advise all Members if free car parking for Council officers at John Muir House would be considered as a benefit in kind, and if this would have tax implications	Depute Chief Executive – Resources and Economy		27 01 26	HMRC rules provide a clear exemption for workplace parking. This applies when: <ul style="list-style-type: none"> • The parking is at or near the employee's workplace • The employer provides it directly or indirectly (including paying or reimbursing a commercial/public car park)

Action Ref.	Meeting Date	Item Number and Title	Action(s) Agreed	Action Owner(s)	Target Completion Date	Actual Completion Date	Comments/Responses/ Additional Information
							<ul style="list-style-type: none"> The space is used by the employee, even if they do not pay whilst the public does <p>This exemption applies regardless of whether the public pays for parking — what matters is the location and the fact the employer is providing it.</p> <p>Recommended for closure</p>

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Resources and Economy
REPORT TITLE:	Submissions to the Members’ Library Service, 22 November 2025 – 30 January 2026
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To note the reports submitted to the Members’ Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note the reports submitted to the Members’ Library Service between 22 November 2025 and 30 January 2026, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members’ Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or
 - (b) background papers linked to specific committee reports.
- 3.2 All public reports submitted to the Members’ Library are available on the Council website.

4 POLICY IMPLICATIONS

4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: None

5.2 Human Resources: None

5.3 Other (e.g. Legal/IT): None

5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 – Bulletin of business submitted to the Members' Library, 22 November 2025 to 30 January 2026

8 BACKGROUND PAPERS

- 8.1 East Lothian Council Standing Orders: Standing Order 3.4

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Lel Gillingwater
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Tel/Email	lgillingwater@eastlothian.gov.uk / 01620 827292
Date	2 February 2026

Head of Service Approval

Name	Hayley Barnett
Designation	Head of Corporate Support
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	2 February 2026

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
22 NOVEMBER 2025 – 30 JANUARY 2026**

Reference	Originator	Document Title	Access
119/25	Head of Development	Confirmation: Tree Preservation Order – Land in Innerwick	Public
120/25	Head of Infrastructure	Assignment of Ground Lease, Belhaven Bay Holiday Park	Private
121/25	Depute Chief Exec – Resources & Economy	Creation of a Social Care SVQ & Training Facilitator	Private
122/25	Head of Infrastructure	Parking Management Proposals for Dunbar – Appendices C–H to Council Report of 9 December 2025	Public
123/25	Head of Infrastructure	Parking Management Proposals for Haddington – Appendices C–H to Council Report of 9 December 2025	Public
124/25	Head of Infrastructure	Parking Management Proposals for Musselburgh – Appendices C–H to Council Report of 9 December 2025	Public
125/25	Head of Infrastructure	Parking Management Proposals for Tranent – Appendices C–H to Council Report of 9 December 2025	Public
126/25	Head of Infrastructure	Building Warrants Issued Under Delegated Powers – November 2025	Public
127/25	Head of Corporate Support	Changes to Establishment – November 2025	Private
128/25	Head of Corporate Support	Quarterly Customer Feedback Reporting	Public
129/25	Head of Infrastructure	Sale of Land – Macmerry	Private
130/25	Head of Infrastructure	CEC Transport ALEO Reform	Private
131/25	Head of Corporate Support	Service Manager – Strategy, Policy, and Performance	Private
132/25	Depute Chief Executive – Resources and Economy	Local Government Pay Awards & Chief Executive Pay Review	Private
133/25	Depute Chief Executive – Resources and Economy	East Lothian Council 2024/25 Annual Audit Report and Annual Audit Report for the Dr Bruce Fund	Public
134/25	Head of Infrastructure	Sale of Land and Grant of Associated Servitudes of Access & Cables, Dunbar	Private
135/25	Head of Infrastructure	Renunciation of part of Leased Area and Variation of Lease, Musselburgh	Private
136/25	Head of Education	Update to Policy – Respect for All: A Positive Approach to Prevent Bullying	Public
137/25	Head of Development	East Lothian Council Public Bodies Climate Change Duties Report 2024/25	Public
138/25	Depute Chief Executive – Children and Communities	Re-alignment of Communities and Partnerships	Private
01/26	Head of Communities and Partnerships	East Lothian Open Space Strategy 2026	Public

02/26	Head of Infrastructure	Building Warrants Issued Under Delegated Powers – December 2025	Public
03/26	Depute Chief Executive – Resources and Economy	Q2 2025/26 Performance Reports: Head of Infrastructure and Head of Finance	Public
04/26	Head of Housing	Strategic Housing Investment Plan 2025/26 – 2030/31	Public
05/26	Depute Chief Executive – Resources and Economy	Trade Waste Charges 2026/27	Private
06/26	Chief Officer – East Lothian Integrated Joint Board	Amendment to Tapers in the Non-Residential Social Care Financial Assessments	Public

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Resources and Economy
REPORT TITLE:	Quarter 3 Financial Review 2025/26
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To provide an update on the in-year financial position at the end of December 2025.

2 RECOMMENDATIONS

- 2.1 The Council is recommended to:

- Note the outcome of the Quarter 3 financial performance against approved budgets including progress towards delivering agreed budget efficiencies;
- Note the risks and other factors that may impact that position by year-end and the range of ongoing intervention measures approved by Council;
- Note the additional Scottish Government funding received since Council approved the budget in February 2025;
- Note the update on the Integrated Joint Board position (IJB);
- Note the changes in the budgets delegated to IJB following the changes in services delegated to the IJB approved by Council in December 2025;
- Note the key performance information for council tax collection, rent collection and Scottish Welfare Fund spending;
- Note the revised General Services capital budget and forecast spend and the update on Prudential and Treasury Indicators; and
- Note the HRA revenue and capital spend forecast.

3 BACKGROUND

- 3.1 The Council continues to face increasing costs and demand pressures which present significant challenges to financial sustainability. The most significant of these pressures remain in demand-led services particularly within Health and Social Care Services delegated to the IJB and Children's Services. In addition, there remain pressures arising from the timing and delivery of planned financial savings.
- 3.2 Given the severity of these risks to future financial sustainability, the Council approved an updated list of mitigations at the June 2025 meeting which the Council Leadership Team (CLT) is responsible for applying to manage any in-year financial pressures.
- 3.3 Within this context, the Finance Service will continue to engage with colleagues across services to manage expenditure commitments in 2025/26 and the future implications going forward.

General Services Revenue Summary – 31 December 2025

- 3.4 An analysis of the financial position across service groups is set out in in **Appendix 1** with further details in the paragraphs below.
- 3.5 At Quarter 3, the forecast outturn for 2025/26 is in line with the overall budget after taking account of planned reserve movements. Without planned use of reserves, there would be a forecast overspend of £8.814 million.
- 3.6 Within this overspend there are various one-off costs that are being funded from earmarked reserves. The planned use of earmarked reserves for one-off funding totals £1.784 million split as follows:
- Planned use of Transformation Fund and other ring-fenced funds, £1.154 million.
 - Planned use of Health & Social Care (IJB delegated services), £630,000 – this figure has been agreed with the IJB Chief Officer and Chief Financial Officer.
- 3.7 There are also several planned transfers to earmarked reserves that need taken account of, totalling £2.633 million, they are for:
- Scottish Futures Trust funding for Wallyford Learning Campus, £1.440 million, in line with Council's decision to create the reserve in June 2024.
 - Service concessions adjustments, £1.193 million, in line with Council's decision to create this reserve in June 2024.
- 3.8 The revised position after applying transfers to and from earmarked reserves is an overspend of £9.663 million to be funded from planned use of capital reserves. This is an increase of £181,000 on the Quarter 2 position (£9.482 million). The capital reserves budget to fund the

overspend is £9.980 million meaning at this stage no unplanned use of reserves will be required.

- 3.9 At this stage, after taking account of one-off costs to be funded from earmarked reserves, no Head of Service area has an overspend forecast. This includes Children's Services and IJB delegated services, which overall are forecasting modest underspends reflective of the additional investment approved by Council in February 2025.
- 3.10 Non-service expenditure is showing an overspend projection of £4.4 million. As previously reported in December 2025 the main factors causing this pressure are the vacancy factor and undelivered savings from previous years being included in this area. The vacancy factor will be met by vacant posts in services and other underspends which are offsetting the prior year undelivered savings.
- 3.11 In addition, there are overspends within insurance payments. This includes payments for claims dating back several years that are now settling as well as increased settlements relating to the historical child abuse enquiry. This is an area of increased budget monitoring scrutiny.
- 3.12 There do remain areas of emerging pressure within services which are offset by underspends elsewhere in service budgets. These are summarised below:
- Children's Services (Management), £755,000 – external residential and alternative interventions budget (contained within the Management line in **Appendix 1**)
 - Education (Inclusion and Wellbeing), £1.244 million – external day schools and residential costs
 - Health & Social Care, £950,000 – commissioned care costs.
 - Undelivered 2025/26 savings, £185,000 – more detail in section 3.21.
- 3.13 A number of these pressures will be recurring beyond this financial year.

Risks and Other Factors

- 3.14 Population growth and demographic change in East Lothian continue to pose significant ongoing challenges which are likely to remain and increase over the longer term based on current projections.
- 3.15 There are ongoing discussions about increasing minimum learning hours for Primary 1 and 2 pupils to 25 hours which is excess of the current East Lothian provision and could cost an additional £900,000 by 2027/28. In addition, Scottish Government has indicated an expectation that meaningful progress is made towards reduced class contact time for teachers, which could cost an additional £4.5 million. At this stage it is not anticipated that the Scottish Government will provide the funding

required to enable these changes; however, penalties may be applied to existing funding available to the Council if these obligations are not met.

- 3.16 The potential for increases in requirements for demand-led services such as Homelessness, Children's, and Adult Social Work along with growing demand for Additional Support Needs services remains an ongoing risk which could give rise to overspends during the year.
- 3.17 The forecast assumes some slippage in the delivery of agreed savings; however, there is a residual risk to the delivery of the remaining savings, with further information set out in sections 3.21 to 3.23.
- 3.18 Severe weather over the remaining winter months could increase costs for the Council, particularly in Infrastructure Services.

Approved Mitigations

- 3.19 At the June 2025 Council meeting, Council agreed to continue the following control measures which the CLT is responsible for applying:
- Recruitment – posts will only be filled if there would be an obvious detrimental impact on the service being provided from not doing so and sign-off has been given by CLT and ELT. This applies to all posts.
 - All Council managers must operate within approved budget levels, preserving underspends where possible.
 - Where a service is overspent or at risk of overspending, urgent financial recovery actions will be required to bring spending in line with approved budget levels.
 - Use of agency staff should be kept to a minimum and should be kept under close review.
 - Council officers will continue to collaborate with partner bodies including the IJB to explore all options to try and mitigate overspends and ensure spending remains aligned to approved budgets.
 - In-year financial review papers will continue to be reported to Council rather than Cabinet
- 3.20 These control measures will remain under review through the quarterly budget monitoring process. At this stage, no service has been asked to prepare a financial recovery plan due to the forecast being in line with budget.

2025/26 Efficiencies

- 3.21 Council approved planned efficiencies of £1.542 million for 2025/26. At this stage, £930,000 have been achieved, £427,000 are assessed as achievable though further work may be required and £185,000 are assessed as unachievable in the current financial year. **Appendix 2** sets

out the position in more detail. The savings that are not achievable this year are:

- Move file sharing with external organisations from Objective Connect to M365 Toolset, £40,000 – due to a staff vacancy the work required to facilitate this change could not be progressed and the existing contract had to be extended for 12 months. The post has now been filled, and work is ongoing to achieve the saving in 2026/27.
- Realign contributions to City Region PMO based on population, £45,000 – the cost has increased in 2025/26 to reflect increasing areas of workload undertaken through regional activity and the ongoing impact will be closely monitored.
- Income generation, £100,000 – this saving will now be realised in 2026/27.

3.22 In 2024/25, just over £2 million of efficiencies had not been delivered, of those, charging for garden waste collection, review of the management of sports facilities and the review of adaptations have now been delivered. This leaves £1.5 million of prior year savings not yet fully achieved, they are:

- Asset Review, £1 million – work is ongoing to meet this savings target.
- Income generation, £500,000 – work is progressing to develop proposals, it is unlikely that income will be achieved in 2025/26. It is expected that this income target will be achieved in 2026/27.

3.23 In addition to the above, a saving planned for 2023/24, to review public holidays, has not yet been delivered.

Council Tax

3.24 At this stage, there is a forecast surplus in the Council Tax budget of around £900,000 (around 1% of the budget estimate). This is due to an increase in the number of dwellings over and above the estimates incorporated into the budget, along with earlier occupation of the dwellings being completed this financial year. This will be taken account of in the Council Tax assumptions for 2026/27.

3.25 Without this surplus in Council Tax, there would be an overspend projected at this stage and a need to make an unplanned drawdown from reserves.

Additional Scottish Government Funding

3.26 Since Council approved the 2025/26 budget in February 2025, there has been additional funding of £2.636 million from the Scottish Government. The funding includes funding for teachers and non-teachers' pay awards above 3% This is set out in more detail in **Appendix 3**.

- 3.27 The additional funding is to support existing commitments or specific national policy objectives so they cannot help to alleviate wider pressures in the Council's financial position.

Integration Joint Board

- 3.28 Following changes approved by Council in December 2025, the IJB has delegated authority over the Health & Social Care. The management of these resources remains in line with the scheme of integration and wider overall IJB resources. A revised funding letter has been sent to the IJB and is included in **Appendix 8**.
- 3.29 The Council recognised the demand challenges facing the Council-delegated IJB services and agreed to increase funding by around £4 million in 2025/26 on top of passported funding from the Scottish Government to help address these pressures.
- 3.30 At this stage, there is an underspend forecast for the IJB of £370,000. This includes funding from unscheduled care monies of £630,000 to cover costs associated with this policy which has been agreed with the Chief Officer and the Chief Financial Officer of the IJB.
- 3.31 While this is a positive position, there remain several areas of pressure including commissioned services for older people and people with learning disabilities which will need to be addressed in the longer term. Demand for these services, particularly external commissioned services such as care homes and Care at Home, remains a risk to the in-year position.
- 3.32 The IJB is currently working to develop robust and deliverable medium-term financial plans, which can meet the full extent of the projected budget gap including that arising from delegated Council functions in collaboration with the funding partners.

Performance Information within Revenues & Benefits

- 3.33 Council Tax in-year collection is slightly below target at Quarter 3. Demand from customers for support remains high and an additional 728 new properties were added to the end of Quarter 3. Debt recovery work has been initiated for unpaid current year Council Tax and work continues to support those who are struggling to pay by offering flexible payment arrangements and signposting advice and financial support to help maximise income where eligibility exists and manage debt.

Period	Actual	Target	Variance
Q3 2025/26	81.75%	82.38%	-0.38%

- 3.34 Although current tenant rent arrears is short of target, there has been a significant reduction in arrears since Quarter 2. This is partly due to the free rent fortnight but also through continued efforts from rent income

staff to support tenants over the winter period. Efforts continue to ensure that tenants are aware of the support in place if they are concerned about paying, or in need of advice to access financial support.

Period	Actual Q2 (£000)	Target (£000)	Variance (£000)
Q3 2025/26	£1,520	£1,485	£35

- 3.35 Scottish Welfare Fund remains a key element of the local safety net, offering vital support to residents facing financial hardship through the provision of crisis grants and community care grants. This is funded from the Scottish Governments wider Social Security Assistance budget. The Council received £581,000 of funding from the Scottish Government which has been supplemented from a carry forward of £140,000 from 2024/25 with a further £89,000 made available by the Scottish Government at the end of 2025. The overall funding available in 2025/26 is £815,000 of which £576,000 had been used by the end of Quarter 3, 71% of the budget. Without the carry forward and additional funding, the funding would be fully spent by the end of Quarter 3. Any underspend will be carried forward to 2026/27 to supplement funding from the Scottish Government. The tables below set out the Quarter 3 activity.

Community Care Grants

Q3 2025/26	Quarter 1	Quarter 2	Quarter 3	Total
Applications	379	336	368	1083
Awards	247	210	204	661
Award Rate	65.17%	62.50%	55.43%	61.03%
Total Award	£128,000	£126,000	£115,000	£368,000
Av Award	£518.32	597.76	562.55	£557.20

Crisis Grants

Q3 2025/26	Quarter 1	Quarter 2	Quarter 3	Total
Applications	916	901	914	2,731
Awards	543	505	529	1,577
Award Rate	59.28%	56.05%	57.88%	57.74%
Total Award	£72,000	£68,000	£68,000	£208,000
Av Award	£132.98	£135.01	£128.26	£132.04

General Services Capital Summary – 31 December 2025

- 3.36 **Appendix 4** shows the approved and updated 2025/26 budgets and expenditure to 31 December 2025, showing spend of £38 million relative to the updated gross expenditure budget of £77 million.
- 3.37 At this stage, expenditure of around £59 million is forecast by the end of the financial year. The forecast reflects a range of assumptions that are subject to change and may therefore have an impact on the actual position achieved at the end of the financial year. There remains a wide range of external pressures which place significant pressure on wider affordability limits.
- 3.38 In addition to the RAG (Red/Amber/Green) flags, a P flag is included to identify projects where the variance is due to a change in spend profile, related to project progress.
- 3.39 A summary of the key areas of variation is shown below:
- Fleet projections have been amended to reflect that several items on order are unlikely to be delivered before the end of the financial year and a carry forward of the committed but unspent budget will be requested following the year-end outturn.
 - The telecare system upgrade costs have increased to ensure that all telecare alarms are compliant before the analogue lines are turned off at the end of 2026.
 - The Musselburgh coastal/flood prevention scheme projection is reduced to reflect the impact of the Public Local Inquiry into the scheme.
 - The New Ways of Working project has been reprofiled due to delays to work starting at the Fisherrow Centre.
- 3.40 As reported to Council in October 2025, there is a risk of budget overspend for Whitecraig Primary School due to contractor claims. It is anticipated that it will be possible to partially offset the impact of this pressure through budget savings at both Blindwells and Craighall Primary Schools. There are also emerging budget pressures within the Cockszie and Levelling Up budget lines due to contractor claims. Projections will be updated as more information becomes available.
- 3.41 The projection for developer contributions, early learning 1140 grant and other funding sources are linked to the forecasts for the projects they support. There continues to be ongoing risks around the timing and realisation of planned developer contributions that may put additional strain on borrowing requirements, and this position will continue to be closely monitored.
- 3.42 The reduction in projected expenditure has reduced the in-year borrowing requirement projection by £9 million.

Treasury Update – 31 December 2025

3.43 In accordance with the Prudential and Treasury Codes of Practice, in addition to the mid-year and year-end reporting on Treasury activity and reporting of Prudential and Treasury indicators to Audit and Governance Committee, quarterly reporting on Treasury activity is required.

3.44 During Quarter 3 the following external borrowing was undertaken.

Loan	Date	Principal (£000)	Maturity (Years)	Interest Rate (%)
PWLB _ EIP	28/11/2025	5,000	3	4.09
PWLB – EIP	19/12/2025	11,000	5	4.16
PWLB – Maturity	19/12/2025	9,000	2.5	4.54

3.45 £35 million has been advanced so far in 2025/26 from PWLB and it is anticipated that a further £40 million will be required in the final quarter.

3.46 There was one maturity borrowing repaid during Quarter 3, as well as instalments made in relation to Annuity and EIP borrowing as detailed below.

Lender	Principal repaid (£000)	Type	Interest Rate (%)	Loan Term	Balance (£000)
PWLB	529	Maturity	7.875	30 years	0
PWLB	95	Fixed Rate Annually	7.00	35 years	1,585
PWLB	95	Fixed Rate Annually	6.75	31 years	526
PWLB	64	Fixed Rate Annually	6.50	32 years	512
PWLB	21	Fixed Rate Annually	6.50	32 years	146
PWLB	417	Fixed Rate EIP	4.19	11 years	7,917
PWLB	500	Fixed Rate EIP	4.48	10 years	8,500
PWLB	909	Fixed Rate EIP	4.83	11 years	15,455
PWLB	435	Fixed Rate EIP	4.19	11 years	8,261
Total	3,065				

3.47 Capital Financing Requirement (CFR) shown in **Appendix 5** under items 1.2 and 1.3 is the financing still required after relevant grants and receipts have been applied, to fund the capital programme. This is known as the borrowing requirement.

- 3.48 Loans Fund borrowing is then funded by external borrowing and the use of working capital. As this uses the cash balances held by the Council, cash flow monitoring is an important part of the Treasury function and is a factor in determining the timing of external borrowing. Actual external debt is shown in item 2.3, and the Loans Fund debt is shown in item 3.
- 3.49 The Prudential, Treasury Management and Loans Fund indicators are set out in **Appendix 5**. For context, the 2024/25 Actual and 2025/26 Budget as per the approved Treasury Strategy as well as the projections for 2025/26 based on the Quarter 3 position for General Services and HRA capital are shown.
- 3.50 Key points to note from the appendix:
- The budget figures for 2025/26 were set based on in-year 2024/25 capital projections. The actual outturn was lower for General Services meaning the starting point for 2025/26 was also lower. General Services capital spend projection at Quarter 3 is higher than the approved budget due to projects from 2024/25 being carried into 2025/26, however, the Capital Financing Requirement (CFR) is forecast to be lower. Similarly, the HRA capital spend projection at Quarter 3 and CFR are also lower than budget. The application of IFRS16 has increased the total CFR so that currently the full position is close to that given in the budget.
 - The Loans Fund follows the same pattern as the CFR. As a result of the projected capital expenditure, which is funded through borrowing, loans fund advances are increasing above the principal repayment of loans fund debt.
 - The CFR will start to fall when loans fund principal repayments are greater than the in-year borrowing requirement.
- 3.51 Cash balances are reviewed regularly. As investment rates have been higher than the interest rate on the bank account balance, several short-term investments were placed during Quarter 3. In summary:
- 28 short-term investments placed.
 - Maturity Range – one day to four months
 - 26 investments with HM Treasury (one to mature in Quarter 4)
 - Two Lloyds Call investments
- 3.52 Cash flow continues to be closely monitored to ensure the Council has sufficient cash resources to meet ongoing requirements.

Housing Revenue Account – 31 December 2025

- 3.53 The HRA is forecast to breakeven at this stage. The significant work that was undertaken in the final quarter of 2024/25 and which continued in 2025/26 to reduce the backlog of void properties means that the overall void rent loss will be around £500,000 lower than in 2024/25. **Appendix 6** sets out the revenue spend for the year.

3.54 Capital expenditure at Quarter 3 was £19.6 million with around £33.5 million of spend forecast for the year This is significantly less than the £43.8 million budget approved by Council. Further details are provided in **Appendix 7**. The main points to note are:

- The expected number of completions in 2025/26 is 84 houses, down ten from the budgeted figures. This is due to slight delays in work proceeding at two sites, Schaw Road and Halhill North. Overall, 30 houses were expected to be completed at these sites in 2025/26 with 20 now forecast. The ten outstanding houses are expected to be completed in 2026/27. Around £1.6 million of budget will be carried forward to 2026/27 for these sites.
- Due to delays relating to planning and operational reasons, there are changes in the timescale to deliver new build council houses at three sites, Hermanflatt, Wallyford Area 1 and Wallyford Primary School. This has resulted in reduced spend in 2025/26 which will now be incurred in 2026/27. Around £8 million of budget will be carried forward to 2026/27 for these sites.
- The impact of this slippage will be reflected in the updated 5-year housing capital programme budget model.
- Modernisation and Energy Efficiency budgets are projected to spend to budget and programmes are progressing.
- At this stage, there have been no Mortgage to Rent purchases.

3.55 The forecast borrowing to fund the capital programme is around £9 million less than budgeted and this reflects the slippage in new council house building.

3.56 Looking ahead, to meet the two key tests in the financial strategy, a £1 million minimum HRA balance and a debt-to-income ratio below 40%, it will be necessary to review the 10-year model financial model and develop a longer-term business plan to ensure that funding priorities, including modernisation and new build council housing remain affordable within available resources. Work is ongoing to develop a 30-year business model.

Conclusion

3.57 Whilst the in-year position reported is positive with no requirement for any unplanned use of reserves at this stage, the Council continues to operate in a challenging financial environment. The current budget still requires a planned use of around £9.4 million of one-off reserves which will have to be addressed in future year budget models. This is in addition to the ongoing challenges of population growth, increasing demand for services and continuing increase in the cost of operating services.

3.58 The Council will continue to take steps to ensure that it can sustain the delivery of vital services to the community and effectively manage wider

assets. The scale of the challenge will require tough decisions in the years ahead to ensure ongoing financial sustainability.

4 POLICY IMPLICATIONS

4.1 There is no direct policy implications associated with this report, although, ongoing monitoring and reporting of the Council’s financial performance is a key part of the approved Financial Strategy.

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: as described above and in the supporting appendices

5.2 Human Resources: none

5.3 Other (e.g. Legal/IT): none

5.4 Risk: as described above and in the supporting appendices

6 INTEGRATED IMPACT ASSESSMENT

6.1 *Select the statement that is appropriate to your report by placing an ‘X’ in the relevant box.*

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council’s role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	

Subject	Impacts identified (Yes, No or N/A)
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 – General Fund Monitoring
- 7.2 Appendix 2 – General Services Revenue Budget Efficiencies
- 7.3 Appendix 3 – Additional Funding
- 7.4 Appendix 4 – General Services Capital
- 7.5 Appendix 5 – Treasury Update
- 7.6 Appendix 6 – HRA Revenue
- 7.7 Appendix 7 – HRA Capital
- 7.8 Appendix 8 – Revised Budget Offer letter to the IJB

8 BACKGROUND PAPERS

- 8.1 Council – 10 December 2024 – Item 3 Financial and Capital Strategies 2025 to 2030
- 8.2 Council – 18 February 2025 – Item 2 Budget, Council Tax and Rent Setting 2025/26 Onwards
- 8.3 Council – 18 February 2025 – Item 2a Cross Party Housing Revenue Account including Council House Rent Proposals 2025/26 to 2029/30
- 8.4 Council – 18 February 2025 – Item 2b Cross Party General Services Revenue and Capital Budget Including Council Tax Proposals 2025/26 to 2029/30

- 8.5 Council – 18 18 February 2025 – Item 3 Treasury Management Strategy 2025/26 to 2029/30
- 8.6 Council 26 August 2025 – Item 7 Quarter 1 Financial Review 2025/26
- 8.7 Council 9 December 2025 – Item 8 Quarter 2 Financial Review 2025/26

9 AUTHOR AND APROVER DETAILS

Report Author(s)

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Date	4 February 2026

Head of Service Approval

Name	Ellie Dunnet
Designation	Head of Finance
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	4 February 2026

Appendix 1
 East Lothian Council
 Budget Monitoring 2025/26 - Quarter 3

Service	Head of Service	Business Unit	2025/26 Budget £'000	Year to Date			2025/26 Budget Variance to Date %	Financial Risk Assessment
				2025/26 Actual to Date	2025/26 Budget to Date	2025/26 Budget to Date		
				£'000	£'000	£'000		
Education & Children's	Children's	Performance & Service Delivery	1,513	1,142	1,127	15	1.33%	
Education & Children's	Children's	Management	6,790	5,020	4,454	566	12.71%	
Education & Children's	Children's	Assessment HUB and Early Interventions	2,177	1,549	1,620	-71	-4.38%	
Education & Children's	Children's	Long Term Social Work Supervisory Groups	3,793	3,049	2,914	135	4.63%	
Education & Children's	Children's	TAC, Disability & Resources	2,078	776	853	-77	-9.03%	
Education & Children's	Children's	Fostering, Adoption & Internal Resources	6,388	4,392	4,986	-594	-11.91%	
Education & Children's	Children's	Early Years Intervention	1,113	667	854	-187	-21.90%	
Education & Children's	Children's	Disability Short Breaks	999	877	728	149	20.47%	
EDUCATION & CHILDREN'S	CHILDREN'S TOTAL		24,851	17,472	17,536	-64	-0.36%	
Education & Children's	Education	Inclusion & Wellbeing	15,867	5,668	4,734	934	19.73%	
Education & Children's	Education	Pre-School Education	17,390	4,600	4,686	-86	-1.84%	
Education & Children's	Education	Primary Schools	61,935	54,613	55,767	-1,154	-2.07%	
Education & Children's	Education	Secondary Schools	62,194	48,622	49,317	-695	-1.41%	
Education & Children's	Education	Schools' Support	3,521	2,065	2,358	-293	-12.43%	
Education & Children's	Education	East Lothian Works	1,216	1,079	1,221	-142	-11.63%	
EDUCATION & CHILDREN'S	EDUCATION TOTAL		162,123	116,647	118,083	-1,436	-1.22%	
EDUCATION & CHILDREN'S TOTAL			186,974	134,119	135,619	-1,500	-1.11%	
Council Resources	Finance	Financial Services	3,146	3,144	3,350	-206	-6.15%	
Council Resources	Finance	Revenues & Financial Support	5,109	4,596	4,910	-314	-6.40%	
Council Resources	Finance	Procurement, Digital and Transformation	1,315	1,342	1,386	-44	-3.17%	
COUNCIL RESOURCES	FINANCE TOTAL		9,570	9,082	9,646	-564	-5.85%	
Council Resources	Corporate	IT Services	4,001	3,528	3,490	38	1.09%	
Council Resources	Corporate	People & Council Support	4,952	4,749	4,880	-131	-2.68%	
Council Resources	Corporate	Governance	2,595	1,699	1,725	-26	-1.51%	
Council Resources	Corporate	Communications	608	474	481	-7	-1.46%	
COUNCIL RESOURCES	CORPORATE TOTAL		12,156	10,450	10,576	-126	-1.19%	
COUNCIL RESOURCES TOTAL			21,726	19,532	20,222	-690	-3.41%	
Health & Social Care Partnership	Head of Operations	Adult Social Work	35,680	25,026	25,041	-15	-0.06%	
Health & Social Care Partnership	Head of Operations	Acute & Ongoing Care	11,206	8,200	8,249	-49	-0.59%	
Health & Social Care Partnership	Head of Operations	Rehabilitation	2,368	1,619	1,815	-196	-10.80%	
Health & Social Care Partnership	Head of Operations	Learning Disability & MH Community Services	22,106	15,508	15,361	147	0.96%	
Health & Social Care Partnership	Head of Operations	Head of Operations	5,173	4,212	4,193	19	0.45%	
Health & Social Care Partnership	Head of Operations	Business & Performance IJB	4,997	4,102	4,288	-186	-4.34%	
HEALTH & SOCIAL CARE PARTNERSHIP	IJB TOTAL		81,530	58,667	58,947	-280	-0.48%	
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL			81,530	58,667	58,947	-280	-0.48%	
Place	Development	Planning & Environmental Services	1,028	997	1,087	-90	-8.28%	
Place	Development	Economic Development	833	1,244	1,299	-55	-4.23%	
PLACE	DEVELOPMENT TOTAL		1,861	2,241	2,386	-145	-6.08%	
Place	Housing	Housing, Strategy & Development	352	-231	-46	-185	402.17%	
Place	Housing	Property Maintenance Trading Account	-1,153	2,943	2,943	0	0.00%	
Place	Housing	Community Housing Group	3,890	1,575	1,617	-42	2.60%	
PLACE	HOUSING TOTAL		3,089	4,287	4,514	-227	-5.03%	
Place	Infrastructure	Asset Maintenance & Engineering Services	3,765	3,045	3,022	23	0.76%	
Place	Infrastructure	Strategic Asset & Capital Plan Management	-792	894	1,209	-315	-26.05%	
Place	Infrastructure	Facility Trading Activity	-428	3,366	3,434	-68	-1.98%	
Place	Infrastructure	Facility Support Services	3,903	2,343	2,512	-169	-6.73%	
Place	Infrastructure	Roads Services	4,249	2,770	2,669	101	3.78%	
Place	Infrastructure	Transportation	2,418	2,113	2,394	-281	-11.74%	
Place	Infrastructure	Waste Services	13,355	7,366	7,539	-173	-2.29%	
PLACE	INFRASTRUCTURE TOTAL		26,470	21,897	22,779	-882	-3.87%	
Place	Communities & Partnerships	Connected Communities	6,415	4,591	4,668	-77	-1.65%	
Place	Communities & Partnerships	Protective Services	2,397	1,914	1,988	-74	-3.72%	
Place	Infrastructure	Landscape & Countryside Management	7,243	6,468	6,568	-100	-1.52%	
Place	Infrastructure	Active Business Unit	4,124	2,737	2,880	-143	-4.97%	
Place	Communities & Partnerships	Customer Services Group	4,792	4,199	4,325	-126	-2.91%	
PLACE	COMMUNITIES & PARTNERSHIPS TOTAL		24,971	19,909	20,429	-520	-2.55%	
PLACE TOTAL			56,391	48,334	50,108	-1,774	-3.54%	
SERVICE TOTAL			346,621	260,652	264,896	-4,244	-1.60%	
Non-Service Expenditure Sub-Total			21,387	7,576	4,279	3,297	77.05%	
Total Expenditure			368,008	268,228	269,175	-947	-0.35%	
Funded By Sub-Total			-359,221	-257,127	-256,369	-758	-0.30%	
Net Expenditure			8,787	11,101	12,806	-1,705	13.31%	
Reserves Funding Sub-Total			-8,787	0	-1,889	1,889	100.00%	
TOTAL LEDGER POSITION			0	11,101	10,917	184	0.07%	

Appendix 2
East Lothian Council
2025/26 Budget Efficiencies - Quarter 3

Service	2025/26			
	Achieved	Amber	Unachievable	
	£'000	£'000	£'000	
Education	521	0	0	
Finance	45	75	0	
Corporate Services	64	0	40	
Development	10	300	45	
Housing	50	0	0	
Infrastructure	120	52	0	
Communities	120	0	0	
Non Service Expenditure	0	0	100	
Total	930	427	185	1,542
	60.31%	27.69%	12.00%	

Appendix 3
East Lothian Council
Budget Monitoring 2025/26 - Additional Funding from the Scottish Government

	£million
2025/26 GRG (per Budget Amendment)	265.319
Additional Funding - GRG	
Social Care Real Living Wage (settlement less than estimate in the budget)	-0.059
Employer NI Increase (settlement higher than estimate in the budget)	0.070
Kinship & Foster Care Funding	0.037
Nature Restoration Fund	0.068
Holiday Playschemes and Activities for Disabled Children	0.019
Prisoners (Early Release) (Scotland) Act 2025 - Support for housing costs	0.017
School Milk	0.023
No One Left Behind	0.066
Single Use Vapes	0.003
Fairer Futures Partnership	0.069
Ukraine Resettlements	0.068
Discretionary Housing Payments	0.036
Rapid Rehousing Transition	0.020
Pay Funding (Non Teachers)	1.560
Teacher Induction Scheme (settlement less than estimate in the budget)	-0.005
Scottish Welfare Fund	0.089
Pay Funding (Teachers)	0.555
Total Additional Funding	2.636
Revised GRG	267.955

0.000
265.319
-2.636

Appendix 4

East Lothian Council

General Services Capital Budget Monitoring Summary 2025/26

Quarter 3

RAG	G	Green
	A	Amber
	R	Red
	P	Change in Spend Profile

	RAG	Approved Budget 2025/26	Updated Budget 2025/26	Actual 2025/26	Updated Budget-Actual Variance 2025/26	Projected Outturn 2025/26	Updated Budget - Outturn Variance 2025/26
		£'000	£'000	£'000	£'000	£'000	£'000
Expenditure							
Community Projects							
Community Intervention	G	200	242	183	(59)	242	-
Community Facility Transformation	G	100	100	-	(100)	100	-
Community Intervention Fund - Pump Tracks	P	360	580	140	(441)	190	(390)
Community Public Art	P	-	155	0	(155)	50	(105)
Bleachingfield Centre Remodelling Works	G	2	18	1	(17)	8	(10)
Dunbar Conservation Area Regeneration Scheme (CARS)	G	575	775	-	(775)	525	(250)
Support for Business	G	-	-	36	36	-	-
CCTV	P	169	212	10	(202)	50	(162)
Town Centre Regeneration	P	-	57	173	116	635	578
Total Community Projects		1,406	2,139	544	(1,596)	1,800	(340)
Town Centre Regeneration (PBIP) Grant		(208)	(265)	(173)	92	(528)	(263)
Other Funding Sources		(510)	(1,101)	(0)	1,100	(880)	221
GCG REFCUS		-	-	-	-	-	-
Total Income: Community Projects		(718)	(1,366)	(173)	1,192	(1,408)	(42)
Community Projects - General Capital Grant/Borrowing Requirement		689	774		(403)	392	(382)
ICT							
IT Programme & Digital Opportunities	G	2,200	2,200	1,607	(593)	2,200	-
Telecare System upgrade to Digital	P	121	121	164	43	253	132
Total ICT		2,321	2,321	1,771	(550)	2,453	132
Other Funding Sources	G	-	-	-	-	-	-
Total Income: ICT		-	-	-	-	-	-
ICT - General Capital Grant/Borrowing Requirement		2,321	2,321		(550)	2,453	132
Fleet							
Amenties - Machinery & Equipment - replacement	G	200	200	206	6	206	6
Vehicles	P	5,774	7,493	1,869	(5,623)	3,500	(3,993)
Total Fleet		5,974	7,693	2,076	(5,617)	3,706	(3,986)
Other Funding Sources	G	-	-	-	-	-	-
Total Income: Fleet		-	-	-	-	-	-
Fleet - General Capital Grant/Borrowing Requirement		5,974	7,693		(5,617)	3,706	(3,986)
Open Space							
Synthetic Pitch Replacement Programme	G	350	318	15	(303)	301	(17)
Cemeteries (Burial Grounds)	G	400	584	61	(523)	75	(509)
Climate Change Emergency	P	800	800	30	(770)	150	(650)
Coastal / Flood Protection schemes - Musselburgh	A	1,394	1,714	504	(1,211)	650	(1,064)
Coastal Change Management	G	166	166	59	(107)	95	(71)
Coastal Car Park Toilets	G	4	44	47	2	47	2
Core Path Plan	P	100	200	14	(186)	27	(173)
Harbour Walls	P	250	250	-	(250)	-	(250)
Nature Restoration	G	120	120	-	(120)	120	-
Replacement Play Equipment	G	545	545	181	(364)	545	-
Polson Park	P	140	160	-	(160)	-	(160)
Sports and Recreation LDP	P	2,237	2,654	338	(2,317)	558	(2,096)
Street litter bin replacement	G	40	40	40	(0)	40	-
Waste - New Bins	G	150	150	165	15	165	15
Waste - Machinery & Equipment - replacement	G	50	50	15	(35)	15	(35)
Total Open Space		6,746	7,796	1,468	(6,328)	2,788	(5,008)
Developer Contribution		(1,274)	(1,615)	(207)	1,408	(410)	1,205
Capital Receipts		-	-	-	-	-	-
Other Funding Sources		(1,125)	(1,204)	(333)	871	(637)	566
Total Income: Open Space		(2,399)	(2,819)	(540)	2,279	(1,047)	1,772
Open Space - General Capital Grant/Borrowing Requirement		4,346	4,977		(4,049)	1,741	(3,236)
Roads, Lighting and related assets							
Cycling Walking Safer Streets	G	496	739	467	(272)	739	-
Parking Improvements	P	878	1,181	90	(1,091)	300	(881)
Roads	G	-	-	-	-	-	-
Roads - Structures, Traffic Signals, Area Partnerships	G	620	620	260	(360)	620	-
Roads - Carriageways	G	4,480	4,480	2,504	(1,976)	4,380	(100)
Roads - Footways	G	950	950	499	(451)	950	-
Roads - Street Lighting	G	450	450	511	61	550	100
Roads - Externally Funded Projects	G	3,459	3,459	1,338	(2,121)	2,331	(1,129)
Total Roads, Lighting and related assets		11,333	11,880	5,670	(6,210)	9,870	(2,010)
Developer Contribution		(453)	(453)	-	453	-	453
Other Funding Sources		(3,006)	(3,013)	1,338	1,675	(2,338)	675

Appendix 4

East Lothian Council

General Services Capital Budget Monitoring Summary 2025/26

Quarter 3

RAG G Green
A Amber
R Red
P Change in Spend Profile

	RAG	Approved Budget 2025/26	Updated Budget 2025/26	Actual 2025/26	Updated Budget-Actual Variance 2025/26	Projected Outturn 2025/26	Updated Budget - Outturn Variance 2025/26
		£'000	£'000	£'000	£'000	£'000	£'000
Expenditure							
Community Projects							
Total Income: Roads, Lighting and related assets		(3,459)	(3,466)	(1,338)	2,128	(2,338)	1,129
Roads etc. - General Capital Grant/Borrowing Requirement		7,874	8,414		(4,081)	7,532	(881)
Property - Education							
Aberlady Primary - extension	P	3,935	4,245	16	(4,230)	50	(4,195)
Blindwells Primary - new school	G	1,632	4,610	3,487	(1,123)	4,210	(400)
Craighall Primary - New School	G	1,572	4,930	3,316	(1,614)	4,530	(400)
East Linton Primary School - Toilet Upgrades	G	-	-	-	-	50	50
Elphinstone Primary - extension	G	-	-	-	-	50	50
Free School Meals Expansion to P6-7	G	-	83	-	(83)	83	-
Haddington Primary School (Lower Campus)	G	47	47	-	(47)	47	-
Gullane Primary - extension including Early Learning and 1140	G	-	-	(350)	(350)	-	-
Kingsmeadow Primary School (Upper Campus)	G	25	26	16	(10)	26	-
Knox Academy Extension	G	-	52	-	(52)	394	342
Law Primary - extension including Early Learning and 1140	G	-	25	5	(21)	25	-
Letham Primary - New School	G	47	47	11	(35)	15	(32)
Letham Primary - Extension	G	-	-	-	-	-	-
Longniddry Primary - Extension	G	-	-	0	0	50	50
North Berwick High School - Extension	G	-	143	71	(72)	143	-
Ormiston Primary - extension	A	100	100	-	(100)	100	-
Pinkie St Peter's Primary - sports hall extension	G	-	6	48	42	-	(6)
Pinkie St Peter's Primary - extension including Early Learning and 1140	G	-	278	11	(267)	210	(68)
Ross High School - extension	G	-	13	1	(13)	15	15
St Gabriel's Primary School	G	-	-	-	-	-	-
School Estate - Curriculum Upgrades	G	-	267	(12)	(279)	(12)	(279)
School Estate - Security Upgrades	G	232	232	-	(232)	85	(147)
School Estate - ASN Provision Space	G	140	140	119	(21)	140	-
Wallyford Primary - New School	G	115	120	26	(94)	30	(90)
Wallyford Learning Campus	G	-	766	365	(401)	746	(20)
Whitecraig Primary - new school including Early Learning and 1140	A	2,297	9,427	8,580	(847)	10,827	1,400
Windygoul Primary - Early learning and 1140 extension	G	156	156	-	(156)	156	-
Total Property - Education		10,296	25,713	15,710	(10,003)	21,970	(3,730)
Developer Contribution		(3,030)	(5,839)	(4,803)	1,036	(5,440)	398
1140 Grant Income		(173)	(173)	(16)	157	(156)	17
Other Funding Sources		-	-	-	-	-	-
Total Income: Property - Education		(3,203)	(6,012)	(4,818)	1,193	(5,596)	415
Property Education - General Capital Grant/Borrowing Requirement		7,093	19,702		(8,810)	16,374	(3,314)
Property - Other							
Accelerating Growth		8,533	6,188	6,266	78	7,173	985
- Cockenzie	A	2,369	2,369	1,045	(1,324)	2,662	293
- Levelling Up Project Cockenzie	A	6,164	3,819	5,222	1,403	4,511	692
- Blindwells	G	-	-	-	-	-	-
- Innovation Hub	G	-	-	-	-	-	-
- A1/QMU Junction	G	-	-	-	-	-	-
Court Accommodation	G	22	22	1	(21)	5	(17)
Demolitions - various sites	G	369	369	132	(237)	250	(119)
Eskmill Fire Station Demolition	G	17	17	16	(0)	17	-
Relocation of Haddington Day Centre to Tynebank Resource Centre	G	1,325	1,325	2	(1,323)	13	(1,313)
Loch Centre Tranent - Major Refurbishment Works	G	276	970	258	(712)	304	(666)
Demolition of TUs	G	84	84	8	(76)	30	(54)
New ways of working Programme	P	990	1,368	296	(1,072)	500	(868)
Prestonrange Museum	G	833	2,096	1,048	(1,048)	2,096	-
Property Renewals	G	3,000	3,112	2,287	(825)	3,112	-
Replacement Childrens House	G	1,101	1,101	-	(1,101)	200	(901)
Sports Centres	G	240	240	357	117	240	-
Total Property - Other		16,791	16,893	10,673	(6,220)	13,939	(2,954)
Developer Contribution		-	-	-	-	-	-
Capital receipts		(2,369)	(2,369)	(1,045)	1,324	(2,662)	(293)
TCR		-	(162)	-	162	(162)	-
Other Funding Sources		(5,266)	(2,921)	(3,621)	(700)	(3,068)	(146)
Total Income: Property - Other		(7,635)	(5,453)	(4,666)	787	(5,892)	(439)
Property Other - General Capital Grant/Borrowing Requirement		9,156	11,440		(5,434)	8,047	(3,393)
Total Property Spend - Education and Other		27,087	42,606	26,382	(16,224)	35,909	(6,697)
Total Income: Property - Education and Other		(10,839)	(11,464)	-	9,484	(11,488)	(24)
Property-Education and Other - General Capital Grant/Borrowing Requirement		16,248	31,142		(14,244)	24,421	(6,721)
Capital Plan Fees	G	2,650	2,650	-	(2,650)	2,650	-
PPP Projects	G	-	-	-	-	-	-
Total Gross Expenditure		57,517	77,085	37,911	(39,174)	59,176	(17,909)

Appendix 4

East Lothian Council

General Services Capital Budget Monitoring Summary 2025/26

Quarter 3

RAG G Green
A Amber
R Red
P Change in Spend Profile

	RAG	Approved Budget 2025/26	Updated Budget 2025/26	Actual 2025/26	Updated Budget-Actual Variance 2025/26	Projected Outturn 2025/26	Updated Budget - Outturn Variance 2025/26
		£'000	£'000	£'000	£'000	£'000	£'000
Expenditure							
Community Projects							
Other Funding Sources		-	-	-	-	-	-
PPP Lease Liability Restatement		-	-	-	-	-	-
Total Income:PPP Projects		-	-	-	-	-	-
Income							
Developer Contribution	G	(4,758)	(7,907)	(5,010)	2,898	(5,850)	2,057
1140 Grant Income	G	(173)	(173)	(16)	157	(156)	17
Town Centre Regeneration (PBIP) Grant	G	(208)	(427)	(173)	254	(690)	(263)
Flood scheme general capital grant	G	14,134	14,134	-	(14,134)	14,134	-
Capital receipts	G	(7,369)	(7,369)	(10,781)	(3,412)	(12,398)	(5,029)
Other Funding Sources	G	(9,907)	(8,239)	(5,293)	2,946	(6,922)	1,316
Scottish Government General Capital Grant	G	(1,282)	(1,282)	(1,282)	-	(1,282)	-
Total Income		(9,563)	(11,263)	(22,554)	(11,291)	(13,165)	(1,902)
Borrowing Requirement	G	47,954	65,822	15,357	(50,465)	46,011	(19,811)

Appendix 5
Prudential and Treasury Indicators 2025/26
Quarter 3

1 PRUDENTIAL INDICATORS	2024-25	2025-26	2025-26	2025-26	2025-26
	Actual £'000	Budget £'000	Q3 Projection £'000	Q2 Projection £'000	Change £'000
1.1 Capital Expenditure					
General Services	91,921	57,517	60,606	65,486	(4,880)
HRA	32,471	43,820	33,491	34,578	(1,087)
TOTAL	124,392	101,337	94,097	100,064	(5,968)
1.2 Capital Financing Requirement (CFR) – General Services					
brought forward 1 April	313,376	356,643	342,283	342,283	0
carried forward 31 March	342,283	390,824	374,527	383,902	(9,375)
In year borrowing requirement	28,907	34,181	32,244	41,619	(9,375)
1.3 Capital Financing Requirement (CFR) - HRA					
brought forward 1 April	265,745	284,350	286,472	286,472	0
carried forward 31 March	286,472	312,242	305,363	306,756	(1,393)
In year borrowing requirement	20,726	27,892	18,891	20,284	(1,393)
1.4 Total CFR excluding PPP and leases					
General Services	342,283	390,824	374,527	383,902	(9,375)
HRA	286,472	312,242	305,363	306,756	(1,393)
TOTAL	628,755	703,065	679,890	690,658	(10,768)
1.5 Annual Change in CFR					
General Services	28,907	34,181	32,244	41,619	(9,375)
HRA	20,726	27,892	18,891	20,284	(1,393)
TOTAL	49,633	62,073	51,135	61,904	(10,768)
1.6 Ratio of financing costs to net revenue stream					
General Services	4.95%	7.30%	7.06%	7.02%	0.04%
HRA	33.63%	36.97%	35.91%	35.91%	0.00%
1.7 Impact of Capital Investment Decisions					
General Services – Debt per Band D equivalent	£5,489	£6,180	£5,923	£6,071	(148)
HRA – Debt per dwelling	£30,427	£32,781	£32,059	£32,205	(146)

2 TREASURY MANAGEMENT INDICATORS	2024-25	2025-26	2025-26	2025-26	2025-26
	Actual £'000	Budget £'000	Q3 Projection £'000	Q2 Projection £'000	Change £'000
2.1 Authorised Limit for External Debt -					
Borrowing at 31 March	708,000	741,000	722,000	727,000	(5,000)
Other long term liabilities (PPP and Leases)	38,000	33,000	34,000	34,000	0
Total	746,000	774,000	756,000	761,000	(5,000)
2.2 Operational Boundary for External Debt -					
Borrowing at 31 March	645,144	720,562	697,705	708,473	(10,768)
Other long term liabilities (PPP and Leases)	37,712	32,041	33,889	33,889	0
Total	682,856	752,604	731,594	742,363	(10,769)
2.3 Actual External Debt					
Borrowing at 31 March	559,402	637,466	561,529	624,925	(63,396)
Other long term liabilities (PPP and Leases)	37,712	32,041	29,105	33,889	-4,784
Total	597,115	669,507	590,634	658,814	(68,180)

3 LOANS FUND	2024-25	2025-26	2025-26	2025-26	2025-26
	Actual £'000	Budget £'000	Q3 Projection £'000	Q2 Projection £'000	Change £'000
3.1 General Services					
Opening balance	313,376	356,643	342,283	342,283	0
Add advances	35,714	47,658	45,715	55,090	(9,375)
Less repayments	(6,807)	(13,477)	(13,471)	(13,471)	0
Closing balance	342,283	390,824	374,527	383,902	(9,375)
3.2 HRA					
Opening balance	265,745	284,350	286,472	286,472	0
Add advances	26,558	34,184	25,272	26,665	(1,393)
Less repayments	(5,831)	(6,292)	(6,381)	(6,381)	0
Closing balance	286,472	312,242	305,363	306,756	(1,393)
3.3 Total					
Opening balance	579,121	640,993	628,755	628,755	0
Add advances	62,273	81,842	70,987	81,755	(10,768)
Less repayments	(12,638)	(19,769)	(19,851)	(19,851)	0
Closing balance	628,756	703,066	679,890	690,658	(10,768)

Appendix 6
 East Lothian Council
 Budget Monitoring HRA 2025/26 - Quarter 3

	2025/26 Budget	2025/26 Actual	2025/26 Budget to Date	2025/26 Variance (Surplus) / Deficit
	£'000	£'000	£'000	£'000
Total Income	-43,940	-29,093	-29,124	31
Total Expenditure	40,956	14,610	15,178	-568
(Surplus) / Deficit for Year	-2,984	-14,483	-13,946	-537

2025/26 Forecast	2025/26 Forecast Variance
£'000	£'000
-43,719	221
40,734	-222
-2,985	-1

	2025/26 Budget
	£'000
Management of Balances	
Opening (Surplus) / Deficit	-2,017
CFCR	3,400
(Surplus) / Deficit for Year	-2,984
Closing (Surplus) / Deficit	-1,601

2025/26 Forecast	2025/26 Forecast Variance
£'000	£'000
-2,017	0
3,361	-39
-2,985	-1
-1,641	-40

Appendix 7
East Lothian Council
Budget Monitoring HRA Capital 2025/26 - Quarter 3

	2025/26 Budget	2025/26 Actual to Date	2025/26 Budget to Date	2025/26 Budget Variance to Date	2025/26 Forecast	2025/26 Forecast Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Modernisation	13,375	8,915	6,688	2,227	13,375	0
Energy Efficiency Fund	2,500	1,379	1,250	129	2,500	0
New Council Housing	26,169	9,349	6,542	2,807	15,840	-10,329
Fees	1,496	0	0	0	1,496	0
Mortgage to Rent	280	0	0	0	280	0
TOTAL	43,820	19,643	14,480	5,163	33,491	-10,329

Funded By:

	2025/26 Budget	2025/26 Actual to Date	2025/26 Budget to Date	2025/26 Budget Variance to Date	2025/26 Forecast	2025/26 Forecast Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Grants	-6,040	-1,928	-3,020	1,092	-4,623	1,417
Grants MTR	-196	0	0	0	-196	0
CFCR	-3,400	0	0	0	-3,361	39
Borrowing	-34,184	0	0	0	-25,311	8,873
TOTAL	-43,820	-1,928	-3,020	1,092	-33,491	10,329

4th February 2026

Mike Porteous
Chief Finance Officer
East Lothian Integrated Joint Board

Dear Mike,

Revised Financial resource from East Lothian Council to East Lothian Integration Joint Board – 2025-26

This letter sets out the updated level of financial resources delegated by the Council to the IJB in 2025-26 and is aligned to the Council budget approved on 18 February 2025 and subsequent agreed changes.

2025-26 Revised Financial Resource Update

Firstly, I want to confirm that the IJB funding for 2025-26 has increased by £235,000, this is pay funding which the council has agreed to pass over to the IJB. Secondly, the IJB Council-delegated services include areas managed by the Head of Housing that fall under HRA and General Fund Housing as well as Telecare Services which are managed by the Head of Communities and Partnerships. In December 2025, council and IJB agreed to remove these budgets from the IJB and focus Council IJB services on the remaining services under the control of the Head of Operations within the Health and Social Care Partnership. The Telecare service is an income budget of £74,000 and other delegated budgets relating to housing total £1.494m. All amendments are set out in the table below.

2025-26 Total IJB Financial Resource as at February 2025	£82.715m
Funding for additional 1% pay award	£0.235m
2025-26 Total IJB Financial Resource as at August 2025	£82.950m
Agreed Transfers	
Telecare transfer to Council	£0.074m
Non-HRA Private Sector Housing Grant transfer to Council	(£0.256m)
HRA - Disabled Adaptations (Capital) transfer to Council	(£1.000m)
HRA - Garden Aid transfer to Council	(£0.238m)
TOTAL - Other Delegated Budgets	(£1.494m)
2025-26 Total IJB Financial Resource Updated	£81.530m

2026-27 Financial Resource offer to IJB

As part of the Council's ongoing commitment to strong and effective partnership working, we also wish to recognise the wider contributions that continue to support the Integration Joint Board in delivering shared outcomes and managing financial pressures. These include the Council's investment in sport and leisure provision, which promotes population health and preventative approaches, the capital funding allocated to support the analogue to digital transition for community alarms and the delivery of the new core and cluster units at Fa'side, comprising 13 specialist homes that have enabled a number of adults with learning disabilities to return to East Lothian from external placements. Together, these wider commitments reflect the Council's dedication to integrated service delivery and improved outcomes for East Lothian residents.

As you know, the national Scottish Government budget is not expected to be formally approved until end of February, and we will continue to work together to formulate a balanced budget for the next financial year and beyond.

I remain acutely aware that there remain significant and on-going financial and demand pressures facing East Lothian IJB to support the delivery of its delegated functions, and much of these pressures are also being experienced nationally. I can assure you that the Council will continue to actively promote and support these national discussions as to how these collective challenges can be addressed. This will also include continuing discussions around the cumulative financial impact arising from a growing population.

It remains crucially important that the IJB continues to develop robust and deliverable medium term financial plans, that can meet the full extent of the projected budget gap including that arising from Council delegated functions. This I appreciate will not be easy, and it is vitally important that we continue to work in partnership through the IJB and funding partners to meet these shared challenges. Discussions around the development of further savings options for Council will continue to be explored and as always, the holistic impact of these decisions and shared outcomes will be an important consideration for all partners.

Yours sincerely

Sarah Fortune
Depute Chief Executive Resources and Economy (Chief Financial Officer)
East Lothian Council

Cc: Laurence Rockey – Chief Executive, ELC
Fiona Wilson – Chief Officer East Lothian
David Hood – Head of Operations East Lothian
Andrew Cogan – Chair East Lothian IJB
Shamin Akhtar – Vice Chair East Lothian IJB
Ellie Dunnet – Head of Finance
David Henderson – Service Manager, Service Accounting

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Resources and Economy
REPORT TITLE:	Musselburgh Flood Protection Scheme – Update on Public Local Inquiry and Next Steps
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To update Council on the decision of the Scottish Ministers to call in the proposed Musselburgh Flood Protection Scheme (“the proposed Scheme”) for consideration as provided for under paragraph 6 of schedule 2 of the Flood Risk Management (Scotland) Act 2009 (“the Act) and thereby cause a Public Local Inquiry (“PLI”) to be held. Furthermore, this report is to provide an update on the Council’s proposed approach to participating in that PLI.
- 1.2 To provide an update on the delivery strategy for the proposed Scheme, and the main constraints associated with it.
- 1.3 To provide an update on a recent national decision from January 2026 to impose a cost cap on the remaining Cycle 1 flood protection projects, including Musselburgh.
- 1.4 To present the emerging logic for commencing the detailed design of the proposed Scheme earlier than previously intended.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 Notes the decision of the Scottish Ministers to call in the proposed Scheme and hold a PLI to enable an independent review of the proposed Scheme, and that at the end of this process, the Scottish Ministers will make the final decision on the Scheme as provided for under the Act.

- 2.2 Notes the proposed approach to develop a Scheme Delivery Strategy to support the future delivery of this complex project on the basis that the final decision by the Scottish Ministers is to approve the proposed Scheme without modifications.
- 2.3 Notes the requirement to commence early detailed design of the proposed Scheme to ensure the Scheme remains within Cycle 1 funding and associated timescales. Officers are continuing to further develop and refine proposals, and these details outlining proposed delivery strategies will be considered at a future Council meeting prior to any formal commencement of design work.
- 2.4 Notes the recent national position to introduce a funding cost cap for Cycle 1 schemes. The Project Team is currently reviewing the impact of this and how the scheme can be progressed under the new Cycle 1 financial constraints including through delivery of a phased approach to the scheme, with further details to be brought back to a future Council meeting.

3 BACKGROUND

- 3.1 The proposed Scheme has been in development since 2016 and remains in its Project Stage 5.
- 3.2 The proposed Scheme is being advanced under the Act and its regulations guidance and other legislation. Whilst statutory approval under the Act will facilitate Deemed Planning Permission, the project will also require numerous environmental consents before it can proceed to its construction phase. These other consents and licences continue to be developed as part of the ongoing Stage 5 workload.
- 3.3 The proposed Scheme is a major and complex civil engineering project, with associated large capital cost. Furthermore, the project overlaps with the Council's Musselburgh Active Toun project. This has resulted in the Council developing both projects within one holistic design environment. The Council also has a strategy to deliver both projects, if approved, through a combined construction works programme. This is in accordance with the Council's 'One Council' strategy and its approach to advancing the proposed Scheme with full consideration of the multiple benefits.
- 3.4 The proposed Scheme was notified in accordance with the Act in March 2024, and Council made a preliminary decision to approve the proposed Scheme without modifications in September 2025. That meeting also led to a Council request that the Scottish Ministers cause a PLI to be held, to ensure that an independent review of the proposals is achieved, thereby recognising the concerns of some objectors. The meeting also instructed the Project Team to seek to advance 54 proposed changes into the project design and delivery.

- 3.5 On 17 October 2025 the Council notified all objectors of the outcome of the preliminary decision.
- 3.6 On 24 October 2025 the Council notified the Scottish Ministers of the outcome of the preliminary decision and provided them with the associated package of information as required by the Act. The letter of notification is provided as **Appendix A** to this report.

The Scottish Government Decision

- 3.7 On 19 December 2025 the Scottish Ministers confirmed their decision to call in the proposed Scheme as provided for under paragraph 6 of schedule 2 of the Act. The letter of their decision is provided as **Appendix B** to this report.
- 3.8 The effect of this decision by the Scottish Ministers is to accept the request of Council through the approved Amendment of the September 2025 meeting. In their letter, the Scottish Ministers stated: “Given that there are a number of disputed facts in relation to the proposed Scheme, Ministers are of a view that a public local inquiry would provide an opportunity for fresh consideration of the proposed Scheme through an external, independent, process.”
- 3.9 On 22 December 2025 Council issued a press release to confirm the decision of the Scottish Ministers, updated the Scheme’s website and issued an update email to the Scheme’s stakeholders. In January 2026 the Council updated the Scheme’s public notice boards. These actions were to ensure that stakeholders and objectors to the proposed Scheme continue to be updated with the best available information by the Project Team.
- 3.10 The next step is for the Scottish Ministers to refer the proposed Scheme to the Planning and Environmental Appeals Division of the Scottish Government who will appoint a Reporter to hold the PLI.

Preparations for the PLI

- 3.11 Preparation for the PLI has commenced by Council.
- 3.12 It is anticipated that, once appointed, the Reporter will invite relevant objectors to participate in the PLI. The Reporter may then request position statements from the participating parties.
- 3.13 A list of foundation documents that the PLI will consider will likely be established. A pre-examination meeting will then be held to establish the subsequent process and the topics that inquiry sessions will focus on. Further written submissions may be requested and received at this stage.
- 3.14 The Reporter may also seek to obtain statements of agreement between the parties, to focus the inquiry sessions on the points which remain in dispute.

- 3.15 Prior to inquiry sessions commencing, a list of witnesses and supporting documents will be finalised. The inquiry sessions are then likely to take place in person. The venue for the inquiry sessions will depend upon the number of participating parties but is expected to be in or near Musselburgh. It is anticipated that the sessions will be open to the wider public and will be recorded for viewing online afterwards.
- 3.16 The steps above are illustrative, and a full understanding of the approach that the reporter will take will only become visible once appointed.
- 3.17 It is currently estimated that the PLI process is likely to take between 12 and 24 months. This would result in an estimated final decision being taken by the Scottish Ministers around October 2027. All times and activities associated with the PLI are subject to change, and further updates will be provided to Council once there is greater clarity. Other key points to note are as follows:
- (a) Scottish Ministers are expected to appoint a Reporter early in 2026;
 - (b) If the Reporter has immediate availability, preparatory activities are expected to take place before the summer and the inquiry sessions are expected to take place in the autumn; and
 - (c) Following the inquiry sessions, it is unknown how long the Reporter may take to prepare their report or how long the Scottish Ministers may take to consider the report prior to making a final decision on the Scheme.
- 3.18 The Project Board has overseen a review of personnel required for the PLI.
- 3.19 The Council's participation in the PLI will be led by Legal Services, supported by the Project Team. The Council has engaged the services of additional legal support from Anderson Strathern, and they are ongoing in appointing a King's Counsel. The specific requirements of the Project Team will not be known until a better understanding of the approach to be taken by the reporter is known.

Update on Delivery Constraints

- 3.20 This project is subject to various sources of risk and uncertainty. This is typical for any construction project and especially a complex civil engineering project that is delivering flood protection in a historic urban environment. Notwithstanding this, the following uncertainties are highlighted because they are considered atypical.
- 3.21 The Scottish Government and COSLA have been reviewing Cycle 1 of the National Flood Protection Scheme Programme since 2022. This has resulted in a number of constraints and timelines being applied to schemes currently within the Cycle 1 programme. A reminder of the key parameters set out in the paragraphs below.

- 3.22 As reported to Council in January 2024, one constraint (Recommendation 2) is that councils “must be able to provide evidence that a scheme had been notified no later than 31 March 2024 to remain eligible for funding under Cycle 1 of the programme”, and “that there will be no exception to this requirement”. The Council mitigated and then avoided this risk by notifying the proposed Scheme in March 2024 and thus in advance of the deadline.
- 3.23 As reported to Council in September 2025, another constraint (Recommendation 3) is that councils “must have the main construction works signed contract in place by the end of Quarter 4 2025/26” and that, “If a LA is not able to provide evidence the scheme has a tender in place then it will not be considered viable and automatically removed from Cycle 1 funding”. Whilst this constraint cannot be met, the proposed Scheme is exempt from it due to Recommendation 8.
- 3.24 Recommendation 8 states that “There is justification for an exemption to Recommendation 3 under the limited circumstances of a need for a public local inquiry or local hearing”. This recommendation took effect on 24 October 2025 when the Council notified the Scottish Ministers of the preliminary decision.
- 3.25 An extension of time provided by Recommendation 8 means that the deadline for the Scheme’s main construction works signed contract is now likely to be around October 2029. Whilst it is technically possible to meet this deadline, it presents a substantial risk to the project due to the size and complexity of the scheme, and the unknown timings and any subsequent recommendation arising from the PLI. Given this, officers are further exploring the need to commence early detailed design in parallel with the PLI and further detail will be brought back to a future Council meeting. It is recommended that this action is necessary to mitigate the risk to ensure that the programme can be delivered within the national timescales which has been agreed. This risk will be reviewed regularly, and further mitigation may be required. An illustration from the COSLA report is provided below showing how the time extension would work in principle.

Activity	Date
Date notified to Scottish Ministers	01/11/2025
Date Recommendation 8 comes into effect for Council	01/11/2025
Date of Council being informed of the Scottish Ministers decision after a Public Local Inquiry or Local Hearing of 24 months	01/11/2027
Time lost = time recovered = extended Recommendation 3 date for Council	01/11/2029

Note – The above table is an extract from COSLA Report and is for illustrative purposes only.

- 3.26 A recent decision has been taken at the end of January 2026 to implement a financial cap on the national funding to support the remaining Cycle 1 schemes which have not yet concluded. This will set a maximum cost cap for national funding at 300% of the estimated cost set in 2016, and which will result in a maximum level of national funding available for Musselburgh to be capped at £35.6m (80% of overall scheme cost). The national agreement has included parameters to suggest that should costs exceed this level, authorities could also consider options including the opportunity to self-fund, descope or phase the project. There is also agreement that in 'exceptional circumstances' where it would not be possible to deliver the scheme, to enable the development a business case for future consideration by COSLA and Scottish Government. Officers are actively reviewing the impact of these decisions on what and how the Scheme should be delivered. Once these details have been developed, this will be reported back to Council as early as possible on the recommended way forward. This will also now will centre upon a phased approach due to capping constraints.
- 3.27 Officers will also continue to work with COSLA, who have agreed to seek urgent clarity on the process, criteria and timescales for 'exceptional circumstance business cases' to allow schemes impacted by the cap such as Musselburgh to continue and find a route to delivery.
- 3.28 Given the significance and potential risks associated with the national funding cap and associated timing with accessing Cycle 1 funding, officers are proposing that this will also require the need to commence an earlier scheme delivery strategy. This strategy will establish how the construction works are intended to be advanced by the Council and when. This action can also explore delivery options that may need to be considered in response to any new constraints that emerge.
- 3.29 Whilst there are wider uncertainties relating to the proposed Scheme, these will collectively be considered in more detail through the proposed Scheme Delivery Strategy. Further details on the development of this strategy will be considered at a future Council meeting, prior to the formal commencement of further scheme design.

Update on Scheme Programme

- 3.30 In recent months, the Project Team have continued to work through the wide range of variables with Project Board and confirmed the assumptions that should be made in relation to each uncertainty. This allowed the Project Team to determine the best possible estimated programme of future activities, and thereby the overall proposed Scheme delivery.
- 3.31 A current Schematic Overview Programme is provided as **Appendix C** to this report. This remains a live document however it should be noted that actual timing of the PLI alongside the recent national financial cost cap will almost certainly affect the proposed Scheme Programme in the future.

3.32 Key dates currently reflected within the Scheme Programme are as follows:

- (a) The process within the Act of notifying the Scottish Ministers, that led to the PLI, is assumed to be of 24-month duration which commenced in October 2025 when notification of the preliminary decision was given;
- (b) That a final decision on the Scheme will be made by the Scottish Ministers around October 2027, and that Deemed Planning Permission will follow this;
- (c) That, it is currently assumed that the deadline for a main construction works signed contract will be October 2029, subject to the date that the final decision is taken by the Scottish Ministers. Much of the rest of the logic of the programme has therefore been developed in relation to this date – i.e. the detailed design and procurement of the main works must be complete before this date.
- (d) Given the scale and nature of the construction works and in relation to the cap, it is assumed that works will now have to be phased.
- (e) It is assumed that Advanced Works Contracts will be used to prepare for the main works. These will likely include public utility diversions; site clearance works; delivery of potential alternative traffic management works; potential demolition and/or other enabling works. As the name suggests, such works must be completed in advance of the Main Works to be effective. It is highlighted that not all locations will require Advanced Works, and that the scope of such a contract is not yet known;
- (f) That major public procurement exercises must be completed in advance of all construction works contracts being signed;
- (g) That the detailed design must be completed in advance of the Main Works Contract's procurement exercises commencing; and
- (h) That the best way for Council to advance this programme, and ensure compliance with Cycle 1 national funding and timing constraints is to commence the detailed design early.

3.33 The Scheme Programme is a live document and is considered to be the best projection of time for the proposed Scheme. The programme is subject to legal processes and external constraints which may impose further significant changes to the logic of the programme. The Project Team will continue to revise the Scheme Programme with the best available information and will continue to report on any updates to Project Board, the Council's Senior Leadership Team and Council.

3.34 The exact approach to delivery of the construction of the Scheme has yet to be determined. The development of the Scheme Delivery Strategy

is the next major step in this process. The Project Board will be in a more informed position once this is prepared.

- 3.35 Council will continue to consider the scheme design, and wider approvals, including cost, programme, risks and funding arrangements. Officers are committed to bringing back a further report as early as possible to confirm the next steps.

Development of the Scheme Delivery Strategy

- 3.36 As previously referenced, the overall approach to deliver the construction of the Scheme has yet to be finalised and will be approved once the project objectives evolve into an outline design. Similarly, until the statutory approval under the Act is achieved, the construction works cannot be delivered. Notwithstanding this, the project has always been planned in advance and is being managed through the PRINCE2 Project Management System to provide discrete stages and stage gateways where the Project Board are able to refine the assumptions and review the plan for the next stage. This step-by-step approach thus manages assumptions that are a function of an evolving design (developed in a consultative framework) and minimises the risk and financial exposure of the Council as the project is advanced.

- 3.37 The approach to advancing this project was determined by Project Board in 2017 and assumed that the Scheme Delivery Strategy would be developed during Project Stage 6. That approach identified a need for the following individual plans or strategies to be blended together to form one overarching Scheme Delivery Strategy:

- (a) The approach to final estimation of cost and time;
- (b) The approach to construction delivery which will now include phasing;
- (c) The approach to construction procurement;
- (d) The approach to land access and compensation;
- (e) The approach to risk management (and definition of the contingency pot as part of the overall budget); and
- (f) The approach of the Council to management and operation of the Scheme post completion.

- 3.38 A project delivery strategy is unique to each project. Officers recognise that invaluable local information collected through extensive consultation with the community and key stakeholders can be absorbed into the Scheme Delivery Strategy.

- 3.39 The Scheme is subject to various sources of risk and uncertainty. These are identified and managed by the Project Team through the Scheme's risk register. As the project moves into planning for the construction stage, the Project Team will review the risk register in conjunction with

the emerging Scheme Delivery Strategy. This will also include a monetisation of the risks.

- 3.40 Whilst officers are recommending the need to commence early detailed design to advance to Stage 6, there is a need to further develop the Scheme Delivery Strategy to allow an informed decision to be taken.
- 3.41 Officers will now progress with this work, and that the Strategy will be reported back to Council for further consideration.

Commencement of the Detailed Design

- 3.42 The detailed design of the proposed Scheme is the activity that provides sufficient engineering and construction detail for the contractor to tender for, and thereafter, build the Scheme. This detailed design must absorb any conditions imposed on it through Deemed Planning Permission. Similarly, it must absorb conditions imposed through other environmental consents and licences. Furthermore, the detailed design will require to consider the 54 changes to the proposed Scheme in accordance with the instruction of full Council through the September 2025 meeting. It will now also have to work within the COSLA determination and cap.
- 3.43 It is anticipated that the detailed design stage will take in the order of 20 months to complete.
- 3.44 In accordance with the existing approach to project delivery, the programme and the PRINCE2 Project Management System, the project stages are intended to be delivered sequentially with Stage 6 (Detailed Design) commencing after Stage 5 (Statutory Approvals) is complete. If this approach is maintained, then the Council will not meet the requirements of Recommendation 8. The Scheme will then be removed from Cycle 1 and Scottish Government funding will be withdrawn.
- 3.45 To avoid this, it is proposed that Stage 6 needs to commence early and run in parallel with Stage 5. At this time, sufficient planning to commence Stage 6 has not yet been undertaken and the Stage 6 Plan has not been prepared.
- 3.46 It is assumed that the outline Stage 6 Plan will be developed for consideration in the near future by Council.
- 3.47 It is currently understood that there will be no substantive change to the time required to deliver Stage 6: it is simply taking place at an earlier time. In a scenario where the proposed Scheme is modified, or other unexpected new conditions emerge from the ongoing Stage 5 statutory approvals processes then it is expected that a relatively small amount of additional time will be required for Stage 6.
- 3.48 It is anticipated that the cost to progress the scheme design will be met within the existing funding envelope and further details will come back to Council for determination before proceeding. The options are to progress with early Stage 6 detail design in full or to consider phasing the detail

design in sections that would deliver the entire scheme over a longer period when funding is available. The costs for both will differ as would the cost if the PLI requires any potential changes. It is highlighted that the Project Team do not consider that any potential change to the proposed Scheme can emerge that would be sufficiently different that would substantially invalidate the overall detailed design. A modification of such scale is not a modification but, rather a different scheme entirely. Such a situation would instead result in a 'rejected' scheme rather than a revision of the detailed design.

- 3.49 It is currently understood that the greatest risk to commencing the detailed design early is if, in due course, the Scottish Ministers make a decision to 'reject' the proposed Scheme. In this scenario the work undertaken on the detailed design is not required as the project is closed. The alternative, however, by waiting on the outcome of the PLI, is that the project will certainly fail to meet the funding deadline and be removed from Cycle 1 of the national programme as a result. This would, in effect, mean the cancellation of the Scheme in its entirety. There is no indication that the Scheme, if removed from Cycle 1, would be eligible for subsequent funding cycles. Starting the detailed design early is therefore the only reasonable route for the Scheme to continue to receive funding from the Scottish Government. As stated, this will be a decision for a future Council on when early detail design is commenced.

4 POLICY IMPLICATIONS

- 4.1 The Scheme is an important element of the Council's approach to resilience and a means of adapting Musselburgh to the effects of climate change. The Scheme represents one of the largest flood protection schemes in Scotland, with in the order of 3,200 properties (which includes 2,600 residential properties, 350 businesses, and significant key infrastructure) being protected, and would be a major contributor to adapting to the effects of climate change including communities potentially affected in the event of a flood and the local and national economies including key strategic infrastructure: e.g. Scottish Water Assets; other public utility assets; the A1 Trunk Road; the Scottish Power Ash Lagoons etc.
- 4.2 The Scheme supports the East Lothian Council Plan 2022-2027 and the Council's Climate Change Strategy 2025-2030.
- 4.3 Aligning with the principle of Safeguarding our Future and Strategic Outcomes, under the Travel, Connectivity and Infrastructure section, the Scheme clearly delivers on the need to ensure that communities are protected from the impact of floods.

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Financial:

5.2 The financial implications of the project/Scheme will be finalised in the future. This will be after approval of proposed Scheme design, and after the procurement exercise for the main works contract (or phased contracts – to be confirmed), in accordance with the processes associated with flood protection schemes advanced under the Scottish Government's Cycle 1 Flood Protection Scheme Programme and its funding eligibility criteria.

5.3 Officers have been progressing with the design of the Scheme aligned to national legislation and national funding criteria. Previous cost estimates remain within the Council's approved capital budget, and the overall affordability of this will be subject to detailed procurement and confirmation of available resources. It is anticipated that the cost of this Scheme, if approved, will be met from a combination of:

- The Scheme remains a project identified within Cycle 1 of the national flood protection scheme programme, and as such aligned to the national funding criteria which define that the Scottish Government will provide 80% of the eligible cost of the Scheme (within the recently revised COSLA recommendations).
- The balance of funding will be met from a combination of capital funding provided by the Council and maximising external funding streams to support the delivery of multiple benefits identified within the Scheme.
- It is highlighted that, in accordance with the Scheme's PRINCE2 Project Management System, that at any point in the delivery of the project the Council is only liable for the costs authorised within the project stage that is open.

5.4 The recently approved national cost cap sets a maximum cap of 300% of the estimated cost set in 2016. For Musselburgh the maximum cap on national funding available in Cycle 1 is £35.6m.

5.5 The Scheme costs are intended to be fully reviewed at the earliest opportunity after the final decision has been taken by Scottish Ministers. This decision is expected around October 2027; therefore, it is considered that an update on Scheme cost can be provided to full Council around the first quarter of 2028.

5.6 It is expected that there will be additional costs associated with the extension to the Scheme's Project Programme due to the assumed twenty-four additional months to complete the PLI: in particular, this references the cost of inflation to the overall Scheme costs over those twenty-four months. This cost has not yet been determined, and it is intended that this matter will be reviewed in full when the Scheme costs are next revised in full. Equally, given the national agreement to implement a cap, any phased approach is likely to uplift the overall cost

of the Scheme and impact upon the capital planning used thus far to cover the Council's 20%. Furthermore, consideration will need to the ability to deliver the planned multiple benefits.

5.7 It is expected that there will be additional costs associated with the PLI: in particular the cost of resourcing the team that is required to participate in this process and which will include Council officers, support from the existing project management and design consultant teams, alongside the new external legal support services of Anderson Strathern and a King's Counsel. This cost has not yet been determined, and it is intended that this matter will be reviewed in full when the Scheme costs are next revised in full. It is currently understood that the cost of this activity will not be less than £1,000,000.

5.8 Human Resources:

5.9 The PLI is likely to have implications for the number of Council personnel and its consultants required to engage with the process, and the duration over which this activity would take place. The personnel that may be involved in the PLI are:

- (a) The Council's Service Manager – Governance;
- (b) The King's Counsel;
- (c) Representation from Anderson Strathern;
- (d) The Council's Head of Infrastructure;
- (e) The Scheme's Project Executive;
- (f) The Council Team Manager – Structures & Flooding;
- (g) The Scheme's project management team, Senior Project Manager from Turner & Townsend/CPE Consultancy;
- (f) The Scheme's Project Delivery Manager from Jacobs;
- (g) Various subject matter experts from Jacobs;
- (h) Potentially, various Council officers to support subject matter;
- (i) Potentially, representation from external independent witnesses engaged to support the Council's positions.

5.10 Other (e.g. Legal/IT):

5.11 The PLI will extend the duration of the Scheme's approval under the Act. This process is legal in nature and being led by the Council's Legal Services. Until these processes are concluded it is considered that the Scheme will continue to require significant commitment from Legal Services and also remain exposed to significant legal risks.

5.12 Risks:

- 5.13 A funding review of Cycle 1 of the National Flood Protection Scheme Programme has been undertaken jointly by COSLA and the Scottish Government. Following this review, additional constraints for funding eligibility have been imposed. The next deadline that is relevant to this proposed Scheme is that it must have its construction works contract in place by around October 2029. This risk and the actions being taken to mitigate it are detailed in full elsewhere in this report.
- 5.14 Scottish Government and COSLA have written to East Lothian Council confirming this amendment of available funding. This has led to uncertainty on delivery of the full Scheme.
- 5.15 National discussions remain ongoing given the challenging fiscal landscape, and in particular the level of national funding to support the growing costs of progressing wider flood protection schemes within national legislation. Aligned to the most recent decision COSLA continue to seek urgent clarity on the process, criteria and timescales for exceptional circumstances business case. The conclusion to these discussions will be particularly important to provide assurance to those schemes who have been progressing with scheme design aligned to national guidance, such as Musselburgh, and hopefully will support and find a route to deliver the scheme.
- 5.16 Officers will continue to engage proactively within the national discussions including with COSLA and the Scottish Government. The recent changes to national funding criteria will have a significant impact on the affordability of the overall proposed Scheme and how it is delivered. This risk and the actions being taken to mitigate it are detailed in full elsewhere in this report.
- 5.17 More widely, the current complex legislative process to progress flood protection schemes may place further costs and delays on the proposed Scheme and will impact on availability of both national and council funding, including funding to support the delivery of multiple benefits. As the PLI and detailed design progress, it will be important that Members are updated on the associated funding and affordability of the proposed Scheme.
- 5.18 The length of the PLI is unknown and as such it is necessary to accelerate the detailed design in order to meet the national timescales.
- 5.19 The early commencement of the detailed design and thereby Stage 6 with the cap being imposed presents new risks to the Council; however, this approach is being taken to mitigate and avoid an even bigger risk. These risks and the actions being taken to mitigate them are detailed in full elsewhere in this report.

6 INTEGRATED IMPACT ASSESSMENT

6.1 *Select the statement that is appropriate to your report by placing an 'X' in the relevant box.*

An Integrated Impact Assessment screening process has been undertaken, and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	N/A
Socio-economic disadvantage/poverty	N/A
Climate change, the environment and sustainability	N/A
Corporate parenting and care-experienced young people	N/A
Storage/collection of personal data	N/A
Other	N/A

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix A – East Lothian Council notification of preliminary decision to Scottish Ministers.
- 7.2 Appendix B – Scottish Ministers' notification of PLI to East Lothian Council.
- 7.3 Appendix C – High Level Schematic of Scheme Programme.

- 7.4 Appendix D – COSLA Letter to Scottish Government, January 2026 (published in the Members’ Library (private), Ref: 13/26, Feb26 Bulletin): https://intranet.eastlothian.gov.uk/meetings/meeting/5677/members_library_service

8 BACKGROUND PAPERS

- 8.1 Report to Cabinet in May 2016 – approval of the Local Flood Risk Management Plan (Forth Estuary) which included a proposed flood protection scheme for Musselburgh.
- 8.2 Report to Cabinet in January 2020 – approval of the ‘Preferred Scheme’ concept to be advanced to an Outline Design.
- 8.3 Report to full Council in August 2022 – approval of inclusion of the Ash Lagoons Seawall within the Scheme, and update to hydraulic model C.
- 8.4 Report to full Council in October 2022 – approval of the project’s assessment of Musselburgh’s flood risk, and timeline for advancing the outline design.
- 8.5 Motion to full Council in August 2023 – Note of Progress and Request for Information.
- 8.6 Report to full Council in October 2023 – approval to advance Natural Flood Management (NFM) in the River Esk catchment independently of the Scheme and as part of the future Local Flood Risk Management Plan (LFRMP).
- 8.7 Appendices A-F, available in the Members’ Library, January 2024 Bulletin, Ref: 08/24 - Agendas, reports and minutes | East Lothian Council.
- 8.8 Report to full Council January 2024 – approval of Musselburgh Flood Protection Scheme – Presentation of the Outline Design.
- 8.9 Members Library Report in September 2025 – Update on the Coastal Change Adaptation Process (CCAP).
- 8.10 Members Library Report in September 2025 – Update on the Esk Lothian Catchment Partnership (LECP).
- 8.11 Report to Full Council September 2025 – Musselburgh Flood Protection Scheme – Preliminary Decision on Proposed Scheme.

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Alan Stubbs
Designation	Project Executive – Musselburgh Flood Protection Scheme
Tel/Email	musselburghfps@eastlothian.gov.uk
Date	

Head of Service Approval

Name	Tom Reid/Sarah Fortune
Designation	Head of Infrastructure/Depute Chief Executive – Resources and Economy
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	10 February 2026

Our Ref: CG/MFPS/251024
Your Ref: Scheme Preliminary Decision
Date: 17 October 2025

**MUSSELBURGH FLOOD PROTECTION SCHEME (“the Scheme”)
FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 (“the Act”)**

For the attention of Anne Aitken

Dear Anne,

At its meeting of full Council on 30 September 2025, East Lothian Council took a preliminary decision to confirm the proposed Musselburgh Flood Protection Scheme with no modifications, pursuant to Paragraph 5 (1) (a) of Schedule 2 of the Act.

During that meeting a debate took place on the merits of a Public Local Inquiry (PLI) as a means of addressing one key theme of the objections which was that the processes through which the proposed Scheme had been developed did not have sufficient independent checking. It was agreed by that meeting of full Council that the Scottish Ministers should be asked to consider the proposed Scheme and thereby ensure that a PLI rather than a Local Hearing be held, and thereafter that the Scottish Ministers take the final decision on this proposed Scheme.

This letter is to give you, the Scottish Ministers, notice of that decision pursuant to Paragraph 5 (5) of Schedule 2 of the Act as at this time relevant objectors to whom Paragraph 5 (6) of Schedule 2 of the Act applies remain. It is also to give you notice of this specific request of East Lothian Council.

It is highlighted that the papers for this meeting of Council, including the detail on the proposed changes referenced later in this letter, are available to view on the council’s website, and at the following specific URL address: <https://www.eastlothian.gov.uk/meetings/meeting/17543/east-lothian-council>. A full video recording of that meeting is also available to view online at the following specific URL address: https://eastlothian.public-i.tv/core/portal/webcast_interactive/1014651.

Prior to the preliminary decision being made, the local authority considered 481 valid objections and 17 representations in respect of the proposed Scheme’s Environmental Impact Assessment (“the EIA”).

In accordance with the sub-paragraph points (a) to (d) of Paragraph 5 (5) of Schedule 2 of the Act the following documents are required to be provided to the Scottish Ministers:

- a) The scheme documents;
- b) A summary of the objections received by the local authority;
- c) A copy of those objections; and
- d) Copies of any other material considered by the local authority.

In accordance with this requirement these documents, alongside this covering letter, have been provided to the Scottish Ministers via the Objective Connect file transfer platform and through the Scottish Government's Flood Risk Management Team.

East Lothian Council requests that, pursuant to paragraph 6 (2) of Schedule 2 of the Act, the Scottish Ministers consider the proposed Scheme and, in doing so, cause a public local inquiry to be held. The basis for this request relates to:

- a) The nature of the objections made;
- b) The likely effect on the objectors of the Scheme being confirmed; and
- c) The extent to which the objections appear to raise issues of disputed fact.

On Friday 17th October 2025 the council wrote to all relevant objector to notify them of the preliminary decision in accordance with Paragraph 5 (5) 3 of Schedule 2 of the Act. Within that correspondence we thanked each objector for the information they had provided via the process and informed them of the proposed changes that East Lothian Council intends to make to the proposed Scheme. The specific text of that paragraph is provided here for your visibility:

"We would like to thank you directly for the information received through your formal correspondence and highlight that although a preliminary decision was taken with no "modifications", the following main developments have taken place:

- (i) That Council agreed a recommendation during its meeting on 30 September 2025 that the project team, working in consultation with the planning authority, should seek to deliver the 54 proposed changes; and*
- (ii) That Council agreed to ask Scottish Ministers to consider the proposed Scheme, which will involve a PLI to be held and thereafter the Scottish Ministers taking the final decision.*

At this point if you wish for your valid objection to be considered by the Scottish Ministers then you are not required to do anything and I can confirm that all information, including your correspondence, considered by the meeting of full Council on 30 September 2025 will be provided to the Scottish Ministers as detailed in this letter.

If, however, you are now satisfied with the proposed Scheme that was considered by the meeting of full Council, and/or you consider that the 54 changes to that proposed Scheme adequately address your concerns, then there remains an opportunity for you to withdraw your objection. If you wish to withdraw then you must provide this notice in writing to: Service Manager – Governance, Legal Services, East Lothian Council, John Muir House, Haddington, EH41 3HA; or via the email address: mfpsobjections@eastlothian.gov.uk

On behalf of council, I look forward to receiving your response to this notice in writing or email to musselburghfps@eastlothian.gov.uk and hope that you will agree that the objectors to this proposed Scheme should have the opportunity to express their concerns via a PLI. We look forward to hearing back from you at the earliest.

Yours faithfully



CARLO GRILLI

**Service Manager – Governance
Legal Services**

Carlo Grilli
Service Manager
Governance Legal Service
John Muir House Haddington
East Lothian
EH41 3HA

18 December 2025

Dear Carlo

Musselburgh Flood Protection Scheme - Flood Risk Management (Scotland) Act 2009

Thank you for your letter received on 24th October 2025, giving notice to Scottish Ministers that the Council has made a preliminary decision to confirm the proposed Scheme without modification.

Having considered all the documentation provided by the Council, I can confirm that Scottish Ministers have decided to call in the Scheme for consideration as provided for under paragraph 6 of Schedule 2 of the Flood Risk Management (Scotland) Act 2009 (“the Act”). Given that there are a number of disputed facts in relation to the proposed scheme, Ministers are of the view that a public local inquiry would provide an opportunity for fresh consideration of the proposed scheme through an external, independent process.

Under the Act Scottish Ministers must now cause a local inquiry to be held unless all objections made by relevant objectors are withdrawn and we will be in touch with you regarding arrangements for taking this forward in due course.

Yours sincerely

Flood Risk Management Team
Water Management Strategy and Policy Unit
Environmental Quality and Resilience Division

Schematic Programme by Project Stage:

Revision Date: 09/01/2026

SCHEMATIC SCHEME PROGRAMME – BY PRINCE2 STAGE

PROJECT STAGES:	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
1 - Establishment of Project	COMPLETED IN DECEMBER 2017												
2 - Review Existing Studies	COMPLETED IN SPRING 2018												
3 - Option Appraisal Process	COMPLETED IN SPRING 2020 - Inc. major Public Exhibition (PE) in July 2019												
4 - Outline Design	COMPLETED IN SPRING 2024 - Inc. major PE in June 2023 and Council Meeting in January 2024												
5 - Statutory Approvals	COMPLETED IN JUNE 2024 - Project Board determined that it was almost certain the Scheme would go to PLI												
5 - Approvals via Ministers	Assumed 24 Month PLI & Scottish Ministers approval in Oct. 2027												
6 - Detailed Design	Consider from Aug. Project Board Assumed Early Start from summer 2026												
7 - Construction Procurement	Assumed date of Recommendation 8 for MFPS = October 2029												
8.1 - Construction - AWC	To start after Scheme Approval has been achieved												
8.2 - Construction - MWC No. 1	Seawall Works - Assumed 60 Months												
8.3 - Construction - MWC No. 2	All other Works - Assumed 42 Months												
9 - FWC & MWC Maintenance	Assumed 12 Months for No. 1 & 24 Months for No. 2 alongside FWC by Other for ELC												

COMMITTEE: East Lothian Council

MEETING DATE: 17 February 2026

BY: Depute Chief Executive – Resources and Economy

REPORT TITLE: Memorandum of Understanding with Lothian Heat CIC

REPORT STATUS: Public

6

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an update on the Memorandum of Understanding (MoU) that the Council is seeking to enter into with Lothian Heat Community Interest Company (LHCIC).

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Agree the Memorandum of Understanding that is appended to this report.

3 BACKGROUND

- 3.1 An Energy Report and Local Heat and Energy Efficiency Delivery Plan Update was considered by Council at its meeting in October 2025.

- 3.2 The report explained that LHCIC has been set up to provide a development vehicle to serve the interests of those living and working in East Lothian, Midlothian, and Edinburgh, and to meet the following charitable objectives:

1. To explore solutions for minimising waste heat and delivering clean, affordable heat to homes across the Lothians and Edinburgh.
2. To maximise community ownership of and benefit from future heat solutions.

- 3.3 The report advised that LHCIC wished to enter into a non-legally binding MoU with the Council to collaborate on finding heat solutions to support the people, Council, and businesses of East Lothian.
- 3.4 Council agreed with the principle of a partnership with LHCIC, which should be aligned with regional discussions, and subject to officers developing an MoU to be agreed at a future Council meeting. It was further agreed that this MoU should be brought to the December 2025 meeting of the Council for a report and decision.
- 3.5 A verbal update was given at the Council meeting in December 2025. The Council's Head of Development confirmed that a written report would be presented at the Council meeting in February 2026.
- 3.6 Subsequent to the meeting in December, Council officers prepared an MoU and shared this with LHCIC. There have been a number of revisions to the document since that time. Council officers submitted a final version of the MoU to LHCIC In January 2026. A copy of this is set out in Appendix 1 to this report.
- 3.7 LHCIC have confirmed in writing that they are happy with this final version. It is hoped that the MoU will be signed within a week of this Council meeting.
- 3.8 Council officers have continued to have discussions with regional partners. LHCIC have indicated that they hope to also agree MoU's with the other Lothian councils. It is hoped that the partnership with LHCIC will help meet the objectives of the Council's Local Heat and Energy Efficiency Strategy.

4 POLICY IMPLICATIONS

- 4.1 None.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None.
- 5.2 Human Resources: None.
- 5.3 Other (e.g. Legal/IT): None.
- 5.4 Risk: None.

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 ***Select the statement that is appropriate to your report by placing an 'X' in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 Appendix 1: Draft MoU.

8 BACKGROUND PAPERS

8.1 Report to Council on 28 October 2025 – Energy Report and Local Heat and Energy Efficiency Delivery Plan Update

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

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Date	30 January 2026

Head of Service Approval

Name	Sarah Fortune
Designation	Depute Chief Executive Resources and Economy
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	30 January 2026

MEMORANDUM OF UNDERSTANDING

Between **East Lothian Council (ELC)** and **Lothian Heat CIC (LH)**
("Parties")

1. Introduction

- 1.1. This Memorandum of Understanding (MoU) outlines the principles and broad framework under which ELC and LH will collaborate on finding heat solutions to support the people, council, organisations and businesses of East Lothian (hereafter referred to as "the Objective").
- 1.2. This MoU is not legally binding, and no legal obligations nor legal rights shall arise between the Parties from this MoU. The Parties each enter into the MoU intending to honour all their obligations.
- 1.3. Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the Parties, constitute either Party as the agent of the other Party, nor authorise either of the Parties to make or enter into any commitments for or on behalf of the other Party.
- 1.4. Notwithstanding its non-legally binding nature, this MoU is intended to provide clear strategic direction and internal assurance to officers of East Lothian Council that collaborative activity with Lothian Heat CIC in pursuit of the Objective is authorised and supported by ELC.

2. Purpose and Objective

- 2.1. The purpose of this MoU is to ensure that both Parties are proceeding in a collaborative manner in order to achieve the Objective.
- 2.2. The Parties agree to work together to explore approaches to develop the following:
 - Regional and local scale district heat network opportunities;
 - Shared heat pump or other suitable solutions for appropriate rural communities;
 - Individual heat pump or other suitable low-carbon technology installations; and
 - Regional opportunities to work with local authority partners and community groups to deliver the cheapest possible heat price.
- 2.3. The Objective directly supports the delivery of East Lothian Council's Local Heat and Energy Efficiency Strategy (LHEES), approved by Council in October 2024, and provides an agreed mechanism through which officers may progress LHEES actions in partnership with Lothian Heat CIC.
- 2.4. In progressing the Objective, the Parties acknowledge:
 - ELC's current focus on the potential for a district heat network at Cockenzie, and the potential of utilising mine water geothermal energy for the Blindwells development and surrounding area.
 - Lothian Heat's current focus priorities are the potential opportunities at Mussleburgh, Cockenzie and Wallyford as well as the earlier development stages for the transmission network.

- Parties also recognise the need to retain flexibility to explore and progress other viable opportunities across East Lothian as external funding, data, or partnership opportunities emerge.
- A shared understanding that we seek to enable heat solutions that maximise long-term affordability, local value retention, local skills and business growth and community benefit, consistent with Scotland's net zero targets.
- A shared understanding that LH will seek to explore delivery models that maximise long-term affordability, local value retention, local skills building, and community benefit, consistent with Scotland's net zero targets.

3. Principles of Collaboration

3.1. The parties agree to adopt the following principles as part of this partnership:

- **Active collaboration** – Officers and representatives will engage constructively and in a timely way to progress agreed activities aligned with the Objective and the LHEES, whilst also recognising and respecting budget constraints and other time critical work being undertaken by partners, and committing to discuss and, in so far as possible, resolve competing priorities where these risk delaying progress.
- **Clarity of roles and accountability** – Each Party will be clear about its respective responsibilities and will take ownership of agreed actions.
- **Open and timely communication** – The Parties will share relevant information, opportunities and constraints as early as possible, subject to any statutory or confidentiality constraints. Communication will be open, transparent and honest, with the aim of fostering a collaborative relationship.
- **Alignment with governance and policy** – All activity under this MoU will be undertaken in line with Council-approved policy, statutory requirements and established governance arrangements.
- **Good faith delivery** – The Parties recognise the time-critical nature of heat decarbonisation and will act in good faith to progress agreed actions, escalating barriers where necessary rather than allowing inertia to stall delivery. The Parties will conduct interactions in a professional and respectful manner in support of the Objective. Each Party will listen to and value the perspectives of the other, and will act in good faith to support the shared Objective of this MoU.

4. Roles and Responsibilities

4.1. East Lothian Council:

- Undertake our duties and decision making in accordance with legislative requirements and established governance of ELC.
- Appoint a senior representative to liaise with LH;
- Commit to identifying and allocating appropriate officer time and expertise to progress projects of joint interest within the LHEES, using a pragmatic and proportionate resourcing approach, which may include full-time secondment, shared resourcing, or in-kind support, subject to mutual agreement.
- Explore how ELC land assets might support the heat network development at Cockenzie, along potential transmission pipe routes and at other strategic locations; and

- Actively support and, where required, co-sign or provide formal letters of support for external funding applications that align with the Objective and the LHEES, subject to internal governance and approval processes.

4.2. Lothian Heat CIC:

- Seek to unlock external funding to support dedicated project development capacity. Where such funding is secured, if additional ELC officer time is requested, the Parties will negotiate how additional officer time or full-time secondment arrangements may be supported.
- Seek to explore delivery models that maximise long-term affordability, local value retention, local skills building,
- Develop and finalise Governance arrangements with an experienced board with energy sector, heat network and financial expertise;
- Develop MoU's with key stakeholders and develop relationships that can unlock further detailed studies and action as required;
- Recognise that ELC's current position is that the delivery of heat networks cannot be dependent on capital resources from, or underwriting of debt by, ELC, given the financial position and wider demands on resources; however, to also recognise that in some cases a heat network may represent best value as a decarbonisation option for Council estates.
- Where agreed with ELC, LH shall be responsible for submitting applications for funding.

4.3. Joint Responsibilities:

- Collaborate in the overall planning and management of the Objective's activities and timelines; meeting at least quarterly to review progress against the Objective, address barriers to delivery and agree next steps;
- Facilitate where possible in the sharing of data, information and resources in a timely and transparent manner, whilst respecting that sometimes there may be impediments to this;
- Work together where possible to seek and secure necessary approvals, permits and/or licenses required for Objective activities; and
- Proactively communicate any challenges or changes in circumstances that may affect the Objective's scope, budget, or timeline.
- Work jointly, including with Scottish Enterprise and other relevant agencies, to explore opportunities for local and regional supply-chain development associated with heat network and low-carbon heat delivery.

5. Duration and Termination

- 5.1. This MOU shall remain in effect from the date of the last signature until the earlier of the (1) completion of the Project or (2) the exercise of Clause 5.2 below.
- 5.2. Either Party may terminate this MOU by providing ninety (90) days' written notice to the other Party. In the event of termination under this Clause 5.2, both Parties will cooperate to ensure an orderly wind-down of the Project activities.

6. Dispute Resolution

- 6.1. Any dispute arising under or in connection with this MOU shall be resolved by mutual discussion between the Parties.
- 6.2. If the Parties are unable to resolve the dispute by mutual agreement, they shall consider mediation or another mutually acceptable method of alternative dispute resolution.

Signed for and on behalf of [ELC]

Signature:
.....

Name:
.....

Position:
.....

Date:
.....

Signed for and on behalf of [LH]

Signature:
.....

Name:
.....

Position:
.....

Date:
.....

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Chief Social Work Officer
REPORT TITLE:	Chief Social Work Officer Annual Report 2024-25
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 This report presents to members the Chief Social Work Officer Annual Report for 2024-25. The report is attached at Appendix 1.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note the content of the 2024-25 Annual Report of the Chief Social Work Officer (CSWO) and assurance about the provision of social work services in East Lothian. Council is also asked to note the collective commitment to the protection and care of vulnerable children and adults across the county.

3 BACKGROUND

- 3.1 Section 45 of the Local Government (Scotland) Act, 1994 sets out that every local authority should have a professionally qualified CSWO. There is a statutory requirement for the CSWO to produce an annual report about the activities and performance of social work services across the Council and the Health and Social Care Partnership.
- 3.2 The format for the report follows the template as set out by the government's Chief Social Work Advisor, including:
- Governance and accountability arrangements
 - What our data is telling us
 - Key achievements

- Challenges
- Looking ahead

3.3 The report reflects the breadth and complexity of service delivery across children's (social work) services, justice, mental health and adult social work services. It provides an overview of the professional activity for social work in East Lothian through the delivery of statutory functions in relation to the care and protection of people. The Chief Social Work Officer is responsible for the governance of the profession in East Lothian and works closely with service managers to ensure they are in a position to offer assurance to Elected Members and the Chief Executive.

3.4 **Report Highlights**

3.4.1 The report, in keeping with previous years, reflects the impact of rapid growth in East Lothian. There is sustained demand in a number of key areas including adult social work where referrals have increased by 8%. The slight reduction in referrals to children's services marked the first reduction in four years. Unfortunately, this is not set to continue as current data shows this is likely to increase again in 2025/26.

3.4.2 As communities grow, East Lothian's population of people with care and welfare needs will also grow. Services with a duty to support and protect people will continue to experience an increase in demand. But they are also experiencing an increase in complexity, with many people having several co-existing issues that make day to day life extremely challenging. There continues to be significant numbers of people who are struggling to manage following long periods of austerity in what can no longer be referred to as a 'cost of living crisis'. A crisis suggests a temporary position, one that can be overcome, but for lots of people, there is no end in sight or hope of financial security in the future. This continues to shape how people survive and when coupled with factors including addiction, mental health problems, physical ill-health, disability and disadvantage, it is understandable that life can feel overwhelmingly difficult.

3.4.3 This annual report is always a welcome opportunity to highlight the efforts of our workforce who work tirelessly to protect people from harm and to support them to live safely and as independently as possible in their own homes and communities. It reflects the wide range of statutory duties involved in delivering social work and acknowledges the challenges in meeting demand while navigating extreme financial pressure and the ever-changing national policy developments.

3.4.4 As CSWO, it is my role to provide assurance to Members about the standard and safety of social work practice in East Lothian. I will continue to be open about the significant challenges the profession faces and ensure that the protection and care of people continues to be a critical

priority across the Council and with our partners. I remain confident that services prioritise evidence-based practice and target strategic development to ensure we are in the best position to continue delivering high quality services.

3.4.5 With the launch of the National Social Work Agency scheduled for February 2026, it is a good time to be showcasing the breadth of social care and social work and highlight the lifechanging outcomes that are possible. I welcome any opportunity to celebrate and value our workforce and I am proud to have the opportunity to share some of the many achievements from 2024-25. These include:

- The successful implementation of the Newly Qualified Supported Year, ensuring that all new social workers are given the right support as they enter their new career.
- The improvements in support for kinship carers as well as an increase of kinship placements in line with the strategic plan
- The introduction of the Single Point of Access for coordinating hospital discharge and early indication if improved processes.
- Improved social work governance and the introduction of an adult social work governance meeting.
- The delivery of a new core and cluster model for people with learning disabilities in Tranent.
- The Big Pick being delivered by People on a Community Payback Order and designed to tackle clothing poverty.
- Significant improvements in the delivery of mental health and guardianship services.

The assurance we can collectively take from our annual performance data is testament to our dedicated and skilled workforce who continue to operate under sustained pressure.

In a profession that can feel relentlessly heavy, I never doubt that our staff are our greatest asset. Alongside the challenges of service delivery, there are major strengths to celebrate, and I wish to express my genuine gratitude for everyone's hard work and commitment.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications of this report. However, the report highlights areas of practice, service delivery and policy that will be affected by national policy developments.

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: There are no direct financial implications arising from the report; however, it does refer to the financial challenges facing the delivery of social work and social care services.

- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

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

Select the statement that is appropriate to your report by placing an 'X' in the relevant box.

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 Appendix 1 - Chief Social Work Officer Report 2024-25

8 BACKGROUND PAPERS

8.1 None

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Lindsey Byrne
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Date	29.01.2026

Head of Service Approval

Name	Lindsey Byrne
Designation	Head of Children's Services and Chief Social Work Officer
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	29.01.26



CHIEF SOCIAL WORK OFFICER

REPORT 2024-25

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Introduction

I am delighted to introduce the chief social work officer (CSWO) report for 2024-2025. It is always a daunting task, yet a privilege to present this information on behalf of the social work profession in East Lothian. While the report covers a vast amount of information, I feel it can never adequately portray what it feels like to deliver social work and social care services. It is a job like no other, where complexity, risk and pressure come as standard. It can often feel like an uphill battle to deliver high quality services to a growing population with less resources available. Despite the challenges, our workforce is committed to improving the lives of people and protecting the most vulnerable from harm. It is truly inspiring to witness the dedication, energy and passion of our staff, who strive to get alongside people, endlessly striving to make a difference, often in the most difficult of circumstances.

As always, this report will present a large amount of data and information. Behind every statistic are real people who for a variety of reasons have been in contact with social work services. Something significant has happened that means they required support, care, resources or protection.

In 2024-2025, the level of need and complexity in our communities continued to increase. People in our communities face significant challenges that can make day to day life incredibly hard to manage, including the cost-of-living crisis, barriers to accessing mental health support and more people than ever facing poverty and disadvantage. Demand for all social work services in East Lothian continues to be significant and we continue to try to adapt services to manage the work in a challenging resource climate.

The report will outline achievements and challenges while showing a wide range of service specific data that will provide insight into service demand and performance. It also includes links to social work case studies to give readers more insight into our work and how it can transform lives.

Governance and Accountability

East Lothian social work leaders are currently completing a new Governance and

Professional Assurance Framework which will form the basis of this section in future annual reports.

Governance arrangements are crucial for delivering safe, effective and high-quality social work and social care services and as CSWO, I have a key role in providing leadership and oversight of how we ensure high standards of practice locally.

As CSWO, I am accountable to the Council's Chief Executive, Elected Members and the Integrated Joint Board. I provide professional advice about how we discharge our statutory duties and support leaders across the organisation on a wide range of cross cutting issues.

I am a member of the Council Leadership Team, a non-voting member of the Integration Joint Board (IJB) and a member of the following key strategic partnerships that lead the work to protect and improve the lives of vulnerable people:

- East and Midlothian Public Protection Committee
- East Lothian Children's Strategic Partnership
- Midlothian and East Lothian Drug and Alcohol Partnership
- Learning Review oversight group
- East and Midlothian MAPPA strategic oversight group
- East Lothian Health and Social Care Partnership Clinical and Care Governance group

In 2024-2025, services have continued to strengthen their approach to the governance of social work practice and there are now two dedicated groups (adult social work and children's social work) to oversee, and quality assure how we deliver our work. As CSWO, I co-chair both groups to ensure I am well placed to gain assurance about our practice and to direct any improvement activity as required.

Role of the CSWO in social work practice

It is essential that I maintain strong links to the delivery of social work practice in order to seek assurance about how services are assessing and responding to risk and need

for vulnerable people. This is achieved through:

- Endorsing decisions of the fostering and adoption panels as East Lothian's Agency Decision Maker.
- Authorising decisions about secure care placements and monitoring assessments and plans for young people whose liberty has been removed.
- Overseeing significant decision making in relation to resources and reviewing plans of children and adults placed in external resources.
- Oversight of the social work governance frameworks in children's and adult services.
- Oversight of local authority welfare guardianship applications.
- Being the Single Point of Contact for Prevent.
- Monitoring of MAPPA business and co-chair of MAPPA 3 meetings.
- Being a member of the learning review sub-group for public protection

I support the role of the IJB chief officer in providing professional assurance for social work practice in the services delegated to the IJB. Regular meetings with social work managers across children's, justice and adult services provide important opportunities to discuss emerging issues, cross-cutting themes and feedback from national meetings such as the Social Work Scotland CSWO network. As CSWO, I support anti-discriminatory practice across all social work services by embedding inclusive policies, ensuring equality is woven into learning and development, and actively challenging discrimination throughout our local authority.

Staying connected to social work leaders is a critical part of the role and I am pleased to report that working relationships across all social work partners continue to be strong and effective in East Lothian.

Duty of Candour

All social work and social care services in Scotland have a duty of candour. This is a legal requirement which means that when unintended, or unexpected, events happen that result in death or harm as defined in Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, the people affected understand what has happened, receive an apology, and that organisations learn from the experience and put in place improvements. Between 1 April 2024 and 31 March 2025, there were no incidents in East Lothian where the duty of candour applied across children and adult services. The annual Duty of Candour Report 2024/25 which we are required to publish can be found here. https://www.eastlothian.gov.uk/info/210578/children_and_families/12653/duty_of_candour

Children's Services

Throughout 2024–2025, children's services continued in its commitment to keep the Promise. Our focus on helping children thrive within resilient, loving families has continued to shape both service delivery and ongoing improvements. The voices of children and their families have been central to our strategic, operational, and individual planning, and we have worked hard to embed children's rights into every aspect of our work.

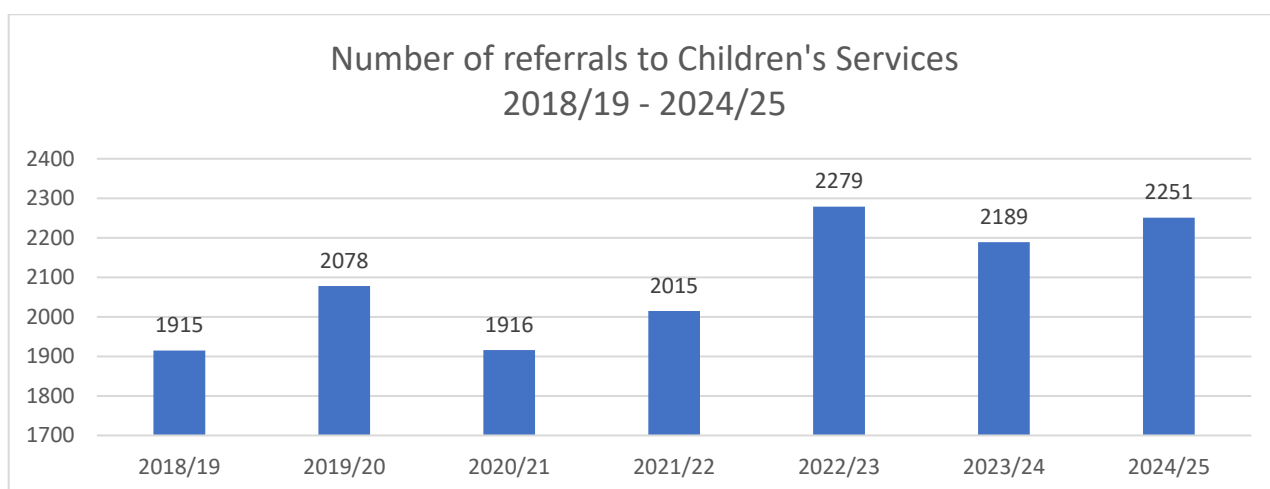
Our children's services workforce plays a vital role in safeguarding and empowering children and families. Our workforce prioritises relationship-based practice, which enables us to build resilience, and bring about positive changes in the lives of the children and families we work with.

Children's services are part of the new Children and Communities Directorate within East Lothian Council which includes education, housing and communities. This partnership delivers cross cutting support aimed at ensuring every child in East Lothian feels safe, supported, and included. Our services span from pre-birth through to age 26 for care-experienced young people, reflecting our dedication to providing holistic and enduring support.

What is our data telling us?

Referral activity data

Our data tells us that referrals to children's social work have grown during 2024-2025 with an increase of 162 referrals from 2023-2024. The rising child population in East Lothian, combined with the impact of child poverty, are key drivers behind the high referral rates. This data reinforces the importance of our partnership efforts in Getting It Right for Every Child (GIRFEC) and the delivery of whole family support at the earliest stage in children's lives.



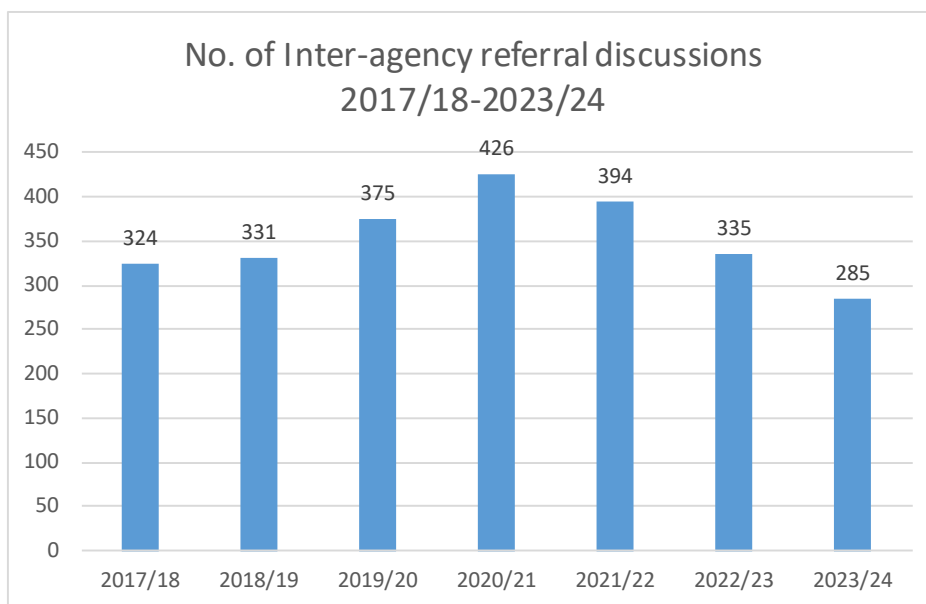
Interagency referral discussion

An inter-agency referral discussion (IRD) is the start of the formal process of information sharing, assessment, analysis and decision making where one or more of the core agencies (Health, Police and Social Work) assess that there is a risk of significant harm to a child up to the age of 18 years.

When an IRD is initiated, each agency checks their own recording systems and shares any relevant information to help reach an agreement about the risk and what action is required. We are confident that our IRD processes are robust with an IRD oversight group taking place fortnightly.

This multi-agency group reviews all IRDs to quality assure decision making and interim safety planning. Any learning or themes from IRDs are fed back to individual services and are used to inform learning and development and improvement activities.

During 2024-2025, there has been a slight reduction in the number of Interagency Referral Discussions (IRDs) but this number will regularly fluctuate. Between 2022-2023 and 2023-2024 East Lothian had a decrease of 37, which equated to a 4.1% decrease in the rate per 1,000 children.



Child protection activity data

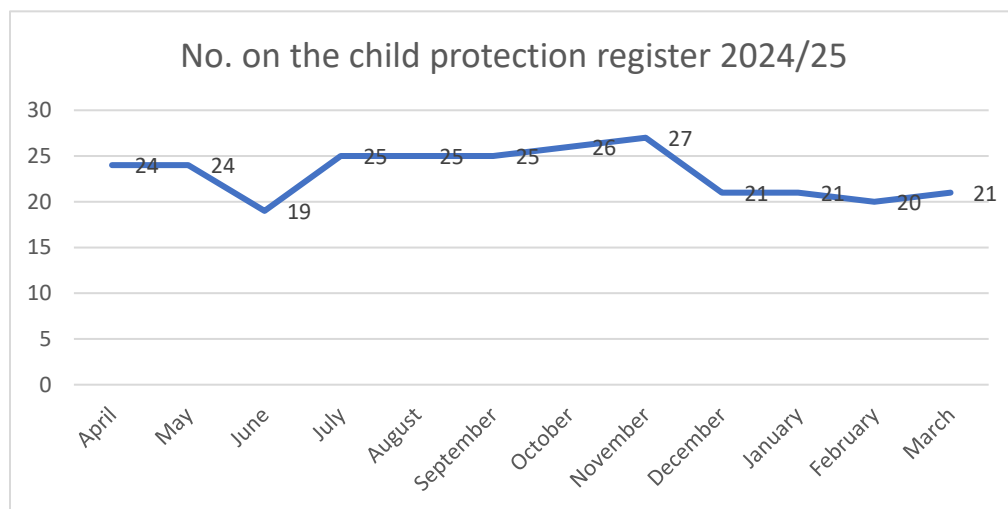
A child protection planning meeting (CPPM) is a formal multi-disciplinary meeting to decide whether a child is at risk of significant harm and devise a plan to reduce the risk. If a child is considered to be at risk of significant harm, their name may be placed on the Child Protection Register (CPR) which is a register of all children who are the subject of an inter-agency child protection plan.

The number of children on the child protection register remains consistent with a slight decrease from last year. The most common concerns identified at CPPMs were domestic abuse, emotional abuse, parental drug misuse, parental mental health problems and physical abuse.

In East Lothian there were 43 CPPMs in the year ending 31st July 2024. As a rate per 1,000 children, this is significantly below the national average. In discussion with partners, we have associated this reduction with robust interim safety planning (resulting in risk being reduced and CPPMs no longer being required), the Signs of Safety approach being well embedded and early intervention/preventative resources being more established. There is also association with increased use of other structured child protection responses such as use of the Vulnerable Young Person's Protocol.

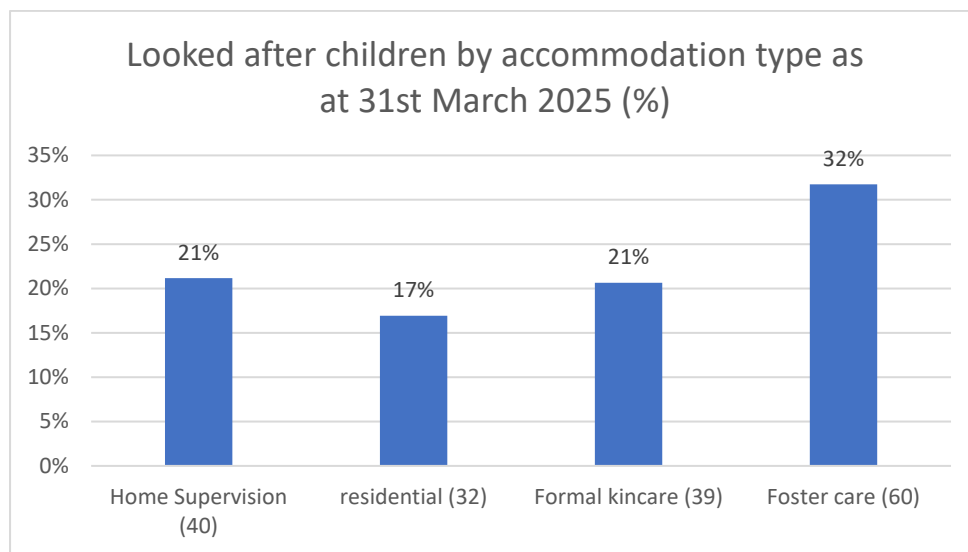
There has also been a reduction in the conversion of IRDs to child protection registration. We believe these are possible indicators of the partnership's strengths in information sharing and safety planning at the earliest stage.

The culture of involving families in child protection processes is well-embedded in East Lothian. Of the 31 families with a CPPM in the reporting period, at least one parent attended every Initial CPPM.



Looked after children (Legal term but not chosen language)

Our continued commitment to keep families together is reflected in the sustained reduction in the number of East Lothian children who are looked after, both at home and away from home. This reduction is in line with the national trend. We believe this decline does not necessarily indicate a reduction in the complexity of needs within our communities. This progress reflects our sustained commitment to keeping the Promise, demonstrated through our delivery of whole-family support, family group decision-making, creative care planning, and relationship-based practice.



External residential care

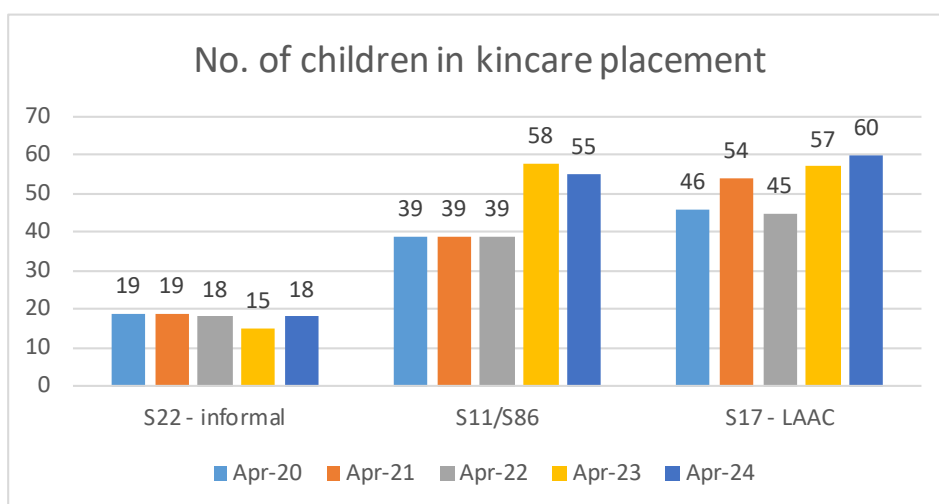
'Belonging to East Lothian' remains a key priority for the East Lothian Partnership. Children's services continue to work collaboratively with education, housing, communities and other key agencies to ensure children remain with their families and their local community. As of March 2025, 24 young people were living in external residential care as we were unable to meet their needs within local resources. Preventing further moves outside East Lothian remains a significant challenge for children's services and education. Our ability to keep children within the area continues to be impacted by limited internal residential capacity and ongoing difficulties in recruiting foster carers. This continues to be a key strategic focus in the children's services plan.

Fostering

Through 2024-2025, children's services continued to see a reduction in the number of new foster placements, as well as a decline in the use of independent agency placements. This shift aligns with the aspirations of *The Promise*, which prioritises supporting families to keep children safely within their own homes or extended family networks. Our fostering recruitment using social media campaigns and a monthly drop-in session has resulted in a noticeable increase in enquiries. The increase in our foster carer fees in April 2024 has also been beneficial in encouraging carers to foster in East Lothian.

Kinship care

Children's services commitment to keeping families together is reflected through our ongoing investment in kinship care. Kinship care is considered the first option when parents cannot provide the care and safety that a child requires. The number of kinship carers has increased from 102 in April 2023 to 115 in 2024.



Support to children with a disability

Children's services support children who have severe and enduring disabilities using a self-directed approach. The service has seen an increase in the number of referrals to this team and a significant increase in complexity of need. The numbers of children accessing support through a direct payment has increased from 89 in 2021 to 144 in

2024. Families are unfortunately experiencing a lack of choice due to the limited care at home and outreach support options available to them in East Lothian. We have committed to undertaking a review of our disability service to ensure we can respond to the needs of increasing numbers of children.

Number of receiving support:								
	2017	2018	2019	2020	2021	2022	2023	2024
Direct Payment	45	47	57	70	89	95	125	144
Care at Home	30	35	33	36	16	7	9	4
Residential Respite in ELC	10	9	8	11	9	12	15	13
Residential Respite out with ELC	4	3	3	5	4	4	6	3
Children supported at home	113	132	135	117	148	176	180	177
Looked after away from home	10	8	5	4	4	10	9	8

Throughcare and Aftercare

The throughcare and aftercare (TAC) team works with young people in accordance with their developmental age and stage of their lives. Keeping the Promise, the team works to support lifelong connections between the young person and their family and beyond, to support them into adulthood.

As of 31st December 2024, there were 51 young people receiving an active aftercare service. 73 young people were assigned to the TAC duty service and can request support when they need to. Within the service, 28 young people have been supported to remain in continuing care within their foster home, residential care or formal kinship care.

Young people seeking asylum

Children's services have developed its support and accommodation offer to unaccompanied and asylum-seeking young people. These young people may have

been trafficked and arrived in East Lothian either spontaneously or via the National Transfer Scheme (NTS) which arranges the transfer of children throughout the UK.

As at March 2025, East Lothian is supporting 31 young people seeking asylum. Children's services have a small, dedicated service overseeing this support, based within the throughcare and aftercare team. This continues to be an area of significant growth for East Lothian, and we are working collaboratively with other council services to expand our housing and support offer.

Wellbeing and Justice

Children's Services provide support and intervention for children and young people who are in conflict with the law, with the aim of not only preventing offending, but also ensuring that they reach their full potential. We continue to support the national priority of keeping children out of secure care and we use creative community alternatives where possible. We have a strong emphasis on carrying out early and effective interventions and although there has been an increase of Court report requests, the majority have been remitted to the children's reporter. We have also continued to carry out direct work with young people displaying harmful sexual behaviour and increasingly are working with young people due to their harmful online activity some of whom have been referred to PREVENT.

Key Achievements within Children's Services

Stories of Change

Children's services created 'Stories of Change' which evidenced the progress we are making in 'Keeping the Promise'. 'Stories of Change' is made up of a series of case studies demonstrating the value of relationships in supporting children, young people and their families to build resilience, overcome challenges and bring about positive outcomes. You can access 'stories of change' through the QR code.



Newly Qualified Social Work implementation (NQSW) Year

Throughout 2024-2025, children's services developed our NQSW programme for newly qualified social workers. The process of implementing the NQSW supported year has been a positive one for children and adult services. Although it must be

acknowledged that the new requirements have placed an additional workload on supervisors and the service development & review team, the workforce have generally accepted this well. Initial feedback indicates that NQSWs have found their year to be supportive and have appreciated the mechanisms in place to help them develop through the year. By setting up structures and procedures which are proportionate to our size of organisation but still incorporate flexibility, we are now well prepared to continue taking newly qualified workers through the supported year programme.

Kinship Support Service

Children's services partnership with Children First to deliver East Lothian's kinship support service was further developed to ensure the service remains both accessible and responsive, it is delivered through a tiered model that flexibly adapts to the evolving needs of children and families. The model comprises three levels of support:

- Level 1: Information and signposting.
- Level 2: Light-touch support and access to group sessions.
- Level 3: Intensive, regular support for families with more complex needs.

This approach helps us ensure families receive the appropriate level of support when they need it most.

In addition to local support, all families have access to the Children First financial wellbeing service, offering guidance on income maximisation, debt management, and budgeting. They are also supported by the Children First support line, a year-round digital helpline providing whole-family assistance. This integrated and holistic model ensures that kinship families receive meaningful, accessible, and tailored support.

Realising children's rights

Children's services delivered bespoke sessions to our workforce on UNCRC implementation and its implications for social work practice. Our service is progressing our commitment to children's rights through the creation of opportunities for children to feedback on and participate in projects. A positive example includes

the co-design of a handbook for young people living in residential care. Children's services have also worked in partnership with the East Lothian Champions Board to create a new care experience questionnaire for children experiencing care. The questionnaire, 'My Voice Matters' was launched in February 2025.

During 2024-2025, children's services made a commitment to widen its advocacy offer to include all children allocated to a social worker. From April 2025, independent advocacy will be offered to children at risk of harm and children with a disability.

One council commissioning

Throughout 2024-2025, children's services strengthened our approach to joint commissioning and collaborative decision making about how we direct our resources. During this period, a commissioning board was established, and the commissioning strategy was extended to include education. Children's services also reviewed its processes for administering section 10 grants and set up of a lived experience panel to aid decision making for the 2024-2025 Section 10 grant allocation. This shift towards the inclusion of people with lived experience in grant-making processes is linked to both The Promise (2020) as well as the Community Empowerment (Scotland) Act 2015, which seeks to involve voice and communities in local planning.

Family Group Decision Making (FGDM)

In July 2024 we launched an in-house family decision making team. FGDM is a rights-based approach that empowers children and families to have a voice and to be involved in decisions that affect them. It draws on the strengths and resources from within the wider family group. Family plans are focused on ensuring that children remain safe and at home within their families, and that the rights of the children and families are upheld. Children's Services offers their FGDM service to families where children are risk of going into care, where children or unborn babies are at risk of harm and for children returning home from care. From July 2024 to March 2025, we received 47 referrals to the FGDM service.

Challenges within Children's Services

Population growth and complex social factors

East Lothian has a rapidly growing population and is one of only a few Scottish local authorities with an increasing child population (a forecasted increase of 17.1% by 2028-2029 for P1 to S6 pupils based on the 2020 census roll). This is the second highest increase in Scotland. We are also seeing a rise in children with a range of support needs, such as young carers, children affected by parental substance misuse or mental health issues and children experiencing neurodiversity. The cost-of-living crisis has increased child poverty and disadvantage amongst families, placing additional pressure on social services. This is exacerbated by the Council's ongoing significant financial challenges resulting in a difficult landscape when delivering services at all levels, but particularly around prevention and early intervention.

Workforce pressures

A national shortage of social work staff has continued to impact our recruitment resulting in teams often running at reduced capacity. Whilst our staffing numbers improved during 2024-2025, recruitment and retention challenges can often mean children experience changes in their worker and this can impact our ability to provide consistent, relationship-based support to children and families. Additionally, the introduction of the Newly Qualified Social Worker (NQSW) supported year, while vital for professional development, has added to the workload of team leaders, further stretching our workforce resources and capacity.

We strive to keep social work caseloads at a safe level where meaningful relationships can be built with families, but this is only possible when we have sufficient staffing.

Capacity within our internal provision

Our financial pressures are primarily driven by high-cost external placements for children whose needs cannot be met within East Lothian resources, compounded by the national and local fostering crisis. External placements result in significant and unsustainable budgetary pressures, and we know that most children who move out with East Lothian do not achieve the best possible outcomes. This has driven changes

in practice and culture and our aim is to meet the needs of children and young people within their own communities. We continue to review our internal resources with a view to increasing capacity, but this is particularly challenging within the current financial landscape.

Workforce highlights for children's services

Children's Services are sponsoring two practitioners to undertake social work qualifications, and the sponsorship pathway is expected to continue in 2025-2026. Three social workers completed the Child Welfare and Protection postgraduate course in 2025, with three more starting in September. Demand for professional courses remains high and we are keen to support as many people as possible to complete additional qualifications.

Four residential staff have been supported to complete HNC or SVQ Level 3 qualifications, and one completed a previously started course. Two employees are beginning SVQ Level 4 Management qualifications in 2025-2026.

Children's services have 15 qualified Practice Educators, with eight actively hosting student placements. Placement numbers have declined due to reduced university engagement. In 2023-2024, nine students completed social work placements and a further five completed placements in the period 2024-2025. The lower numbers of students coming to East Lothian for the placement has resulted in a pause to sponsorship of the Practice Education qualification.

In 2025, Children's Services established a Workforce Learning and Development Group to improve our strategic approach to staff development. The group has oversight of the workforce development plan and its implementation.

Adult Services

During 2024 - 2025, adult social work services (ASWS) remained committed to delivering early, person-centred, and outcome-focused support to individuals and their families across East Lothian. Our priority has continued to be supporting people to remain in their own homes and communities, preventing escalation of need and ensuring timely intervention. Hearing the voices of adults and their families has guided operational and strategic planning, and we recognise this as a continuous area for improvement.

Adult social work operates as part of East Lothian Health and Social Care Partnership (ELHSCP) and as CSWO, I am responsible for the governance of social work functions supported by the practice lead. The partnership continues to develop following the leadership changes in 2022-2023, with strengthened collaboration and the introduction of new governance and assurance processes.

What is our data telling us?

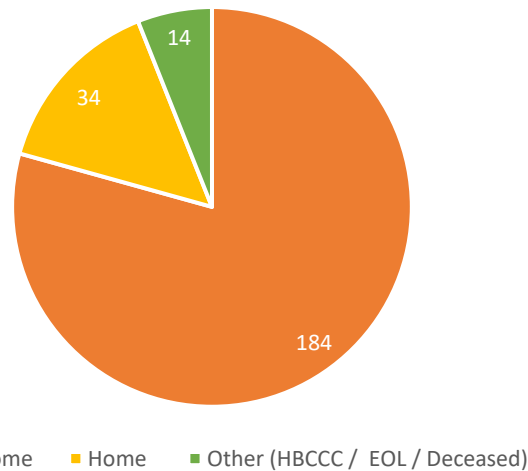
East Lothian's 'Home First' approach developed further in 2024-2025, with a continued focus on ensuring people were discharged from hospital to their home wherever possible. This approach is aligned to national priorities and our local aims are to support positive outcomes by:

- Enabling people to remain at home for as long as possible.
- Reducing unnecessary care home admissions.
- Making best use of available resources by preserving care home placements for people with the highest level of need.

In 2024, staffing capacity within the social work hospital discharge team was increased with the transfer of two posts from the main social work team. This increased capacity to plan complex discharges and brought enhanced skills and knowledge of community provisions, which contributed towards the team being able to support more people to return home.

Out of the 232 referrals received, 34 (14%) were discharged home, 184 moved into long term care and 14 received end of life care or sadly passed away.

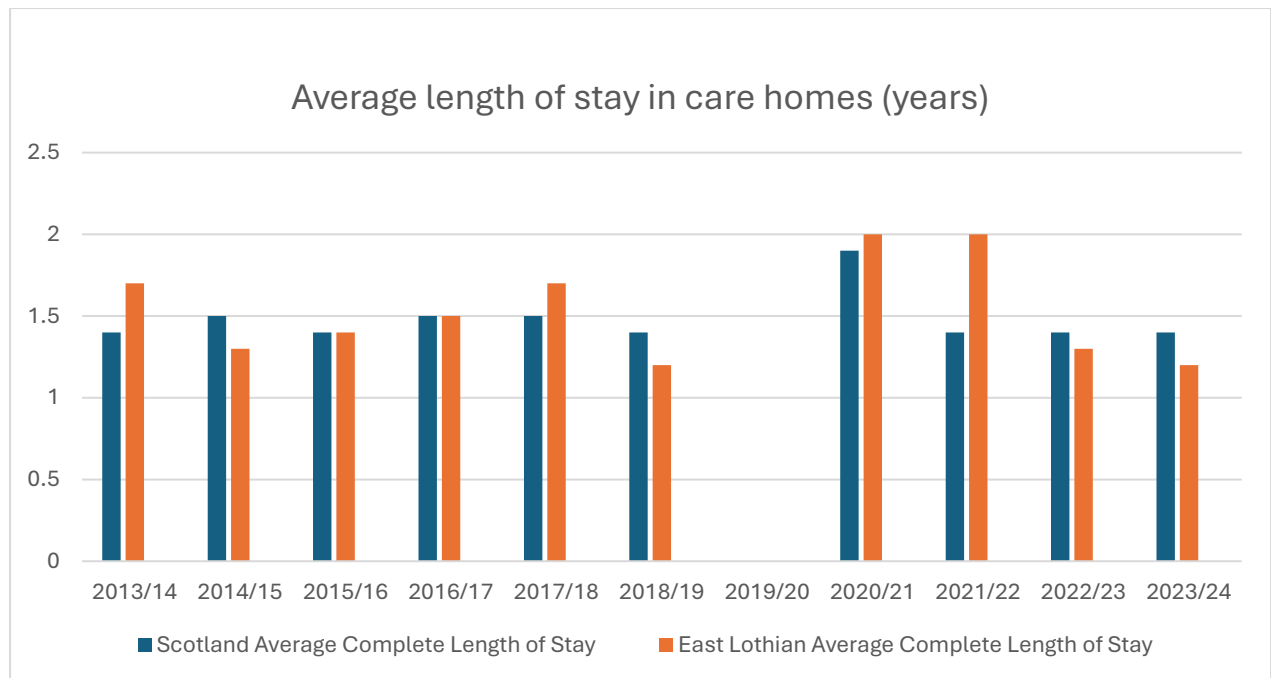
1st April - 31st March 2025 - Discharge Destination



Key elements in supporting a responsive hospital discharge approach have been:

- Maintaining strong links with patient flow and in-reach teams as well as ward staff, helping with early conversations.
- Early social work intervention through positive working relationships with ward staff, attendance at key decision making meetings with families and at regular ward meetings. This also helps families consider alternatives to care home placements, where appropriate, at an earlier stage.
- Increased capacity to look at complex discharges home.
- Continued good working relationships with care homes to minimise vacancies.
- Prioritisation of care home admissions from the community, balanced with the need to ensure patient flow out of the hospital.
- Advice and guidance to hospital staff about social work processes.
- Continuous focus on Home First and keeping assessments up to date as people progress through the hospital system with changing needs and circumstances.
- Participation in twice daily hospital huddles to ensure a joined-up approach with early intervention in hospital admissions.

The impact of this work can be seen in the reduction in average length of time older people in East Lothian live in care homes. (Figures below from Public Health Scotland)



As well as hospital discharge work, the team continued to work directly with care homes providing a social work service to residents. This included responding to Adult Support and Protection concerns, undertaking routine annual reviews, responding to incidents and mediation to prevent placement break down. The team also oversaw the successful relocation of residents from Belhaven and The Abbey care homes which were closed.

Home First – single point of access

In 2024, the ELHSCP developed a single point of access (SPOA), underpinned by the principles of Home First, for professionals to seek advice and refer for supported discharge. It is delivered by social work, rehabilitation and flow team staff.

Daily multi-disciplinary team (MDT) meetings involving SPOA staff, social work, reablement services, and home care coordinators ensure decisions are made collaboratively and care resources are directed to those most in need. This has contributed to a reduction in unnecessary admissions and improved flow through the

system. Feedback from staff and partners has highlighted better communication, clarity of roles, and more timely allocation of cases as key benefits of this integrated approach.

Social workers work in close partnership with health colleagues, hospital discharge teams, and community-based services to identify and activate the most appropriate support pathways. This includes rapid mobilisation of reablement services, home care, or third sector interventions to enable people to remain safely at home or return home quickly following a hospital stay.

The SPOA has significantly enhanced our ability to prevent unnecessary admissions, reduce delays, and identify risks early.

Improving social work assessment

Significant progress was made in 2024 - 2025 to improve the quality and consistency of social work assessments, with a renewed focus on person-centred and strengths-based approaches. Building on local training, audit findings, and national best practice, adult services revised assessment templates and practice guidance to embed the principles of empowerment, choice, and collaboration. MOSAIC forms are currently being developed to support this approach and are due to be implemented in Autumn 2025.

Social workers now use shared tools to ensure that every assessment:

- Recognises and builds upon personal strengths, informal supports, and community assets.
- Aligns with Self-Directed Support (SDS) options to promote choice and control.

As part of ongoing quality assurance, assessments are now regularly scrutinised through various channels such as the resource panel. A new suite of performance indicators will be introduced in 2025-2026 to strengthen monitoring and drive continuous improvement.

The alignment of the duty system with Home First and SPOA, and the enhancement of assessment practice, is demonstrating a clear commitment to early help and prevention, and delivering high-quality, person-led social work.

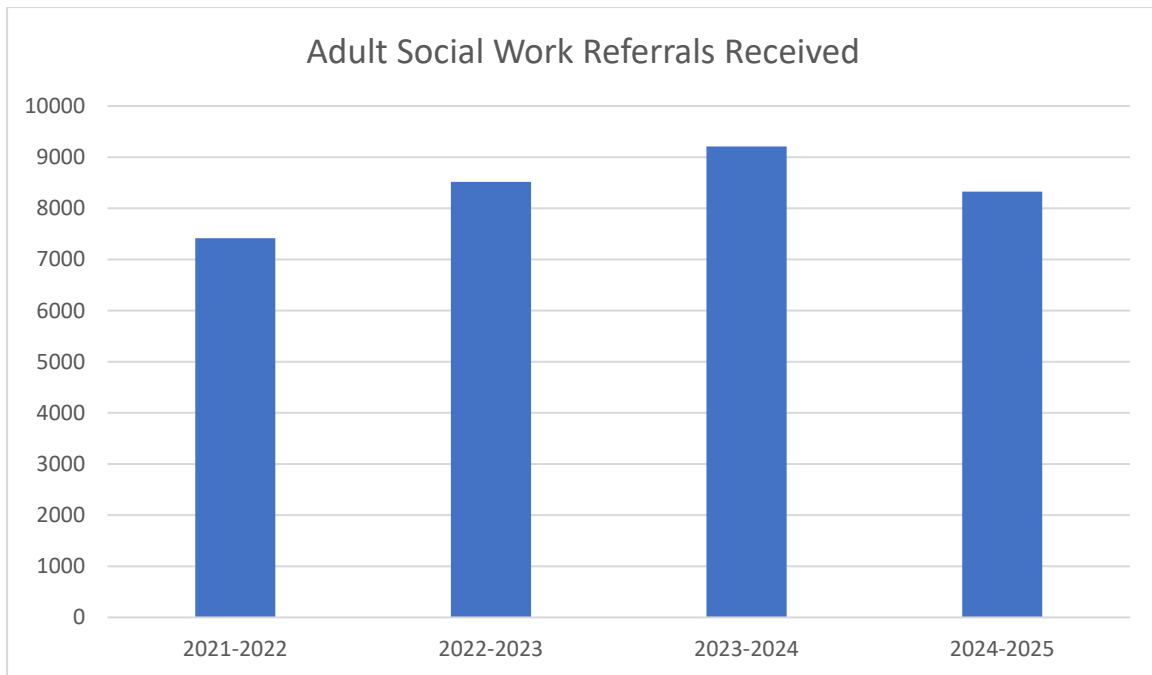
Adult social work referrals

While referrals to adult social work have increased over recent years, a modest reduction was observed in 2024 - 2025. This trend can be attributed to several positive system-level developments. The SPOA is working to streamline, triage and improve signposting to appropriate services at an earlier stage, preventing unnecessary escalation to statutory social work intervention.

Strengthened partnerships with third sector organisations is expanding community capacity and enabling a greater proportion of individuals to receive support directly through non-statutory services.

In addition, improved collaboration at the front door, enhanced public information, and clearer access routes are designed to empower individuals and families to navigate the system more confidently.

The increased use of multidisciplinary early intervention, particularly via Home First and community-based MDTs, allows for alternative responses to emerging need before social work thresholds are met. Together, these developments reflect a maturing system focused on prevention, proportionate response, and enabling individuals to live well with the right support, at the right time, in the right place.



Adult Support and Protection (ASP)

Our work in ASP has continued to evolve, with a further focus on embedding robust quality assurance arrangements, improved data use, and stronger operational oversight from our ASP operational lead. We have built on the strengths identified in the 2023 joint inspection and acted on areas for improvement.

The service has also benefited this year from the appointment of a dedicated ASP quality assurance lead who has created the foundation for future reporting, bringing consistency of approach and supporting Scottish Government requirements.

Reporting into both the social work governance and clinical and care governance committee, the ASP operational lead and quality assurance lead have delegated accountability for ASP performance and improvement with operational oversight of all ASP activity.

Audit work has evidenced a high standard of ASP practice across the service.

There were 509 referrals categorised as ASP in East Lothian during 2024 – 2025, a decrease of 23% from the previous year, but slightly above the 2023 - 2024 rate (by 4%).

Key Achievements

Highlights during 2024-2025 included:

- Continued work with the adult protection officer, Police and NHS to audit and oversee all IRDs.
- Enhancement of the ASP management screening decision, using a dedicated tool to provide rationale, evidencing defensible decision making before moving a case through the social work duty system.
- Continued audit activity with regular 'dip' audits, peer audits and focussed audits in relation to screening of police concerns. The finding feed into a continuous improvement cycle.
- Full implementation of the revised ASP Code of Practice.
- Strengthening the use of chronologies and SMART risk management plans.
- Continued strong performance in timely inquiry completion.

Self-directed Support (SDS)

In 2024-2025, we launched a service-wide self-evaluation of SDS, following the publication of the Scottish Government's national SDS review. This reflective process involved staff, service users, carers, and partner organisations, and is guiding our next phase of implementation and improvement planning.

We continue to have local representation on national forums to ensure we are implementing best practice in line with guidance.

Key developments this year have included:

- Clearer alignment of assessment to SDS options at the point of discharge, ensuring informed decision-making and continuity of support.
- Ongoing development of updated public-facing materials to demystify SDS and increase accessibility.
- Expansion of direct payment options for more flexible and personalised support.

The findings from our self-evaluation will directly inform a refreshed SDS action plan, due for implementation in early 2025-2026. The rollout of revised, strengths-based assessment tools will promote genuine choice and control.

Financial management service

This service supports around 135 people who require Corporate Appointeeship to manage Department of Work & Pensions or Social Security Scotland benefits. In 2024-2025, every new applicant was screened to ensure they met the criteria and 100% of reviews were completed ensuring this service was utilised for those people most in need.

Adult social work governance group

Initially established to strengthen oversight and quality within adult social work practice, the adult social work governance group has evolved into a central mechanism for assurance, peer reflection, and strategic insight. It brings together data from governance audits, feedback from lived experience, and progresses quality improvement projects.

Now entering its second year, it has continued to grow in influence and impact with clear lines being established between operational practice and strategic decision-making. The work of this group feeds directly into the wider H&SCP's professional assurance framework with key members now contributing directly to IJB planning forums and strategic working groups. This ensures that social work values, evidence, and learning are embedded into broader system priorities. Recently, the group has:

- Broadened and expanded audit coverage, including thematic audits across ASP, SDS, justice social work.
- Completed self- evaluation against national standards.
- Reviewed and updated risk management functions, enabling early identification and escalation of operational risks.
- Improved visibility of social work performance through newly developed dashboards with planned regular reporting to senior leadership.
- Built in feedback loops, piloting new methods for adult service users and families to inform practice development.

- Strengthened and further developed processes to support our duty of candour.
- Standardised adult social work policies with set review dates.
- Implemented our 'Person at Risk Database' and utilised it effectively during severe weather conditions.
- Undertaken regular professional discussions which have included adult protection learning review findings and challenges faced in working to codes of practice within the current financial climate.

Developments in this group have embedded a culture of reflection, accountability, and improvement across adult services. The priorities for next year include:

- Strengthen lived experience engagement in service improvement.
- Expand audit and quality assurance systems and deliver improvement actions.
- Build workforce capacity and retention.
- Maintain our focus on early intervention and independence.
- Embed robust performance monitoring aligned with the IJB's strategic objectives.

Workforce development

The adult social work learning and development subgroup supported professional growth, workforce resilience and well-being in 2024-2025 through the following work:

- Representation and engagement in national forums/groups.
- Promotion of the social work profession within partnerships.
- Implementation of learning from national and local reviews.
- Ongoing workforce analysis and monitoring.
- Implementation of a new supervision policy with a focus on supporting staff well-being.
- Embedding of protected learning time and as a result improved mandatory training compliance of 93%.
- 98% of social work Personal Review and Development Plans (PRDs) completed.

- Increased staff safety - lone worker alarm devices implemented.
- Implementation of 'absence clinics' to support managers to review and reduce staff absence.
- Practice assessors financially compensated for the role.
- Implementation of trauma-informed approaches.
- 'Setting the bar' used as a guide in terms of social work caseloads. Case load management tools in place.
- Fed into the national child abuse inquiry.
- Successful event held to celebrate World Social Day.

Challenges within adult services

The 2024-2025 financial position continues to reflect rising demand, complexity, and cost pressures where we continue efforts to align budgets with statutory duties and positive outcomes.

The current fiscal climate poses increasing pressure on adult services. Key risks include:

- Reduced ability to deliver preventative and early intervention work.
- Delays in service response times.
- Escalation of risk leading to increased statutory interventions.
- Rising demand and complexity amid workforce pressures.

The availability of care at home remains a system-wide issue. Our home care change board and daily multi-disciplinary coordination meetings have helped us target limited resources more effectively, but challenges remain.

Learning Disability Service

The learning disability social work team was established in June 2021, initially taking responsibility for case management, transition assessments and SDS assessments of all service users with a diagnosed learning disability in East Lothian. The service supports all adults with a learning disability from the age of 16 onwards.

The team now have responsibility for all learning disability work for adults. This includes taking on sole statutory responsibility for all ASP work as well as management of all Local Authority Welfare Guardianships under the Adult's with Incapacity (Scotland) Act 2000. The team also operates a duty system, screening all referrals for people with a diagnosed learning disability. This coordinated care approach has improved the outcomes for people with a learning disability as the resources are shared across the services and there is an ongoing approach to multi-disciplinary working.

Further to this, the learning disability team have undertaken all review work for people with learning disabilities. Since 2022, there has been an ongoing project to focus on reviews to ensure they are up to date.

The learning disability social work team is part of a wider enhanced learning disability service which includes our health colleagues in the Community Learning Disability Team and our community resources team. The team maintains close working links with partners in the mental health team, Care Home Assessment and Review Team (CHART), children's services and adult social work.

The team continued to work closely with colleagues in East Lothian Council's housing department to ensure that service users are appropriately matched to housing. This is focussed on identifying new housing stock that can be utilised under a core and cluster model. Over this last year, a new core and cluster was established in Windygoul, Tranent supported by Carr Gomm.

Over the next year it is anticipated that we will establish another core and cluster in the Tranent area. Service users have already been identified to move into these properties once a support provider has been identified. This will support people with a learning disability and mental health issues.

Transitions

Planning for young people's transition from child to adult services is already well established in East Lothian, with transition referrals made at an early stage and multidisciplinary meetings taking place on a regular basis.

The learning disability team has been leading on the development of a transitions policy and procedure document which is awaiting sign off from the appropriate governance groups before implementation. The document is anchored in the 'Principles of Good Transitions' from the Scottish Transition Forum.

For 2024-2025, the team had 10 referrals from children's services, including two Looked After and Accommodated Children (legal term and not chosen language). All young people have planned support identified including a mix of centre-based support, respite, universal services and staying in school. Ongoing work with partners in education and children's services is planned to ensure a shared understanding of eligibility criteria. Eligibility criteria can differ in adult services from children's services and managing expectations is important to support a smooth transition and avoid disappointment.

For 2025-2026 onwards it has been agreed that adult social work will now take full ownership of transition referrals for young people without a diagnosed learning disability.

Justice social work

What is our data telling us?

Service	2021/22	2022/23	2023/24	2024/25
Community Payback Order (supervision)	95	102	113	101
Community Payback Orders (all requirements)	126	163	173	168
Community Payback Orders (unpaid work hours)	11,371	13,710	10,942	14,527
Justice Social Work Reports (submitted)	170	241	280	270
Diversion from Prosecution Reports (submitted)	34	43	91	82
Supervised Bail and/or Electronic Monitoring	N/A	8	8	15

Structured Deferred Sentences	N/A	1	5	10
Statutory Throughcare (community/custody)	55	61	62	66
Voluntary Throughcare (custody/community)	46	42	28	42
Registered Sex Offenders (in the community)	19	32	25	22
MAPP Category 3 (violent offences)	0	0	0	0

Data shows that East Lothian has a consistently higher number of people on remand than the average across Scotland (circa 25%) with a high of 38.5% in February 2025 for adult men. The female incarcerated population remains low with less than five at any one time, however, of these at least 50% are on remand. There are high numbers of individuals in custody who are identified as 'No Fixed Abode' and a number of these are believed to be non-UK nationals potentially arrested and charged at premises in East Lothian or on the A1, and remanded due to their immigration status.

During 2024-2025 we have received an increase in requests for reports relating to domestic abuse offences, with the perpetrators overwhelmingly being men. Of the more than 400 reports requested, 94 related to domestic abuse with justice social work managing 66 Community Payback Orders (with supervision) for domestic abuse offences at the end of the last quarter in the reporting year. The service has continued to deliver the Caledonian Group Programme alongside securing training opportunities for newer staff members to protect our ability to deliver individual sessions to support women and children.

The justice social work service has promoted early intervention and prevention to meet the needs of those with low-level offending behaviour or a history of non-compliance by increasing access to Diversion from Prosecution, Structured Deferred Sentences and Bail Supervision. The data chart shows the increase in Bail Supervision and Structured Deferred Sentences, with the incidence of Diversion from Prosecution remaining high, albeit lower than the unprecedented number for 2023-2024.

Achievements in justice social work

The Community Payback Work Team (CPWT) introduced The Big Pick in June 2024. The project helps to address clothing poverty throughout East Lothian. It is delivered by service users on Community Payback Orders, completing unpaid work in the community as an alternative to a custodial sentence. They are supported by the CPWT supervisors to collect clothes that are donated by members of the public from various clothes banks and events throughout the local area. These are then sorted into different categories – men, women and children, as well as accessories. The clothes are sold by the kilo with all school clothing given out for free. Any profits made from these events is donated to local charities suggested by service users. Since starting The Big Pick, there have been more than 15 events, run at various community buildings throughout East Lothian. Having a spread of venues has allowed for good community access and reach, for example Port Seton Centre, Pennypit Centre Prestonpans, Corn Exchange Haddington, Fraser Centre Tranent and the MECA Centre in Musselburgh. In this reporting year, The Big Pick has donated £2750 to various charitable organisations throughout East Lothian, including the Musselburgh Breakfast Club, The Bridges Centre, Hollies Community Hub, Community Kitchen Pennypit, SSPCA, First Steps and the Midlothian Cat Rescue.

As part of the 'Model for Change' being delivered by the Community Payback work team, the focus for 2025 is on developing the gardening project. This will develop unused and fallow land across East Lothian to be fit for fruit and vegetable planting so that local communities can improve their access to fresh food and, if possible, supplement the growing use of foodbanks across the county.

Apex Scotland delivers an arrest referral service for East Lothian residents who have been arrested. A worker was recruited on a 21 hour a week contract and completed Police vetting in April 2024. People can be quickly signposted to housing/homelessness services, substance use services, mental health support, counselling and benefits services. There is also an offer of time limited support around motivation and action planning. APEX now have a physical presence in St Leonard's

Police Station one day a week and Edinburgh Sheriff Court another day in the week. APEX have been contracted to provide the East Lothian arrest referral service for another twelve months from April 2025.

In the financial year ending 31 March 2025, a total of 42 men and women were discussed at the transition group. The group meet monthly to discuss those due to be released from prison in the next six months and again three months post release, to monitor outstanding needs and engagement with relevant services. It is a multi-agency group including justice services, housing, police and health. The majority of those discussed were going to require accommodation upon release. Being in a position to discuss what area/s within the region would best suit an individual's needs and reduce risks, was useful for the service user and local communities. Meetings were also helpful to ascertain who required support with substance use so communication could be had with the medical team within the prison to ensure prescriptions were accurate and available upon release. The group has also been successful in supporting people who are in prison longer than 12 weeks to continue having their rent paid, which has prevented homelessness on several occasions in the last year.

There continues to be challenges in justice services relating to the prison population and we continue to work closely with partners to ensure we can respond proactively to the early release programme.

We also continue to seek additional opportunities for unpaid work to ensure we can offer a range of diverse activity to support a successful restorative model.

Highlights for justice services

The evaluation work undertaken in 2024-2025 identified a number of strengths:

- Spot case audits, arranged as follow up to scheduled audits, evidenced improved practice in timeous completion of risk assessments.
- Within the CPWT there is a consistently high level of management oversight and high level of service being provided.

- Work being completed by social work assistants is always of a high standard. Assessments are thorough and reflect excellent information gathering and liaison with other professionals.
- Offence focused work is being completed in all cases reviewed as part of a spot audit.
- Accredited programmes (such as Caledonian) are being delivered in accordance with programme manuals.

Mental health social work

What is our data telling us?

The number of Private Guardianship granted is increasing year on year and it is expected that this will continue into 2026 and beyond. East Lothian is the second fastest growing local authority in Scotland and has an expected increase of in excess of 35% for the over 75s – this would indicate there will be an ever-growing cohort requiring both social care and support, especially where there are issues of capacity to be considered.

Service Area	2021/22	2022/23	2023/24	2024/25
LA Guardianship (granted)	17	34	21	
Private Guardianship (granted)	47	63	42	
Extant Guardianships (31/03)	214	240	252	
Emergency detention	37	76	56	
Short term detention	89	109	119	
MHO waiting list	11	0	0	
CTO (Community – 31/03)	N/K	25	16	
CTO (Hospital – 31/03)	N/K	18	45	

Within the Mental Welfare Commission’s end of year report, East Lothian’s delivery of Social Circumstances Reports for Short Term Detention Certificates increased throughout 2023-2024, achieving above the Scottish average. Data indicates we are the best performing Local Authority within NHS Lothian in this area.

Key achievements

The Adults with Incapacity project was implemented in October 2024 and is progressing well. A private guardian project lead officer was appointed with the goal of improving service delivery in this area. This post allowed the service to complete all outstanding reviews and implement a pathway for future supervision and support for private guardians in line with legislative requirements.

Challenges

The continued local and national focus on addressing delayed discharge to reduce hospital waiting times has impacted the service. The H&SCP has requested that all those in hospital whose discharge cannot be progressed due to an issue of capacity be prioritised for allocation to a Mental Health Officer (MHO). As a result, we need to balance the needs and risks of those in the community versus those in hospital and this can lead to competing resource demand.

There continues to be a high number of local authority Guardianship Orders (LAGOs) managed within the MHO service. This will continue to impact service delivery across adult social work until we can increase capacity in the learning disability and CHART teams.

Workforce development

There is now a permanent, full-time social worker to deliver on the oversight and management of Private Guardians which will improve practice in this area considerably.

There is a new satellite MHO who has a fortnightly duty commitment. We have committed to sponsoring another trainee for the next intake on the MHO award programme (2025-2026). Discussions are underway with social work managers to consider supporting those with the MHO qualification to undertake MHO satellite work. The development of a bank of MHOs will be critical to the services long term success in managing the changing patterns of both Adults with Incapacity and mental health activity.

In quarter four, the service employed an agency worker to focus on completing Private Guardian Order reviews. The funding was provided through the carer's budget which had a slight shortfall, and it was agreed that supporting guardians would be an appropriate service. There has been significant progress in relation to the delivery for private guardianship order reviews with 95% of all orders having been reviewed or have a review scheduled. This was a significant development, and the social worker embedded in the MHO team will help sustain the improvements made in this area.

Looking ahead

2025-2025 will be another challenging year for social work and social care in East Lothian. While we continue to be confident that services are focusing on the right strategic and practice developments, the demand for services continues to increase at a rate that risks overtaking available resources. The workforce remains committed to delivering high quality services and will continue to balance the rights and needs of the people we serve whilst trying to work within budget.

It is accepted that the forecast for public service finances remains challenging, and there are concerns within the social work and social care workforce about our ability to meet the codes of practice and statutory requirements. As CSWO I will support the difficult discussions across services about how we can uphold our standards and keep people safe despite the many barriers we face.

Alongside senior leaders, I will continue to promote our workforce as our greatest asset while ensuring support, supervision and training is a priority and understood as a crucial element of a happy and committed workforce.

Our priority will always be to work alongside people to ensure they receive the support they require at the right time, within their homes, families and communities wherever possible.

In children's services we will:

- Continue to find creative ways to collaborate with the people who use

social work services to ensure their voices genuinely shape social work practice. This includes ensuring we consider all voices – including those who are easy to ignore.

- Review and learn from the feedback from our first 'My Voice Matters' survey to learn from the experiences of care experienced children and young people to help inform service priorities.
- Access suitable training and development opportunities to ensure the workforce is equipped to understand and support the complex behaviours and risks facing children and young people in the modern world. This includes new risks from the dark web, exploitation, sexual harm and radicalisation.
- Alongside the Belonging to East Lothian strategic lead and other services, continue exploring ways to increase resources and capacity to ensure we are in the best possible position for children and young people's needs to be met within East Lothian.

In adult services we will:

- Continue to align our reports with the national dataset requirements.
- Commence a comprehensive self-evaluation aligned with the Care Inspectorate's Quality Framework for ASP which will help us to critically reflect on our practices, systems, and impact.
- As part of our developing approach to communication, we will engage with partner agencies and local communities to promote Adult Support and Protection as everyone's responsibility.
- Develop a caseload management system and assurance framework for MHOs that will maximise efficiency and improve our compliance with legislative duties.
- Work alongside NHS colleagues to ensure justice service users can access speech and language and / or occupation health as required. This will complement the work of the community justice outreach nurse and give

service users specific support to decrease the risk of antisocial or offending behaviours.

- As part of our responsibility to addressing climate change, the Community Payback Work Team will stop using their diesel vans for group projects and start leasing fully electric vans with which to service work projects across the county.

This report has shown that throughout another challenging year, the social work and social care workforce have worked hard to provide critical services whilst continuously seeking to improve outcomes for the most vulnerable people in East Lothian.

I am endlessly inspired by the commitment of social work and social care staff, together with partner agencies and unpaid carers who strive every day to provide high quality care to support and protect the people who need services the most.

I wish to extend my genuine thanks to all members of staff who make such a difference to the lives of others. This report is recognition of their hard work and highlights the crucial role they play in public services.

Appendix 1

Children's Services Stories of Change



Appendix 2

Adult Services Stories of Change





Versions of this report can be provided in Braille, large print, audiotape, or your own language. For assistance please call: **01620 827 827** British Sign Language (BSL) users can contact us via **www.contactscotland-bsl.org**

COMMITTEE: East Lothian Council

MEETING DATE: 17 February 2026

BY: Depute Chief Executive – Resources and Economy

REPORT TITLE: Regional Economic Partnership

REPORT STATUS: Public

8

1 PURPOSE OF REPORT

- 1.1 This report provides an update on regional partnership working, and notes discussions to develop a regional partnership proposition.

2 RECOMMENDATIONS

- 2.1 To note the proposed approach for developing a draft regional partnership proposition in response to the First Minister’s announcement “to introduce enabling legislation in the next Parliament to allow regional partnerships to seek legal status, unlock new powers, and design delivery models tailored to local priorities”;
- 2.2 To note that the Scottish Government intend to consult on the future options for operational models and have committed to work closely with COSLA and regional partnerships;
- 2.3 To note that all councils involved in the Edinburgh and South East of Scotland City Region Deal will have the opportunity to consider a similar report; and
- 2.4 To agree that the Council engages and supports the engagement of a consultant to explore opportunities for further regional collaboration, noting that the outcome and any recommendations will come back to Council to inform future considerations around regional approaches.

3 BACKGROUND

- 3.1 On 7 March 2025, the Edinburgh and South East Scotland City Region Joint Committee approved a proposition to engage with Scottish and UK Governments, setting out the case that this region is the optimal location for a next-generation City Region Deal arrangement due to its economic strengths and track record in delivery.
- 3.2 On 28 November 2025, the First Minister announced the Scottish Government's intention to introduce enabling legislation allowing regional groupings to seek formal legal status as a "Regional Partnership" with a range of powers and responsibilities.
- 3.3 On 5 December 2025, the Joint Committee agreed that the City Region Programme Management Office (PMO) should work collaboratively with regional partners to develop a proposition demonstrating how the region can deliver greater inclusive economic growth with further commitment of funding, resources and powers. The Joint Committee also noted that it would be important to engage with individual councils to both inform and seek agreement on the development of this approach, noting any recommendations around the future of regionalised working will need to be further considered by individual councils as well as through the current formal City Region Deal governance structures.
- 3.4 In principle, there appears to be growing support for the need to empower Regional Economic Partnerships. The Independent Report on Regional Economic Development in Scotland by Professor Sir Anton Muscatelli highlights the urgent need to address shared infrastructure priorities across Scotland to realise greater economic growth and productivity, recognising that Regional Economic Partnerships could provide the optimal means to achieve this with the right private/public/university partnerships.

Policy Context

- 3.5 The landscape for regional and local/community empowerment has seen a growing support and the principles remain embedded within a number of key policy document as set out below:
 - COSLA, through the COSLA Plan 2022-27 and the "New Deal with Local Government" – Verity House Agreement, (June 2023), emphasises that community empowerment relies on devolution of power to local authorities and that a well-functioning relationship between Scottish Local Government and Scottish Government is based on subsidiarity. COSLA has welcomed the place-based flexibility and empowerment suggested in the First Minister's announcement.
 - Recent research from the University of Glasgow and University of Strathclyde notes that City Region Deals have enabled regional partners to establish trusted relationships and provide a platform to build on gains made. It suggests existing partnerships should design

a new regional development framework where capacities and responsibilities can increase incrementally and that this could take the form of a tiered structure, such as is now present in England.

- The English Devolution and Community Empowerment Bill signals a significant shift of powers from central government to local leaders, establishing three levels of 'Strategic Authority' with varying powers: foundation strategic authorities; mayoral strategic authorities; and established mayoral strategic authorities.

3.6 There appears to be emerging consensus for strengthened regional partnerships underpinned by powers, longer-term funding settlements and fiscal mechanisms and accountability. Economies across the UK do, however, face unique advantages and challenges. Future arrangements should therefore reflect the distinct needs and opportunities of each area.

Scottish Government Position

3.7 At the end of November 2025, the First Minister announced an intention to bring forward enabling legislation in the next Parliament to allow Regional Partnerships to have legal status, and the powers and abilities that come with this. The Scottish Government does not view a “one size fits all” model as the future for Regional Partnerships and nor do they see the imposition of additional powers or responsibilities as a reasonable proposal.

3.8 The Scottish Government are developing plans to consult on the future options for operational models and have committed to working closely with COSLA. They have also indicated their intention to meet with Regional Partnerships to discuss both longer-term planning for the future of Regional Partnerships, and how legislation might work; as well as ways that regional working could be taken forward without legislation, including changes to policy and funding.

3.9 The First Minister indicated that the Scottish Government would provide capacity funding, with £400,000 available across the Scottish Regional Partnerships in financial year 2025/26, to support the development of new regional structures and regional economic plans. Subject to normal Parliamentary procedures, Scottish Government also expect to be able to access additional capacity funding in 2026/27, and an update on this is expected early in the next financial year (2026/27).

3.10 A framework for Regional Intelligence Hubs is also being developed to help regions who wish to design and implement their own Intelligence Hubs in order to support greater devolved decision-making by ensuring that Regional Partnerships have access to high-quality, shared data and insights.

Edinburgh and South East Scotland City Region - Current Position

- 3.11 The ESES City Region Deal involves joint UK and Scottish Government investment of £600m. The original £1.3 billion Deal has increased to £1.7 billion through additional leverage. The £1.1 billion generated on top of government investment is the largest of any Scottish City Region or Growth Deal. The Deal has been instrumental in promoting inclusive economic development throughout the region and has (to date) contributed to £3 billion in Gross Value Added (GVA) to the City Region, Scottish and UK economy, supported over 22,000 jobs, and assisted more than 1,000 local businesses. Investment in Edinburgh and South East Scotland is in the national interest, generating the greatest return on investment and delivering on both the Scottish Government and UK Government's priority missions of driving economic growth for the benefit of all.
- 3.12 Edinburgh and South East Scotland is the economic powerhouse of Scotland. It contributes 30% of Scotland's total economic output (approximately £44 billion annually) despite having only about 26% of Scotland's population. The region is experiencing rapid economic and population growth level in contrast to most other parts of Scotland and is by some considerable distance Scotland's fastest-growing region. A growing population and labour force drives economic growth and productivity. Successfully managing this growth and addressing our key constraints to growth is critical to Scotland's future economic success. However, the impact of growth is uneven, with poverty and equality presenting significant challenges across the region.
- 3.13 Accommodating such growth is a particular challenge. Five of the six local authorities in this region have declared local housing emergencies, (The City of Edinburgh Council, East Lothian Council, Fife Council, Scottish Borders Council and West Lothian Council), demonstrating the unprecedented and unsustainable pressure on local housing and homelessness services. While Midlothian Council has not declared an emergency, it is experiencing comparable challenges.
- 3.14 To build upon the success of the Deal and the regional partnership that has been established, partner authorities extended the remit of the Edinburgh and South East Scotland City Region (ESESCR) Joint Committee and established the ESESCR Elected Member Oversight Committee (EMOC) to provide oversight of the Regional Growth Framework and Regional Spatial Strategy.

What Could be Involved?

- 3.15 In his statement in November 2025, the First Minister indicated his desire for regional partnerships to have the opportunity to expand their strategic capacities and role, with a package of additional devolved competencies available over time. He referenced powers such as skills, economic development and planning as being on the table.
- 3.16 Areas of competence within the English Devolution Bill are:

- transport and local infrastructure;
- skills and employment support;
- housing and strategic planning;
- economic development and regeneration;
- environment and net zero;
- health, wellbeing and public service reform; and
- public safety.

3.17 The ESES Regional Prosperity Framework (2021) represents the evolution of the regional partnership from delivering the City Region Deal projects to a holistic approach to how the region can work together to deliver across key strategic policy areas including housing, planning, infrastructure, transport, climate change, skills, innovation and economic development.

3.18 The Regional Prosperity Framework was further developed into a Delivery Plan (2023) and the “Regional Prosperity Framework Delivery Plan Two Year Review” report was considered by the ESESCR Joint Committee on 5 September 2025 and highlighted four key priority areas:

- Housing: Accelerated delivery of housing across all tenures including transformational strategic housing sites.
- Innovation: Delivering our Regional Innovation Action Plan.
- Skills: Integrated Regional Employability and Skills (IRES) 2027+ – a new approach to labour market strategy and delivery around both economic inactivity and employer led future skills needs.
- Infrastructure and Transport: Delivery of regional transport and net zero infrastructure including heat networks.

3.19 ESES partners’ ambitions align closely with the Scottish Government economic priorities to eradicate child poverty, address Scotland’s unfilled economic performance, and create a fairer and wealthier Scotland. They also fully align with the UK Government missions, particularly on growing the economy, opportunity for all, and making Britain a clean energy superpower. Meaningful delivery of the collective regional ambitions does, however, require greater autonomy, powers, delivery mechanisms and a move from a project funding-led model to long-term strategic approach bound by a commitment to deliver joint outputs and outcomes across housing, transport, infrastructure, skills and innovation.

Opportunity

3.20 There is an opportunity for ESES regional partners to respond to the First Minister’s comments, to inform the development of the enabling legislation, to strengthen the regional partnership and to build on the

successful track record of collaboration and delivery which has been realised through the City Region Deal and Regional Prosperity Framework. Edinburgh and South East Scotland faces unique advantages and challenges to the rest of Scotland and within the city region there are different issues and opportunities to be addressed for the benefit of all. Future arrangements need to recognise this diversity and reflect the bespoke needs and opportunities of each part of the region.

- 3.21 The devolution of control over local transport networks, infrastructure planning, skills and housing delivery could provide for a better alignment between planning, infrastructure and growth. Such a place-based approach could enable us to respond to the unique strengths, challenges, and infrastructure needs of both our urban and rural communities and to deliver real and meaningful improvements more responsively, more quickly and in a better manner for the people and businesses of Edinburgh and South East Scotland.
- 3.22 It is important that the competitiveness of Scottish city regions is not compromised by the enhanced powers of the new Strategic Authorities in England which will help them to align growth plans with the UK's growth mission. There is therefore advantage in being an early adopter within the context of the enabling legislation proposed by the First Minister. Glasgow City Region has signalled that they consider themselves ready to lead the way.
- 3.23 Options need to be developed in relation to the resources, governance and powers required to deliver the full economic potential of the region. To develop a proposition to present to the incoming Scottish Government, regional partners propose to utilise the initial capacity funding to procure consultancy support to best understand the range of options for strengthening and fiscally empowering regional partnerships to focus spend on what delivers the greatest prosperity locally. Officers will also liaise closely with Glasgow City Region counterparts, and other regional partnerships, as there will be much commonality in the structures, powers, mechanisms, financial arrangements and governance required to underpin a strengthened regional partnership with legal status.

Respecting Individual Sovereignty

- 3.24 The areas of exploration will respect the proper competence of local authorities in addressing matters of local concern. This is about top-down devolution, exploring the potential to draw national powers down to the regional level. It is not about losing existing powers that sit with local authorities or impinging on their individual sovereignty. The focus will be on issues that cross local authority boundaries and where there is clear added value in working together to address shared challenges and opportunities, in line with the subsidiarity principle that decisions should be taken as closely as possible to the citizens or stakeholders most affected.

- 3.25 An initiation report is being considered by each partner authority during February and March 2026. Engagement will also be required with community planning partners, arms-length external organisations, and national or regional agencies performing a role in the policy areas that might be within scope.
- 3.26 The ESESCR Elected Member Oversight Committee will provide guidance and direction throughout the development phase. Any proposition will require individual and collective approval of constituent councils.
- 3.27 The original timeline for developing a proposition ahead of Scottish Parliamentary Elections is considered too ambitious to properly engage with relevant stakeholders and explore potential models. Details of capacity funding from Scottish Government are also yet to be received.

Next Steps

- 3.28 It is proposed that the Programme Management Office (PMO) will develop the proposition working with regional partners, engaging with all six constituent councils and relevant stakeholders.
- 3.29 The ESESCR Elected Member Oversight Committee will provide ongoing guidance and direction.
- 3.30 Any proposition will require individual and collective approval of constituent councils with further details brought back to Council for consideration.

4 POLICY IMPLICATIONS

- 4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: It is anticipated that work will be progressed through the Edinburgh and South East Scotland City Region PMO, existing partnerships, and through utilising external funding when available.

A future proposition may include proposals for a multi-year integrated settlement to fund local priorities across housing, regeneration, local growth, local transport, skills, retrofit, and employment.

- 5.2 Human Resources: N/A
- 5.3 Other (e.g. Legal/IT): N/A
- 5.4 Risk: N/A

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 N/A

8 BACKGROUND PAPERS

- 8.1 [Accelerating Economic Growth and Prosperity in Edinburgh and South East Scotland: A Second Generation City Region Deal](#) – appendix to report to Edinburgh and South East Scotland City Region Joint Committee (7 March 2025)
- 8.2 [Regional Prosperity Framework Delivery Plan – Two Year Review](#) - report to Edinburgh and South East Scotland City Region Joint Committee (5 September 2025)
- 8.3 [Regional Prosperity Framework \(RPF\) Impacts](#) – appendix to report to Edinburgh and South East Scotland City Region Joint Committee (5 September 2025)
- 8.4 [First Minister Announcement ‘Supporting regional partnerships to drive growth’ made on 28 November 2025](#) (Scottish Government website)
- 8.5 The report to Committee on 9th December 2025 on the Edinburgh and South East Scotland City Region Deal Annual Report [8.9 ESES CRD Annual Report 2024_25.pdf](#)

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Sarah Fortune
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Date	6 February 2026

Head of Service Approval

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Designation	Chief Executive
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	6 February 2026

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Resources and Economy
REPORT TITLE:	Update on Proposed Redetermination Order: Bankton Junction South Roundabout of the A1
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 This report provides the Council with an update on the promotion of a proposed Redetermination Order in respect of the conversion of a section of carriageway at the Bankton Junction South Roundabout of the A1, following the period of public consultation on the Order.

2 RECOMMENDATIONS

The Council is recommended to:

- 2.1 Note the representations received from members of the public to the proposed Redetermination Order for the conversion of a section of carriageway at the Bankton Junction South Roundabout of the A1;
- 2.2 Note the representations received to the proposed Order which have not been withdrawn and the consideration by Council officers summarised within this report and more particularly paragraph 3.6;
- 2.3 Agree that no changes be made to the proposed Redetermination Order that was approved by the Council on 26 August 2025;
- 2.4 Approve the submission of the proposed Redetermination Order, together with the unresolved objections to it, and proceed to the Scottish Government's Department for Planning and Environmental Appeals for consideration by an independent Reporter to be appointed by Scottish Ministers, who will recommend to the Council if the Redetermination Order should progress in the manner currently proposed.

3 BACKGROUND

- 3.1 East Lothian Council, as Local Traffic Authority, is responsible for making or amending a Traffic Regulation Order as necessary: to avert danger to road users; to prevent damage to the road; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property; and to improve road safety and amenity in the area.
- 3.2 On 25 August 2025, the Council approved the preparation of a proposed Redetermination Order under Sections 1(1) and 152(2) of the Roads (Scotland) Act 1984. This Order is to redetermine the exercise of the public right of passage along a section of the circulatory carriageway of the existing roundabout to grass verge and footway to form a ‘teardrop’ gyratory, as outlined in Appendix A. The redetermination is to be carried out in accordance with processes under The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.
- 3.3 The need for this Order stems from the technical design solution that is proposed by the developer, Hargreaves Services (Blindwells) Ltd, in relation to allocated site BW1: Blindwells New Settlement of the adopted East Lothian Local Development Plan 2018. The development of this site forms a key part of the Council’s planning strategy for the area, the development of which is now underway. The design solution set out in the Order is needed to satisfy Condition 30 of the associated planning permission Ref: 14/00768/PPM, as per the drawing at Appendix B.
- 3.4 In line with the processes set out in the above Regulations, the Council published the proposed technical design solution within the Order for public consultation between 10 October and 14 November 2025. A total of 16 representations to the proposed technical design solution within the Order were received during that period, as set out at Appendix C. Members will note that Appendix C also sets out officers’ consideration of, and responses to, the representations received.
- 3.5 The Council’s decision on 25 August 2025 also set out that the Head of Infrastructure would report back to Members if representations to the proposed Order are received and not withdrawn. This report is before the Council because officers, having given careful consideration to each representation received, recommend that the technical design solution set out within the Order should not be modified in light of them.
- 3.6 It should be recognised that this is a developer-led intervention which is required to meet the planning obligations for the site to mitigate the additional volume of traffic associated with Blindwells. The developer has provided initial comments to address the concerns raised in the objections which officers have reviewed. Officers have carefully considered if any of the issues raised in the representations should lead to the Council recommending to the developer that they should modify the preferred technical design solution set out within the proposed Order. Whilst a number of issues are put forward, officers’ responses indicate that the points raised are either addressed by there being a need for an

intervention here and/or by the technical work that has led to the identification of the preferred technical solution that is now proposed by the Order. Having carefully considered each representation, officers conclude that each issue raised should not lead the Council to alter the preferred technical design solution identified at this stage.

- 3.7 The technical design solution set out in the Order has been identified following detailed transport modelling, options appraisal and negotiation with the applicant and Transport Scotland. It has passed detailed technical scrutiny from officers and Transport Scotland, as well as an independent Road Safety Audit, taking account of the need to maintain the safety and performance of the road network for all users in line with current standards. It has been confirmed as an appropriate technical solution that can address the increasing vehicle movements in the area arising from the new development at Blindwells. On this basis, officers have promoted the Order on behalf of the applicant as it is needed to implement the preferred technical design solution.
- 3.8 Ultimately, the applicant's ability to timeously deliver these interventions will be predicated on the outcome of the Redetermination Order process. Maintaining the safety and performance of the transport network in the area is a duty of the Council. Officers recommend that the technical design solution set out in the proposed Order is technically appropriate.
- 3.9 In this context, in light of the unresolved objections, and in line with the above Regulations, officers recommend that the Council submits at the earliest opportunity the proposed Redetermination Order and unresolved representations to the Scottish Ministers through Transport Scotland, who will determine whether to pass this for consideration to the Scottish Government's Department for Planning and Environmental Appeals (DPEA).
- 3.10 Transport Scotland may then appoint an independent Reporter who will consider what further procedure may be necessary to consider the proposal set out in the Order and the unresolved representations. These further procedures could take the form of a Public Local Inquiry, or a Hearing. It is therefore not possible at this stage to indicate how long those procedures may take to conclude. As this is required to satisfy Condition 30 of the associated planning permission Ref: 14/00768/PPM, the developer, Hargreaves Services (Blindwells) Ltd, has agreed to meet any costs incurred by the Council linked to progressing these procedures.
- 3.11 Unresolved valid objections to a Traffic Regulation Order (TRO) do not automatically stop the order from being made but can trigger specific legal and procedural requirements, and this is what we have set out within the report. This will involve referral to Scottish Ministers, who will set out next steps which could include a Public Local Inquiry or a Public Hearing.

4 POLICY IMPLICATIONS

- 4.1 The Scheme will contribute towards The East Lothian Plan – 2017-27, focusing on health and wellbeing, safety, transport connectivity, sustainability and protecting our environment.
- 4.2 Support Local Development Plan
- 4.3 Local Transport Strategy

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: All costs involved in connection with consultation, advertising, design, and implementation will be met by the developer Hargreaves Services (Blindwells) Ltd.
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): Legal Services have reviewed the report and the legal processes required to follow are set out within the Background section of the Report.
- 5.4 Risk: If the carriageway is not redetermined and the order is not made this will impact on the delivery of the existing Local Development Plan and future development with East Lothian Council. Bankton Junction is getting close to capacity due to the Blindwells development. The improvements will help elevate these pressures.

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix A – Redetermination of a section of the public road network
- 7.2 Appendix B – Plan showing existing road layout and extent of carriageway to be redetermined
- 7.3 Appendix C – Public Objections together with associated comments

8 BACKGROUND PAPERS

- 8.1 Report to Council, 26 August 2025 - [Proposed Redetermination Order: Bankton Junction South Roundabout of the A1](#)

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Ian King
Designation	Roads Asset and Regulatory - Team Manager

Name	Ian King
Tel/Email	lking@eastlothian.gov.uk
Date	30 January 2026

Head of Service Approval

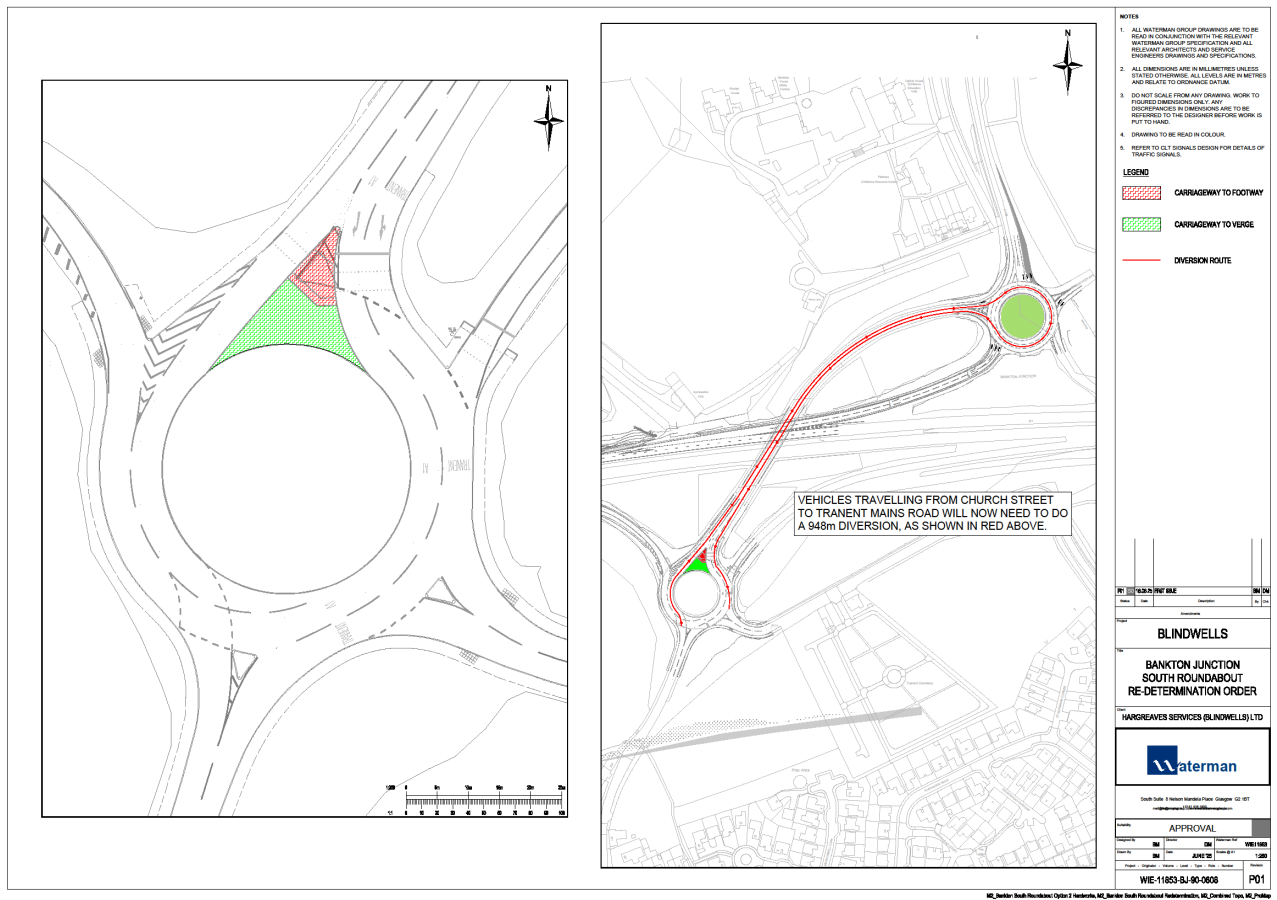
Name	Tom Reid
Designation	Head of Infrastructure
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	
Approval Date	30 January 2026

Appendix A

To redetermine a section of the public road network		
1	Bankton Junction South Roundabout of the A1.	To remove a section of carriageway and re-designate as verge footway.

Appendix B

Existing road layout and extent of carriageway to be redetermined



Appendix C

BLINDWELLS | BANKTON JUNCTION | SOUTH ROUNDABOUT PUBLIC OBJECTIONS SCHEDULE | VERSION 0.2 (DRAFT) | 30 JANUARY 2026



Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
1.00	417 / 25 - 1										
1.01	417 / 25 - 1	21-Oct-25	14:28	-	Hello I am writing to advise of my objections to one aspect of the proposed alteration to the round about at Bankton Junction South. I welcome the changes ongoing at Bankton Junction North, broadly welcome those at Bankton Junction South apart from the blocking of the roundabout as you come down from Church Street to turn right and go along to Tranent Mains effectively the close to traffic to speed up traffic coming over the Bridge.	Note	-	-	-		-
1.02	417 / 25 - 1	21-Oct-25	14:28	-	The current traffic levels do not merit this change at this time, I think we should carry out all the other changes and monitor to see the effect. Even the people involved say that the traffic at this point and perhaps for many years do not require this additional closure to ensure a flow of traffic.	Objection	Hargreaves Land	GC / TH	The proposals to the south roundabout are part of a programme of works including upgrading works to the north roundabout, the eastbound off slip and westbound on slip; the works to the eastbound off slip and north roundabout are on-going at present for completion in 1st quarter 2026. The works to all sections are required as part of a planning condition for the Blindwells development with timing of works linked to trigger points based on residential completions at Blindwells. The design has been informed by traffic modelling which demonstrates the works are required and allows for future growth.		-
1.03	417 / 25 - 1	21-Oct-25	14:28	-	As a resident of Riggonhead Gardens we have three routes from the High Street to get home.. 1) Down via Northfield and then Coalgate Road which a slalom of speed bumps and parked cars and constant stops and starts to let oncoming cars get through. 2) down Church Street and then turn right on to Sandersons Wynd driving right past the school or 3) down Church street to the roundabout and the right to Tranent Mains and back to our home. This third path is the longest but it keeps cars away from the school and the residential area of Coalgate.	Note	-	-	-		-
1.04	417 / 25 - 1	21-Oct-25	14:28	-	The proposal makes the longer road much longer with the path over the bridge and back again... simply as a car driver I wont make that journey it would make the journey significantly longer involve traffic lights etc... this will drive more traffic down Coalgate already an issue for local residents or we're all going to be driving along Sandersons Wynd.. Which is in my view dangerous when the schools are starting/finishing and children's football is on. So yes it is on convenience but crucially safety that I object... I don't want more traffic pushed along past the school.	Objection	Hargreaves Land	GC / TH	The proposed stopped-up section affects a relatively minor number of vehicle movements; counted as 8 movements per hour based on recent traffic counts and modelling (in peak periods). We note the impact on current access / movements however, alternative routes will be available including a short detour to the north roundabout. The proposal to stop-up part of the south roundabout is to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
1.05	417 / 25 - 1	21-Oct-25	14:28	-	As a previous resident of Sanderson Grove and a parent of two children that went to the Primary School and had to cut across the Sandersons Wynd to walk on to Ross High I know the dangers of traffic. The council has tried to improve the safety here as has the school with Double Yellow lines and huge signs discouraging parents parking here. This change will definitely exacerbate the dangers and I think for that reason this aspect e.g. the blocking of the roundabout should be removed from the proposal.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available.		-
2.00	417 / 25 - 2										
2.01	417 / 25 - 2	13-Oct-25	17:06	-	I would love to know what the purpose of the proposed changes are, and what detail you have gone into with regards impact assessment.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
2.02	417 / 25 - 2	13-Oct-25	17:06	-	The biggest change to the roundabout is stopping traffic coming from Tranent (church street) turning onto Tranent Mains road. The level of traffic doing this id expect is fairly minimal. Therefore you are adding a stress to an already breaking 'North' roundabout by adding traffic to it to come all the way back over. You are probably adding 5-10 minutes onto every journey at peak times. You will increase traffic using Sandersons Wynd as a new 'rat run' - past a very busy primary school full of young kids and parents, just so people can avoid having to go over the bridge at Bankton.	Objection	Hargreaves Land	GC / TH	The design and modelling for the north roundabout accounts for the additional traffic generated from the south roundabout movement; this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Traffic counts undertaken at the roundabout show an average of 8 vehicles per peak hour making the movement from Church Street to Tranent Mains Road.		-
2.03	417 / 25 - 2	13-Oct-25	17:06	-	Even more traffic using Johnnie cope road as a go between Tranent and Prestonpans.	Objection	Hargreaves Land	GC / TH	This is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available; we do not anticipate Johnnie Cope Road being used as a route with the other alternative routes available.		-
2.04	417 / 25 - 2	13-Oct-25	17:06	-	Blindwells has already added traffic to the north roundabout, this won't alleviate that. In fact Blindwells is irrelevant to the South roundabout, yet the changes proposed are being put in behind the proviso of the original plans for Blindwells.	Objection	Hargreaves Land	GC / TH	The proposals to the south roundabout are part of a programme of works including upgrading works to the north roundabout, the eastbound off slip and westbound on slip; the works to the eastbound off slip and north roundabout are on-going at present for completion in 1st quarter 2026. The works to all sections are required as part of a planning condition for the Blindwells development with timing of works linked to trigger points based on residential completions at Blindwells. The design has been informed by traffic modelling which demonstrates the works are required and allows for future growth.		-
2.05	417 / 25 - 2	13-Oct-25	17:06	-	A whole new traffic release is required for Blindwells, not just redoing what is already in place. Whether that be a new access road onto the A1 I don't know, but what I do know is that this huge change to the South roundabout will only have negative impacts onto the already bursting arteries around Prestonpans and Tranent.	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-
2.06	417 / 25 - 2	13-Oct-25	17:06	-	1) How many accidents have involved pedestrians on this road?	Objection	Hargreaves Land	GC / TH	Crashmap data shows 4 No. accidents at the Bankton Junction area between 1999 and 2024; 2024 is the most current data available.		-
2.07	417 / 25 - 2	13-Oct-25	17:06	-	2) How many cars come down Church St and into Tranent mains road (which will be added to North roundabout or surrounding roads)?	Objection	Hargreaves Land	GC / TH	Traffic counts undertaken at the roundabout show an average of 8 vehicles per hour making this movement in the peak period.		-
2.08	417 / 25 - 2	13-Oct-25	17:06	-	3) You say it'll manage queues to an acceptable level, yet I use this roundabout 4/5 times a day minimum and I have never queued to get onto it. What is an acceptable level if immediate isn't good enough?	Objection	Hargreaves Land	GC / TH	The proposed works account for the future traffic generation from Blindwells.		-
2.09	417 / 25 - 2	13-Oct-25	17:06	-	4) Those who are proposing the changes, do they use the road themselves and understand how this will impact people?	Objection	Hargreaves Land	GC / TH	Those involved from the developer (Hargreaves Land) and East Lothian Council use the road network on a regular basis and understand the impact the proposed changes will have. The proposals are considered the most effective and safest design solution with consideration of the future traffic generation from the Blindwells development.		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
3.00 417 / 25 - 3											
3.01	417 / 25 - 3	5-Nov-25	22:31	-	Dear Sir I write with respect to the proposed alterations to the Bankton South Roundabout and formally object on the following grounds;	Note	-	-	-		-
3.02	417 / 25 - 3	5-Nov-25	22:31	-	1) The junction changes to create a pedestrian controlled access to the south side of Tranent Mains Road is unjustified as this footpath only extends a few meters towards Tranent Cemetery (it does not extend to the Cemetery gates) and some meters up Church Street to a Bus Stop (This footpath does not go to Tranent Town Centre)	Objection	Hargreaves Land	GC / TH	The proposed pedestrian crossings across the approach are designed to improve pedestrian accessibility at the roundabout. The pedestrian crossing points will allow safer movement to crossing points at the A1 on-slip and Tranent Mains Road.		-
3.03	417 / 25 - 3	5-Nov-25	22:31	-	2) I can see no justification to provide a pedestrian route to these dead end footpaths and question who would walk that route for a bus? Blindwells residents passing a bus stop at the entrance to their development- I do not think so!	Objection	Hargreaves Land	GC / TH	The proposed crossing points link to the existing path network. Bus stops are provided at the A198 at the Blindwells development. The pedestrian crossing points and inclusion of traffic signals will manage traffic flows to allow opportunities for pedestrians to cross under traffic light control; this is considered to encourage more pedestrian / walking movements as an alternative to driving.		-
3.04	417 / 25 - 3	5-Nov-25	22:31	-	3) The pedestrian route should continue on the west side of the B189 crossing the ON slip road to the A1 thus feeding direct to Tranent town centre. This would save 2 no sets of Traffic Lights helping traffic flow. The occasional person crossing the A1 ON slip road would not be a problem to traffic queuing on the roundabout as this happens already at A707/A1 roundabout (Granada) and Sherrifhall.	Objection	Hargreaves Land	GC / TH	A non-controlled pedestrian crossing point is provided at the A1 on-slip. The signals primary function is to offer a controlled traffic management system to manage vehicle flows efficiently; this allows the opportunity for pedestrians to cross the carriageway when vehicles are stopped at the traffic signals.		-
3.05	417 / 25 - 3	5-Nov-25	22:31	-	4) With the pedestrian route continuing on the west side there is no need to close the Church Street to Tranent Mains Road to allow pedestrians to cross that road	Objection	Hargreaves Land	GC / TH	The proposed stopped-up section is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. This is to provide the most efficient traffic management solution.		-
3.06	417 / 25 - 3	5-Nov-25	22:31	-	5) I exit Tranent Mains Road around 3/4 times a week (not at commuter times which I expect will be busier) and have noted a big increase in vehicles exiting the A1 and coming from the B189. I would submit traffic counts are out of date and should be redone.	Objection	Hargreaves Land	GC / TH	Traffic counts have been undertaken at off peak and during peak hours; the counts are reviewed with traffic modelling which accounts for future traffic generation including all project traffic to be generated from the Blindwells development. There is no requirement for additional traffic counts.		-
3.07	417 / 25 - 3	5-Nov-25	22:31	-	I trust these points will be put forward and would request if they are not considered relevant in determining these road changes I am advised why they are not relevant	Note	-	-	-		-
4.00 417 / 25 - 4											
4.01	417 / 25 - 4	22-Oct-25	20:10	-	Dear Sir, I am responding to the above consultation and wish to put my strongest possible objection to the proposed plans.	Note	-	-	-		-
4.02	417 / 25 - 4	22-Oct-25	20:10	-	I reside at the area in Tranent Mains Road and the impact of this redirection of traffic at the above mentioned roundabout is beyond belief. This will create absolute gridlock - particularly as the lack of planning and infrastructure already, since the irresponsible development of Blindwells will be made worse for all road users coming to and from Tranent.	Objection	Hargreaves Land	GC / TH	The proposal to stop-up part of the south roundabout is to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. Upgrading works to the roundabouts are required as part of a planning condition for the Blindwells development and account for future traffic to be generated from the development. The design has been informed by traffic modelling which demonstrates the works are required and allows for future growth.		-
4.03	417 / 25 - 4	22-Oct-25	20:10	-	I wish therefore to register my vociferous objection to this redirection, which will undoubtedly lead to serious increased likelihood of more RTAs.	Note	-	-	-		-
5.00 417 / 25 - 5											
5.01	417 / 25 - 5	14-Oct-25	9:09	-	Hello I am writing to object about the changes to the roundabout at Tranent Cemetery. The reasons for my objection is that the idea of changing roundabout and sending cars down to an already congested roundabout at Blindwells doesn't seem to make sense.	Note	-	-	-		-
5.02	417 / 25 - 5	14-Oct-25	9:09	-	Also as a resident of Tranent who uses Tranent cemetery often whether this is just for a visit or a funeral generally the road that I would use is Church Street. For a funeral procession to then travel over the bridge and back again is ludicrous.	Objection	Hargreaves Land	GC / TH	Alternative routes to Tranent Mains Road will still be available through Tranent via Sandersons Wynd. For funerals, we note the additional distance required for processions however, this affects a relatively minor number of vehicle movements and the proposed stopped-up section is to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-
5.03	417 / 25 - 5	14-Oct-25	9:09	-	The alternative road Sandersons Wynd that cars would now use would cause major safety issues as many more cars will pass a school.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Traffic counts undertaken at the roundabout show an average of 8 vehicles per peak hour making the movement from Church Street to Tranent Mains Road.		-
5.04	417 / 25 - 5	14-Oct-25	9:09	-	Surely it would be more sensible to make the changes to the busy roundabout at Blindwells by using traffic lights approaching the roundabout? Also making the bus stops between Blindwells and Meadowmill roundabouts off the road to avoid backed up traffic when they stop.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The north bound bus stop at the A198 has an off road layby and we are reviewing provision of a layby to the south bound bus stop however, this is heavily constrained by an existing water course and services to this area.		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
6.00 417 / 25 - 6											
6.01	417 / 25 - 6	16-Oct-25	17:28	-	Please acknowledge receipt of formal objection to these works.	Note	-	-	-		-
6.02	417 / 25 - 6	16-Oct-25	17:28	-	The proposed works will do NOTHING to alleviate the buildup of traffic at Bankton roundabout or the roundabout coming off the A1 at Blindwells.	Objection	Hargreaves Land	GC / TH	The proposed works to the south roundabout are to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. The works are considered in conjunction with the on-going upgrading works to the north roundabout and A1 off slip. The design has been informed by traffic modelling which demonstrates the works are required and allows for future growth.		-
6.03	417 / 25 - 6	16-Oct-25	17:28	-	The sole source of the increased traffic is from Blindwells: coming off the A1 slip road to head into the Blindwells estate or coming from the Blindwells estate and travelling across the flyover to the bankton junction roundabout in order join the A1 heading into Edinburgh.	Objection	Hargreaves Land	GC / TH	The proposed works account for the additional traffic generated from the Blindwells development. The upgrading to the south roundabout is part of a planning condition from the planning consent for Blindwells and the works are to be funded by the Blindwells developer.		-
6.04	417 / 25 - 6	16-Oct-25	17:28	-	All these proposed works will do will deny local residents easy access to the cemetery and houses in the Forthview Walk/coalgate area (especially when roadworks cut off access via other routes) and will only allow extra cars to queue on the slip road exiting at the Blindwells roundabout: traffic will still back up onto the A1.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken on design options and the proposed option is considered the most efficient and safest option. Traffic modelling does not indicate any backing up of traffic onto the A1 and both the on slip and off slip roads are to be extended as part of the overall Bankton Junction upgrading works programme.		-
6.05	417 / 25 - 6	16-Oct-25	17:28	-	These proposed works are not only detrimental to local residents existing access but is a cop out from both the council and Blindwells developers!!!	Objection	Hargreaves Land	GC / TH	As noted in previous responses, the works are required as part of a planning condition from the planning consent for Blindwells. The proposed solution is based on traffic modelling, extensive design and safety auditing to provide the safest and most efficient solution.		-
6.06	417 / 25 - 6	16-Oct-25	17:28	-	The ONLY sensible works is to have a direct A1 access from the Blindwells estate to keep that heavy flow of traffic off existing overloaded roads.	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-
6.07	417 / 25 - 6	16-Oct-25	17:28	-	If this isn't addressed now then the proposed further expansion along to the old Raceland site at Longriddry/gladsmuir will result in existing roads being deadlocked due to lack of foresight by the council and a cheap and easy way out for the developers.	Objection	Hargreaves Land	GC / TH	The traffic associated with other developments further east will mostly travel via the A1 trunk road; the A1 has sufficient capacity to accommodate for such developments.		-
6.08	417 / 25 - 6	16-Oct-25	17:28	-	Shame on those who planned, proposed and sanctioned these works!	Note	-	-	-		-
7.00 417 / 25 - 7											
7.01	417 / 25 - 7	17-Oct-25	21:32	-	To whom it may concern I'm writing to express my objection to the gyratory redetermination of Bankton Junction South roundabout.	Note	-	-	-		-
7.02	417 / 25 - 7	17-Oct-25	21:32	-	It is allegedly a decision based on supporting unknown (but low) numbers of pedestrians and/or cyclists travelling between Tranent and Blindwells. However, the gyratory will not help pedestrians: the proposed lights will be to the island that already exists (as per the final paragraph of the statement of reasons, and the drawings show). Therefore the only reason to allow this gyratory is to allow traffic from Blindwells permanent right of way to the detriment of everything else using the roundabout.	Objection	Hargreaves Land	GC / TH	The proposed works to the south roundabout are to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. The works are considered in conjunction with the on-going upgrading works to the north roundabout and A1 off slip.		-
7.03	417 / 25 - 7	17-Oct-25	21:32	-	The Bankton North roundabout is already under severe stress, so it seems contrarian to put even more traffic via that roundabout, even if it is "as low as" 8 an hour. If it's that low, why will 8 cars turning right cause a massive problem to the traffic coming over the bridge? It seems to be Schrodinger's traffic: too much to allow it to turn right but not enough to cause a problem to the overstretched North roundabout.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works. The modelling shows the proposal as being the most efficient mitigation measure / design.		-
7.04	417 / 25 - 7	17-Oct-25	21:32	-	What it seems has not been considered is that those 8 cars turning right at the bottom of Church street create gaps on the roundabout as well as allowing traffic from Tranent Mains Road to enter the roundabout. This is already difficult due to the increased volume of traffic coming over the bridge, so giving the Blindwells traffic permanent right of way will mean that no-one else will ever get onto the roundabout, and the exit slip road will back up onto the N-bound A1. Lights here will potentially fix this issue, but it won't help traffic from Tranent Mains Road or Church Street. Without gaps on the roundabout, traffic joining the A1 will swell to a constant stream and the N-bound A1 will struggle to accept the merging traffic accordingly. The proposed slip road changes	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. The traffic signals will introduce gaps in the flows when the westbound off-		-
7.05	417 / 25 - 7	17-Oct-25	21:32	-	Further, the mentioned alternative routes are all through housing estates where children play on the street, never mind that one goes past a primary school. Coalgate Road is reduced to a single lane because of parking on the road, and as such I cannot fathom that it's preferable to increase traffic through these areas rather than allow a peak of 8 cars per hour to go all the way around the roundabout.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Vehicles can also route to the north roundabout junction to make this journey.		-
7.06	417 / 25 - 7	17-Oct-25	21:32	-	Part of the agreement was that there would be no change to funeral provision at the cemetery. Having mourners have to wait at the end of Tranent Mains Road until the hearse does the near kilometre addition to the procession and meet back up is not "no change". Granted there aren't very many processions, but given the emphasis on 8 cars an hour causing alleged calamity to the Blindwells traffic, surely even one procession having to change is too much.	Objection	Hargreaves Land	GC / TH	We note the impact on funeral processions however, this the impact has to be considered against the benefits of the proposed upgrading works in providing a safe and efficient solution to the road network with consideration of future traffic generation. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-
7.07	417 / 25 - 7	17-Oct-25	21:32	-	I'm aware that doing works at both of the roundabouts was part of the planning agreement, but I'm also aware that the original plans for the North roundabout have changed since the original design, so I'm asking that the same flexibility of design change be applied to the South roundabout plans.	Objection	Hargreaves Land	GC / TH	The design for both roundabouts has changed from the original planning condition. Various design options have been considered for both roundabouts and the current design proposals are considered the most effective and safe solutions. The traffic modelling shows the proposal as being the most efficient mitigation measure / design for the roundabout.		-
7.08	417 / 25 - 7	17-Oct-25	21:32	-	If inflexibility on agreed plans is deemed sacrosanct for the gyratory, then it must also be deemed in respect of funeral procession provision and therefore changes to them must be forbidden.	Objection	Hargreaves Land	GC / TH	We note the impact on funeral processions however, this the impact has to be considered against the benefits of the proposed upgrading works in providing a safe and efficient solution to the road network with consideration of future traffic generation. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-

BLINDWELLS | BANKTON JUNCTION | SOUTH ROUNDABOUT
PUBLIC OBJECTIONS SCHEDULE | VERSION 0.2 (DRAFT) | 30 JANUARY 2026



Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
8.00 417 / 25 - 8											
8.01	417 / 25 - 8	11-Oct-25	12:24	-	I am writing to object to the redetermination at Bankton South roundabout to form a teardrop gyratory to improve traffic flow etc.	Note	-	-	-		-
8.02	417 / 25 - 8	11-Oct-25	12:24	-	Sending even more traffic to the seriously congested Bankton North roundabout is completely ludicrous. The North roundabout comes to a complete standstill during rush hour Monday to Friday and most of the day on Saturdays and Sundays. Sending more traffic than is necessary around the North roundabout, creating a longer diversion than necessary will add to the congestion and add to pollution. Adding in traffic lights and crossings will impede the flow of traffic. There are very low numbers of pedestrians using the footpaths between the South and North roundabouts therefore it begs the question why this redetermination is even being considered; there will be absolutely zero benefit to the local community if this goes ahead.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works. The proposed works to the south roundabout are designed to provide the most efficient and safe solution with consideration of future traffic generation. The proposed safe pedestrian controlled crossings are designed to provide safer pedestrian routes to promote walking / pedestrian access which is not possible in the current roundabout configuration.		-
9.00 417 / 25 - 9											
9.01	417 / 25 - 9	17-Oct-25	15:34	-	I wish to object to the proposed works. The idea of sending more cars to the busier of two roundabouts just to make an about turn is absurd.	Note	-	-	-		-
9.02	417 / 25 - 9	17-Oct-25	15:34	-	I also note that the statement of reasons observes low numbers of traffic wishing to turn from the roundabout to Tranent Mains Road (B). Presumably this is meant to indicate that the extra 950m of travel would be of little impact to the affected cars. Why undertake the work then?	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
9.03	417 / 25 - 9	17-Oct-25	15:34	-	The notion of putting pedestrian crossings in over the roundabout also seems strange. How many pedestrians will this route serve on average? I note that there is no mention of any data accumulated here that would support the addition of traffic lights here. For every 8 cars per hour I would be willing to bet around 2 people would be looking to walk in this direction. This feels like you trying to 'solve' an almost non-existent problem with work that does not need done?	Objection	Hargreaves Land	GC / TH	The proposed safe pedestrian controlled crossings are designed to provide safer pedestrian routes to promote walking / pedestrian access which is not possible in the current roundabout configuration.		-
9.04	417 / 25 - 9	17-Oct-25	15:34	-	It would be better for the council to solve genuine issues with the traffic at Blindwells by creating a bigger carriageway off the A1 in to the Bankton Roundabout or creating a turn off directly from the A1 in to the new development to alleviate the extra number of cars over the last year.	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-
10.00 417 / 25 - 10											
10.01	417 / 25 - 10	9-Nov-25	21:37	-	I want to raise an objection to the planned works at the roundabout at the bottom of Tranent Mains road (bankton junction south).	Note	-	-	-		-
10.02	417 / 25 - 10	9-Nov-25	21:37	-	The reason being that the planned works do not in any way address any traffic issues and only serve to cause a problem for the residents who live up Tranent Mains Road as we will no longer be able to turn right at the bottom of church street. If you go for petrol or any shop in Tranent this is a problem and will create a rat run past the primary school or through the housing estate at Northfield.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
10.03	417 / 25 - 10	9-Nov-25	21:37	-	Otherwise I think people will be doing a very dangerous U-turn on the bridge over the A1 because it is pointless travelling down to the very busy North roundabout to sit in a queue and then double back. Pedestrians do not use the road so it is all a massive waste of money to block it off.	Objection	Hargreaves Land	GC / TH	There is no opportunity for a U-turn manoeuvre on the A198 and the works to the north roundabout have been designed to accommodate the additional traffic generated from the south roundabout works. The proposed safe pedestrian controlled crossings are designed to provide safer pedestrian routes to promote walking / pedestrian access which is not possible in the current roundabout configuration.		-
10.04	417 / 25 - 10	9-Nov-25	21:37	-	The issues have only been at North roundabout because of the traffic lights at Blindwells which stops the busy flow of traffic to let 1 or 2 cars out.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works. The proposed works to the south roundabout are designed to provide the most efficient and safe solution with consideration of future traffic generation		-
10.05	417 / 25 - 10	9-Nov-25	21:37	-	If anything needs done it would be to lengthen the slip road on at bankton junction. There have been serious accidents due to that slip road being unfit for purpose.	Objection	Hargreaves Land	GC / TH	Works to both the eastbound off slip and westbound on slip are to be undertaken as part of the overall Bankton Junction programme of works. Works to the eastbound off slip are on-going at present for completion in early 2026.		-
10.06	417 / 25 - 10	9-Nov-25	21:37	-	The current proposals will only cause further chaos and cause traffic gridlock. Having used that roundabout for over 20 years I am convinced of that.	Objection	Hargreaves Land	GC / TH	As noted above, extensive traffic modelling and assessment has been undertaken to determine the safest and most efficient design solution for all areas of Bankton Junction.		-
11.00 417 / 25 - 11											
11.01	417 / 25 - 11	13-Nov-25	13:40	-	I would like to raise some objections to the proposed alterations to the Bankton Junction South Roundabout at Tranent Mains.	Note	-	-	-		-
11.02	417 / 25 - 11	13-Nov-25	13:40	-	Preventing access to Tranent Mains Road from Church Street will only result in car users using Sanderson's Wynd instead of your proposed detour via the North Roundabout. Sanderson's Wynd has a Primary School on it, your proposal will increase the likely hood of a child being involved in a road accident.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available.		-
11.03	417 / 25 - 11	13-Nov-25	13:40	-	Traffic signals on the South Roundabout will cause cars to back up to the North Roundabout, thus blocking the North Roundabout, this in turn will prevent cars from exiting the A1 which will cause tail backs of exiting vehicles onto the A1. This is already a concern of mine since the introduction of new traffic lights at the Princes Way junction at Blindwells. The increased traffic from the Blindwells development will only make worsen the situation.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
11.04	417 / 25 - 11	13-Nov-25	13:40	-	The only solution that does not compromise on road safety is a dedicated junction for the Blindwells development.	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
12.00	417 / 25 - 12										
12.01	417 / 25 - 12	24-Oct-25	12:17	-	Good afternoon I wish to lodge my objection to the proposal to create a new stopped-up section at Bankton Roundabout South as shown on the current drawing proposals for the following reasons :	Note	-	-	-		-
12.02	417 / 25 - 12	24-Oct-25	12:17	-	1) The problem in this area is quite solely at Bankton Roundabout North and the A198 road north of this towards Cockenzie. Any diversion of further traffic (caused solely by the stopped-up section on Bankton Roundabout South) will only enhance the problem at Bankton Roundabout North.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. Works to the north roundabout are on-going for completion in 1st quarter 2026.		-
12.03	417 / 25 - 12	24-Oct-25	12:17	-	2) It looks to me like the new stopped-up section on the South roundabout is purely to accommodate a new pedestrian crossing which could easily be re-positioned nearer the flyover/ bridge or at least one lane of the stopped-up section could remain open to allow access from Church Street to Tranent Mains Road.	Objection	Hargreaves Land	GC / TH	The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
12.04	417 / 25 - 12	24-Oct-25	12:17	-	3) Funeral processions from Tranent Parish Church to the cemetery will be caused unnecessary distress if the hearse is forced to go down to Bankton Roundabout North and back up again instead of the mourners being able to walk behind the hearse and back up Tranent Mains Road.	Objection	Hargreaves Land	GC / TH	We note the impact on funeral processions however, this the impact has to be considered against the benefits of the proposed upgrading works in providing a safe and efficient solution to the road network with consideration of future traffic generation. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-
12.05	417 / 25 - 12	24-Oct-25	12:17	-	4) I dread to think what this area will be like once another 1,000 new houses are built at Blindwells. It is bad enough already and I cannot see any improvement whilst the only 3 access points to Blindwells are all along the A198. Blindwells really should have had a separate junction off the A1 or a new road access from the McMerry services area.	Objection	Hargreaves Land	GC / TH	The proposed upgrading works to the north roundabout, south roundabout and slip roads account for all future traffic to be generated from Blindwells. The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-
12.06	417 / 25 - 12	24-Oct-25	12:17	-	5) I travelled this route last night just after 5pm (as I do most nights) and was stuck in a full length queue from Bankton South roundabout down to Bankton North roundabout and then further queues down past Blindwells entrance on the A198 towards Cockenzie	Objection	Hargreaves Land	GC / TH	As noted above, extensive traffic modelling and assessment has been undertaken to determine the safest and most efficient design solution for all areas of Bankton Junction. The works to both roundabouts and slip roads are designed to mitigate queueing. The issues reported support the requirement for the additional mitigation measures and upgrading works to both roundabouts and slip roads.		-
13.00	417 / 25 - 13										
13.01	417 / 25 - 13	10-Nov-25	8:57	-	I am writing to raise objection to the Bankton View redetermination 417/25 as detailed on the East Lothian Council website. I am objecting as this will impact my travel to and from work each day and the changes do not seem logical. My reasons for this objection are as follows:	Note	-	-	-		-
13.02	417 / 25 - 13	10-Nov-25	8:57	-	1) The changes to the south roundabout incorporating the 'teardrop' to prevent traffic circulating from Church Street to Tranent Mains Road do not sound like a good use of money. You state in your reasons that the traffic flows in this direction are low (8 per minute); there is no statement on the number of cyclists or pedestrians crossing the roundabout. The changes affect a great number more vehicles as a result - it's the traffic coming onto the roundabout at peak hours from Tranent which is going to be affected by the new priority being given to traffic from Prestonpans.	Objection	Hargreaves Land	GC / TH	The proposed works to the south roundabout are to provide the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic to be generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. The works are considered in conjunction with the on-going upgrading works to the north roundabout and A1 off slip.		-
13.03	417 / 25 - 13	10-Nov-25	8:57	-	2) You state that the length of redirection is low, however at peak times the time associated with this will be high, directing traffic onto an already busy junction. Either it's a low number of vehicles affected (and therefore won't impede traffic coming from the North roundabout) and is a waste of money, or it will significantly affect traffic flow. Which is it? I can see the point of pedestrian crossings where the new lights are going in on the slip road off the A1, but I very rarely see pedestrians use this roundabout, and cyclists do not impact it at all, as most commuting cyclists would take other routes (such as via the Meadowmill underpass) to cross the A1.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
13.04	417 / 25 - 13	10-Nov-25	8:57	-	3) Allowing Blindwells traffic priority over the South roundabout will impact traffic coming onto the A1 from Tranent Mains Road and Church St - no-one will be able to get onto it in the morning. Has anyone really looked at how the traffic flows from Tranent?	Objection	Hargreaves Land	GC / TH	The traffic modelling has reviewed all movements on the roundabouts and adjoining road network; the proposed design is considered the safest and most efficient design solution in conjunction with the overall Bankton Junction programme of works to the roundabouts and slip roads. The proposals will also assist with movements from the A1 off-slip onto the roundabout with traffic signals on the A198 allowing dedicated times / gaps for this movement.		-
13.05	417 / 25 - 13	10-Nov-25	8:57	-	4) The Blindwells roundabout is clearly at a tipping point of danger - why redirect more traffic onto it? Again, either it's 8 cars per hour and won't impact it much, or it's an amount of traffic worthy of the spend.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works. The proposed works to the south roundabout are designed to provide the most efficient and safe solution with consideration of future traffic generation		-
13.06	417 / 25 - 13	10-Nov-25	8:57	-	5) Walking funerals coming from the Church in Church Street will now not be able to proceed to the cemetery, Very low numbers of these, admittedly, but seems unthinking and unfair to prevent such action. I believed that the original agreement said there would be no impact to the use of the cemetery?	Objection	Hargreaves Land	GC / TH	We note the impact on funeral processions however, this the impact has to be considered against the benefits of the proposed upgrading works in providing a safe and efficient solution to the road network with consideration of future traffic generation. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-
13.07	417 / 25 - 13	10-Nov-25	8:57	-	6) The teardrop implementation will direct traffic coming down Church Street to Tranent Mains Farm/cemetery area along Sandersons Wynd past a Nursery and Primary School. This seems a bad idea, as that area is already congested with parents dropping off children in the morning. Additionally, when funerals take place at the cemetery this road is very congested with parked traffic.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Where funeral processions have a police presence, temporary traffic measures could be introduced for these specific scenarios.		-
13.08	417 / 25 - 13	10-Nov-25	8:57	-	7) Why has there been no provision for bus traffic on the North side of the North roundabout to aid traffic flow? The buses stopping on the main road clog up the traffic flow to a large extent. Why not sort that first?	Objection	Hargreaves Land	GC / TH	The north bound bus stop at the A198 has an off road layby and we are reviewing provision of a layby to the south bound bus stop however, this is heavily constrained by an existing water course and services to this area.		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
14.00	417 / 25 - 14										
14.01	417 / 25 - 14	12-Nov-25	21:04	-	I would like to submit an objection to the proposed changes to the A198 Bankton Junction South Roundabout.	Note	-	-	-		-
14.02	417 / 25 - 14	12-Nov-25	21:04	-	Based on the figures quoted on the "Statement of Reasons" document, there is little impact on traffic waiting to join the roundabout from Bankton North Roundabout or from the A1 Northbound. But there will undoubtedly be roadworks required to implement the proposed changes, which will cause unnecessary delays and impact those road users.	Objection	Hargreaves Land	GC / TH	Traffic management required to undertake the works will be agreed with East Lothian Council through the road works permitting process; the TM will be designed to mitigate impact on the road network. Works to all areas in Bankton Junction are being progressed on a phased basis to mitigate overall impact. The upgrading works are proposed to accommodate additional traffic and future growth in the most safe and efficient manner.		-
14.03	417 / 25 - 14	12-Nov-25	21:04	-	I assume one of the main users of the current route from Church Street to Tranent Mains Road would be funeral traffic, who use that route to get to the cemetery. But if they are to go via the proposed new route, that will see funeral traffic queuing to join the Bankton North Roundabout, and then possibly cause delays to traffic wanting to join that roundabout while the funeral convoy respectfully travels round that roundabout to return back from where it came.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings. Where funeral processions have a police presence, temporary traffic		-
14.04	417 / 25 - 14	12-Nov-25	21:04	-	One of the roads that joins Bankton North Roundabout is the A1, so any backup in traffic on the exit slip road would see vehicles back up towards the A1, which has cars travelling at higher speeds than the roads on the outskirts of Tranent.	Objection	Hargreaves Land	GC / TH	Works to extend and widen the eastbound off slip at the north roundabout are on-going for completion in early 2026 and further works are planned to extend the westbound on slip from the south roundabout. The traffic modelling for the design has considered the impact of all roads / junctions onto the roundabout.		-
14.05	417 / 25 - 14	12-Nov-25	21:04	-	There are three alternative routes suggested in the "Statement of Reasons" document for people to use; 1) Northfield/Coalgate - Depending on where the person is coming from, they may need to travel through Tranent High Street which is already congested at various times of the day. Northfield and Coalgate are residential areas which have traffic calming measures as they are not a main through road. And as well as this, the residents have on-street parking which makes this a congested route.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to nearby roads however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available.		-
14.06	417 / 25 - 14	12-Nov-25	21:04	-	2) Lindores Drive - This is another residential area. This road has recently been relaid and previously had traffic calming measures as it is not a main through road. I don't know if there are plans to reintroduce the calming measures, but regardless of that this road is heavily populated with residents on-street parking.	Objection	Hargreaves Land	GC / TH	There are various alternative routes available including the proposed movement to the north roundabout; we do not consider Lindores Drive as an alternative route with the other routes / options available.		-
14.07	417 / 25 - 14	12-Nov-25	21:04	-	3) Sandersons Wynd - This road has traffic calming measures, but more importantly you are encouraging more traffic to go along a road that has a school on it. This school accommodates a number of young children as it has a Nursery for early years children, the Primary school for children P1-P7 (ages 5 to 11), and The Hub which provides services for children with additional needs. Increasing the number of vehicles in this area is quite irresponsible.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available including via the Bankton Junction north roundabout.		-
14.08	417 / 25 - 14	12-Nov-25	21:04	-	It seems from the "Statement of Reasons" document that this decision is based on the development at Blindwells, but I don't see why the work done at that site should have an impact on Bankton South traffic - to either divert through residential areas, or have almost a kilometre added to their journey.	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. The developer now has to implement the upgrading works to all areas at Bankton Junction to comply with the planning condition.		-
14.09	417 / 25 - 14	12-Nov-25	21:04	-	Given these points, I would like my concerns to be noted as an objection to the proposed change to the A198 Bankton Junction South Roundabout.	Note	-	-	-		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
15.00	417 / 25 - 15										
15.01	417 / 25 - 15	13-Nov-25	TBC	-	I am writing to formally object to the proposed changes to the South roundabout as detailed in TO 417/25. As a regular user of the North and South roundabouts, I have significant concerns regarding the impact on traffic flow, safety, and the procedural approach (including Lack of detail & consultation) that has been adopted.	Note	-	-	-		-
15.02	417 / 25 - 15	13-Nov-25	TBC	-	1 (a) Traffic congestion is often seen on approach to the North roundabout from the A198 heading South, the A1 slip and even the A198 heading North (away from Tranent).	Objection	Hargreaves Land	GC / TH	Works are planned to all areas of Bankton Junction including the north roundabout, south roundabout and on and off slip roads from the A1. The works to the eastbound off slip and north roundabout are on-going for completion in 1st quarter 2026.		-
15.03	417 / 25 - 15	13-Nov-25	TBC	-	1 (b) This was in evidence prior to the development works commencing at Blindwells and has increased in general and in conjunction with the progression of the new development (including the opening of an additional entry/exit to the North roundabout and the traffic control signals installed at the junction between the A198 and Princes Way).	Objection	Hargreaves Land	GC / TH	The works to Bankton Junction are required as part of a planning condition for the Blindwells planning consent; the implementation of the works is linked to completion of residential units at Blindwells informed by extensive traffic modelling.		-
15.04	417 / 25 - 15	13-Nov-25	TBC	-	1 (c) Routing additional traffic from the South to the North roundabout will exacerbate existing congestion issues. The North roundabout is already a bottleneck, especially during peak times.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works.		-
15.05	417 / 25 - 15	13-Nov-25	TBC	-	1 (d) There is insufficient evidence demonstrating how the proposed changes (where channelling additional traffic from the South roundabout to go all the way around the North roundabout, to then return to the South roundabout) will alleviate congestion rather than compound it.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
15.06	417 / 25 - 15	13-Nov-25	TBC	-	2 (a) No evidence has been shown to verify the monitoring or analysis of use of the South roundabout, which is just described as a 'very low' flow of traffic and making a reference to say that there is a peak hourly flow of 8 vehicles.	Objection	Hargreaves Land	GC / TH	The design has been based on traffic counts taken at on and off peak hours and traffic modelling which accounts for the existing situation and future traffic generation.		-
15.07	417 / 25 - 15	13-Nov-25	TBC	-	2 (b) The proposal lacks detailed evidence or studies illustrating how the changes will improve traffic flow. The description of Low traffic flow at the South roundabout is vague and unsupported by any concrete data.	Objection	Hargreaves Land	GC / TH	The design has been based on traffic counts taken at on and off peak hours and traffic modelling which accounts for the existing situation and future traffic generation; this information has been provided to the council and reviewing parties but is not publicly available. The traffic modelling, design and safety auditing shows the proposed works / mitigation measures are the safest and most efficient measures.		-
15.08	417 / 25 - 15	13-Nov-25	TBC	-	2 (c) The Statement of Reasons is lacking in detail regarding the time impact of using the longer route (particularly noting the above comments regarding adding traffic flow to the North roundabout, where congestion is already in evidence)	Objection	Hargreaves Land	GC / TH	The design of the north roundabout and modelling has accounted for the minor level of additional traffic generated from the south roundabout. The time for this movement will be subject to the level of traffic at the time but is not considered detrimental in considering the most effective and safest design option.		-
15.09	417 / 25 - 15	13-Nov-25	TBC	-	3 (a) The changes are likely to adversely affect access from Tranent Mains Road to the South roundabout, as the current traffic breaks provided by the existing use of the roundabout would be diminished.	Objection	Hargreaves Land	GC / TH	The introduction of controlled traffic signals will assist with access from all legs on to the roundabout.		-
15.10	417 / 25 - 15	13-Nov-25	TBC	-	3 (b) Alternative routes accessing Tranent Mains Road, such as via Northfield and Coalgate Road, are subject to numerous traffic calming measures, which would make this less suitable to sustained use / access by certain types of vehicles.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to nearby roads however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Larger vehicles should route via the Bankton Junction north roundabout.		-
15.11	417 / 25 - 15	13-Nov-25	TBC	-	3 (c) Access to Tranent Mains Road via Sandersons Wynd is also subject to traffic calming measures and passes a primary school, again making this less suitable to sustained use / access by certain types of vehicles.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to Sandersons Wynd however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available. Larger vehicles should route via the Bankton Junction north roundabout.		-
15.12	417 / 25 - 15	13-Nov-25	TBC	-	4 (a) The proposal details are insufficient regarding the environmental impact, merely mentioning a 950-meter detour without considering ecological consequences.	Objection	Hargreaves Land	GC / TH	We note the environmental impact however, this is anticipated to be a minor number of vehicles and the impact has to be considered in conjunction with the overall benefits of the proposed works. Alternative routes are also available within Tranent to reduce the distance travelled for vehicles other than larger vehicles as noted in previous responses.		-
15.13	417 / 25 - 15	13-Nov-25	TBC	-	4 (b) As above, no evidence has been shown to verify the monitoring or analysis of use of the South roundabout, which is just described as a 'very low' flow of traffic and making a reference to say that there is a peak hourly flow of 8 vehicles.	Objection	Hargreaves Land	GC / TH	The design has been based on traffic counts taken at on and off peak hours and traffic modelling which accounts for the existing situation and future traffic generation; this information has been provided to the council and reviewing parties but is not publicly available.		-
15.14	417 / 25 - 15	13-Nov-25	TBC	-	4 (c) No detail / evidence has been shown as to how the proposed changes to the South roundabout will actually improve traffic flow and ease the congestion already seen at the North roundabout.	Objection	Hargreaves Land	GC / TH	The design has been based on traffic counts taken at on and off peak hours and traffic modelling which accounts for the existing situation and future traffic generation; this information has been provided to the council and reviewing parties but is not publicly available.		-
15.15	417 / 25 - 15	13-Nov-25	TBC	-	4 (d) Consultation and local involvement appear lacking, with no adequate platform provided for community feedback prior to this stage.	Objection	Hargreaves Land	GC / TH	The developer and council have followed the requirements of the Redetermination Order process. This has included the public consultation process / period which is on-going and provides the public with an opportunity to comment on the proposed works. Furthermore, the full Blindwells development has been subject to the full planning process with all associated consultations required as part of this process.		-
15.16	417 / 25 - 15	13-Nov-25	TBC	-	4 (e) Information regarding the proposed redetermination has also been exceedingly difficult to locate and access through the East Lothian Council website.	Objection	Hargreaves Land	GC / TH	In accordance with the requirements of the Redetermination Order process, the information has been publicised on the ELC website and the East Lothian Courier.		-
15.17	417 / 25 - 15	13-Nov-25	TBC	-	4 (f) Why has there been no consultation / local involvement up until this point?	Objection	Hargreaves Land	GC / TH	The developer and council have followed the requirements of the Redetermination Order process. This has included the public consultation process / period which is on-going and provides the public with an opportunity to comment on the proposed works. Furthermore, the full Blindwells development has been subject to the full planning process with all associated consultations required as part of this process.		-
15.18	417 / 25 - 15	13-Nov-25	TBC	-	Given these concerns, I urge the council to reconsider the current proposal in respect of the South roundabout.	Note	-	-	-		-
15.19	417 / 25 - 15	13-Nov-25	TBC	-	It would be welcome to see improvements to the North roundabout layout (e.g. better lane management, traffic control signals etc).	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works.		-
15.20	417 / 25 - 15	13-Nov-25	TBC	-	Comprehensive traffic studies and increased community engagement are essential to formulating an effective and sustainable solution to the issues at Bankton Junction,	Objection	Hargreaves Land	GC / TH	Traffic studies have been undertaken as required to develop the design as noted in previous responses. Community engagement has been undertaken in accordance with the requirements of the Redetermination Order process as noted in previous responses. Furthermore, the full Blindwells development has been subject to the full planning process with all associated consultations required as part of this process.		-

Ref	ELC Ref	Date Received	Time	From	Objection	Type	Action	Owner	HL / ELC Response	Status	Date Responded
16.00	417 / 25 - 16										
16.01	417 / 25 - 16	29-Oct-25	13:53	-	Hi I live in Tranent; our house looks over the Tranent cemetery. The plan for East Lothian council to stop people coming down Church Street and travel along Tranent Mains Road makes no sense. It means cars will have to travel over the A1 to roundabout 2 (pic) which leads onto the A198, where there are regular tailbacks that can use up the whole slip road caused by cars coming off the A1 trying to get to Port Seton, etc. Not traffic going to roundabout 1 to Tranent.	Objection	Hargreaves Land	GC / TH	Extensive traffic modelling has been undertaken to review various design options for the works to both the north and south roundabouts and the on and off slip roads to the A1; the current proposals have been determined as the most effective with consideration of the full road network and the roundabout arrangement. The purpose of the changes to the south roundabout is to allow for the most effective flow of traffic from the A198 onto the circulatory carriageway and through to the A1, with consideration of the additional traffic generated from the Blindwells development, while also improving pedestrian movements at the roundabout with provision of controlled pedestrian crossings.		-
16.02	417 / 25 - 16	29-Oct-25	13:53	-	Forcing more traffic onto this roundabout is going to cause even more congestion and also tailbacks over the flyover.	Objection	Hargreaves Land	GC / TH	Works to the north roundabout are on-going for completion in 1st quarter 2026; this includes widening of the roundabout and signalisation at the off slip from the A1. The design for the north roundabout includes for modelling and consideration of the limited additional traffic generated from the south roundabout works.		-
16.03	417 / 25 - 16	29-Oct-25	13:53	-	Folk are saying they will use the roads through Coalgate or go along Sanders Wynd past the school; both have extreme speed bumps, but that's the talk online.	Objection	Hargreaves Land	GC / TH	We note the potential impact on increased traffic to nearby roads however, this is anticipated to be a very minor increase based on the amount of vehicle movements accessing the cemetery road and the alternative routes available.		-
16.04	417 / 25 - 16	29-Oct-25	13:53	-	We were under the impression that an access road into Blindwells was part of the plan when permission was granted for the development of the site. If so why hasn't the council enforced the building of a access road from the at into Blindwells ? It is so short sighted to imagine the junction in and out of Blindwells will cope once the house building is complete .	Objection	Hargreaves Land	GC / TH	The traffic modelling and assessment undertaken at the time of the original planning consent for Blindwells determined upgrading works to Bankton Junction are required, including both roundabouts and slip roads. This assessment did not determine a new junction from the A1 was required for the Blindwells development.		-
16.05	417 / 25 - 16	29-Oct-25	13:53	-	Back to the picture the choke point is roundabout two not one .The public are saying the council is agreeing to a plan that will make matters worse . We expect the council to have all this work done then in the future spend our council tax money to undo what is being carried out now, hope to be proven wrong.	Objection	Hargreaves Land	GC / TH	As noted in previous responses, the proposed design is based on extensive traffic modelling and consideration of options; the proposed design is considered the safest and most efficient option. All works to Bankton Junction are funded by the Blindwells developer.		-

RAG	Status
	Responded
	Draft response
	No response
	Closed or no response required.

Document Control

Version: 0.2 (Draft)
Date: 30 January 2026
Prepared: Gordon Clark | Hargreaves Land
Comment: Draft update; incorporating ELC comments / review.

COMMITTEE: East Lothian Council

MEETING DATE: 17 February 2026

BY: Depute Chief Executive – Resources and Economy

REPORT TITLE: Planning Enforcement

REPORT STATUS: Public

1 PURPOSE OF REPORT

- 1.1 This report responds to the requirements of the Planning Enforcement Powers Motion approved at Council on 28 October 2025.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Agree that a wider report on the performance and activity of the Council's Planning Service, to include planning enforcement, is brought to PPRC on an annual basis; and
- 2.2 Instruct the Chief Planning Officer to continue to monitor planning enforcement activity and adjust resource accordingly within the wider Planning Service.

3 BACKGROUND

- 3.1 Councillors approved a motion at its meeting on 28 October 2025 requiring the Chief Planning Officer bring a report back to Council on Planning Enforcement powers, their use, case statistics, resourcing, Council standards and working with other authorities and CoSLA. Details of the motion are available as a Background Paper.
- 3.2 Planning permission is required for most development that takes place in Scotland, with the exception of some minor works. Sometimes, however, developers or householders undertake work or changes of use without planning permission or fail to keep to the permission they have

been given. Councils have powers to enforce planning controls in such cases, if they consider it is in the public interest to do so.

3.3 Enforcement powers in Scotland are taken from the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019. There are separate acts and regulations relating to listed buildings and advertisements. Guidance on use of these powers is set out in the Scottish Government's Planning Enforcement Circular 10/2009.

3.4 It is important to note that a breach of planning control does not constitute a criminal offence. ELC aims to amicably resolve breaches of planning control, rather than punish those who carried out the unauthorised breach. The question of expediency is key and whether there is harm being done by one of the above breaches and whether it is then appropriate to take action.

3.5 Dependant on the type of breach, the enforcement powers open to the Council are:

- Section 33A Notice: requires the submission of an application for retrospective planning permission.
- Planning Contravention Notice: used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, on a person with any other interest in the land or who is carrying out operations on the land.
- Enforcement Notice: generally used to deal with unauthorised development and comes with a notification period, sets out steps required to remedy breach and a compliance period to undertake any work required. Failure to comply with an Enforcement Notice can lead to up to a £50K fine in the Sheriff Court. Also, versions apply to Listed Buildings and Advertisements.
- Breach of Condition Notice: as an alternative to an Enforcement Notice when terms of a planning condition have been breached. The level of harm caused by a breach of condition must be considered.
- Stop Notices: this is used in urgent or serious cases where an unauthorised activity must be stopped, usually on the grounds of public safety. When a Stop Notice is served, the planning authority must also issue an Enforcement Notice. If a Stop Notice is served without due cause, or an appeal against the Enforcement Notice is successful, the Stop Notice may be quashed and the Council may face claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the Council.
- Temporary Stop Notice: 28-day version of a stop notice but does not require an Enforcement Notice to be served first.

- Fixed Penalty Notice (FPN): a fine-based alternative when an Enforcement Notice has not been complied with. Value of fine is £2,000 for breach of an enforcement notice and only £300 for a breach of a breach of condition notice. If paid within 15 days, the value of the fine is reduced by 25%. By paying the penalty imposed by the FPN, the person will discharge any liability for prosecution for the offence. They will not, however, discharge the obligation to comply with the terms of the Enforcement Notice or Breach of Conditions Notice and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person.
- 3.6 Other powers available include court proceedings to impose an Interdict, although court action can provide costs and should only be used in the most serious of cases. Direct action (e.g. removing unauthorised development) can be taken when an Enforcement Notice has not been complied with. Failing to comply with the requirements of a Breach of Condition Notice or an Enforcement Notice could also result in the Council seeking to prosecute the offender.
- 3.7 Taking formal enforcement action is a discretionary power issued by the Scottish Government to each respective local authority/national park in Scotland. Where a satisfactory outcome cannot be achieved through negotiation, formal enforcement action may be exercised.
- 3.8 A planning authority is not required to take formal enforcement action on a breach of planning control. Where enforcement action is taken, it must be expedient to do so, having regard to the Development Plan and to any other material planning considerations. Any action taken must be reasonable and proportionate to the breach of planning control. In terms of taking enforcement action, in that expediency decision, the level of harm caused by the breach must be considered.
- 3.9 The Council has published an Enforcement Charter which summarises its enforcement powers, how they can be used and service standards to responding to breaches of planning control raised by the public and how they will be investigated. At the January meeting of the Association of East Lothian Community Councils, the Head of Development summarised and signposted the charter to attendees. This has also been signposted to attendees at a Community Council training event on 28 January. The Council's Planning Enforcement Charter is reviewed and updated every two years, and the next review is due in spring 2026. The updated Charter will be shared on the Council's social media channels. It is the responsibility of the Council's Chief Planning Officer to undertake this review every two years, in order to comply with legislative requirements.
- 3.10 The Council's Enforcement Charter sets out the following service standards:
- Registered complaints will receive an acknowledgement via post or email within 10 days and be given a reference and officer details;

- Person(s) making the complaint will be advised of the findings and any proposed action to be taken within 30 working days of the complaint being registered. This may include the need for additional investigation prior to deciding on a course of action. They will be advised if the matter does not involve a breach of planning control; and
- If there has been no progress for a period of 30 working days, we will write to complainants to explain the delay.

3.11 Given the time that can be taken to undertake an investigation into cases, it is not felt that it would be reasonable to shorten either of these timescale service standards in the Enforcement Charter. Exact times to investigate and resolve cases is case specific. Some cases are very simple and can be closed after a short investigation. Others which are more complex, or which lead to Enforcement Notices and corrective action can take much longer.

3.12 The following tables set out Planning Enforcement Statistics for the last five years:

	2021	2022	2023	2024	2025
Enforcement cases opened	368	377	409	430	230
Enforcement notices issued	35	46	50	28	13
Enforcement cases closed	335	366	324	316	140

Reasons Cased Closed	2021	2022	2023	2024	2025
Case unfounded	90	107	83	86	54
Planning App Approved	100	97	94	58	34
Permitted Development	44	48	37	18	0
Completed	94	100	104	119	38
Closed	7	14	6	35	14
Totals	335	366	324	316	140

- 3.13 Note that the statistics for 2025 are not complete yet and so they are not yet fully comparable in scale with previous years. However, there has been a significant drop in complaints received compared to 2024 and 2023. Part of this decrease can be identified due to the reduction in short-term let-related complaints. These were related to the change in planning requirements on this matter which led to a corresponding increase in number of complaints and subsequent applications for short term lets. These short-term let complaints numbered 50-60 cases per annum.
- 3.14 What can be seen is that vast majority of enforcement cases are closed and the second table sets out the reasoning for these. In the majority of instances, the case is unfounded (not a matter for planning enforcement), it is permitted development or a planning application is subsequently submitted and the matter resolved in that manner.
- 3.15 Cases are marked closed by completion when breaches of planning control are remediated either through the reconstruction of the unauthorised to make the development fit within permitted development limits, the removal of unauthorised development in full, the evident cessation of an unauthorised use or the tidying up of land causing a loss of amenity.
- 3.16 As suggested in the motion, PPRC would be the most appropriate forum to monitor and review enforcement activity. However, rather than as indicated on a quarterly basis, it is suggested that a wider scope on the performance and activity of the whole Planning Service, including enforcement, is incorporated into updated performance reporting that is brought to PPRC on an annual basis. Enforcement activity can be linked to the overall level of development and planning activity within the county and therefore they are best seen in comparison to each other. An annual basis is suggested as planning statistics are gathered and submitted to Scottish Government on an annual basis and enforcement statistics are not finalised on a quarterly basis. The Council's externally scrutinised Planning Performance Improvement Framework could also be brought to that meeting of PPRC.
- 3.17 Enforcement is a discretionary power. This means that, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. The Council is not required to take any particular action on a specific breach of planning control and, indeed, can decide that no action is necessary. In the vast majority of cases, it is not necessary for the Council to serve Stop and Temporary Stop Notices and Fixed Penalty Notices. The Council has served a Stop Notice in the past. No Temporary Stop Notices or Fixed Penalty Notices have yet been served, as these are relatively new powers, and there have been no cases that have necessitated such action to be taken. Planning legislation also contains provision for a developer to potentially claim compensation from the planning authority when a Stop or Temporary Stop Notice has been served. The planning authority needs to carefully consider this when considering whether or

not to serve such a Notice. Solutions may be better achieved through engagement and negotiation with the developer.

- 3.18 In terms of resources, the Council has one full-time Enforcement Officer, who only deals with enforcement cases, and they sit within the Development Delivery Team. The Council has only had one full-time equivalent (FTE) Enforcement Planning Officer for at least 10 years now and so that level of resource has not changed.
- 3.19 In terms of comparisons, Midlothian Council have two staff who deal with enforcement issues, but they also are responsible for other planning matters. They estimate that they have 1.2 FTE level of enforcement staffing resource. West Lothian Council and Fife Council have 2 and 3 FTE planning enforcement resource; however, they have populations of circa 186K and 374K, respectively, and would therefore be expected to have greater levels of resource.
- 3.20 Given the reduction in cases in 2025, it is not considered appropriate that additional explicit planning enforcement resource is required at present. This matter will, however, be kept under review by the Council's Chief Planning Officer. It should be noted that the Planning Delivery Team does contain two former ELC Enforcement Planners and their expertise is drawn upon at times of increased numbers of cases, complex cases or during staff leave and absence. There is also the opportunity that the Council's Chief Planning Officer (appointed in August 2025) could undertake a wider planning service structure review and look to make additional flexible enforcement resources and oversight available from the existing overall level of planning resource. The Chief Planning Officer will also review whether there may be other sources of funding should there be a need to bolster resource for planning enforcement.
- 3.21 The Planning Service does not liaise directly with COSLA in terms of powers. However, the Council's Chief Planning Officer is a member of Heads of Planning Scotland where high level discussion on planning enforcement can be had, including feeding back on difficulties in using existing enforcement legislation and fines to Scottish Government planning staff. The Enforcement Planning Officer is a member of the Scottish Planning Enforcement Forum, where issues of use of powers, their uses and case studies are shared to enhance learning and practice. This Forum is crucial for professional development and sharing best practice in a complex part of the planning system.

4 POLICY IMPLICATIONS

- 4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None at this time
- 5.2 Human Resources: N/A
- 5.3 Other (e.g. Legal/IT): N/A
- 5.4 Risk: A/A

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

8.1 Minutes of the Council meeting of 28 October 2025:

https://www.eastlothian.gov.uk/download/meetings/id/26406/public_minute_of_east_lothian_council_meeting_of_28_10_25

8.2 East Lothian Council Planning Enforcement Charter:

https://www.eastlothian.gov.uk/downloads/download/12865/planning_enforcement_charter

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Graeme Marsden
Designation	Service Manager – Planning
Tel/Email	gmarsden@eastlothian.gov.uk
Date	27 January 2026

Head of Service Approval

Name	Keith Dingwall
Designation	Head of Development
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	2 February 2026

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Children and Communities
REPORT TITLE:	Statutory Consultation on Increase to Additional Support Needs (ASN) Provision
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To seek approval to consult on the proposal to establish Specialist Additional Support Needs (ASN) provision at Law Primary School, Stoneyhill Primary School and Musselburgh Grammar School for August 2027.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note that formal statutory school consultations are required to establish new specialist ASN provisions, in line with the Schools (Consultation) (Scotland) Act 2010.
- 2.2 Approve that officers undertake statutory consultations on the proposals to establish ASN provisions at Law Primary School, Stoneyhill Primary School and Musselburgh Grammar School.
- 2.3 Note that the consultation period will start from 03 March 2026 and will continue for a period of 6 weeks, inclusive of 30 school days, concluding on 05 May 2026.

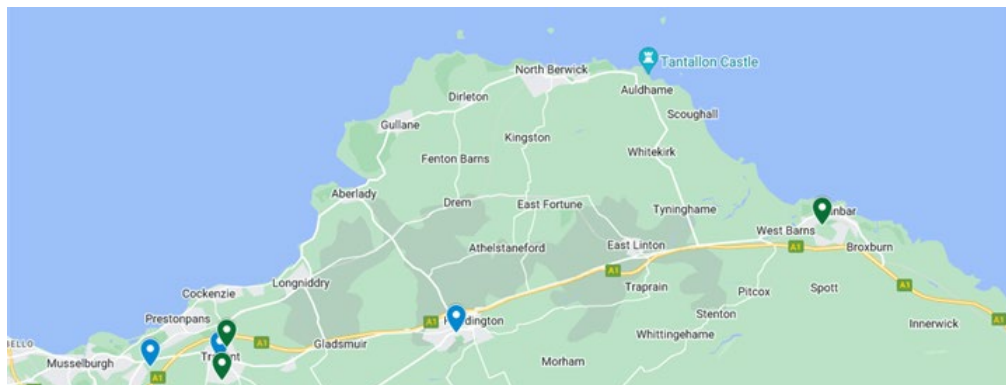
3 BACKGROUND

- 3.1 The Education (Scotland) Act 1980 places a legislative duty on the Council to make adequate and efficient provision of school education across its area. This duty applies in respect of both the current school population and anticipated pattern of demand. It is the duty of the

education authority to ensure that the education it provides is directed to the development of the personality, talents and the mental and physical abilities of the children to their fullest potential.

- 3.2 The Education (Additional Support for Learning) (Scotland) Act 2004 places a legal duty on local authorities to identify and assess additional support needs and to make adequate and efficient provision tailored to meet individual needs.
- 3.3 The number of children and young people with ASN is rising. Nationally 43% of children and young people have an ASN and this figure is 40.5% in East Lothian.
- 3.4 For children and young people with complex and enduring needs, which cannot be met within a mainstream school setting, East Lothian has six specialist ASN provisions. These are attached to mainstream schools. The geographical position of provisions is illustrated in the map below. Primary is shown in green and secondary in blue:
- 3.5 There has been a significant growth in demand for specialist ASN provision. Between 2020 and 2025 this demand has increased by 132%. By way of illustration:

Table 1: Referrals for ASN Specialist Provision



Year	Number of Referrals for Provision
2020-21	37
2021-22	63
2022-23	71
2023-24	82
2024-25	86

- 3.6 Being unable to provide a suitable specialist place for a child or young person is a significant risk to East Lothian. It was noted in the internal audit of ASN in September 2024: “The Council has appropriate arrangements in place for the provision of ASN services, however priority requires to be given to ensuring sufficient capacity within the school estate for 2025/26 and beyond.”

- 3.7 The risk of not meeting this legislative duty gives families recourse through the ASN Tribunal service. Nationally the number of references to the Tribunal service has increased by 67% since 2019/20.^[1]
- 3.8 There is also the risk that placements out with East Lothian will be required to be procured if there is no capacity within our estate. This is a significant financial risk. It also does not align with *Belonging to East Lothian* by meeting children and young people’s needs in the communities in which they belong.
- 3.9 Since 2023, steps have been taken to increase the capacity of the existing Specialist ASN estate. This has resulted in the following increase in spaces:

Table 2: Current ASN Provision Capacity

Provision	Capacity 2023	Capacity 2025	Increase in Spaces %
The Cove, Dunbar Primary	30	52	22 (73%)
The Hub, Sanderson’s Wynd Primary	24	33	9 (38%)
Woodside, Windygoul Primary	18	27	9 (50%)
Meadowpark, Knox Academy	49	58	9 (18%)
The Brae, Rosehill High	16	44	28 (175%)
Ross High ASN	34	34	0
Total	171	248	77 (45%)

- 3.10 The Specialist ASN estate is now at capacity and in recognition of the increasing need for spaces and East Lothian’s position as the second fastest growing local authority in Scotland, roll projection modelling work has been undertaken. This is in line with the primary and secondary school roll forecasting methodology, taking into account referrals for Specialist Provision places and number of pupils enrolled in Specialist Provisions, tracked since 2020/21.
- 3.11 The shortfall in Specialist ASN provision spaces has been calculated for the next five years, detailed within Table 3 below:

Table 3: Projected Year on Year Increase of ASN Provision Roll

Year	2027	2028	2029	2030	2031
Primary Spaces Shortfall	47	49	50	46	27
Secondary Spaces Shortfall	36	22	0	17	50

- 3.12 It should be noted that these figures are indicative. Given the size of the population, complexity and unpredictability of needs, and limited availability of historical data to date, work will be undertaken annually to review, refine and moderate.
- 3.13 Although indicative, these figures demonstrate that a consultation for the expansion of the specialist ASN estate is now required.
- 3.14 Expansion plans should be consistent with the following principles:
- Belonging to East Lothian – as far as possible, provision should be available for children and young people in the localities in which they live.
 - Local Development Plan (LDP) 2 - to make use of existing capacity before considering the need for new facilities.^[2]
 - Inclusive Schools – specialist ASN provision should continue to be provided within mainstream schools. This allows for effective and meaningful inclusion.
 - GIRFEC – adequate capacity at the right time to meet the needs of all children and young people requiring specialist provision.
- 3.15 The sites at Law Primary, Stoneyhill Primary and Musselburgh Grammar schools have been identified as their roll projections indicate sufficient capacity available to support the ASN provision requirements. Table 4 and Table 5 over the page outline the current roll projections and planning capacity for the 3 schools:

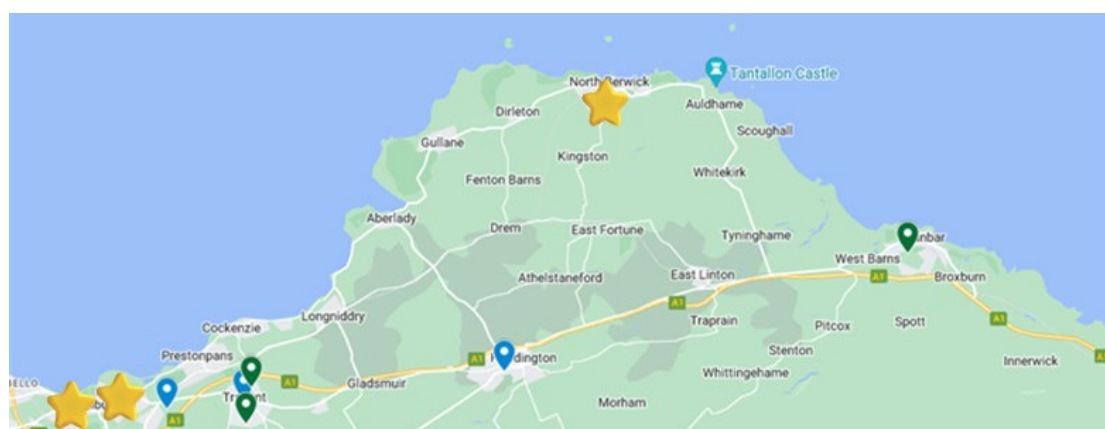
Table 4: Mainstream Roll Projections

	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Stoneyhill Primary School	184	178	176	166	151	147	134	136	134	130
Law Primary School	587	567	507	493	486	488	481	435	412	397
Musselburgh Grammar School	730	712	701	675	666	668	677	689	698	703

Table 5: Planning Capacity

	Current Planning Capacity
Stoneyhill Primary School	313
Law Primary School	849
Musselburgh Grammar School	1399

3.16 Finally, the geographic locations of these schools provides provision in areas in which there is currently none. Proposed new provisions have been marked on the map below with a yellow star:



3.17 Officers have visited each site to undertake an initial feasibility study exercise and an overview of each of the proposals is contained in Appendix 1.

4 POLICY IMPLICATIONS

- 4.1 As per Schools (Consultation) (Scotland) Act 2010, the Local Authority is required to consult on a proposal to establish a new stage of education in a school whereby a stage of education includes a special class in a school which is not itself a special school. Appendix 2 outlines the timeframe for this process.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: Capital and revenue bids will be required to support expansions if consultation and subsequent provisions are approved.
- 5.2 Human Resources: Additional staffing will be required to support expansions if consultation and subsequent provisions are approved.
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	

Subject	Impacts identified (Yes, No or N/A)
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 Provision Proposal Consultation
- 7.2 Appendix 2 ASN Provision Statutory Consultation Timeline

8 BACKGROUND PAPERS

- 8.1 None

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

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Head of Service Approval

Name	Nicola McDowell
Designation	Head of Education

Name	Nicola McDowell
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	27.01.26

APPENDIX 1

Proposed Provisions Specifications

(1) Law Primary School

- **4 ASN Classrooms**
- **Providing 30 Primary ASN provision spaces**
- **Sensory Room**
- **Hygiene Room with accessible toilet**
- **3 further individual toilets**
- **Resource storage**
- **Office / Meeting / General Purpose room**
- **Dedicated entrance**
- **Dedicated enclosed garden space**

(2) Stoneyhill Primary School

- **4 ASN Classrooms**
- **Providing 32 Primary ASN provision spaces**
- **Sensory Room**
- **Hygiene Room with accessible toilet**
- **5 further individual toilets**
- **Office**
- **Breakout / Meeting space**
- **Dedicated entrance**
- **2 dedicated enclosed garden spaces**
- **Reworking of two smaller rooms to create a new general purpose room for the whole school**

(3) Musselburgh Grammar School

- **6 ASN Classrooms**
- **Providing up to 60 Secondary ASN provision spaces**
- **Life skills room**
- **General purpose / meeting space**
- **Accessible toilet**
- **Changing room with toilet**
- **6 further individual toilets**
- **Resource storage**
- **Office**
- **Dedicated entrance**
- **Dedicated enclosed garden space**

APPENDIX 2

ASN Provision Statutory Consultation Timeline

	Date Beginning	Date Ending	Duration (in weeks)
Notify Education Scotland that a school consultation will take place to ensure their officer time is scheduled	11/11/25 or ASAP thereafter	11/11/25	16 weeks left before start of consultation (recommended 6-month notice)
Paper to Council for approval to consult	17/02/2026	17/02/2026	N/A
Advance public announcement	24/02/2026	03/03/2026	1 week
Statutory Consultation Period	03/03/2026	05/05/2026	6 weeks (must be term time)
Collation of Data for Education Scotland	06/05/2026	20/05/2026	2 weeks
Education Scotland Engagement Period	10/06/2026	01/07/2026	3 weeks
Preparation of Consultation Report	20/05/2026	23/07/2026	9 weeks (3 reports)
Publication of Consultation Report	24/07/2026	14/08/2026	3 weeks
Consideration of Consultation Report by East Lothian Council	25/08/2026	25/08/2026	N/A (assumed next council date)
Notification of Council Decision to Scottish Ministers	25/08/2026	25/08/2026	N/A
Implementation (No approval from Scottish Ministers required)	25/08/2026	25/08/2026	N/A

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Children and Communities
REPORT TITLE:	Community Engagement
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 This report updates East Lothian Council on work underway to strengthen community engagement and seeks permission to commission an independent peer review to provide objective assessment and recommendations for future delivery.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note work already underway to develop a Participation and Engagement Strategy through the East Lothian Partnership.
- 2.2 Agree to an independent peer review of the Councils' approaches to community engagement with clear recommendations to enhance and strengthen ongoing community engagement.
- 2.3 Agree to delegate authority to the Depute Chief Executive – Children and Communities, supported by the Head of Communities & Partnerships and in consultation with political group leaders, to secure the independent peer review.
- 2.4 Agree that a report will be brought back to Council with an update on progress by August 2026.

3 BACKGROUND

- 3.1 East Lothian Council is committed to working in partnership with our communities and engaging with them in developments across the county now and in the future. The Council is operating in a changing and challenging landscape with increasing demands and a significantly challenging fiscal environment. We recognise how we deliver services and engage with our communities will need to evolve and change also. It will be important that the Council captures the widest range of views from our communities moving forward so as many people as possible feel engaged, listened to, and represented. We recognise that there are times where our residents either feel an element of consultation fatigue or that the Council is not listening, including on specific single issues and we want to ensure that where possible, we take our communities with us as we navigate a complex and challenging fiscal environment.
- 3.2 Work is now well underway in developing a Participation and Engagement Strategy through the East Lothian Partnership which has included a significant amount of engagement and gathering the views of our communities.
- 3.3 The Accounts Commission, the body responsible for helping to ensure that public money is spent properly, efficiently and effectively, reported in their Transformation in Councils report that communities and partners need to be involved more meaningfully in development and delivery of transformation plans. In addition, Audit Scotland issued a report on 29 January 2026, noting that councils risk becoming financially unstable due to a lack of funding and increased demands on services. This was despite councils having made huge savings over several years.
- 3.4 Given the significant challenges facing East Lothian Council and the difficult decisions that will lie ahead, we are seeking approval to commission an independent peer review of our approaches to community engagement. A peer review will help us to better understand our strengths in participation and engagement and where we need to improve. The peer review will also seek to consider specific recommendations for the Council, taking cognisance of the challenging landscape the Council is operating in financially, and will continue to be, over the medium to longer term.
- 3.5 In taking forward an independent peer review, we are keen to reflect on our approaches to date and keen to learn more about approaches that work elsewhere, as well as the ways in which our communities want to engage with us. A key consideration in appointing the reviewer will be relevant local authority/public sector experience and a strong background in community engagement.
- 3.6 An independent peer review with clear recommendations will support the Council in determining our next steps and strengthening our approaches to community engagement.

- 3.7 If approved, work will begin immediately to secure an independent peer review, with a report brought back to Council by August 2026 setting out progress, next steps, and how we share with, and engage accordingly with our communities on recommendations.

4 POLICY IMPLICATIONS

- 4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: The independent review will require some up-front costs; however, our aim is to have an objective view on our approaches with clear next steps. This will help increase our capacity and capability to ensure we rely less on external support in the future.
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	

Subject	Impacts identified (Yes, No or N/A)
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

8.1 None

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Eamon John
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Head of Service Approval

Name	Lesley Brown
Designation	Depute Chief Executive – Children and Communities

Name	Lesley Brown
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	5 February 2026

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Resources and Economy
REPORT TITLE:	Review of Standing Orders
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To seek approval of proposed changes to the Standing Orders, the Scheme of Administration and the Scheme of Delegation.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Approve the proposed changes to the Council’s Standing Orders, Scheme of Administration and Scheme of Delegation (as set out in Appendices 1–3), with all changes effective from 18 February 2026, with the exception of the change to Standing Order 10.1, at (iv) and (v), which will be effective from 1 April 2026.

3 BACKGROUND

- 3.1 The Council’s Standing Orders, including the Scheme of Administration and Scheme of Delegation, are reviewed on an ongoing basis, with regular reports on proposed changes being presented to Council. On this occasion, there are proposed amendments to all three documents, summarised below and set out in Appendices 1–3 (by way of tracked changes).
- 3.2 As regards the Standing Orders, the proposed changes are set out in Appendix 1. In relation to the proposed new provisions under Standing Order 10.1, at (iv) and (v), it is acknowledged that some Members do not currently have sufficient internet connections to allow them to participate remotely with the camera switched on at all times during meetings, so it

is proposed that these proposed provisions will not come into effect until 1 April 2026 to allow for Members to make the relevant arrangements with their internet providers.

- 3.3 Proposed changes to the Scheme of Administration (Audit & Governance Committee, Education Appeals Committee, Education & Children’s Services Committee, Policy & Performance Committee, Recess Committee) are set out in Appendix 2, and proposed changes to the Scheme of Delegation (Scheme of Delegation for Planning Applications) are set out in Appendix 3.
- 3.4 If approved, the proposed changes will come into effect on 18 February 2026, with the exception of the proposed change to Standing Order 10.1, at (iv) and (v), which will be effective from 1 April 2026. The updated documents will be published on the Council’s website as soon as practicable.

4 POLICY IMPLICATIONS

- 4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 ***Select the statement that is appropriate to your report by placing an ‘X’ in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council’s role as a corporate parent; or the storage/collection of personal data.

X

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:



Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 – proposed changes to Standing Orders
- 7.2 Appendix 2 – proposed changes to the Scheme of Administration
- 7.3 Appendix 3 – proposed changes to the Scheme of Delegation

8 BACKGROUND PAPERS

- 8.1 East Lothian Council Standing Orders

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

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Head of Service Approval

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Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	2 February 2026

Appendix 1

Proposed Changes to Standing Orders

4.5 Postponing, Continuing and Cancelling Meetings

- i. In consultation with the Convener, the Chief Executive may postpone any meeting to another day or time.
- ii. Any motion to continue a meeting which has already started to another day or time must be seconded before being put to the vote.
- iii. Where a meeting of a committee or sub-committee meeting is continued, or where a particular item of business has been continued, no councillor should ~~attend~~participate and make decisions on any continued matter who did not attend the original meeting (see also Standing Order 6.4)
- iv. Scheduled meetings may be cancelled where there is no business to be discussed or with the agreement of the Chief Executive, in consultation with the Convener.

5.3 Written Motions to Council

- i. Written motions intended for inclusion on the agenda for a meeting of the Council will be emailed directly to the Clerk (and copied to the Council Outlook mailbox) by the Councillor submitting the motion, and 'countersigned' by at least one other Councillor by way of an email to the Clerk (and copied to the Council Outlook mailbox). All such notices should be submitted to the Clerk by 5pm, seven clear days in advance of the meeting date. If this deadline is missed, the motion will not be included on the agenda. Motions will be included on the agenda for the meeting in the order in which they are received.
- ii. Every motion must contain an instruction to Council and be relevant to matters within the Council's powers and duties or involve an issue that will affect East Lothian or a matter of social and political concern.
- iii. Motions may not contain offensive or abusive language and may not contain argument. The Chief Executive, in consultation with other Council officers, may refuse to accept any motion that fails to meet these requirements.
- iv. Every written motion received will be subject to checks to determine their competency, which will include:
 - (a) whether they have been submitted in accordance with Standing Order 5.3(i);
 - (b) the purpose of the motion is within the powers of the Council;
 - (c) the motion is lawful; and

- (d) whether the purpose of the motion seeks to directly rescind a decision made by the Council or Committee within the previous six months (in which case approval of two-thirds of Councillors present and entitled to vote would be required).

5.4 Call-in Process

A minimum of four Councillors shall be required to call in items of business from a Cabinet agenda. Written notice of a call-in must be submitted to the clerk to the Cabinet (by electronic mail) by noon on the day before the meeting at which the item(s) are due to be considered; each Councillor requesting the call-in is required to notify the clerk separately. Any items of business called in in accordance with this process will be withdrawn from the Cabinet agenda and referred to the next ordinary Council meeting for consideration. Time-critical items of business (i.e. those items which require a decision to be taken in advance of the next Council meeting) will be exempt from the call-in process. It shall not be competent for Councillors to use the provisions set out in Standing Order 4.2(ii) (Special Meetings) to request a special meeting of the Council to specifically call in time-critical items of business from a Cabinet agenda. It will be for the Chief Executive, in consultation with the Monitoring Officer, to determine whether an item of business is time critical.

6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology. Attendance recorded at hybrid meetings will include those present in the Chamber and those attending using digital facilities.
- ii. The entitlement to vote on any matter under consideration will be restricted to committee members present at the meeting. Direction on councillor participation in meetings of any committee of which they are not a member is set out within the Scheme of Administration for each committee.
- iii. Meetings may take place by way of the digital meeting facility only (that is, there will be no physical attendance). In such cases, Councillors and relevant officers will be advised of this in advance of the meeting date.
- iv. As regards quasi-judicial matters (as specified in section 7.3 of the Councillors' Code of Conduct), councillors who have not been in attendance for the duration of the item of business under consideration may not ask questions, make a statement, or vote on that item of

business. This Standing Order should be read in conjunction with SO4.5(iii).

9.4 Order of Debate

- i. Any Councillor wishing to ask questions relating to the matter under consideration may do so at any time before the formal debate begins. (This Standing Order should be read in conjunction with Standing Orders 8(iii) and 8(iv).)
- ii. Councillors may speak only once during the debate on any item of business. The exceptions are:
 - to exercise a right of reply, in which case the proposer of the original motion will be limited to five minutes and that the reply will be limited to answering matters raised in the debate; or
 - by making a point of order that the Convener has agreed to take; or
 - where an individual councillor is named by another speaker during debate, that councillor will be permitted to speak, even if having already spoken, but only in response to the specific reference made and only to correct any apparent or actual misrepresentation.
- iii. A Councillor moving a motion or an amendment may speak for no more than ten minutes.
- iv. Other Councillors taking part in the discussion, including those who second motions or amendments, will speak for no more than five minutes. A councillor who seconds a motion or amendment may do so formally, reserving his/her entitlement to speak on the matter to a later stage in the debate.
- v. The Convener may invite officers to clarify matters or provide further information on the matter under consideration, as required, during the debate.
- vi. On the conclusion of the debate, the Convener will ask the proposers of motions/amendments if they would be willing to accept all or part of the content from other proposals put forward. In the event that they are willing to do so, then this would become their position (the original position may remain).

9.5 Withdrawing a Motion or Amendment

- i.—A motion or amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

- ii. Where a seconder withdraws their support for a motion or amendment that has already been deemed competent and is/will be included in the meeting papers, with the agreement of the Convener an alternative seconder may be sought by the proposer.

10 VOTING AT COUNCIL AND COMMITTEE MEETINGS

10.1 General Information

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided either by a show of hands, roll call vote or via the electronic voting facility, of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. In the event that a participant using digital facilities is unable to verbally communicate their vote, they may do so by contacting the Clerk by email/digital message.
- iv. Councillors who are participating using digital facilities should ensure their camera is switched on during a roll call vote.
- v. Councillors who are participating using digital facilities must ensure their camera is switched on for the duration of quasi-judicial items of business (as specified in section 7.3 of the Councillors' Code of Conduct) in order that they can be seen for the duration of the item, including the vote.
- vi. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.
- vii. Where a motion and amendment are put before the Council or committee, a vote will be taken on both proposals, with each Councillor having one vote. The proposal receiving the support of a majority of Councillors present and entitled to vote will be declared to be the decision of the Council or Committee.
- viii. Where a motion and two or more amendments are put before the Council or committee, a vote will be taken on all proposals, with each Councillor having one vote. If a proposal receives the support of a majority of Councillors present and entitled to vote it will be declared to be the decision of the Council or committee. If none of the proposals receives the support of a majority, the one which has received the

fewest votes will be dropped and a fresh vote will be taken on the remaining proposals. If there is an equal number of votes between the proposals with the fewest votes, the Convener will have a casting vote to determine which proposal should be dropped. If the Convener chooses not to exercise his/her casting vote, the decision will be taken by drawing lots. This process of elimination will continue until one proposal has received a majority, and that proposal will be declared to be the decision of the Council or committee.

- ixvii. If a Councillor immediately challenges the accuracy of the count, the Convener will rule on whether the vote should be repeated and a recount taken. The Convener will then announce the result of the vote.

15.6 Recess Business Arrangements

~~Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee and the Leader of the Opposition, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.~~

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the recess, urgent business shall be dealt with by way of the Recess Committee. The Chief Executive may call a meeting of the Recess Committee at any point during a recess period, in accordance with the timescales set out in Standing Order 4.3(i). Matters that require approval of two-thirds of Councillors cannot be dealt with by the Recess Committee. This Standing Order should be read in conjunction with the Scheme of Administration for the Recess Committee.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

Appendix 2

Proposed Changes to the Scheme of Administration

AUDIT & GOVERNANCE COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Audit & Governance Committee:

1. *Risk and Internal Controls*
 - (a) promote Council policy on risk management by reviewing the delivery of the Risk Management Strategy, reviewing the business and strategic risk assessment arrangements and procedures and the Corporate Risk Register;
 - (b) promote, review and monitor internal controls, financial and otherwise, within the Council in order to provide reasonable assurance of the effectiveness and efficiency of operations and compliance with relevant statutes, directions, guidelines and policies;
 - (c) develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
 - (d) approve the annual Internal Audit assurance report and the statement of internal controls for inclusion in the annual accounts;
 - (e) approve Internal Audit's Terms of Reference;
 - (f) approve the annual Internal Audit Plan.
2. *Review of Audit Functions*
 - (a) determine the scope of the annual audit plan and ensure it is directed in accordance with the approved business risk assessment;
 - (b) examine and review the External Audit Planning Memorandum and review the overall performance with regard to quality, productivity and the fees charged;
 - (c) review the activities of the Internal Audit function and monitor overall performance in terms of quality, productivity and effectiveness;
 - (d) ensure that the Internal Audit function is sufficiently resourced to provide a systematic review of internal controls and a full assessment of significant investigations;
 - (e) examine Internal and External Audit reports, and ensure weaknesses identified are adequately addressed by management and recommendations are actioned;
 - (f) ensure that there are effective relationships between Internal and External Audit and inspection agencies, and that the value of the audit process is actively promoted.

3. *Financial Matters*

- (a) review the Council's financial performance as contained in the annual statement of accounts;
- (b) approve the Council's financial accounts for signing;
- (c) review the audit certificate/wording of any matters reported;
- (d) review the Annual Report to Members from the External Auditor;
- (e) review and monitor the implementation of audit recommendations;
- (f) ensure that issues raised in previous financial years have been addressed; and
- (g) review and monitor treasury management arrangements.

4. *All matters relating to the scrutiny of services and the Council as a whole, including, but not limited to:*

Community

- Strategic vision and direction setting by the Council
- Integration of strategic vision, direction and community planning priorities and actions into internal planning mechanisms
- Public performance reporting and public accountability
- Transparency of decision-making processes
- Consultation and communication with communities

Service Delivery Arrangements

- Corporate planning approach and performance against corporate actions and targets, including financial position and performance and asset management
- Performance management system and corporate performance information monitoring
- External scrutiny/assessment recommendations and resulting action planning
- Management of joint working
- Best Value reviews and option appraisal
- Monitoring and scrutinising the implementation of the Procurement Strategy

Structures and Processes

- Monitoring of decision-making structures and mechanisms
- Monitoring of policy development and implementation
- Clarity of key roles and responsibilities

Governance

- Corporate Governance
- Annual Governance Statement

B Membership and Attendance

1. The membership of the Audit & Governance Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Audit & Governance Committee. Councillor membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing

Councillor members to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing Members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality. In addition to the Councillor membership, and with the approval of Council, the Committee may co-opt up to two independent members to provide appropriate technical expertise.

2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.
3. Councillors who are not members of the Audit & Governance Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. Members of the Audit and Governance Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Audit and Governance Committee (in accordance with Standing Order 6.4). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Audit & Governance Committee.
2. Minutes shall be presented to the Audit & Governance Committee for approval.

G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolved that a particular item of business should be referred to the council for decision.
2. The External Auditor will have the right to request that items of business are presented to the Committee.

3. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit to the relevant Committee, the Cabinet or, where appropriate, to the Council. The Committee will also have the power to make recommendations to officers to report to the relevant committee on matters that have been scrutinised by the Committee.

EDUCATION APPEALS COMMITTEE

A Remit and Powers

1. The Education (Scotland) Act 1980 set a duty on local authorities to set up and maintain Education Appeals Committees to consider:
 - (i) appeals from parents who have had their placing requests for a specific school for their children refused; and
 - (ii) appeals from parents whose child has been excluded from school.

B Membership and Attendance

1. The membership of the Education Appeals Committee shall comprise one Councillor from among the membership of the Council (but usually the Cabinet Spokesperson for Education and Children's Services), one person from a list comprising parents with pupils of school age nominated by the Parent Councils, and one person selected from a list comprising persons with experience in education or who are acquainted with educational conditions in East Lothian, nominated by the Executive Director for Education and Children's Services.
2. Only the Councillor (or their nominated substitute) selected to participate in the appeals process will have the right to attend and participate in the meeting.

C Quorum

1. 3 Members

D Substitutes

1. Members of the Education Appeals Committee shall be entitled to nominate substitute members provided that they are eligible in terms of (B) above, and in accordance with Standing Order 6.4.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
2. Meetings of the Education Appeals Committee shall be held in private, due to the confidential nature of the business.

F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Education Appeals Committee.
2. ~~Minutes~~ A summary of appeals shall be presented to the Education and Children's Services Committee for noting.

G Miscellaneous

EDUCATION AND CHILDREN'S SERVICES COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Education and Children's Services Committee:

1. The development, determination and review of policy and associated matters relating to children, including: education, children's social work and broader services for children and young people
2. The promotion of children's and young people's development and wellbeing as outlined in the Children and Young People's (Scotland) Act 2014
3. Matters relating to Children's Rights as determined by the United Nations Convention on the Rights of the Child
4. Meeting statutory requirements for strategic planning and reporting for education and children's services planning in accordance with the Education (Scotland) Act 2016 and Children and Young People's (Scotland) Act 2014
5. Matters relating to the statutory responsibilities of the Chief Education Officer and Chief Social Work Officer with regard to education and the care and protection of children and young people
6. Determining the annual review of the Scheme of Devolved School Management
7. Determining catchment areas for primary and secondary schools
8. Determining school roll numbers for primary and secondary schools
9. [Exercising the statutory functions of the Council under the Schools \(Consultation\) \(Scotland\) Act 2010.](#)

B Membership and Attendance

1. The membership of the Education and Children's Services Committee shall include a Convener and, if desired, a Depute Convener. It shall also include religious representatives and a trades union representative, who are non-voting members. The Council shall determine the membership of the Education and Children's Services Committee. In appointing Councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality.
2. Councillors who are not members of the Education and Children's Services Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.
3. The non-voting religious and trades union representatives will have the right to question officers on any matter under consideration and take part in the debate.

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Education and Children's Services Committee.
2. Minutes shall be presented to the Education and Children's Services Committee for approval.

G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.

POLICY & PERFORMANCE REVIEW COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Policy & Performance Review Committee:

1. All matters relating to the performance of all the Council's services including, but not limited to:
 - Vision and direction setting by Members
 - Integration of vision, direction and community planning priorities and actions into internal mechanisms (including service plans)
 - Mechanisms and initiatives for improvement (e.g. benchmarking)
 - Public performance reporting and public accountability
 - Consultation and communication with communities
 - Planning and performance against actions and targets including financial position and performance, priority/risk based resource management and asset management
 - Mainstreaming of equality issues and sustainable development
 - External scrutiny/assessment recommendations and resulting action planning
 - Management of joint working
 - Best Value reviews and option appraisal
 - Contracting issues
 - Scrutiny of policies identified through an annual work plan or other aspect of its work

B Membership and Attendance

1. The membership of the Policy & Performance Review Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Policy & Performance Review Committee. Membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing Members to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality.
2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.
3. Councillors who are not members of the Policy & Performance Review Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. Members of the Policy and Performance Review Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Policy and Performance Review Committee (in accordance with Standing Order 6.4). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Policy & Performance Review Committee.
2. Minutes shall be presented to the Policy & Performance Review Committee for approval.
3. The Committee can refer any item of business to the Council, Cabinet or the relevant Committee, in which case a report shall be prepared by the relevant officer and placed on the agenda of the next appropriate meeting.

G Miscellaneous

1. The Policy & Performance Review Committee will be entitled to debate the terms of reports insofar as relevant to its authorised remit. No formal votes will be taken and the Committee will attempt to reach a consensus, or failing that, a majority view.
2. The Committee will be entitled to appoint ad hoc (short life) sub-committees. The Committee or its sub-committees will be entitled to undertake reviews of policies and/or performance, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of Committee Conveners and/or Depute Conveners and/or Cabinet Spokespersons and/or officials of the Council on any matter relevant to the issue under consideration by them.
3. The Committee will be entitled to invite representatives of other public agencies, local communities, the private and voluntary sectors, trade unions and academic institutions to assist with reviews of policies and/or performance. Also, it will be entitled to call appropriate expert witnesses, commission appropriate research and hold evidence gathering meetings.
4. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit to the relevant Committee, the Cabinet or, where appropriate, to the Council. The Committee will also have the power to make recommendations to officers to report to the relevant committee on performance matters that have been scrutinised by the Committee.
5. The Convener or other nominated representative of the Committee will be entitled to speak to reports of the Committee submitted to the relevant committee, the Cabinet or, as appropriate, the Council.

RECESS COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Recess Committee:

1. To decide any matter of urgency arising during any recess period and to exercise all functions of the Council or Committee, which would otherwise have dealt with the matter that:
 - (a) cannot await the resumption of the normal meetings timetable; and
 - (b) cannot appropriately be decided by the Chief Executive or Executive Director in accordance with urgency provisions within the Standing Orders.

B Membership and Attendance

1. The membership of the Recess Committee shall consist of:

Leader of the Council (Convener)
Provost (Depute Convener)
Depute Leader of the Council (if appointed)
Depute Provost (if appointed)
Convener/Depute Convener of the appropriate committee
Leader of the Opposition

C Quorum

1. 2 Council Members

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Recess Committee.

2. ~~All matters dealt with by this committee will be reported by way of a summary report to the first Council meeting of following the recess, detailing the nature of the business and which Members were involved in taking the decisions.~~ A minute of the committee meeting(s) will be presented to Council for approval.

3. ~~All reports submitted in accordance with SO15.6 will be published in the Members' Library.~~

G Miscellaneous

1. The Committee arrangements are set out in Standing Order 15.6, which states:

~~Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the~~

~~summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee and the Leader of the Opposition, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.~~

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the recess, urgent business shall be dealt with by way of the Recess Committee. The Chief Executive may call a meeting of the Recess Committee at any point during a recess period, in accordance with the timescales set out in Standing Order 4.3(i). Matters that require approval of two-thirds of Councillors cannot be dealt with by the Recess Committee.

Matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

2. Non-elected representatives appointed to the Education and Children's Services Committee will be consulted on education-related matters coming forward to the Recess Committee, in accordance with the Local Government (Scotland) Act 1973.

Appendix 3

Proposed Changes to the Scheme of Delegation

19. Scheme of Delegation for Planning Applications

19.1 Decisions in relation to planning applications

a. Delegated Decisions – ‘Major Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 submitted under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended) or that are submitted as Approval of Matters Specified in Conditions applications shall be determined by the Chief Planning Officer without reference to Members, subject to 19.1(c) below, with the exception that this will be in all cases and not just those that raise important planning issues and/or are subject to any amount of public objection. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.

ba. Delegated Decisions – ‘Local Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 shall be determined by the Chief Planning Officer without reference to Members, subject to 19.1(~~cb~~) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.

cb. Scheme of Delegation List – A list of reports on applications to be decided under delegated authority in terms of 19.1(a) and (b) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Chief Planning Officer in terms of 19.1(a) and (b) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Chief Planning Officer should determine the application.

19.2 Appeal to Scottish Ministers against the failure to take a decision on a planning application

In cases where an applicant has appealed to Scottish Ministers against the failure to take a decision on a planning application, the Chief Planning Officer shall have authority for submitting the Council's submission on the appeal, as a Council Officer statement.

19.3 Decisions in relation to enforcement of planning control

- a. Authority for service of Planning Contravention Notices, Breach of Condition Notices and Temporary Stop Notices will be delegated to the Chief Planning Officer and will be reported for Members' information to the Members' Library.
- b. Committee Expedited List – reports recommending service of Enforcement Notices, Stop Notices and Notices under Section 179 ('Land Adversely Affecting Amenity of Neighbourhood') of the Town and Country Planning (Scotland) Act 1997 shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer recommendation is deemed to be accepted and the Chief Planning Officer shall be authorised to proceed on that basis.

19.4 Decisions in relation to the variation, modification or discharging of planning obligations

- a. The Chief Planning Officer shall have authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

b. Officer reports on any S75A application that either seeks to remove or reduces in the scale or level of obligation or financial contribution to the Council or any non-applicant, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010, shall be circulated on the Planning Committee Expedited List to Members. If not called in by Members, the officer report is deemed to be accepted, and the Chief Planning Officer shall be authorised to proceed on that basis.

- ~~c.~~ The Chief Planning Officer shall have authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.

- ~~d.~~ The Chief Planning Officer shall have authority to modify or discharge planning obligations through written agreement with all parties providing that there is no reduction in the scale or level of obligation or financial contribution to the Council or any non-applicant.

19.5 **Consultation requests under Section 36 of the Electricity Act 1989**

Consultation responses on applications made under Section 36 of the Electricity Act 1989 shall be circulated on the Committee Expedited List to Members, who shall have seven days to request referral to the Planning Committee, otherwise the officer consultation response is deemed to be accepted and the Chief Planning Officer shall be authorised to proceed on that basis.

COMMITTEE: East Lothian Council

MEETING DATE: 17 February 2026

BY: Depute Chief Executive – Resources and Economy

REPORT TITLE: Appointments to Committees and Licensing Board

REPORT STATUS: Public

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1 PURPOSE OF REPORT

- 1.1 To advise Council of proposed changes to the SNP Group’s membership of the Licensing Sub-Committee and the East Lothian Licensing Board.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Approve the proposed changes to the SNP Group’s membership of the Licensing Sub-Committee and the East Lothian Licensing Board, as set out below:
- Licensing Sub-Committee – Councillor Menzies to replace Councillor Cassini
 - East Lothian Licensing Board – Councillor Menzies to replace Council Cassini

3 BACKGROUND

- 3.1 The SNP Group is proposing a change to its membership of the Licensing Sub-Committee and East Lothian Licensing Board, as set out below:
- Licensing Sub-Committee – Councillor Menzies to replace Councillor Cassini
 - East Lothian Licensing Board – Councillor Menzies to replace Council Cassini
- 3.2 It is a legal requirement that any Member appointed to the Licensing Board must undertake statutory training, including an exam, prior to

participating in a meeting of the Board. Members are advised that Councillor Menzies successfully completed her training on 29 January.

4 POLICY IMPLICATIONS

4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: Licensing Board training fee of £525, which can be met within the current budget.

5.2 Human Resources: None

5.3 Other (e.g. Legal/IT): None

5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	

Subject	Impacts identified (Yes, No or N/A)
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

8.1 None.

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

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Date	2 February 2026

Head of Service Approval

Name	Hayley Barnett
Designation	Head of Corporate Support
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	2 February 2026

