



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 20 JANUARY 2026  
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON  
AND DIGITAL MEETING FACILITY

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### Cabinet Members Present:

Councillor S Akhtar  
Councillor A Forrest  
Councillor C McGinn

Councillor F Dugdale  
Councillor N Hampshire (Convener)  
Councillor J McMillan

### Other Councillors Present:

Councillor N Gilbert (R)  
Councillor S McIntosh (R)

Councillor C Yorkston (R)

### Council Officials Present:

Mr L Rockey, Chief Executive  
Ms L Brown, Depute Chief Executive – Children and Communities (R)  
Ms S Fortune, Depute Chief Executive – Resources and Economy  
Ms H Barnett, Head of Corporate Support  
Mr K Dingwall, Head of Development (R)  
Ms E Dunnet, Head of Finance  
Mr E John, Head of Communities & Partnerships  
Ms N McDowell, Head of Education (R)  
Ms W McGuire, Head of Housing (R)  
Mr T Reid, Head of Infrastructure (R)  
Mr S Cooper, Service Manager – Communications  
Mr C Grilli, Service Manager – Governance  
Mr E Hendrikson, Service Manager – Sport, Countryside and Leisure  
Dr J Lothian, Strategy, Policy and Development Manager  
Ms Z McFadzean, Team Manager – HR Operations  
Mr M Mackowiak, Planner  
Mr G Marsden, Service Manager – Planning (R)

### Clerk:

Mrs L Gillingwater (Clerk)  
Ms E Barclay (Meeting Administrator)

*(R) = remote attendee*

### Apologies:

None

### Declarations of Interest:

None

The Convener welcomed everyone to the meeting which was being held via the hybrid system as provided for in terms of the Local Government (Scotland) Act 2003.

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

The clerk confirmed the attendance of Cabinet members by roll call.

## **1. MINUTES FOR APPROVAL: CABINET, 11 NOVEMBER 2025**

The minutes of the meeting of the Cabinet on 11 November 2025 were approved, subject to the following amendments:

p. 2, Declaration of Interest: 'member of the SSTA board' to be replaced by 'Scottish Public Pensions Agency (SPPA) Teachers' Pension Board'.

p. 3, Item 4, para. 3: 'to ensure that the wording in the Plan aligned with the Supreme Court's ruling on the definition of sex in the Equality Act 2010' to be replaced by 'to reconsider the wording in the section of the Plan regarding the collection of data in relation to participation in sport'.

## **2. CABINET ACTION NOTE**

The Members agreed to the closure of Items 25/02, 25/03, 25/04 and 25/05 in the Action Note.

## **3. BUDGET DEVELOPMENT UPDATE 2026/27**

A report was submitted by the Depute Chief Executive – Resources and Economy providing an update on the development of General Services and Housing Revenue Account budgets for 2026/27 onwards.

The Head of Finance, Ellie Dunnet, presented the report, highlighting the projected budget gap of £6.9 million for 2026/27, rising to £37 million over the next five years (as set out in Appendix 1 to the report). She provided an update on the recently announced provisional Local Government Finance Settlement, advising that £15 billion had been allocated to local government for 2026/27, representing a cash uplift of £591.8 million. For East Lothian, the increase would equate to an additional c. £7.8 million for 2026/27, of which £3.7 million would be allocated to existing or new policy commitments. Taking this into account, the budget gap was projected to be £2.7 million. Ms Dunnet expected that the Council's contribution to the funding floor would increase by £1.3 million. She noted that these figures were subject to change. On capital funding, she advised that a significant proportion was undistributed, and she was awaiting further detail on flood scheme funding and the impact of this on the draft Capital Plan. As regards revenue, she signalled that the position was slightly improved for 2026/27, albeit there were current and emerging risks to be taken into consideration.

Responding to questions from Members, Ms Dunnet: reported on the estimated additional transfer of funds of £0.47 million to the Integration Joint Board (IJB) (outlined in Appendix 1); advised that there was no new information in relation to the proposed removal of non-residential care charges; noted that c. 25% of the Council's funding is provided through council tax; and set out the timelines for the preparation of the budget proposals, which would be presented to Council on 24 February.

There followed a debate, with Members highlighting the financial challenges facing the Council. The particular pressures facing health and social care services were pointed out, including the impact on patient experience, the reduction in Council-owned care home places, recruitment and retention of staff, financial recovery, and a growing population. Reference was also made to the need to deliver infrastructure to support growth.

### **Decision**

The Cabinet agreed:

- i. to note the updated high-level General Services Revenue budget model (2026-27 to 2030-31) and updated budget gap shown at Appendix 1 to the report;
- ii. to note the update on the development of the General Services Capital Programme (2026-27 to 2030-31);
- iii. to note the update on the development of the Housing Revenue Account budget; and
- iv. to note the next steps to develop budgets for 2026-27 onwards, outlined in Sections 3.19-3.20 of the report.

## **4. DOMESTIC ABUSE AND GENDER-BASED VIOLENCE POLICY**

A report was submitted by the Depute Chief Executive – Resources and Economy requesting approval for the Domestic Abuse and Gender-based Violence Policy, following formal Trade Union/employee consultation and CLT approval.

The Team Manager for HR Operations, Zoe McFadzean, presented the report, noting that this policy would replace the 2009 Domestic Abuse Policy. She highlighted the key aspects of the new Policy, namely, that there would be a 'zero tolerance' approach adopted; it would promote awareness and understanding of the challenges associated with domestic abuse and gender-based violence; support would be provided to perpetrators who seek such support; staff training and guidance would be provided; and that the approach would be person-centred and trauma-informed.

Ms McFadzean responded to questions from Members on the definitions of domestic abuse and gender-based violence (as defined in section 4 of the Policy); the commitment to embed the Policy at all levels in the Council through training and support for staff; consultation with other agencies, such as Women's Aid, regarding the drafting of the Policy; and the importance of signposting people to the best place for support.

The Policy was welcomed by Members, who stressed the importance of supporting staff affected by domestic abuse and gender-based violence and providing a safe space for those affected. Reference was made to the work of the multi-agency Equally Safe group, which worked alongside the Council and its partners to provide support for those experiencing domestic abuse. The 'zero tolerance' approach was welcomed by Members, as was the provision of training and guidance for staff at all levels.

The Convener moved to a roll call on the recommendation, which was approved unanimously.

### **Decision**

The Cabinet agreed to approve the Domestic Abuse and Gender-based Violence Policy for implementation.

## 5. EAST LoTHIAN OPEN SPACE STRATEGY 2026

A report was submitted by the Depute Chief Executive – Children and Communities presenting the East Lothian Open Space Strategy (OSS) 2026 for approval.

The Strategy, Policy and Development Manager, Jennifer Lothian, presented the report, drawing particular attention to the key outcomes and main themes of the Strategy; the audit undertaken of 462 accessible open spaces across East Lothian; enhancement projects completed as part of the current OSS; public consultation and feedback; and the link between the OSS and the Local Development Plan (LDP2).

Dr Lothian responded to questions from Members, advising that consultation respondents had emphasised the value of open spaces for health and wellbeing; that preserving heritage was an important aspect of the Strategy, as was addressing climate change and protecting nature; that community and voluntary groups played an important and valued role in preserving and enhancing open spaces; that NHS Lothian were involved with the preparation of this Strategy and the Health and Social Care Partnership could make use of open spaces for prevention and early intervention; how the Strategy linked to the Tree and Woodland Strategy and Climate Change Strategy; the work already underway on developing nature networks; the development of park management plans, with input from local communities; and that officers would work with colleagues in Planning regarding developing policies for open spaces in new housing developments.

The debate followed, with Members welcoming the proposed Open Space Strategy as a ‘plan for the future’. A number of aspects of the OSS were highlighted, including: recognition of the work done to enhance open spaces by staff in Amenity Services, as well as community groups and volunteers; the positive impact of green spaces on health and wellbeing; the need to protect open spaces; and the importance of including the evidence set out in the OSS within the LDP2 documents to ensure developers create high-quality spaces as part of new developments.

The Convener moved to a roll call on the recommendations, which were approved unanimously.

### Decision

The Cabinet agreed:

- i. to approve the East Lothian Open Space Strategy 2026; and
- ii. to note that preparation of an Open Space Strategy is a statutory duty for local authorities under the Planning (Scotland) Act 2019, and it must be taken into consideration in the Local Development Planning Process.

Signed .....

Councillor Norman Hampshire  
Council Leader and Convener of Cabinet

*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/1041838](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1041838)

**Cabinet Action Note 2025/26**

Action ref.	Meeting Date	Agenda Item	Action(s) Agreed	Action Owner(s)	Target Completion Date	Actual Completion Date	Comments/ Responses/ Additional Information

*Note that there are currently no live actions.*



<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Children & Communities
<b>REPORT TITLE:</b>	Risk Management Strategy 2026-28
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE**

- 1.1 To present to Council the Risk Management Strategy (Appendix 1) for approval.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet approves the Risk Management Strategy and in doing so, the Cabinet is asked to note that this is a live document which will be reviewed by the Corporate Risk Management Group.

## **3 BACKGROUND**

- 3.1 The strategy provides a comprehensive framework that will help embed effective management of risk. Key elements of the strategy are:

- Risk Management Philosophy, Objectives and Standard Procedures
- Structural Arrangements and Responsibilities
- Monitoring and Reviewing Risk Management Activity
- Implementation, Communication and Review

- 3.2 The Strategy was last revised in 2023. The Corporate Risk Management Group has revised the strategy and made amendments to take account current best practice. The revised strategy is attached in full as Appendix 1.

#### 4 POLICY IMPLICATIONS

4.1 In approving this report the Council will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy are embedded across the organisation.

#### 5 RESOURCE IMPLICATIONS

5.1 Finance: There are no direct financial implications associated with approving the revised strategy although it is anticipated that implementation may give rise to improvement measures which may themselves have financial implications.

5.2 Human Resources: There are no immediate implications.

5.3 Other (e.g. Legal/IT): Effective implementation of this strategy will require the support and commitment of those identified within the strategy to have specific responsibilities.

5.4 Risk: There are no risks anticipated with this strategy.

#### 6 INTERGRATED 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

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

*[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](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## **7 APPENDICES**

7.1 Appendix 1 – Risk Management Strategy 2026 – 2028

## **8 BACKGROUND PAPERS**

8.1 None

## **9 AUTHOR AND APPROVAL DETAILS**

### **Report Author(s)**

<b>Name</b>	Scott Kennedy
<b>Designation</b>	Team Manager, Emergency Planning and Resilience
<b>Tel/Email</b>	skennedy@eastlothain.gov.uk
<b>Date</b>	23/02/2026

## Head of Service Approval

<b>Name</b>	Eamon John
<b>Designation</b>	Head of Communities
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Yes
<b>Approval Date</b>	23/02/2026

# Risk Management Strategy 2026 - 2028

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February 2026

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East Lothian Council  
Authored by: Lee Wright



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# Introduction

East Lothian Council delivers a comprehensive range of services to support the local community and visitors to the area. In fulfilling this, the Council operates within a complex environment where strategic and operational hazards are inherent. These hazards, along with the associated risks, are diverse and multifaceted, reflecting the breadth of services provided and the dynamic nature of community needs. Effective risk management is therefore essential to ensure the safety, resilience, and continuity of services delivered.

East Lothian Council defines risk as the possibility that an event or action could negatively impact the Council's ability to achieve its objectives and successfully implement its strategies.

Risk management is the systematic process of identifying, analysing, addressing, and monitoring risks that may affect the organisation. It is a core component of the Council's internal controls and corporate governance arrangements.

Embedding a strong risk management culture and integrating risk practices into all aspects of service delivery is critical to achieving best value and fulfilling the Council's vision of making East Lothian an outstanding place to live, work, and visit. When risks are effectively managed, their impact can be minimal. However, poor or absent risk management can lead to significant and highly visible consequences. Robust risk management is therefore essential to prevent such failures and to ensure consistent, high-quality performance.

## Policy Statement

The Elected Members and Chief Officers of East Lothian Council are committed to fostering a culture that encourages all staff to innovate, enhance performance, and achieve their objectives safely, effectively, and efficiently. This is achieved through the consistent application of proven methodologies for identifying and managing risks.

Through this approach, the Council seeks to maximise opportunities to:

- Attain high standards of performance
- Deliver high-quality services to service users
- Provide a safe and compliant working environment for employees
- Safeguard assets and liabilities against potential losses
- Reduce uncertainty in achieving organisational goals and objectives

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## Scope

While the Chief Executive retains overall accountability for risk management, the Head of Communities is responsible for implementing an effective and robust risk management framework. This responsibility is supported by the Emergency Planning and Resilience Team, whose role is to co-ordinate, integrate, and oversee the risk management arrangements. They ensure that risk management principles are embedded throughout the Council's operations and provide guidance and support to maintain a consistent and proactive approach.

The Council has designated the Corporate Risk Management Group, chaired by the Head of Communities, as the lead body responsible for overseeing the development, implementation, and ongoing maintenance of risk management across all services. All identified risks will be documented within the appropriate register, whether at the corporate level or within service-specific registers.

Corporate risks are those that have the potential to affect East Lothian Council as a whole in achieving its policies and corporate objectives. These risks typically require strategic leadership and oversight, for example, risks associated with the Council Plan or the Financial Strategy. Service-level risks may also be recorded in the Corporate Risk Register where they impact multiple services or demand significant central resources to develop and implement effective control measures.

Service risks are those that may affect the delivery of individual services or the experience of those involved in providing or receiving them. This includes staff, partners, contractors, volunteers, as well as members of the public and clients who rely on the services offered.

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# Risk Analysis and Appetite

The Council maintains an overarching risk appetite framework to ensure that both corporate and service-level risks are managed in accordance with the level and type of risk the Council is prepared to accept in order to achieve its objectives and deliver services effectively.

Perceptions of risk severity can vary across different levels of seniority and among individuals or groups. These differences are influenced by factors such as knowledge, understanding, and prior experience. The Council's Emergency Planning and Resilience Team will, as far as reasonable possible, ensure consistency in risk identification and scoring across the Council's risk registers.

The Council's risk appetite may change in response to significant external factors. For example, during the COVID-19 pandemic, the Council was required to accept higher levels of risk beyond its approved appetite ranges in order to operate within the constraints of new national legislation and guidance.

Our risk appetite reflects the Council's intention to reduce all risks to at least a medium level over time. Beyond this sits our risk tolerance, which defines the level of risk that is deemed unacceptable. In such cases, we will take action to bring the risk within our defined appetite. As a Council, we are not prepared to accept risks that could result in significant adverse consequences for the achievement of our objectives.

All risks will be assessed based on their potential impact on the Council and its services, as well as the likelihood of occurrence. This assessment will categorise risks as Low, Medium, High, or Very High. The Council's approach to risk appetite in relation to adverse risks is as follows:

- Low risk – broadly acceptable without further action to prevent or mitigate.
- Medium risk – tolerable with cost-effective control measures in place.
- High risk – may be tolerable provided the Council is assured that robust and effective controls are implemented, and that these are proportionate and cost-effective.
- Very High risk – unacceptable; action must be taken to reduce, transfer, or otherwise treat the risk to a more acceptable level.

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# Risk Registers

## Corporate Risk Register

The Corporate Risk Register (CRR) is produced and managed by the Emergency Planning and Resilience Team and identifies risks that have the potential to affect the business activities of more than one council service.

## Service Risk Registers

Service Risk Registers are managed by the Emergency Planning and Resilience Team to present risks that could impact on the business operations of a single service. Each service area has an associated risk register as per the below:

Education

Children's Services

Health and Social Care Partnership

Housing

Communities

Development

Infrastructure

Corporate Support

Finance

## Civil Protection Risk Register

The ELC Civil Protection Risk Register (CPRR) is a separate document which dovetails with the National Security Risk Register and the Scottish Risk Register. The CPRR contains the civil protection risks that are present to the population of East Lothian and visitors to the area. Details on the management arrangements for the ELC CPRR can be found on the CPRR document, available from the Emergency Planning and Resilience Team. At the time of writing this policy the CPRR is in draft but will be a live document in Q3 2026.

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# Risk Identification

East Lothian Council adopts a structured and proactive approach to risk identification to ensure the potential threats that may affect the delivery of services are recognised at an early stage. Risk Identification is an ongoing process and should be embedded with in strategic planning, service delivery, decision making and project management activities.

To support a consistent approach, risks will be identified using the PESTLE model of risk identification, which considers Political, Economic, Social, Technological and Legal factors that may impact service delivery.

## **Political Risks**

Political risks arise from changes in the political environment at local, regional, or national level that may impact our responsibilities, priorities, or resources. These may include changes in government policy, funding priorities, legislation agendas, public sector reform, or shifts in political leadership. This environment is closely monitored by East Lothian Council and any political developments will be assess for their potential impacts on service delivery.

## **Economic Risks**

Economic risks relate to financial and economic conditions that may affect the Councils ability to operate effectively and sustainably. These may include changes in government funding, inflation, interest rates, economic downturns, budget constraints, demand pressures, or fluctuations in income generation. We will identify and assess economic risks through financial planning, budget monitoring, and financial strategies.

## **Social Risks**

Social risks arise from changes in the demographic, cultural, and social environment in which East Lothian Council operates. These may include population growth or decline, ageing populations, health inequalities, deprivation, community cohesion, changing service expectations, or public perception and trust. We will consider social trends, and community needs when identifying risks that may affect service demand, equality outcomes, and reputation.

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## **Technological Risks**

Technological risks relate to the use, availability, and reliability of information and communication technologies and other systems critical to our operations. These may include cyber security threats, data protection breaches, system failures, technological obsolescence, digital exclusion, and the pace of technological change. We will identify technological risks through IT governance arrangements, system reviews, and business continuity planning.

## **Legal Risks**

Legal risks arise from our statutory duties and regulatory obligations. These may include non-compliance with legislation, regulatory changes, contractual disputes, litigation, data protection requirements, and health and safety obligations. These risks will be identified through legal advice, compliance monitoring, policy reviews, and audit processes.

## **Environmental Risks**

Environmental risks arise from environmental, climate-related, and sustainability factors that may impact service delivery and long-term resilience. These may include climate change, extreme weather events, flooding, coastal erosion, carbon reduction requirements, biodiversity loss, waste management pressures, and changes in environmental legislation or policy. Environmental risks may also arise from the Council's own environmental impact and sustainability commitments. We will identify and assess environmental risks through climate adaptation and mitigation planning, environmental monitoring, sustainability strategies, asset management planning, and compliance with relevant environmental standards and regulations.

# **Structural Arrangements and Responsibilities**

All employees within East Lothian Council share responsibility for managing risk to varying degrees. It is essential that the Council clearly communicates these responsibilities to ensure effective risk management across the organisation. The following roles have specific responsibilities in relation to the identification, assessment, management, and monitoring of risk.

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## Chief Executive

The Chief Executive has overall responsibility for ensuring that effective risk management arrangements are in place across the Council.

The Chief Executive will:

- Provide leadership and set the tone for effective risk management and good governance.
- Ensure that risk management is integrated into strategic planning, decision-making, and corporate performance management.
- Ensure that significant strategic and corporate risks are identified, managed, and reported to Elected Members.
- Oversee the adequacy of the risk management strategy and ensure appropriate assurance mechanisms are in place.

## Depute Chief Executives and Heads of Service

Depute Chief Executives alongside Director of Health and Social Partnership and Heads of Service are responsible for ensuring effective risk management within their service areas.

Heads of Service will:

- Promote a positive risk management culture and ensure that risk management is embedded within service planning, decision-making, and performance management.
- Ensure that all significant service risks are identified, assessed, and recorded on service risk registers.
- Review and challenge risks and mitigation actions within their services.
- Escalate significant or cross-cutting risks to the corporate risk register where appropriate.
- Ensure that Risk Owners and Risk Watchers are appropriately assigned and supported.
- The Executive Leadership Team will attend a quarterly sub-group on corporate risk.

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## Risk Owners

Risk Owners are responsible for the day-to-day management of specific risks allocated to them.

Risk Owners will:

- Identify and assess risks within their area of responsibility, including those arising from PESTLE factors.
- Ensure risks are accurately recorded and maintained on the corporate or service risk register.
- Implement and monitor appropriate controls and mitigating actions to manage risks within our risk appetite.
- Review risks regularly and update risk scores, controls, and actions as required.
- Escalate risks where the level of risk exceeds agreed tolerance levels or where additional resources or decisions are required.

## Risk Watchers

Risk Watchers provide support to the risk management process by deputising for Risk Owners and maintaining oversight of assigned risks.

Risk Watchers will:

- Deputise for the Risk Owner in their absence and undertake risk management duties as required.
- Support the Risk Owner in reviewing and updating risk descriptions, risk scores, controls, and mitigating actions.
- Assist in ensuring that risk information recorded on service or corporate risk registers is accurate, up to date, and complete.
- Escalate concerns to the Risk Owner or Head of Service where risks are not being effectively managed or where risk levels change significantly.

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## **Elected Members**

Elected Members are responsible for providing oversight and assurance in relation to the management of risk.

Elected Members will:

- Consider and approve the Risk Management Strategy and any significant amendments.
- Review and scrutinise the Corporate and Service Risk Registers and seek assurance that key risks are being effectively managed.
- Take risk into account when setting strategic direction, policies, and budgets.
- Hold the Chief Executive and Senior Officers to account for the effective management of risk.

## **Emergency Planning and Resilience Team**

The Emergency Planning and Resilience Team is responsible for coordinating the Councils Risk Management arrangements.

The Emergency Planning and Resilience Team will:

- Lead the development and maintenance of our Risk Management arrangements.
- Provide specialist advice and guidance on all risk management matters.
- Support Risk Owners and Heads of Service in identifying, assessing, and updating risks that could impact the Councils ability to maintain critical services during disruptive events.
- Facilitate training and awareness activities to strengthen organisational preparedness and resilience.
- Provide assurance to senior management and Elected Members on the state of preparedness and resilience arrangements.

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## Corporate Risk Management Group

The Corporate Risk Management Group is responsible for providing strategic oversight, coordination, and assurance in relation to the Councils risk management framework.

The Corporate Risk Management Group will:

- Oversee the implementation and ongoing development of the Councils Risk Management Framework.
- Review and challenge the identification, assessment, and management of corporate risks.
- Maintain oversight of the Corporate Risk Register, ensuring risks are clearly articulated, appropriately scored, and aligned to the Councils strategic objectives and risk appetite.
- Ensure consistency and proportionality in risk management practices across services.
- Monitor emerging and escalating risks, including those arising from external PESTL factors, and ensure appropriate escalation and reporting arrangements are in place.
- Provide assurance to the Chief Executive, Council Leadership Team, and relevant Committees on the effectiveness of risk management arrangements.
- Promote a positive risk-aware culture and continuous improvement in risk management practices across the Council.

## Linking Risk Group

The Linking Risk group provides a connection between service-level risk management and the corporate risk framework, supporting consistency, communication, and escalation.

Linking Risk will:

- Act as a liaison between services and the Corporate Risk Management Group on matters relating to risk management.
- Support services in the identification, assessment, and documentation of risks in line with the Councils Risk Management Framework.
- Assist Risk Owners and Heads of Service in ensuring that service risks are accurately recorded, reviewed, and updated.
- Support the escalation of significant or emerging service risks to the Corporate Risk Register where appropriate.

- Promote consistent application of risk scoring, controls, and mitigation actions across service areas.
- Share good practice, guidance, and learning to strengthen risk management capability across the Council.
- Support communication and understanding of corporate risks and priorities within services.

## Reporting schedule

The Corporate and Service Risk Registers can be called to be presented at Audit and Governance, Cabinet or full Council meetings at the discretion of the members. We also have an agreed reporting schedule as follows:

<b>Risk Register/Document</b>	<b>Audit &amp; Governance</b>	<b>Cabinet</b>
Corporate Risk Register	June	November
Communities	March	
Children's Services	March	
Infrastructure	March	
Finance	September	
Housing	September	
Education	September	
Development	November	
H&SCP	November	
Corporate Support	November	
Risk Strategy		March (3 yearly)

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# Training and Qualifications

The council will ensure that proportionate and role-appropriate risk management training is provided to staff across the organisation.

- All staff with risk management responsibilities will complete our internal risk management e-learning package.
- Each member of staff with responsibility for the updating of risks will receive bespoke training delivered by the EP&R team.
- All staff with a risk management role are expected to attend an annual workshop hosted by the EP&R Team.
- Elected Members will be offered risk awareness training to support effective governance, decision-making, and scrutiny, in line with CIPFA principles of good governance in local government.

## Qualifications and Professional Development

- Officers within the EP&R Team will be encouraged to work towards, or maintain, relevant professional qualifications, such as:
  - **CIPFA** qualifications and risk management or governance modules;
  - **Institute of Risk Management (IRM)** qualifications, including the International Certificate or Diploma in Risk Management.
- EP&R Officers will partake in continuing professional development (CPD) to ensure knowledge remains current and aligned with evolving legislation, guidance, and best practice. This could include:
  - **United Kingdom Resilience Academy** who offers a range of courses on all aspects of resilience planning and response.
  - **Civil Contingencies related training** offered by local resilience partnerships and the Scottish Government.
  - **Professional development** aligned with recognised resilience and business continuity standards (such as ISO 22301), where appropriate.
  - **Attend industry workshops and events** such as the national ALARM conference and the Scottish Resilience Forum Conference.
- Managers will ensure that officers with risk management responsibilities are suitably competent and supported to fulfil their roles effectively.

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# Document Review

The Risk Management Strategy will be kept under regular review to ensure that it remains current, effective, and aligned with our objectives, statutory responsibilities, and recognised good practice.

- The policy will be formally reviewed at least every three years, or sooner where there are significant changes to legislation, guidance, organisational structure, or the organisations risk profile.
- Responsibility for coordinating the review of this policy will sit with the Emergency Planning and Resilience Team, with input from relevant officers.
- Any proposed amendments to the strategy will be subject to appropriate consultation and governance arrangements.
- Compliance with the policy and its effectiveness will be supported through internal assurance processes and including audits.

## Risk Scoring and Matrix

### Risk Likelihood

Risk Likelihood describes the probability or chance that a risk event will occur. It reflects how often a risk might reasonably be expected to happen, taking into account current controls and mitigation measures that are already in place.

When assessing likelihood, consideration should be given to:

- Past experience and historical data
- The effectiveness of existing controls and management actions
- The frequency with which similar events have occurred
- Changes in the internal or external environment that may increase or decrease the probability of occurrence
- Expert judgement and professional experience.

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Risk Likelihood is assessed using the below scoring scale:

Likelihood	Score	Description
Almost Certain	5	>90% chance of occurring
Probable	4	70%-90% chance of occurring
Possible	3	30-70% chance of occurring
Unlikely	2	10-30% chance of occurring
Rare	1	<10% chance of occurring

When combined with the assessment of Risk Impact, this is used to determine the overall level of risk. This supports consistent prioritisation, escalation, and management of risks in line with our risk appetite.

### **Risk Impact**

Risk Impact describes the extent of the consequences or effects on the council should a risk event occur. It reflects the potential severity of harm or disruption to our ability to achieve objectives, deliver services, and meet its statutory duties.

When assessing impact, consideration should be given to the potential effect on:

- Service delivery and the continuity of critical services
- Financial position, including unplanned costs, loss of income, or budget pressures
- Health, safety, and wellbeing of service users, staff, and the wider community
- Legal and regulatory compliance
- Reputation, public confidence, and stakeholder trust
- Assets or damage to property

Risk Impact is assessed using the below scoring scales:

### Impact on Service Delivery

Impact	Score	Description
Catastrophic	5	Catastrophic failure in service delivery and key service standards are not met, long-term catastrophic interruption to operations, several major partnerships are affected.
Major	4	Major impact to service quality, multiple service standards are not met, long-term disruption to operations, multiple partnerships affected.
Moderate	3	Significant fall in service quality, major partnership relationships strained, serious disruption in service standards.
Minor	2	Minor impact to service quality, minor service standards are not met, short-term disruption to operations, minor impact on a partnership.
Minimal	1	No impact to service quality, limited disruption to operations.

### Impact on Finance

Impact	Score	Description
Catastrophic	5	Severe impacts on budgets (emergency corporate measures to be taken to stabilise Council Finances. Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves. The Council is expected to hold a reserve to budget ratio of 2%.
Major	4	Major impact on budgets (need for corporate solution to be identified to resolve funding difficulty). Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves.
Moderate	3	Moderate impact on budgets (can be contained within overall directorate budget).
Minor	2	Minor impact on budgets (can be contained within service head's budget).
Minimal	1	Minimal impact on budgets (can be contained within unit's budget).

## Impact on People

Impact	Score	Description
Catastrophic	5	Single or Multiple fatality and or psychological impact, within council control, leading to fatal accident enquiry.
Major	4	Number of extensive injuries (major permanent harm) or major psychological impact to employees, service users or public.
Moderate	3	Serious injury requiring medical treatment or moderate psychological impact to employee, service user or public (semi-permanent harm up to 1yr), council liable.
Minor	2	Non-life changing injury or psychological impact to staff or member of the public requiring treatment.
Minimal	1	Minor injury or minor psychological impact to employee, service user or public.

## Impact on Legal and regulatory compliance

Impact	Score	Description
Catastrophic	5	Catastrophic legal, regulatory, or contractual breach likely to result in substantial fines or other sanctions, including substantial involvement from regulators.
Major	4	Legal, regulatory, or contractual breach, severe impact to Council, fines and regulatory action publicly enforced.
Moderate	3	Legal, regulatory, or contractual breach, moderate impact to Council, regulator action and or improvement required of the Council .
Minor	2	Legal, regulatory, or contractual breach, minor impact to Council, regulator advice and improvement requested of the Council.
Minimal	1	Legal, regulatory, or contractual breach, negligible impact to Council, regulator suggested improvements requested.

## Impact on Reputation

Impact	Score	Description
Catastrophic	5	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved. Prolonged regional and national condemnation.
Major	4	Serious negative national or regional criticism and publicity.
Moderate	3	Adverse national media public attention with elected members becoming involved.
Minor	2	Minor adverse local, public or media attention and complaints.
Minimal	1	Public concern restricted to local complaints and of no interest to the media.

## Impact on Assets or property

Impact	Score	Description
Catastrophic	5	Significant disruption to building, facilities, vehicles or equipment (Loss of building, vehicles, rebuilding required, temporary accommodation required, vital equipment lost without replacement capability available resulting in services being unable to be delivered).
Major	4	Major disruption to building, facilities, vehicles or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required, equipment or vehicles unavailable to provide significant elements of service delivery and no appropriate contingency arrangements in place).
Moderate	3	Moderate disruption to building, facilities, vehicles or equipment (loss of use of building for medium period, loss of equipment or vehicles requires contingency arrangements to be employed and has moderate impact on overall service delivery).
Minor	2	Minor disruption to building, facilities, vehicles or equipment (alternative arrangements in place and covered by insurance, equipment or vehicles unavailable for small period of time minor impact on service).

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Minimal	1	Minimal disruption to building, facilities, vehicles or equipment (alternative arrangements in place, equipment or vehicles alternative quickly available to replace or substitute).
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When combined with Risk Likelihood, determines the overall risk rating. This ensures that risks are prioritised and managed proportionately in line with our risk appetite and tolerance levels.

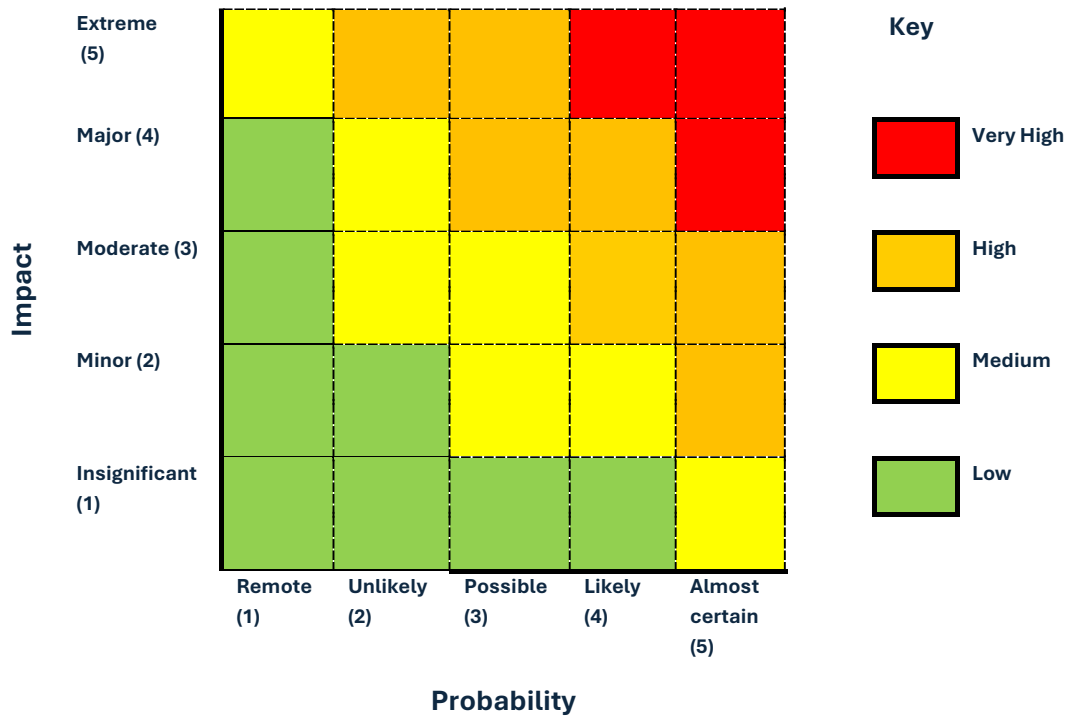
### **Risk Scoring**

The overall risk score is calculated by multiplying the Likelihood score by the Impact score, resulting in a score between 1 and 25.

This risk matrix provides a consistent and transparent method for:

- Comparing and prioritising risks across services
- Determining whether risks are within our risk appetite or tolerance levels;
- Informing decisions on the level of control, mitigation, and management action required
- Supporting escalation of significant risks to senior management or Elected Members where appropriate.

Risk scores will be reviewed regularly and updated to reflect changes in circumstances, the effectiveness of controls, and progress in implementing mitigating actions. The Council will distinguish between current risk score (the level of risk before controls) and residual risk score (the level of risk remaining after controls have been applied), where appropriate



<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Children and Communities
<b>REPORT TITLE:</b>	Second and Empty Homes Council Tax
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek approval for the use of council tax generated through the Council Tax Empty Property Policy to help deliver key initiatives to help mitigate the current affordable housing emergency.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Approve the use of the majority of this council tax fund to help maximise funds received by the Scottish Government to help families out of temporary accommodation.
- 2.2 Approve the use of this fund to match fund an Empty Homes Officer to help bring empty properties in East Lothian back into use.
- 2.3 Note that the use of this fund will be monitored through the HRA Housing Board to ensure the optimum use of this fund in line with Scottish Government direction and criteria. The outcome of this will be reported through the annual Strategic Housing Investment Plan (SHIP).

## **3 BACKGROUND**

- 3.1 Cabinet approved the Council Tax Policy changes on 21 January 2025, agreeing that any increase in council tax income generated from this policy change would be earmarked for the purposes set out in section 3.3.
- 3.2 Cabinet also approved the income to be earmarked to support the Council's response to the affordable housing emergency declared in

November 2024 and to consider the opportunity to invest in measures which may assist with bringing empty properties back into use.

3.3 The changes to the way in which additional council tax revenue raised from reducing the discount on second homes and long-term empty properties can be spent to permit local authorities as well as Registered Social Landlords (RSLs) to use this funding and widen the range of housing activities to which funds can be applied. This income can be used by local authorities to support revenue and capital expenditure related to a range of affordable housing activity including (but not limited to):

- Providing new-build affordable housing through Registered Social Landlords (RSLs) or new council house building;
- Bringing empty properties back into affordable housing use – including topping up or establishing an Empty Homes Loan Fund;
- Land acquisition for affordable housing development;
- Purchasing off-the-shelf houses from private developers for affordable housing use – including the purchase of developers' part exchange properties

3.4 In the past the Council has used Second Homes Council Tax monies to:

- Provide top-up funding to help deliver RSL projects where section 75 contributions have been particularly high or where there are many site abnormalities which result in a project being above the Scottish Government benchmark.
- To grant East Lothian Mid Market Homes LLP funding to acquire discounted sale properties to ensure these properties were not lost to our affordable housing stock through open market re sale.
- To provide a grant to ELHA to assist with energy efficiency measures to their stock, which complimented the Scottish Government's Area Based Scheme targeting those in fuel poverty which also resulting in cost efficiencies through economies of scale.

3.5 For the 2025/26 financial year the Scottish Government announced an £80m acquisition fund of which 80% was allocated to the five local authority areas experiencing the highest current and sustained temporary accommodation pressures for the last three years (Edinburgh, Fife, Glasgow, South Lanarkshire and West Lothian).

3.6 The remaining 20% of the £80 million has been allocated across the other 27 local authority areas, using the same distribution methodology to inform each local authority area's share. Funding allocated to East Lothian Council for 2025-26 is set out below.

<b>2025-25 Share of £40m</b>	<b>Tranche 1</b>	<b>Tranche 2</b>	<b>Total</b>
<b>Scottish Government grant</b>	£439,000.00	£307,000.00	£746,000.00
<b>ELC contribution</b>	£760,000.00	£750,000.00	£1,510,000.00
<b>ELC Balance</b>	£1,620,000.00	£870,000.00	£2,256,000.00

- 3.7 To date £299,515 has been drawn down from grant for the purchase of three properties, topped up by £529k of council tax monies.
- 3.8 In order to draw down remaining grant from the allocation, it is recommended to use a further £750,000 of the income generated from the council tax fund to ensure we maximise the Scottish Government grant and meet the policy intent to help families out of temporary accommodation.
- 3.9 The Scottish Government has also agreed to match fund a 2-year Empty Homes Officer Post to help invest in measures to bring empty homes back into use. This post is currently being evaluated.
- 3.10 East Lothian is in a unique position, being one of the fastest growing authorities with high house prices, high rents, high tenancy sustainment with low turnover of stock. This fund will help to target the purchase of both smaller homes and larger family homes to help provide permanent accommodation to allow families and single homeless to move on from temporary accommodation. It will also help to invest in measures to bring empty homes back into use and help mitigate the current affordable housing emergency.

#### **4 POLICY IMPLICATIONS**

- 4.1 This intervention would be consistent with the Council's Financial Strategy and help meet the Scottish Governments policy of moving families out of temporary accommodation. It will also help to meet need identified in the Local Housing Strategy 2024-29.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: As set out in the report.
- 5.2 Human Resources: None

- 5.3 Other (e.g. Legal/IT): This will require resources from Housing, Estates and Legal.
- 5.4 Risk: We are unable to compete with other purchasers with the risk that this fund will not be maximised.

## 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](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## 7 APPENDICES

7.1 None

## 8 BACKGROUND PAPERS

8.1 Cabinet report, 21 January 2025

8.2 Scottish Government Acquisition Fund

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

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### Head of Service Approval

<b>Name</b>	Wendy McGuire
<b>Designation</b>	Head of Housing
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	February 2026



<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Children and Communities
<b>REPORT TITLE:</b>	Council House Allocation Targets for 2026/27
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval for council house allocations targets for 1 April 2026 to 31 March 2027.
- 1.2 To note the context, legal position and rationale for proposed targets.

## **2 RECOMMENDATIONS**

Cabinet is asked:

- 2.1 To approve the recommended targets detailed in section 3.29.
- 2.2 To note that the performance against these targets is reviewed regularly and that this forms part of the analysis in setting future allocations targets.
- 2.3 To note that a full review of the Housing Allocation Policy is planned to take place in 2026/27

## **3 BACKGROUND**

- 3.1 The Council operates a Group and Points Allocation policy which has been operational since its introduction in July 2007. A review of the policy took place in 2018/19 with full implementation on 1 May 2019.
- 3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy assists the Council to make best use of Council housing stock and achieve balanced and sustainable communities via local lettings plans.

- 3.3 The current Allocations Policy continues to deliver positive outcomes for many households on the housing list, provides choice to applicants, supports high tenancy sustainment levels and at the same time has reduced refusal rates, in turn assisting with the quicker turnaround of empty houses.
- 3.4 Scottish Parliament declared a national housing emergency on 15 May 2024 following a number of local authorities declaring housing emergencies. East Lothian Council subsequently declared an affordable housing emergency in November 2024, as a result of growing homelessness, breaches to the Unsuitable Accommodation Order and the risks around lack of funds to deliver its affordable housing targets.
- 3.5 On 10 September 2024 Cabinet agreed to implement a Homelessness Action Plan 2024-26, which includes interim changes in the allocations policy to allow single person homeless applicants, who meet certain criteria, to access two-bedroomed properties as well as ensuring that selected areas and house types are as wide as possible for all homeless households. These changes have resulted in quicker and improved housing outcomes for applicants and the Council in meeting its statutory duties.

### **Legal Obligation**

- 3.6 The Council must make best use of its housing stock, which includes how these are allocated. The Housing (Scotland) Act 1987 (as amended) requires that social landlords let properties in a way that gives reasonable preference to those in greatest housing need, makes best use of the available stock, maximises choice and helps to sustain communities.
- 3.7 In setting any targets against each group the Council must give reasonable preference to certain statutory groups when allocating council houses. These include applicants living in unsatisfactory housing conditions, tenants in social housing who are under occupying their property and who have unmet housing needs, and those applicants who are homeless or threatened with homelessness.
- 3.8 Most statutory applicants are placed in the General Needs Group. However, some may be allocated to the Transfer Group instead – for example, households requiring a move due to overcrowding or because their current home is having a negative impact on their health.
- 3.9 Local authorities have a legal duty to provide settled accommodation to all applicants assessed as unintentionally homeless. This places a clear obligation on councils to secure a permanent housing solution for every household meeting this criterion.
- 3.10 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (amended) stipulated that no household comprising children, or a pregnant person be accommodated in 'unsuitable accommodation for more than seven days'. The Order has since been extended and from 1

October 2021 no homeless households are permitted to remain in 'unsuitable accommodation' for more than seven days, or this will constitute a breach of duties under the extended Order. All homeless households require to be accommodated in 'suitable accommodation', in accordance with Guidance, after seven days.

- 3.11 The Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022, which came into effect from 29 November 2022, suspends all Scottish local authorities' powers to refer a person/household who is homeless or threatened with homelessness to another local authority in Scotland on the grounds of their local connection.
- 3.12 The Children and Young People (Scotland) Act 2014 specifically impacts the provision of accommodation to young people leaving the care system. The Council's 'Starter Flat' approach, is also making positive contributions to the Council delivering its corporate parenting objectives.

### **Target Principles**

- 3.13 The Scottish Government's Legal Framework for Allocations (2019) states that all targets should contain sufficient flexibilities to allow the landlord to continue to meet significant need when a target has been reached. The functionality to review targets against changing housing demand forms part of a responsive allocations policy.
- 3.14 With this in mind, the allocations targets will be reviewed within six months to ensure that they continue to reflect the greatest housing demand. If, after analysis, a change to the targets is deemed necessary, a paper outlining the change will be submitted to Cabinet for approval.
- 3.15 A full review of the Allocations Policy will also take place in parallel to ensure it is fit for purpose and continues to meet the greatest housing need.

### **Making Best Use of Stock**

- 3.16 Housing Services continue to make significant efforts to maximise the use of existing housing stock by encouraging transfer activity, helping to create vacancy chains that release additional homes beyond those initially allocated to transfer applicants.
- 3.17 To support this approach, the Council offers financial incentives to tenants in larger family to downsize into more suitable accommodation.
- 3.18 On 10 September 2024 Cabinet agreed to implement a Homelessness Action Plan 2024-26 which includes interim changes in the allocations policy to allow single person homeless applicants, who meet certain criteria, to access two-bedroomed properties as well as ensuring that selected areas and house types are as wide as possible for all homeless households. These changes have been successful in promoting quicker and improved housing outcomes and enable the Council to meet its statutory duties

## Sustainable Communities

- 3.19 Good practice states that landlords should not exclude any prospective tenants from accessing housing.
- 3.20 Good practice dictates that Local Lettings Plans can be used where there is demonstrably good reason to do so, e.g. high turnover, anti-social behaviour etc., and to promote and enable balanced and sustainable communities.
- 3.21 Local Lettings Plans provide an open and transparent framework which set out any variation to the Allocations Policy needed to take account of and address local need and circumstances. The plan must operate within all the relevant legislation governing the allocation of houses as detailed in the Allocations Policy.
- 3.22 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation. As such, this flexibility within the lettings targets to positively and materially impact on housing allocations should be retained.
- 3.23 Each local housing team has brought forward local lettings plans, with support from their respective Local Housing Partnerships, to help achieve balanced and sustainable communities. Currently, we have four local lettings plans in operation within the Musselburgh, Prestonpans, North Berwick, and Tranent areas; all of which are being kept under continuous review. A formal review of these plans will be conducted alongside the allocation review in 2026/27 and submitted to the Members' Library.

## 2025/26 Allocations Performance

- 3.24 There was a total of 502 allocations from 1 April 2025 to 31 Jan 2026.
- 3.25 This number is less than last year but consistent with figures presented for 2024/25. Table 1 below shows the numbers and percentages of allocations for the following groups for this period:

**Table 1:**

	Year Actual	Year Actual %	Target %
General Needs	325	64.74%	70%
Transfer	156	31.08%	25%
Sustainable Communities	21	4.18%	5%
<b>Total</b>	<b>502</b>	<b>100.00%</b>	

- 3.26 It should be noted that the Council has not met its general needs target and has exceeded our transfer target this year. To maximise housing resource and reduce void turnaround times, on occasions targets will be

exceeded due to the suitability of tenants and houses that are available for re-letting. However, through greater transfer applications being allocated, this has created movement throughout the wider housing stock.

3.27 Table 2 below show the number of applications in 2025/26 up to 31 January 2026 who had medical points, either through the Health and Housing Panel, or those that were deemed as urgent cases, which were let in each year.

3.28 Table 3 shows the total number of allocations and just those with children (anyone rehoused under the age of 18) and the average length of time applications are open from when they apply, This does not capture the date that the medical points were added.

**Table 2:**

Medical Points	Count	Average App Length	Count with Children	Average App Length
80	31	758.68	5	1062.2
50	33	649.24	15	766.67
6	39	914.54	13	1171.31
<b>Total</b>	<b>103</b>	<b>782.63</b>	<b>33</b>	<b>970.85</b>

**Table 3:**

Medical Points	Count	Average App Length	Count with Children	Average App Length
80	15	857.53	2	923
50	32	1362.22	8	886
6	36	975.86	7	567
<b>Total</b>	<b>83</b>	<b>1103.43</b>	<b>17</b>	<b>759</b>

3.29 Taking account of this data, legal obligations and local housing pressures, in order to ensure optimum stock utilisation and reduce stays in temporary accommodation, senior management within Housing propose the allocations targets remain the same with the following percentage targets for 2026/27:

Group	Target
General Needs	70%
Transfer	25%
Sustainable communities	5%

3.30 A full review of the Council's Housing Allocations Policy is scheduled to take place in 2026/27. The last comprehensive review was undertaken in 2019. This review will provide an opportunity to ensure the policy

remains aligned with current legislation, local priorities, and best practice.

#### 4 POLICY IMPLICATIONS

- 4.1 The proposed allocations targets will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2001, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (as amended) and the Homelessness etc. (Scotland) Act 2003.

#### 5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: Continuing to set targets at this level will help reduce the overall financial strains on the provision of temporary accommodation by assisting throughput of all forms of temporary accommodation to settled accommodation.
- 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	

Subject	Impacts identified (Yes, No or N/A)
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](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## 7 APPENDICES

7.1 None

## 8 BACKGROUND PAPERS

8.1 Council House Allocations Targets for 2025/26

## 9 AUTHOR AND APPROVAL DETAILS

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### Head of Service Approval

<b>Name</b>	Wendy McGuire
<b>Designation</b>	Head of Service
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Yes
<b>Approval Date</b>	23 February 2026

<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Chief Officer – East Lothian Integration Joint Board
<b>REPORT TITLE:</b>	Social Care Charging – Transport
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 To seek agreement from East Lothian Council to amend the charge for Social Care Transport from a charge per journey to a charge per week.
- 1.2 Change required to allow for administration of the charge and improves the accuracy of billing and transparency of rates for service users.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Agree the amendments to the Transport Charge:
  - Replace a £2.50 flat rate per journey charge with a £15 per week flat rate charge.
  - Charge a fixed fee per year spread over 13 payments (4-weekly payments) to cover the cost of planned, social work funded transport.
- 2.2 Note people whose transport costs are below £15 per week will be advised to self-fund their transport. Transport will still be arranged if required.
- 2.3 Note that any increase to charges requires a one-month notice period to the payer, and that charges can be appealed using the monthly Appeals Panel.

### **3 BACKGROUND**

- 3.1 Councils are empowered by statute to make decisions about charging for non-residential community care services. This includes services provided under the Social Work (Scotland) Act 1968, the Mental Health (Scotland) Act 1984, and the Community Care and Health (Scotland) Act 2002. Additionally, a consequential modification to the Public Bodies (Joint Working) (Scotland) Act 2014 (the legislation which established Integration Authorities) makes it clear that social care charging is not delegated to IJBs and remains a Council function. As such, any changes to charging policies which relate to Adult Social Care services in East Lothian require to be approved and implemented by East Lothian Council.
- 3.2 East Lothian, along with the majority of councils in Scotland, charge for some of the services provided to their service users. These charges are an important source of income and are a means to help us deliver services and our policy aims. Income from service charges is reinvested in order to maintain and develop services.
- 3.3 Convention of Scottish Local Authorities (CoSLA) national guidance provides councils with support on the regulations, legislation, and application of benefits to be applied when determining an individual's charge. The CoSLA guidance does not, however, 'require' councils to charge, and equally it does not prevent councils from implementing more generous treatment of individuals' circumstances than suggested in the guidance. The guidance provides a framework for councils to adopt whilst allowing for local accountability and discretion, and at the same time encourages councils to adopt best practice in the development of their policies.

#### **Current Charging Model – Transport**

- 3.4 As part of someone's social care assessment of need, they may be eligible to receive transport to and from the services they require to meet their outcomes. This is covered in the HSCP's Social Work Transport Policy.
- 3.5 The current charging policy allows the Council to ask for a contribution of a flat rate charge of £2.50 per journey, if the transport has been arranged and is funded by the HSCP.
- 3.6 The administration of this flat rate has presented challenges in terms of data availability and reliability regarding service usage. These are currently being addressed. However, this has prevented the charge being implemented.
- 3.7 In order to improve the administration of the transport charge, the Non-Residential Charging Group proposed to implement a flat weekly charge, irrelevant to how many journeys have been taken.

- 3.8 Although a flat rate charge, Council should note that people who require additional support due to a disability may be eligible to receive Adult Disability Payment (ADP). ADP is made up of two parts:
1. Daily living
  2. Mobility
- 3.9 Mobility payments are made if someone needs help in planning and following a journey or moving around. At 2025/26, it is awarded either at £29.20 a week for a standard award, or £77.05 a week for an enhanced award.
- 3.10 People who receive the enhanced award can apply to lease an accessible vehicle.
- 3.11 This mobility benefit is disregarded during the financial assessment process, which applies to some other social care services under the Non-Residential Charging Policy.
- 3.12 The majority of service users who use social care transport do so to access day supports, usually five days a week, two journeys per day. The transport policy outlines when transport will be provided. People who use social care transport do so as they have been assessed as unable to use public transport. Some people will require an escort, but this is not charged for under the transport charge. Around 116 people use transport services each week, of which, 34 are charged for other social care services.
- 3.13 If the requested contribution is higher than the full cost of delivering the service, then the individual will be advised to fund their own transport, which would be more cost effective. £15 per week is on average 7.3% of the cost of the service (average approx. £200 per week, per person).
- 3.14 The contribution is based on planned transport for the year, spread over 13 payments (every four weeks). If a journey is not taken, the charge remains in place unless the yearly cost of the provision is more than the annual cost of the service.
- 3.15 If a service is cancelled due to admission to care home or prolonged stay in hospital then the charge and service, will be stopped and the charge reconciled with any costs incurred.
- 3.16 The rate would increase in line with the charging policy each year.
- 3.17 Expected generated income from the charge:

	Estimated Income	Approximate Annual Costs at 2024/25 Levels	Income as % of Costs
Annual	£89,700	£1,235,000	7.3%

3.18 It is not intended that the Council generates profit from charges to service users. Therefore, the charge made to a user will not exceed the cost to the Council of providing the service.

3.19 Comparison of other local authority transport charges:

<b>Local Authority</b>	<b>Charge</b>
Aberdeenshire	£12 per journey
Aberdeen	£3.10 per journey
Edinburgh	£7.50 per day (to older people day centres)
Glasgow	£14.24 per journey
Midlothian	£1 per journey (under review January 2026)
West Lothian	Financially assessed – variation based on finances

#### **4 POLICY IMPLICATIONS**

4.1 This change in the transport charge is in line with East Lothian Council's Non-residential Charging Policy. The charge is also supported by the Health and Social Care Partnership policy for Transport in Adult Social Care.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

5.1 Finance: If all income is received, it will support the transport budget by generating 7.3% of the total cost of the service.

5.2 Human Resources: the application of the charge will be delivered by the teams currently involved in charging and has been developed to be automated alongside other charges.

5.3 Other (e.g. Legal/IT): Legal have been consulted in relation to consideration of transport charge as a financially assessed rather than flat rate charge. Advice from ELC Legal Team was, we could not consider ADP (mobility) under a financial assessment process and therefore the transport charge was to remain as a flat rate.

5.4 Risk: none applicable.

## 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	no
Socio-economic disadvantage/poverty	Yes, and mitigation in place
Climate change, the environment and sustainability	no
Corporate parenting and care-experienced young people	no
Storage/collection of personal data	no
Other	

### **Key Findings**

- It was recognised there was potential for people receiving notice of the proposed changes to feel anxiety about them for a variety of reasons and that efforts should be made to reassure the community through effective communication to meet the needs of everyone.
- It was recognised that unpaid carers experience a variety of competing pressures related to their role. The group recognised the importance of communicating with this group sensitively and signposting them to available support within and outside of the HSCP, e.g. third sector organisations.

- Most identified negative impacts were anticipated to apply to very small numbers of people but in potentially serious ways. The application of full charges and the application of sleepover rates were considered the changes which could create the most significant negative impacts (IIA Report – Section 4). Early communication with the service users and their carers was considered key to mitigating these potential impacts.
- The percentage uplift proposal was not expected to impact service users in significant negative ways and affect low numbers overall.
- Whether non-residential charging plays a role in perpetuating financial (and as a result, potentially social and health) inequalities was discussed.
- A number of metrics (already being collected) were suggested as effective ways to monitor the impact of the changes over time.

#### **Recommendations:**

- Supportive communication materials could be created to accompany financial assessment forms with the aim of reducing anxiety and improving service user and carer clarity on eligibility, processes for appeal and practical timelines between notifications and funds being due for payment.
- Policy Leads could benefit from reading the outcomes of the recent Transport Policy draft IIA and considering the cumulative impact of the two policies on people with protected characteristics and people experiencing income, social and health inequalities/disadvantages.

#### **How we will monitor equality impacts:**

- We will record and discuss appeal rates twice per year.
- The rates at which people ‘drop out’ of associated parts of care packages and activities will be monitored and discussed twice per year e.g. day centre services, sleepover care.
- We will listen to the voices of carers and services users via their comments to our professional teams and through carers associations (Carers of East Lothian (COEL), MILAN, Young Carers) and independent advocacy organisations.

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/210558/social\\_care\\_and\\_health/12776/elhscp\\_integrated\\_impact\\_assessments](https://www.eastlothian.gov.uk/info/210558/social_care_and_health/12776/elhscp_integrated_impact_assessments)

A further mini IIA was completed on 13 August 2025 to identify any further issues arising from this change in rate.

## 7 APPENDICES

### 7.1 Appendix 1

Income based on variation to charge.

## 8 BACKGROUND PAPERS

### 8.1 None

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

<b>Name</b>	Laura Kerr
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<b>Date</b>	09/12/2025

### Head of Service Approval

<b>Name</b>	David Hood
<b>Designation</b>	Head of Operations (HSCP)
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Yes
<b>Approval Date</b>	17/12/2025

## Appendix 1

Income based on variation to charge.

Charge per week	Income per 4 weeks
£25	£11,500
£20	£9,200
£18	£8,230
£15	£6,900 (proposed)
£10	£4,600
£2.50 per journey	£8,360 (existing)

<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Resources & Economy
<b>REPORT TITLE:</b>	Counter Fraud Strategy and Policy
<b>REPORT STATUS:</b>	Public

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7

## **1 PURPOSE OF REPORT**

- 1.1 To inform Cabinet of the draft Counter Fraud Strategy and Policy as approved by the East Lothian Council Integrity Group and request that Cabinet approves the Counter Fraud Strategy and Policy for East Lothian Council.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Approve the attached Counter Fraud Strategy and Policy.

## **3 BACKGROUND**

- 3.1 East Lothian Council's Strategy for the Prevention and Detection of Fraud and Corruption was approved by the Audit & Governance Committee in September 2017 and required to be reviewed.
- 3.2 In order to improve the resilience of the Council to fraud, corruption, theft and crime East Lothian Council an officer Integrity Group was developed with the first meeting of this group being held in September 2025. This Group is chaired by the Head of Corporate Support.
- 3.3 Part of the remit of the Integrity Group is to develop and regularly review the policy and procedures of the Council in relation to the management and control of fraud, bribery and corruption across East Lothian Council. A full review of the policy requirements has been completed and this is the first policy to be reviewed and recommended for approval.
- 3.4 The Counter Fraud Strategy includes reference to the implementation of the principles required by the Home Office Guidance associated with the

Economic Crime and Corporate Transparency Act 2023, which are all being implemented by the Integrity Group. These are:

- top level commitment
- risk assessment
- proportionate risk-based prevention procedures
- due diligence
- communication (including training)
- monitoring and review

3.5 The policy sets the following requirement, that “The Council expects its employees and elected members to act within the law and the high standards of integrity, honesty and openness, which are reflected in the Council’s Code of Conduct Policy internal codes, rules and procedures. The Council also expects that all outside individuals and organisations, including service users, partners (including ALEOs), suppliers, and contractors will act to the same standards.”

3.6 In addition, pages 6 and 7 of the policy sets roles and responsibilities across the Council for Officers and Elected Members.

#### **4 POLICY IMPLICATIONS**

4.1 Sets the Counter Fraud Strategy and Policy for East Lothian Council.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

5.1 Finance: None

5.2 Human Resources: Refreshes the link with the Council Code of Conduct Policy

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

5.4 Risk: The Council wide fraud risk assessment is currently underway and will be reviewed by the Council Leadership Team in March, this links with the requirements this policy.

#### **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:



## 7 APPENDICES

7.1 Appendix 1: Counter Fraud Strategy and Policy for East Lothian Council.

## 8 BACKGROUND PAPERS

8.1 None

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

<b>Name</b>	Duncan Stainbank
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<b>Date</b>	22 February 2026

### Head of Service Approval

<b>Name</b>	Hayley Barnett
<b>Designation</b>	Head of Corporate Support/Chair of the Integrity Group
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	23 February 2026



# Counter Fraud Strategy & Policy

# Counter Fraud Policy

## Contents

		Page
1.	Counter Fraud Strategy	3
2.	Counter Fraud Policy Statement	4-6

## 1. Counter Fraud Strategy

The size and nature of the Council's services, as with other large organisations, puts the Council at risk of loss due to fraud, theft or corruption. Management are committed to minimising this risk and at the same time taking appropriate action against those who attempt to defraud the Council, whether from within the authority or from outside. Refinements to the Council's approach to tackling fraud include a focus on enhancing fraud prevention and detection to improve its resilience to the threat of fraud and corruption.

The Council's strategy, which is based upon the Local Government Association Fighting Fraud and Corruption Locally Strategy and the national counter fraud standard CIPFA's Code of Practice on 'Managing the Risk of Fraud and Corruption' published in December 2014, is built around the following:

### ***Counter fraud and corruption culture***

The Council expects its employees and elected members to act within the law and the high standards of integrity, honesty and openness, which are reflected in the Council's Code of Conduct internal codes, rules and procedures. The Council also expects that all outside individuals and organisations, including service users, partners (including ALEOs), suppliers, and contractors will act to the same standards.

### ***Plans and policies***

Service specific plans, policies, procedures, processes and guidelines must contain detailed information on how to prevent or reduce the Council's vulnerability to fraud, theft or corruption as part of their Service provision to ensure that income is maximised and assets are safeguarded.

The Integrity Group, chaired by the Head of Corporate Support and supported by the Chief Internal Auditor and the Corporate Fraud team, must oversee the review and update of associated policies, procedures and guidelines across the Council on an annual basis. The CIPFA Counter Fraud guidance states as a minimum the policy framework should include: Counter Fraud Policy; Whistleblowing Policy; Anti-Money Laundering Policy; Anti-Bribery & Corruption Policy; Gifts & Hospitality Policy and register; Conflict of Interest Policy and register; Codes of Conduct and Ethics; Information Security Policy; and Cyber Security Policy.

### ***Deter and detect***

- The Council will focus on ensuring reasonable fraud prevention and detection procedures as identified in the Home Office Guidance associated with the Economic Crime and Corporate Transparency Act 2023. Including adherence to the 6 principles which are:
  - top level commitment
  - risk assessment

- proportionate risk-based prevention procedures
- due diligence
- communication (including training)
- monitoring and review

Management will continuously monitor and review the internal control systems which include financial regulations, scheme of delegation, standing orders, data security, codes of conduct, protocols, practices, guidelines and training, to ensure that fraud prevention and detection procedures are effective and robust, and that risk mitigating actions are in place and documented in the Council Fraud Risk Register.

In addition Management will continue to identify those areas, existing or new, which are vulnerable to fraud, theft or corruption and will record mitigating controls within the Council Fraud Risk Register. The Corporate Fraud team will assist Service Managers to document fraud risk vulnerabilities within the Council Fraud Risk Register.

Within resources available a proactive approach to fraud detection will be followed, including enhanced use of techniques such as data matching and intelligence sharing with partner organisations within the provisions of the General Data Protection Regulations. Positive publicity about the successful detection or prevention of a fraud will play a key part in deterring others.

The Council will continue to work with other organisations to manage its fraud risks and share best practice through participation in counter fraud forums at local and national levels. This will include the Scottish Local Authorities Investigators Group (SLAIG). There will be further joint working in countering fraud in particular in response to the risks from organised crime which can commit fraud across the public sector. The Council will continue to participate in the National Fraud Initiative (NFI).

### ***Training and awareness***

To have effective counter fraud, theft or corruption controls the Council recognises that it must provide awareness and training programmes for counter fraud prevention and detection techniques. General fraud awareness for all members of staff will mainly be done through the use of E Learning modules and will focus on the key message that compliance with Council policies, processes and procedures are designed to keep employees and the organisation safe. More specific training and case studies, based on the Reasonable Procedures requirements and associated risk assessments implemented following guidance on the Economic Crime and Corporate Transparency Act 2023, will be targeted to appropriate Service Managers and their staff.

In the Council's dealings with outside individuals and organisations it will ensure that they are aware of the Council's stance towards tackling fraud, theft and corruption. The Council will encourage the reporting of suspected fraud, theft and corruption through confidential reporting or whistleblowing arrangements to the Corporate Fraud team.

### **Action**

All suspected cases of fraud, theft or corruption should be reported to the Internal Audit/Corporate Fraud team (anonymously if desired) by email [corporatefraud@eastlothian.gov.uk](mailto:corporatefraud@eastlothian.gov.uk) or telephone 01620 827878 or via the Council's website (Link to be added on go live). The Corporate Fraud team will conduct fraud investigations in accordance with legislation and standard operating procedures. The Integrity Group will meet during the course of fraud investigations with the aim to take corrective action, minimise losses and help prevent further frauds.

### **Investigations**

Anyone suspected of fraudulent behaviour will be treated fairly and courteously within the principles of Article 6 and Article 8 of the Human Rights Act 1998. All investigations will be strictly confidential and intelligence or evidence will be gathered to a standard that would be admissible in court and held securely. Investigators will not carry out directed surveillance without proper authorisation as detailed in Regulation of Investigatory Powers (Scotland) Act 2000 and the Council's code of practice.

Where initial investigations identify evidence of criminality, the matter will be reported to Police Scotland and the Council will co-operate fully with any Police investigation.

Where investigations reveal evidence of fraudulent or dishonest behaviour, corrupt practice or theft by a member of staff, appropriate steps will be taken including disciplinary action in accordance with the HR policies.

Steps will also be taken to recover losses resulting from fraud, theft and corruption including the recovery of assets and money, which may involve joint working with relevant partners.

### **Monitoring and Review**

The Audit Committee will oversee the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control through scrutiny of annual reports on the assessment of fraud risks and the monitoring of the counter fraud strategy, actions and resources.

### ***Roles and responsibilities***

There is an expectation and obligation that all individuals and organisations associated with the Council will act with honesty and integrity, are aware of and adhere to the procedures and practices in place to prevent fraud, theft and corruption when performing their roles, and utilise the whistleblowing process online to report any concerns. The Council will continue to support its people to develop the appropriate skills and competencies so as to enable them to tackle fraud effectively, with a focus on enhanced fraud prevention and detection tools and management arrangements.

#### Corporate Management Team (CMT)

CMT will ensure a high level commitment to tackling fraud from the top down, allocating sufficient resources proportionate to the level of fraud risk and fostering a strong counter fraud culture.

#### Management

Management will: identify fraud and corruption risks; ensure that they understand and apply the counter fraud policy requirements within their own service provision embedding counter fraud prevention and detection in the Council's culture and working practices; highlight to staff the importance of behaving with integrity; support internal and external audits; carry out regular reviews of their counter fraud arrangements and update the Council fraud Risk Assessment.

#### Chief Finance Officer

The Chief Finance Officer is designated by Council as the officer responsible for the administration of the Council's financial affairs in terms of Section 95 of the Local Government (Scotland) Act 1973 has a responsibility for safeguarding public funds specifically including implementing appropriate measures to prevent and detect fraud and corruption.

#### Integrity Group

The Integrity Group will support Management with counter fraud practices: annually reviewing the counter fraud policy framework in line with best practice; highlighting emerging fraud and corruption risks, threats, vulnerabilities; updating and approving the Council Fraud Risk assessment on an annual basis; agreeing fraud and corruption mitigation actions; raising awareness of bribery, fraud and corruption in the Council as a method of prevention; monitoring and supporting the completion of mandatory training; meeting during the course of fraud investigations with the aim to take corrective action, minimise losses and help prevent further frauds; and coordinating with the Serious Organised Crime (SOC) Group.

#### Corporate Fraud Team

The Corporate Fraud Team will: conduct fraud investigations; support the Integrity Group and management; support the implementation of identified improvement actions; assist Service Managers with completing and reviewing fraud risk assessments; ensure fraud prevention and detection processes and procedures are followed; offer advice, guidance, training and support.

### Audit Committee

The Audit Committee will oversee the adequacy and effectiveness of the Council's internal controls, review the assessment of fraud risks and monitor the counter fraud strategy, plan, annual report and resources.

### Elected Members

Elected Members need to be aware of and adhere to the procedures and practices in place to prevent fraud, theft and corruption when performing their roles, and support the public to utilise the whistleblowing process to report any concerns.

### **Counter Fraud process**

Tackling fraud is not a one-off exercise; it is a continuous process across all parts of the Council because the service delivery processes it underpins are continuous. Tackling fraud is an integral part of good governance within the Council and demonstrates effective financial stewardship and strong public financial management.

### **Reporting**

Reporting will include an annual report by the Integrity Group to CMT and the Audit Committee on the corporate fraud activity and outcomes. The Annual Governance Statement to CMT and the Audit Committee will include a statement on the efficiency and effectiveness of counter fraud arrangements.

### **Budget**

One of the five key principles in the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption is to provide resources to implement the strategy. Resources should be regularly reviewed by the Integrity Group, CMT and the Audit Committee.

### **Review**

This policy will be reviewed at least annually, and be revised to reflect changes in legislation, counter fraud best practice, and significant changes in corporate governance.

<b>Name of Document</b>	Counter Fraud Strategy & Policy
<b>Author</b>	Duncan Stainbank
<b>Policy Ownership</b>	Service Manager – Internal Audit
<b>Unit Responsible</b>	Internal Audit & Counter Fraud
<b>Approved by and date</b>	
<b>Assigned Review Period</b>	Annually
<b>Date of Next Review</b>	
<b>Policy Lead</b>	Head of Corporate Support

<b>Version</b>	<b>Version date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>
<b>V1</b>	<b>01/12/25</b>	<b>Duncan Stainbank</b>	<b>First version for review by Integrity Group</b>

<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Resources & Economy
<b>REPORT TITLE:</b>	Anti-Bribery Policy
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 To inform Cabinet of the draft Anti-Bribery Policy as approved by the East Lothian Council Integrity Group and request that Cabinet approves the Anti-Bribery Policy for East Lothian Council.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Approve the attached Anti-Bribery Policy.

## **3 BACKGROUND**

- 3.1 East Lothian Council's Strategy for the Prevention and Detection of Fraud and Corruption was approved by the Audit & Governance Committee in September 2017 and required to be reviewed.
- 3.2 In order to improve the resilience of the Council to fraud, corruption, theft and crime East Lothian Council an officer Integrity Group was developed with the first meeting of this group being held in September 2025. This Group is chaired by the Head of Corporate Support.
- 3.3 Part of the remit of the Integrity Group is to develop and regularly review the policy and procedures of the Council in relation to the management and control of fraud, bribery and corruption across East Lothian Council. A full review of the policy requirements has been completed, and this is the second policy to be reviewed and recommended for approval.

- 3.4 The Anti-Bribery Policy sets out a framework to enable the Council's workers and those that the Council has dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010 and the Economic Crime and Corporate Transparency Act 2023.
- 3.5 The policy sets out that the requirement for adequate procedures across the Council, what every worker's responsibilities are, the consequences of improper behaviour and the links to the Council code of conduct policy.
- 3.6 The Anti-Bribery Procedures further outline that all managers and workers have a requirement to ensure that procedures in place that prevent bribery are followed in full at all times to provide the due diligence for the processes and procedures that the Council has in place.

#### **4 POLICY IMPLICATIONS**

- 4.1 Sets the Anti-Bribery Policy and Procedures for East Lothian Council.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: None
- 5.2 Human Resources: Refreshes the link with the Council Code of Conduct Policy
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: The Council wide fraud risk assessment is currently underway and will be reviewed by the Council Leadership Team in March, this links with the requirements this policy.

#### **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:



## 7 APPENDICES

- 7.1 Appendix 1: Anti-Bribery Policy for East Lothian Council
- 7.2 Appendix 2: Anti-Bribery Procedures for East Lothian Council

## 8 BACKGROUND PAPERS

- 8.1 None

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

<b>Name</b>	Duncan Stainbank
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<b>Date</b>	22 February 2026

### Head of Service Approval

<b>Name</b>	Hayley Barnett
<b>Designation</b>	Head of Corporate Support/Chair of the Integrity Group
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	23 February 2026



# Anti-Bribery Policy

# Anti-Bribery Policy

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6.	Workers' Responsibilities	5
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## **1. Introduction**

- 1.1 The Bribery Act 2010 makes it an offence for a UK national or person located in the UK to pay or receive a bribe, either directly or indirectly. East Lothian Council is fully committed to the prevention, deterrence and detection of bribery and upholding all relevant laws, including the Economic Crime and Corporate Transparency Act (ECCTA) 2023.
  - 1.2 Bribery is a criminal offence and is unacceptable in any form and will lead to disciplinary action against employees where allegations are substantiated and could lead to a 'Corporate Offence' charge against the Council similar to the ECCTA 2023. The Council operates a zero-tolerance approach to bribery.
  - 1.3 This Policy sets out a framework to enable the Council's workers and those that the Council has dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010 and the ECCTA 2023.
  - 1.4 This Policy should be read in conjunction with the Council's Counter Fraud and Corruption Policy and Strategy, Anti-Money Laundering Policy, Code of Conduct Policy, and the Whistleblowing Policy.
  - 1.5 This Policy and the associated Procedure provides information and guidance for Council workers on how to prevent, recognise and deal with bribery.
  - 1.6 The Integrity Group will regularly review this policy in accordance with legislation changes and best practice.
- 

## **2. Scope of Policy**

- 2.1 This policy applies to all Council activities. For partners, joint ventures and suppliers we will seek to promote adoption of policies consistent with the principles set out in this policy.
  - 2.2 This policy applies to all Council workers, including those permanently employed, fixed term, on secondment from another organisation, casual and agency staff. It also applies to contractors, agents, volunteers and consultants with which the Council has dealings.
-

### 3. Council's Commitment

#### 3.1 East Lothian Council commits to:

- setting out a clear anti-bribery policy and keeping this up to date;
  - making all workers and others within the scope of paragraph 2 aware of their responsibilities to strictly adhere to this policy at all times;
  - provide a channel for all workers to report suspected breaches of this policy; and
  - include, where appropriate, clauses in contracts to prevent bribery.
- 

### 4. Definition – What is Bribery?

4.1 Bribery is an inducement, or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

4.2 Offences under The Bribery Act 2010 are:

#### Individual offences

- Section 1 - bribery of another person, offering an advantage (financial or otherwise) to another person in return for beneficial treatment.
- Section 2 - accepting a bribe, receiving or requesting an advantage (financial or otherwise) from another person in return for beneficial treatment.
- Section 6 - bribing a foreign official.

#### Corporate offence

- Section 7 - allowing an associated person to bribe another person (ie failure by an organisation to prevent bribery). An associated person can be an employee or a contractor providing a service on behalf of the Council.

4.3 The maximum penalty for individuals under the Act is 10 years imprisonment and /or unlimited fines. Failure by an organisation to prevent bribery carries an unlimited fine.

---

## 5. Preventing Bribery – Adequate Procedures

- 5.1 An organisation will have a statutory defence against prosecution under section 7 bribery offences if it puts into place ‘adequate procedures’ designed to prevent bribery. Ultimately it will be for a court to decide whether these procedures are adequate.
  - 5.2 East Lothian Council’s procedures to prevent bribery will be provided to and should be applied by all services. attached at Appendix 1.
- 

## 6. Workers’ Responsibilities

- 6.1 Workers must ensure they read, understand and comply with this policy.
  - 6.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Council workers.
  - 6.3 Workers should raise any concerns as soon as possible if they believe or suspect that a breach of this policy has occurred or may occur in the future. These concerns should be raised in line with the Council’s Whistleblowing Policy.
- 

## 7. Consequences of Improper Behaviour

- 7.1 All allegations relating to bribery or corrupt practices will be investigated by the Council.
  - 7.2 In all circumstances where it is considered that a criminal offence may have been committed, the Council will notify Police Scotland.
  - 7.3 The Council will seek, wherever possible, to recover any losses suffered as a result of an act of bribery or corruption.
  - 7.4 As well as the possibility of civil and criminal prosecution, employees that breach this policy will face action in line with the Council’s Disciplinary Procedures which could result in dismissal for gross misconduct.
-

## **8. Gifts and Hospitality**

- 8.1 This policy does not change the requirements relating to the Code of Conduct Policy.
  - 8.2 Gifts, offers of hospitality or favours from or to a third party, a contractor, client or partner organisation of the Council are capable of being perceived as constituting a bribe.
  - 8.3 Workers and their family members should never accept or offer a gift, hospitality, favour or any other form of inducement which may influence or be perceived as influencing actions or decisions related to their job.
- 

## **9. Review**

- 9.1 This policy and associated procedures will be reviewed annually to reflect organisational changes, best practice, operational experience and legislative updates in order to maintain its effectiveness and compliance with the Bribery Act 2010.

<b>Name of Document</b>	Anti-Bribery Policy
<b>Author</b>	Duncan Stainbank
<b>Policy Ownership</b>	Service Manager – Internal Audit
<b>Unit Responsible</b>	Internal Audit & Counter Fraud
<b>Approved by and date</b>	
<b>Assigned Review Period</b>	Annually
<b>Date of Next Review</b>	
<b>Policy Lead</b>	Head of Corporate Support

	<b>Version date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>
<b>V1</b>	<b>01/12/25</b>	<b>Duncan Stainbank</b>	<b>First version for review by Integrity Group</b>
<b>V2</b>	<b>20/02/25</b>	<b>Duncan Stainbank</b>	<b>Version for Approval by Cabinet</b>

## **Appendix 2: ANTI-BRIBERY PROCEDURE**

### **Contents**

1. Introduction
2. The Bribery Act 2010
3. Top level commitment and responsibility for bribery prevention measures
4. Carry out a risk assessment
5. Put in place proportionate bribery prevention measures
6. Review due diligence measures
7. Communication and training
8. Monitoring and review

## **1 Introduction**

This procedure is intended to provide guidance for assessing and mitigating the risk of Bribery and should be read in conjunction with the Council's Anti Bribery Policy and Anti Fraud and Corruption Policy and Strategy.

## **2 The Bribery Act 2010**

- 2.1 The Bribery Act 2010 came into force on 1 July 2011 and under the Act the Council must ensure that there are adequate procedures in place to prevent bribery by employees, or of persons associated with the Council. This includes anyone who performs services for or on behalf of the Council including permanent employees, temporary employees, agency staff, contractors and third sector partners.
- 2.2 Failure to comply with the requirements of the Act could result in imprisonment and / or unlimited fines.
- 2.3 Guidance on the content of Bribery procedures has been produced and this includes the need for procedures based on the following six principles:
- Top Level Commitment
  - Risk Assessment
  - Proportionate Procedures
  - Due Diligence
  - Communications
  - Monitoring and Review
- 2.4 These six principles have been used to develop these procedures but are not prescriptive and are intended to be flexible with outcomes focussed on allowing for the different circumstances of each Service area.

## **3 Top level commitment and responsibility for bribery prevention measures**

- 3.1 The Integrity Group has overall corporate responsibility for these policies and procedures and ensuring that the Council complies with the Bribery Act 2010.

#### **4 Carry out a Risk Assessment**

- 4.1 As part of the annual Council Fraud Risk Assessment Service management will carry out a risk assessment on the Service area's vulnerabilities to bribery. This should highlight areas where effort needs to be focussed and ensure that procedures are proportionate to the risks faced by the Council.

#### **5 Put in place proportionate bribery prevention measures**

- 5.1 Having identified any relevant areas of risk, Services must put in place adequate measures and controls that address the potential areas for bribery. These need to be applied proportionately based on the level of risk identified through the risk assessment.
- 5.2 These measures should be reviewed on a regular basis to ensure they are effective, especially if new practices or business arrangements are put in place, which may impact on the Council's ability to continue to comply with the Bribery Act 2010 and any relevant guidelines.

#### **6 Due Diligence Measures**

- 6.1 Due diligence involves assessing a proposed or existing business relationship or transaction, and ensuring any risk of bribery is mitigated by putting in place appropriate procedures and checks where the risk assessment has highlighted the risk of bribery.
- 6.2 These procedures should include checking that the businesses or people with whom we work with are trustworthy, solvent and have a good reputation for doing business (through for example, enquiries with business contacts, review of the intranet, review of CVs of agents, financial statements, references etc).
- 6.3 Where procedures or checks are already in place to do this (e.g. procurement processes) Council workers must ensure that all steps outlined in the process are followed correctly and completed fully.
- 6.4 All Managers should ensure that these procedures are carried out and fully document these due diligence checks to satisfy themselves that any risk is mitigated and to provide an audit trail of the work undertaken to achieve this.

## **7 Communication and Training**

- 7.1 Managers should ensure that the Council's position on bribery is clearly communicated to all Council workers. In addition, the policy and procedure will be drawn to the attention of all tenderers for Council contracts.
- 7.2 The Integrity Group is responsible for communicating the policy and procedures on anti-bribery to all Council workers, partner organisations and third parties.
- 7.3 The policy and procedure will be published on the Council's website.

## **8 Monitoring & Review**

- 8.1 Incidents of Bribery should be reported through the Council Whistleblowing reporting processes. Quarterly reporting of reported incidents will be completed to the Council's Integrity Group.
- 8.2 The Integrity Group will review this procedure on an annual basis and propose any further changes required to the Council Leadership Team and Cabinet.



<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Children & Communities
<b>REPORT TITLE:</b>	Public Processions and Parades Policy
<b>REPORT STATUS:</b>	Public

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9

## **1 PURPOSE OF REPORT**

- 1.1 To present to Cabinet the East Lothian Council Public Processions & Parades Policy for discussion, comment and approval.
- 1.2 The new policy has been developed to ensure that the Council meets current Scottish Government Guidance. The policy and guidance cover procedures for public submission of statutory notices and subsequent Local Authority processes in relation to proposed Public Processions and Parades.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is recommended to approve the Public Processions & Parades Policy.

## **3 BACKGROUND**

- 3.1 Scottish Government guidance, 'Marches, Parades and Static Demonstrations Guidance' (March 2024) sets out best practice regarding the duties and responsibilities of public authorities, whose principal aims are to provide appropriate assistance and co-ordination to facilitate a safe and orderly event, which minimises any potential impacts on the wider community, whilst still protecting the rights of free assembly.
- 3.2 Local authorities must ensure that they exercise their duties and responsibilities towards the processing of Marches, Parades and Static Demonstration notifications in accordance with legislation, key overarching

legal framework including, European Convention on Human Rights and its incorporation into Scots law through the Human Rights Act 1998.

- 3.3 There is a legal obligation upon the marches & parade organisers to submit notification to the local authority and police not less than 28 days before the event date.
- 3.4 East Lothian Council operates a multi-agency Safety Advisory Group (SAG), which is chaired by the ELC Events Officer and which currently processes all public event notifications, including marches and parades.
- 3.5 A multi-agency Strategic Event Oversight Group meets on an annual basis to review events held over the previous year. This group will ensure the Policy is updated to reflect any changes in legislation. This will ensure it remains relevant, effective and meets all current legal requirements. Membership of SESOG is as follows:

A Chair (ELC): Head of Infrastructure  
East Lothian Council Protective Services: Emergency Planning & Events Officer  
East Lothian Council Infrastructure: Roads Service  
East Lothian Council Protective Services: Emergency Planning Service  
East Lothian Council Licensing Service  
Police Scotland (Senior Officer)  
Scottish Fire & Rescue Service (Senior Officer)  
Bear Scotland  
Scottish Ambulance Service (Senior Officer)  
Transport Scotland

#### **4 POLICY IMPLICATIONS**

- 4.1 In approving this report, the Cabinet will be ensuring that East Lothian Council complies with Scottish Government guidance and is compliant with legal requirements, in relation to the way they process notifications of marches and parades.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: There are no immediate financial impacts in relation to the Public Processions and Parades Policy.
- 5.2 Human Resources: There are no immediate implications.
- 5.3 Other (e.g. Legal/IT): Effective implementation of the Policy will require the support and commitment of the risk owners identified within the register.
- 5.4 Risk: There are no risks anticipated with this policy.

## 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

*[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](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## 7 APPENDICES

### 7.1 Appendix 1 – ELC Public Processions & Parades Policy

## 8 BACKGROUND PAPERS

8.1 None

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

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<b>Date</b>	23/02/2026

### Head of Service Approval

<b>Name</b>	Eamon John
<b>Designation</b>	Head of Communities
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Yes
<b>Approval Date</b>	23/02/2026



**East Lothian Council**

**Public Processions and Parades**

**Policy**

## Contents

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8. Appeals
9. Cancellations
10. Guidelines for Organisers
11. Contacts

### Annex 1

Process Flowchart

### Annex 2

Code of Conduct for Processions

### Annex 3

Notice of Proposal to hold a Public Procession

### Annex 4

Risk Assessment Form

## **1. Introduction**

Public Processions are important and valued community events. The Council recognises the fundamental right of individuals in relation to the freedom of assembly and association. They can allow people to celebrate historical events and cultural traditions, express their views or concerns and raise awareness.

East Lothian Council has prepared this policy and the associated Code of Conduct to ensure that processions in East Lothian are managed effectively, appropriately and protect public order and safety.

This Policy, Code of Conduct and any prohibitions or conditions made under it only apply to the proposed procession notified. If your event continues in one place at the end of the procession the usual permissions for holding a fixed event will also be required. The Council anticipates that guidance should be taken from the code of conduct annexed to this policy and that the standard of behaviour should continue following the procession

The term “processions” is used in this policy to mean all marches, parades, processions, cavalcades, common ridings and moving demonstrations. If you are unsure whether your proposed event is a procession, please contact the Council at [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk).

This policy and the associated legislative requirements do not apply to funeral processions organised by a funeral director in the ordinary course of their business.

## **2. Policy aims and principles**

This Policy sets out the general approach and the factors which the Council will consider when notification for a procession is received. Each notification will be dealt with on its own merits and the conditions or prohibitions which may be considered appropriate and necessary for one procession, may not be applicable to another procession. No restrictions, prohibitions or conditions will be imposed which are not proportionate to the protection of the rights and freedoms of others.

The aim of this policy is to assist the Council, organisers and participants in achieving balance between the legitimate right of individuals and organisations to participate and organise processions and the need to minimise disruption to the wider community by monitoring and preventing unnecessary disturbance and interference.

This policy aims to ensure that a consistent and fair approach is followed in relation to all notifications of processions in East Lothian. In achieving this, it is important that the Council works with organisers, members of the public and Police Scotland in a collaborative manner to ensure that the policy is implemented fairly and reviewed regularly.

The key principles on which this policy is founded are:

- The rights to peaceful assembly and freedom of expression are fundamental rights which should be accessible to all.
- These rights are not absolute; they must be balanced with the responsibility to ensure the rights and freedoms of others are not infringed and be subject to proportionate limitations where necessary.
- The exercise of these rights brings specific responsibilities to those organising and participating in processions, especially in relation to those members of the community whose lives may be disrupted by the procession.

### **3. Governing Legislation**

#### European Convention on Human Rights and Human Rights Act 1998

The overarching legal framework for processions is the European Convention on Human Rights (hereinafter referred to as “the ECHR”) and its incorporation into Scots law through the Human Rights Act 1998. Article 11 of the ECHR is key when the Council considers any notification of a procession. Enshrining freedom of assembly and association, it states that:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

As above, the rights of freedom and assembly are not unrestricted rights. Conditions or prohibitions to ‘free assembly’ may be imposed to:

- protect national security or public safety;
- prevent disorder or crime;
- protect health or morals; and
- protect the rights and freedom of others.

Any restriction placed on the right to free assembly must also be proportionate to remain compatible with the ECHR.

#### Civic Government (Scotland) Act 1982

The Civic Government (Scotland) Act 1982 (hereinafter referred to as “the 1982 Act”) is a key piece of legislation that provides the legal framework for regulating various aspects of civic life in Scotland.

The 1982 Acts was introduced to streamline and modernise the regulation of public order, local licensing and other civic issues that were previously dealt with under a number of other older laws.

The 1982 Acts primary purpose is to give local authorities the power to regulate and licence a wide range of activities that affect daily life in communities ensuring public safety order and standards. The 1982 Act aims to protect the public through appropriate regulation and maintain public order and decency.

Sections 70 and 71 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (hereinafter referred to as “the 2006 Act”) made amendments to the 1982 Act which previously provided the key legislative framework for parades and processions. Taken together these acts provide a clear basis for policy on parades and processions.

It sets out the changes to the law of public processions made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and what the Council need to take account of when assessing notifications to hold a procession. It also sets out the steps that the Council should take when considering whether it is necessary for it to prevent a procession from taking place or place conditions on it under Part V of the Civic Government (Scotland) Act 1982.

The Council must act within the law, apply the law correctly and base any decision on correct facts. The Council has to exercise discretion in a reasonable manner, act within its powers and be able to justify any conditions or prohibition in relation to the specific circumstances of a procession.

#### Scottish Government Guidance

This policy and the associated code of conduct operates within the guidance issued by Scottish Ministers to local authorities on 28<sup>th</sup> March 2024.

The Scottish Government Guidance can be accessed using the link below:

[Scot Gov Guidance on marches, parades and static demonstrations](#)

#### **4. Publication of notifications**

The Council is required to compile a list of previous and upcoming processions, marches and parades in their area, including those proposed but prohibited, and to make this list freely available.

The information provided by the organiser of the procession including the name of the organisation, date, time, proposed route, assembly point and estimated number of participants will be shared with the public via the Council's website.

The Council will also share summary information, including all details provided in the notice but excluding all personal data, with interested parties including any organisation, individual, community council or resident or tenants' association who has specifically requested to be notified.

##### Opt-in List.

The Council maintains an opt-in list of persons or bodies who wish to be individually informed of notifications. On receipt of a notification a copy will be sent to anyone on the opt-in list. Anyone on the opt-in list will have the same opportunity to make representations as above.

If you would like to be added to the opt-in list, please contact the officer detailed in section 11. Bodies representing the interests of local groups such as local business associations, tenants and residents' associations, community groups or charitable organisations as well as operators of public transport are encouraged to submit a single point of contact for receiving notifications of Processions using this list.

## **5. The Notification Process**

This section explains how notifications should be submitted to the Council of a proposed procession, in what form and what supporting information is required.

A summary of the process is shown as a flowchart in Annex 1.

### Period of Notice.

All organisers are required to give the Council at least 28 days' notice of any procession. There is no exemption from this requirement for any event, no matter how small or long-standing, unless by an order of the Scottish Parliament. Please note, the Council cannot advise you in relation to orders from the Scottish Parliament.

### Waiver of the requirement to give notice.

The Council may on application by the organisers waive the requirement to give 28 days' notice in exceptional circumstances. Each request for waiver will be determined on its merits and on a case-by-case basis. As full an explanation as possible for the reduced period of notice should be provided by the organiser when completing the notification and request for waiver. As part of considering a waiver of the requirement, the Council will consult Police Scotland and consider whether the proposed procession needs to be organised quickly in response to a recent decision or announcement.

### Content of Notifications

All notifications must specify:

- the name, address and contact details of the organiser
- the date and time when the procession is to be held
- its route;
- the number of people likely to take part;
- the arrangements for its control being made by the person proposing to hold it; and
- the name and address of that person.

### Form of Notification.

All notifications should be submitted to the council in writing. Notification can be given by completing a notification form available from the Council at Annex 3 of this policy and posting this to the Council or by submitting a notification online at [ELC planning a public event guidance](#)

The organiser is also requested to also complete and return a risk assessment alongside the notification form. The Council will support less experienced organisers with completing the risk assessment.

## **6. Dealing with a notification**

Once the Council receives a notification form, it will send a copy to the Police and any relevant internal Council departments, such as Roads Service. A summary of the notification shall be provided to Local Councilors. The officer dealing with your notification may also consult other Council departments and public bodies if they think it is appropriate. The notification will be advertised to the public on the Council's website and any person, body or organisation may make representations or observations concerning the notification within the time period specified by the officer. The Council and/or the Police may, at this point, decide that a further risk assessment is required. This second risk assessment will be undertaken by the Council and the Police. The organiser may be asked to come to a meeting to discuss this and any specific concerns.

The Council will proceed to review the notification in accordance with the 1982 Act and any representations received (elaborated upon below). It must be stressed that this is not an approval process, the current legislative framework presumes the right to hold a procession. Instead, this process is to consider if it is necessary to put in place conditions or prohibit the procession under the 1982 Act. An important point to note is that whilst Article 11 of the ECHR allows for freedom for peaceful assembly, it may be necessary and appropriate for the local authority to place special conditions on the precise manner on which that freedom is exercised. When imposing conditions or prohibiting a procession the Council must have regard to all the relevant factors. The Council must be able to justify any condition or prohibition. Where the Council wishes to impose a condition—beyond the standard conditions outlined in the Code of Conduct—or to prohibit a Procession, the matter shall be referred to the Council's internal Strategic Event Safety Oversight Group for approval. If approved, the Council will provide a statement of reasons to the organizer explaining why they reached that decision.

As outlined in section 3, when considering notifications, the Council will need to consider the impact the procession will have on:

- public safety
- public order
- damage to property
- disruption to the life of the community
- whether containing the risks connected to the procession would place an excessive burden on the police; and
- if the organiser has held a procession in East Lothian before, if they breached any conditions, if they abided by the code of conduct and effects of the procession on the above.

The Scottish Government has guidance on processions, which the Council will consider when carrying out its assessment.

Any such restrictions must be proportionate, reasonable, in accordance with the 1982 Act and balanced against the individual's rights of freedom of assembly. The Council when reviewing the notification may engage with the person organising the procession, including having meetings to discuss the notification and details of the procession. The Council also has a Safety Advisory Group (SAG), which may also form part of the planning for a procession. You can find out more about the SAG at [ELC planning a public event guidance](#)

### Other considerations

*The Council will consider all of the relevant factors in coming to a decision and each notification will be looked at on a case-by-case basis.*

In considering the above the Council may have regard to:

- The number of processions which have taken place in the area affected by the proposed procession. The Council will consider how many processions have taken place in the area in deciding whether the proposed procession would result in excessive disruption to the local community.
- The timing of processions. The Council expects processions to take place between 07.30am and 9pm unless good cause can be shown for holding processions outwith this period. This is to ensure that the procession causes as little disruption as possible.
- The route of the procession. The Council must balance the desire of the organiser to use a particular route with the impact that this will have on others. The Council asks organisers to consider the impact of the procession on the sites which the procession would pass. Organisers should be sensitive to the concerns of the community when selecting routes and be aware of features such as schools, hospitals, places of worship and housing.
- The Police response to the notification. The Police will be considered to be the best judge of whether any Procession would place too great a strain on their resources and significant weight will be given by the Council to their response. The Police response on matters of public safety and order will also form an important part of consideration of these factors.
- Representations and objections received.
- Traffic Management – The Council will consider the effect of any procession on public roads and how the safety of all road users will be affected. This includes the effect of re-routing public transport and considering the disruption to life of the local community. The Police may be consulted on these matters and if this is an

area of concern or consideration, the Council will discuss this with you as early as possible. Where concerns are noted, the Council will consider how to mitigate any disruption to life of the local community, road safety concerns and significant disruption to transport links as a result of the proposed parade or procession and may implement their powers under Sections 14 and 16A of the Road Traffic Regulation Act 1984 and Section 62 of the Roads (Scotland) Act 1984, to make temporary traffic regulation orders (TTROs) in connection with the regulation of traffic around a parade or procession. Police Scotland also have powers to direct and regulate traffic. Which powers and approach to traffic legislation is most appropriate will depend on the circumstances of each parade or procession and will be determined on the facts and risk assessments of each notification received. Any decisions made to implement traffic regulation measures must be taken in accordance with the duties and responsibilities imposed by the Human Rights Act.

- Whether your procession is likely to attract serious or significant protest or opposition. This does not mean that your Procession will be prohibited but the Council may wish to impose conditions for the protection of public order, for example the Council may ask that more stewards are used, or the route is changed away from a sensitive site.

### Representations

The Council will also ensure that it is clear how members of the public may comment, make representations or object to the proposed procession. The Council must on receipt of such representations and objections consider carefully which ones it can take into account. Representations and objections which fall within the statutory considerations and parameters will be considered.

Where an objection or representation is to be considered, the Council will review whether the objection can be resolved. This can include talking to both the organiser and the objector to see if an acceptable compromise can be reached.

### Decision

After the process above, the Council can communicate three decisions:

1. The procession shall continue as part of the notification and the code of conduct shall apply – this will be the case for most processions.
2. Upon consideration of the factors in the 1982 Act, the procession shall be subject to conditions; and
3. Upon consideration of the factors in the 1982 Act, the procession shall be prohibited.

The Council will give the organiser a copy of its decision in writing.

## **7. Code of conduct**

The standard conditions are contained within the Code of Conduct for Processions annexed to this policy. This code is designed to ensure that Processions are safe and orderly events and that everyone's rights are respected. The standard conditions will apply generally to all processions but, where good cause is shown, may be amended for a particular procession. Processions may also go ahead with additional conditions. Additional conditions must aim to tackle a specific issue and must be proportionate to the concern being addressed.

## **8. Appeals**

An appeal against the Council's decision can be made to Edinburgh Sheriff Court within 14 days of the date the Organiser receives the decision letter and statement of reasons. The appeal should be based on one or more of the following grounds:

- The Council based its decision on any incorrect material fact
- The Council erred in law
- The Council exercised its discretion in an unreasonable manner; or
- The Council acted beyond its powers.

Appeals against the Sheriff's decision can only be made to the Court of Session on a point of law. This appeal must be lodged within 28 days of the Sheriff making a judgement.

## **9. Cancellations**

If a procession must be cancelled for any reason, it is the responsibility of the organiser to let the Council know as soon as possible and preferably to confirm any verbal notification in writing. The organiser should also inform the persons taking part in the procession as soon as is possible. This may include contacting bands or groups due to take part, alerting stewards and putting up notices or adverts letting the public know that the procession has been cancelled. Where possible the Council will also publicise cancellations on the list of planned public events section on of its webpage.

## **10. Guidelines for Organisers.**

### Planning Processions

The 28-day period for notifications is a minimum. The Council encourages organisers to liaise with officers at an early stage in planning their Procession. The notification procedure can then be used to identify and resolve problems at an early stage.

Processions should, wherever possible follow main roads and avoid residential streets. Organisers whose processions which do not follow main roads should explain in their notification why they have chosen their route. Organisers should also provide reasons for the timing of any procession to be held outwith the hours of 7.30am to 9pm. It may be helpful to contact the Council in advance of submitting a notification to discuss these potential issues.

Organisers should consider well in advance how they will organise the stewarding arrangements for the procession. The number of stewards will vary with the type and location of the procession. The Council does not have a set policy on acceptable stewarding numbers or ratios and this will be considered individually in the circumstances of each procession.

The Organiser should be able to give a reasonable indication of how many persons are willing to act as stewards at the notification stage. This requires that the Organiser identifies a number of prospective stewards and ascertained their willingness to act in this capacity.

Stewards will require to be highly visible and easily identifiable. Organisers should propose a method for ensuring that stewards meet this standard. Possible methods may include the issue of high visibility vests or brightly coloured t-shirts. The Organiser is responsible for ensuring that stewards can be identified.

Stewards will require to be briefed in advance of the procession and given clear instruction on their role. It may be helpful to direct stewards to the Code of Conduct which sets out the standards of behaviour expected of persons participating in processions. The stewards' own standard of behaviour should be a good example to participants. Poor behaviour by stewards will be a concern to the Council when considering future notifications.

Depending on the type and nature of the procession, organisers should be aware of issues such as byelaws prohibiting the consumption of alcohol in public places

and the applicable restrictions on amplified voice and music. The Control of Pollution Act 1974 applies in relation to the use of loudspeakers. The terms of Part III of the Public Order Act 1986 relating to the wearing of uniforms and incitement of racial hatred will also apply. The Roads (Scotland) Act 1984 restricting the installation of flags or banners on street lighting columns or any other road infrastructure without permission should also be considered.

### On the day

One the day of the procession the Organiser should identify themselves to the Police Officer in charge before the procession begins. The Council expects Organisers to co-operate with the Police throughout the procession and where applicable, until the Police are satisfied that the participants have dispersed after the procession. Organisers should remember that the conduct of the procession will be one of the factors considered by the Council in deciding future notifications. This section largely reflects content of the Code of Conduct.

The Organiser accepts that by organising a procession they are responsible for the behaviour of the participants. It is the organiser's responsibility to ensure that:

- An appropriate number of stewards are in attendance. The minimum number of stewards will have been decided in advance. It is the organiser's responsibility to ensure that this minimum is met before the procession can begin.
- Participants are informed of any changes to or conditions imposed on the route, timing or other arrangements
- The police are assisted by stewards in facilitating passage for pedestrians and traffic.
- Participants are spaced out so as to facilitate passage alongside the procession and to protect their own safety. On most roads the maximum width of any procession should be four abreast however any contrary instructions of the Police will take precedence.
- In the case of larger processions, participants are split into sections to facilitate the passage of pedestrians across the route.
- Participants behave in an orderly manner. Persons who are deliberately aggressive (i.e. threatening, abusive, homophobic or racist) should be removed from the Procession.
- Persons who are drunk or under the influence of drugs are not permitted to participate in the procession.
- Any music stops when passing any place of worship where a service is in progress. (the onus will be upon the organiser to establish if any such religious services

are to take place along the proposed route, during the time of the procession)

- Participants disperse peacefully at the end of the procession and that stewards remain on duty until the Police Officer in charge is satisfied with the dispersal.
- No flags or banners attached on street lighting columns or any other road infrastructure without permission from ELC.

## **11. Contacts**

If you have any questions or require any assistance, please contact us by email or post at:

[events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk)

Events

Emergency Planning and Resilience

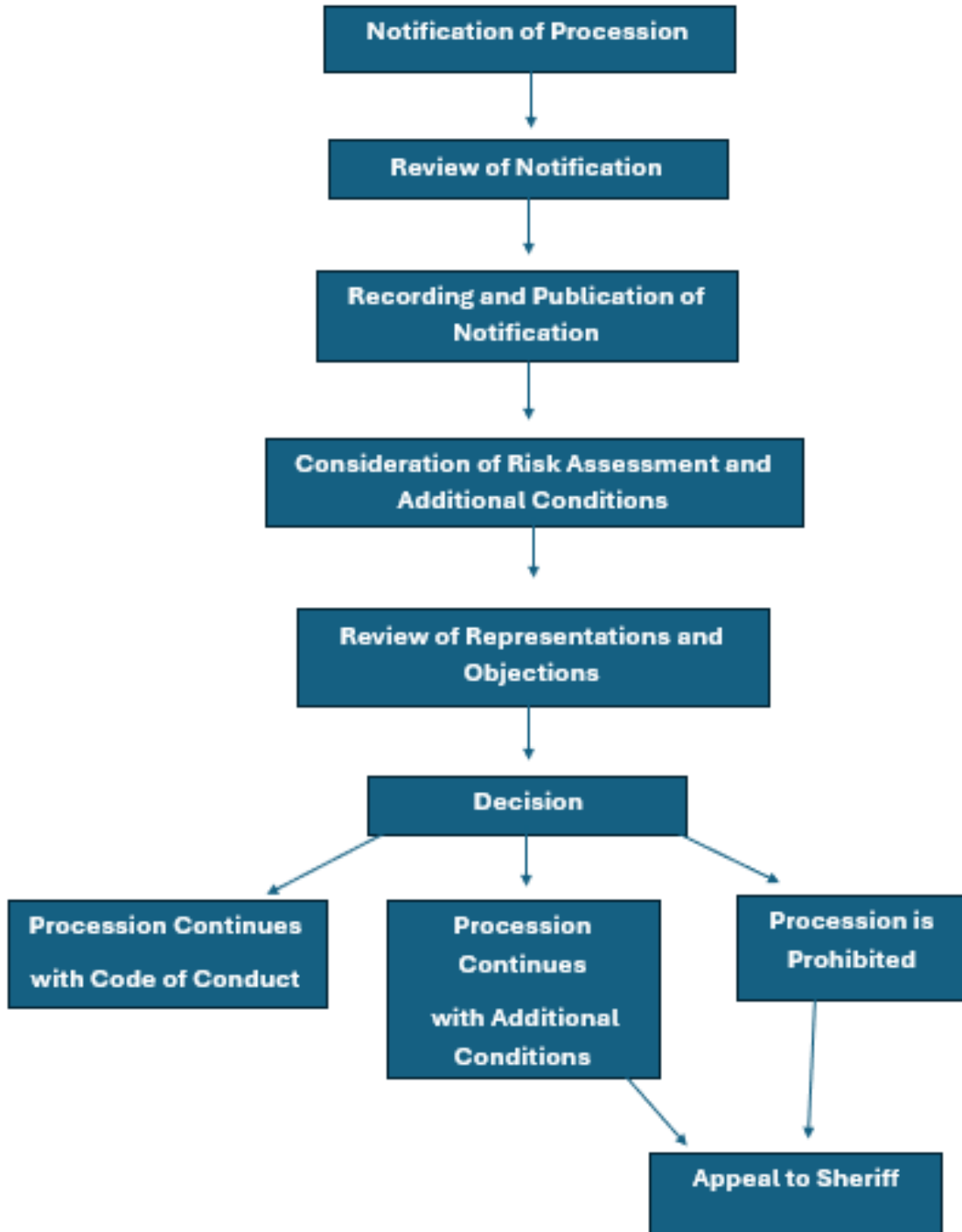
Protective Services

East Lothian Council

Penston House

Macmerry

**Annex 1  
Process  
Flowchart**



## **Annex 2**

### **Code of Conduct for processions**

This Code of Conduct sets out the standards expected of Organisers, Stewards and Participants of Processions in East Lothian. This code also forms the standard conditions for all processions.

All persons will comply at all times with any instruction or reasonable request of the Police, Fire Service or Ambulance Service.

#### **Processions shall:**

- Be held between the hours of 07.30am and 9pm unless otherwise agreed with the Council.
- Not allow music to be played outwith the hours of 07.30am to 9pm, unless otherwise agreed with the Council.
- Use main routes as far as is practicable.
- Adhere strictly to the approved route unless instructed otherwise by the Police Officer in charge.

#### **Organisers will:**

- Identify themselves to the police officer in charge before the commencement of the procession.
- Ensure that an appropriate number of stewards are in attendance.
- Ensure that stewards have been briefed as to their role and the standard of behaviour expected of them.
- Ensure that any music stops when passing any place of worship where a service is in progress. the onus will be upon the organiser to establish if any religious services will take place along their proposed route, during the time of the procession
- Ensure that participants disperse peacefully at the end of the procession and that stewards remain on duty until the Police Officer in charge is satisfied with the dispersal.
- Ensure that participants are spaced out so to facilitate safe passage alongside the procession and to protect their own safety. The width of any procession should be judged as whatever is practical and appropriate according to the conditions, but the Police will have the ultimate say on the maximum numbers.

**Stewards will:**

- Make themselves readily identifiable.
- Assist the police in facilitating passage for pedestrians and traffic.
- Remove or ask the police to remove persons who are deliberately aggressive (i.e. threatening, abusive, homophobic or racist) from the procession.
- Always conduct themselves in a proper manner.
- Assist in dispersing participants at the end of the procession and remain on duty until this is achieved to the satisfaction of the Police officer in charge.

**Participants will:**

- Obey the lawful direction of the procession organiser and stewards.
- Behave at all times with reasonable due regard for the rights, traditions and feelings of others in the vicinity of the procession.
- Behave with due respect at sensitive sites such as places of worship.
- Refrain from acting in a manner or using language which could be reasonably perceived as being deliberately aggressive or provocative (i.e. threatening, abusive, homophobic or racist).
- Refrain from consuming alcohol or drugs during the procession.
- Keep to the designated route and remain with the body of the procession while participating.
- Disperse peacefully as soon as the procession ends.
- Not attach any flags or banners on street lighting columns or any other road infrastructure without permission from ELC.

## Annex 3

### Notice of Proposal to hold a Public Procession

Important notice – As the Organiser of your event you should give us at least 28 days' notice of your intention to hold a Procession. If you cannot provide the notice needed, you should contact the person named at the end of this form to apply for an exemption. We can only make an exemption in exceptional circumstances.

You should read the Council's Public Processions and Parades Policy before completing this form.

You should complete all sections of the form and:

- send it to the person named at the bottom of this form; and
- keep a copy for yourself.
- We will give a copy of your notification to the Police.
- Fill in and return a risk-assessment form with this notification form.

Please complete all sections.

#### 1. Your contact details

<p><b>Name:</b>.....</p> <p><b>Address:</b>.....</p> <p>..... <b>Postcode:</b> .....</p> <p><b>Phone number:</b>.....</p> <p><b>E-mail address:</b>.....</p>
--

**2. Chief Steward's contact details**

**Name:**.....  
**Address:**.....  
..... **Postcode:** .....  
**Phone number:**.....  
**E-mail address:**.....

**3. Details of Procession**

Name of organisation or band:.....  
Date and start time of Procession: .....  
Reason for Procession: .....  
The proposed route: .....  
.....  
Number of people expected to take part: .....  
Please provide details of the arrangements for controlling the event:  
.....  
.....  
.....  
.....  
.....

**4. Stewarding and Parking arrangements**

Number of stewards attending: ..... Number of buses or coaches: .....  
Please detail any arrangements made for parking.....  
.....  
.....

**5. Bands**

Names of any bands and the names of each band member who will be taking responsibility for the bands. The named band member must be present on the day and must identify him/herself to the Police.

Name of bands: Band A: .....

Band B: .....

Band C: .....

Name of responsible band member for:

Band A: .....

Band B: .....

Band C: .....

(Please continue on a separate sheet, if necessary.)

**6. Any other information**

Have you applied to lease any space or building as part of your event?.....

If so, please provide details.....

Please provide any extra information about the Procession which you think may be relevant and any reasons why it is not possible for this Procession to be combined with other similar ones.....

.....

.....

## 7. Declaration

**I, the Organiser, have read the code of conduct attached to the Council's Policy and agree to keep to its conditions.**

**Your signature:..... Date: .....**

An officer of the Council may need to contact you again to arrange a meeting to discuss your notification in more detail.

You should also complete a risk assessment form and return it with this form.

**Please return this form to:**

Events  
Emergency Planning  
and Resilience  
Protective Services  
East Lothian Council  
Penston House  
Macmerry  
EH33 1EX

Or email to: [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk)

If you have any questions or require any assistance in completing this form, please contact us by email at [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk)

## **Annex 4**

### **Risk Assessment Form**



#### **Risk assessment form issued by East Lothian Council**

##### **General information for the Organiser**

We are asking you to fill in this risk assessment form to help us understand what dangers and risks might be associated with holding event.

This form will take you through the most common areas of risk which the Council and the Police might want to raise with you. The Council and the Police may carry out our own assessment of risk and may want to discuss our assessment with you.

##### **► Purpose of filling in the risk-assessment form**

A risk assessment of the procession will help to:

- identify any dangers associated with holding it;
- evaluate the level of any known risks;
- decide who is at risk and in what way and how the risk to them could be mitigated; and
- decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead.

##### **► Who should be filling this form in**

The main organiser or someone else in the organisation with a strong knowledge of the area where the march is to be held should fill it in. The Council will then check the form and compare it to the assessment of risk which we and the Police may be carrying out.

##### **► How to fill in the form**

You should work your way through the form section by section. If there are parts which you cannot fill in, you should contact the person named at the end of the form. If your overall assessment shows that there is a high risk associated with holding the procession, you should get in touch as soon as possible to discuss this and see whether we can find solutions to reduce or remove the risk. Once the Council has considered the notification, the risk assessment and all other evidence, we may contact you to arrange a meeting.

► **Who you should send the form to**

You should send your risk-assessment form using the online option, or by email to the person named at the end of this form at least 28 days before you plan to hold a procession. If you require assistance with your risk assessment, you should speak to the person named at the end of this form for advice.

► **Next steps**

The Council will assess the risks associated with holding your procession within the first two weeks of us receiving your notification and risk- assessment forms. You should remember to keep a copy of this form for your records and bring it with you for any meeting which we may hold. This is because the Council and the Police may want to raise issues with you about how your assessment compares to ours. In case there are problems, we may need further meetings.

**Section one**

**a) Your contact details**

<p><b>Name:</b>.....</p> <p><b>Address:</b>.....</p> <p>..... <b>Postcode:</b> .....</p> <p><b>Phone number:</b>.....</p> <p><b>E-mail address:</b>.....</p>
--

**b) Details of Procession**

Name of organisation or band:.....

Date and start time of Procession: .....

Reason for Procession: .....

The proposed route: .....

.....

Number of people expected to take part: .....

## **Section two**

### **Main risk assessment**

The table in this section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

<b>Question</b>	<b>You must provide supporting comments in the boxes below</b>
Is the date of your Procession particularly significant to the organisation?	
Has your organisation marched along the same route before?	
Are there enough stewards to control the number of marchers expected?	
Have there been any difficulties/tensions in the recent past with holding this Procession?	
Please assess the level of risk there may be to public safety. (Please also say whether the risk is low, medium or high).	
Please assess any risk to public order. (Please also say whether the risk is low, medium or high.)	
Please assess the risk of disruption to local business, the community or shoppers and traffic from holding the Procession. (Please also say whether the risk is low, medium or high).	
Please assess the risk of damage to property. (Please also say whether the risk is low, medium or high.)	
<b>Taking account of all the information in this table, what your opinion of the overall risk of holding the Procession? Is it low, medium or high?</b>	

### **Section three**

This section details other information which you should consider as part of a general assessment of the Procession. You should assess the following.

<b>The main considerations</b>	<b>Supporting comments</b>
At the end of the march, what are your arrangements for getting marchers to go home?	
Are you organising any other social events at the end of the march? (Please give details of what these are.) Will you need a Police presence?	
Is the proposed route as shown on your notification a route that your organisation commonly uses?	
Have you taken out insurance to help cover for any risks arising from the Procession?	
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?	
Do you have enough security in place for any coaches and other vehicles used by the marchers?	
Have you considered the policing and attendant costs for holding the Procession?	

## **Section four**

### **Final assessment**

If the Council wishes to hold a meeting, I would like to raise the following points about this risk assessment:

Please provide any other supporting comments in the box below.

<b>The main considerations</b>	<b>Supporting comments</b>
Have you considered the effect on the community as a whole if the march went ahead?	
Could you combine this Procession with other similar events in the area? If not, why not?	
Have you assessed what other priorities there maybe in the area on the day of the Procession?	

**Section five  
Declaration**

**I have assessed the risks associated with holding the above Procession.**

**I will come to any meeting which may be held concerning this notification.**

Signature of the person carrying out the risk assessment:

**Signature:**..... **Date:** .....

Name in BLOCK CAPITALS: .....

Relevant qualifications of the person carrying out the risk assessment:

.....  
.....

Signature of Organiser: (You only need to fill in this part of the form if you are not the person who carried out the risk assessment.)

**Signature:**..... **Date:** .....

**Please return this form to:**

Events  
Emergency Planning and Resilience  
Protective Services  
East Lothian Council  
Penston House  
Macmerry  
EH33 1EX

Or email to: [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk)

If you have any questions or require any assistance in completing this form, please contact us via e-mail at: [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk)



<b>COMMITTEE:</b>	Cabinet
<b>MEETING DATE:</b>	10 March 2026
<b>BY:</b>	Depute Chief Executive – Resources and Economy
<b>REPORT TITLE:</b>	Various Roads – East Lothian, Introduction and Amendments to Traffic Regulation Orders March 2026 and Update on Experimental Traffic Regulation Order (ETRO) East End of North Berwick High Street
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 This report provides Cabinet with an update on the Experimental Traffic Regulation Order (ETRO) East End of North Berwick High Street, following the period of public consultation, engagement with local businesses and monitoring of the Order (Appendix A). The report also seeks Cabinet approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders as set out in the proposals listed in Appendices B, C, D and E.

## **2 RECOMMENDATIONS**

Cabinet is recommended to:

- 2.1 Note and consider the eight objections received from members of the public to ETRO 059/25 alongside other feedback, including from North Berwick Business Association, as set out in Appendix A;
- 2.2 Set aside the objections received to ETRO – 059/25 and agree to make the ETRO into a permanent Traffic Regulation Order (TRO) without modifications; and
- 2.3 Make and amend Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and ban overnight parking, as set out in Appendices B, C, D and E.

### **3 BACKGROUND**

- 3.1 North Berwick High Street is a busy shopping area and tourist attraction. The high level of footfall combined with narrow footways and the increase in vehicle traffic has resulted in many different issues which have been highlighted to East Lothian Council over the years.
- 3.2 In partnership with the North Berwick Coastal Area Partnership, East Lothian Council supported the delivery of the North Berwick Charrette in 2017. This report placed improving walking and access at the east end of the High Street as a priority to create a safer, more attractive environment as one of the top 3 projects identified from their extensive community engagement.
- 3.3 Following extensive engagement and consultation with residents, businesses and community groups over many years, the Council looked at different options to improve pedestrian access as well as road safety and traffic congestion with a view to enhance the east end of the High Street while delivering wider improvements to the area to increase safety and accessibility.
- 3.4 The recommended option focused on enhancing pedestrian experience and accessibility, including widening footways and limiting parking between Quality Street and Market Place. To support local business and blue badge holders a number of loading bays were also proposed.
- 3.5 In April 2023, Council approved the North Berwick High Street: Safety and Access project. This project was delivered in two phases with phase 1 completed in December 2024 and phase 2 in April 2025. Phase 2 included parking restrictions from the junction at Quality Street to the junction at Market Place, including loading and unloading bays.
- 3.6 To allow the project to progress and implement the restrictions an Experimental Traffic Regulation Order (ETRO) was put forward. This was approved by Cabinet on 21 January 2025. Under the ETRO, lowered kerbs were introduced alongside dedicated areas for the loading/unloading of goods and the drop-off/pick up of blue badge holders to improve safe access.
- 3.7 The ETRO allowed the Council an opportunity to monitor the proposals in practice. This also allowed the public, businesses, and community groups the opportunity to provide feedback as they experienced the measures in practice.
- 3.8 The ETRO came into effect on 1 April 2025 and, following a six-month period of consultation, ELC received eight objections. The valid objections are contained within Appendix A.
- 3.9 The objections primarily related to one of the loading bays outside the former police station and the objectors did not want this to be made permanent.

- 3.10 ELC officers wrote to all the objectors, offering a face-to-face meeting. The purpose of these meetings was to give the objector an opportunity to discuss their objection directly with ELC as the Roads Authority, and to seek clarification on any aspects of the ETRO about which they were uncertain. In return, the Council endeavoured to establish whether any changes to the ETRO could be made to their mutual satisfaction, which would result in the withdrawal of the objection.
- 3.11 ELC officers met with three of the objectors on 17 December 2025 and, while these were constructive meetings, they did not result in the objectors withdrawing or amending their objections. A package of information containing the meeting invites, note of the meeting and subsequent emails is contained within a background paper for Members to review and consider.
- 3.12 As well as the formal objections, ELC also received feedback from the public and business community around the improvements to the High Street and the ETRO, including the loading bays. As part of the monitoring process, ELC were invited to discuss the matters around the loading bay requirement with some of the High Street traders and when attending meetings with these local business owners officers felt it was fair and appropriate to engage with other business owners to get their views on the loading bays and improvements to the High Street. ELC have been criticised for not listening to the views of the businesses, so it was important that this level of engagement was undertaken. From the subsequent face-to-face meetings that followed the feedback was favourable to the loading bays. In addition to this, ELC also received a letter from the North Berwick Business Association who represents 32 businesses in the east end of the High Street. In this letter they supported the loading bay outside the former police station and wanted this to be made permanent. A copy of the letter is in Appendix A.
- 3.13 ELC has air quality monitoring tubes located on the High Street near the former police station. This allowed officers to compare data prior to the introduction of the ETRO and after. Some of the concerns raised were around air quality and by allowing a loading bay outside the former police station this would impact on air quality.
- 3.14 The information provided to by our Environmental Compliance Officer was not a full year data set. We have been advised that before this is formally published in a report by ELC the data needs to be fully ratified, and officers have been advised this will not be reported until round June/July 2026. However, what has been shared with officers in good faith is that the current data is indicating no significant changes from 2024, and they have no concerns with the air quality at this location.
- 3.15 One of the main themes from the objectors was around misuse of the loading bays. This is something that was specifically covered in the face-to-face meetings with three of the objectors and acknowledged that this was something ELC needed to address. With the approval of the parking management project for North Berwick, additional parking attendants will be deployed so there will be more enforcement and opportunities to reduce abuse of the loading/unloading bay.

- 3.16 Another key theme of the objections was the loading bay outside the former police station would result in the loss of an amenity space and that it was hardly being used. The space in question is part of the adopted road network. Officers believe the space has been enhanced by widening the footway and installing a high-quality new footway with paving slabs. This has been done while also retaining the existing benches and planters. Feedback from businesses and locals is that the loading bay space outside the former police station has been well used by those serving businesses and those who want to stop for a short period to shop/buy coffee or drop items to the adjacent charity shops.
- 3.17 Having considered the formal objections and the overwhelming support from the business community, as well as input around air quality from the ELC Environmental Compliance Officer, it is the recommendation of officers that we set aside the objections and make the ETRO permanent with no modifications.
- 3.18 Following the successful introduction of decriminalised parking enforcement and the consolidation of Traffic Regulation Orders, an ongoing review of restrictions has highlighted several areas that require amendment / introduction (Appendix B)
- 3.19 There have been requests from the local community to introduce a 40mph buffer speed limit on Dean Road, Longniddry from its junction with the A198 coast road southwards to the existing 20mph speed limit (Appendix C).
- 3.20 An Elected Member has asked for an overnight parking ban to be placed within the car park of the Musselburgh East Community Learning Centre to stop camper vans from parking overnight (Appendix D).
- 3.21 To facilitate the construction of a new car wash there is a requirement to Stop Up a section of public verge. Works had to be halted on the A199 at Oak Tree, Haddington for the building of a new car wash as the applicant needs a Stopping Up Order to proceed (Appendix E).

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Roads revenue budget.
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): Legal have reviewed this report

- 5.4 **Risk:** The majority of the feedback regarding the improvements to the east end of North Berwick High Street has been positive. Even some of those that objected to the ETRO have said they are really happy with the work done to improve the High Street but do not want the loading/unloading bay outside of the former police station. If the ETRO is not progressed and made permanent the feedback ELC have received from the business community is that it will have a significant impact on how they operate and will not allow them to operate without impacting on others and will result in congestion of the High Street. They do not want to see the community experience more difficulties in using the High Street.

Possible road safety issues associated with indiscriminate parking and vehicles travelling at excessive speeds for Appendices B, C & D.

## 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](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## **7 APPENDICES**

- 7.1 Appendix A – Redacted formal objections and letter from North Berwick Business Association.
- 7.2 Appendix B – The amendments of the prohibition and restriction on waiting, loading and unloading at various streets.
- 7.3 Appendix C – Speed limits.
- 7.4 Appendix D – Restriction on overnight parking.
- 7.5 Appendix E – Stopping Up

## **8 BACKGROUND PAPERS**

- 8.1 Report to Council 25 April 2023, Town Centre Parking Management: Introduction of Parking Management Proposals in North Berwick
- 8.2 Report to Cabinet 21 January 2025, Various Roads – East Lothian, Introduction and Amendments to Traffic Regulation Orders and an Experimental Traffic Regulation Order 2025
- 8.2 A package of information containing the three objector meetings to ETRO 059/25, note of the meeting and subsequent emails.

## **9 AUTHOR AND APPROVAL DETAILS**

### **Report Author(s)**

<b>Name</b>	Ian King
<b>Designation</b>	Roads Asset and Regulatory – Team Manager
<b>Tel/Email</b>	iking@eastlothian.gov.uk
<b>Date</b>	25/02/2026

### Head of Service Approval

<b>Name</b>	Tom Reid
<b>Designation</b>	Head of Infrastructure
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Yes
<b>Approval Date</b>	2 March 2025

**Roads Consultation**

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**From:** [REDACTED]  
**Sent:** 26 September 2025 20:08  
**To:** Roads Consultation  
**Subject:** East End, North Berwick High Street - ETRO

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

You don't often get email from [REDACTED]. [Learn why this is important](#)

I understand that the above is scheduled to close on 1st October.

I wish to formally object to this order on the following grounds :-

- 1) The narrowing of the access to the High Street from Quality Street has created an unsafe arrangement. Large vehicles approaching the junction from the North or South have difficulty in entering the street without running over the pavement. This is evidenced by the broken slabs on both sides of the junction.
- 2) While I do not object to the widening of the pavements, I do object to the complete removal of parking at this end of the High Street. This disadvantages people with mobility issues. There is no suitable way for, as an example, my elderly Mother to access most of this part of the High Street. Having worked in the High Street she can no longer see most of it other than passing by in a car. The Charrette proposed a few parking spaces in this end of the street which would make it more accessible.
- 3) I vehemently object to the works carried out outside the Police Station. This area was proposed as a public space in the Charrette, which had essentially been done using the blue box planters. With no public consultation ELC bowed to the request of one business owner and created a loading bay in this area. I have watched the use of this area, and have never seen it used as a loading bay unless Greggs customers stopping there to buy and eat goods from that shop can be considered loading. Even the shopkeeper who wanted this loading bay doesn't use it. Their deliveries are left on the pavement outside the shop. The seats in this area are not as well used as they used to be other than, again, Greggs customers. This area is essentially an outdoor seating area serving Greggs, as few other people want to sit there. This work should be reversed to create a bigger and more pleasant amenity space as was previously agreed by ELC. Also the design of the loading bay creates a hazard as large vehicles exiting the bay cannot do so without running over the pavement. This too is evidenced by the broken slabs.
- 4) While I agree with the principle of encouraging the use of cycles, the positioning of the cycle racks on the pavement completely defeats the point of widening the pavements.

Regards

2

## Roads Consultation

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**From:** [REDACTED]  
**Sent:** 28 September 2025 21:35  
**To:** Roads Consultation  
**Cc:** Findlay, Jeremy; Allan, Liz; McFarlane, Carol  
**Subject:** EAST LOTHIAN COUNCIL (HIGH STREET (EAST), NORTH BERWICK) (RESTRICTED PARKING ZONE) EXPERIMENTAL ORDER 2025

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I write to object to the above Experimental Traffic Order.

Although I welcome many features of the new lay out such as wider pavements and the traffic calming strips, I object to the replacement of part of the amenity area outside the Police Station with a loading bay.

In my walks along the High St I have never seen it being used for loading. Instead it is abused frequently by shoppers using it for parking.

I urge the Council to reverse this aspect of the experiment and reinstate the original amenity area that Council agreed to originally before lobbying by one business.

[REDACTED]

3

## Roads Consultation

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**From:** [REDACTED]  
**Sent:** 26 September 2025 16:50  
**To:** Roads Consultation  
**Subject:** EAST LOTHIAN COUNCIL (HIGH STREET (EAST), NORTH BERWICK) (RESTRICTED PARKING ZONE) EXPERIMENTAL ORDER 2025

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[REDACTED] . Learn why this is important at  
<https://aka.ms/LearnAboutSenderIdentification> ]

I do not object to the restriction of parking in two of the loading bays. I do object to the imposition and provision of a third loading bay. There was no public consultation or engagement and a third loading bay was agreed between officers at one of two objectors at a very late stage. That agreement was a disgraceful means of usurping public involvement. It demonstrates contempt for public feelings over the use of that part of the High Street outside the Police Station. The decision was ultra vires. All this has done is to create a parking bay for drivers, usually of vans but not always, to park while they buy their Greggs Meal Deal. This unlawful activity is neither monitored nor actively enforced. It is unacceptable that a parking bay has been provided and a public space destroyed in order to facilitate the misuse of parking. The controls are not used and so it seems a waste of time to do anything further.

The scheme is also unfinished with tarmac in place on the south side of the High Street and the cycle racks create a significant hazard to pedestrians to the disabled and to pram and wheelchair pushers.

[REDACTED]

4

## Roads Consultation

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**From:** [REDACTED]  
**Sent:** 28 September 2025 23:01  
**To:** Roads Consultation  
**Subject:** ELC (HIGH STREET (EAST), NORTH BERWICK) (RESTRICTED PARKING ZONE) EXPERIMENTAL ORDER 2025

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[You don't often get email from [REDACTED] learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Might I register a formal complaint against the parking lay-by in front of the police station in North Berwick. I used to love sitting there to catch my breath as I walked along the high street. Now, when I need to sit down, the lay-by is full of cars - parked, not loading. To make matters worse, they often just leave their engines running making my lung condition and asthma much worse. I was shocked to learn that this change of the original plan (most of which works well and is approved of by everyone I speak to) by ONE objector. Surely this is far from democratic. Please will you reverse this decision made under emergency powers. There is no justification for it. It detracts hugely from the quality and functionality of the high street, it is unnecessary, undemocratic, and fills the high street with fumes - contributing to the air pollution that causes 40,000 early deaths every year in this country.

Thank you.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

5

## Roads Consultation

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**From:** [REDACTED]  
**Sent:** 30 September 2025 16:17  
**To:** Roads Consultation  
**Subject:** East Lothian Council (High Street (East) North Berwick) Restricted Parking Zone) Experimental Order 2025.

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

You don't often get email from [REDACTED] [learn why this is important](#)

Dear Sirs

I hereby object to the above due to the unauthorised provision of a loading area in front of the former police station in place of the approved amenity space. ELC should:

- a) Revert to the approved drawings. The loading area is, in law, temporary in any case. This will see the provision of a social space that positively contributes to the town centre and a great facility for everyone, particularly disabled people;
- b) The loading area is rarely used for loading and simply causes problems by casual, unauthorised use, mainly as a stop off to join the queue at Greggs. This is also a waste of a valuable space. There should be consultation in the community on the detailed design of this space;
- c) It prevents the provision of an amenity and social space that could be landscaped to be a gem and attraction. This is good for business too - the pedestrian pound.
- d) Give people respite from the noise, pollution and intrusion of traffic.

I welcome the widening of the pavements, that I have argued for, for the past six years in the face of reactionary entitlement.

Yours faithfully

6

## Roads Consultation

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**From:** [REDACTED]  
**Sent:** 29 September 2025 15:30  
**To:** Roads Consultation  
**Subject:** EAST Lothian Council (High Street (East), North Berwick) (Restricted Parking Zone) Experimental Order 2025.

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To who it may concern

Re: EAST Lothian Council (High Street (East), North Berwick) (Restricted Parking Zone) Experimental Order 2025.

I am writing to object to the Experimental Order being made permanent within the period of six months from 1 April 2025 under section 10(2) of the 1999 Regulations.

The grounds for objection are 1. safety and 2. the loss of amenity space which contributed to the mental and physical wellbeing of many residents with a variety of special needs.

Firstly, I'd like to state that the east end of the High Street has been much improved in appearance by the introduction of the attractive paving stones, widened pavements and no parking.

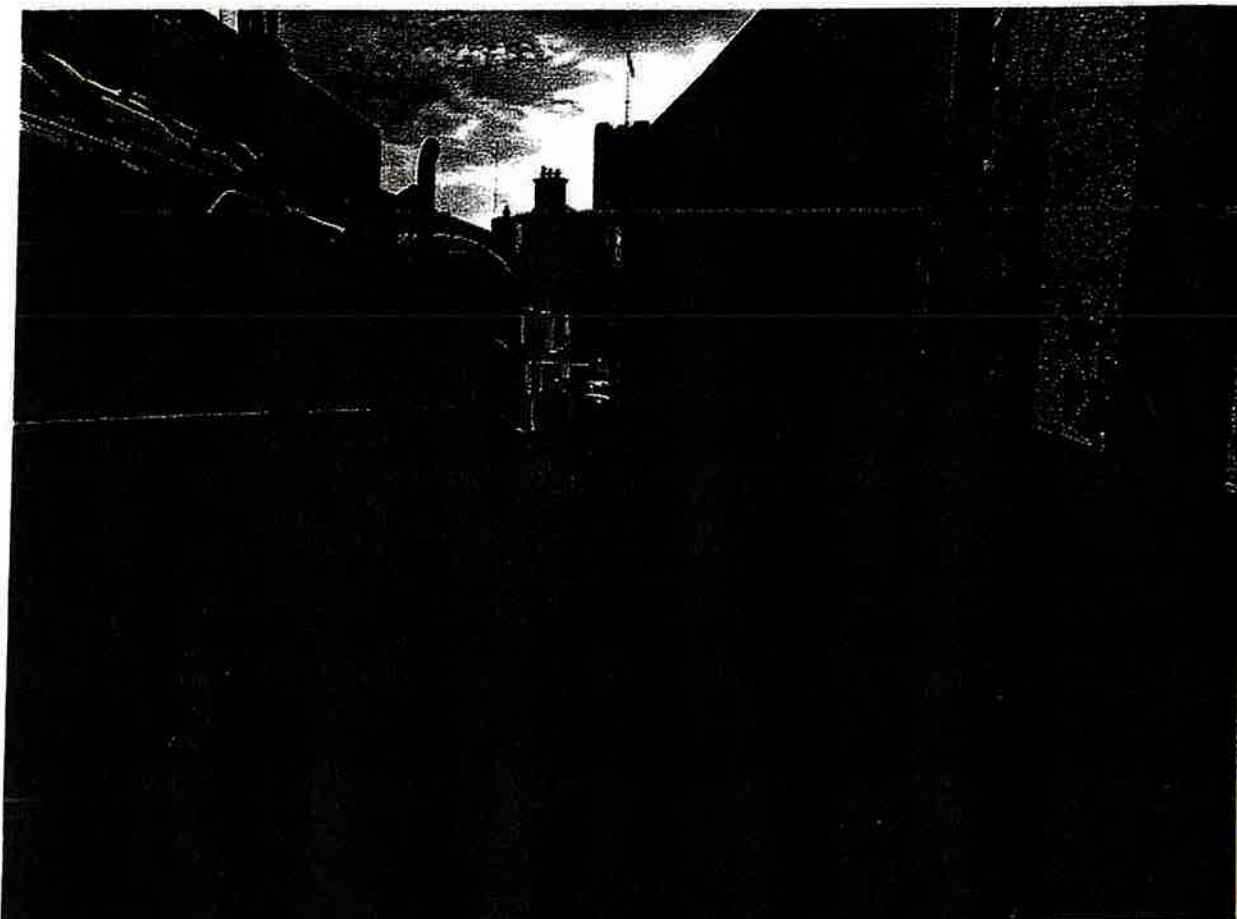
However, in terms of safety, it has become more dangerous as a driver and pedestrian because the lowered kerbs have the effect of making the street feel pedestrianised endangering those who walk out unthinkingly especially with elderly people or those with prams and scooters. I have witnessed many near misses.

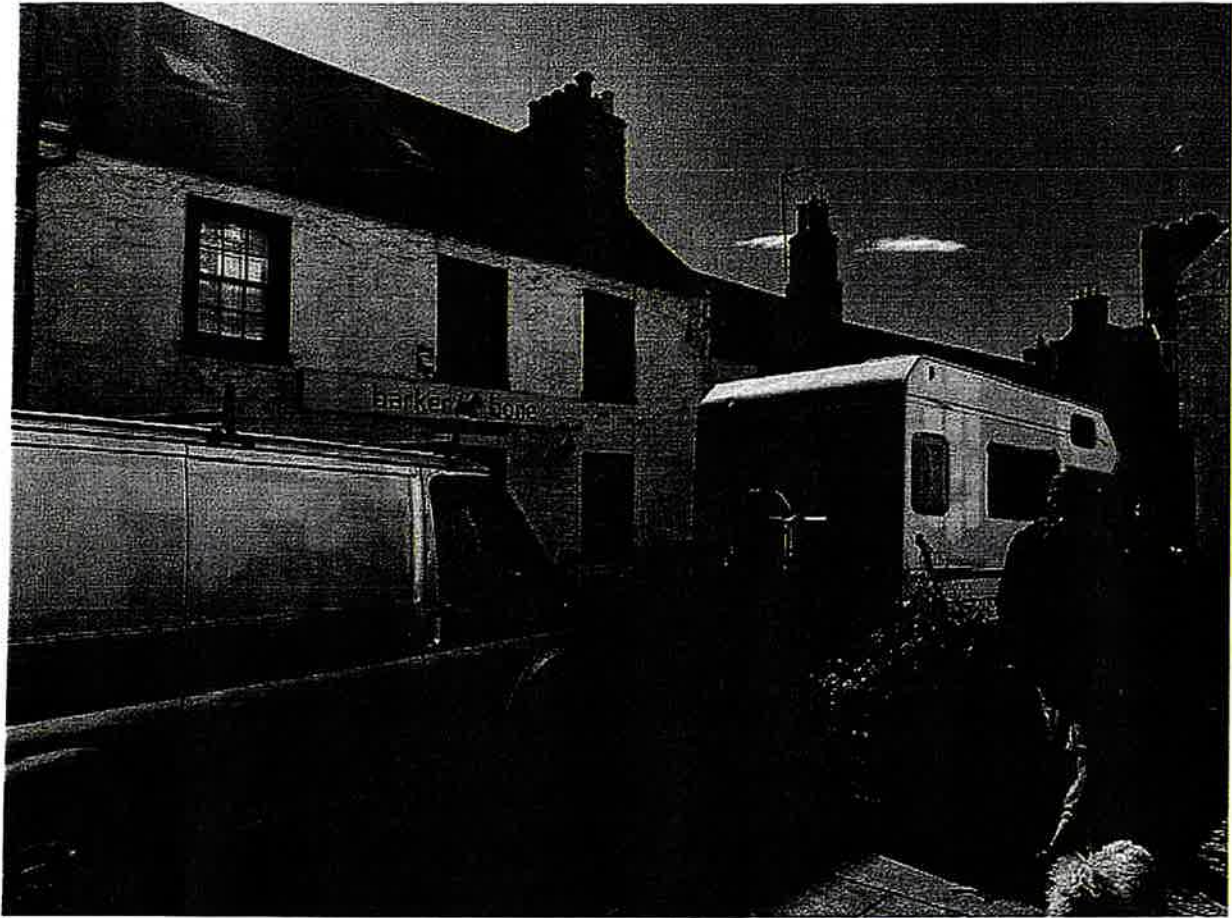
The lowered kerbs also mean that cars and lorries casually and dangerously cut the corners when turning into the High Street and when leaving the loading bays. Again, I have witnessed many near misses with pedestrians crossing when a lorry cuts the corner into High Street. The resulting damage to the kerbs and pavement means the surfaces have become trip hazards. Specifically the north corner from Quality Street to High Street.

The west end of Nisa loading bay has been badly broken up and the water riser damaged causing water to flow out for weeks. Once it was repaired the pavement was immediately broken up again. It is a waste of money, time and resources to continue with this arrangement unless a solution is found to prevent drivers cutting corners.

Similarly, the west corner of the loading bay outside the police station is also broken up and a trip hazard. A reasonable solution might be to place a sturdy planter or curved corner barrier or collapsible bollard ...

Secondly, I am saddened that there was no consultation about removing the valuable and much loved amenity area from the police station. I object to the change of use to a loading bay which blocks any view or sunshine from the people sitting there when vans, lorries and camper vans are parked there. Worse still is when vehicles sit there with engines running. This space was well used, appreciated and regarded as a safe space to stop and rest; park a pram or mobility scooter; a safe waiting area for families with young children, dogs. It was a safe space for clients of the Day centre or Scone Cafe, visitors and locals with wheelchairs and school children to eat their lunch. It does not feel safe any more as the lorries tower over the seating area and there is much less space for people to walk by or stop and chat. The lack of consultation with local people and community groups who know the needs of residents and visitors is most egregious as an alternative loading bay could have been constructed in the area at the junction of Market Place.





Yours faithfully

[REDACTED]  
[REDACTED]  
[REDACTED]

**Roads Consultation**

**From:** [Redacted]  
**Sent:** 30 September 2025 23:48  
**To:** Roads Consultation  
**Subject:** East End, North Berwick High Street - ETRO

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

You don't often get email from [Redacted] [Learn why this is important](#)

I understand that the above is scheduled to close on 1st October.

I wish to formally object to this order on the following grounds :-

The narrowing of the access to the High Street from Quality Street has made the road unsafe. Large vehicles turning into the High Street do not have enough room to turn and now run over the pavement. There is no pedestrian crossing or zebra crossing (as on the south side of Quality street) and pedestrians are frequently at risk of turning vehicles with restricted sight lines. Unfortunately the new slabs on either side are cracked and broken.

There is no parking at all at the East end of the High Street which means that the loading bays are constantly full of parked vehicles used by tradesmen, workmen, and people shopping. The Charette proposed a few parking spaces in this end of the street which would make it more accessible.

The area in front of the Police Station which had been restored to a safe, sheltered seating area where people could sit and rest or meet others has been ruined by the change to make it a loading bay. It is no longer a safe space for vulnerable and infirm people to sit and rest and feel part of the community.

In 1960, a space was created in front of the Police Station with flowers, seats and space for people to meet and enjoy the company of friends or sit in the sunshine. It contributed to the economy of the town by encouraging people to linger, enjoy the flowers and then wander round the shops spending money or going for coffee.

In the 1990s it became a parking area, with people depositing wheelie bins and dumping unwanted items. The rundown space was reclaimed in 2022 when the Community Council, Police, and Voluntary groups joined together to place the planters and seats and remove the bins and parking. This was one of the key recommendations of the 2017 Charette which was endorsed by the Community Council.

The final plans were committed to saving this valuable space for pedestrians and vulnerable people who required a safe place within the busy High Street. At the very last minute, a change was made to remove half of this space, without consultation with anyone who used it or any of the groups who had fought to establish it 5 years ag

Many groups used this restored amenity area – High School pupils congregated at lunchtime after buying sandwiches and snacks; older people from the Day Centre sat to enjoy the company of old friends and the buzz of the town; cyclists from Edinburgh and tourists arriving from the station could pause while exploring the town and shops.

This area was proposed as a public space in the Charrette, which was achieved using the blue box planters. The ETRO reversed this decision without any consultation and at the very last minute before the road was dug up. One complaint from a business owner was enough to overturn the decision made by many representative groups and 'On the Move' a subgroup of the Area Partnership and the group tasked with the responsibility of reaching a consensus on the way forward.

The loading bay is too small for large vehicles which park daily and which have to go over the pavement at either end, cracking the paving slabs and causing damage to fire hydrants and pipes under the surface. This makes it a hazard for people with walking aids and visual disabilities.

Cycling racks are needed in the High street but the new ones positioned outside the Law hotel cannot be used as any bikes parked there would completely block the pavement.

As a result of this change endorsed by the ETRO there is now:

Continual parking in the loading areas at the East end of the High Street.

Cars and vans parked in the loading bays for shopping and working

People sitting on the seats now look out on the side of the lorries and cars, many of them idling their engines and polluting the air.

NBIB spoke to the Operations Manager of North Berwick Coastal Community Connections and she cited the use of this tranquil haven by many people including their buddy walkers. The Day Centre took clients there regularly to enjoy watching everything. A survey of passers by was organised one Saturday morning and the vast majority were opposed to the removal of the seating area. There was much anger that it was being removed to create a loading bay. And even greater anger at the last-minute change to an agreed plan on the basis of a request from one shopkeeper.

She said -

“All are saddened that as they anticipated the seating area is much less used with people only sitting to eat Gregg's snacks and moving on. No one arranges to meet there any longer and fewer spend time looking at and enjoying the plants. It is a thoroughfare not a treasured haven in a busy world. It could be easily restored by moving the blue planters into the loading bay area.”

#### Benefits of the lost Amenity Area

- Health & Well Being - combatting isolation and loneliness for all age groups – the space is in the town centre and accessible to most, especially the elderly and young for them to sit, walk to, enjoy plants, learn from the information boards, talk to friends and meet new people.
- It's the only seating in this section of the High Street: large number of elderly with poor mobility shop in this section of the High Street and it encourages them to come out and walk.
- A safe place - away from traffic - for people with prams, bikes, wheelchairs, mobility scooters, dogs and walkers to wait while companions/families visit shops and spend money!
- NB in Bloom's Planters and hanging baskets in this area contribute to it being named one of the Best High Streets in Britain and the top place to live in the UK (Sunday Times 2024)

Despite these positive benefits, a last minute change was made to the plan for alterations to the East end of the High Street in April 2025. As predicted,

- Drivers now use the unloading bay to park as they do now outside NISA.

· Pedestrians walk straight across from the vannel to Gregg's with the risk of injury from manoeuvring vehicles.

· People sitting on the benches are at risk from pollution from moving vehicles, as are volunteers maintaining the barrels and window boxes.



**Objection by North Berwick Coastal Area Partnership, On the Move Group to East Lothian Council (High Street (East) North Berwick) (Restricted Parking Zone) Experimental Order 2025.**

This is an objection to the above by North Berwick Coastal Area Partnership On the Move Group who voted unanimously to object to the provision of a loading bay/area at the front of the former police station at its meeting on 10<sup>th</sup> September, 2025 and reported to the AGM of the Area Partnership on 23<sup>rd</sup> September 2025. This is because the bay scuppers the provision of workable, valuable amenity space. In addition, we also welcome the provision of widened pavements elsewhere and make constructive suggestions at f below.

**a) Governance.** There has been a severe breach of governance on the part of the Road Services Department in altering the design of the area in front of the former police station so that only half of the proposed amenity space is retained due to the intrusion of a large loading area that replaced about half of an amenity space that was an integral part of the approved plans – plans approved by full Council on two occasions and then ratified by Cabinet, in January 2025, one month before construction work was due to start.

The approved plan was the result of years of discussion and meetings, starting with the North Berwick Charrette that involved the whole town in consultation through consultants appointed by the Area Partnership. Following approval of the Charrette further consultation took place with the project engineer from Road Services, Ian Lennox and his predecessor, Graeme Brown. Mr Lennox produced the plan that went forward for full Council approval in 2023 and then ratified by Cabinet. The main change from the Charrette plan as a result of feedback from representatives of the Business Association was to incorporate a loading area on the south side of the east end of High Street outside Home Hardware and Tiffanys, to supplement the existing loading bay at NISA. This was done as a compromise to appease some local traders and was then incorporated into the plan approved by full Council and Cabinet. It should be noted that there are two further loading areas at Cake, a short distance away on the High Street. In addition to these four loading areas, there is on street parking at and west of Market Place on the High Street and a handy car and van park one minute away at the rear of Great Escape. The subject loading area makes five bays over a short distance on the High Street.

Despite the years of consultation and hours of site meetings with Mr Lennox who retired prior to work commencing, the approved plans were altered two weeks before work was due to start. This was the result of two Road Services engineers meeting two traders and unilaterally altering the approved plan to keep these two traders happy. There was no report to Cabinet about the alteration and no consultation with the rest of the community, notably disabled people. There was no consultation with In Bloom who had lovingly cared for the existing space with planters and seats had been donated by individual residents. Previous discussions with representatives of the North Berwick Business Association indicated that the approved plan with the loading area at Home Hardware/Tiffanys was a fair compromise and that a pleasant pedestrian friendly High Street was good for business. This breach of governance affronts Transport Scotland’s *Guidance on Inclusive Design for Town Centres and Busy Streets – Part 1, Inclusive Engagement for Street Design*.

The unauthorised amended plan was hastily drawn up and was not made available until the day after construction work had started. Two of the three Ward councillors knew nothing of the last minute change and neither did the Community Council nor the Area Partnership.

The fact that Police Scotland had declared the police station surplus to requirements is irrelevant as it will at some time be sold for another use commensurate with the High Street.

**b) A Precious Space Wasted.** The continuing provision of this fifth loading area scuppers the chance of a spacious amenity space in the heart of the High Street where people can meet, segregated from the traffic and fumes by a cascade of planting and flowers and hard landscaping. In contrast, the unauthorised loading area is rarely used for loading and is abused by car and van

drivers popping into Greggs for a takeaway – by far the main use of the loading area. Ironically, the Greggs delivery lorry driver was seen transporting goods from the Cake bays as two cars were parked in the subject bay. Its lack of use for loading is supplemented by the anarchy it creates. Attached is a small selection of photos taken of witnessed abuses, in some cases with the engines idling for several minutes. No doubt the promised monitoring by Road Services will support what is being witnessed daily. Please provide all monitoring results to date.

**c) Inclusivity.** The pavement space provided under the ETRO, although nominally 3 metres wide, is in effect less than 1.5 metres wide when the in use seating, wheelchair/mobility scooters, planter widths and vehicle door reach are taken into account. This makes it difficult for the users of wheel chairs and mobility scooters and impossible as a meeting space where people can gather to chat face to face. This is contrary to Transport Scotland's *Guidance on Inclusive Design for Town Centres and Busy Streets, Part Two – Physical Design Measures for Inclusive Design*. It should be noted that only the approved drawings were the subject of an integrated impact assessment, not the loading area amendment. This change will have a significant impact on the wellbeing of the community, particularly people protected by the Equalities Act 2010. The planters are also functional for stopping vehicles mounting the pedestrian space and injuring people and cracking the pavings. This is shown on one of the attached photographs. Without the planters and seating this space will revert to a parking place and bin dump as before.

**d) An ETRO is a Temporary Measure.** Fortunately the fact that in law the works are temporary means that the loading area can be seen for what it is – a waste of space. The temporary nature of the scheme means that the loading bay can be removed to be replaced by a landscape scheme in consultation with In Bloom and disabled people.

**e) Monitoring.** Road Services' evidence will be welcome as the feedback that On the Move has received clearly indicates that the area is rarely used as a loading bay or even a drop off for Barker and Bone and Oxfam. Random half hour sits there will show that about 90% of users are stopping off to join the queue in Greggs for a takeaway. As stated above the Greggs' lorry was witnessed unloading from one of the Cake bays. It does not even function on its own terms – it is a waste of valuable space.

**f) Otherwise Good Feedback on the Approved Sections.** The feedback we have had on the widened pavements has been very positive, other than that a blind contributor has commented that the siting of the bike racks is intrusive and that the kerb upstands are not in accordance with the design Standards cited in Transport Scotland's *Design for Town Centres and Busy Streets*. This is illustrated in one of the attached photographs. The bike racks could be sited at Quality Street near the ice cream parlour where they were removed by undertakers and not replaced. Comment has also been made on the incongruous change of surfacing at Tipy Canoe. Further, OtM were asked what payment the consultants Stantec were paid for their work on this scheme and how much was added for the late change of plan.

**g) Statutory Breach?** This consultation was not placed on ELC's Consultation Hub until 18<sup>th</sup> September 2025, 13 days before the consultation deadline. Therefore ELC should be prepared to extend the statutory consultation period.

[REDACTED]

East Lothian Council  
Penston House  
11 DEC 2025



9th December 2025.

**Police Station loading bay North Berwick**

Dear Mr Stubbs,

I am contacting you on behalf of the thirty two businesses in the East End of North Berwick High Street and as a representative from NB Business Association.

We have recently been informed that a group from 'On the Move' are requesting that the loading bay at the police station is taken away to extend the public space already in existence.

We have not been included in any consultations / meetings concerning this. We know that ELC will be included and therefore contacting you direct.

All thirty two businesses have been contacted by me and they unanimously disagree with this proposal.

The loading bay is a designated zone for goods vehicles to load/unload, crucial to the logistics to service the High Street.

We have seven public spaces within the High Street and three loading bays in the East End. The majority of business in this area require adequate loading areas and the present set up works well.

Taking away this area will not allow business to operate without congesting the High Street.

It is a valuable drop off point for people with mobility issues. It is understood it is not a designated area for this purpose, but with no parking in the East End it has afforded accessibility to the essential shops in that area.

We do not want to see this section of the community experience more difficulties in using the High Street.

We work 24/7 on the High Street and have not witnessed any issues with the bay over a busy Summer. The area is regularly observed by the wardens who move on, or issue fines to those illegally parking.

We would be grateful that our comments are given consideration by ELC AND made known at any meetings concerning this proposal.

Please would you acknowledge receipt of my letter.

Kind regards



Appendix B – The amendments of the prohibition and restriction on waiting, loading and unloading at various streets

<b>No.</b>	<b>Location</b>	<b>Description</b>
1	Masons Way, Wallyford	Change existing schedule 2 “No waiting at any time” to schedule 1 “No waiting, loading and unloading at any time
2	15a Bridge Street, East Linton	Introduce waiting restrictions to control indiscriminate parking
3	Inveresk Place junction, Inveresk Road, Musselburgh	Introduce waiting restrictions to control indiscriminate parking and improve sightlines
4	Goodalls Place, Haddington	Introduce waiting restrictions to control indiscriminate parking and keep access from being obstructed near former Golf Tavern
5	Craighall Link at Queen Margaret University Drive, Musselburgh	Introduce waiting restrictions to control indiscriminate parking and damage to adjacent verge
6	Elder Court, Tranent	Introduce waiting restrictions to control indiscriminate parking and stop private parking spaces from being blocked
7	Alderston Gardens, Haddington	Introduce waiting restrictions to control indiscriminate parking
8	Marmion Court / Marmion Crescent, North Berwick	Introduce waiting restrictions to control indiscriminate parking
9	Meetinghouse Drive, Tranent	Introduce waiting restrictions to control indiscriminate parking and damage to grassed build out

Appendix C – Speed Limits

<b>No.</b>	<b>Location</b>	<b>Description</b>
1	Dean Road, Longniddry	Introduce 40mph buffer speed limit

Appendix D – Restriction on overnight parking

<b>No.</b>	<b>Location</b>	<b>Description</b>
1	Musselburgh East Community Learning Centre, Musselburgh	Overnight parking restriction to stop Motor homes / Camper vans

## Appendix E – Stopping Up

<b>No.</b>	<b>Location</b>	<b>Description</b>
1	A199 Oak Tree, Haddington	To facilitate the construction of a new car wash there is a requirement to Stop Up a section of public verge