

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

**TUESDAY 12 NOVEMBER 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
AND VIA HYBRID MEETING FACILITY**

1a

Committee Members Present:

Provost J McMillan (Convener)

Councillor S Akhtar

Councillor E Allan

Councillor R Bennett

Councillor Bruce

Councillor C Cassini

Councillor D Collins

Councillor F Dugdale

Councillor J Findlay

Councillor A Forrest

Councillor N Gilbert

Councillor N Hampshire

Councillor L Jardine

Councillor C McFarlane

Councillor C McGinn

Councillor G McGuire

Councillor S McIntosh

Councillor K McLeod

Councillor L-A Menzies

Councillor B Ritchie

Councillor C Yorkston

Council Officials Present:

Ms M Patterson, Chief Executive

Ms L Brown, Executive Director for Education and Children's Services

Ms H Barnett, Head of Corporate Support

Ms E Dunnet, Head of Finance

Ms W McGuire, Head of Housing

Mr T Reid, Head of Infrastructure

Ms C Rodgers, Head of Communities

Mr S Cooper, Service Manager – Communications

Mr C Grilli, Service Manager – Governance

Mr K Dingwall, Service Manager - Planning

Ms N Sandford, Team Manager – Homelessness

Mr S Barclay, Team Manager – Housing Assets

Ms E Barclay, Democratic Services Assistant

Visitors Present:

None

Clerk:

Ms F Currie

Apologies:

Councillor T Trotter

Declarations of Interest:

None

Provost McMillan welcomed everyone to the special meeting of East Lothian Council. He advised that the meeting was being held via the hybrid system as provided for in terms of the Local Government (Scotland) Act 2003. The meeting was being recorded and 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 the webcast of this meeting would be publicly available for up to six months.

On behalf of the Council, he thanked officers for the work which had gone into the report on this agenda.

The clerk confirmed the attendance of Members by reading the roll.

1. HOUSING PRESSURES

A report was submitted by the Executive Director for Place providing Members with an updated position on housing pressures following the submission of the Strategic Housing Investment Plan (SHIP) for 2025/26 – 2029/30 to the Scottish Government on 25th October 2024. The report also detailed the significant impact of reduced investment on new build completions, the seriousness of the wider impact of reduced housing supply on current housing pressures, and the imminent loss of affordable units. The report offered Members the opportunity to consider declaring a housing emergency.

The Head of Housing, Wendy McGuire, presented the report. She began by drawing attention to an amendment to sections 1.4 and 1.5; clarifying that consideration of a housing emergency was specific to an affordable housing emergency. She set out the background to the report including the significant impact of reduced investment in new build completions, the high risk of the imminent loss of affordable housing units, the number of local authorities who had already declared a housing emergency and the recent declaration by the Scottish Government of a national housing crisis. She said that the Council had recognised the crisis and officers had worked hard to develop actions and reduce pressures as much as possible to avoid declaring an emergency. Officers were responding actively to the many pressures in a variety of ways, including through the homelessness action plan approved at Cabinet in September 2024. She referred to examples in the report which had resulted in a reduction in live homeless cases, fewer households in temporary accommodation and reduced lengths of stay in temporary accommodation. She acknowledged that this was not just a Council issue and that the pressures being faced were not solely from within the county. She advised that the Council and partners were all responding in line with strategy agreed earlier this year which contained 64 actions under 5 key outcomes. A housing partners board had been established to monitor delivery of these actions and report annually on progress.

Ms McGuire said that it was clear that the Council needed to find ways to increase new supply to meet demand and East Lothian was uniquely placed to deliver units with the high level of new build developments happening across the county. However, with reduced national investment these affordable units were likely to be lost to commuted sums. The severe reduction in funding this year was already having an effect; last year there had been 452 completions of affordable units; and, currently, the SHIP was likely to deliver less than that number in total over the next 5 years. She highlighted that 4 sites were currently ready to start negotiation and 3 of those were due to start work this financial year, however, the Council could potentially lose the affordable units on these sites to commuted sums. All possible solutions had been exhausted and it was likely that the Council would have to accept commuted sums on at least 2 of these sites. She emphasised that taking these sums would result in permanent loss of affordable units and would not help the Council to meet its targets.

While she welcomed the funding allocations provided already by Scottish Government, this funding was not flexible enough to mitigate losses on these 2 sites. She hoped that next year the potential uses of the funding allocation would be widened to allow for local decision-making. She concluded by pointing out that housing supported a range of other Council and health services. She drew Members' attention to the recommendations contained in the report and invited Members to consider declaring an affordable housing emergency.

Councillor McGinn asked why the Council should consider declaring an emergency now. Ms McGuire explained that the in East Lothian the situation was much wider than just homelessness, and included the unstable housing system which was facing significant pressures due to increased growth and changing demographics. She said that she had previously held off declaring an emergency to allow further actions to be put in place and some progress had been made. However, the situation was now urgent, and the declaration was required to maintain positive progress and avoid the imminent loss of affordable housing units.

Councillor Jardine asked about the level of Scottish Government grant funding over the last 10 years, monitoring of trends in needs and demands, the use of private sector units and the situation with voids and empty homes across East Lothian. Ms McGuire said she didn't have specific figures on level of funding but would provide these. She acknowledged that over the last 3 years the Council had received record levels of funding from the Scottish Government which had allowed them to successfully deliver affordable homes. There had been no sign of that funding reducing until December last year, and the impact if that reduction had been severe. She said that the Council had a number of sites ready to deliver but no longer had the funding to enter into those contracts.

Ms McGuire provided details of the robust needs and demand assessment which had been carried out to inform the current Local Housing Strategy (LHS) and which had shown that the need for affordable housing far outweighed the need for market housing. She said that changes to the LHS, agreed by Cabinet in September 2024, were made to address homeless pressures and the LHS was to be reviewed in 2026. A housing partners board had been set up and was meeting quarterly to review progress. She agreed that they could consider bringing forward the formal review of the LHS from 2026.

Ms McGuire provided some background on progress addressing the issue of void properties with a record number being turned around in the previous month. She agreed that management of void properties could help to address housing pressures, however, she pointed out that the allocation of all void properties would not be sufficient to meet the current demand for housing. On the issue of empty homes, she advised that the challenge was often that homeowners were not interested in bringing empty properties back into use. However, this work would continue, and it was listed as an action in the LHS. She agreed to clarify the timeframe for completion with Councillor Jardine.

Responding to questions from Councillor McLeod, Ms McGuire advised that the Council's housing partners included housing associations, such as East Lothian Housing Association (ELHA), Places for People and the Wheatley Group, and the Scottish Government. She explained that the change to policy around local connection had resulted in a rise in homelessness presentations over the past two months, with 33% of applications made by those coming from out with the county. She expected that to continue increasing, to possibly as high as 50%, due to the changes in the guidance.

Councillor Findlay asked for more information on the sites where affordable housing delivery was currently at risk. Ms McGuire detailed the sites in Haddington, Musselburgh and Dunbar and the work undertaken in an effort to deliver some of all of the total of 109 units. However, despite ongoing efforts these units remained at imminent risk of being lost.

Councillor Findlay also addressed a question to Councillor Hampshire about the practical effect declaring an affordable housing emergency.

Councillor Hampshire explained that the SHIP had identified that if the current situation continued a large number of affordable units would be lost, placing even greater pressure on the housing waiting list. He said that the vast majority of the last funding allocation made by the Scottish Government had been shared between five local authorities who had previously declared a housing emergency. The remaining small amount had been divided up between the other authorities and was specified for market acquisitions only, rather than allowing councils to target local sites available to deliver units. He emphasised that the Council needed to make the Scottish Government aware that it was currently in an emergency situation which was becoming unmanageable. He added that the Council could have moved to declare an emergency earlier but chose to pursue further actions before doing so. However, without additional funding, the situation was going to become even more unmanageable.

Ms McGuire responded to questions from Councillor Ritchie. She said that there was a well consulted Local Housing Strategy (LHS) action plan in place which had been developed in time of significant challenges and acute pressures; and contained 64 different actions. A housing partners board had been established to monitor the plan and ensure it delivered on its targets. In addition, the Homelessness action plan had been approved in September and the team were working hard and had seen some really positive results. She did not see the need for further action plans. She advised that the housing options team were working hard to ensure that victims of domestic abuse were placed in permanent accommodation as soon as possible and the overall number of cases had reduced. However, the lack of affordable housing was having an impact. She acknowledged that there was a need for a suite of tools to successfully address this emergency. While funding was critical to ensure the Council could invest in and deliver affordable homes, other interventions were also necessary as was allowing councils to decide how best to utilise any funding to ensure best value.

Councillor Allan asked whether it might be better to wait until the Scottish Government had announced its budget for 2025/26. Ms McGuire reiterated that the urgent nature of the emergency facing the Council required an urgent response to avoid the imminent loss of affordable housing units.

Councillor Bennet asked about other housing pressures. Ms McGuire agreed that it was not just about homelessness but wider problems around overcrowding and a growing aging population increasing the need for accessible housing. She added that the loss of new build housing would significantly impact the budgets available to address those needs.

Councillor Dugdale asked whether there were any mitigations that could be foreseen and what would be the consequence of losing 109 units. Ms McGuire explained some of the options and innovative models explored for the site in Haddington. She said that further discussion was taking place with the Scottish Government but that changes coming forward in the housing bill and the increase in house prices in East Lothian had impacted the viability of these options. The last resort would be to accept a commuted sum.

Ms McGuire responded to several questions from Councillor McIntosh. She referred to the consultation work done on the LHS and said that she had clarified that the housing emergency related only to affordable housing as the Council was meeting requirements around market housing. She stated that private sector developers had a requirement to deliver 25% of each site as affordable housing but currently things were not on track to reach that target. She said that if the Council accepted commuted sums, it would lose affordable units and developers would replace these with market homes.

Councillor McIntosh pointed out that 25% affordable on each site would result in always having too many market homes, and that the percentage should be increased. Keith Dingwall, Service

Manager – Planning, reminded Members that the requirement stipulated in the 2018 Local Development Plan (LDP) was 25% for affordable housing and it had also set out where the market housing should be. He said that the Council was currently developing LDP2 and would consider this issue but any decision to increase the affordable housing requirement would have to be evidence based and subject to the provisions of relevant legislation.

Councillor McIntosh asked further questions about the impact of the homelessness action plan agreed in September and funding requirements. Ms McGuire advised that the team had managed to significantly reduce the number of homelessness applications and the number of households in temporary accommodation. Nicola Sandford, Team Manager - Homelessness, said her team had undertaken quite a significant programme of transformation to reduce the number of cases. However, over the last two months 33% of clients presenting as homeless were from outwith East Lothian and she was concerned that, if it was not possible to limit or mitigate this then it would overturn all of the previous work to improve the situation. She added that while she did not have exact figures, the number of people from East Lothian applying to other local authority areas was less than 33%.

Replying to final questions from Councillor McIntosh, Ms McGuire outlined the funding required to deliver the SHIP but acknowledged that it was an ambitious document and the focus needed be on areas of high demand and social rents, as well as looking at innovative measures such a low-cost home ownership. She said that the Council had pushed back on declaring an emergency until it had done everything in its power to try to mitigate the situation and this work would continue. Today's declaration was purely in recognition of the potential imminent loss of affordable units and the need for additional funding from government to avoid such a loss.

Councillor Gilbert asked for further details of stakeholder engagement and about the Shelter Framework. Ms McGuire said that a significant amount of consultation had been undertaken in developing the LHS, lessons had been learned from the previous strategy and different approaches adopted to target harder to reach groups. She said she had seen the Shelter Framework for the first time yesterday. She had reviewed it but felt that the Council already had action plans in place and had already exhausted all options. She reiterated the imminent loss of affordable units that could result without a declaration.

Councillor Forrest asked about adapted properties and the impact on health and social care services of any delay in the delivery of this housing. Ms McGuire acknowledged that some of the housing pressures came from growth in the older population. While the Council had an extensive adaptations programme and medical programme, without new build housing, this would not be sufficient to meet the overall need. In addition, the 10% target of wheelchair accessible properties would also be impacted in the number of new build homes was reduced.

Councillor Hampshire asked about the impact of accepting commuted sums in place of housing units, and the importance of having flexibility to use funding to suit local priorities. Ms McGuire explained that the Council would have to use the sums to find and buy land to deliver the affordable units and economies of scale would mean that it would be difficult for the Council to afford to buy sufficient land to deliver the same number of units on a different site. She said that the previous funding provided by the Scottish Government had been for a specific purpose which, in her view, did not offer the Council the best value for money. She felt that the money would have been better utilised in delivering brand new affordable units.

Councillor Akhtar asked for further detail on the potential impact for health and social care, especially learning disability and mental health services. Ms McGuire said that housing was fundamental to so many areas and made a huge contribution to the work of these services. As part of the LHS, officers worked closely with health & social care colleagues on assessments for specialised housing for those with learning and physical disabilities. She provided examples of projects and sites which related to key targets in the LHS. She said that

the most important outcome from this work was that people from East Lothian, who were placed elsewhere, were now able to move back to East Lothian and be supported here.

Councillor Menzies asked about borrowing against the Housing Revenue Account (HRA). The Head of Finance, Ellie Dunnet, advised that there was no specific cap on borrowing set by (CIPFA). Councils applied their own judgements taking account of revenue impact, the impact of the increased debt burden on future council tax and rent payers, and the CIPFA principles of affordability and sustainability.

Councillor Menzies asked further questions about the impact and potential benefit of increasing the Council's borrowing. Ms Dunnet said she was unable to provide figures immediately but would do so after the meeting.

Provost McMillan suggested that a short adjournment to allow Ms Dunnet time to provide this information to the Members, as this additional might inform their consideration of this report.

There was an adjournment of 30 minutes. The webcast was paused during this time.

Provost McMillan invited Ms Dunnet to make a further statement in response to Councillor Menzies' questions.

Ms Dunnet advised that a 1% rise in the debt cap would create additional borrowing headroom in the region of £6M, to be paid back over 50-60 years. A similar rise in rents would provide a similar level of additional borrowing but without the risks to the sustainability of the HRA. She reminded Members that the Council was already consulting over a potential rent increase for the coming year which would provide additional borrowing capacity. She stated that the Council's estimated HRA debt was due to rise to £400M by 2028/29 and Council borrowing to date had already exceeded £500M, which was significant for a council of this size. She concluded that, in her view, increasing the debt cap beyond the 40% which previously set would not represent a prudent approach to the HRA and would go against the financial strategy set by the Council. She also confirmed that the additional borrowing from a 1% rent increase related to a single year increase but could result in debt charges on affordable housing over a period of 50-60 years.

Sederunt: Councillor Gilbert left the meeting.

Provost McMillan moved to the debate and invited statements from Members.

Councillor Forrest began by thanking housing staff for their efforts to mitigate the current affordable housing crisis. He referred to the LHS which set out the significant pressures and the action plan in place to deliver a balanced housing system. He pointed to the increase in population and the changing demographic, which combined with rising prices and change to homelessness legislation, had placed further pressure on the system. He said that the Council managed over 9000 properties and had 4500 people on the housing list as of 31/03/24. It has allocated 664 council properties in the last year, including 209 new builds. In response to the national housing emergency the Council had put in place an action plan which had resulted in a reduction in live case numbers and the numbers and time spent in temporary accommodation. He acknowledged that the Council had previously been very fortunate in receiving record levels of investment to deliver new housing. However, despite having sites ready to deliver, the recent loss of funding meant that there could be a permanent loss of affordable units. He referred to the recent submission of the latest SHIP and the concern that, if additional funding was not forthcoming, there would be a heightened risk of losing up to 1200 units over the next 5 years. He said this was compounded by the recent to homelessness legislation which had resulted in 33% of applications over the past two months coming from people out with East Lothian. For all of these reasons, he felt that he had no other choice but

“to propose an affordable housing emergency which requires an urgent response to ensure we [the Council] do not lose any affordable units coming through our section 75 obligations.”

Provost McMillan, and Hayley Barnett, Head of Corporate Support, confirmed that Councillor Forrest’s proposal was an amendment to the report recommendations and would require a seconder. It would be considered as an additional recommendation - 2.6.

Councillor Hampshire seconded the proposal saying that he fully agreed Councillor Forrest’s statement. He also commended the efforts of housing staff which had resulted in a reduction in homelessness cases. He noted that some other local authorities had already declared housing emergencies but that East Lothian Council had decided first to consider alternative options. He said that the Council had worked hard with partners to deliver as much affordable housing as possible, however, it was clear from the SHIP that if things continued as they were now, it would not be possible to provide permanent housing for all those in need. He said that this had led to the proposal to declare an affordable housing emergency and to advise the Government that the Council had done all it could and now need more funding. Addressing the question of additional borrowing, he said that the Council had managed its housing stock well and had kept rents affordable and to ask people to pay more in rent so the Council could borrow more was not acceptable. The Council needed to secure additional government funding and maintain its existing housing stock. He reiterated that he was fully behind declaring this emergency and approaching the UK and Scottish Governments to secure more funding to deliver the numbers of affordable homes required in East Lothian.

In response to queries from Councillor Jardine, Provost McMillan confirmed that, as allowed for under the Council’s Standing Orders, he would be accepting the amendment. He advised that the exceptional circumstances were the timing and nature of the report and the limited time for consideration prior to the meeting. He also confirmed that he would be willing to extend this consideration to any other Members who wished to propose amendments. He also set out the procedure to be followed for the debate and vote.

Councillor Menzies stated that she wished to move that consideration of recommendation 2.5 – the declaration of an affordable housing emergency – be postponed allowing Members to give further thought to the information put forward today on borrowing.

Ms Barnett advised that as this was a motion to postpone, Councillor Menzies would be given the opportunity to make a statement and, should the motion be seconded, the meeting would move immediately to a roll call vote on the motion.

Councillor Menzies began by emphasising that councillors should take responsibility for their decisions and their impact on communities. She pointed out that this situation had not happened in a vacuum and referred to the decline in the Council’s housing stock from over 16,500 units in 1979, to just over 9,500 today. Taking into account the highest property prices in Scotland and the second lowest council rents, she said that the budget gap in housing had been increasing year on year. She agreed that matters were now at crisis point and that urgent action was required. However, she felt that the mitigations already discussed had not addressed the key issue which was that the Council did not charge enough for its rents. She said that Members should be given more time to consider the information on borrowing provided at the end of today’s discussion and to consider how best to fully investigate these issues and mitigate for the future. This was why she was moving to postpone the decision on declaring an affordable housing emergency.

Councillor Cassini seconded the motion.

Following queries on process from Councillor McIntosh, there was a very brief adjournment to clarify the procedure for the vote and managing the remainder of the meeting. The webcast was paused during this time.

Provost McMillan advised that he would move directly to a vote on Councillor Menzies' motion to postpone consideration of recommendation 2.5 in the report. If the motion was successful, he would continue with the debate and vote on recommendations 2.1 to 2.4. If the motion was unsuccessful, the meeting would continue to debate and vote on the full report recommendations and the amendment by Councillor Forrest. He moved to a roll call vote on Councillor Menzies' motion:

For – **5** (Councillors Allan, Cassini, Jardine, McIntosh and Menzies)

Against – **15** (Councillors Akhtar, Bennett, Bruce, Collins, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McLeod, Ritchie, Yorkston and Provost McMillan)

The clerk confirmed that the motion to postpone consideration of recommendation 2.5 was rejected by 15 votes to 5. She also confirmed that Councillor Gilbert had left the meeting prior to the vote. Provost McMillan returned to the debate, inviting further comments from Members.

Councillor McGuire said that all of his questions had been answered by officers and he was mindful of the very pertinent point made by Councillor Forrest regarding the loss of land if the Council did not act now. He noted that the Scottish Government had recently declared a national housing emergency, but he said he had heard nothing about how they intended to address it. As a result, councils had been left to do the best they could for themselves, and he supported Councillor Forrest's amendment.

Councillor McIntosh acknowledged the current housing crisis but felt that the Council had defined it in very narrow terms, with an emphasis on house building allocations and the suggestion that additional funding would solve the problem. Referring to the Shelter Framework, she urged Members to adopt a broader, rights-based approach which did not just look at numbers but engaged with people to understand their lived experience of housing in East Lothian. She said that the issue was not just about supply, but also the quality of homes; whether they were warm, wind and water tight, and whether they were near public transport, childcare facilities and places of work. She did not think that these questions had been asked and she gave examples of recent contacts from constituents concerned about housing issues, antisocial behaviour, health information required for housing applications, property maintenance and the overall impact on people's mental health. She agreed with recommendations 2.1 to 2.4 in the report and that the Council should declare a housing emergency. However, she proposed an amendment to Councillor Forrest's amendment: "To declare an affordable housing emergency, with a housing emergency action plan produced following rights-based PANEL principles, to follow to full Council within 6 months."

Councillor Jardine seconded the amendment proposed by Councillor McIntosh.

Councillor Forrest indicated that he was not willing to accept any revision to his amendment Ms Barnett advised that Councillor McIntosh's proposal would be taken as a separate amendment and outlined the procedure for voting following the debate.

Councillor Jardine stated that, generally, she would support the declaration of an affordable housing emergency. However, she stressed that it was up to Members to ensure that they had applied sufficient scrutiny to the performance, strategic direction and planning of officers, as well as being confident that any actions were achievable. She stressed that the Council could not over promise and under deliver on this important issue. Members needed to be clear that their role was strategic, and that the Council was doing all it could to engage with stakeholders and address systemic problems. She commended the cross-party approach advocated in the report and said she would be happy to join with Councillor Hampshire in discussions with both UK and Scottish Government. However, referring to the Shelter Framework document, she said she was not convinced that issues of engagement had been sufficiently addressed and

that the Council needed to produce a more wide-ranging and collaborative plan to address the problems in the overall system.

Councillor Hampshire said that while Members had very recently received a letter from Shelter encouraging them to declare an emergency, it was clear that Shelter were unaware of the plans the Council had already put in place. He emphasised the imminent loss of around 100 affordable units over 3 sites across the county and the potential impact on families currently living in temporary accommodation. He reinforced the need to highlight the seriousness of the situation to both governments and said that if Members did not act, they would be failing their constituents very badly. He reiterated that the Council had done all it could to deliver affordable units but continuing to borrow to meet the 25% target would require further government support.

Councillor Akhtar said that Members had to do their best for people in East Lothian and had spent a considerable amount of time discussing these issues over the past months and years. She said that this decision was about constituents and communities and reflected the fact that housing was fundamental to everyone's health and wellbeing. It contributed to eradicating poverty and reducing inequality. She pointed out that a significant amount of engagement activity had been done while developing the action plans mentioned today, ensuring that hard-to-reach groups were included. She was confident that officers had sought the views of those with lived experience; and that these had clearly informed the direction of travel. She referred to the growing population in the county, and particularly the continuing increase in the older population which was driving higher demand for accessible and adaptable homes. She quoted figures from developments across the county which had delivered affordable and accessible homes and pointed out that Haddington had the largest population of over 65s and so would be worst hit by a reduction in social housing. She said that all homes delivered had made significant impact on health & social care services and on constituents and it was vitally important to support as many people as possible to live at home, regardless of their needs. The private sector did not provide the level of variety and adaptable homes. She supported Councillor Forrest's amendment and offered her thanks to officers for their hard work and professionalism.

Councillor McGinn said that very difficult decisions must be made in a time of crisis. He said that all of his colleagues had been involved in discussions with constituents around their housing issues. However, unless the Council gained support to tackle these issues, it would not ease the strain on services, meet targets on tackling poverty, closing the attainment gap and reducing homelessness. He agreed that homelessness and health were inextricably linked and that the current situation was a crisis. He stated that, if Members were determined to seek the best for their constituents, they must declare a housing emergency because to ignore this position was to ignore their constituents' pleas for help.

Councillor Dugdale commended the report and noted that today's discussion had clearly demonstrated the loss of planned affordable homes. She viewed this as an imminent risk and an urgent situation which required action to move things forward. She commented on the serious impact on those families experiencing homelessness, overcrowding or who did not have access to appropriate housing. She said that the Council had chosen to put an action plan in place first to try to mitigate these issues, and officers had worked hard to deal with the situation. However, the Council now faced the loss of homes that were desperately needed and while funding was not the only thing, it was critical to enable these developments. She would be supporting Councillor Forrest's amendment.

Councillor Menzies noted that Members were, broadly speaking, in agreement on the issue of a housing emergency but she said that the proposed amendments represented two clear approaches: one to declare an emergency and write to both governments; and the other to declare an emergency, write those letters and make a plan to work our way out of this situation. She emphasised the need for a plan and pointed out that it was not just an imminent loss of

100 houses but also the previous significant reduction in housing stock over previous decades. In these circumstances, she thought that taking 6 months to develop a plan was reasonable. She spoke of her own experience of homelessness and that she was currently supporting family members in difficult circumstances who were in need of housing. She did not believe that a letter to government or an increase in funding was the answer. Additional work was needed, and Members needed to take responsibility for these actions. She would be supporting Councillor McIntosh's amendment.

Provost McMillan thanked Members for their comments. He said that the key issue for him was the risk of losing sites and therefore losing homes for people. He offered his thanks to officers for bringing the paper forward and for their professionalism in their advisory role. He noted that short term actions were required to address short term threats, and influence short term issues, such as the forthcoming Scottish Government budget. It was up to Members to make a decision and urgency was imperative. He would be supporting Councillor Forrest's amendment.

Sederunt: Councillor Cassini left the meeting.

Ms Barnett reminded Members of Councillor Forrest's amendment ("Amendment 1"). The clerk advised that the original report recommendations ("the Motion") would be considered against Amendment 1:

Motion - 3 (Councillors Allan, Jardine and Menzies)
Amendment 1 - 16 (Councillors Akhtar, Bennett, Bruce, Collins, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McIntosh, McLeod, Ritchie, Yorkston and Provost McMillan)

Councillor Forrest's amendment (Amendment 1) was approved by a majority of 16 votes to 3. Ms Barnett confirmed that the surviving position – Amendment 1 - would now be considered against Councillor McIntosh's amendment to the report recommendations ("Amendment 2").

Amendment 1 - 15 (Councillors Akhtar, Bennett, Bruce, Collins, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McLeod, Ritchie, Yorkston and Provost McMillan)
Amendment 2 - 4 (Councillors Allan, Jardine, McIntosh and Menzies)

Councillor Forrest's amendment (Amendment 1) was approved by a majority of 15 votes to 4.

Decision

The Council agreed:

- i. To note the impact on the positive progress made by Officers in delivering the action plan in response to housing and homelessness pressures in East Lothian and the National Housing Emergency set out in section 3.5.
- ii. To note the seriousness of fewer affordable units and the wider impact on housing pressures as set out in sections 3.6 to 3.9 and note the actions officers have taken to mitigate the loss of affordable housing units set out in section 3.13.
- iii. To note the risk to both the HRA and General Services budgets.
- iv. To agree to write to both the UK Government and the Scottish Government to seek additional funding support as part of the UK Governments budget announcement on 30 October 2024, to help address this matter, together with an ask to widen the criteria for the Acquisitions Fund already granted and set out in section 3.16.

- v. To note that Officers have exhausted all possible opportunities to address the challenges in the housing system and considers declaring a housing emergency as a consequence of the challenges outlined in this report.
- vi. To declare an affordable housing emergency which required an urgent response to ensure the Council did not lose any affordable units coming through its section 75 obligations.

Provost McMillan thanked officers and Members for their contributions and brought the meeting to a close.

DRAFT

Signed

Provost John McMillan
Convener of the Council

**MINUTES OF THE MEETING OF
EAST LOTHIAN COUNCIL**

**TUESDAY 10 DECEMBER 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
AND VIA HYBRID MEETING FACILITY**

1b

Committee Members Present:

Provost J McMillan (Convener)	Councillor L Jardine
Councillor S Akhtar	Councillor C McFarlane
Councillor E Allan	Councillor C McGinn
Councillor R Bennett (from Item 6)	Councillor S McIntosh (from Item 2)
Councillor Bruce	Councillor K McLeod
Councillor D Collins	Councillor L-A Menzies
Councillor F Dugdale	Councillor B Ritchie
Councillor J Findlay	Councillor T Trotter
Councillor A Forrest	Councillor C Yorkston
Councillor N Hampshire	

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms F Wilson, Director of Health and Social Care
Ms H Barnett, Head of Corporate Support
Ms E Dunnet, Head of Finance
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr R Montgomery, Head of Development
Mr T Reid, Head of Infrastructure
Ms C Rodgers, Head of Communities
Ms E Barclay, Democratic Services Assistant
Mr S Cooper, Service Manager – Communications
Mr K Dingwall, Service Manager – Planning/Chief Planning Officer
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms J Fraser, General Manager – Children's Services
Ms A-M Glancy, Service Manager – Corporate Accounting
Ms F Haque, Solicitor
Mr D Henderson, Service Manager – Service Accounting
Mr E Hendrikson, Team Manager – Amenity Services
Mr S Kennedy, Team Manager – Emergency Planning and Resilience
Mr E John, Service Manager – Countryside, Sport and Leisure
Mr P Ritchie, Service Manager – People and Council Support
Mr A Stewart, Project Manager – Growth Delivery
Mr A Stubbs, Service Manager – Roads

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor C Cassini

Councillor N Gilbert

Councillor G McGuire

Declarations of Interest/Transparency Statements:

Item 2: Transparency Statement – Councillor McLeod stated that he was a member of the Friends of Polson Park.

Item 5: Transparency Statement – Councillors Allan, Jardine and Menzies stated that they worked in the constituency office of an MSP, but they did not support him in his role as a minister.

Item 6: Transparency Statement – Councillor McIntosh advised that she had submitted a letter to the East Lothian Courier in March 2024, but that her letter was not connected to the subject of the report, namely, the Traffic Regulation Orders.

Item 9: Declaration of Interest – Councillor Menzies advised that as a Board Member of EnjoyLeisure she would leave the meeting for the duration of that item.

Item 9: Transparency Statement – Councillor Ritchie stated that she was a member of the Board of EnjoyLeisure.

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

The clerk recorded the attendance of Members by roll call.

1. MINUTES FOR APPROVAL

The minutes of the East Lothian Council meeting of 29 October were approved, subject to the following amendment:

Item 3 (p. 6, para. 8, l. 3): replace 'place-based arts project' with 'place-based consultation'.

2. FINANCE UPDATE

A report was submitted by the Executive Director for Council Resources providing an update on the in-year financial position at the end of September 2024.

The Service Manager for Service Accounting, David Henderson, presented the report. He provided a summary of the financial position as at the end of Quarter 2, noting the main areas of pressure, the planned use of reserves, additional Scottish Government funding received, and efficiency savings delivered. He drew particular attention to the situation regarding the East Lothian Integration Joint Board (IJB). Mr Henderson also updated Members on capital spending projections, the treasury management position, the Housing Revenue Account (HRA), and the pressures facing the Council in future years.

Councillor Dugdale sought an update on the position regarding funding for teachers. Mr Henderson advised that the Quarter 2 report assumed that that full funding would be received; this matter had been raised through CoSLA and the Directors of Finance network.

Councillor Jardine questioned the budget increase regarding the Dunbar Conservation Area Regeneration Scheme (CARS), and also asked about the possibility of the IJB revisiting its decision about the use of its reserves. On CARS, Mr Henderson advised that there had been a change in the spend profile due to delays in the payment of grant funding; he expected that the money would be spent in time, but not during the 2024/25 financial year. As regards the IJB, he noted that it would be for the IJB to determine how it would use its reserves; however, the decision taken by the IJB did allow for further consideration of the use of its reserves.

Post-meeting note: Fiona Wilson, Director for Health and Social Care, confirmed that should there be additional funding allocated to the IJB that results in an underspend, it would be for the IJB to decide on how this would be used; however, it was not anticipated that there would be any additional funding allocated during the current financial year.

Responding to questions from Councillor Bruce, Mr Henderson confirmed that the forecast surplus in the council tax budget was due to an increase in properties; this would be taken into account in the calculations for future years. He could not say for certain if this would have a significant impact in the outturn for this financial year, but he did point out that growth had led to pressures in a number of areas. On the Children's Services budget overspend, Mr Henderson advised that this related to the cost of external placements and external fostering, which were the main areas of pressure within that budget. He agreed to consider how this information is presented for future reports.

Councillor Trotter asked about risks and costs associated with delivering social work services. Jen Fraser, General Manager for Children's Services, noted that the cost of external placements continued to rise, and that a significant proportion of the overspend was due to these placements, which dealt with children and young people with complex needs and behaviours, such as sexually harmful behaviour, complex family relationships, and violence.

Post-meeting note: Fiona Wilson advised of the responsibility to keep adults safe, through supporting care home placements, care at home, and specialist placements. She added that progress had been made in managing efficiency, and that there was a focus on ensuring that decision-making is sound and meets professional requirements.

In response to questions from Councillor McIntosh, Nicola McDowell, Head of Education, indicated that the underspend in early years education was due to services being delivered differently following a service review, and also that there were three intakes throughout the year, so it was likely that the underspend would reduce. On the underspend on the HRA relating to energy efficiency, Mr Henderson made reference to the 'fabric first' approach adopted by the Housing Service, which covered loft, cavity and external wall insulation, heating upgrades, and door and window replacement programmes. He noted that these aspects were previously classed as modernisation, and that some of the expenditure relating to the door and window replacement programme continued to be classified as such. On the use of Lloyds Bank for short-term investments, Ellie Dunnet, Head of Finance, explained that the Council had to follow the Prudential Code and CIPFA Code; although it may be possible

to consider more ethical investments, it would not be possible for the Council to extricate itself from Lloyds immediately, so these investments would remain with Lloyds for the remainder of their contracts.

Councillor Menzies asked questions about levels of borrowing over the past decade. Mr Henderson advised that borrowing levels depended on the size of the programme and that higher inflation had impacted on borrowing levels. He added that the Council did not borrow for specific capital projects, and that the timing of borrowing was determined by cash flow, market conditions and advice from treasury advisers. Additionally, some fiscal flexibility had been applied during the COVID-19 pandemic.

Councillor McLeod asked about the consequences for managers who fail to operate within approved budget levels, and also about income generation. Mr Henderson assured him that the majority of services were operating within budget or reporting an underspend; where this was not the case, enhanced monitoring was in place and those managers met regularly with the Finance Team. He added that a balance had to be struck between meeting statutory duties and keeping people safe from harm. On income generation, he referred to a number of initiatives under consideration and advised that proposals would be brought forward in due course; however, this income would not be realised within the current financial year.

Councillor Allan asked a question in relation to the Community Housing Group savings. Mr Henderson noted that the unachieved saving was the reason for the pressure on this service, and that the Head of Housing was currently working on a proposal to deliver the savings on a recurring basis from the next financial year.

In response to questions from Councillor Akhtar, on teacher numbers, Mr Henderson indicated that discussions were ongoing, so he could not provide further detail at this time. As regards the additional £5m of funding allocated to the IJB, he noted that this funding was provided largely to fund the Living Wage and free personal nursing care; he therefore expected this allocation to be fully spent in 2024/25. Concerning the Scottish Welfare Fund, he advised that there were significant pressures on this fund, and that the Scottish Government had announced an additional £20m of funding for the current financial year; the Council would continue to award grants on a high priority basis, and was still to hear what its allocation of the additional funding would be.

Councillor Hampshire opened the debate, highlighting the challenges facing the Council due to growth, which were impacting all Council services. He noted, in particular, the demands on Children's Services and the IJB, but stressed that the Council had to do all it could to protect vulnerable people. He thanked the staff for their efforts in difficult circumstances.

Councillor Forrest thanked Wendy McGuire and her team for their work to address the issue with void properties, and Nicky Sandford for her efforts to address homelessness. He welcomed the additional government funding for the affordable housing programme.

Councillor Menzies acknowledged that all local authorities were experiencing budget pressures, and she hoped that the Scottish Government's budget would not be delayed. She welcomed the additional funding for the Scottish Welfare Fund.

Referring to the recent UK Government funding announcement for Scotland, Councillor Akhtar noted that this would provide an additional £2.8bn for day-to-day spending, and £610m for capital investment. She hoped that this would provide additional resources for the Council. As regards the IJB, she indicated that the level of reserves would need to be looked at so that there was sufficient funding to meet demand, and also that consideration would need to be given to day centre services in Musselburgh. She voiced concern about teacher numbers and what this could mean for East Lothian.

Decision

The Council agreed:

- i. to note the outcome of the Quarter 2 financial performance against approved budgets and the underlying financial pressures faced by the Council;
- ii. to note the additional funding received from the Scottish Government to meet specific policy initiatives;
- iii. to note the range of ongoing intervention measures approved by Council;
- iv. to note that financial scrutiny reports would continue to be reported to Council for scrutiny until the financial position improves;
- v. to note the update on the wider financial environment and current risks; and
- vi. to note the update on the Capital budget and Prudential and Treasury Indicators.

3. FINANCIAL AND CAPITAL STRATEGIES 2025-30

A report was submitted by the Executive Director for Council Resources providing an update on the financial outlook facing the Council; providing an update on the budget development process, which would inform the setting of budgets for 2025/26 onwards; and seeking approval for the 2025/26–2029/30 Financial and Capital Strategies, attached as Appendices 1 and 2 to the report.

The Head of Finance, Ellie Dunnet, presented the report, drawing attention to additional funding that had been received for General Services, Capital, the HRA (both capital and revenue) and the Integration Joint Board (IJB). She confirmed that there would be no cap on council tax increases for 2025/26, and that the grant settlement would be for one year only. She anticipated that further information would be available after 12 December, and that she would share this with Members. She also highlighted the proposed budget development process, as set out in Section 3.12 of the report.

In response to questions from Councillor Jardine, Ms Dunnet advised that the reserves strategy formed part of the overall Financial Strategy, which covered a five-year period and was reviewed annually. She encouraged Members to engage with officers as part of the financial updates to Council and also through the cross-party budget group. On consulting with the public, she reminded Members that resources had to be aligned to the Council's statutory duties and priorities, although it could be revised during the year.

Councillor Bruce asked for an update on the progress with the rent review. Ms Dunnet explained that work was underway to develop a new model, with a target implementation date of April 2026. She reassured him that the delivery of this project would be monitored by the Executive Team.

Councillor Menzies asked about the impact on the Council of the employers' national insurance increase. Ms Dunnet reported that initial estimates were that it would cost the Council £4.6m, and that she was not certain at this stage if this would be fully funded. She added that the funding would not cover commissioned services.

Responding to a question from the Provost as regards any additional funding announced after 6 February, Ms Dunnet stressed that it was important to continue with the setting of the budget as planned, and suggested that any additional funding should be held as contingency.

Councillor Ritchie asked about how young people could be more involved in the budget consultation process. Ms Dunnet advised that the process was assessed annually and that she would give this aspect further thought; however, she did point out that the consultation was shared with the Youth Parliament.

Opening the debate, Councillor Hampshire pointed out that the Spending Review should provide longer-term certainty, and that further detail was required from both the UK and Scottish Governments. He noted that CoSLA was in negotiations with the Scottish Government, and he was hopeful that a new fiscal framework would be agreed, which would provide local authorities with certainty as to their allocation and allow for longer-term financial planning.

Councillor Jardine welcomed the prospect of planning on a multi-year basis. She suggested that this would also allow for the Council to work more collaboratively with communities and the Third Sector, as well as feeding back shared concerns to both governments. As regards the budget development process, she was of the view that community engagement needed to be better, and she had concerns about the methodology used.

Acknowledging that demand for Council services was very high, Councillor McLeod stressed that services must not be reduced without good reason.

Councillor Bruce voiced his concern about the delay with the rent restructure and requested that a report on this matter be brought forward as soon as possible. He referred to the Council's declaration of a housing crisis at a time when East Lothian had the second lowest rent levels in Scotland, and he suggested that this situation created issues with managing the HRA and delivering the repairs programme. Sarah Fortune, Executive Director for Council Resources, undertook to bring forward a report on this issue.

Councillor Akhtar spoke of the need to take a flexible approach with these strategies. She also pointed out that while the IJB had a responsibility to deliver services, the assets were owned by the Council, and the Council's capital funding allocation had reduced by 23% over the past ten years. She stressed the importance of this being taken into consideration and that the Council was funded fairly going forward.

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

Decision

The Council agreed:

- i. to note the financial outlook, budget projections and key assumptions for financial planning 2025/26 onwards, as set out within the Financial Strategy (Appendix 1 to the report) and summarised in the report;
- ii. to note the changes to the current approved strategy and approve the updated Financial Strategy for 2025/26–2029/30, set out in Appendix 1 to the report;
- iii. to note the changes to the current approved strategy and approve the updated Capital Strategy for 2025/26–2029/30, set out in Appendix 2 to the report;
- iv. to approve the budget development process set out in Section 3.12 of the report, which would inform the development of the 2025/26 and future years budget proposals;

- v. to note that agreeing the process set out in Section 3.12 of the report means that there will be no option to submit amendments to the budget papers after noon on 6 February 2025, other than for the correction of errors;
- vi. to agree to delegate authority to the Chief Financial Officer and Monitoring Officer, in discussion with Political Group Leaders to make any necessary changes to the timelines set out in Section 3.12 of the report;
- vii. to note the indicative timetable for the parliamentary process for the Scottish Government's 2025/26 budget, as set out in Section 3.18 of the report; and
- viii. to agree that any funding announced after 6 February 2025 would be held as contingency to offset budget risks and future year pressures in the first instance, with any subsequent decision to commit this funding being considered at a future Council meeting.

4. CORPORATE RISK REGISTER 2024/25

A report was submitted by the Chief Executive advising of the risks impacting the delivery of Council services.

The Team Manager for Emergency Planning and Resilience, Scott Kennedy, presented the report, drawing attention to a number of specific risks (CR1, CR3, CR5 and CR17, as set out in the appendix to the report). He assured Members that the Risk Register would be closely monitored on an ongoing basis.

Responding to questions from Councillor Trotter on the Homeless and Housing Pressures risk (CR3), Wendy McGuire, Head of Housing, reported that the additional funding would hopefully help increase supply, but at this stage the Council's allocation remained unknown and she could not commit to sites until this was confirmed, so she recommended that this risk should remain unchanged in the meantime. She added that it was not possible for the Council to commit to future development projects with only a one-year funding allocation; however, once the allocation was confirmed, officers could take action immediately as regards determining priorities for three particular sites. On the allocation of 2-bedroom properties to single people, Ms McGuire advised that it was too early to determine if there were any unintended consequences of this policy change. She did point out, though, that the change had resulted in a significant reduction in people in temporary accommodation, with 15 offers of housing having been accepted. She would provide a further report on this in April 2025. Ms McGuire also reported that live homelessness applications had reduced from 730 to 450 in the past year, due to changes in the Allocations Policy and improved relationships with housing association and registered social landlord partners. On people presenting themselves as homeless outwith East Lothian, she was unable to provide figures on this but undertook to look into this matter.

Councillor Hampshire commented on the risk to the Council of coastal erosion, and he asked for further detail on this. Tom Reid, Head of Infrastructure, advised that a coastal assessment was required, which would inform the Risk Register in due course. He made reference to the successful multi-agency response to the damage at North Berwick harbour and the recovery plan at Cockenzie harbour, noting that there was a wider risk from storm damage and rising tides.

Councillor Dugdale asked what would happen if the highest risks continued to get worse. Sarah Fortune, Executive Director for Council Resources, explained that this was taken into account through the risk management framework, and that it was possible that CR1 (Managing

the Financial Environment), currently sitting with a risk score of 25, could get worse, depending on the outcome of the Scottish Government budget.

Councillor Jardine asked about dialogue with communities about budget development. Ellie Dunnet, Head of Finance, noted that the Budget Insights campaign was developed as a result of comments from residents, and the intention of the campaign was to explain budget-related issues clearly. The campaign would be a long-running one, and in future years it would be updated using the Residents' Survey. She added that the Communications Team was currently working on updated messaging, particularly in light of the recent Scottish Government budget and the Council's own budget development process.

Councillor McIntosh sought an update on the situation at the Brunton Hall. Mr Reid reported that the relocation of services was now underway, and he anticipated that the building would be mothballed by 31 March. The Community Empowerment consultation would begin in early 2025, and officers would begin work on the scope and engagement of place-based projects in early January 2025.

Councillor McIntosh also expressed concern that there may be insufficient funding to carry out actions relating to climate change. Ms Fortune assured her that this issue continued to be discussed at the Directors of Finance Group, and also raised by CoSLA; she pointed out that funding was required to deliver these actions. Mr Reid added that as part of the asset review and place-based projects, climate change would be one of the aspects measured. Mr Kennedy also pointed out that there was a separate risk for severe weather. Councillor McIntosh also asked if the charging policy for Environmental Information Regulations (EIR) requests had been updated since the Information Commissioner's decision on this. Hayley Barnett, Head of Corporate Support, advised that the Service Manager for Governance would be meeting with a representative from the Information Commissioner's Office to discuss this matter, and that the Risk Register and Members would be updated thereafter.

Councillor Allan questioned if the Risk Register should include a risk on staff decision-making concerning adult social care provision.

Post-meeting note: Fiona Wilson, Director of Health and Social Care, advised of the responsibility to keep people safe and prevent them from harm. Where there is any doubt in this regard, support on decision-making would be sought from the professional leads within Health and Social Care.

Councillor McGinn asked if the results of the 2024 Employee Engagement Survey had been shared with Members. Ms Dunnet expected that this would have been the case but undertook to reissue it.

Councillor Menzies requested that Standards Commission training be arranged for Members. Ms Barnett agreed to take that forward.

Moving to the debate, Councillor Bruce thanked all those officers involved in dealing with the recent situation at St Gabriel's Primary School [which had had to close temporarily due to a gas leak]. He described the response to the issue as 'exemplary', with arrangements having been put in place to look after the children. He also welcomed the arrangements put in place to protect Cockenzie harbour following a recent storm.

Councillor Bruce's comments were echoed by Councillor Akhtar. She was concerned about the number of very high/high risks within the Risk Register, commenting that it was important for the Council to be properly funded. She made reference to the number of people awaiting a care package, noting that a recent report by lead professionals in Social Work and Health to the IJB had advised that the situation was at a critical level, and that it was very difficult for

them to continue operating within the current funding; she called for that report to be shared with all Members.

Councillor McGinn made mention of the new website of the Midlothian and East Lothian Public Protection Committee, describing it as a 'fabulous resource'. However, he pointed out that there had been an increase in domestic violence incidents, and issued a plea to men to 'not be that guy who causes distress in the family'.

Councillor Dugdale spoke of a recent report issued by the Local Government Information Unit (LGiU) which had warned that councils were facing a precarious financial position that could have catastrophic consequences. She hoped that additional funding would come forward to help councils protect and support communities.

Councillor Jardine stressed the need for local services to be supported and paid for. She commended Councillor McGinn for his comments on violence against women and girls, remarking that everyone had a duty to call out inappropriate behaviour when they witnessed it.

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

Decision

The Council agreed to approve the Corporate Risk Register, and in so doing to approve that:

- i. the Corporate Risk Register would be maintained as a 'live' document, which would be reviewed by the Council Management Team (CMT), the CMT sub-group on Risk Management, Service Management Teams (SMT), risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required;
- ii. the relevant risks had been identified;
- iii. the significance of each risk was appropriate to the current nature of the risk;
- iv. the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk but in the context of the planned mitigations; and
- v. although corporate risks would require close monitoring and scrutiny over the next year, many were long-term risks for the Council that were likely to be a feature of the Risk Register over a number of years.

5. UPDATE ON REGIONAL STRATEGIC SITES PROGRAMME AND RECOMMENDATION TO PREPARE A STRATEGIC OUTLINE BUSINESS CASE FOR BLINDWELLS NEW SETTLEMENT

A report was submitted by the Executive Director for Place updating the Council on the Regional Joint Committee's approval of the Strategic Sites Programme for South East Scotland, which is linked to the implementation of the Edinburgh and South East Scotland City Region Deal, and the Regional Prosperity Framework and its associated Delivery Plan. The report also sought approval for the development of a Strategic Outline Business Case (SOBC) for Blindwells New Settlement for government consideration.

The Project Manager for Growth Delivery, Andrew Stewart, presented the report. He provided a summary of progress made to date and advised that the Strategic Sites Programme had

been approved by Regional Partners on 18 October 2024, and was now included within the Programme for Government for 2024/25. Within that Programme, Blindwells was listed as a priority strategic site for which a Business Case should be developed. He reminded Members that that National Planning Framework 4 (NPF4) safeguarded BW2 for future expansion, and he advised that the key Blindwells landowners were in agreement that a Business Case should be pursued to seek government support to deliver the 'infrastructure first' approach. He set out the timescales for this process, noting that it could take around three years to complete all stages.

The Provost paid tribute to Douglas Proudfoot, former Executive Director for Place, for his achievements with the development of the Blindwells site and other major projects in East Lothian. He also noted that tributes had been paid to Mr Proudfoot at the recent City Region Deal meeting.

In response to questions from Councillor Bruce, particularly as regards investment on the East Coast Mainline and the possibility of a rail halt at Blindwells, Mr Stewart confirmed that the Local Development Plan safeguards a rail halt at Blindwells, but that this would need to be led by Transport Scotland, Network Rail and the train operators. He stressed that all transport solutions, including rail, would be considered as part of a future Business Case, and although he was supportive of a rail halt being included, he could not provide any guarantees at this stage in the process.

Councillor Ritchie voiced her concerns about facilities within Blindwells. Mr Stewart assured her that place-making was essential and that if the government was supportive of the SOBC then a vision would be created for the town; this would be a collaborative process and it would give the Council an opportunity to consult with communities prior to the Outline Business Case being concluded.

Councillor Jardine made reference to the feasibility study for the Local Heat and Energy Efficiency Strategy, and asked if there was scope to incorporate that aspect at an early stage. Mr Stewart noted that this was already under consideration and would be advanced at the Outline Business Case stage.

Councillor Trotter queried how transport solutions could be delivered when the development was already underway and if there was scope to adapt the transport plan as the development progresses. Mr Stewart explained that the Blindwells Area Design Framework would take account of the fact that the BW1 site was already being developed and that its ongoing delivery would form part of the Business Case solution, and a decision would need to be taken as to the point at which the Business Case stage becomes operative. As regards the Outline Business Case and Area Design Framework, he stressed the importance of a clear transition between the operational part of the site and the part of the site still to come forward; further reports on this would be brought back to Council.

In response to questions from Councillor McIntosh regarding taking account of climate change and nature, Mr Stewart referred to NPF4, which sets the policy context, and also the supplementary guidance associated with the Business Case process, which would take account of factors such as transport analysis, emissions and climate change; greenhouse gas emissions would be considered at the Outline Business Case stage. He noted that the Outline Business Case stage was critical as it required in principle support from the government in order to go forward to the Business Case stage and then onto the grant award stage.

Councillor Menzies raised a question about decisions on the sizes and types of houses being delivered. Mr Stewart advised that this could be covered at a later stage, but remarked that in a new town it was important to have a variety of house sizes.

Councillor Ritchie welcomed the report, pointing out that it was a good example of national and local government working together with communities and businesses, which would benefit all parties. She stressed the need for the infrastructure to be in place, and to ensure that the residents of Blindwells were included in the process going forward.

Councillor Hampshire referred to the significant amount of complex work that had been done to get to this stage, and he welcomed the partnership working through the City Region Deal. He noted that it could be 20-30 years before the sites were delivered and that collaborative working was key to achieving this. He also stressed the need for the relevant infrastructure to be delivered alongside housing developments. He noted that other communities in East Lothian could not sustain additional development but that there was an opportunity for further development within the Blindwells area. He remarked that Douglas Proudfoot would be proud of the progress made to get to this stage.

Councillor Bruce was concerned that a rail halt at Blindwells may not be delivered, especially considering c.10,000 homes could be built on that site. He felt that the only solution was for this settlement to have its own rail halt. He stated that he would continue to raise this issue, and that he would not support a business case that did not include this aspect.

Councillor Jardine mentioned the lack of retail and other services at Blindwells, which was a challenge for the residents. She indicated that greater certainty was needed on this. She encouraged the Administration Members involved at a strategic level to keep other political groups informed. Councillor Hampshire suggested that regular briefings should be provided to Members on this project so that everyone was kept fully informed.

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

Decision

The Council agreed:

- i. to note the approval by the Regional Joint Committee of the Strategic Sites Programme for South East Scotland;
- ii. that officers should seek to develop a Strategic Outline Business Case (SOBC) for Blindwells New Settlement, which should be done in collaboration principally with both governments and their agencies, Scottish Futures Trust and relevant Blindwells landowners (represented by Hargreaves Services Plc and Taylor Wimpey Plc); and
- iii. to note that future East Lothian Council and Regional Joint Committee decisions on a Blindwells Strategic Outline Business Case (SOBC) should be targeted for June 2025, and if such a SOBC is approved, it should be submitted to both governments for their consideration.

6. UPDATE ON NORTH BERWICK TRAFFIC REGULATION

A report was submitted by the Executive Director for Place providing an update on the proposed Traffic Regulation Orders (TROs) for the introduction of both on- and off-street parking restrictions and charging in North Berwick.

The Provost announced that two amendments had been received in respect of this report, which had been circulated to Members in advance of the meeting.

The Project Manager for Growth and Sustainability, Peter Forsyth, presented the report. He provided a summary of the consultation process undertaken, the number and nature of responses to the consultation, an outline of each of the four TROs, and a summary of recommended mitigations.

Responding to a series of questions from Councillor Findlay, Mr Forsyth pointed out that people working within the town could park for free outwith the chargeable zones, and that there was also no charge after 6pm to park on the street; there would be week-long short-term let parking permits, to be used only by the visitors. Mr Forsyth pointed out that there was no available land that could be used as car parks to accommodate the increasing volume of cars coming into the town, hence the proposal to incentivise turnover in the existing parking facilities and to encourage use of other modes of transport. He noted that there would be no charge at the long-stay car park, and he believed that the proposed charges were reasonable.

Councillor McFarlane asked for further detail as to how the income from charges would be used. Mr Forsyth confirmed that this income would be ring-fenced, to be used on enforcement measures, investing in public transport, or making road or environmental improvements. He added that it was anticipated that five new parking attendants would be employed.

Referring to the mention in the report of 'political opposition to the scheme', Councillor Allan asked what this related to. Mr Forsyth pointed out that he had become aware of a campaign that had been started by a local MSP and councillors opposed to the introduction of the scheme. Raising a point of order on the matter of this campaign, Councillor Menzies asked if the councillor(s) in question should have declared an interest in this item. Hayley Barnett, Monitoring Officer, advised that she had given advice to all Members about declarations of interest, and that it was for Members to decide whether such a declaration was required. She added that the continuation of the campaign could not trigger a public inquiry; however, she noted that any decision of the Council could be taken forward to judicial review.

Responding to further questions from Councillor Allan, Mr Forsyth confirmed that there was nothing of significance as regards comments in favour or against the proposals within the North Berwick Place Plan, but that there was general support for sustainable transport solutions. On the costs of the scheme to date, Mr Forsyth indicated that a total of £407,000 had been spent over the past four years, with £93,000 being spent since Stantec were appointed. As regards the displacement of parking in other areas of the town, Mr Forsyth noted that that it was not clear at this time if there would be an impact on, for example, St Baldred's Road, Law Road and Dirleton Avenue, but that action could be taken to stop indiscriminate parking. As regards the consultation responses, Mr Forsyth reported that all responses had been considered, but that some were outwith the scope of the scheme. He was of the view that officers had been fair and robust.

In response to Councillor's Hampshire's questions, Mr Forsyth confirmed that the residents' parking scheme in the town centre would continue, but that a charge for permits would be applied; there would be no change to disabled parking arrangements. He stressed that officers had followed the proper legal and consultation processes, and that there was no requirement for a public hearing to be held. Fariha Haque, Solicitor, confirmed this to be the case.

Councillor Bruce asked how the income would be used to benefit residents. Mr Forsyth indicated that work was underway to look at improvements to the facilities at the Haugh and the Sewage Works, and that the Council would work with Sustrans to improve active travel routes. He pointed out that the income would not be ring-fenced to North Berwick itself, and could be used in other areas.

Councillor Forrest asked if charges would be applied throughout the year. Mr Forsyth explained that between the end of October and the end of March there would be no charging

for the off-street car parks (Imperial, Glebe and Lodge). With references to safety concerns, he confirmed that all areas in North Berwick had street lighting.

In response to questions from Councillor Jardine, Mr Forsyth advised that he had anecdotal data on the usage and income of the Seabird Centre Car Park (charges applied from 1 March to 30 September). As regards the car parks at the Community Centre and Library, he noted that disabled users of these facilities could extend their parking time limit for the duration of their use of the facilities. On monitoring and reviewing the impact of Order No. 4, Mr Forsyth explained that camera systems would be used to monitor use of the parking facilities; these would supplement 'beat' surveys.

Concerning the involvement of Police Scotland, as raised by Councillor Trotter, Mr Forsyth advised that the Police would only be involved where there was a violation; although Police Scotland had been consulted on the proposals, no response had been received. As regards the eligibility for parking permits other than for North Berwick residents, he commented that many such requests had been discounted, on the grounds that the intention was to encourage people to use other modes of transport.

Councillor Menzies asked if accessibility had been considered as regards payment methods. Mr Forsyth confirmed that this was the case; there was a move towards cashless payments, but it was recognised that some people still use cash, so consideration would be given as to the placement of payment machines. On the consultation process, Mr Forsyth advised that officers had met with the business community, Community Council and Area Partnership, and that their concerns had been taken into account, hence the changes to the charging times on the High Street and Westgate, as well as the seasonal charging aspect.

Councillor Ritchie asked about the scope to change the charging arrangements in future. Mr Forsyth pointed out that the scheme would be monitored on an ongoing basis and that adjustments could be made as required.

Responding to questions from Councillor Akhtar, Mr Forsyth made reference to other areas where town centre parking charges had been introduced and explained that there was no evidence that charges had affected the performances of those town centres; however, he cautioned that no two town centres were the same and that it was difficult to provide comparisons. He believed that the introduction of the scheme in North Berwick would improve accessibility to shops in the town centre. He recognised that there was a need to make provision for care workers and contractors, so permits would be provided for these purposes. On violations of the current scheme, Mr Forsyth pointed out that there were c. 336 penalty charge notices issued per year; he argued that an increased number of parking attendants would lead to fewer violations.

The Provost invited Councillor Findlay to introduce his amendment, which sought to replace the report recommendations, as follows:

'Council is recommended to:

Note the objections received;

Note the responses to the objections;

Not set aside the remaining objections, as detailed in Appendices C-F [of the report];

Hold a public hearing by the Department of Environment and Planning Appeals (DoEPA);

Delay the making of the TROs as advertised until after a public hearing by DoEPA and return to a future meeting of the Council.'

Councillor Findlay stated that the amendment was not about TROs, but about democracy being carried out. He noted that the report had only been in the public domain for a few days, and that the community did not have an opportunity to comment on it or relay their views to Members. He questioned the proposal to set aside the remaining objections, remarking that this appeared as though the Council did not take account of people's views, and he believed that a public hearing would provide an opportunity for those views to be heard and all the information to be made available. He claimed that the cost of a hearing would be minimal in comparison to the costs associated with the scheme to date. He urged the Council to listen to the views of the public and hold a public hearing.

Councillor Findlay questioned the view that there was a parking problem in North Berwick and whether the proposed scheme was workable. He acknowledged that the town was very busy over a few weeks in the summer period, particularly during the Fringe by the Sea event, but argued that there was no evidence to show that there were parking problems at other times. He noted that the safety and access issues at the eastern end of the High Street had now been addressed.

As regards the TROs, Councillor Findlay claimed that Order No. 1 would conflict with residents' permits, and that there were not enough spaces; also, the Imperial car park was on Common Good land, and none of the income would come back to the Common Good. On Order No. 2, he argued that there were no motorhome facilities/services, and therefore such vehicles should be banned from this area and directed to other sites. On Order No. 3, he welcomed the free access to the Community Centre car park on Sundays to allow people to go to the nearby church, but noted that this did not apply to other groups. On Order No. 4, he indicated that the North Berwick Business Association had said that this would be detrimental to businesses, based on the experience of other towns.

Councillor Findlay asked why residents should have to pay for their parking permits, which were currently free of charge. He also argued that there was no evidence that the introduction of charging would encourage people to walk or cycle rather than use their car. He believed that people would choose to park in other areas outside the charging zones, thereby creating problems in those areas.

In conclusion, he was of the view that none of the TROs would deliver, and that there would be no benefits to the residents of North Berwick. He also remarked that in order to achieve the projected income, it would require people to park illegally and incur fines. He urged Members to vote against the report recommendations.

Councillor Bruce seconded the amendment, arguing that it was not just concerned with the parking issues, but about transparency of the process and the future of North Berwick. He noted that of the 833 objections, only two had been withdrawn, and many of the objectors felt that their views had not been taken into account. He therefore felt that to proceed without taking the objections into consideration was wrong. Councillor Bruce also made reference to a number of towns that he claimed had suffered due to the introduction of parking charges, and he suggested that if North Berwick's parking problem was seasonal then introducing a year-round scheme was not the right approach. He agreed with Councillor Findlay that the charges would create parking problems in areas outwith the charging zones. He also claimed that the charges would harm those people who needed to use their cars, adding that the financial aspects of the scheme should not be ignored. He questioned how the income from charges would be used. He called for a public hearing to be held to address these issues and provide the transparency and engagement that he felt the public deserved. He noted that he would be happy to support the SNP Group's amendment.

The Provost then invited Councillor Jardine to present her amendment, which would add a recommendation to those set out in the report:

'Require a formal review of the impacts and operation of the 4 TROs to be provided to Council within a year of being implemented. The review should include a summary of what has gone well, anything that has not, and recommendations to address and approve any issues raised.'

Councillor Jardine recognised that the proposals may be unpopular, but she stressed that this report was concerned with parking issues and the TROs, and that the Council had to take account of the climate emergency. She believed that the majority of concerns raised had been addressed, and that the Council had to take a decision that was in the best interests of the community. She urged the Council not to delay the process and highlighted the importance of reviewing the scheme to ensure it was working in practice.

Councillor Menzies formally seconded the amendment.

Councillor McFarlane opened the debate, noting that the growth of North Berwick had resulted in traffic management and parking problems, and that the current restrictions were being ignored by drivers. She was satisfied with the process, and with the mitigations proposed in response to feedback from the community. She stressed that doing nothing was not an option, and that modest charges would create a more sustainable, people-friendly environment.

Councillor Collins suggested that the way in which this matter had been handled would leave the Council open to criticism and would severely dent the public's trust in it. She mentioned that she had received more than 300 emails from people concerned about the scheme. She believed that, due to poor public transport from rural communities into the town, people would choose to go to retail parks rather than pay to park in North Berwick, and she had concerns about the scheme being rolled out to other town centres in East Lothian. She urged Members to listen to the community and hold a public hearing on the issue.

Supporting the comments made by Councillors Jardine and McFarlane, Councillor McIntosh observed that a public hearing was not required, and she would therefore not be supporting the Conservative amendment. She highlighted the need for greater investment in public transport and a reduction in car use.

Councillor Hampshire argued that town centres were struggling to cope with the increase in traffic in town centres, and that North Berwick had not been designed to accommodate such a high volume of traffic. He was concerned that if no action was taken, there would be a significant impact on the High Street. He welcomed the mitigations to address some of the concerns raised, and he agreed with others that there was no need for a public hearing.

Councillor McGinn recognised that this was a difficult decision to take, but that it was necessary, and that other high streets in East Lothian would also need to be looked at.

Speaking in support of the officer recommendations, Councillor Menzies advised that the SNP Group's amendment would provide reassurance as regards the operation of the scheme, but she believed that the Conservative amendment had been designed to prevent the scheme from progressing. She agreed with others that action had to be taken now, and was pleased that the income from the charges would be used for transport-related matters across East Lothian. She felt that a public hearing would not be a good use of money.

Councillor Ritchie made reference to St Andrews town centre, which was thriving despite the introduction of parking charges. She argued that it was disingenuous to claim that the community had not been consulted and the process was not transparent. She added that the parking charges were reasonable – less than the price of a bus ticket – and that there would be scope to review the scheme.

The Provost concluded the debate by providing examples of positive working between the Council and the North Berwick community. He accepted there was a need to look at improving public transport, but he also took the view that introducing the TROs was essential to manage the parking situation and to change behaviours. He pointed out that Mr Forsyth had listened to the community and had tried to achieve a balance. He was not supportive of the Conservative amendment, but he thanked Councillor Findlay for working constructively with officers during the process. He spoke in support of the SNP amendment as this would show that the Council was reviewing the operation of the scheme.

The Provost then moved to the roll call vote on the amendment submitted by Councillors Findlay and Bruce:

For (3): Councillors Bruce, Collins, Findlay
Against (16): Councillors Akhtar, Allan, Bennett, Dugdale, Forrest, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston

Abstentions (0)

The amendment fell.

The Provost then moved to the roll call vote on the amendment submitted by Councillors Jardine and Menzies, which was approved unanimously.

The Provost then moved to the roll call vote on the recommendations, as amended:

For (16): Councillors Akhtar, Allan, Bennett, Dugdale, Forrest, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston

Against (3): Councillors Bruce, Collins, Findlay

Abstentions (0)

Decision

The Council agreed:

- i. to note the objections received;
- ii. to note the responses to the objections;
- iii. to approve additional mitigations of the TROs following further representation and community concerns for the reasons detailed in Sections 3.31 to 3.42 of the report;
- iv. to set aside the remaining objections as detailed in Appendices C–F;
- v. not to seek the holding of a public hearing by the Department of Environment and Planning Appeals;
- vi. to approve the making of the TROs as advertised for:
 - North Berwick – Off-street parking places order no. 1
 - North Berwick – Haugh Road and Sewage Works off-street parking places order no. 2
 - North Berwick – Community Centre and Library parking places order no. 3
 - Various Roads – North Berwick – Prohibition and Restriction on waiting, loading and unloading, etc. order no. 4; and

- vii. to require a formal review of the impacts and operation of the 4 TROs to be provided to Council within a year of being implemented. The review should include a summary of what has gone well, anything that has not, and recommendations to address and approve any issues raised.

7. RETIRAL OF THE CHIEF EXECUTIVE – FEBRUARY 2025

A report was submitted by the Executive Director of Council Resources advising of the resignation and retirement of Monica Patterson from the post of Chief Executive of East Lothian Council, to take effect from Sunday 16 February 2025; setting out arrangements for the forthcoming recruitment campaign to secure a new Chief Executive/Head of Paid Service for East Lothian Council and appointing members of the Chief Officer and Head Teacher Appointments Sub-Committee; and setting out proposed interim arrangements to be put in place following the Chief Executive's departure and prior to a new Chief Executive taking up post.

Prior to the officer presentation, the Provost led tributes to Mrs Patterson, thanking her for her service to the Council and for her support over many years. He highlighted a number of her key achievements, including her work on the Haddington Town Centre Vision, the purchase of the former Cockenzie Power Station site, and her leadership during the COVID-19 pandemic, and he thanked her for her support to him in his role as Council Spokesperson for Economic Development and Tourism. He commended Mrs Patterson on her resilience and thoughtfulness, and he wished her well in her retirement.

Councillor Hampshire echoed those sentiments, mentioning some of the challenges that Mrs Patterson had faced as Chief Executive, such as the pandemic and the difficult financial position of the Council. He also touched on the complex negotiations involved in the acquisition of the Cockenzie site, and those of the Queen Margaret University site. He commented that East Lothian had a bright future because of these achievements, and he wished Mrs Patterson a long and happy retirement.

A number of other Members also paid their tributes to Mrs Patterson, commending her for her leadership style and her contribution to the work of the Council.

Mrs Patterson responded, stating that she was proud to have worked for the Council for fifteen years, serving as Chief Executive for five. She paid tribute to the commitment and dedication of the staff, commenting that they were responsible for the Council's success. She also thanked her management colleagues for their support, and the Elected Members for their positive working relationships with officers.

The Service Manager for People and Corporate Support, Paul Ritchie, then presented the report, advising of the process for recruiting a new Chief Executive, which was now underway. He also sought approval of the appointment of the Head of Corporate Support as the interim Returning Officer for East Lothian. Mr Ritchie wished Mrs Patterson well in her retirement.

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

Decision

The Council agreed:

- i. to note the contents of the report;

- ii. to appoint the Council Leader, Councillor Hampshire; the Provost, Councillor McMillan; the Depute Council Leader, Councillor Akhtar; Councillor Jardine; and Councillor McGuire as the Chief Officer and Head Teacher Appointments Sub-Committee;
- iii. to note that, following the departure of Monica Patterson as Chief Executive, there would be a period whereby there would be an absence of the Chief Executive (Head of Paid Service), and therefore to delegate to the Head of Corporate Support, following consultation with the Council Leader and political group leaders, to put in place interim arrangements to cover the role of Chief Executive (Head of Paid Service) for this absence prior to a new Chief Executive taking up position; and
- iv. to approve the appointment of the Head of Corporate Support as interim Returning Officer for East Lothian.

8. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 14 OCTOBER – 24 NOVEMBER 2024

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in October 2024.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 14 October and 24 November 2024, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 of Schedule 7A to the Local Government (Scotland) Act 1973.

Winterfield Golf Club

A private report seeking approval for the terms of a new lease agreement with Winterfield Golf Club was approved.

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REPORT TO: East Lothian Council
MEETING DATE: 25 February 2025
BY: Executive Director for Council Resources
SUBJECT: Quarter 3 Financial Review 2024/25

2

1 PURPOSE

- 1.1 To provide an update on the in-year financial position at the end of December 2024.

2 RECOMMENDATIONS

2.1 The Council is recommended to:

- Note the outcome of the Quarter 3 financial performance against approved budgets and the underlying financial pressures faced by the council.
- Note the additional funding received from the Scottish Government to meet specific policy initiatives.
- Note the range of ongoing intervention measures approved by Council.
- Note that financial review reports will continue to be reported to Council for scrutiny while the risk environment remains heightened.
- Note the update on the wider financial environment and current risks.
- Note the update on Prudential and Treasury Indicators.

3 BACKGROUND

- 3.1 The Council continues to face increasing demand and cost pressures which present significant challenges to financial sustainability. The most significant of these pressures arises from demand led service areas

particularly within Health and Social Care Services delegated to the Integration Joint Board (IJB), Children's Services and Homelessness. In addition, there remain pressures arising from the timing and delivery of planned financial savings.

- 3.2 The Quarter 2 report to Council noted an overall forecast in-year pressure of £8.5 million, and after the application of planned reserves the unplanned overspend was forecast to be £3.7 million. The Council continues to face a number of significant financial and other risks, both this year and in future years, and these will continue to be closely monitored.
- 3.3 In response to these risks, and with a view to managing the in-year financial pressures, Council approved a series of control measures at the June 2024 meeting which the Council Management Team (CMT) is responsible for applying.
- 3.4 The significance of these pressures continues to be reflected in the Corporate Risk Register where "Managing the Financial Environment" remains the highest ever scoring risk and consequently addressing this is a key corporate priority.
- 3.5 Council will consider the budget for 2025/26 onwards on 18 February, which seeks to address some of highest risk areas through increased investment but continues to reflect significant funding pressures over the medium term. Within this context, the Finance Service will continue to work with colleagues across the Council to manage expenditure commitments in 2024/25 and the future implications going forward.

General Services Revenue Summary – Quarter 3

- 3.6 An analysis of the financial position across service groups is set out in **Appendix 1** with further details in the paragraphs below.
- 3.7 At Quarter 3, before applying planned use of reserves and significant one-off mitigations, there is a forecast overspend of £6.3 million, which is a reduction in the forecast overspend at quarter 2 (£8.5 million).
- 3.8 Within that overspend, there are various one-off costs that are being funded from earmarked reserves. The planned use of earmarked reserves for one-off funding totals £1.736 million split as follows:
 - Planned use of Transformation Fund and other ring-fenced funds, £1.631 million
 - Planned use of Health and Social Care (IJB delegated services), £105,000 – this figure has been agreed with the IJB Chief Financial Officer.
- 3.9 Taking this into account, the recurring overspend is £4.6 million which is aligned to the two main areas of financial pressure, Children's Services and Adult Care Services delegated to the IJB.

- 3.10 Within the agreed budget for 2024/25, the Council has planned use of general fund reserves and £1.878 million will be required in this financial year.
- 3.11 As has been reported previously, during 2024/25 the Council received a VAT rebate of £1.4 million in relation to a non-business claim for sports and leisure which date back to 1981. This claim was lodged in 2011 and was dependent on the completion of several court cases before being confirmed. This is a one-off benefit which reduces the in-year budget pressure on a non-recurring basis.
- 3.12 In addition, the Council has received a further VAT rebate of £275,000 in relation to coastal car parking charges, this is also a one-off benefit which will reduce the in-year budget pressure on a non-recurring basis. Alongside this, the Council will benefit on an ongoing basis from retaining a greater proportion of the income for some of its coastal car parks.
- 3.13 Taking the planned use of reserves and one-off VAT mitigations into account, the unplanned use of reserves is £1.1 million. This represents an improvement on the £3.7 million forecast overspend position reported at Quarter 2.
- 3.14 The main pressures are:
- IJB projected overspend, £2.8 million – the forecast overspend is due to pressures in commissioned care services, specifically external care homes and support services, as well as delays to delivering some of the planned savings within the timescales reflected in the budget. The forecast overspend is unchanged from that reported at Quarter 2. Active consideration of measures to mitigate the remaining financial pressures are ongoing. The forecast overspend includes the elements relating to IJB budgets which it may be necessary for the Council to meet through additional contributions, if the overspend cannot be mitigated. This remains subject to ongoing discussion in the context of extremely limited reserve balances sitting within the IJB accounts.
 - Children's Services projected overspend, £2.2 million – relating to external residential pressures. This pressure is shown in the management line in Appendix 1 with the external residential school's budget forecast to have an overspend of more than £2 million. Work is ongoing to identify options in East Lothian for clients in external settings who could be brought back safely to the area. This projected overspend is £400,000 less than Quarter 2 due to several external fostering placements ending, reduced commitments in the secure budget, clawbacks for agency rates at Kamali House and increased savings from staffing vacancies with active recruitment for vacant posts ongoing.
 - Community Housing, £450,000 – this includes an undelivered saving of £275,000 (see section 3.21) as well as continuing high demand for homeless services. This pressure has increased by around £20,000 since Quarter 2.

- Savings assessed as unachievable in 2024/25, £2.019 million – no change from Quarter 2, see further information on progress on delivering efficiencies.
- 3.15 A substantial proportion of these pressures will be recurring beyond this financial year, and this is recognised within the budget proposals for 2025/26 consideration by Council on 18 February 2025.
- 3.16 These pressures have been partially offset by:
- The two VAT rebates, £1.675 million, noted in section 3.11.
 - Staffing Underspends £3 million – this is the net position after adjusting for the £2 million staff turnover savings and is due to vacancies aligned to the intervention measures agreed by Council to mitigate the forecast in-year overspend.
- 3.17 As noted in the Quarter 2 report, further work has confirmed there are some increased underspends in Education. This relates to increased savings from staff vacancies with active recruitment to fill vacancies ongoing and lower than forecast uptake in partner provider places for pre-school. These in-year savings are assessed as one-off as more partner providers come on board in 2025/26.

Risks and Other Factors

- 3.18 There are several factors that may impact the financial position:
- Any increase in requirements for demand led services such as Homelessness, Children’s and Adult Social Work commissioned services.
 - Any weather emergencies events such as heavy snow, flooding or further storms could increase costs for the Council, particularly in Infrastructure Services.
 - The forecast overspend assumes some slippage in the delivery of agreed savings; however, there is a residual risk to the delivery of the remaining savings, with further information set out in section 3.21.
 - The 2023/24 accounts remain subject to audit, and any material changes to the outturn position could impact on the availability of reserves to support financial resilience.
 - Further staff turnover across the Council.
 - Any additional funding from the Scottish Government.
 - Review of accounting treatment focused on accruals and prepayments which may give rise to additional one-off mitigations.
 - Population growth and demographic change in East Lothian continue to pose significant ongoing challenges which are likely to remain and increase over the longer term based on current projections.

Approved Mitigations

3.19 At the 25 June 2024 Council meeting, the Council approved the following control measures which the Council Management Team is responsible for applying, they are:

- Recruitment – posts will only be filled if there would be an obvious detrimental impact on the three agreed short-term Council Plan priorities from not doing so and sign-off has been given by CMT and EMT. This may result in ongoing disruptions to service delivery and closure of Council facilities, and bi-weekly recruitment will continue.
- All Council managers must operate within approved budget levels, preserving underspends where possible.
- Where a service is overspent or at risk of overspending, urgent financial recovery actions will be required to bring spending in line with approved budget levels.
- Use of agency staff should be kept to a minimum and should be kept under close review.
- Council officers will continue to work with partner bodies including the IJB to explore all options to try and mitigate overspends and ensure spending remains aligned to approved budgets.
- In-year financial review papers will continue to be reported to Council rather than to Cabinet.

3.20 These control measures will remain under review and consideration will be given to any necessary adjustments to these as part of the provisional 2024/25 outturn report which will be reported to Council in June.

2024/25 Efficiencies

3.21 At this stage, £3.723 million of the approved efficiencies have been achieved, £2.183 million are assessed as achievable but with further work required before the saving can be realised, and £2.019 million are assessed as achievable but not in the current financial year. **Appendix 2** sets out the position in more detail. The savings that are achievable in time but will not fully deliver planned savings this year are:

- Charging for Garden Waste Collection, £57,000 – due to the timing of the introduction of the service, July 2024, a full year of income will not be achieved in 2024/25. Based on uptake, the full income target will be met in 2025/26.
- Review of Management of Sports Facilities, £187,000 – work is ongoing to deliver this saving, but the timing means it will only be fully delivered in 2024/25.
- Asset Review, £1 million – work is ongoing and in time savings that meet the target are expected to be delivered.

- Review of Adaptations, £275,000 – a service review of Private Sector Housing Grant is being undertaken to identify options to deliver the savings from 2025/26.
- Income generation, £500,000 – this will not be achieved during 2024/25; however, work is progressing to develop proposals, and should they be implemented then income will be generated in future years.

3.22 In addition to the above, there is an ongoing pressure of £300,000 linked to the non-delivery of a saving planned for 2023/24, to review public holidays. This remains under review.

Council Tax

3.23 At this stage, there is a forecast surplus in the Council Tax budget of £500,000 (0.6% of the budget). This is due to an increase in the number of dwellings over and above the estimates incorporated into the budget, along with earlier occupation of the dwellings being completed this financial year. This has been taken account of in the Council Tax assumptions for 2025/26.

Additional Scottish Government Funding

3.24 Since Council approved the 2024/25 budget in February 2024, there has been additional funding of £12.554 million from the Scottish Government to support policy commitments. This is set out in more detail in **Appendix 3**.

3.25 Of the additional funding received, approximately £5m has been transferred to the IJB to fund the delivery of policy commitments within Health and Social Care. These funding streams are to support existing commitments or specific national policy objectives so they cannot help to offset wider pressures on the Council's financial position.

3.26 In line with Council's decision in April 2024, additional funding of £1.217m has been applied as follows and is reflected within the forecast position noted in this report:

- To mitigate the risks of overspends which arise from delays to delivering agreed savings.
- To reduce the planned use of reserves in 2024/25
- To offset wider and emerging risks throughout the next financial year.

3.27 Other funding has been for policy commitments, including funding for the additional element of the pay award, the retained teachers support and additional funding for the Scottish Welfare Fund.

Integrated Joint Board

3.28 The IJB has delegated authority over most of the Health and Social Care budget along with a small number of other budgets within Community

Housing, the Housing Revenue Account (HRA) and Housing Capital. The management of these resources remains in line with the scheme of integration and wider overall IJB resources.

- 3.29 At this stage, there is a £2.8 million pressure forecast for the IJB. The main reason for the pressure is forecast overspend on Adult Social Work and Learning Disability commissioned services, as well as delays to the delivery of agreed savings. These are demand led areas of service.
- 3.30 The IJB Chief Officer has established a group to review progress with the service recovery plan and consider options to mitigate these pressures and reduce costs across the wider IJB operations. The Finance Service participates in supporting this work.
- 3.31 The £2.8 million forecast overspend represents a significant risk to the Council if the IJB is unable to offset these pressures from its own resources.

Financial Sustainability

- 3.32 The scale of the financial challenges outlined in this report present a significant threat to the Council's financial sustainability and capacity to sustain front-line service delivery over the medium term. These pressures arise from significant increases to the cost of delivering services, growing demands aligned to population growth, and continued reductions and direction in national funding. The recurring pressures mean that the five-year outlook for the Council reflects significant gaps between available funding and expenditure demands. Although a balanced budget has now been agreed for 2025/26, without significant increases in funding, the Council will face difficult decisions about how the gap can be closed in the years beyond this.
- 3.33 If the forecast overspend does materialise as projected, this will need to be met from reserves. As a reminder the Council has a minimum level of unearmarked general reserves, and any allocation to draw further from the reserves will place this below the minimum agreed level and will require other earmarked reserves to be repurposed to replenish this. This presents a risk to the Council's capacity to enable change and reshape service delivery to deliver planned savings.
- 3.34 The national settlement remains aligned to the delivery of wider national policy commitments and settlement conditions which means there are limited options available to redirect funding streams without an impact on the specific policy delivery.
- 3.35 Alongside these national commitments, East Lothian remains one of the fastest growing councils in Scotland with population growth continuing to increase year on year. The ongoing costs and demands of supporting this growth alongside wider challenges remain significant. Without changes in how the Council delivers services and prioritises investment, the financial position will become unsustainable.

General Services Capital Summary – Quarter 3

- 3.36 **Appendix 4** shows the approved and updated 2024/25 budgets and expenditure to 31 December 2024, showing spend of £65 million relative to the updated gross expenditure budget of £118 million.
- 3.37 Latest projections indicate forecast expenditure of £108 million by the end of the financial year. This forecast reflects a range of assumptions that are subject to change and may therefore have an impact on the actual position reported at the end of the financial year. Whilst recognising the significance of the capital programme, there remains a wide range of external pressures which present a significant risk to affordability.
- 3.38 In addition to the normal RAG (Red / Amber / Green) rating, a P flag is included to identify projects where the variance is due to a change in spend profile, related to project progress.
- 3.39 Notable changes in projections relate to:
- Telecare system upgrade projection included. This was previously reported in the Quarter 1 Financial Update, per Council decision.
 - Fleet projection amended to reflect that several items on order are highly unlikely to be delivered before the end of this financial year and a carry forward of the committed but unspent budget will be requested following year end outturn.
 - The reprofiling in sport and recreation LDP projects related to new pavilions adjacent to pitches at Craighall and Wallyford.
 - Of the three education projects marked as spend reprofiles, the most significant is Whitecraig Primary School which reflects the progress on site and latest construction cash flow received.
 - The Loch Centre has been reprofiled during the budget process and the latest projection for the current financial year reflects this.
 - The Bath House works at Prestongrange started in late January, resulting in a reprofile of spend over the current and next financial years.
- 3.40 The capital plan remains under close monitoring and review in conjunction with relevant managers.
- 3.41 The projection for developer contributions, early learning 1140 grant, town centre regeneration grant and other funding sources are linked to the projections of the projects they support. There continues to be ongoing risks around the timing and realisation of planned developer contributions that are demonstrated by the increase in in-year borrowing requirements and this position will continue to be closely monitored.
- 3.42 The in-year borrowing requirement projection has decreased by £4.2 million as most of the reduction in spend is funded by borrowing.

Treasury Update

- 3.43 In accordance with the updated Prudential and Treasury codes of practice, quarterly reporting on treasury activity is required in addition to the mid-year and year-end reporting to Audit and Governance Committee
- 3.44 During the third quarter of the year, no external borrowing was undertaken. £55 million external borrowing from the Public Works Loans Board (PWLB) was undertaken in the first 6 months of the financial year. It is currently anticipated that a further £30 million borrowing will be required in the last quarter. There was no maturity borrowing repaid during the third quarter, however instalments were made in relation to Annuity and EIP (equal instalments of principal) borrowing:

Lender	Principal Repaid £m	Type	Interest Rate	Loan Term	Balance Remaining £m
PWLB	£ 0.089	Fixed rate Annuity	7.00%	35 years	£ 1.772
PWLB	£ 0.086	Fixed rate Annuity	6.75%	31 years	£ 0.713
PWLB	£0.060	Fixed rate Annuity	6.50%	32 years	£ 0.638
PWLB	£0.020	Fixed rate Annuity	6.50%	32 Years	£ 0.208
PWLB	£0.005	Fixed rate Annuity	6.00%	50 Years	£0
PWLB	£0.417	Fixed rate EIP	4.19%	11 Years	£ 9.583
PWLB	£0.500	Fixed rate EIP	4.48%	10 Years	£ 9.000
PWLB	£0.909	Fixed rate EIP	4.83%	11 Years	£18.182
PWLB	£0.435	Fixed rate EIP	4.19%	11 Years	£ 9.565
Total	£2.521				

- 3.45 It is important to note that the borrowing requirement as reported in the General Services and HRA capital monitoring is borrowing from the Loans Fund. The capital financing requirement shown in **Appendix 5** under items 1.2 and 1.3 is the financing still required after relevant grants and receipts have been applied to fund the capital programme, known as the borrowing requirement. Loans Fund borrowing is then funded by external borrowing and the use of working capital. As this uses the cash balances held by the Council, cash flow monitoring is an important part of the Treasury function and is a factor in determining the timing of external borrowing. Actual external debt is shown in item 2.3 and the Loans Fund debt is shown in item 3.
- 3.46 The Prudential, Treasury Management and Loans Fund indicators are set out in **Appendix 5**. For context, the 2023-24 Actual and 2024-25 Budget as per the approved Treasury Strategy as well as the projections for 2024-25 based on the Q2 position for General Services and HRA capital are shown.
- 3.47 Key points to note from the figures in the Appendix:

- The budget figures for 2024/25 were set based on in-year 2023/24 capital projections. The actual outturn was lower for the capital spend meaning the starting point for 2024/25 was also lower. General Services Q3 capital spend projection is lower than budget as is the Capital Financing Requirement (CFR). However, the application of the fiscal flexibilities regarding PPP increased the CFR so that currently the position is close to that given in the budget. Similarly, the HRA is also lower.
- As a result of the borrowing need for the projected capital expenditure, Loans Fund advances are increasing well above the principal repayment of Loans Fund debt for this financial year. This means that the Council is borrowing money at a faster rate than debt is being repaid, therefore the overall debt burden is increasing.
- The CFR will only start to fall when Loans Fund principal repayments are greater than the in-year borrowing requirement. The CFR is the debt that needs to be repaid over time. In simple terms, this means that debt requirements will only reduce when debt repayments in a given year are higher than the new borrowing requirement.

3.48 Cash balances are being continually actively monitored and managed. As investment rates have been higher than the interest rate on our bank account balance, a number of short-term investments were placed during the Quarter 3 period. All short-term investments placed matured before the end of December 2024. In summary:

- 42 short term investments placed.
- Maturity range – one day to one month
- 25 investments with HM Treasury
- One investment with Lloyds Bank
- Interest earned on these investments - £122,619.43.

3.49 The Treasury team continue to monitor cash balances very closely and have placed a considerable number of very short-term investments to maximise use of surplus cash balances. These can vary from overnight to 3 months depending on cash requirements. Cash flow continues to be closely monitored to ensure the Council has sufficient cash resources to meet ongoing requirements.

Housing Revenue Account Summary – Quarter 3

3.50 The HRA is expected to break even at this stage. Voids remain high and work is ongoing to remedy this. Ongoing efforts to improve this position including enhanced contract management, investment in overtime to clear backlogs, measures to overcome challenges in relation to utilities and development of a performance management framework to monitor have resulted in an improvement in turnover times for void properties.

- 3.51 The budget is coming under pressure from reduced Scottish Government grants for new build council housing and work is ongoing to ensure the HRA strategy remains viable. **Appendix 6** sets out the revenue spend for the year.
- 3.52 Looking ahead, in order to meet the two key tests in the financial strategy, a £1 million minimum HRA balance and a debt-to-income ratio below 40%, it will be necessary to review the 10-year model financial model and develop a longer-term business plan to ensure that funding priorities, including modernisation and new build council housing remain affordable within available resources.
- 3.53 Capital spend at Quarter 2 was just over £18 million with just over £28 million of spend forecast for the year. This is slightly lower than the £31 million approved budget and the underspend is due to slippage in the start date of new council housing sites. Further detail is set out in **Appendix 7**.
- 3.54 There remain significant challenges in delivering the programme due a number of factors including the removal of subsidy, shortage of labour resources, uncertainty in the housing market due to the current economic situation, rising costs and challenges in awarding and mobilisation of contracts.

Pressures, Risks, and Impact on Future Years Budgets

General Inflation

- 3.55 General inflation has been around 2% in recent months and has been factored into the current budget modelling. Any increase in inflation will have an impact on Council budgets.

Interest Rates

- 3.56 Interest rates again fell by a quarter of a percentage point. Officers are continuing to update modelling to reflect changes in borrowing rates and to review the impact of this on revenue budgets and the affordability of the capital programme whilst developing options to mitigate the impact.

Conclusion

- 3.57 The Council continues to operate in a challenging, complex, and ever-changing financial environment. There is an overspend of £6.3 million in General Services revenue before applying mitigations and much of the pressure is recurring. The affordability of the capital programme is also uncertain as material and contract costs increase, and the cost of borrowing remains high. To help manage the financial position, it is critical to maintain any areas of underspend, enhanced vacancy management continues, and further flexibilities and mitigations are identified.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – as described above and in the supporting appendices.
- 6.2 Personnel - none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Council – 12 December 2023 – Item 3 – Financial & Capital Strategies 2024-29
- 7.2 Council – 20 February 2024 – Item 2 – Budget Development including the setting of Council Tax and Council Housing Rent for 2024/25
- 7.3 Council – 20 February 2024 – Item 2a – Rent Proposals 2024/25 to 2028/29
- 7.4 Council – 20 February 2024 – Item 2b (i) – Budget Proposals on General Services Capital
- 7.5 Council – 20 February 2024 – Item 2b (ii) – Budget Proposals on General Services Revenue
- 7.6 Council – 20 February 2024 – Item 2b (iii) – General Fund Budget Projections
- 7.7 Council – 20 February 2024 – Item 3 – Treasury Management Strategy
- 7.8 Council – 27 August 2024 – Item 3 – Quarter 1 Financial Review 2024/25
- 7.9 Council – 29 October 2024 – Item 2 – Finance Update
- 7.10 Council – 10 December 2024 – Item 3 – Quarter 2 Financial Review 2024/25
- 7.11 Council – Item 3 – Financial and Capital Strategies 2025-2030

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DATE	11 February 2025

Appendix 1
 East Lothian Council
 Budget Monitoring 2024/25 - Quarter 3

Service	Head of Service	Business Unit	2024/25 Budget £'000	Year to Date			2024/25 Budget Variance to Date %	Financial Risk Assessment
				2024/25 Actual to Date £'000	2024/25 Budget to Date £'000	2024/25 Budget Variance to Date £'000		
Education & Children's	Children's	Performance & Service Delivery	1,382	942	1,012	-70	-6.92%	
Education & Children's	Children's	Management	4,013	4,145	2,082	2,063	99.09%	
Education & Children's	Children's	Assessment HUB and Early Interventions	2,016	1,430	1,512	-82	-5.42%	
Education & Children's	Children's	Long Term Social Work Supervisory Groups	3,288	2,482	2,524	-42	-1.66%	
Education & Children's	Children's	TAC, Disability & Resources	1,883	1,016	1,029	-13	-1.26%	
Education & Children's	Children's	Fostering, Adoption & Internal Resources	6,275	4,673	4,917	-244	-4.96%	
Education & Children's	Children's	Early Years Intervention	948	635	786	-151	-19.21%	
Education & Children's	Children's	Disability Short Breaks	768	790	574	216	37.63%	
EDUCATION & CHILDREN'S	CHILDREN'S TOTAL		20,573	16,113	14,436	1,677	11.62%	
Education & Children's	Education	Inclusion & Wellbeing	13,409	11,422	11,002	420	3.82%	
Education & Children's	Education	Pre-School Education	16,575	14,765	15,396	-631	-4.10%	
Education & Children's	Education	Primary Schools	57,284	38,382	39,545	-1,163	-2.94%	
Education & Children's	Education	Secondary Schools	59,501	40,513	41,404	-891	-2.15%	
Education & Children's	Education	Schools' Support	3,790	2,942	3,257	-315	-9.67%	
Education & Children's	Education	East Lothian Works	1,326	983	1,077	-94	-8.73%	
EDUCATION & CHILDREN'S	EDUCATION TOTAL		151,885	109,007	111,681	-2,674	-2.39%	
EDUCATION & CHILDREN'S TOTAL			172,458	125,120	126,117	-997	-0.79%	
Council Resources	Finance	Financial Services	3,761	2,899	3,083	-184	-5.97%	
Council Resources	Finance	Revenues & Financial Support	4,895	2,822	2,689	133	4.95%	
Council Resources	Finance	Procurement	1,230	1,063	1,088	-25	-2.30%	
COUNCIL RESOURCES	FINANCE TOTAL		9,886	6,784	6,860	-76	-1.11%	
Council Resources	Corporate	IT Services	3,547	2,540	2,508	32	1.28%	
Council Resources	Corporate	People & Council Support	4,605	4,195	4,392	-197	-4.49%	
Council Resources	Corporate	Governance	2,379	1,407	1,457	-50	-3.43%	
Council Resources	Corporate	Communications	555	364	387	-23	-5.94%	
COUNCIL RESOURCES	CORPORATE TOTAL		11,086	8,506	8,744	-238	-2.72%	
COUNCIL RESOURCES TOTAL			20,972	15,290	15,604	-314	-2.01%	
Health & Social Care Partnership	Head of Operations	Adult Social Work	31,995	23,545	22,971	574	2.50%	
Health & Social Care Partnership	Head of Operations	Acute & Ongoing Care	10,220	8,606	7,968	638	8.01%	
Health & Social Care Partnership	Head of Operations	Rehabilitation	2,154	1,630	1,721	-91	-5.29%	
Health & Social Care Partnership	Head of Operations	Learning Disability & MH Community Services	19,269	14,516	13,158	1,358	10.32%	
Health & Social Care Partnership	Head of Operations	Head of Operations	5,083	4,224	4,224	0	0.00%	
Health & Social Care Partnership	Head of Operations	Business & Performance IJB	4,821	3,803	4,056	-253	-6.24%	
HEALTH & SOCIAL CARE PARTNERSHIP	IJB TOTAL		73,542	56,324	54,098	2,226	4.11%	
Health & Social Care Partnership	Head of Operations	Non-IJB	540	935	639	296	46.32%	
HEALTH & SOCIAL CARE PARTNERSHIP	Non-IJB TOTAL		540	935	639	296	46.32%	
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL			74,082	57,259	54,737	2,522	4.61%	
Place	Development	Planning & Environmental Services	1,103	514	723	-209	-28.91%	
Place	Development	Economic Development	854	741	750	-9	-1.20%	
PLACE	DEVELOPMENT TOTAL		1,957	1,255	1,473	-218	-14.80%	
Place	Housing	Housing, Strategy & Development	284	650	813	-163	-20.05%	
Place	Housing	Property Maintenance Trading Account	-1,153	2,015	2,015	0	0.00%	
Place	Housing	Community Housing Group	2,828	949	605	344	-56.86%	
PLACE	HOUSING TOTAL		1,959	3,614	3,433	181	5.27%	
Place	Infrastructure	Asset Maintenance & Engineering Services	3,517	3,667	3,578	89	2.49%	
Place	Infrastructure	Strategic Asset & Capital Plan Management	-1,233	566	983	-417	-42.42%	
Place	Infrastructure	Facility Trading Activity	-427	-504	-504	0	0.00%	
Place	Infrastructure	Facility Support Services	4,118	3,228	3,154	74	2.35%	
Place	Infrastructure	Landscape & Countryside Management	6,288	5,200	5,171	29	0.56%	
Place	Infrastructure	Active Business Unit	3,799	2,654	2,567	87	3.39%	
Place	Infrastructure	Roads Network	4,138	3,387	3,183	204	6.41%	
Place	Infrastructure	Roads Trading Activity	-670	-247	-302	55	-18.21%	
Place	Infrastructure	Transportation	2,237	2,033	2,194	-161	-7.34%	
Place	Infrastructure	Waste Services	9,609	6,141	5,925	216	3.65%	
PLACE	INFRASTRUCTURE TOTAL		31,376	26,125	25,949	176	0.68%	
Place	Communities & Partnerships	Connected Communities	6,279	4,289	4,445	-156	-3.51%	
Place	Communities & Partnerships	Protective Services	2,083	1,360	1,482	-122	-8.23%	
Place	Communities & Partnerships	Customer Services Group	4,514	3,194	3,266	-72	-2.20%	
PLACE	COMMUNITIES & PARTNERSHIPS TOTAL		12,876	8,843	9,193	-350	-3.81%	
PLACE TOTAL			48,168	39,837	40,048	-211	-0.53%	
SERVICE TOTAL			315,680	237,506	236,506	1,000	0.42%	
Non-Service Expenditure Sub-Total			16,383	5,537	5,831	-294	-5.04%	
Total Expenditure			332,063	243,043	242,337	706	0.29%	
Funded By Sub-Total			-329,128	-218,804	-218,096	-708	-0.32%	
Net Expenditure			2,935	24,239	24,241	-2	0.01%	
Reserves Funding Sub-Total			-2,935	0	-1,451	1,451	100.00%	
TOTAL			0	24,239	22,790	1,449	-6.36%	

Appendix 2
East Lothian Council
2024/25 Budget Efficiencies - Quarter 3

Service	2024/25			
	Achieved	Amber	Unachievable	
	£'000	£'000	£'000	
Education	396	134	0	
Finance	630	0	0	
Corporate Services	38	0	0	
Development	120	0	0	
Housing	48	0	275	
Infrastructure	1,428	1,143	500	
Communities	1,063	50	0	
Non Service Expenditure	0	2,100	0	
Total	3,723	3,427	775	7,925
	46.98%	43.24%	9.78%	

Appendix 3

East Lothian Council

Budget Monitoring 2024/25 - Additional Funding from the Scottish Government

	£million
2024/25 GRG (per Budget Amendment)	238.012
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Additional Funding - GRG	
<hr/>	
Early Learning £12 per hour funding	0.350
Social Care £12 per hour funding	4.995
Other	0.045
Additional GRG for 2024/25 Settlement	1.217
Employability Child Poverty Co-ordinators	0.066
Council Tax Freeze (£3.4m built into approved budget)	0.004
2023/24 Local Government Pay Offer	0.403
Scottish School Milk Subsidy Scheme	0.023
Sustained Temporary Accommodation Pressures	0.015
Teacher Pension Funding (£1.589m built into approved budget)	0.146
Teachers Induction (£0.674m built into approved budget)	-0.092
Retained Teacher Support (was a specific grant at budget setting)	2.952
Ukraine Resettlelement	0.053
2024/25 Local Government Pay Offer	1.504
2024/25 SNCT Pay Deal (recurring)	0.559
Climate Intelligence Service	0.002
Building Standards Hub	-0.023
Educational Psychologist Refund	0.008
Scottish Welfare Fund	0.327
<hr/>	
Total Additional Funding	12.554
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Revised GRG	250.566
<hr/>	

Appendix 4

East Lothian Council

General Services Capital Budget Monitoring Summary 2024/25

Quarter 3

*P = Budget different arises from reprofiling

	RAG*	Approved Budget	Updated Budget	Actual	Updated Budget-Actual Variance	Projected Outturn	Updated Budget - Outturn Variance	Previously reported Outturn to Council	Projected Outturn to Previously Reported Variance
Expenditure		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Community Projects									
Community Intervention	G	300	300	10	(290)	150	(150)	300	(150)
Community Intervention Fund - Pump Tracks	P	475	475	0	(475)	240	(235)	398	(158)
Community Public Art	G	160	160	25	(135)	200	40	170	30
Bleachingfield Centre Remodelling Works	G	100	100	1	(99)	105	5	105	0
Dunbar Conservation Area Regeneration Scheme (CARS)	P	355	760	0	(760)	150	(610)	200	(50)
East Saltoun Community Hall	-	0	0	0	0	0	0	0	0
North Berwick Skatepark	G	0	13	10	(4)	10	(4)	13	(4)
Support for Business	G	0	0	6	6	6	6	5	1
Fisherrow - spend to save project	G	225	250	250	0	250	0	250	0
CCTV	G	123	219	8	(212)	8	(212)	8	0
Town Centre Regeneration	G	514	937	523	(415)	558	(379)	558	0
Total Community Projects		2,253	3,215	832	(2,383)	1,676	(1,540)	2,007	(331)
Town Centre Regeneration (PBIP) Grant		(500)	(820)		820	(470)	350	(470)	0
Other Funding Sources		(805)	(1,276)		1,276	(777)	499	(861)	84
GCG REFCUS					0		0	0	0
Total Income: Community Projects		(1,305)	(2,096)	0	2,096	(1,247)	849	(1,331)	84
Community Projects - General Capital Grant/Borrowing Requirement		948	1,119	832	(287)	429	(691)	676	(247)
ICT									
IT Programme & Digital Opportunities	G	2,200	2,400	1,565	(835)	2,400	0	2,400	0
Telecare System upgrade to Digital	G	0	0	0	0	335	335	0	335
Total ICT		2,200	2,400	1,565	(835)	2,735	335	2,400	335
Other Funding Sources		0	0	0	0	0	0	0	0
Total Income: ICT		0	0	0	0	0	0	0	0
ICT - General Capital Grant/Borrowing Requirement		2,200	2,400	1,565	(835)	2,735	335	2,400	335
Fleet									
Amenties - Machinery & Equipment - replacement	G	200	169	153	(16)	169	0	169	0
Vehicles	P	4,611	4,611	2,012	(2,599)	3,380	(1,231)	4,611	(1,231)
Total Fleet		4,811	4,780	2,165	(2,615)	3,549	(1,231)	4,780	(1,231)
Other Funding Sources		0	0	0	0	0	0	0	0
Total Income: Fleet		0	0	0	0	0	0	0	0
Fleet - General Capital Grant/Borrowing Requirement		4,811	4,780	2,165	(2,615)	3,549	(1,231)	4,780	(1,231)
Open Space									
Synthetic Pitch Replacement Programme	G	157	230	324	95	324	95	324	0
Cemeteries (Burial Grounds)	G	637	911	687	(224)	911	(0)	911	0
River Tyne / Haddington Flood Protection scheme	-	0	0	0	0	0	0	0	0
Coastal / Flood Protection schemes - Musselburgh	G	2,050	1,904	801	(1,103)	1,575	(329)	1,581	(6)
Coastal Change Management	G	85	85	0	(85)	40	(45)	40	0
Coastal Car Park Toilets	G	256	262	64	(197)	298	36	298	0
Core Path Plan	G	50	100	0	(100)	100	0	100	0
Harbour Walls	G	600	600	165	(435)	375	(225)	367	8
Mains Farm Town Park & Pavilion	-	0	0	0	0	0	0	0	0
Nature Restoration	G	0	59	4	(55)	59	0	59	0
Replacement Play Equipment	G	327	459	300	(160)	459	0	427	33
Polson Park	G	160	160	0	(160)	20	(140)	20	0
Sports and Recreation LDP	P	3,026	3,182	720	(2,462)	1,532	(1,650)	1,849	(317)
Street litter bin replacement	G	40	40	39	(1)	40	0	40	0
Waste - New Bins	G	160	160	195	35	201	41	181	20
Waste - Machinery & Equipment - replacement	G	40	40	13	(27)	19	(21)	19	0
Total Open Space		7,588	8,191	3,312	(4,879)	5,953	(2,238)	6,215	(262)
Developer Contribution		(2,457)	(2,656)		2,656	(1,512)	1,144	(1,786)	274
Capital Receipts		(350)	(350)		350	(189)	161	(345)	156
Other Funding Sources		(1,594)	(1,467)		1,467	(1,072)	395	(1,011)	(61)
Total Income: Open Space		(4,401)	(4,474)	0	4,474	(2,773)	1,700	(3,142)	369
Open Space - General Capital Grant/Borrowing Requirement		3,187	3,718	3,312	(405)	3,180	(538)	3,073	107
Roads, Lighting and related assets									
Cycling Walking Safer Streets	G	478	478	391	(87)	1,040	562	835	205
East Linton Rail Stop / Infrastructure	-	0	0	0	0	0	0	0	0
Parking Improvements	G	330	559	5	(553)	296	(263)	296	0
Roads	G	5,500	5,500	3,554	(1,946)	5,500	0	5,500	0
Roads - Externally Funded Projects	G	8,462	8,462	7,166	(1,296)	8,462	0	8,462	0
Total Roads, Lighting and related assets		14,770	14,999	11,116	(3,882)	15,298	300	15,093	205
Developer Contribution		0	0		0	0	0	0	0
Other Funding Sources		(8,940)	(8,940)		8,940	(9,503)	(562)	(9,297)	(205)
Total Income: Roads, Lighting and related assets		(8,940)	(8,940)	0	8,940	(9,503)	(562)	(9,297)	(205)
Roads etc. - General Capital Grant/Borrowing Requirement		5,830	6,059	5,058	5,058	5,796	(263)	5,796	(0)
Property - Education									
Aberlady Primary - extension	P	2,289	2,328	18	(2,310)	30	(2,298)	335	(305)
Blindwells Primary - new school	G	19,453	17,975	12,631	(5,344)	19,702	1,727	19,702	0
Craighall Primary - New School	G	19,217	17,107	11,578	(5,529)	19,101	1,994	19,101	0
East Linton Primary - new school	-	0	0	0	0	0	0	0	0
Free School Meals Expansion to P6-7	G	0	17	0	(17)	100	83	17	83
Gullane Primary - extension including Early Learning and 1140	G	0	0	(390)	(390)	0	0	0	0
Knox Academy Extension	G	50	50	0	(50)	52	2	52	0
Law Primary - extension including Early Learning and 1140	G	67	622	116	(506)	143	(479)	143	0
Letham Primary - New School	G	0	42	17	(25)	17	(25)	17	0
North Berwick High School - Extension	G	450	688	220	(468)	688	(1)	688	0
Ormiston Primary - extension	G	0	82	81	(1)	82	0	82	0
Pinkie St Peter's Primary - sports hall extension	G	505	556	107	(449)	115	(441)	115	0
Pinkie St Peter's Primary - extension including Early Learning and 1140	P	279	449	4	(445)	150	(299)	282	(132)

Appendix 4

East Lothian Council

General Services Capital Budget Monitoring Summary 2024/25

Quarter 3

*P = Budget different arises from reprofiling

	RAG*	Approved Budget	Updated Budget	Actual	Updated Budget-Actual Variance	Projected Outturn	Updated Budget - Outturn Variance	Previously reported Outturn to Council	Projected Outturn to Previously Reported Variance
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Expenditure									
Preston Lodge High School - extension (phase 1)	G	0	0	0	0	0	0	0	0
Prestonpans Primary - upgrades	G	243	243	0	(243)	0	(243)	0	0
Ross High School - extension	G	0	0	(161)	(161)	(147)	(147)	15	(161)
School Estate - Curriculum Upgrades	G	1,045	1,083	762	(321)	1,083	0	1,083	0
St Gabriel's Primary - extension including Early Learning and 1140	G	0	0	0	0	3	3	3	0
Wallyford Primary - New School	G	108	108	12	(96)	17	(91)	17	0
Wallyford Learning Campus	G	1,001	1,101	579	(522)	1,412	311	1,412	0
West Barns Primary - extension including Early Learning and 1140	G	46	37	0	(37)	0	(37)	0	0
Whitecraig Primary - new school including Early Learning and 1140	P	16,058	15,755	6,298	(9,457)	10,164	(5,591)	16,058	(5,894)
Windygoul Primary - Early learning and 1140 extension	G	150	133	0	(133)	0	(133)	0	0
Total Property - Education		60,962	58,376	31,870	(26,506)	52,712	(5,664)	59,121	(6,410)
Developer Contribution		(12,184)	(8,869)		8,869	(7,965)	904	(8,270)	305
Developer Contribution (Post completion)		(14)	(14)		14	0	14	0	0
1140 Grant Income		(167)	(144)		144	0	144	0	0
Other Funding Sources			0		0	(6)	(6)	0	(6)
Total Income: Property - Education		(12,365)	(9,028)		9,028	(7,971)	1,057	(8,270)	299
Property Education - General Capital Grant/Borrowing Requirement		48,597	49,348		(17,478)	44,741	(4,607)	50,852	(6,111)
Property - Other									
Accelerating Growth		14,853	15,582	12,562	(3,020)	20,227	4,645	15,348	4,879
- Cockenzie	G	0	507	639	132	4,964	4,457	4,964	0
- Levelling Up Project Cockenzie	G	10,978	11,164	6,305	(4,859)	5,669	(5,495)	5,669	0
- Blindwells	G	0	35	21	(14)	194	159	35	159
- Innovation Hub	G	3,876	3,876	5,590	1,714	9,390	5,514	4,670	4,720
- A1/QMU Junction	G	0	0	6	6	10	10	10	0
Brunton Hall - Improved Community Access	-	0	0	0	0	0	0	0	0
Court Accommodation - incl. SPOC	G	820	952	432	(521)	874	(79)	874	0
Loch Centre Tranent - Major Refurbishment Works	P	721	721	9	(712)	55	(666)	721	(666)
New ways of working Programme	P	988	1,548	29	(1,519)	250	(1,298)	467	(217)
Prestonrange Museum	P	1,599	1,746	34	(1,712)	400	(1,346)	1,375	(975)
Property Renewals	G	2,000	2,000	1,637	(363)	2,000	0	2,000	0
Replacement Childrens House	G	867	867	0	(867)	0	(867)	0	0
Sports Centres	G	240	240	130	(110)	240	0	240	0
Whitecraig Community Centre	G	0	49	0	(49)	0	(49)	49	(49)
Total Property - Other		22,088	23,704	14,831	(8,873)	24,046	342	21,074	2,972
Developer Contribution		0	0		0	0	0	-	0
Developer Contribution (Post completion)		0	0		0	0	0	-	0
Capital receipts		(1,098)	(1,590)		1,590	(4,879)	(3,290)	(4,720)	(159)
TCR		(150)	(304)		304	(304)	(0)	(304)	0
Other Funding Sources		(10,228)	(10,613)		10,613	(5,948)	4,666	(5,948)	0
Total Income: Property - Other		(11,476)	(12,507)		12,507	(11,131)	1,376	(10,972)	(159)
Property Other - General Capital Grant/Borrowing Requirement		10,612	11,197		3,634	12,915	1,718	10,102	2,813
Total Property Spend - Education and Other		83,050	82,080	46,701	(35,379)	76,757	(5,322)	80,195	(3,438)
Total Income: Property - Education and Other		(23,841)	(21,535)		21,535	(19,101)	2,433	(19,241)	140
Property-Education and Other - General Capital Grant/Borrowing Requirement		59,209	60,545		(13,844)	57,656	(2,889)	60,953	(3,297)
Capital Plan Fees	G	2,524	2,524		(2,524)	2,617	93	2,524	93
PPP Projects	G	0	0		0	0	0	0	0
Total Gross Expenditure		117,196	118,189	65,692	(52,497)	108,586	(9,603)	113,214	(4,628)
Other Funding Sources		0	0		0	0	0	0	0
Total Income:PPP Projects		0	0		0	0	0	0	0
Income									
Developer Contribution	P	(14,640)	(11,525)			(9,477)	2,048	(10,055)	578
Developer Contribution (Post completion)	G	(14)	(14)			0	14	0	0
1140 Grant Income	G	(167)	(144)			0	144	0	0
Town Centre Regeneration (PBIP) Grant	G	(650)	(1,124)			(774)	349	(774)	0
Capital receipts	G	(4,448)	(4,940)			(8,068)	(3,128)	(8,065)	(3)
Other Funding Sources	G	(21,567)	(22,297)			(17,305)	4,992	(17,117)	(189)
GCG REFCUS						0	0	0	0
Scottish Government General Capital Grant	G	(24,877)	(24,877)			(26,486)	(1,609)	(26,486)	0
Total Income		(66,364)	(64,921)			(62,110)	2,811	(62,497)	387
Borrowing Requirement	G	50,831	53,267			46,475	(6,792)	50,716	(4,241)

Actual as % of Approved Budget

56%

Actual as % of Updated Budget

56%

Actual as % of Projected Outturn

60%

Appendix 5
Prudential and Treasury Indicators 2024/25
Quarter 3

1 PRUDENTIAL INDICATORS	2023-24	2024-25	2024-25	2024-25	2024-25
	Actual	Budget	Q3	Q2	Change
	£'000	£'000	Projection	Projection	£'000
			£'000	£'000	
1.1 Capital Expenditure					
General Services	52,087	117,196	108,585	113,220	(4,635)
HRA	42,849	31,579	28,280	29,321	(1,041)
TOTAL	94,936	148,775	136,865	142,541	(5,676)
1.2 Capital Financing Requirement (CFR) – General Services					
brought forward 1 April	295,377	321,667	313,376	313,376	0
carried forward 31 March	313,376	365,070	352,758	356,847	(4,089)
In year borrowing requirement	17,999	43,403	39,382	43,471	(4,089)
1.3 Capital Financing Requirement (CFR) - HRA					
brought forward 1 April	240,066	267,835	265,745	265,745	0
carried forward 31 March	265,745	291,180	285,010	286,051	(1,041)
In year borrowing requirement	25,679	23,345	19,265	20,306	(1,041)
1.4 Total CFR excluding PPP and leases					
General Services	313,376	365,070	352,758	356,847	(4,089)
HRA	265,745	291,180	285,010	286,051	(1,041)
TOTAL	579,121	656,250	637,769	642,898	(5,129)
1.5 Annual Change in CFR					
General Services	17,999	43,403	39,382	43,471	(4,089)
HRA	25,679	23,345	19,265	20,306	(1,041)
TOTAL	43,679	66,748	58,647	63,777	(5,129)
1.6 Ratio of financing costs to net revenue stream					
General Services	4.26%	5.57%	5.23%	5.24%	-0.01%
HRA	33.13%	36.24%	35.06%	35.20%	-0.14%
1.7 Impact of Capital Investment Decisions					
General Services – Debt per Band D equivalent	£5,118	£5,940	£5,740	£5,807	(67)
HRA – Debt per dwelling	£28,389	£31,112	£30,201	£30,312	(110)

2 TREASURY MANAGEMENT INDICATORS	2023-24	2024-25	2024-25	2024-25	2024-25
	Actual £'000	Budget £'000	Q3 Projection £'000	Q2 Projection £'000	Change £'000
2.1 Authorised Limit for External Debt -					
Borrowing at 31 March	636,000	726,000	720,000	727,000	(7,000)
Other long term liabilities (PPP and Leases)	31,000	30,000	30,000	30,000	0
Total	667,000	756,000	750,000	757,000	(7,000)
2.2 Operational Boundary for External Debt -					
Borrowing at 31 March	594,352	656,249	654,072	659,202	(5,130)
Other long term liabilities (PPP and Leases)	30,688	29,104	29,105	29,105	0
Total	625,040	685,354	683,177	688,307	(5,130)
2.3 Actual External Debt					
Borrowing at 31 March	493,789	558,885	561,529	566,792	(5,263)
Other long term liabilities (PPP and Leases)	30,688	29,104	29,105	29,105	0
Total	524,477	587,989	590,634	595,897	(5,263)

3 LOANS FUND	2023-24	2024-25	2024-25	2024-25	2024-25
	Actual £'000	Budget £'000	Q3 Projection £'000	Q2 Projection £'000	Change £'000
3.1 General Services					
Opening balance	295,377	321,667	313,376	313,376	0
Add advances	22,327	50,546	46,190	50,279	(4,089)
Less repayments	(4,328)	(7,143)	(6,807)	(6,807)	(0)
Closing balance	313,376	365,070	352,758	356,848	(4,090)
3.2 HRA					
Opening balance	240,066	267,835	265,745	265,745	0
Add advances	31,061	29,183	25,096	26,137	(1,041)
Less repayments	(5,382)	(5,838)	(5,831)	(5,831)	0
Closing balance	265,745	291,180	285,010	286,051	(1,041)
3.3 Total					
Opening balance	535,443	589,502	579,121	579,121	(0)
Add advances	53,389	79,729	71,286	76,416	(5,130)
Less repayments	(9,710)	(12,981)	(12,638)	(12,638)	(0)
Closing balance	579,121	656,250	637,769	642,899	(5,131)

Appendix 6
 East Lothian Council
 Budget Monitoring HRA 2024/25 - Quarter 3

	2024/25 Budget £'000	2024/25 Actual to Date £'000	2024/25 Budget to Date £'000	2024/25 Budget Variance to Date £'000	2024/25 Forecast £'000	2024/25 Forecast Variance £'000
Total Income	-40,854	-30,640	-30,639	-1	-40,900	-46
Total Expenditure	38,150	17,694	17,550	144	38,196	46
(Surplus) / Deficit for Year	-2,704	-12,946	-13,089	143	-2,704	0

	2024/25 Budget £'000	2024/25 Forecast £'000	2024/25 Forecast Variance £'000
Management of Balances			
Opening (Surplus) / Deficit	-1,535	-1,535	0
CFCR	2,200	2,200	0
(Surplus) / Deficit for Year	-2,704	-2,704	0
Closing (Surplus) / Deficit	-2,039	-2,039	0

Appendix 7
East Lothian Council
Budget Monitoring HRA Capital 2024/25 - Quarter 3

	2024/25 Budget	2024/25 Actual to Date	2024/25 Budget to Date	2024/25 Budget Variance to Date	2024/25 Forecast	2024/25 Forecast Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Modernisation	10,600	6,606	7,950	-1,344	11,114	514
Energy Efficiency Fund	2,500	714	1,875	-1,161	1,986	-514
New Council Housing	16,732	10,339	12,549	-2,210	13,500	-3,232
Fees	1,467	0	0	0	1,467	0
Mortgage to Rent	280	190	210	-20	190	-90
TOTAL	31,579	17,849	22,584	-4,735	28,257	-3,322

Funded By:

	2024/25 Budget	2024/25 Actual to Date	2024/25 Budget to Date	2024/25 Budget Variance to Date	2024/25 Forecast	2024/25 Forecast Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Grants	-632	-789	-474	-315	-789	-157
Grants MTR	-196	-123	-147	24	-123	73
CFCR	-2,200	-2,200	0	-2,200	-2,200	0
Borrowing	-28,551	-14,737	-21,963	7,226	-25,145	3,406
TOTAL	-31,579	-17,849	-22,584	4,735	-28,257	3,322

REPORT TO: East Lothian Council
MEETING DATE: 25 February 2025
BY: Chief Social Work Officer
SUBJECT: Chief Social Work Officer Annual Report 2023-24

3

1 PURPOSE

- 1.1 This report presents to members the Chief Social Work Officer Annual Report for 2023-24. The report is attached at Appendix 1.

2 RECOMMENDATIONS

- 2.1 The Council is asked to note the content of the 2023-24 Annual Report of the Chief Social Work Officer (CSWO) and its implications for the provision of social work services in East Lothian and their role in assuring the safety and welfare of vulnerable children and adults across the county.

3 BACKGROUND

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

services. It provides an overview of the professional activity for social work in East Lothian through the delivery of the statutory functions and responsibilities held by the Chief Social Work Officer.

- 3.4 The report reflects the impact of growth in East Lothian. There is clear increased demand in a number of key areas including adult social work and children with disabilities. As communities continue to grow, East Lothian's population increase will always include some people with a range of complex needs. Services with a duty to support and protect people are experiencing an increase in demand but also an increase in people's individual needs. There continues to be significant numbers of people who are struggling to manage following long periods of austerity and coexisting factors including addiction, mental health problems, physical ill-health, disability and poverty. All services also continue to experience a growing number of people of all ages affected by domestic abuse.
- 3.5 This report is an opportunity to highlight the efforts of our social work and social care workforce who work tirelessly to protect people from harm and to support them to live safely and as independently as possible in their own homes and communities. Social work services have a wide range of statutory duties and continuing to meet these in times of extreme financial pressure remains a challenge. As CSWO, it is my job to assure Members about social work practice in East Lothian and be open about the significant challenges the profession faces as a result of growth, demand and national policy expectations. I am confident that we are prioritising the right evidence-based practice and strategic development to ensure we are in the best position to continue delivering high quality services.
- 3.6 At a time when, nationally, fewer people are entering the social work profession and more people are leaving, it is more important than ever to showcase the life-changing impact social workers are having and to celebrate and value our workforce. I am proud to have the opportunity to share some of the many achievements from 2023-24, particularly the positive results from the joint strategic inspections of both adults and children at risk of harm. The assurance we can collectively take from these fantastic inspection reports is testament to the commitment and resilience of our social work workforce and the support of all managers and leaders. I am endlessly inspired by our workforce who truly want to make a difference to people's lives and wish to place on record my sincere gratitude for their hard work and commitment.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – there are no direct financial implications arising from the report, however it does refer to the financial challenges facing the delivery of social work and social care services.
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Chief Social Work Officer Report 2023-24 attached at Appendix 1

AUTHOR'S NAME	Lindsey Byrne
DESIGNATION	Head of Children's Services and Chief Social Work Officer
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DATE	10.2.25



CHIEF SOCIAL WORK OFFICER **REPORT 2023-24**

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Introduction

I am delighted to introduce the chief social work officer (CSWO) report for 2023-2024. It is a real privilege to present this information on behalf of the social work profession in East Lothian. No report could ever fully convey the complexity, pressure and risk that our workforce navigates, nor the dedication, energy and heart it takes to be alongside people. We strive for positive outcomes, often in the most difficult of circumstances.

This report will reflect and present a large amount of data and information. Behind every statistic is real people, living real lives which have somehow brought them into contact with social work services. Something significant has happened that means they required support, care, resource or protection. This has been provided within the parameters of a wide range of social work legislation which places specific duties on social work professionals and the Local Authority.

It is important that we do not forget the people in amongst the data and that we understand the legislative basis for all the work we deliver. Social work is never an optional extra, it is a critical frontline service with responsibility for the care and protection of our most vulnerable citizens.

The level of need and complexity in our communities has never been higher. People face significant challenges that make day to day life increasingly difficult to manage, including the cost-of-living crisis, barriers to accessing mental health support and more people than ever facing poverty and disadvantage. Demand for social work services in East Lothian continues to be significant and we continue to strive for positive outcomes, often in very difficult circumstances.

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

It is always beneficial to take time to reflect on our performance, explore and be honest about where we can improve and to make space to recognise our achievements. It brings the importance of the social work and social care workforce into sharp focus, and I never take for granted the skills and commitment of our staff who regularly go above

and beyond to meet the needs of the people we serve. I would like to take this opportunity to convey my gratitude to them, their relentless passion for the work that they do and for continuing to make East Lothian a place that can take real pride and assurance in our social work practice.

Governance and Accountability

Social work and social care services play a vital role in championing and addressing the impact of poverty, inequality and risks in the lives of vulnerable people. These services are well-placed to inform the prevention and early intervention agenda that is embedded in the key strategic plans for East Lothian. Most social work functions take place within the context of joint operational working, with colleagues within the health and social care partnership, council services and across key partner agencies, including the third sector. The CSWO is a member of the council management team, a non-voting member of the Integration Joint Board (IJB) and is a member of the following key strategic partnerships that lead and direct the work to protect and improve the lives of vulnerable people:

- East and Midlothian Public Protection Committee
- East Lothian Partnership Governance Group
- East Lothian Children's Strategic Partnership
- East Lothian Community Justice Partnership
- Midlothian and East Lothian Drug and Alcohol Partnership

As CSWO, I regularly meet and report to the council's chief executive. I attend the East Lothian and Midlothian Critical Services Oversight Group (chief officer group) for public protection in an advisory capacity. I am a member of the public protection committee and sub-groups for performance and quality improvement and learning reviews. I chair the Lothian and Borders multi-agency public protection arrangements (MAPPA) strategic oversight group (SOG). As CSWO, I am a non-voting member of the IJB and a member of the clinical and care governance committee. The latter provides an important opportunity for oversight and assurance of key service and practice achievements and risks across adult and justice social work services.

Role of the CSWO in social work practice

There is a statutory requirement for all local authorities to appoint a professionally qualified CSWO who is registered with the Scottish Social Service Council (SSSC). This regulation is set out in Section 45 of the Local Government (Scotland) Act 1994. The role of the CSWO is to provide professional advice and guidance to Local Authorities, Integrated Joint Boards, Elected Members and officers in the delivery and associated risks of social work services.

As head of children's services and CSWO, it is necessary to balance the challenge of maintaining objectivity in line management and strategic decision-making, alongside accountability for professional practice standards and ensuring the safety of those who use our services. The human and financial impact of the pandemic and the cost-of-living crisis on council and IJB services continues to test this balance. It is essential for the CSWO to maintain a good understanding of practice, in order to remain connected to the core business and standards of assessing and responding to risk and need for vulnerable people. This is achieved through:

- The role of agency decision maker, endorsing decisions of the fostering and adoption panels.
- Authorising decisions about secure care placements and monitoring assessments and plans for young people whose liberty has been removed.
- Overseeing significant decision making in relation to resources and reviewing plans of children placed in external resources.
- Oversight of the performance and care governance framework in children's and adult services.
- Core member of multi-agency meetings (Large Scale Investigations and strategy meetings) to consider risks to service users in regulated care services.
- Strengthening the arrangements for oversight of local authority welfare guardianship applications.
- Single Point of Contact for Prevent¹;
- Monitoring of MAPPA business and co-chair of MAPPA 3 meetings.
- Member of learning review sub-group for public protection.

The CSWO supports the role of the IJB chief officer in providing professional assurance for social work practice in the services delegated to the IJB. Senior social work managers in adult services consult with the CSWO about practice issues. Regular meetings for social work managers across children's, justice and adult services with the CSWO provide important opportunities to discuss cross-cutting themes, feedback from national meetings such as the Social Work Scotland CSWO network and standing committees and an opportunity to reflect on practice challenges and dilemmas.

Children's Services

During 2023-2024, children's services continued its commitment to keep the Promise. Our desire to support children to thrive within resilient and loving families has remained a priority for service delivery and improvement. Hearing the voices of children and their families has continued to guide our individual, strategic and operational planning and we have worked to embed children's rights into everything we do.

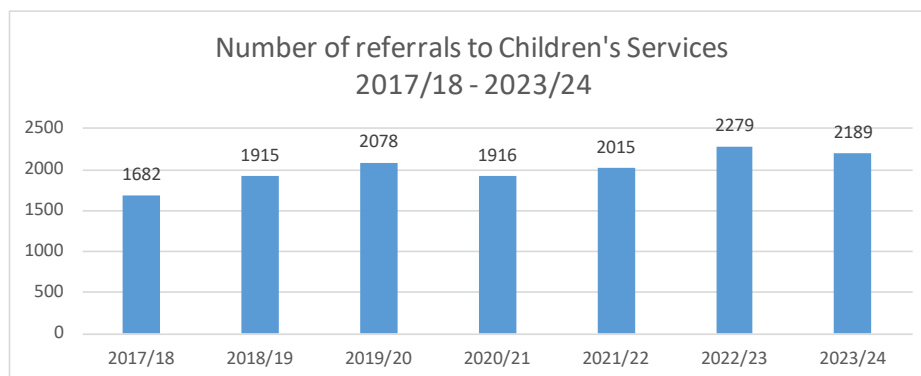
Children's services is placed within our education and children's services directorate. This is a well-established partnership, delivering an integrated service that seeks to get it right for all our children living, learning and belonging in East Lothian. Children's services provides support to children from pre-birth through to 26 years old for care experienced young people.

In October 2023, children's services relocated to a new office base. This move was a significant change for our social work workforce. Throughout the move, employee wellbeing and support was a priority. Children's services continue to be co-located within an open plan space enabling effective collaborative and partnership working across all social work teams including the senior management team.

What is our data telling us?

Referral activity data

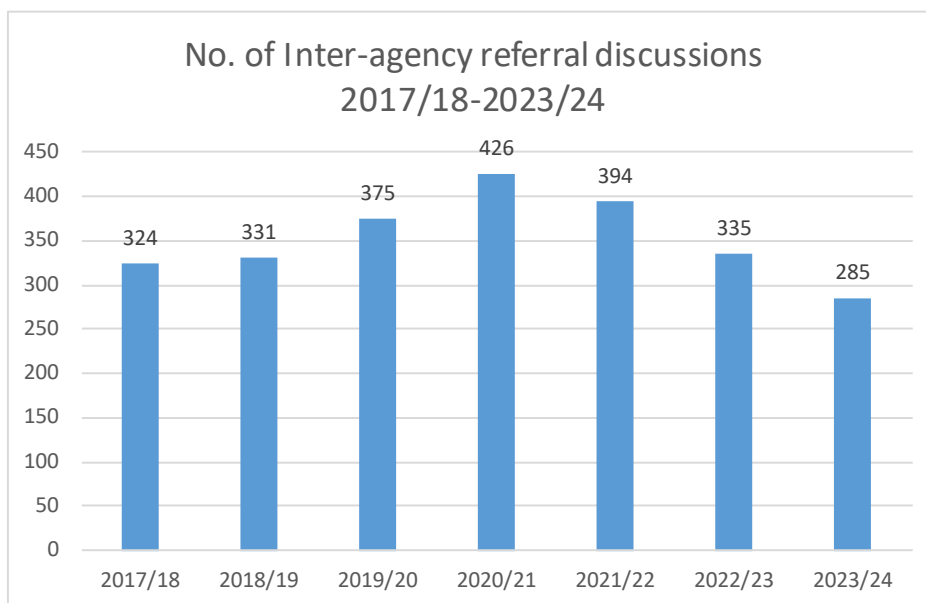
Our data tells us that referrals to children's social work have seen a slight reduction during 2023-2024. This is the first time we have seen a reduction in referrals in a four-year period. The forecast for the 2024 – 2025 would suggest referrals are set to increase again.



This data reinforces the importance of our partnership efforts in Getting It Right for Every Child (GIRFEC). Children's Services has continued to work alongside education, housing, finance, third sector and key partners to ensure families can access early support.

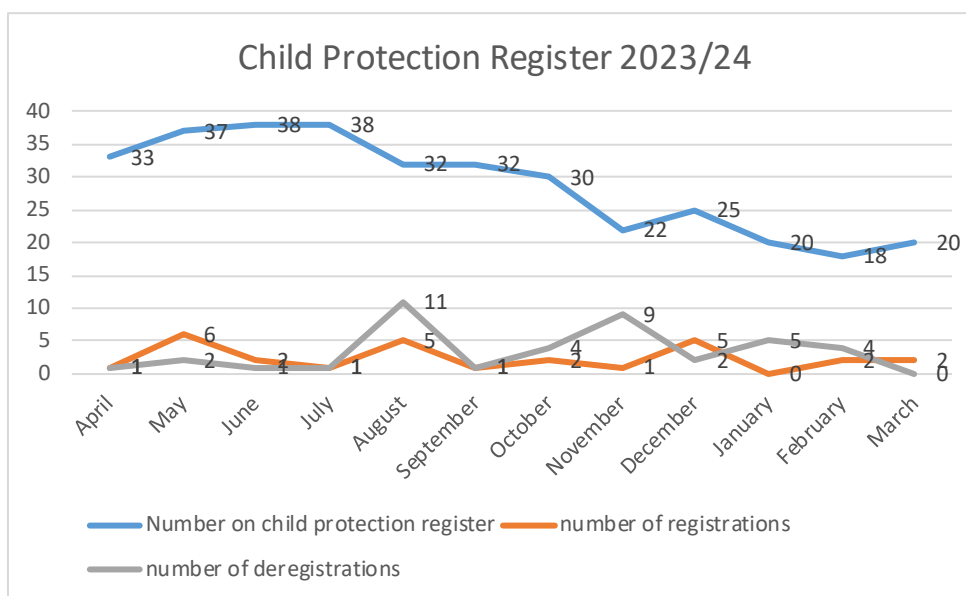
Interagency referral discussion

Due to the high-risk nature of child protection work, Inter-agency Referral Discussions (IRDs) are always the priority for children's social work services. IRDs involve senior officers from police, health and social work who jointly consider information that could indicate a child has been harmed or is at risk of significant harm. When information about a child potentially at risk of harm is received by one of the core agencies, an IRD is initiated within a shared electronic system (E-IRD). Each agency checks their own recording systems and shares any relevant information to help reach an agreement about the risk and what action is required. There has been a reduction in the number of Interagency Referral Discussions (IRDs) in the last year but this number will regularly fluctuate. We are confident that our IRD processes are robust, with an IRD Overview Group meeting fortnightly to review IRDs and the interim safety plans and undertake quality assurance activity.



Child protection activity data

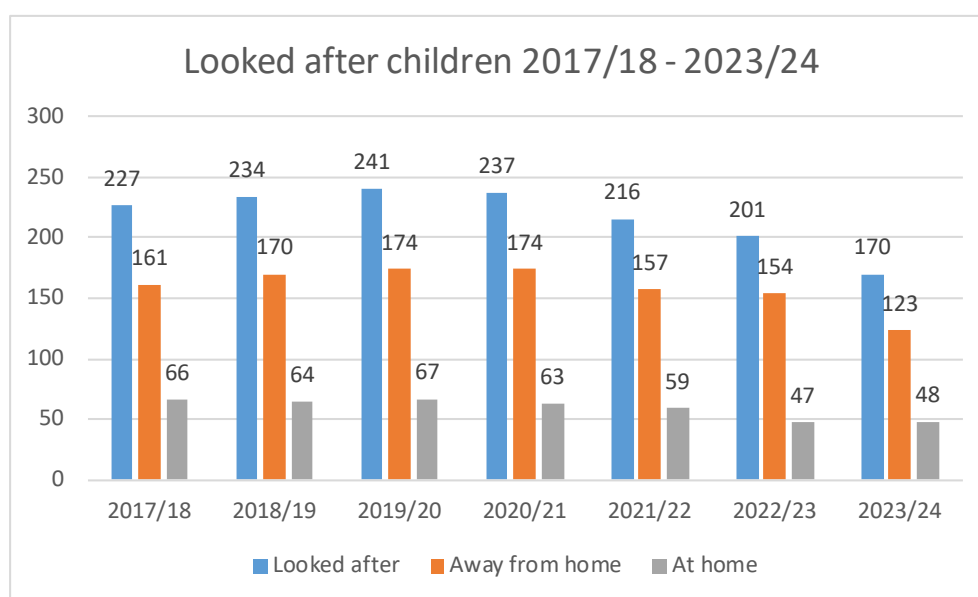
The number of children on the child protection register remains consistent with a slight decrease from last year. East Lothian has seen a drop in the number of children whose names are placed on the Child Protection Register over two Quarters in the period 2023-2024. The most common concerns at point of registration are parental ill-mental health, domestic abuse, and parental alcohol and drug use.



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

Looked after children

The overall number of East Lothian children who are looked after, both at home and away from home, continues to reduce. The number of children looked after in East Lothian in 2023/24 was 170 (this is a decrease of 15.4% from 2022/23). This reduction is in line with the national trend, and we believe this is related to our ongoing commitment to keep the Promise. Our leadership team encourage staff to think creatively about how to support families to stay together when it was safe to do so.



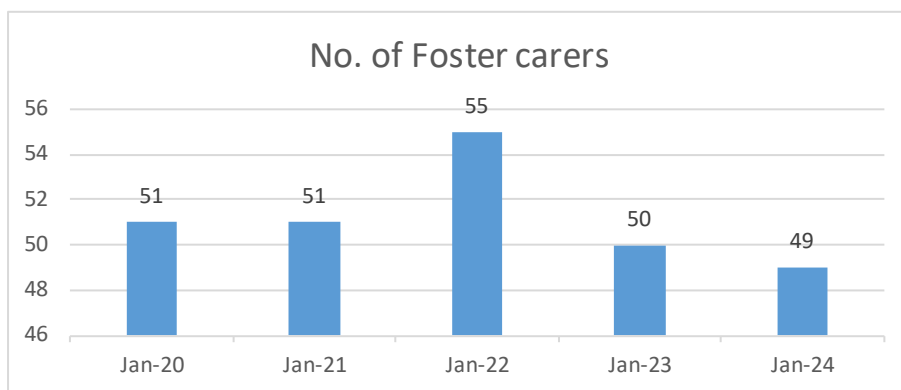
External residential childcare

Throughout 2023/24, we have continued to prioritise 'Belonging to East Lothian' and work in close partnership with education and key agencies to keep children with their families in their community. In March 2024, 20 young people were in external residential care. Our challenge remains in preventing other young people from moving out with East Lothian. Our internal residential provision and the fostering recruitment challenges has a significant impact on our efforts to keep children in East Lothian. We continue to review our internal resources with a view to increasing capacity, but this is particularly challenging within the current financial landscape.

Fostering

Our aim is to provide children who require foster care with a strong, loving care experience. Our fostering team continues to offer a high level of support and training to assist our foster carers in managing the daily issues they experience.

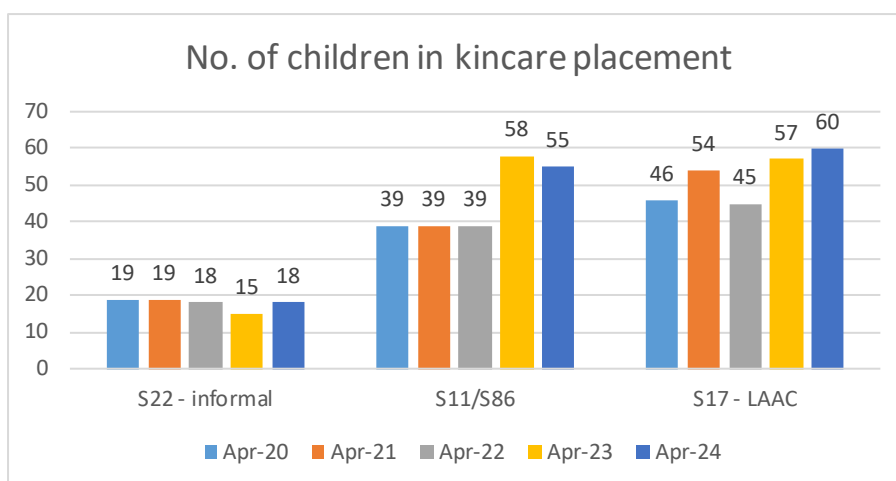
The number of children moving into foster care has remained lower than figures seen prior to 2020. There were 19 children requiring a care placement in 2023 – the same figure as in 2022. Between 2016 and 2020 this figure was consistently above 30. As stated in last year’s report, the reasons for this are reflective of our increased efforts to support families to keep children at home (or within the extended family), in keeping with the aims of the children’s services redesign and The Promise.



The fostering team has undertaken improvement work in preventing placement breakdown. Understanding the reasons behind placement breakdowns has led to improvements to the matching processes. In 2023/24, we have seen a reduction in the number of placement moves for children with five moves in 2023 as opposed to 19 in 2022.

Kinship care

Children’s services commitment to keeping families together is reflected through our ongoing investment in kinship care. Kinship care is considered the first option when parents cannot provide the care and safety that a child requires. Our numbers of kincarers has continued to grow from 102 in 2022/23 to 115 in 2023/24. Again, this is in line with our strategic plan and in keeping with the Promise.



Adoption and post adoption support

The demand for post-adoption support continues to grow, reflecting the challenges for some adoptive families who are struggling to cope with and meet the particularly complex needs of some children.

Support to children with a disability

Children's services provided a high level of support to children affected by disability and their families in 2023/24. We support children who have severe and enduring disabilities using a self-directed approach. Our work can often involve child protection and statutory looked after processes. We have seen an increase in the number of referrals to this team and a significant increase in complexity of need.

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

Throughcare and Aftercare

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

As of 31st December 2023, there were 67 young people receiving an active aftercare service. 75 young people were assigned to the TAC duty service and can request support when they need to. Within the service, 28 young people have been supported to remain in fostering, residential or formal kinship care placements.

Young people seeking asylum

Children's services has developed its support and accommodation offer to unaccompanied and asylum-seeking young people. These young people may have been trafficked and arrived in East Lothian either spontaneously or via the National Transfer Scheme (NTS) which arranges the transfer of children throughout the UK.

As at March 2024, East Lothian is supporting 22 unaccompanied and asylum-seeking young people who are allocated with a worker from the throughcare and aftercare team.

During this reporting period, children's services recruited a dedicated Unaccompanied Asylum Seeking Children (UASC) worker who is based within the throughcare and aftercare team. This post works alongside housing support workers and health practitioners to ensure UASC young people have access to emotional, practical, and financial support. This continues to be an area of significant growth for East Lothian and we are working collaboratively with other council services to expand our housing and support offer.

Wellbeing and justice

Children's services provide support and intervention for children and young people who are in conflict with the law, with the aim of preventing further offending. We support the national priority to keep under 18-year-olds out of prison, reducing the use

of secure care and using community alternatives where possible. We have strengthened our focus on Early Effective Intervention and carried out 40 initial visits, of which 27 young people agreed to support. Our team received 33 referrals for diversion from court suitability assessments and worked directly with 11 young people regarding their harmful sexual behaviour.

Key Achievements within Children's Services

Strategic inspection of children at risk of harm

During the period 2023/24, the Care Inspectorate led on a joint inspection of services for children and young people at risk of harm. The inspection took place over six months and involved surveys, focus groups for staff, children, young people and their families, case record reading, the submission of a collaborative position statement and a wide range of documents.

Inspectors found important and East Lothian received the grade of Very Good for quality indicator 2.1 – impact on children and young people.

The inspection reported the following key messages:

- Children and young people were safer as a result of staff's effective recognition and response to risks and concerns.
- Partners worked well together using inter-agency referral discussions to plan responses if children and young people were at risk of harm.
- Staff were confident in their ability to recognise and report child abuse, neglect and exploitation, and assess and analyse risks.
- Most children and young people experienced positive relationships with staff that had helped to keep them safe.
- The Single Point of Access had enabled many children and young people to receive effective support for their mental health and wellbeing.
- Children and young people with very high levels of risk and need were being well supported by multi-agency staff to remain with family or in care settings locally.
- Children and young people had a very good awareness of their rights.

- Children and young people were being well supported by staff to participate, share their views and contribute to decision-making.
- Leaders, operational managers and staff shared high aspirations and a strong value base for the delivery of services.
- Leaders worked well together through clear governance structures and reporting arrangements. Staff had confidence in their leaders.
- Staff felt well supported through supervision arrangements, peer support and the support of their managers.

Signs of Safety

Children's services continue to develop Signs of Safety as our practice approach within all areas of social work practice. Within the model, our workforce strives to build effective relationships and use a strength-based, family first approach to keep children living safely within their own families wherever possible.

Using the signs of safety approach, practitioners work to spend quality time with children and their families. They facilitate positive conversations through Signs of Safety tools including 'the three houses' and presenting information to children through words and pictures. An audit of our signs of safety practice surveyed the views of parents and carers. 33 out of 35 parents and carers reported that their social worker listens to them and wants to understand their family.

Trauma-informed practice and trauma-responsive practice

Our commitment to embedding a trauma-informed and responsive approach across children's services is evidenced through our leadership team. As CSWO, I am the trauma champion and our trauma lead for East Lothian Council.

The impact of trauma and building worker resilience on our workforce continues to be a priority for children's services. We continue to support team development days and are committed to reviewing our supervision policy to ensure a greater emphasis is placed upon employee wellbeing.

Newly Qualified Social Worker (NQSW) implementation

In February 2024, children's services recruited a part time NQSW implementation lead to further develop our supported first year for newly qualified workers across children and adult services. As part of this work, we are developing a mentoring scheme for newly qualified workers as well as reviewing our induction and supervision guidance.

Realising children's rights

Children's services has worked with East Lothian Council departments to implement creative ways to uphold and promote children's rights. A council working group has been developing clear corporate and service level action plans that will support us in our next steps with the implementation of UNCRC. Children's services have been raising awareness of models of child participation and working to embed these within our individual, operational and strategic participation activity.

Participation, voice and listening

The East Lothian Champions Board is funded by East Lothian Council, NHS Lothian and Queen Margaret University as a partnership project delivered by Who Cares? Scotland. Through the board, care experienced young people themselves can influence improvements in the services and support available to them. Since it was first established, the Champions Board has employed seven care experienced young people into paid participation assistant posts. They have all since moved into further education or promoted employment.

During 2023/24, a total of 38 care experienced children and young people were supported by their independent advocacy worker from Who Cares? Scotland.

Children's Services continued to develop its use of Viewpoint as an additional tool for engagement with children. Partnership work with Who Cares? Scotland and education has informed a new survey for care experienced children. The fostering team also undertook a pilot of the Viewpoint MyStory app and plan to fully implement this with foster carers in 2024/25.

Family support

We provide outcome-focussed interventions to children and families, who require a longer-term social work service. The family support team starts working with families following a period of social work assessment. Family support time is a mix of parenting work, family time and individual work with children. Parents who have accessed family support have reported “I can see real improvement and it is so much better”. Another parent fed back “Things haven’t really changed”.

Scottish Child Interview Model (SCIM)

Our model for interviewing children changed to SCIM in June 2022. From this point until the end of July 2023, 60 joint interviews were undertaken using this model. The high disclosure rate evidences the benefits of the trauma-informed and responsive approach and the value of the preparation work to ensure children feel safe to talk to us. Every child can share their views on the process and their experience of the interview.

Share the Care

We successfully facilitated family activity days over Easter, Summer and October holiday periods supported by our Share the Carers. This work is delivered in partnership with the East Lothian Play Association, Active Schools, and the Arts Service to provide inclusive activities for all the family. Activity days have been a huge success for our children and families providing children with a disability and their families an opportunity to meet with other families. Feedback has been very positive with parents keen for us to find a way to continue delivering this crucial resource.

Life Story Therapy work

Children’s services is committed to embedding life story work into its fostering, adoption, kinship and residential care work. Life story work can be a therapeutic approach that helps children make sense of their past experiences, understand their identity, and develop a coherent narrative of their lives. Some children and young people who have experienced challenges and adversity may need a more intensive piece of work, and this is what we refer to as the Richard Rose Model of Therapeutic Life Story Work (TLSW). Through carefully guided sessions, children are encouraged

to explore their personal histories in a safe and supportive environment, enabling them to process trauma, build resilience, and foster a sense of belonging.

Throughcare and Aftercare support

Our young people have benefited from the following supports from the team and partnership agencies:

- Midlothian Young People's Advice Service (MYPAS) is a local third sector substance misuse support agency, which has worked in partnership with the TAC team to support young people to access substance misuse education and counselling.
- The TAC nurse who provides advice, guidance, and support to young people with all matters related to their health and wellbeing. They connect young people with the appropriate universal and targeted health services in the community.
- A monthly education, training and employment oversight meeting, with our partners, reviews individual young people and identifies opportunities tailored to their support needs and interests in line with the *No One Left* behind agenda. This also enables our partnership team to identify gaps in provision for education, training, and employment.
- All young people have a plan for leaving care that includes accommodation and support. The service works closely with housing colleagues to plan for appropriate housing options and to forecast future needs. However, the significant shortage of housing in East Lothian can impact this particular group of young people.

Youth justice and wellbeing

Our approach to young people with harmful sexual behaviour has expanded and we offer monthly consultation sessions to anyone who has concerns about the sexual behaviour of a young person they are working with. A new aspect to our work since April 2023 is carrying out custody reviews for young people under 21 in Polmont, we work alongside the prison and adult justice services to ensure the young person's wellbeing is promoted in a developmentally appropriate way.

One council commissioning

Throughout 2023/24, children's services has been strengthening our approach to joint commissioning and collaborative decision making about how we direct our resources. During this period, a register of commissioned services for children has been established. A commissioning process model was also developed with the aim of minimising the risk of duplicating spend of non-recurring funds across a range of services and recognising opportunities for collaborative working. Children's services also reviewed its processes for administering section 10 grants and is committed to setting up of a lived experience panel to aid decision making for the 2024/2025 Section 10 grant allocation.

Challenges within Children's Services

Population growth

East Lothian has a rapidly growing population and is one of only a few Scottish local authorities with an increasing child population (a forecasted increase of 17.1% by 2028/29 for P1 to S6 pupils based on the 2020 census roll). This is the second highest increase in Scotland. The Council's ongoing significant financial challenges and a growing population within East Lothian have created a challenging landscape when delivering services at all levels, but particularly around prevention and early intervention.

Workforce recruitment and retention

A national shortage of social work staff has impacted our recruitment and has resulted in a number of teams running at reduced capacity. Recruitment challenges continue to impact our ability to fully implement the redesign of our intake and assessment work.

Capacity within our internal provision

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

people within their own communities. We continue to review our internal resources with a view to increasing capacity, but this is particularly challenging within the current financial landscape.

Foster carer recruitment

Like the national picture, foster carer recruitment has continued to be an area of challenge during 2023/24. Despite having significant number of enquiries, only four progressed to the 'Skills to Foster' training. However, they all moved on to be assessed as foster carers in 2024. For the first time, we used radio campaigns to generate interest in fostering with East Lothian. This is a costly method of recruitment, which did not yield the numbers of enquiries we had hoped for but did nevertheless raise the profile of foster care

Self-directed support options for children with a disability

Children's services has seen an increase in the number of referrals to the disability team and an increasing complexity of need. We know the impact of caring for a child with disability can cause significant pressure for families. The support provided by the team has led to improved outcomes for many children, including their ability to remain cared for within the family home.

The service's ability to meet the needs of children with disabilities has been significantly impacted by the lack of availability within care at home providers in East Lothian. Care at home providers who are on the East Lothian Council framework have been unable to accept new referrals for children who live at home throughout 2023/24. This has resulted in a shift away from care at home provision and towards direct payments so that the families can employ their own support via personal assistants. There is a concerning lack of balance within this support system that is resulting in a lack of choice and in some cases, an absence of support when it is most needed in the family home.

National Transfer Scheme (NTS)

The mandated NTS has resulted in higher numbers of unaccompanied asylum-seeking children living in East Lothian. As of March 2024, the Council is supporting 22

unaccompanied asylum-seeking children. With existing resources operating at capacity, it can be challenging to find suitable options for all children referred to us via the scheme. There is a risk we will reach a point where we are not able to comply with the NTS and we are working closely with housing and finance to increase our tenancy and support capacity as a matter of urgency.

Workforce highlights for children's services

A key priority for the children's services plan is to ensure we have a sufficient, confident, skilled, and supported workforce. The service has made a strong commitment to engaging with the frontline staff around their wellbeing and supporting long term solutions to maintain a strong, passionate and trauma-informed workforce. The following examples of investment in our workforce demonstrates our commitment to developing our workforce:

- Children's services sponsored two family support workers to complete their social work qualification through the Open University.
- Three candidates were sponsored to attend the post graduate Child Welfare and Protection course in September 2022.
- Two practitioners completed the post graduate practice educator course in January 2023.
- Child Protection Level 1 training has been delivered to 50 multiagency professionals across East Lothian between October 2023 and September 2024.
- 64 practitioners were trained in the four day Safe and Together approach and seven trained in the supervision element.
- In 2023, three social workers successfully completed the Child Welfare and Protection post graduate course and children's services have sponsored a further three who started in September 2024. There continues to be a high demand for professional courses across the service.
- Children's services currently have 15 qualified practice educators and one currently undertaking the course. Between 2023/24, nine students completed their placement within children's services. Two of those students have gained

permanent social work posts within children's services and we are currently supporting them through the early implementation of the NQSW supported year.

Children's services' resources

Children's services continue to face significant financial challenges which contributes to the magnitude of the financial pressures being faced by the Council as a whole. It is incredibly frustrating for the leadership team who are confident that we have created the right social work model to improve outcomes and reduce spend.

The total service budget for children's services during 2023/24 was £19,532,669 and out total spend was £21,585,61 resulting in an overspend of £2,052,943.

The financial pressures are primarily be driven by:

- High-cost external placements for children whose needs cannot be met within East Lothian resources.
- The national and local fostering crisis.
- The impact of the National Transfer Scheme for Unaccompanied Asylum Seeking children.

In this incredibly difficult financial climate, it is certainly a challenge to lead the service with such a considerable overspend and being acutely aware that this adds to the pressures that the wider Council are facing.

As CSWO, it is my role to provide assurance about social work practice and the management of risk in East Lothian. As Head of Children's Services, it is my role to provide financial assurance and deliver a balanced budget. At this time of significant demand and complex risk, these roles can be in conflict. We continue to make extremely complex decisions about what resources are required to mitigate risks to individuals and communities.

Adult Services

During 2023/24, adult services continued its commitment to provide early help to those requiring support. The priority has been to support people in their own homes and communities while ensuring that needs are identified quickly to avoid long waiting lists and potential escalation in concerns. Hearing the voices of adults and their families has continued to guide individual, strategic and operational planning and we recognise this as an area of improvement.

Adult services is part of the IJB with the CSWO holding responsibility for the governance of all adult social work functions. The partnership is well-established and after a significant change in leadership in 2022/23, relationships are effective and a range of initiatives to provide governance and quality assurance have been introduced.

In October 2023, adult services relocated to a new office base. The service continues to be co-located within an open plan space enabling effective collaborative and partnership working across all social work teams including the senior management team.

What our data is telling us?

Home First

A new 'Home First' Project started at the end of 2023, with the aim of increasing the proportion of people discharged home from hospital, as opposed to being discharged to a care home placement - reflecting the 'Home First' principles. The project is based on the need to ensure that available care home places are used for people with the highest level of need. Although this approach is in part driven by the need to deliver financial savings, it also results in better outcomes for individuals and reflects the desire for people to remain in their own homes for as long as possible.

The early stages of the project (December 2023 to March 2024) delivered a 5% reduction in people requiring care home places, reflecting our efforts to keep more people in their own home.

Quality Improvement Support to Care Homes

Early intervention and building trusting working relationships with providers has been key to supporting improvement work within care homes.

The 'Care Home Huddle' is a multi-disciplinary partnership that meets every two weeks to share information, monitor quality and support improvement work within East Lothian's registered care homes. Working alongside care homes to deliver support, education and training has improved engagement and ultimately support for residents. The number of Large-Scale Inquiries are beginning to reduce, and grades in East Lothian care homes are improving, with 82.5% of care homes graded 4 and above.

Proportion of care services graded 'good' (4) or better in Care Inspectorate inspections:

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
East Lothian	84%	85%	86%	77%	77%	82.5%
Scotland	82%	82%	83%	76%	75%	77%

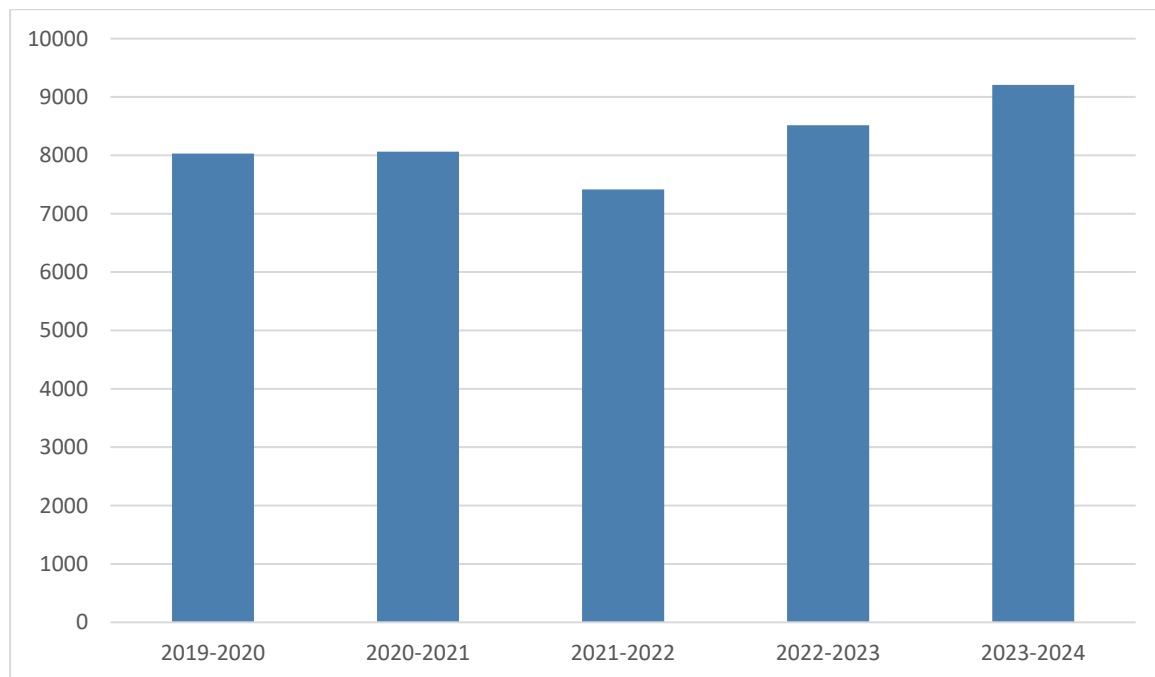
In 2023/24 social work played a key role in undertaking assessments and supporting families and residents during the closure programme of Eskgreen, The Abbey and Blossom House care homes. Social workers assisted people to understand and exercise their rights within the process and ensured residents and families had the information they needed to make informed decisions and choices about where their future needs could best be met.

Adult social work referrals

During 2023/24 approximately 9200 referrals were received to adult social work. This is an increase of 8% from 2022/23. The graph below shows a five-year trend for

referrals. As noted in the CSWO Report 2022/23, the significant rise (15%) in 2022/23 is linked to the dip in referrals in 2021/22 during the Covid-19 pandemic. However, comparison between 2019/20 and 2023/24 shows an overall rise of 13%. This is indicative of increasing service demands, resulting from population growth in East Lothian and the growing proportion of the population with increasingly complex needs due to disability and / or older age.

Adult social work referrals received

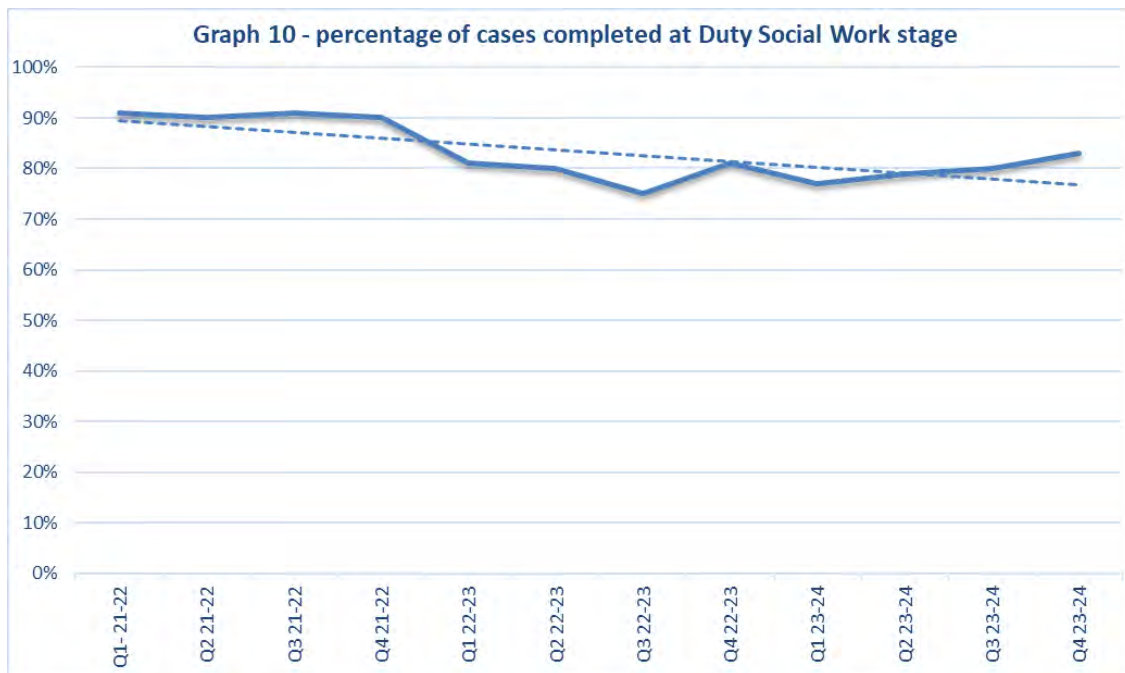


Early intervention and prevention

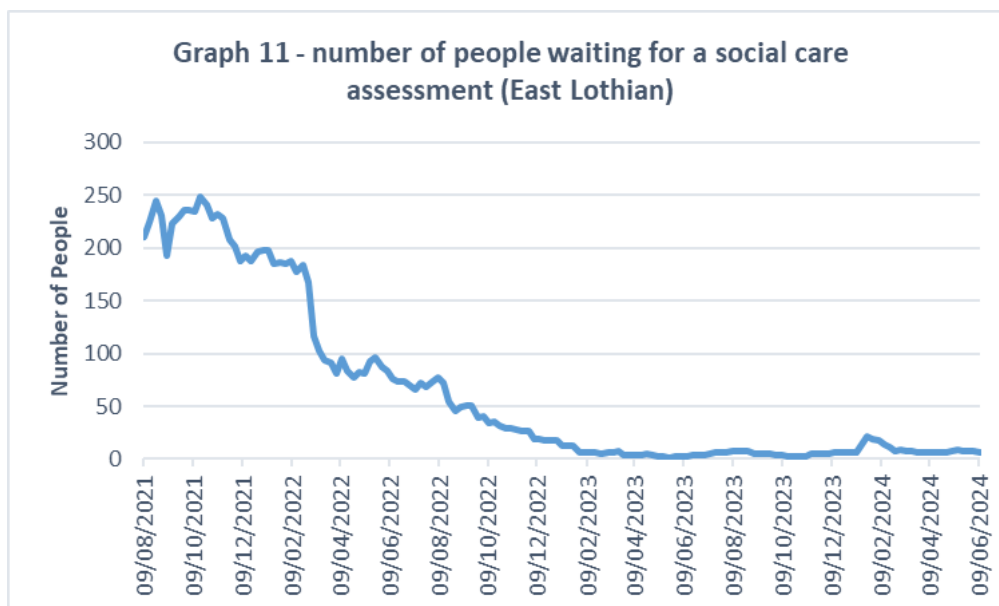
In 2021, the adult social work duty system was redesigned to focus on early intervention and prevention. This involves supporting as many people as possible at 'first point of contact' rather than using waiting lists for assessment. This approach keeps waiting times short and results in better outcomes for individuals by preventing situations deteriorating or a crisis emerging.

Where a more in-depth response is required, progression to allocation is taken forward within two weeks. Prompt allocation provides continuity of service and can reduce and prevent crisis.

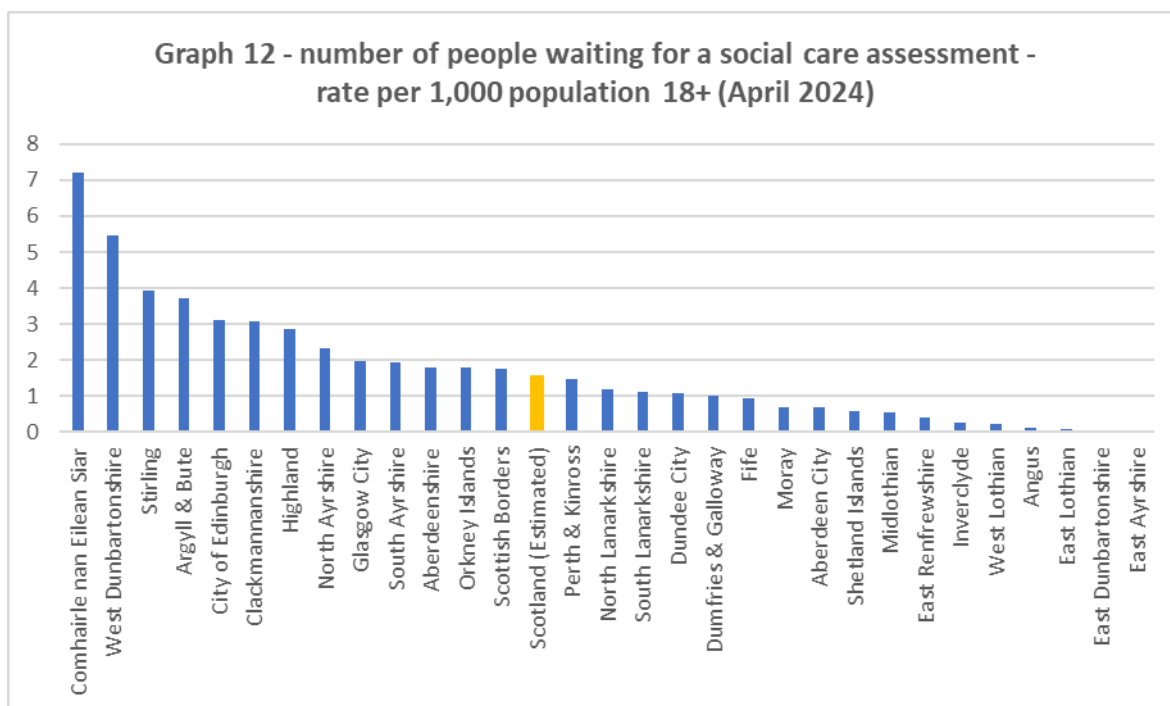
The graph below shows consistently that a high percentage of referrals are managed at first point of contact thus preventing unnecessary delays for assessment. During 2023/24 this rose from 77% at the start of the year to 83% by the end of quarter four.



The graph below shows a sharp reduction in the waiting list for assessment from the introduction of this model in 2021, with this being sustained throughout 2023/24.



Comparison across Local Authority areas is shown in the graph below, highlighting the strength of East Lothian’s social work performance in a Scottish context.



Adult Support and Protection

We continue to develop our approach to performance management and improvement in relation to Adult Support and Protection (ASP) services during 2023/24, this included:

- Implementing updated Adult Support and Protection Procedures, ensuring alignment with the Scottish Government’s revised Code of Practice.
- Developing our approach to data in compliance with revised national data requirements.
- Ongoing improvements to recording templates to ensure that the right information is captured to support evidence-based risk assessment.
- Carrying out a range of audit activity to feed into the continuous improvement cycle.
- Participating in a joint inspection of adult support and protection.

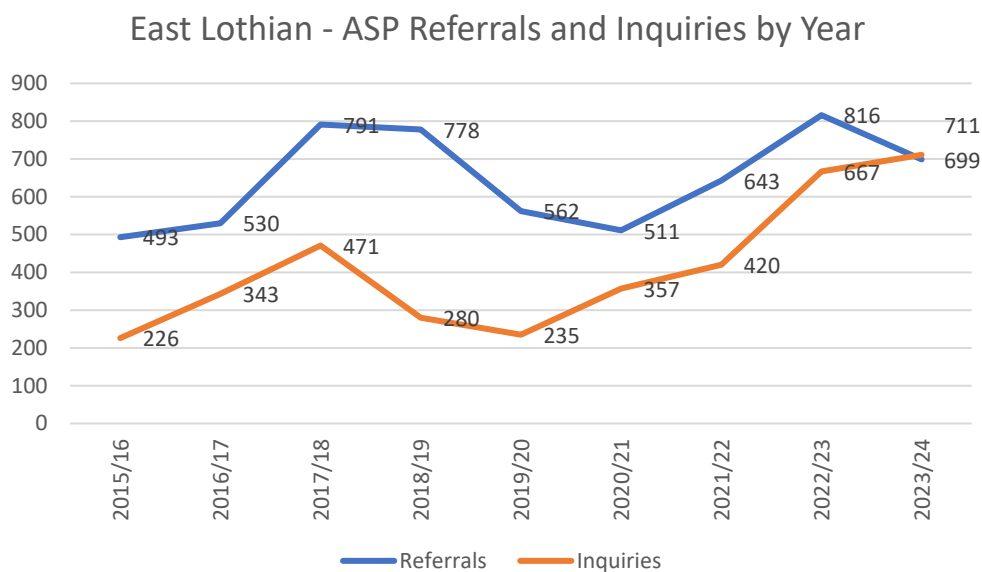
National minimum dataset

The National Minimum Dataset (NMD) for Adult Support and Protection was introduced nationally in Quarter 1, 2023/24. East and Midlothian Critical Services Oversight Group delayed implementation by one quarter, due to the need to make significant changes to social work recording systems, and the demand of the Joint

Inspection of Adult Support and Protection. The NMD was implemented in East Lothian in Quarter 2 (from July 2023). Prior to the introduction of the NMD, local indicators were in place to monitor patterns of referrals, inquiries, multi-agency attendance at case conferences and timescales for progression of work. These local indicators provided assurance to The Public Protection Committee and The Health and Social Care Partnership that arrangements for Adult Support and Protection work were keeping adults safe through timely intervention and support.

Activity levels 2023/24

A total of 711 Adult Support and Protection inquiries were completed in 2023/24, compared to 677 the previous year which is an increase of 34. For the first time the number of inquiries (711) undertaken under Adult Support and Protection in East Lothian exceeded the number of referrals (699) by 12. The number of referrals reduced from 2022/23 by 117.



We have observed positive cultural change over recent years in moving away from managing risk through a welfare approach towards more consistently utilising Adult Support and Protection inquiry as the most appropriate response. This approach is supported through increased operational oversight of Adult Support and Protection work generally which provides an explanation for the continued increase in the number of inquiries year on year.

The screening process has also been strengthened over the last two years, and we know from audit information submitted through the Adult Social Work Governance Group and Public Protection Performance and Quality Improvement Sub-group that it is robust and carried out in a timely manner. Operational managers report that discussions in supervision, and oversight of Adult Support and Protection work has increased confidence amongst team leaders and council officers in relation to decision making. This was evidenced within the inspection which noted that referrals dealt with by the duty system were handled in a timely manner and “all inquiries were completed in line with the principles of the legislation”, with “management oversight evident for almost all inquiries completed.”

Most inquiries related to adults living in their own home and the three most common types of harm which required investigatory powers were financial harm, self-harm and physical harm.

In 2023, the social work recording system was updated to improve the recording about a person’s wish to receive independent advocacy. The inspection recognised the work that had been done to actively promote advocacy.

Key Achievements within adult services

Adult Support and Protection Inspection

The joint inspection of adult support and protection took place in 2023 concluding with the publication of the report on 20th June 2023.

The inspection reported strengths in:

- The partnership’s robust approach to adult support and protection inquiries.
- Evidence of person-centred engagement and consultation with the adult at risk of harm throughout the delivery of key processes that supported effective consideration of risk.
- Effective social work management, support and supervision was consistently recorded and contributed to the effective delivery of key processes.
- Almost all adults at risk of harm who required a risk assessment had one completed. The quality of risk assessment had improved significantly following

the implementation of the TILS framework (type of harm, imminence, likelihood and severity of impact).

- The partnership's response to the demands of the pandemic.

The inspection highlighted the following priority areas for improvement:

- Procedural updates had not kept pace and should be updated as a priority.
- Findings from adult support and protection audits and improvement actions about risk management and chronologies should be fully implemented.
- A multi-agency approach to audit would strengthen joint improvement work. This should involve frontline practitioners from across the partnership.
- Relevant professionals should engage more collaboratively with critical processes. This includes attendance from police and health at case conferences and the consideration of second workers from all agencies.
- Strategic planning and improvement work should include feedback from, and engagement with adults at risk of harm with lived experience. This should be progressed as soon as possible.

This improvement activity is overseen by the social work governance group which reports to the clinical and care governance group under the IJB.

Social Work Governance Group

In 2023, we established a social work governance group within adult services to strengthen governance and quality assurance. The work plan of the group has involved:

- Development of a governance and quality assurance framework to ensure standards, systems, and processes are in place to monitor practice, and provide assurance that social work statutory duties are being delivered effectively.
- Collating data and intelligence to support performance and improvement work and monitor outcomes for those we support.
- Development and implementation of a social work risk register that regularly tracks existing and emerging risk and seeks to provide actions to mitigate concern.
- Self – evaluation against national standards.
- A programme of audits.

- Setting performance targets to support monitoring of statutory responsibilities e.g. justice, Mental Health Officer and adult protection statistics.
- Utilising feedback to inform service improvement e.g. from people in receipt of support, complaints and compliments.

Challenges within adult services

The Scottish Social Services 'Codes of Practice' set out the standards of practice and behaviour of everyone who works in social services in Scotland. As part of professional registration, social workers are required to work to these standards and continued registration requires evidence that they are being followed.

The principles within the legislative framework that social workers are required to work to and the Code of Practice they must follow are being challenged within the current financial and resource climate.

There are concerns about the impact of having to make further savings and efficiencies on the services provided for the people we support. Further resource challenges may:

- Reduce our ability to keep adults at risk of harm safe, protected and supported.
- Reduce preventative work that addresses risks proactively allowing early support to keep individuals safe, promote positive outcomes and thus reduce overall costs of social work delivery.
- Place an increased and imbalanced focus on crises intervention work.
- Potentially increase the use of interventions under legislation as risks escalate which is not in keeping with least restrictive principles social workers should be following.
- Cause delays and a reduction in the quality of social work interventions with a resulting impact on outcomes and staff morale.

Provision of care at home remains a challenge within East Lothian. We are aware of the additional pressure this will place on families who are caring for relatives and are

proactively trying to address this through our 'Home Care Change Board.' In 2024, daily multi-disciplinary meetings were established to maximise use of our home care resources and target those in most need. This has improved collaborative working, information sharing across agencies and shared capacity within internal and external provision, prioritising those in most need and reviewing and maintaining oversight of those awaiting care.

Developing the adult services workforce

Achieving good outcomes for people depends on having a skilled, confident, competent, and valued workforce of effective frontline practitioners that can deliver safe and personalised support via social work legislation.

In 2023 we established The Adult Social Work Learning and Development subgroup which seeks:

- To maintain strategic oversight of capacity to deliver services in line with legislative requirements.
- To ensure services are delivered by a skilled, knowledgeable, experienced, confident, motivated, and valued workforce. This has a focus on recruitment and retention, celebrating success, promoting standards, achieving practice improvement, and demonstrating continuous learning.
- To strengthen social work professional leadership and ensure staff are supported to access a range of training which maintains skills and competencies.
- To implement trauma-informed approaches that support the wellbeing of the workforce and contribute to improving the lives of those we support.
- To influence and shape policy and legislation relating to social work and integrated working.
- To use research and evidence informed approaches within our work.
- To promote the role, values, and contribution of social work within partnerships.
- To ensure processes are in place for sharing learning from national and local reports.

The work of this group has included:

- Development of a new supervision policy with a focus on maintaining wellbeing within the workplace.
- Embedding protected learning time within practice.
- Monitoring and ensuring professional development reviews are completed for every member of staff and mandatory training is up to date.
- Promoting the role values and contribution of social work within partnership working.

There is good representation from adult social work staff on national forums and working groups including the Social Work Scotland Standing Committee

Self-Directed Support

In 2024 we held two Self-Directed Support (SDS) workshops within adult services to enhance worker knowledge and skills and to promote practice in line with SDS values. Both workshops were well attended and open to workers across social work and social care.

SDS is now embedded within our social work training plan with further work on relationship-based practice being taken forward to enhance worker skills, practice, and autonomy. We have also updated our recording systems to support the use of SDS legislation, particularly around relationship-based practice and outcome-focussed work. We have reviewed and increased our public facing literature around direct payments to ensure people who need social care support have information to help inform their SDS choices and understand their rights.

Systems have been put in place to ensure the principle of choice is supported in hospital discharge planning and individuals are accessing their preferred option. Direct payments were previously being pursued as a means of expediting people moving out of hospital when there was no alternative care provider available. The service is now more person-centred and there is recognition that space and time is needed to consider the implications of taking on a direct payment and awaiting hospital discharge is not necessarily the most appropriate time to consider this.

Adult services' resources

Adult services continue to face significant financial challenges. The total service budget for adult services during 2023/24 was £70,024,505 and the total spend was £73,146,368 resulting in an overspend of £3,121,863. The £3.122m deficit was met by the use of earmarked reserves of £1.188m and general reserves of £1.934m.

2023/24 saw an increase of 8.24% on net spend since 2022/23 (from £67.578m to £73.146m).

The financial pressures are primarily be driven by the increase in:

- The population of older people.
- Levels of need and complexity.
- The cost of packages of care.
- The number of young people transitioning to adult services.

Social workers within adult services recognise their responsibilities to work within a balanced budget and in the past year have taken several actions to secure the financial position and provide sustainable services. Continued efforts will be made to ensure efficiency in service delivery but any further pressure to reduce services, may reduce the ability to achieve positive health and wellbeing outcomes for people who require services. Programmes of financial recovery must be balanced carefully with the delivery of statutory requirements or the ability of social care staff to meet practice standards and work in line with their Codes of Practice.

The focus for social workers will continue to be providing early support and maximising the independence of individuals and carers living in East Lothian whilst supporting their well-being and ensuring they are protected from harm as far as possible.

Justice Services

In 2023/24, justice social work delivered their service plan 2024/27, which sets out clear expectations to 'balance the risks and needs of people on the justice pathway to promote public safety and social parity'. The outcomes and priorities are:

1. Greater equality of opportunity.
2. Delivering engagement and interventions that address offending behaviour.
3. Promoting early intervention and prevention activities.
4. Offering robust community sentences that hold people to account for their offending behaviour and provide sentencers with alternatives to custody.
5. Through partnership arrangements, support service user transitions into, through and out of the justice system to enable independence.
6. Work across disciplines to assess risk of serious harm and delivering risk management strategies and plans that protect the public.

Justice social work service activity

	2020/21	2021/22	2022/23	2023/24
Community Payback Orders (supervision)	78	95	102	113
Community Payback Orders (all requirements)	92	126	163	173
Community Payback Orders (unpaid work hours)	7226	11,371	13,710	10,942
Justice Social Work Reports (submitted)	128	170	241	280
Diversion from Prosecution Reports (submitted)	43	34	43	91
Supervised Bail and/or Electronic Monitoring	N/A	N/A	8	8
Structured Deferred Sentences	N/A	N/A	1	5
Statutory Throughcare (community/custody)	58	55	61	62
Voluntary Throughcare (custody/community)	24	46	42	28
Registered Sex Offenders (in the community)	11	19	32	25

MAPPA Category 3 (violent offences)	2	0	0	0
Caledonian Orders (domestic abuse)	16	23	30	20

The early intervention and prevention activity is increasing across justice social work. This is in keeping with the policy direction to keep people out of the justice system by delivering alternatives to prosecution, using structured deferred sentences and increasing the use of supervised and/or electric monitoring as an alternative to remand.

There is a continuous increase in the number of domestic abuse offences taking place in East Lothian. The courts continue to use reparative measures, for example standalone unpaid work requirements without the option to deliver offence-focused interventions to support behaviour modification or change. The gendered nature of domestic abuse needs to be a primary consideration when sentencing, so the use of behavioural change programmes can be supported.

Presumption against short term sentences (PASS) actively discourages the use of custodial sentences of 12 months or less. Of the East Lothian cohort of men in the Scottish Prison Service, those on short term sentences have ranged from 2.2% to 7.9% of the prison population.

Key achievements within justice social work

2023/24 has been a creative and exciting year for justice social work with a number of key service strengths that have delivered positive outcomes for service users, communities, families and victims.

Staffing

The team now has an excellent staffing mix with professional and paraprofessional staff delivering on risk and needs-based interventions. The impact of an increase in

senior practitioner and social work assistant resource has been of significant, allowing for co-working and mentoring options and a greater chance to address inequalities.

Resilience

Throughout 2023/24 there have been changes in expectation and demand as well as periods of staff disruption. This has required all team members to take on additional activities and undertake tasks not normally within their primary area of expertise, with the goal of improving outcomes.

Reporting

The service has robust reporting mechanisms in place and provides assurance on a quarterly basis to relevant senior leaders and forums. The service consistently performs well against the national data picture and has developed a range of mechanism to bring service user voice into the outcome focussed data sets.

Learning through practice

The service has engaged meaningfully with the Care Inspectorate expectations of practice review and practitioners are well attuned to the requirements for submitting Significant Incident Reports (SIRs) when required. The service submitted six SIRs in the reporting year which indicates the learning culture and respect for external scrutiny within the service.

Single points of contact

Within the themes of early intervention and prevention, community sentencing, custody/detention (non-statutory), statutory throughcare and delivering unpaid work/other activities each have a single point of contact. This allows colleagues, partners and senior leaders improved access to an individual with dedicated knowledge and skills.

Drug Testing and Treatment Orders (DTTO)

This service was previously delivered by colleagues in City of Edinburgh and following a number of challenges they closed their service to new referrals during 2022/23. This, in conjunction with the rollout of the Medically Assisted Treatment standards was the catalyst for a DTTO review within East Lothian. Following engagement with Scottish

Government, the Bar Association and Scottish Court and Tribunal Service, East Lothian chose to deliver an alternative form of drug treatment, through the Community Justice Outreach Nurse. Early indicators show this is better meeting the needs of local service users who require support with their substance use.

Key service developments and service user voice

The service introduced the *Justice Outcome Star* which is used with everyone who receives a service within the team. We are developing a reporting mechanism, so we are able to measure 'distance travelled' from the start to the end of any justice intervention(s). The service has introduced a Community Justice Outreach Nurse who is co-located with the justice team. They deliver substances related support including assessment and treatment planning, substitute prescribing including testing, psychosocial and education support, mental and physical health support and signposting for other services:

The service has been developing mechanisms to measure service user outcomes. The following data was generated from exit questionnaires for service users subject to statutory interventions, either Community Payback Orders or post-release orders and/ or licences. In 100% of cases the service user said:

- They were treated with respect and courtesy.
- They were seen on time and made to feel welcome.
- They understood their order.

In 95% of cases the service user reported their individual circumstances were fully taken into account. Of the people who had supervision, 87% reported completing offence focused work.

38% of all service users reported contact with other agencies for example:

- Heavy Sound (peer mentoring)
- Access to Industry (employability)
- Alcoholics Anonymous (and other 12 step programmes)
- Safe Families (parenting and relationship activities)
- Psychological Therapies (mental and emotional wellbeing)
- Occupational Therapy (physical support and wellbeing)

- Citizen's Advice Bureau (welfare support)

Of the respondents who completed unpaid work/other activity:

- 68% reported learning new skills
- 81% felt they had helped their community
- 74% felt they had given something back
- 71% said they had learnt from their mistakes
- 61% believed they had changed their behaviour and their life

This is good evidence of positive outcomes for families, community, victims and perpetrators, with individuals promoting their self-management and developing techniques or skills that can be used to promote future change and progress.

Challenges within justice social work

Increased austerity throughout 2023/24 resulted in service users with greater need and reduced internal resilience, often related to their trauma. This has resulted in practitioners experiencing increased symptoms of vicarious trauma which is a key risk in frontline social work roles. Arrangements were made to create a trauma-informed space which could be used for both service user meetings and reflective supervision sessions.

East Lothian's court services continue to be hosted by City of Edinburgh justice services, so there are some limitations in the influence and control East Lothian have during engagement with key partners. This can impact our timeous access to information relating to the use of remand and our paraprofessionals' ability to assess and recommend alternative options to sentencers. We continue to monitor this and explore how we can improve relationships and processes.

Mental Health Officer (MHO) Service

The statutory functions of an MHO are:

- The provision of reports for guardianship applications, guardianship renewal applications and intervention order applications under the Adult with Incapacity (Scotland) Act 2000, where orders relate to the personal welfare of adults.

- The provision of consultation, assessments, investigations and other legal duties under the Mental Health (Care & Treatment) (Scotland) 2003 Act, in relation to detentions, namely emergency and short-term detentions and Compulsory Treatment Order applications, the provision of social circumstances reports and applications for removal orders and warrants.
- Public protection in relation to mentally disordered offenders under the Criminal Procedures (Scotland) Act 1995 and 2003 Act, for example in relation to Compulsion Orders and Restriction Orders.

The MHO service provides a quarterly assurance report to the CSWO. This focuses on areas of strength and improvement along with critical data providing a service overview. Given the specialist nature of MHO services, the following is a summary of key activities to illustrate the work of the service during 2023/24.

Service Area	2020/21	2021/22	2022/23	2023/24
LA Guardianship (granted)	12	17	34	21
Private Guardianship (granted)	18	47	63	42
Extant Guardianships (31/03)	188	214	240	252
Emergency detention	39	37	76	56
Short term detention	92	89	109	119
MHO waiting list	26-34	11	0	0
CTO (Community – 31/03)	N/A	N/A	25	16
CTO (Hospital – 31/03)	N/A	N/A	18	45

Oversight of Private Guardianship

Following on from the success of the Adults with Incapacity project, throughout 2023/34 the service has focused on improving management and oversight to private guardians. Reviews for all indeterminate orders and those that have been active for ten or more years have been completed. A dedicated email address has been set up

which allows private guardians to access support and information to support them in the delivery of their duties. There have also now been in person engagement sessions with private guardians, linking in with Carers of East Lothian.

Waiting lists

Throughout this year the service has managed to meet the target of no private guardian applicant waiting more than six weeks for an MHO to be allocated to their case. This has been a huge achievement that has been recognised nationally, and impacted positively on team culture, eradicating the associated anxiety that waiting lists can have on team performance.

Practice forums

In December, the MHO team set up four weekly drop-in practice forums to support social work colleagues in the Learning Disability and Care Home Assessment and Review Team in their management of Local Authority guardianship orders. These forums provide the opportunity for social workers to discuss challenging cases and access peer support.

Mental health assessments

There has been a significant improvement in performance in relation to the completion of Social Circumstance Reports (SCRs) in East Lothian over the past few years. The completion rates have increased from 10% in 2020/21 to 35% in 2022/23, which is slightly higher than the national average of 33%. An audit of SCRs undertaken in East Lothian between May 2023 to September 2023 was concluded in October 2023 to gain a better understanding of our performance and identify possible barriers to further improvement.

Looking Ahead

2024/25 will continue to bring significant challenges for delivering social work and social care in East Lothian. The leadership teams across all sectors of social work are confident that we are prioritising the right evidence-based practice and strategic developments to ensure we are in the best position to deliver high quality services. The people we serve will remain at the heart of

everything we do.

We continue to find strength in collaboration with a wide range of partners and consistently seek ways to improve efficiency whilst constantly striving for the best possible outcomes.

As the forecast for public service finances remains challenging, the sector is deeply concerned about the impact to local resources. We will continue to focus on delivering services safely and meeting our statutory duties with professionalism and integrity.

It is critical that we remain focused on our workforce, recognising them as our greatest asset and ensuring they receive effective supervision, training and support to carry out these challenging roles. Creating a reflective learning culture is a shared priority across East Lothian Council and the East Lothian Health and Social Care Partnership and we remain dedicated to continuous development of staff at all levels of the organisations.

Our priority remains to support people across all services to receive the support they require at the right time, within their homes and families wherever possible.

In children's services we will:

- Diversify our approach to attracting and retaining skilled people who wish to foster for East Lothian Council.
- Review and increase the capacity in our internal resources to reduce the risk of children requiring care out with East Lothian.
- Introduce additional resources to support families in crisis and at risk of breakdown and to prevent children and young people from becoming accommodated.

In adult services we will:

- Continue our focus on improving early intervention and preventative approaches at our first point of contact with people.
- Increase our use of community and universal supports to reduce the number of people who need to receive statutory social work services.

- Embed Keeping People Safe as a new strategic priority for the IJB to allow for greater strategic oversight and scrutiny around Justice Social Work and Adult Support and Protection.

Despite incredibly challenging conditions, social work and social care services, together with partner agencies and unpaid carers remain committed to providing high quality care that supports and protects the most vulnerable people in our communities. In this reporting year we have been subject to two significant periods of external scrutiny which provides important assurance about how effectively we protect children and adults from harm in East Lothian.

I wish to place on record my thanks to all members of staff for the scale of the hard work they undertake. All staff should feel incredibly proud of the difference they make to individuals, families and communities and know they are recognised and hugely valued for all they do.

Lindsey Byrne

Chief Social Work Officer

Appendix 1

Reporting on outcomes through case studies

Case study 1 - initial assessment

The intake and assessment team received a referral for a mother, K, aged 17, who was care experienced. There were concerns around how she was adapting to motherhood, and she might have been struggling to care for her seven-month-old son, N.

K's background revealed numerous traumatic events. A strength in K's life was her weekly visits to a local youth service. K's social worker reached out to meet her there. Applying a trauma-informed lens, the worker linked in with K's youth worker and it took several weeks to gain her trust. They made sure that they were reliable and trustworthy, keeping to the agreed tasks, being transparent and offering choices whenever possible. The worker made it clear that she had a choice to partake in the assessment but assured the process would collate all the strengths and explore areas where she would benefit from some support.

Over time, K's trust in the social worker grew, and meetings take place at K's home. They take time to discuss life events and parenting strategies. K's confidence and self-care has improved. She now attends weekly CAMHS appointments. Little N is benefiting from their improved attachment which is greatly influenced by K feeling valued and her parenting strengths recognised.

Case study 2- child protection

R gave birth to her third child, who was initially on the child protection register. R's mental health remained stable throughout her pregnancy and continues to be stable.

When the social worker started working with R, they were aware of her previous difficulties with social services. She had felt unheard and perceived that people only saw only her trauma and mental health diagnosis. R struggled with people who she felt had authority.

To address this, the social worker emphasised R's rights and ensured she knew her engagement with social work was voluntary. The worker recognised her anxiety towards children's services and focused on promoting mental wellbeing rather than illness. The team around R were also encouraged to adopt this language to avoid retraumatizing her. Additionally, R was continually encouraged to share her views and she was offered advocacy.

By changing the language used and approach taken, R and her baby had a positive outcome. At nine months old, R's baby is no longer on the child protection register, and social work are moving towards closing the case.

R's significant personal work, combined with the trauma-informed practice, highlighted the importance of language and attitude when working with individuals who have experienced trauma. These circumstances show the impact of supportive, and empathetic practice in achieving positive outcomes.

Case study 3 - residential care

C is a young person in residential care. C was struggling to accept support from school, social work, and support agencies. Over the past year, he experienced separation from his siblings, moved home, and suffered the loss of two significant family members. Additionally, his social worker had recently changed, further destabilising his support network.

When he first met the residential worker, C was extremely shy and had low confidence. His traumatic experiences had left him feeling isolated and unsupported. Building a trusting relationship was crucial to help him re-engage with his education and support systems.

The worker focused on building a positive relationship with him. This involved listening and providing time and space for him to voice his thoughts and feelings and encouraging him to overcome challenges. They engaged in activities he enjoyed and he was given choices to foster a sense of control and autonomy. Allowing time for reflection and discussing topics that mattered to him, including bereavement, was also key.

Working closely with his new social worker and education providers, they created a wrap-around support system. They developed an education plan tailored to C's needs, which he felt comfortable with and happy to follow.

Since returning to school, C has made significant progress, passing National 4 subjects. He now sees his siblings regularly and continues to meet with his social worker, having a safe space to express himself and feel valued.

Case study 4 - post adoption support

J is a child with a diagnosis of autism. J has faced significant challenges in accessing mainstream education. His anxiety often led to highly dysregulated behaviour, including increased risk-taking, suicidal ideation, self-harm, and physical and verbal aggression towards his parents. This situation was distressing for the entire family.

The work with J and his family involved using a Self-Directed Support (SDS) approach. The family was provided with a personal budget through a payment card, allowing them to use the funds flexibly to support J. The key was to ensure that the outcomes for J were positive, focusing on relaxation and regulation.

The SDS budget covered the costs of horse-riding sessions at a specialised riding centre. This activity proved to be therapeutic for J, who found comfort and calmness in being around horses. The family experienced a more settled home environment, with J remaining at home and within his community. There were notably fewer incidents of self-harm or harm to others, demonstrating the effectiveness of the support provided. This case study highlights the importance of tailored, flexible support systems for children with complex needs, ensuring they can thrive in their home and community environments.

Case study 5 - supporting an unaccompanied asylum-seeking young person

S had been trafficked to East Lothian. S had travelled for several months across Europe from Iran/Iraq, fleeing conflict and persecution. S's parents were deceased and he became estranged from all other family members and friends due to displacement. S experienced physical and mental harm and was in forced labour situations.

S had no recourse to public funds while seeking asylum. He required support with accessing accommodation and a range of practical resources. The allocated worker supported S to access temporary emergency accommodation. S spoke no English and he was supported to access community support and college. The worker also supported S to visit places of worship, cafes where he felt safe, and meeting others who shared his language and dialect. S was supported to register with health services and access talking therapy for his sleeping difficulties and panic attacks. The worker played a role in advocating for S to ensure he received appropriate services.

After five years in the UK, S has gained asylum and indefinite leave to remain. He has a permanent tenancy and has navigated the pandemic's impacts on his income and isolation. S has passed his driving theory and practical tests, obtained a driving license, and is in work. He has friends and a girlfriend in the local community and is saving up to buy a car. S reports sleeping better since gaining indefinite leave to remain and has a better understanding of the impact of his experiences on his mental and physical health. He has offered assistance to homeless young people and feels secure and stable enough to do so. S plays football with young people from various nationalities, beliefs, and backgrounds and sometimes offers support to new arrivals in East Lothian, providing reassurance and guidance on progressing issues related to identity, safety, and belonging.

Case study 6 - continuing care

A 21-year-old female called M grew up in kinship care. M is passionate about the arts she actively participated in dramatic productions in East Lothian. M was supported with all areas of pathway planning including accessing college accommodation when she began studying theatre and drama at university. Her continuing care placement was maintained, allowing her to return home during holidays and weekends, and continue working in her local area. M has now completed her degree and has moved into a shared private rental with a friend. As she is now 21, continuing care is ending. M is being supported to apply for permanent accommodation in East Lothian for when her course ends. This support, along with the care leavers bursary, continuing care, rent assistance, and college and university support has enabled her to achieve success and reach her full potential.

Case study 7 - aftercare

B is an 18-year-old living in supported accommodation. He has faced significant challenges throughout his life. His father passed away when B was 9. B started using cannabis daily and his behaviour at home was challenging. B's school attendance dropped, and he moved to a placement within external residential childcare. At 16, B returned to East Lothian to live with his family, but this arrangement was unsustainable. He spent some time in B&B's before securing supported accommodation.

B struggled with feelings of rejection from his family and the frequent changes in his support workers. His aggression towards members of the TAC Team raised concerns about his ability to remain in supported accommodation. It was clear to his worker that his aggressive behaviour was often a response to feeling vulnerable and ashamed. B's pride made it difficult for him to ask for or accept help.

Over the past year, the TAC Team has collaborated closely with the accommodation providers to help B build trust with his new workers. A trauma-informed approach has been crucial in understanding B's behaviour. By maintaining clear boundaries and developing a personalised pathways plan, B has successfully remained in his supported accommodation. Recently, he moved into a self-contained flat in the accommodation. This positive development has led to an improvement in B's mental health, and he is increasingly accessing the support available to him. This case demonstrates the importance of building strong, supportive relationships.

Case study 8 – justice and wellbeing

A is a 15-year-old male who has been working with his social worker for eighteen months. A moved to residential care due to his experience of neglect as a result of his parents' mental health and substance use issues. A exhibited distress through substance use, absconding, and antisocial behaviour.

A's parents were supported to make major changes to their lives and were managing much better. A attended Heavy Sound, which provided a safe and supportive environment. The worker spent time with A, listening to him, talking about his distress at not being home. It seemed that much of his antisocial behaviour was fuelled by a

need for belonging and feeling disconnected from family, so he associated with other young people involved in antisocial behaviour.

Direct work was done with A and his parents with the aim of A making safer choices. A was also linked into MYPAS who supported him with his substance use. After a period of assessment and support, it was safe enough for A to return home with intensive support and he also participated in offence focussed work. A went back to mainstream school, is no longer subject to compulsory measures of supervision and is managing well at home with their family.

Case study 9 – discharge from hospital

A key skill in social work is building relationships with people at times of great stress in their lives.

D was referred to adult social work for discharge planning having been admitted to hospital. It was likely he needed more care than could be provided within his own home.

Discussions about long term care have major implications for individuals involved and their family. Spouses often have to come to terms with their loved one's illness and disability but also the possibility of living apart after decades of marriage. The costs of long-term care can also have significant financial implications for many families.

D had been a fit and active 80-year-old. A fall downstairs at home resulted in a severe injury and unexpected change in his life, and that of his family. Most significantly, the trauma experienced by his wife was pronounced. The social worker supported D, who was now significantly cognitively impaired, and his wife, with regular meetings, assessment, and case management for discharge planning. D's wife was the main contact for the social worker to liaise with. Along with the enormity of the decisions she was making, D's wife was living with the grief, loss, and trauma of this life changing event.

The social worker used trauma-informed practice, empathy led conversation and carer-focused support, to ensure that D's wife's needs were also supported. This included signposting and referrals to multidisciplinary colleagues, including benefit maximisation (following the unexpected loss in her shared income), referral to Carers of East Lothian(COEL), for emotional support, and signposting to community groups.

D's wife has since linked in and attended arts and crafts groups with other carers and has engaged with Welfare Rights and COEL for continuing support, where a carer's support plan was undertaken.

D was understandably unsettled on his admission to a local care home, and this caused his wife considerable anxiety. D's wife was supported by the care home with regular phone calls and meetings with the social worker and is now a regular attender at group family meetings in the home and an active volunteer. D is managing much better in his new home environment with family support being key to the success of the placement. Recent discussion with the care home evidences a positive outcome to this situation and the therapeutic benefit of social work input during times of trauma and loss.

Case study 10 – discharge from hospital

E had a history of non-engagement with professionals and was referred to adult social work. E's background was both chaotic and traumatic; she had a history of substance use and experience of domestic abuse. E's children were in the care of the Local Authority with one hour of supervised family time per week at the point of referral.

The social worker armed with the knowledge that support and intervention was likely to take time for the person to accept, persevered and was consistent in trying to make contact with E and did not close the case. The social worker was eventually able to undertake an initial home visit to meet with E. This visit was successful and over time E began to place trust in the social worker. This led to acceptance of an assessment, a referral to a specialist support provider and engagement with other professional agencies including the GP, MELD, the Community Mental Health Team, and Woman's Aid.

Sensitively over time, services gained important information about how to positively engage with E. As a result, through her positive experience with the social worker and access to services, E was able to address her substance use, whilst improving both her lifestyle and mental health. The positive changes E was able to make in her life impacted herself and her children, whom she now has increased contact with.

E continues to engage positively with services, taking part in regular reviews, seeking support and guidance when required. She has not returned to her previous lifestyle and for the first time in 10 years adult social work have not received a Police Concern Form in over six months.

E's story highlights the importance of relationship building, trauma-informed practice and understanding not only where a person is in their lives, but also the experiences they have had and the impact upon them.



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REPORT TO: East Lothian Council

MEETING DATE: 25 February 2025

BY: Chief Planning Officer

SUBJECT: East Lothian Local Development Plan 2018:
Action Plan Delivery Programme Update 2025

4

1 PURPOSE

1.1 This report seeks Members' approval of the Local Development Plan 2018 Delivery Programme Update 2025 prior to its publication and submission to Scottish Ministers. In line with the direction given by the Chief Planner, the current 2020 LDP Action Programme is being converted into a Delivery Programme, as is required under the 2019 Planning Act. The Delivery Programme Update 2025 reports progress on achieving the key stages of each project included in the Action Programme that was previously approved by Council in 2020.

2 RECOMMENDATION

2.1 It is recommended that Council approves the Local Development Plan 2018 Delivery Programme Update 2025 (Appendix 1) for publication and submission to Scottish Ministers.

3 BACKGROUND

3.1 The East Lothian Local Development Plan (LDP) was adopted on 27 September 2018. The Action Programme was an accompanying document setting out how East Lothian Council proposes to implement the LDP. The Action Programme sets out;

- a list of actions required to deliver each of the plan's policies and proposals;
- the name of the person(s) who is to carry out the action; and
- the timescale for carrying out each action (split into priorities).

3.2 Under the recent 2019 Planning Act, new style Delivery Programmes are to be prepared alongside LDPs. When Action Programmes are reviewed, they are to be recast as Delivery Programmes. The review of the LDP

Action Programme falls into this latter category and henceforth the document [Action Programme] requires to be referred to as the LDP Delivery Programme.

- 3.3 This change brings about alterations in the form and content of the document and by requiring Delivery Programmes to be approved by Full Council puts more corporate focus on the Infrastructure First approach and overall delivery of strategy. Another key change is the need for Delivery Programmes to include a Housing Land Pipeline showing how housing sites will be delivered over the lifetime of the LDP.
- 3.4 In a 2024 letter, the Chief Planner stated that all councils must have an approved Delivery Programme by the end of March 2025. This was whether it is through a revision to an existing Action Programme or the preparation of a new delivery Programme alongside a new LDP.
- 3.5 LDP2 Proposed Plan will be accompanied by a new Delivery Programme in accordance with the planning legislation and the Local Development Plan Guidance. It is anticipated that work on the proposed LDP and its Delivery Programme will start in the second half of 2025.
- 3.6 Since the adoption of the LDP, progress on achieving the key stages of each project identified in the Delivery Programme has been monitored through regular meetings of senior officers of the Council. Also, the Council's Housing Land Audit, prepared to monitor effectiveness of land supply, site phasing and housing completions, informed the updated Delivery Programme and the Housing Land Pipeline.
- 3.7 The LDP Delivery Programme Update 2025, Appendix 1, records progress made in relation to delivery of policies and proposals that has been made since the adoption of the LDP. The updated Programme also considers additional future actions required in order to help with the implementation of the plan.
- 3.8 In preparing this update, we engaged with the key agencies, Scottish Water, NHS Lothian, Scottish Government and Homes for Scotland. Comments on the draft Delivery Programme have been received from Transport Scotland, NatureScot and Homes for Scotland. All responses received are summarised and responded to in detail as shown in the tables appended to this report as Appendix 2.
- 3.9 Those who responded were keen to be involved in the delivery of the LDP and assisted with updating the Delivery Programme.
- 3.10 Homes for Scotland raised some issues around the format of the document, and some change has been made to the Delivery Programme as a result of this. The Planning Service will also reflect on this feedback when preparing the Delivery Programme that will accompany LDP2 in the near future.
- 3.11 The Delivery Programme highlights that the strategy of LDP1 is being successfully delivered with the vast majority of housing development sites and associated infrastructure already complete or being delivered. It highlights that there remains a good supply of housing land, well beyond

the most relevant benchmark of the Local Housing Land Requirement set out in NPF4. The delivery of the strategy is not without its challenges with employment land being slow to be delivered and a clear theme being the increase in infrastructure costs which is having to be met through Council budgets. The financial implications of a growing population, supported by new capital infrastructure and the ongoing associated revenue costs, is placing very significant challenges on the Council, which is unsustainable. The Council has continued to raise these issues both nationally and locally within our community, and this remains a significant and ongoing challenge.

4 POLICY IMPLICATIONS

4.1 The Delivery Programme Update 2025 supports the LDP by outlining how the policies and proposals in the LDP will be delivered by East Lothian Council and other stakeholders. It sets out how the Council proposes to implement the LDP.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – there are no direct financial implications arising from this Report.

6.2 Personnel – none.

6.3 Other – none.

7. BACKGROUND PAPERS

7.1 Appendix 1 - Draft East Lothian LDP 2018 Action Programme Update 2020.

7.2 Appendix 2 - Responses received to consultation

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East Lothian Local Development Plan 2018

Delivery Programme

February 2025

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1 INTRODUCTION

1.1 East Lothian Council adopted the new Local Development Plan (LDP) in September 2018 and approved its first Action Programme in October 2018. [The Planning \(Scotland\) Act 2019 \(Commencement No. 12 and Saving and Transitional Provisions\) Regulations](#) amended the process of preparing an action programme. Regulation 5 now requires authorities to review, update, consult and re-publish the Action Programme as a Delivery Programme. Action Programmes prepared for old style LDPs can now be reviewed and subsequently published as Delivery Programmes.

This Delivery Programme renews the previous updates of the 2018 Action Programme and has been prepared to support the delivery of the current LDP. The review of the Action Programme provides an opportunity to identify progress made in relation to delivery of policies and proposals, and to consider additional future actions that may be required. As part of the preparation of this update, we consulted and considered the views of the Key Agencies and anyone who is to carry out the action included in the Delivery Programme.

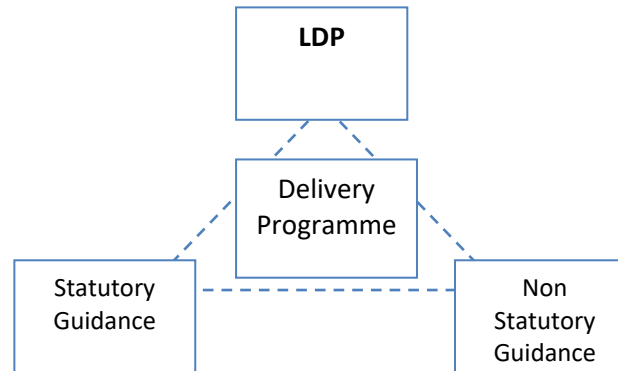
1.2 The East Lothian Local Development Plan (LDP) is an important land use document that sets out the Council's planning strategy and policies to guide and manage future development within East Lothian. The LDP sets out a long-term vision for the future growth of East Lothian, identifying where and how development requirements can be delivered. It is a site specific plan that contains proposals that show where the Council wants to stimulate development as well as policies it will use to manage development in East Lothian, providing certainty to investors and communities.

1.3 This Delivery Programme has been prepared to accompany the current LDP and sets out how the objectives, strategy and policies within the LDP can be successfully implemented and delivered, along with the various actions and partnerships that will be required to support and achieve implementation. The Delivery Programme is a live working document reflecting the continuous process of delivering the LDP and will be used to monitor progress of development proposals. In accordance with legislative requirements, the Delivery Programme, as a minimum, must set out:

- a list of actions required to deliver policies and proposals contained in the LDP;
- an explanation as to how those actions are to be undertaken;
- the timescale for the conclusion of each action; and
- the expected sequencing of, and timescales for, delivery of housing on sites allocated by the LDP (a 'housing delivery pipeline').

1. The actions included are not just those to be carried out by the Planning Authority, but also by key stakeholders and agencies. Delivery of LDP policies and proposals is dependent on a wide range of factors, including actions contained in other plans, programmes and strategies, economic conditions

and other factors beyond the control of the LDP. As a result, the Delivery Programme is intended to give a broad indication of the expected timescales for development rather than a precise programme of delivery. The Delivery Programme will continue to be reviewed on a regular basis to ensure it remains relevant and up-to-date. It is anticipated that a new style LDP2 draft Delivery Programme will be published for consultation in the second half of 2025.



Format of the Deliver Programme (2024)

1.5 This Delivery Programme supports the current LDP and, as much as possible, it is intended to follow the format of the previous Action Programmes. Site specific proposals are identified, and their references are identical to those included in the previous programmes. Each policy describes the implementation timescale as ongoing (please see the LDP2 Evidence Report for more information about the implementation of the 2018 LDP and its policies - https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12726/ldp2_and_local_place_plans/3) and each proposal describes the implementation timescale as:

- Short term (0-3 years),
- Medium term (4-6 years) or
- Long term (7 years or over).

A significant new addition in this Delivery Programme is the inclusion of the East Lothian LDP Deliverable Housing Land Pipeline. National Planning Framework 4 (NPF4) requires Delivery Programmes to establish a deliverable housing land pipeline. This pipeline replaces the '5-year effective housing land supply' requirement as previously set out in previous Scottish Planning Policy. The purpose of the pipeline is to provide a transparent view of the phasing of

housing allocations so that interventions, including infrastructure, that enable delivery, can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). NPF4 Annex E now sets out a Minimum All-Tenure Housing Land Requirement (MATHLR) for East Lothian. This is 6,500 homes, annualised to 650 a year. In accordance with NPF4, the annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme. The Deliverable Housing Land Pipeline as set out in Section 2 is derived from the approved East Lothian Housing Land Audit 2023. Housing Land Audits (HLAs) are the established method of monitoring housing land supply for Local Authorities based in Scotland. HLAs are undertaken annually from the 1st of April to the 31st of March the following year and provide data from that time on land available for home building for four or more units. The HLA also indicates the progress of sites through the planning process and gives information on housing completions. It is produced in consultation with Homes for Scotland (HfS).

1.6 The previous Action Programmes looked at the strategic policies and proposals and the identified actions needed to implement the proposals. To assist with the delivery of development on the ground, the Council has prepared Supplementary Guidance on Developer Contributions. Contributions will be utilised to implement the broad strategy of the Plan and specific proposals. The actions based on the LDP are structured as follows:

- **Priority Actions – Key Strategic Projects (Section 3 of the Delivery Programme)**

These are mostly actions that must be implemented in the short to medium term to assist with the timely delivery of the LDP. They are broken into four Priority Actions;

- 1) Adoption of Local Development Plan Supplementary Guidance and Supplementary Planning Guidance;
- 2) Delivery of Specific Proposals relating to Major Infrastructure;
- 3) Delivery of Specific Proposals relating to Education
- 4) Delivery of Specific Proposals relating to Sport and Leisure

- **LDP Guidance – Proposals & Policies (Section 4 of the Delivery Programme)**

This section sets out the policies and proposals of the plan and stipulates any actions associated with them.

- LDP non-statutory Supplementary Planning Guidance
- LDP Policies and Proposals

- **Monitoring and Assessment for LDP Review (Section 5 of the Delivery Programme)**

Purpose of the Delivery Programme

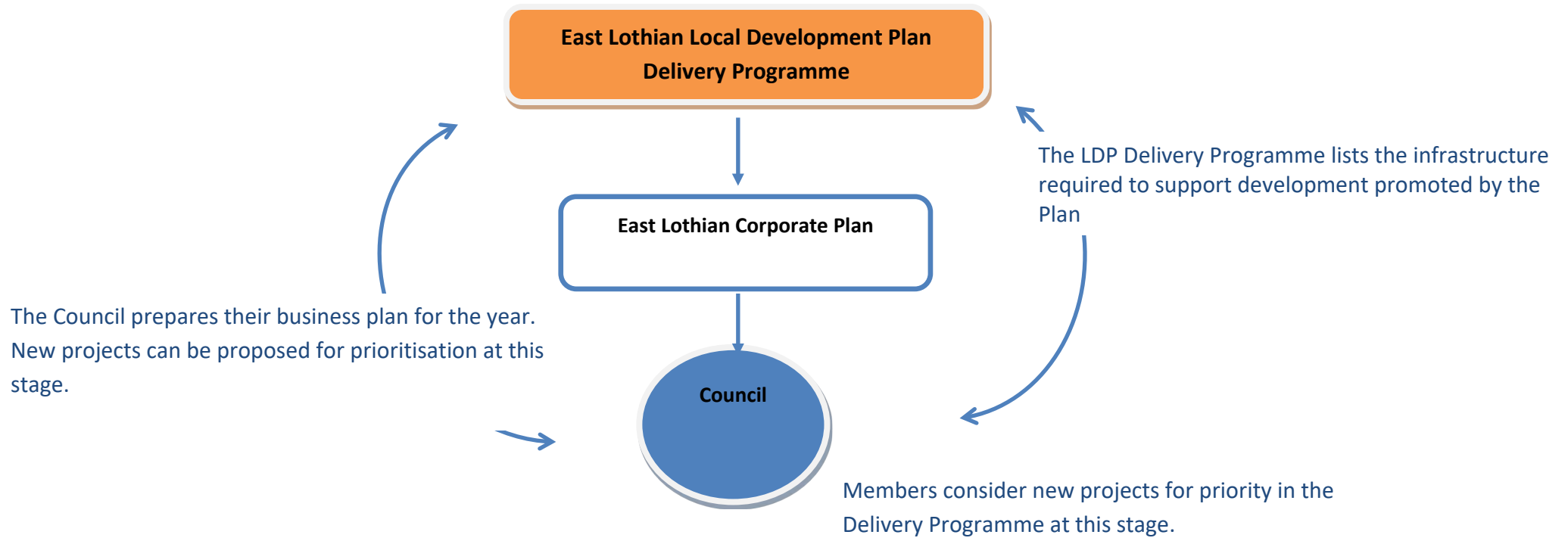
1.7 The Local Development Plan (LDP) sets out how places in East Lothian will change and develop into the future. This Delivery Programme supports the LDP by outlining how the policies and proposals in the LDP will be delivered by East Lothian Council and other stakeholders. It sets out how the Council proposes to implement the LDP, to provide a focus on delivery and to co-ordinate development and infrastructure provision. Setting out this programme of the multiple actions required to deliver the plan will assist in more co-ordinated and efficient implementation. This will in turn contribute to the Council's aim of creating a prosperous, safe and sustainable East Lothian that will allow local people and communities to flourish, as set out in the Council Plan 2022-2027.

1.8 Within the LDP, there are a number of policies which set the strategic direction of the Plan and these influence the location of new development. This Delivery Programme reflects the continuous process of delivering development and will prioritise key areas of action that will be required to deliver the vision and objectives of the Plan. There is a close connection with the content of the Delivery Programme and the further information and guidance in the Developer Contributions Framework Supplementary Guidance. This is particularly in relation to infrastructure provision and associated costs and timing for delivery.

How will the Delivery Programme be used?

1.9 The Delivery Programme and the LDP itself do not work in isolation. They are part of a concerted action involving internal departments and external agencies. They therefore strongly align with a number of key corporate policy statements of the Council including the Single Outcome Agreement, Local Housing Strategy and Developer Contributions Framework Supplementary Guidance. This makes the Local Development Plan an important corporate document whose successful implementation will require cross departmental action.

FIGURE 1 - Governance



Responsibilities

1.10 The LDP sets out the policies and proposals to be implemented through decision making. This Delivery Programme does not look to repeat that information but instead collates them so that an overview of the plan's progress can be established and progress on the actions can be monitored. This will enable the Governance arrangements that have been put in place to continue the momentum of plan delivery.

1.11 Each policy and proposal will identify who the key agents of action are, how they will deliver this through the identification of key actions, and when they will do it. It is intended that this Delivery Programme will be reviewed during the Proposed LDP2 stage in 2025/26. The lead agency noted in the Delivery Programme will be responsible for the implementation of the policies and proposals to which they are assigned. They will also have the responsibility for regular reporting and for monitoring and updating of the Delivery Programme.

Delivery

1.12 It must be recognised that delivery of development is not always straightforward and a number of internal and external factors can contribute to delay or slippage. The Delivery Programme needs to be flexible in response to change, proposing alternative solutions when needed (so long as there are consistent with the Development Plan) and assessing the impact of any change on remaining proposals as many are inter-linked.

1.13 It is recognised that confidence in delivery of the Local Development Plan is important to the Council, its local communities and businesses. The governance arrangements are in place to ensure progress of the plan's implementation is sufficiently monitored and that actions are instigated by the relevant organisations in an appropriate timescale.

2 EAST Lothian HOUSING DELIVERY PIPELINE

2.1 As this Delivery Programme is for an old style LDP, the included Deliverable Housing Land Pipeline will be updated and be more detailed in the Proposed Delivery Programme for LDP2.

The purpose of the Deliverable Housing Land Pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). NPF4 expects Delivery Programmes to establish a deliverable housing land pipeline for the Local Housing Land Requirement. In East Lothian's case a Local Housing Land Requirement (LHLR) is yet to be agreed through the replacement of the adopted LDP. East Lothian Council has set an LHLR of 6,660 units, and this is a matter being considered by the DPEA at Gate Check.

The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the Delivery Programme. More information about the East Lothian Housing Land Audit is available [here](#).

Table 1 below sets out the housing land pipeline over the short, medium and long term based on the agreed 2023 HLA. It sets out the expected sequencing of, and timescales for, delivery of housing on all sites allocated by the local development plan. More detailed information on individual housing sites is available in our 2023 HLA.

East Lothian Housing Delivery Pipeline

All Tenure

Status	Total site capacity	Total affordable units	All completions by 31/3/23	Total dwellings remaining	Programmed Completions										Post 2033
					23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	
Under Construction	4,352	800	1,504	2,848	978	729	465	320	174	169	7	4	1	1	0
Consent	4,203	1,051	32	4,171	141	381	488	533	524	431	438	371	200	204	460
No Consent	708	0	0	708	0	0	0	0	44	151	187	116	85	50	75
Small Sites	704	0	280	212	21	21	21	21	21	21	21	21	22	22	0
Total Effective Supply	9,967	1,851	1,816	7,939	1,140	1,131	974	874	763	772	653	512	308	277	535
Constrained	432	121	15	417											
Total Established Supply in East Lothian	10,399	1,972	1,831	8,356											
						Short			Medium				Long		

* It should be noted that 128 units in the programmed completions are disputed by HfS in the audit. (MH2 Old Craighall 48 and TT5 Bankpark Grove 80)

3 PRIORITY ACTIONS

3.1 This section sets out actions that must be taken to progress with Key Strategic Projects. These actions are a priority as they are essential to enable implementation of other dependant actions across the authority area. In the interests of delivery, some actions will be progressed as the LDP is emerging. These actions will be led by ELC and require joint working across the authority and in partnership with others, including Key Agencies, Consultation Authorities and landowners and developers. They are key to the initial phase of plan delivery.

Priority Action 1: Adoption of Local Development Plan Statutory and Non Statutory Guidance

PRIORITY ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN STATUTORY AND NON STATUTORY GUIDANCE					
Policy	Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short (1-3 yrs) Medium (4-6 yrs) Long (7 yrs or more)	Progress (2024)
STATUTORY GUIDANCE					
<u>Developer Contributions Framework Supplementary Guidance</u>					
Policy DEL1	ELC (lead)/ Developers	All in East Lothian	Public consultation – June-July 2018 Adopted - March 2019		Adopted in March 2019.
The Developer Contributions SG supports the policies in the East Lothian Local Development Plan, including Policy DEL1: Infrastructure and Facility Provision which signposts the production of the SG. It sets out the requirements for developer contributions. The Supplementary Guidance links to the LDP and Delivery					

Programme and provides further detail on the policy approach, the types and scales of development to which it will apply and mechanisms for delivery. This Supplementary Guidance deals primarily with matters of a financial nature. It sets out the Council's proposed future section 75 planning obligations.

STATUTORY GUIDANCE

[Town Centre Strategies Supplementary Guidance](#)

Policies: TC1, TC2, TC3	ELC (lead)/ Developers/ Community Councils / Amenity Societies	Tranent, Prestonpans, Haddington, Dunbar, North Berwick	Public consultation – November- December 2018 Adopted - April 2019		Adopted in April 2019
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The town centre strategies provides a vision for each town centre to help address local environmental issues as well as their vibrancy, vitality, and viability. They are informed by the findings of a retail capacity study for East Lothian.

PRIORITY ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN STATUTORY AND NON STATUTORY GUIDANCE

Policy	Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short (1-3 yrs) Medium (4-6 yrs) Long (7 yrs or more)	Progress (2024)
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NON STATUTORY GUIDANCE

[Development Briefs Supplementary Planning Guidance](#)

Policies: DP9	ELC (lead)/ Developers/ Queen Margaret	See Clusters below	Public consultation - June - July 2018		Adopted in October 2018
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	University (with regard to MH1)				
<p>The briefs were adopted as Supplementary Planning Guidance in October 2018. They form a non-statutory part of the East Lothian Local Development Plan. The development briefs guide development of the specific housing and employment sites throughout East Lothian in line with the Local Development Plan policies and cover land use and indicative layout and design.</p>					
Musselburgh Cluster		Policy DP9			
Development Briefs		<p>Allocations:</p> <p>PROP MH1 – Land at Craighall, Musselburgh PROP MH3 – Old Craighall Junction South West PROP MH8 – Levenhall, Musselburgh</p> <p>PROP MH10 – Land at Dolphingstone PROP MH13 – Land at Whitecraig South PROP MH14 – Land at Whitecraig North</p>			
Prestonpans Cluster		Policy DP9			
Development Briefs		<p>Allocations:</p> <p>PROP PS1 - Longniddry South</p>			
Tranent Cluster		Policy DP9			
Development Briefs		<p>Allocations:</p> <p>PROP TT1 - Housing at Windygoul South, Tranent PROP TT1 - Housing at Windygoul South, Tranent PROP TT3 – Employment, Windygoul South, Tranent</p>			

	<p>PROP TT4 – Lammermoor Terrace, Tranent PROP TT5 – Bankpark Grove, Tranent PROP TT6 – Kingslaw, Tranent PROP TT7 – Macmerry North PROP TT8 – Macmerry Business Park East PROP TT9 – Gladsmuir East</p>	<p>PROP TT10 – Limeylands Road (Tynemouth West), Ormiston PROP TT11 – Elphinstone West PROP TT12 – Woodhall Road, Wester Pencaitland PROP TT14 – Park View, Easter Pencaitland</p>
Haddington Cluster	Policy DP9	
Development Briefs	<p>Allocations:</p> <p>PROP HN2 – Lethan Mains Expansion, Haddington PROP HN8 – Land at Peppercraig East, Haddington</p>	
Dunbar Cluster	Policy DP9	
Development Briefs	<p>Allocations:</p> <p>PROP DR2 – Hallhill North, Dunbar PROP DR4 – Brodie Road, Dunbar</p> <p>PROP DR7 – Land at Spott Road, Dunbar PROP DR10 – Innerwick East, Innerwick</p>	
North Berwick Cluster	Policy DP9	
Development Briefs	<p>Allocations:</p> <p>PROP NK7 – Saltcoats, Gullane PROP NK8 – Fenton Gait East, Gullane</p> <p>PROP NK9 – Fenton Gait South, Gullane PROP NK10 – Aberlady West, Aberlady PROP NK11 – Castlemains, Dirleton</p>	

PRIORITY ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN STATUTORY AND NON STATUTORY GUIDANCE					
Policy	Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short (1-3 yrs) Medium (4-6 yrs) Long (7 yrs or more)	Progress (2024)
NON STATUTORY GUIDANCE					
<u>Affordable Housing Supplementary Planning Guidance</u>					
Policies HOU3, HOU4	ELC/Homes for Life/Developers	All in East Lothian	Public consultation – July - August 2018.		Adopted February 2019
<p>The SPG allows developers and landowners throughout East Lothian to assess the implications of providing affordable housing at an early stage, setting out expectations, including any financial obligations, for the delivery of affordable housing as part of market housing sites. It also specifies affordable housing tenure mix that will be expected as part of market housing proposals, including the requirement for social rent as well as targets for the proportional split between other acceptable tenures and how the tenure models should be delivered. The location and size of the site, the form of development to be delivered and the availability of subsidy will help inform the mix of tenures to be provided.</p> <p>The SPG is committed to a review of the commuted sum value at least every 2 years, although the guidance itself will not be reviewed this frequently. It will be used in the determination of planning applications within the East Lothian area, but does not set a framework for the scale or type of development.</p>					

Priority Action 2: Major Infrastructure Proposals

2.3 This table sets out the major infrastructure interventions needed to deliver key policies and proposals of the LDP. Additional information is contained in the Developer Contributions Framework SG.

PRIORITY ACTION 2 MAJOR INFRASTRUCTURE PROPOSALS

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
PROP T3 Segregated Active Travel Corridor					
To develop a new segregated active travel corridor within East Lothian	Actively pursue the implementation of the proposed Segregated Active Travel Corridor. Improved travel accessibility for pedestrians and cyclists to local facilities as well as public transport services for a large number of existing communities and adjacent residential developments.	Management and monitoring of Planning applications through the development management process.		£23,400,000	Musselburgh section has been blended into the Musselburgh Active Toun project, and is one of 4 category 4 Sustran supported projects. Phase 1 of the SATC (Dunbar – Haddington) - designed in Q1 2023. Construction of the section of the Active Freeway through East Linton began in December 2024.

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
PROP T9 Safeguarding of Land for larger Station Car Parks					
Land is safeguarded adjacent to the existing stations at Musselburgh, Longniddry and Drem to allow additional car and cycle parking spaces / storage facilities to be provided, as shown on the Proposals Map.	Actively pursue the implementation of the projects identified. Improved connections to rail network and funding secured through master plan process.	Management and monitoring of Planning applications through the development management process.		£5,007,000 (Prop T9 & T10 – this includes an additional estimated cost of £638,000 of a committed scheme for the increase of platforms to cater for 6-car train sets).	Application submitted by ELC for extension of car park facilities at Longniddry Rail Station was granted planning permission in April 2018. The extension to the Longniddry car park was constructed and opened in 2021.
PROP T10 Safeguarding Land for Platform Lengthening					
Land is safeguarded adjacent to the existing stations at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar to allow additional platform capacity to be provided for longer eight car trains as a minimum.	Actively pursue the implementation of the projects identified.	Management and monitoring of Planning applications through the development management process.		£5,007,000 (Prop T9 & T10 – this includes an additional estimated cost of £638,000 of a committed scheme for the increase of platforms	The provision of longer train sets cannot be accommodated at North Berwick station because platform lengthening is constrained due to the Ware road bridge. As a terminal station selective door opening is not permitted therefore more carriages cannot be accommodated. Current travel patterns have changes thus so the peak hour crush capacity is not exceeded. Therefore, longer trains might not be needed and consequently longer platforms. This matter will continue to be

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
				to cater for 6-car train sets).	monitored and any changes to this proposal will be included in the Proposed LDP2 and its Delivery Programme.
PROP T11 Safeguarding of Land for Improvements to Musselburgh Station					
Approximately 1.5 ha of land is safeguarded adjacent to Musselburgh station to reflect the Council's aspirations that a rail related transport hub with car parking, bus and active travel access be delivered to the SW of the Mucklets Road.	Actively pursue the implementation of the projects identified.	Management and monitoring of Planning applications through the development management process.			There is still an aspiration to deliver a journey hub transport interchange at QMU. Conversations, with bus operators, QMU and CEC are ongoing. A detailed business case needs to be developed. This remains the position. It is highlighted in the Regional strategic transport delivery plan as a proposal, but funding remains challenging.
PROP T15 Old Craighall A1(T) Junction Improvements					
Improvements at the A1(T)/A720 Old Craighall Junction, including signalisation and improvement of the roundabout and slip roads to provide additional network capacity to meet the demands that will be generated by new development in the area.	Actively pursue the implementation of the projects identified. Improved connections to road network and funding secured through master plan process.	Management and monitoring of Planning applications through the development management process. Must be in accordance with Policy T32 and Policy DEL1.		£995,000	Work completed by Transport Scotland, slight variation with LDP transport appraisal requirement. This intervention will be monitored over time. Delivery of all allocated sites in East Lothian is ongoing and monitoring of this will be further discussed with Transport Scotland as part of the LDP2 preparation process. More detail about monitoring at this particular site will be

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
					included in the proposed LDP2 and its Proposed Delivery Programme (in late 2025).
PROP T16 A1 Junction Improvements at Queen Margaret Drive Interchange					
Standard Junction improvements to the A1 interchange at Queen Margaret Drive. Including provision of a new underpass of the A1 for all modes of travel and north bound on and off slip roads to the A1. Intervention is necessary to deliver, and will be fully funded by the developer of and provided in association with development at Craighall (MH1).	Actively pursue the implementation of the projects identified. Improved connections to road network and funding secured through master plan process.	Management and monitoring of Planning applications through the development management process. Must be in accordance with all relevant proposals			Completed in June 2023 – for more information see: New A1 junction at QMU is officially opened East Lothian Council
PROP T17 A1 (T) Interchange Improvements					

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
<p>Relevant proposals required to provide, or contribute towards, improvements at:</p> <ul style="list-style-type: none"> • Salter’s Road interchange - local widening on Salter’s Road and optimisation of signal control staging, phasing and timings. • Bankton Interchange - signal control of northern roundabout with local widening. Redesign of southern roundabout with local widening • Dolphingstone Interchange - local widening and optimisation of signal control staging, phasing and timings. 	<p>Actively pursue the implementation of the projects identified.</p>	<p>Management and monitoring of Planning applications through the development management process.</p> <p>Must be in accordance with all relevant proposals especially Policy T32 and Policy DEL1.</p>		<p>£ 272,000 (Salter’s Road Interchange)</p> <p>£848,767 (Bankton Interchange)</p> <p>£256,000 (Dolphingstone Interchange)</p>	<p>Ongoing discussions with Transport Scotland.</p> <p>Due to recent year inflationary pressures, the cost of the proposed interventions will have grown. Indexation has not kept pace with these pressures; therefore a financial re-assessment of the proposed interventions is overdue and will be included in the Proposed LDP2 Delivery Programme (due to be in place in late 2025).</p> <p>The upgrading of the Bankton interchange is a requirement of the development of the allocated BW1 site. The developer has advised that works on this junction should commence in March 2025.</p> <p>The recommended trunk road interventions were predicated on a full allocation build out of forecast year 2025. Delivery of all allocated sites in East Lothian is ongoing therefore the intervention is not necessary or possible until LDP1 is concluded. As we now move to LDP2 the committed Trunk Road interventions will be reassessed to establish need and appropriateness considering land use</p>

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
					allocation and whether the proposed intervention is justified. Considering the growth forecast it is highly likely base level interventions will still be required; however, some additional capacity mitigation might be necessary at key trunk road junctions.
<p>Relevant proposals required to provide, or contribute towards, improvements at:</p> <ul style="list-style-type: none"> Dualling of A198 from Bankton northern roundabout, tapering back to single before Meadowmill roundabout 				£1,044,110	As above.
PROP T20 Transport related Air Quality Measures: Relocation of Bus Stops					
The Council will investigate the relocation of bus stops within the Musselburgh Air Quality Management Area to mitigate existing air quality issues and will monitor and manage the situation as required to ensure air quality is maintained to an acceptable standard in association with new development.	Actively pursue the implementation of the projects identified.	Management and monitoring of Planning applications through the development management process.			Completed 2022

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
PROP T21 Musselburgh Urban Traffic Control System					
Relevant proposals will be required to contribute to the provision of an Urban Traffic Control system and the signalisation of the junction at the A199 and New Street, the A199 Linkfield Road and Millhill, and Inveresk Road and Newbigging junctions to an adoptable standard to manage the vehicle flows through Musselburgh town centre to acceptable levels.	Actively pursue the implementation of the projects identified.	Management and monitoring of Planning applications through the development management process. Must be in accordance with all relevant proposals especially Policy T32 and Policy DEL1.		£283,000	Design of proposals ongoing Junction at New Street and Millhill will be delivered at part of MAT project.
PROP T22 Reopen links to Vehicle Access at Queen Margaret Drive/Whitehall Farm Road					
The developer of the land at Craighall shall investigate and if necessary provide a modification to the current bus only link at Queen Margaret Drive/Whitehill Farm road to an adoptable standard to provide additional network capacity on route choice for development related trip demands. Intervention will be fully funded by the developer of and provided in association with development at Craighall (MH1).	If the Council requires this intervention to be provided it shall be delivered only once the Queen Margaret Drive A1 interchange is complete (PROP T16). This link will be modified to provide a signal controlled contra-	Management and monitoring of Planning applications through the development management process. Must be in accordance with all relevant proposals especially Policy T32 and Policy DEL1.			No progress. Unlikely this will be re-opened to vehicular traffic as this would counter proposals to promote active travel opportunities in the area.

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
	flow over the railway bridge.				
PROP T24 A198/B1361 Meadowmill Roundabout					
Land is safeguarded to provide for junction improvements at the A198/B1361 Meadowmill Roundabout to provide additional network capacity for any future housing and employment demands. Redesign of junction and local widening.	Further additional road network capacity will be required to accommodate LDP impact.	Management and monitoring of Planning applications through the development management process.		£776,850	Awaiting impacts of BW1 revised interventions to monitor appropriateness of accelerating LDP1 proposal. Costs will be revised when commitment is confirmed.
PROP T25 Dualling of A198 between Bankton North and Meadowmill Roundabouts					
Land is safeguarded to provide for: The dualling of the A198 between the Bankton North and Meadowmill Roundabouts and the reconfiguration of Bankton A1(T) Interchange.	Further additional road network capacity will be required to accommodate LDP impact.	Management and monitoring of Planning applications through the development management process.			Work ongoing to determine impact of Cockenzie and Blindwells intensification independently and combined on the area. This will now be picked up under the transport appraisal for LDP2.
PROP T27 Tranent Town Centre One-Way System					
Relevant proposals will be required to contribute to the introduction of a one way	Actively pursue the implementation of	Management and monitoring of Planning		£449,000	Working group set up but no progress for 6 months

Action	Activity	Status	Time: Short Medium Long	Indicative Cost ⁱ	Update on actions required to deliver proposals contained in the LDP
system incorporating Loch Road and High Street and Bridge Street linking Loch Road to High Street to increase capacity, improve traffic flow and maintain air quality in Tranent town centre.	the projects identified.	applications through the development management process. Must be in accordance with all relevant proposals especially Policy T32 and Policy DEL1.		(Prop T27 & T28)	Part of the ongoing planning for Tranent town centre
PROP T28 Junction Improvements at Bridge Street and Church Street Tranent					
Relevant proposals will be required to contribute to the introduction of a left hand turn filter at the junction of Elphinstone Road and Edinburgh Road to increase capacity, improve traffic flow and maintain air quality in Tranent town centre.	Actively pursue the implementation of the projects identified.	Management and monitoring of Planning applications through the development management process. Must be in accordance with all relevant proposals especially Policy T32 and Policy DEL1.		See Prop T27 above	Part of the ongoing planning for Tranent town centre

*Indicative Costings

High-level costings have been approximated at this stage until more detailed feasibility assessment is undertaken and the potential for schemes to be taken forward has been fully investigated. The following points should be noted:

- Cost estimates have been prepared to a 2016 cost base where cost rates have been obtained from 'SPON's Civil Engineering and Highway Works Price Book 2016'.
- Where appropriate cost rates are not available in SPON's, they have been sourced from relevant experience that is representative of the present competitive market.
- An estimated indicative allowance has been included for future design and investigation works, which varies between 5% and 15% of total construction costs, depending on the scale and complexity of the proposals.
- The estimates do not include any costs associated with land purchase, remediation of contaminated land, unstable ground conditions, statutory and non-statutory approvals, and contract management.
- The indicative costs exclude Optimism Bias. When proposals are taken forward to feasibility stage of scheme development, which corresponds to 'STAG Stage 1: Programme Entry', an Optimism Bias of 44% would be applied.

Priority Action 3: Education Proposals

2.4 The Council will provide additional phased permanent extension to existing schools in the education zones identified in the LDP to meet the need arising from proposed new housing development in each Cluster. The Council will provide additional pre-school and primary school campus land/facilities at schools in each Cluster. The Council will provide additional phased permanent extension to pre-schools and primary school as required. The requirements for each Cluster are set out below. The indicative timing for delivery of these education requirements included in the table below. These timescales are based on what is set out in the capital budget and informed by 2019 Housing Land Audit. The actual timing for delivery of these education requirements will be as required.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
PROP ED1 Musselburgh Cluster					
The Council will provide a new secondary school establishment on land at expanded Wallyford to meet the need arising from proposed housing development in the Cluster. The Council will provide new permanent pre-school and primary school facilities and campus land at Craighall. New Wallyford Primary School opened in February 2019. The Council will provide additional pre-school and primary school campus land at Whitecraig Primary School as part of the allocation to the west of the existing campus. The Council will provide additional phased permanent extension to secondary, primary and pre-school facilities as required to meet the need arising as a direct result of new housing development.					
Wallyford New Secondary School Establishment	ELC (lead) /Developers	All sites in Musselburgh zone	School Phase 1 completed 10 August 2023 and opened on 16 August 2023 to pupils.	£55,186,000	MH7, MH10 and MH14 permissions granted. School opened in August 2023.
Craighall Primary School	ELC (lead)/ Developers	MH1 - Craighall	3.1 ha land (MH1) transferred to Council December 2022	£21,784,000	MH1 granted consent and S75 secured. School planning application 22/00681/AMM approved in November 2022,

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
			Construction commenced January 2024 and school due to be completed August 2025.		school site transfer in December 2022. Development of the school is well underway, with completion planned for Summer 2025.
Whitecraig Primary School Expansion	ELC (lead)/ Developers	MH2 - Land at Old Craighall Village/ MH14 - Whitecraig North/ MH13 - Whitecraig South	New school phase 1 commenced February 2024 and due to be completed autumn 2025.	£22,097,000	Planning permission approved for part of MH2. MH14 approved in principle (17/00917/PPM - Erection of 230 houses, 20 flats and associated works). 19/00869/AMM - approval of matters specified in conditions of planning permission in principle 17/00917/PPM granted. School planning application 22/00180/PM was approved in January 2023. Construction of new school started in 2024 and is due to be completed in Autumn/ Winter 2025.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
Pinkie St Peter's Primary School Expansion	ELC (lead)/ Developers	MH5- Edenhall/ MH6, MH7 - Pinkie Mains/ MH8 -Levenhall	Extension works completed.	£7,254,000 including works to provide capacity for 1140 hours of early learning and childcare provision	MH7 planning permission granted in 2017 (16/00393/PM). An appeal to DPEA was lodged against the council's decision to refuse application for removal of condition 17 of planning permission 16/00393/PM – this appeal was allowed (for more details see http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121045) MH8 – planning application for the erection of 40 houses, 8 flats and associated works (17/00619/PM) granted permission. Extension works completed 2023.
Wallyford New Primary School Establishment	ELC (lead)/ Developers	MH10 – Dolphingstone/ MH12- Barbachlaw	New school completed in 2019.	£7,044,000	New school opened in February 2019.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					MH10 has been granted permission. Additional Housing site (up to 150 units) at Wallford approved in December 2024 – 23/01266/PPM.
PROP ED2 Prestonpans Cluster					
The Council will provide additional phased permanent extension to Preston Lodge High School to meet the need arising from new housing development in the cluster including the current Blindwells allocation (BW1). The Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development.					
Expansion of Preston Lodge High School	ELC (lead)/ Developers	PS1 - Longniddry South/ BW1 - Blindwells	Education requirements to be delivered as necessary.	£15,868,000	PS1 and BW1 granted permission in principle (PS1 16/00485/PPM; BW1 14/00768/PPM). Options for increasing catchment capacity under consideration.
Longniddry Primary School	ELC (lead)/ Developers	PS1- Longniddry South	Education requirements to be delivered as necessary.	£4,612,000	PS1 granted permission in principle (PS1 16/00485/PPM).

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					<p>Detailed proposals granted permissions:</p> <p>PS1 - 18/01038/AMM (erection of 47 houses, 12 flats), 18/01034/AAM (erection of 4 houses, 35 flats). 18/01034/AMM 18/01048/AMM 22/00071/PM (application withdrawn) 22/00732/AMM- approved May 2023 22/00735/P (9 units) – granted January 2025. 22/00733/P (9units) – granted July 2024. 22/01218/P- S42 – pending consideration.</p> <p>The primary provision requirements in this catchment</p>

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					will be dependent on Learning Estates Review, which is ongoing.
Prestonpans Primary School	ELC (lead)/ Developers	PS2- Dolphinston North	Education requirements to be delivered as necessary.		Planning Permission granted. The primary provision requirements in this catchment will be dependent on Learning Estates Review, which is ongoing.
PROP ED3 Blindwells Cluster					
To accommodate the pupil product from the current Blindwells allocation the Council will provide education capacity as follows: secondary school capacity at Preston Lodge High School (see Prestonpans Cluster above); Temporary pre-school and primary school capacity at Cockenzie Primary School; until permanent pre-school and primary school capacity at Blindwells is delivered. If Blindwells is able to expand beyond its current allocation the Council will review the educational provision, secondary school (potentially new secondary) and primary school and pre-school facilities to ensure sufficient capacity to meet the need arising as a direct result of new housing development.					
Temporary Capacity at Cockenzie Primary School	ELC (lead)/ Developers	BW1 - Blindwells	Works completed and has been hosting Blindwells Primary school pupils until new Blindwells Primary School opens in 2025.	£30,000	BW1 granted permission in principle (BW1 14/00768/PPM). Alterations to Cockenzie PS carried out in 2021/22
Blindwells Primary School	ELC (lead)/ Developers	BW1 - Blindwells	Construction of the new primary school started in January 2024 and is anticipated to be completed in August 2025 to open with new academic year.	£24,868,000	BW1 granted permission in principle (BW1 14/00768/PPM).

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					<p>Detailed proposals granted permissions:</p> <p>Detailed proposals granted permissions:</p> <p>18/00725/AMC – Hargreaves - Central Access Road – Approved 18/12/19</p> <p>18/00825/AMC – Hargreaves - Southern Access Road – Approved 21/09/21</p> <p>19/00242/AMC – Hargreaves - Northern Access Road – Approved 10/10/19</p> <p>19/00620/AMM – Hargreaves - Phase 1 Infrastructure (Roads/Footpaths/Landscaping) – Approved 19/05/20</p> <p>19/00900/AMM – Bellway - 146 Houses – Approved 19/05/20</p>

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					<p>19/01068/AMM – Cruden - 32 Houses and 28 flats – Approved 24/06/20</p> <p>20/01030/PM – Hargreaves - Amend condition 30 of 14/00768/PPM– Approved 18/02/21</p> <p>21/00120/AMM – Hargreaves - Phase 2 Infrastructure (Roads/Footpaths/Landscaping) – Approved 07/06/22</p> <p>21/00308/AMM – Persimmon 185 Houses and 12 Flats – Approved 07/09/21</p> <p>21/00449/PM – Hargreaves 77 Houses – Approved 15/09/22</p> <p>21/01580/PM – Hargreaves - Amend conditions 1, 13, 30 and delete condition 31 of</p>

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					20/01030/PM (New Masterplan) – Approved 07/06/22 480 units consented in Phase 1. 22/00682/AMM – ELC - Blindwells Primary School – Approved 06/12/22 Primary school site has been transferred to the Council in March 2023. School construction is well underway with completion planned for summer 2025.
St Gabriel's RC PS	ELC (lead)/ Developers	BW1 - Blindwells	Works completed.	£1,746,000	BW1 granted permission in principle (BW1 14/00768/PPM). Detailed proposals granted permissions.
PROP ED4 Tranent Cluster					
The Council will provide additional phased permanent extension to Ross High School to meet the need arising from proposed new housing development in the Tranent Cluster. The Council will provide additional pre-school and primary school campus land at Windygoul Primary School. The Council will provide					

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
additional phased permanent extension to pre-schools and primary school as required to meet the need arising as a direct result of new housing development.					
Expansion of Ross High School	ELC (lead)/ Developers	All sites in Tranent area	Ross High expansion completed 2023. The school has	Total Cost £12,459,366	Planning permission issued for part of TT7 (18/00090/PPM) and minded to grant planning permission (18/01086/PM) for the remaining part of TT7 subject to the conclusion of a S75 legal Agreement. Part TT1 - planning permission in principle for residential development with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works granted (18/00937/PPM). Planning Permission was issued following conclusion of S75 in Spring 2023. Ross High School expansion associated with LDP was completed in 2023.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
Windygoul Primary School	ELC (lead)/ Developers	TT1 - Windygoul South/TT4 - Lammermoor Terrace	Education requirements to be delivered as necessary.	£8,750,000 Costs include 1140 hours works	TT1 - planning permission in principle for residential development with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works granted (18/00937/PPM). TT2 site transferred May 2022 to Council. Planning permission (Ref: 23/00442/P) granted in August 2023 for extensions to school and for new nursery school. The primary provision requirements in this catchment will be dependent on Learning Estates Review, which is ongoing.
Macmerry Primary School	ELC (lead)/ Developers	TT7- Macmerry North/TT9- Gladsmuir/	Education requirements to be delivered as necessary.	£2,833,000	Planning permission issued for TT7 (18/00090/PPM and 18/01086/PM). The primary provision requirements in this

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
					catchment will be dependent on Learning Estates Review, which is ongoing.
Ormiston Primary School	ELC (lead)/ Developers	TT10- Limeylands Road	Extension has been completed.	£2,593,000	School extension completed.
Elphinstone Primary School	ELC (lead)/ Developers	TT11- Elphinstone West	Education requirements to be delivered as necessary.		21/01608/PM approved for 90 units and minded to grant for 23/01333/PM subject to completion of S75 agreement for further 111units. The primary provision requirements in this catchment will be dependent on Learning Estates Review, which is ongoing.
Pencaitland Primary School	ELC (lead)/ Developers	TT12 - Woodhall Road/TT13 - Lempockwells Rd/ TT14 - Parkview	Education requirements to be delivered as necessary. Work is anticipated to commence in 2025.	£824,000	Planning permission approved for 115 homes on land at Lempockwells Road, Prop TT13 (14/00732/PPM and 17/00815/AMM).

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
PROP ED5 Haddington Cluster					
The Council will provide additional phased permanent extension to Knox Academy to meet the need arising from proposed new housing development in the Haddington Cluster. The Council will provide additional pre-school and primary school facilities on land at Letham Mains. The Council will provide additional phased permanent extension to pre-schools and primary school as required.					
Expansion of Knox Academy	ELC (lead)/ Developers	All sites in Haddington zone		£11,886,000	All LDP sites granted permission. The provision requirements in this catchment will be dependent on Learning Estates Review, which is ongoing.
Letham Mains Primary School	ELC (lead)/ Developers	HN1 - Letham Mains and HN2 - Letham Mains Expansion	New Letham Primary School operational.	£3,400,000	Primary school operational. The primary provision requirements in this catchment will be dependent on Learning Estates Review, which is ongoing.
Haddington Infant School King's Meadow Primary School	ELC (lead)/ Developers	HN3 - Dovecot 1 / Dovecot 2 / HN4 - Gateside East /HN5 - Gateside West / HN7 - Alderston	Works completed. For avoidance of doubt, a new single school created after the approved merger of King's Meadow Primary School and Haddington Infant School. Some internal remodelling to be undertake to increase roll capacity planned 2024-25.	Total cost made up of several sums from these developments – all sums committed.	Development at Dovecot 1, HN4, HN5 and HN7.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
PROP ED6 Dunbar Cluster					
The Council will provide additional phased permanent extension to Dunbar Grammar School to meet the need arising from proposed new housing development in the Dunbar Cluster. The Council will provide additional phased permanent extension to pre-schools and primary school as required.					
Expansion of Dunbar Grammar	ELC (lead)/ Developers	All sites in Dunbar zone	Education requirements to be delivered as necessary. First phase of expansion completed in 2018.	£3,336,000	First phase completed. DR2, DR4, DR5, DR6, DR8 and DR12 permitted.
			Second phase of expansion to be delivered as necessary.		
John Muir Campus (Lower)	ELC (lead)/ Developers	DR2 - Hallhill North / DR5 - Newtonlees / DR4 - Brodie Road / HOU 1 - Assembly Rooms / HOU1 - Belhaven Hospital Field / HOU1 -Coast Guard Site	Education requirements to be delivered as necessary.	£1,662,000	Planning approved for DR2, DR4, DR5, DR12 and Dunbar Golf Club.
Lochend Campus (Upper)		Education requirements to be delivered as necessary.	£3,216,000		

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
West Barns Primary School	ELC (lead)/ Developers	DR6 -Beveridge Row /DR11 - St John's Street	Extension works completed.	£3,249,000	Construction has been completed.
East Linton Primary School	ELC (lead)/ Developers	DR8 - Pencraig Hill	Education requirements to be delivered as necessary.		Planning approved for DR8 Bid to Scottish Futures Trust unsuccessful therefore Council reviewing options for East Linton Primary School.
PROP ED7 North Berwick Cluster					
The Council will provide additional phased permanent extension to North Berwick High School to meet the need arising from proposed new housing development in the North Berwick Cluster. The Council will provide additional pre-school and primary school campus land at North Berwick High School and Law Primary School. The Council will provide additional phased permanent extension to pre-schools and primary school as required.					

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
North Berwick High School	ELC (lead)/ Developers	All sites in North Berwick zone	Extension of School building completed but associated expanded sport sporting facilities not developed to date.	£12,974,771	Planning approved for: NK1, NK4, NK5, NK6, NK7, NK8 and NK10 NK3 under construction. NBHS expansion completed 2023. Associated school sporting facilities are still to be developed. A need for phase 2 school extension will be dependent on Learning Estates Review, which is ongoing.
Law Primary School	ELC (lead)/ Developers	NK4 - Tantallon Road / NK5 - Ferrygate Farm	School and nursery extension work completed.	£4,098,000	Planning approved for NK4 and NK5. Construction completed of new nursery.
Gullane Primary School	ELC (lead)/ Developers	NK7 - Saltcoats / HOU1 - Fire Training School / NK8 -Fenton	School extension completed.	£5,606,000	School expansion completed.

PRIORITY ACTION 3 EDUCATION POLICIES & PROPOSALS					
Action	Lead & Joint Working	Dependant site	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7yrs and more)	Total project cost	Update on actions required to deliver proposals contained in the LDP
		Gait East / NK9 - Fenton Gait South			
Aberlady Primary School	ELC (lead)/ Developers	NK10 -Aberlady West	Education requirements to be delivered as necessary.	£3,768,000	Planning approved for NK10 Temporary classroom in place. Tenders for construction of extension under consideration with construction due to commence in spring/ summer 2025.

Priority Action 4: Sport & Leisure Facilities

2.5 Sports halls and sports pitches, changing facilities and general purpose rooms in some school campuses will be available for community use in addition to facilities in existing sports centres or community facilities. Notwithstanding this shared use of facilities, there will be a need to provide additional sports pitches and changing accommodation capacity to meet the additional demand that will be generated by the new development proposed by the LDP. The following table sets out the level of additional Sports Facilities Provision required in each contribution zone.

PRIORITY ACTION 4 SPORT & LEISURE FACILITIES						
Provision Required	Update on actions required to deliver proposals contained in the LDP	New Total Project Cost	No. of Eligible LDP Dwellings	Contributing Sites	Delivery Lead	Indicative Timescale Short (1-3 yrs) Medium (4-6 yrs) Long (7 yrs or more)
Craighall						
Craighall-3 x full size grass sports pitch provision-3ha required: costs given are for construction of pitches only – no land costs identified	Grass pitch required - not all-weather. Pitch established and transferred to ELC in August 2024. Use estimate in line with changing facilities.	£555,000	1550	Craighall (MH1), Newton Farm (MH2)	ELC /Developers	Short-term
6 team changing facility	Planning application 19/01321/AMM granted permission in May 2020 and planning application 22/00681/AMM granted permission in November 2022.	£960,000	1550	Craighall (MH1), Newton Farm (MH2)	ELC /Developers	Short-term

Wallyford						
For existing Wallyford 1450 allocation and proposed LDP allocation (600) a total of 2 grass and 1 all-weather pitches are required. This is a net increase of 1grass pitch.	All Outdoor Sports provision should be co-located. The 1 x3G pitch and 1 x grass pitch identified for the Established developments to be co-located with additional 1 x grass = 2 grass and 1 x 3G in total Pitch established and transferred to ELC in August 2024. Use estimate in line with changing facilities. 3G pitch in place at Wallyford Community Learning Campus.	£185,000	600	Dolphinstone (MH10)	ELC /Developers	Short-term
For existing 1450 and proposed LDP600 dwellings, a 6team changing facility is required (4 team changing already agreed)	Building Costing continues to be progressed in 2024.	£401,000	600	Dolphinstone (MH10)	ELC /Developers	Short-term
Whitecraig						
1 x full size grass sports pitch	Land transfer / contribution in future years to allow project to be brought forward.	£185,000	500	Whitecraig South (MH14, Whitecraig North (MH15)	ELC /Developers	Short term
2 team changing pavilion linked to new full sized sports pitch	Land transfer / contribution in future years to allow project to be brought forward.	£450,000	500	Whitecraig South (MH14, Whitecraig North (MH15)	ELC /Developers	Short term

Longniddry						
1 x full size grass sports pitch	Provide all formal sports infrastructure within new development/Urban Park 2 team changing Pavilion no longer required. Instead will utilise existing changing pavilion in recreation park as long as safe access routes are in place. Land transfer / contribution in future years to allow project to be brought forward.	£ 185,000	450	Longniddry South (PS1)	ELC /Developers	Short-term
Tranent						
1 x full size grass sports pitch linked to developments at Windygoul South.	Within 1 ha land south of Windygoul PS, Tranent-costs £185K included for construction of pitch. Title of land to be transferred to Council.	£185,000	670	Windygoul South (TT1), Lammermuir Terrace (TT4)	ELC /Developers	Short term

	Land transfer complete. Project to commence on receipt of contributions.					
Enhance provision within Polson Park including upgrade to existing 11aside grass park Elphinstone	Project to commence on receipt of contributions.	£21,297	200	Lammermuir Terrace (TT4), Bankpark (TT5)	ELC /Developers	Short to medium term
Contribution towards modest refurbishment of existing pavilion.	To take account of increased usage arising from increase in population. Project to commence on receipt of contributions.	£50,000	80	Elphinstone (TT11)	ELC /Developers	Short-term
Blindwells						
3 full size grass community sports pitches	Project to commence on receipt of contributions or developer delivered once minimum units reached.	£550,000	1600	Blindwells (BW1)	ELC /Developers	Medium-term
6 team changing pavilion	Pavilion to include referee room, storage and social space Project to commence on receipt of contributions or developer delivered once minimum units reached.	£960,000	1600	Blindwells (BW1)	ELC /Developers	Medium-term
1 x cricket wicket	Project to commence on receipt of contributions or	£8,000	1600	Blindwells (BW1)	ELC /Developers	Medium-term

	developer delivered once minimum units reached.					
4 tennis court provision with changing pavilion as part of main facility	Project to commence on receipt of contributions or developer delivered once minimum units reached.	£200,000	1600	Blindwells (BW1)	ELC /Developers	Medium-term
Haddington						
Land required for additional 7 a side grass pitch 60m x 40m informal recreational area within Letham development	costs are for construction of pitch-excluding land costs Developer delivered and to be handed over on completion.	£92,500	275	Letham Mains Expansion (HN2)	ELC /Developers	Short-term
Dunbar						
1 x full size grass sports pitch at Hallhill	Area for community sports pitch identified east of the Primary School, south of Hallhill	£185,000	495	Hallhill North (DR2), Brodie Road (DR4), Newtonlees South (DR12), Abbeylands, Abbeylands Garage, Belhaven	ELC /Developers	Short term

2 x team changing extension to Hallhill Healthy Living Centre	£300K allowance Project to commence on receipt of contributions. 24/00126/P – planning permission granted in October 2024	£300,000	495	Hospital Field, Coastguard Site, Assembly Rooms	ELC /Developers	Medium term
Gullane						
Improve quality of existing 11 a side grass pitch in Recreation Park (Levelling/drainage) to take account of increased usage	Project to commence on receipt of full level of contributions.	£18,191	195	Saltcoats (NK7), Fenton Gait East (NK8), Fenton Gait South (NK9)	ELC /Developers	Short-term
Land required south of the school site and construction of new additional 7 a side football pitch-overall 70 x 50	Project to commence on receipt of full level of contributions.	£92,500	195	Saltcoats (NK7), Fenton Gait East (NK8), Fenton Gait South (NK9)	ELC /Developers	Short term
Aberlady						

Improve drainage to increase capacity and usage of existing 11 a side grass pitch	Complete	£12,323	100	Aberlady West (NK10)	ELC /Developers	Short term
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3 LDP Guidance

3.1 This Sections deals with the remaining guidance, policies and proposals not mentioned in earlier parts of the Programme. The Local Development Plan contains a set of policies and proposals. A policy is usually thought of as a rule to guide decisions. It captures the Council’s broad intentions. A proposal is usually site specific and states a plan to do something. The tables below set out the remaining guidance, policies and proposals not mentioned above and the actions needed to implement them to successfully deliver the LDP. The success of the implementation will be assessed through the LDP 2 process.

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
Policy	Lead & Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short Medium Long	Progress (2024)
<u>Farm Steadings Design Guidance Supplementary Planning Guidance</u>					
Policies: DC1, DC2, DC3, DP5	ELC (lead)/ Developers	All in East Lothian	Consultation June- July 2018		Adopted October 2018
The East Lothian Local Development Plan supports the restoration of architecturally important rural buildings. This should be done in a way that maintains or complements the layout and appearance of traditional rural buildings or groups of buildings. The Farm Steading Design Guidance was adopted as Supplementary Planning Guidance in October 2018. It forms a non-statutory part of the East Lothian Local Development Plan to provide advice for use at pre-application planning discussions. The SPG guides development of specific farm steading conversions throughout East Lothian in line with the Local					

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
Policy	Lead & Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short Medium Long	Progress (2024)
Development Plan policies. It will be used in the determination of planning applications within this area, but does not set a framework for the scale or type of development.					
<u>Cultural Heritage and the Built Environment SPG</u>					
Policy CH2	ELC (lead)/ Developers	East Lothian	Consultation June- July 2018		Adopted October 2018
Conservation Area designation is used to identify areas of special architectural or historic interest. Planning decisions must ensure that the character or appearance of a Conservation Area is preserved or enhanced. There are currently 30 designated Conservation Areas in East Lothian and each has its own distinctive character. Conservation Area Character Statements for 29 Conservation Areas and the more comprehensive Conservation Area Character Appraisal for Inveresk Conservation Area are set out in this SPG. The guidance is a material consideration in planning decisions.					
<u>Special Landscape Areas SPG</u>					
Policy DC9	ELC (lead)/ Developers / Landowner/ SNH/HES	East Lothian	Consultation June- July 2018		Adopted October 2018
The Council has assessed the East Lothian landscape in accordance with Guidance on Local Landscape Designations produced by NatureScot and Historic Environment Scotland. The Plan designates Special Landscape Areas and the boundaries of these areas are shown on the Proposals Map. Supplementary planning guidance on Special Landscape Areas identifies the boundaries of these areas, describes each Special Landscape Area and includes a Statement of Importance for each. Development should accord with this SPG.					
<u>Green Network Strategy SPG</u>					
Policy DC10	ELC (lead)/ Adjoining Local Authorities/ SUstrans / SEPA	East Lothian	Consultation		Adopted February 2019

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
Policy	Lead & Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short Medium Long	Progress (2024)
			November-December 2018		
The Green Network Strategy identifies, describes and illustrates where and how to deliver new or improved green infrastructure, including as part of new development. The Council will have regard to its Green Network Strategy when assessing planning applications.					
<u>Sustainable Drainage Systems SPG</u>					
Policy NH10	ELC (lead)/ Developers / Landowner	East Lothian	Consultation March – April 2019		Adopted June 2019
SuDS SPG has been prepared by East Lothian Council's cross-service SuDS Working Group. It supplements the Local Development Plan 2018 policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities. The SPG sets out the Council's preferred approach to the design, functionality and management of new SuDS features for all types of development to ensure that they are visually attractive, add value in terms of recreation, amenity and biodiversity, and can be maintained effectively.					
<u>Countryside and Coast SPG</u>					
Policy DC8	ELC (lead)/ Developers / Landowner	East Lothian	Consultation July - August 2019		Adopted October 2019
Details of the particular importance of each designated area is set out in supplementary planning guidance on Countryside Around Towns. Development that would harm CAT objectives defined in the SPG will not be permitted.					
<u>Design Standards for New Housing Areas SPG</u>					

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
Policy	Lead & Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short Medium Long	Progress (2024)
Policy DP8	ELC (lead)/ Developers	East Lothian	Consultation November- December 2018 November – December 2019		Adopted May 2020
<p>East Lothian Council requires that high quality design principles are incorporated into the design and layout of all new developments. Designing better places to live, work and play that improve the integration of places, people and their movement needs represents a move towards realising such objectives. The Council’s Design Standards for New Housing Areas SPG seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places.</p>					
ClimatEvolution Vision and Action Plan (SPG)					
	ELC (lead)/ Developers	East Lothian	Draft Document Consultation June – July 2020		Autumn 2020
<p>East Lothian Council has been working in partnership with the Scottish Government, The Lothian Drainage Partnership, SEPA, Scottish Water and NatureScot to prepare a document called the ClimatEvolution Vision and Action Plan. This document is a place-based response to East Lothian Council’s Climate Change Strategy, approved by Cabinet on the 21st January 2020 and interacts with the existing communities of Tranent, Prestonpans, Cockenzie and Port Seton and Longniddry and Macmerry. The aim of the ClimatEvolution Vision and Action Plan is to ensure that a major area of development in the</p>					

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
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county can become a national example of environmentally-friendly and inclusive development. More information on the ClimatEvolution Vision and Action Plan is available at Proposed ClimatEvolution SPG Local Development Plan East Lothian Council					
Blindwells Development Area Design Framework					
Policy BW3	ELC (lead)/ Developers / Landowners / SEPA /SNH (other key agencies may also be involved)	Blindwells	Draft Document		Work is on-going Please see <i>Update on Regional Strategic Sites Programme and Recommendation to Prepare a Strategic Outline Business Case for Blindwells New Settlement</i> Agendas, reports and minutes East Lothian Council
Mixed use allocation including circa. 1,600 homes, 10 hectares of employment land and a new local centre. Long term expansion to the east to around 6,000 homes with more employment land and other mixed land uses including a sub-regional town centre.					
Waste Management Supplementary Planning Guidance					
Policies: W1, W2, W3, W4	ELC (lead)/ Developers	All in East Lothian	n/a		The adopted Design Standards for New Residential Areas SPG incorporates certain guidance on waste management techniques.
The adopted Design Standards for New Residential Areas SPG includes guidance and requirements relevant to waste management. This SPG sufficiently promotes positive steps to better manage waste issues in new residential developments and ensure that schemes consider appropriate waste management techniques. Currently, the Planning Service is not engaged in the preparation of a bespoke guidance on waste management issues.					

GUIDANCE ACTION 1 ADOPTION OF LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE					
Policy	Lead & Joint Working	Dependant Sites Allocation / Application	Timing & Next Steps	Time: Short Medium Long	Progress (2024)
<i>Wind SPG</i>					
Policies: WD1, WD2, WD3, W4, WD5	ELC (lead)/ Developers/ Landowner/ Other Parties	East Lothian	n/a		Monitoring of the existing wind energy developments.
The LDP states that the Council may publish supplementary planning guidance on re-powering (Policy WD5). This is being considered as part of the LDP2 process.					

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
GROWING OUR ECONOMY AND COMMUNITIES				
GENERAL URBAN DEVELOPMENT POLICIES				
Policy TC1: 'Town Centre First' Principle	East Lothian's town centres are a key element of the area's economic and social fabric, acting as service hubs for the areas around them and contributing to local identity. The Council supports the 'town centre first' principle, which promotes an approach to decision-making that considers the health and vibrancy of town centres.	<ul style="list-style-type: none"> • A sequential 'town centre first' approach will be applied where appropriate to development proposals that would attract significant footfall. • Management and monitoring of planning applications through the DM process to monitor compliance with policy. 	ELC (lead)/ Developers	Ongoing monitoring
Policy TC2: Town and Local Centres	Within a town or local centre, uses that will be acceptable in principle include retailing, business and office use, restaurants, leisure and entertainment and the principle of a change of use from one of these uses to another will be supported.	<ul style="list-style-type: none"> • Regular retail health checks • Preparation of Town Centre Strategies which will also inform LDP2. • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Proactive meetings with local retail representatives. • Awareness of changing economic and shopping patterns and 	ELC (lead)/ Developers / Local traders	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		continued protection the existing centres.		
Policy TC3: Protection of Local Facilities	Within smaller villages changes of use of the last shop or public house will only be permitted where there is evidence that the premises is no longer viable.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Community	Ongoing monitoring
Policy TC4: Hot food Outlets	Hot food take-aways have the potential to raise particular issues for local residential amenity due to noise and smell, and road safety resulting from parking impacts.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Monitor effectiveness of appropriate policies. 	ELC (lead)/ Developers/ Community	Ongoing monitoring
Policy RCA1: Residential Character and Amenity	The predominantly residential character and amenity of the existing or proposed housing areas will be safeguarded from the adverse impact of uses other than houses.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Community	Ongoing monitoring
PLANNING FOR EMPLOYMENT				
Policy EMP1: Business and	Within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 are supported. Other employment	<ul style="list-style-type: none"> • Prepare development briefs as appropriate. 	ELC (lead)/ Developers/ Community	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Employment Locations	generating uses may also be supported in these locations subject to Policy TC1 and provided there would be no amenity conflicts or other unacceptable impacts.	<ul style="list-style-type: none"> • Safeguard other business land from inappropriate alternative uses. • Direct business and tourism proposals towards Business Locations. 		
Policy EMP2: Operational Harbours	Within harbours areas the Council will give preference to uses that relate to fishing or other industry connected with the harbour. The council will consider other uses provided they do not prejudice these uses.	<ul style="list-style-type: none"> • Permit only proposals which do not undermine strategic purposes of the harbours. • Monitor effectiveness of appropriate policies. 	ELC (lead)/ Harbour Operators/ Developer/ Community	Ongoing monitoring
TOURISM				
Policy TOUR1: Archerfield Estate, Dirleton	Continue to support the principle of high quality golf based hotel, leisure and recreation development provided these will not have an adverse effect upon the integrity of the Firth of Forth SPA.	<ul style="list-style-type: none"> • Permit only proposals which do not undermine strategic purposes of the SPA. • Monitor effectiveness of appropriate policies. 	ELC (lead)/ Archerfield Estate	Ongoing monitoring
Policy TOUR2: Belhaven Chalets	Support the continued use of the Belhaven chalets as holiday accommodation.	<ul style="list-style-type: none"> • Permit only proposals which do not undermine strategic purposes of the SPA. 	ELC (lead)/ Developer/ Community	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> • Monitor effectiveness of appropriate policies. 		
Policy TOUR3: Dunbar Vaults	Continue to support the principle of proposals for a commercial or tourist related development.	<ul style="list-style-type: none"> • Permit only proposals which do not undermine strategic purposes of the SPA. • Monitor effectiveness of appropriate policies. 	ELC (lead)/ Developer/ Community	Ongoing monitoring
Policy TOUR4: Hotels and Guest Houses	Proposals for the change of use of hotels and guest houses will be resisted unless it can be clearly demonstrated that all reasonable efforts have been made to retain the property.	<ul style="list-style-type: none"> • Steer business and tourism proposals towards these Locations. • Monitor effectiveness of appropriate policies. 	ELC (lead)/ Developer/ Community	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
PLANNING FOR HOUSING				
Policy HOU1: Established Housing Land	The Council continues to support the development of the established housing land supply in East Lothian, including the effective land supply as well as unconstrained and constrained sites, as set out in Housing Land Audit 2019.	<ul style="list-style-type: none"> • Monitor effectiveness of land supply, site phasing and completions through Housing Land Audit process. • Prepare development briefs as appropriate. • Monitor effectiveness of appropriate SG. 	ELC (lead)/ Homes for Scotland / Developers/ Housing Associations	Ongoing monitoring
Policy HOU2: Maintaining an Adequate 5 Year Effective Housing Land Supply	Policy 16 of NPF4 supersedes the requirement for a five-year effective housing land supply. NPF4 MATHLR represents the most up to date target for housing land within the development plan.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Regular monitoring through the Housing Land Audit, the Local Housing Strategy and the Strategic Housing Needs and Demand Assessment. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring
Policy HOU3: Affordable	Development proposals that in their totality will bring forward 5 or more dwellings must make provision for 25% of the total number of	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developer/	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Housing Quota	housing proposed for the site to be affordable.	<ul style="list-style-type: none"> • Must be consistent with all relevant policies and • Must be consistent with the Affordable Housing SPG. 	Housing Associations	Supplementary Planning Guidance on Affordable Housing adopted in 2019
Policy HOU4: Affordable Housing and Tenure Mix	A wide range of housing tenures can be affordable. A wide tenure mix and delivery partners can help ensure housing, including affordable housing, is delivered. The LDP's policies and proposals take this and the need for affordable housing into account.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with all relevant policies and • Must be consistent with the Affordable Housing SPG. 	ELC (lead)/ Developers/ Housing Associations/ District Valuer	Ongoing monitoring Supplementary Planning Guidance on Affordable Housing adopted in 2019
Policy HOU5: Residential Care & Nursing Homes – Change of Use	Change of use will not be supported unless continued use as a care home is not operationally viable, and it is impossible to make it so either by investment or sale to another operator.	<ul style="list-style-type: none"> • Monitor effectiveness of appropriate policy. • Regular assessment through the Local Housing Strategy and the Strategic Housing Needs and Demand Assessment. • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring Supplementary Planning Guidance on Affordable Housing adopted in 2019.

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy HOU6: Residential Care & Nursing Homes – Location	Developers of residential care and nursing homes are encouraged to use sites within settlements.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Monitor effectiveness of appropriate policy. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring
Policy HOU7: Housing in Multiple Occupation	Where planning permission for a change of use to a House in Multiple occupations is required it will be supported providing it meets the policy criteria.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Monitor effectiveness of appropriate policy. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring
Policy HOU8: Gypsy/ Traveller Sites	The Council is supportive of the principle of further small, privately-owned Gypsy/Traveller sites.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)	Ongoing monitoring
EDUCATION, COMMUNITY AND HEALTH AND SOCIAL CARE FACILITIES				
Policy SECF1: Safeguarded	The continued use of land currently occupied by education and community facilities is	<ul style="list-style-type: none"> • Management and monitoring of planning applications, particularly in relation to sites 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Education and Community Facilities	supported. Shared use by relevant service providers will be encouraged where appropriate.	<p>associated with education requirements.</p> <ul style="list-style-type: none"> • Must accord with Policy DEL1: Infrastructure and Facilities Provision and Developer Contributions Framework Supplementary Guidance. • Actively pursue the implementation of the projects identified in priority Action 2. 		
PROP CF1 – Provision of New Sports Pitches and Changing Accommodation	Development proposals for 5 or more homes must make provision for the delivery of new sports pitches and changing accommodation in the relevant contribution zone.	<ul style="list-style-type: none"> • Must also accord with Policy DEL1: Infrastructure and Facilities Provision and Developer Contributions Framework Supplementary Guidance. • Actively pursue the implementation of the projects identified in priority Action 2. 	ELC (lead)/ Developers	Ongoing monitoring

HEALTH AND SOCIAL CARE FACILITIES

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy HSC1: Health Care Sites	East Lothian Council supports the wider provision of locally accessible health care facilities through the retention of adequate land for health care use. Where land was last used for public health care, alternative uses will not be considered unless the Council is satisfied the land is no longer needed.	<ul style="list-style-type: none"> Management and monitoring of planning applications, particularly in relation to sites associated with health requirements. 	ELC (lead)/ Developers/ Health Care Providers	Ongoing monitoring
PROP HSC2 – Health Care Facilities Proposals	NHS Lothian and the East Lothian Health and Social Care Partnership have identified proposals to help address demand for services and additional projects may also be identified in future.	<ul style="list-style-type: none"> Management and monitoring of planning applications, particularly in relation to sites associated with health requirements. 	ELC (lead)/ Developers/ Health Care Providers	Ongoing monitoring <ul style="list-style-type: none"> A new East Lothian Community Hospital and Campus at the site of Roodlands Hospital in Haddington completed in 2020. It is a modern development comprising various non-emergency services. The central location in Haddington means that it is in general easily accessible including by public transport. It provides care for all parts of East Lothian.

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
				<ul style="list-style-type: none"> Additional GP capacity has recently been delivered in Ormiston, Tranent and Musselburgh.
OPEN SPACE AND PLAY PROVISION				
Policy OS1: Protection of Open Space	The loss of areas of open space that have significant amenity or recreational value will be resisted by the Council, unless their function is not harmed or appropriate alternative provision can be made locally.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the terms of the policy. 	ELC (lead)/ Developers	Ongoing monitoring
Policy OS2: Change of use to Garden Ground	Change of use of public open space to garden ground will be supported if it will not result in unacceptable loss of visual or recreational amenity.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the terms of the policy. 	ELC (lead)/ Developers	Ongoing monitoring
Policy OS3: Minimum Open Space Standard for New General Needs	The Council's Open Space and Sports Pitch Strategy 2012 assesses the supply of recreational facilities and open space against existing and anticipated demand. This has informed the Council's site-specific development requirements for such facilities. The land take for such requirements will	<ul style="list-style-type: none"> Must accord with Policies DP1, DP2 and DP4. Must also accord with Policy DEL1: Infrastructure and Facilities Provision and Developer Contributions Framework Supplementary 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Housing Development	contribute towards the overall open space requirement of Policy OS3.	Guidance and the Development Briefs SPG.		
Policy OS4: Play Space Provision in new General Needs Housing Development	In providing for play, the needs of children of all ages and abilities should be taken into account. Opportunities for play should be provided as an integral part of the layout and design of development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring
Policy OS5: Allotment Provision	As provision of allotment space is a statutory duty, the Council must plan for future provision.	<ul style="list-style-type: none"> • Developers to make provision for land within their masterplans for the delivery of allotments as appropriate. • Planning applications will be managed and monitored through the DM process to ensure compliance with the terms of the policy and be consistent with Policy OS3. 	ELC (lead)/ Community Councils/ Developers	Ongoing monitoring
PROP OS6 – Allotment Sites	The Council’s allotment strategy will seek to prioritise provision of allotment space for each cluster area within each cluster area as deemed necessary.	<ul style="list-style-type: none"> • Developers/applicants to make provision for land within their masterplans for the delivery of allotments as appropriate. 	ELC (lead)/ Community Councils/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the terms of the policy and be consistent with Policy OS5. 		
OUR INFRASTRUCTURE & RESOURCES				
TRANSPORT				
Policy T1: Development Location and Accessibility	New Development shall be located on sites that are capable of being conveniently and safely accessed by foot and by cycle, by public transport as well as by private vehicle, including adequate car parking.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Actively pursue the implementation of the projects identified in priority Action 2. • Master plans for certain proposals to incorporate the need for Travel plans. • Regular interaction with statutory bodies to ensure coordinated action. • React to any change appropriately ensuring sustainable transport and 	ELC (lead)/ Developers/ Transport Scotland	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<p>strategic projects are implemented in line with development requirements.</p> <ul style="list-style-type: none"> • Must also accord with Policy DEL1 		
Policy T2: General Transport Impact	New development should have no significant adverse effects on road Safety, walking and cycling, travel times etc.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Actively pursue the implementation of the projects identified in priority Action 2. • Must be consistent with Policy DEL1. 	ELC (lead)/ Developers/ Transport Scotland	Ongoing monitoring
PROP T3: Segregated Active Travel Corridor	The Council will develop a new segregated active travel corridor within East Lothian.	<ul style="list-style-type: none"> • Complete Transport Appraisal / Modelling • Work in partnership with different stakeholders, including adjoining Local Authorities when appropriate • Must be consistent with the Developer Contributions Framework SG • Must be consistent with Policy T32 and Policy DEL1. 	ELC (lead)/ Sustrans/ SEStran/ Scottish Government/ Developers/ local community	<p>Phase 1 of the SATC (Dunbar – Haddington) - designed in Q1 2023.</p> <p>Construction of the section of the Active Freeway through East Linton began in December 2024.</p> <p>Medium term</p> <p>Ongoing monitoring</p>

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> Actively pursue the implementation of the projects identified in priority Action 2. 		
Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy	The Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. Must be consistent with Policy DEL1 and Policy DC10 	ELC (lead)/ Sustrans/ SEStran/ Developers/ Transport Scotland	Ongoing monitoring
PROP T5: Cycle Route Network	The Council will develop and enhance the cycle route network with a Cycling Strategy for East Lothian.	<ul style="list-style-type: none"> Must be linked to regional and national strategies. Consideration for Policy T9 safeguards identified in priority Action 2. Actively pursue the implementation of the projects identified in priority Action 2. 	ELC (lead)/ Sustrans/ SEStran Scottish Government	Medium to Long term Ongoing monitoring
Policy T6: Relocation of road Space and Pedestrian	Ensure that people have access to safe walking routes within urban areas, including to transport interchanges.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Transport Scotland	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Crossing Points				
Policy T7: Information Technology	Opportunities to develop these technologies are promoted to encourage greater use of sustainable transport options.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring
Policy T8: Bus Network Improvements	Council is committed to maintaining bus services throughout the county. Where new development is located within a less accessible location, or where a development would support provision of a new service that is not currently viable, the developer may be required to make a financial contribution towards an agreed level of service for a period of time.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • React to any change appropriately ensuring sustainable transport and strategic projects are implemented in line with development requirements. 	ELC (lead)/ Developer/ Transport Scotland/ Bus Operators	Ongoing monitoring
PROP T12: Railway Station Safeguarding at East Linton	Safeguard land for new East Linton station, carpark and access.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • HRA will be required. 	ELC (lead)/ Network Rail (lead)/ SEStran /Transport	New station delivered

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> Actively pursue the implementation of the projects identified in priority Action 2. 	Scotland / Landowner / SNH	
PROP T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge	Safeguard land for new four line section of track and new rail station, carpark, access and new East Coast Mainline over-bridge.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy HRA will be required. Actively pursue the implementation of the projects identified in priority Action 2. 	ELC (lead)/ Network Rail (lead)/ SEStran / Transport Scotland / Landowner / SNH	Long term aspirational. The Detailed Options Appraisal Report for the Haddington Local Rail Development Fund was sent to Transport Scotland in 2024 and is currently under review.
Policy T14: Longniddry – Haddington Route Safeguard	The Council recognises the potential of the former Longniddry-Haddington branch rail line to be re-used as a public transport link between Haddington, western East Lothian and Edinburgh in the longer term.	<ul style="list-style-type: none"> Regular interaction with statutory bodies to ensure coordinated action. 	ELC (lead)/ Network Rail/ Train operator/ Transport Scotland/SEStran/ Local Access Forum	Long term aspirational. The Detailed Options Appraisal Report for the Haddington Local Rail Development Fund was sent to Transport Scotland in 2024 and is currently under review. For more information please see LRDF available at https://www.transport.gov.sc

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
				ot/public-transport/rail/rail-policy-and-strategy/local-rail-development-fund/
PROP T18: Land Safeguarded for Trunk Road Interchange at Adniston and Eastern Tranent By-pass	Land for potential new trunk road interchange is safeguarded. The Council will continue to investigate the feasibility of a new trunk road interchange at Adniston and an eastern Tranent by-pass, including further assessment and modelling work.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Actively pursue the implementation of the projects identified in priority Action 2. 	ELC (lead)/ Landowner/ Transport Scotland	Long term proposal
Policy T19: Transport Improvements to Musselburgh Town Centre	Council will support and encourage a programme for transport improvements to Musselburgh town centre to improve traffic flow and air quality, including the management of vehicles, parking provision,	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Sustrans/SEStran/ Developers	Ongoing monitoring Will promote Traffic Regulation Orders where necessary.

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	public transport improvements and enhanced pedestrian and cycle routes.	<ul style="list-style-type: none"> • Must accord with Policies T32 and DEL1. 		
Policy T23: Transport Improvements to A198, Meadowmill Roundabout and Bankton interchange	Council support and encourage a programme of transport improvements to the A198 and Meadowmill Roundabout if required to improve traffic flow, public transport provision and enhanced pedestrian and cycle routes.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must accord with Policies T32 and DEL1. 	ELC (lead)/ Sustrans/SEStran Developers/ Transport Scotland	Ongoing monitoring Will promote Traffic Regulation Orders where necessary.
Policy T26: Transport Improvements to Tranent Town Centre	Council support and encourage a programme of transport improvements to Tranent Town Centre if required to improve traffic flow, public transport provision and enhanced pedestrian and cycle routes.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must accord with Policies T32 and DEL1. 	ELC (lead)/ Sustrans/ SEStran/ Developers	Ongoing monitoring Will promote Traffic Regulation Orders where necessary.
Policy T29: Town Centre Parking Strategy	The Council will seek to implement its parking strategy to improve efficiency of the current supply and reduce the negative impacts of parking within settlements.	<ul style="list-style-type: none"> • Monitor effectiveness of policy. 	ELC (lead)/ communities	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy T30: Road Safety and 20mph Limits	The Council shall develop a road safety plan to further invest road safety and introduce 20mph speed limits and zones in residential areas.	<ul style="list-style-type: none"> • Monitor effectiveness of policy. • Develop Road Safety Plan. 	ELC (lead)/ communities	Ongoing monitoring
Policy T31: Electric Car and Bus Charging Points	Council will encourage and support the principle of introducing electric vehicle charging points around both existing and proposed community facilities.	<ul style="list-style-type: none"> • Monitor effectiveness of policy. • Developers will be encouraged to consider EV charging points during the DM process 	ELC (lead)/ Scottish Government/ Developers	Ongoing monitoring
Policy T32: Transport Infrastructure Fund	A package of transport interventions to mitigate the cumulative impact of development on the transport network.	<ul style="list-style-type: none"> • Monitor effectiveness of appropriate policies. • Must be consistent with Policy DEL1. 	ELC (lead) Sustrans/SEStran Transport Scotland/ Developers	Ongoing monitoring
DIGITAL COMMUNICATION				
Policy DCN1: Digital Communications Networks	Council support digital communications infrastructure in principle provided it will not have unacceptable environmental impacts.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy DCN2: Provision for Broadband Connectivity in New Development	Development proposals of 5 or more homes or proposals for employment generating uses with a floor area of 100m ² or larger shall make provision for deliverable opportunities for digital infrastructure.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring
OTHER INFRASTRUCTURE: MAJOR HAZARD SITES AND PIPELINES				
Policy O11: Pipeline Consultation Zone	All planning applications that are within the consultation distance of a notable installation will be referred to the HSE.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developer/ HSE	Ongoing monitoring
Policy O12: Torness Consultation Zone	All relevant planning applications received within a 3km radius of the Torness Generating Station will be referred to the Office of Nuclear Regulation.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developer/ ONR	Ongoing monitoring
Policy O13: Edinburgh Airport Safeguarding Zone:	All planning applications for wind turbine developments within the zone as identified will be notified to the operators of the Edinburgh Airport.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Edinburgh Airport	Ongoing monitoring
ENERGY GENERATION, DISTRIBUTION AND TRANSMISSION				

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy SEH1: Sustainable Energy and Heat	Council supports in principle the 'energy hierarchy' and promotes energy-efficient design in new developments. Community heat schemes are encouraged where they do not harm amenity.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy • Energy statements will be required for determination • Supplementary Planning Guidance to be finalised 	ELC (lead)/ Developer/ Heat Network Partnership / SEPA	Ongoing monitoring
Policy SEH2: Low and Zero Carbon Generating Technologies	The Council is legally obliged to include a policy in the LDP that requires all new development to be designed to ensure new buildings 'avoid a specified and rising proportion of the projected greenhouse gas emissions' through use of low and zero-carbon generating technologies (LZCGT).	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice to encourage energy efficiency and carbon reduction. • Stay up to date with emerging government advice on energy efficiency and carbon reduction. 	ELC (lead)/ Developer	Ongoing monitoring
WIND TURBINES				
Policy WD1: Wind Farms	SPP required the Council to produce a spatial framework for onshore wind farm development in accordance with a prescribed methodology, dividing the area into three	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Renewable	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	groups, and to identify areas of strategic capacity.	<ul style="list-style-type: none"> Monitoring of appeals and decisions. 	Energy Industry/communities	
Policy WD2: Smaller Scale Wind Turbine Developments	Proposals for smaller scale wind development will generally have more local impacts and the spatial framework will not be relevant in guiding developers. Proposals below 12m in height will generally be acceptable where they have a clear visual or operational relationship with other development.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines. 	ELC (lead)/ Developers/communities	Ongoing monitoring
Policy WD3: All Wind Turbines	All freestanding wind turbine and wind farm proposals require to be considered against a number of factors.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. Must be consistent with WD1 and WD2. 	ELC (lead)/ Developers/communities	Ongoing monitoring
Policy WD4: Access Tracks	Access tracks serving wind turbines can sometimes be visually intrusive and can raise issues of drainage, including from lack of maintenance. Such impacts will also require to be assessed	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/Renewable Energy Industry/communities	Ongoing

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy WD5: Re-powering	Subject to compliance with policies WD3 and WD1 or WD2 as appropriate, proposals for re-powering of existing wind turbines and wind farm sites will only be supported if they use existing infrastructure where possible.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must accord with WD3 and/or WD1 or WD2. 	ELC (lead)/ Developers/ Renewable Energy Industry/ communities	Ongoing monitoring
Policy WD6: Decommissioning and Site Restoration	All wind turbines must be decommissioned and the site restored to an appropriate condition with an agreed timescale.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • A Decommissioning Strategy may be required. 	ELC (lead)/ Developers/ Renewable Energy Industry/ communities	Ongoing monitoring
ENERGY GENERATION AND TRANSMISSION				
PROP EGT1 - Former Cockerzie Power Station	The site is safeguarded as a site for future thermal power generation and Carbon Capture and Storage and renewable energy-related investment.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • HRA may well be required. • Must be consistent with 'National Development 3' in the NPF3. 	ELC (lead)/ Scottish Ministers (lead)/ Developers / NatureScot	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
PROP EGT2 - Torness Power Station	It is expected to remain operational until at least 2030 and continues to be safeguarded for power generation.	<ul style="list-style-type: none"> • If power generation ceases during the lifetime of the LDP the Council will seek to facilitate necessary works associated with decommissioning. • A Decommissioning Strategy may be required. 	ELC (lead)	Ongoing monitoring
PROP EGT3 – Forth Coast Area of Co-ordinated Action	Council supports the principle of electricity grid connections on the Forth coast to facilitate off-shore energy generation provided certain criteria are met.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • A HRA will be required. • Developers to work together to minimise impacts by combining infrastructure where possible. 	ELC (lead)/ Developers / SNH	Ongoing monitoring
Policy EGT4: Enhanced High Voltage Electricity Transmission Network	Council supports enhancement of the high voltage electricity network in appropriate locations.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Removal of any redundant lines. 	ELC (lead)/ Developer	Ongoing monitoring
WASTE				

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy W1: Waste Management Safeguards	Existing and committed waste management sites are safeguarded by the Plan.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy • Safeguarding of sites in policy. • Must adhere to the Scottish Government's Zero Waste Plan 2010. 	ELC (lead)	Ongoing monitoring
Policy W2: Waste Management Developments	Waste Management development will be supported in principle on sites allocated for employment. Any proposals for 'Energy for Waste' facilities should enable links to be made to potential users of renewable heat and energy.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with Policy EMP1 and Policy SEH1. 	ELC (lead)/ Developer	Ongoing monitoring
Policy W3: Waste Separation and Collection	All new development should include appropriate provision for waste separation and collection.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with the Waste (Scotland) Regulations and Zero Waste Plan. 	ELC (lead)/ Developer	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy W4: Construction Waste	Site Waste management plans should be submitted with all planning applications for major developments.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Requirement for Waste Management Plans. • Must be consistent with Zero Waste Plan. 	ELC (lead)/ Developers	Ongoing monitoring
MINERALS				
Policy MIN1: Protection of Mineral Reserves	Mineral reserves should be protected from sterilisation.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with other relevant policies. 	ELC (lead)	Ongoing monitoring
PROP MIN2: Safeguard Oxwellmains Limestone Quarry	The existing operational Quarry is safeguarded for the continued extraction of this mineral resource.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Safeguarding of sites listed in the policy. 	ELC (lead)	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
PROP MIN3: Safeguard Longyester and Skatteraw Sand and Gravel Quarries	The existing operational sand and gravel Quarries are safeguarded for the continued extraction of this mineral resource.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Safeguarding of sites listed in the policy. 	ELC (lead)	Ongoing monitoring
PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries	The existing hard rock Quarries are safeguarded for the continued extraction of this mineral resource.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Safeguarding of sites listed in the policy. 	ELC (lead)	Ongoing
Policy MIN5: Mineral Resources	Proposals for the winning and working of minerals including hard rock, sand and gravel and limestone will not, normally be permitted, with some exceptions granted.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developer	Ongoing
Policy MIN6: Opencast Coal Extraction	Proposals for Opencast coal extraction will be supported where they are proven to be acceptable.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developer	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> • Must be consistent with Policy MIN8. 		
Policy MIN7: Onshore Oil and Gas	The extraction of onshore oil and gas, including copal bed methane and associated infrastructure will only be supported where it is proven to be acceptable.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with Policy MIN8. 	ELC (lead)/ /Developer	Ongoing monitoring
Policy MIN8: Mineral Extraction Criteria	Proposals for surface mineral extraction or for the extraction of onshore oil or gas or coal bed methane will only be permitted where there will be no significant impact on the environment or local community.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Consideration for PAN50 	ELC (lead)/ Developers	Ongoing monitoring
Policy MIN9: Supporting information	Proposals for surface mineral extraction and for the extraction of onshore oil and gas including coal bed methane must be supported by specific details in the policy.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Method Statement required. • Must be consistent with other appropriate policies. 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
MIN10: Restoration and Aftercare	The quality of restoration and the after use of minerals sites are key considerations that will be taken into account before planning applications for mineral working are determined.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC /Developer	Ongoing monitoring
MIN11: Prior Extraction of Shallow Coal	Proposals for new built development within the East Lothian Coalfield that would result in the unnecessary permanent sterilisation of known workable reserves of shallow coal will only be permitted if there is an overriding need for the development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with other appropriate policies. 	ELC (lead)/ Developers	Ongoing monitoring
DIVERSE COUNTRYSIDE AND COASTAL AREAS				
Policy DC1: Rural Diversification	The Council supports the principle of new built development in the countryside to accommodate an appropriate countryside use or other business, tourism or leisure development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with policies NH1 and DC6. 	ELC (lead)/ Developers	Ongoing monitoring
Policy DC2: Conversion of rural buildings to housing	Conversions of appropriate buildings on the countryside to residential use will be supported where they meet the terms of the policy.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring Farm Steading Design Guidance SPG adopted in 2018

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> • Pre-application advice will be available. 		
Policy DC3: Replacement dwellings in the countryside	As a further exception to the general presumption against new housing in the countryside, replacement of an existing permanent dwelling may be supported in some limited circumstances.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Provide pre-application advice 	ELC (lead)/ Developers	Ongoing monitoring
Policy DC4: New Build housing in the countryside	The Plan has a general presumption against new housing in the countryside, but exceptionally a new house may be justified on the basis of an operational requirement of a rural business.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Provide pre-application advice 	ELC (lead)/ Developers	Ongoing monitoring
Policy DC5: Housing as enabling development	The Council may exceptionally be willing to support an element of new build housing as enabling development to help deliver another form of development (other than for residential development or infrastructure) that is supported in principle in a countryside location under policy DC1.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. 	ELC (lead)/ Developers	Ongoing monitoring
Policy DC6: Development in the Coastal Area	Development proposals in coastal locations will be assessed against the qualities of the coastal area and other relevant Plan policies for the location, including those on	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring Countryside and Coast SPG adopted in 2019

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	development in the countryside where relevant.	<ul style="list-style-type: none"> • Pre-application advice will be available. 		
Policy DC7: Development in the Edinburgh Green Belt	To ensure that the benefits of the green belt are maintained new development is generally restricted to limited circumstances. Proposals will also be assessed against relevant countryside or coastal policies.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. • Must be consistent with other appropriate policies. 	ELC (lead)/ Developers	Ongoing monitoring
Policy DC8: Countryside Around Towns	There are a number of areas beyond the Edinburgh Green Belt that are also subject to development pressure but should be retained as open or undeveloped. Countryside Around Town designations will apply and their objectives will be to conserve the landscape setting, character or identity of certain towns and villages.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with other appropriate policies. • CAT Areas Supplementary Planning Guidance to be finalised. 	ELC (lead)/ Developers	Ongoing monitoring Countryside and Coast SPG adopted in 2019
DC9: Special Landscape Areas	The Council has assessed the East Lothian landscape in accordance with Guidance on Local Landscape Designations produced by	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ SNH/HES/ Developers	Ongoing monitoring Special Landscape Areas SPG adopted in 2018

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	Scottish Natural Heritage and Historic Scotland.	<ul style="list-style-type: none"> • SLA Supplementary Planning Guidance to be finalised. 		
Policy DC10: The Green Network	All relevant development must contribute to the Green Network in accordance with the relevant Development Brief and the Council's SPG.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy and SPG. • Must be consistent with relevant development briefs. • Green Network Strategy to be finalised. 	ELC (lead)/ Developers	Ongoing monitoring Green Network Strategy SPG adopted in 2019
Policy DC11: Roadside Advertisements	The display of advertisements in the countryside has the potential to harm its character and appearance, and it is therefore necessary to control such development	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring
OUR NATURAL AND CULTURAL HERITAGE				
Policy NH1: Protection of Internationally Designated Sites	If a development proposal is likely to have a significant effect on a Natura 2000 or Ramsar site either individually or cumulatively with other projects (and is not directly connected to its nature conservation management), the	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ SNH	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	Council must carry out an Appropriate Assessment under the Habitats Regulations to establish the implications for site's conservation interest and if there would be any adverse effect on the integrity of the Natura 2000 site.			
Policy NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites	Development that would adversely affect a SSSI or GCR site will only be permitted where it can meet the terms of the policy.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be considered against Policy NH3. 	ELC (lead)/ Developers/ SNH	Ongoing monitoring
Policy NH3: Protection of Local Sites and Areas	Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Conservation or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the public benefits of the development to the local area and suitable mitigation will be secured.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy NH4: European Protected Species	Proposals that may have an impact on European protected species will only be permitted where they meet the terms of the policy.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Provide pre-application advice Must be consistent with the ELBAP. 	ELC (lead)/ Developers	Ongoing monitoring
Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species	Developers must demonstrate, where relevant, how impacting on biodiversity and geodiversity have been addressed as part of their proposals. Sufficient supporting information should be submitted.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. • Must be consistent with the ELBAP. 	ELC (lead)/ Developers	Ongoing monitoring
Policy NH6: Geodiversity Recording and Alternative Exposures	Where it is not possible to retain a significant geodiversity feature in situ, it should be recorded prior to development. Where such an exposure will be lost and it is practicable to provide an alternative, this may be required.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy NH7: Protecting Soils	The Council aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Landowner	Ongoing monitoring
Policy NH8: Trees and Development	The aim of policy on trees is to give protection to trees and woodland, in fulfilment of the Council's biodiversity duty and as an important part of promoting sustainable development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Landowners	Ongoing monitoring
Policy NH9: Water Environment	Where relevant, new development should protect and, where appropriate, enhance the water environment.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must be consistent with WFD and WEWS, Flood Risk Management Plans and SEPA's Indicative River and Coastal FloodMap. • Remain up to date with legislation and guidance from Government and statutory 	ELC (lead)/ Developers/ SEPA/Landowners /Riparian owners/Scottish Water/NatureScot	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<p>bodies and ensure compliance with emerging policy.</p> <ul style="list-style-type: none"> • Close liaison with key agencies particularly Scottish Environment Protection Agency, Scottish Water, and Scottish Natural Heritage. 		
Policy NH10: Sustainable Drainage Systems	All development proposals must demonstrate that appropriate provision for SUDs has been made.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Close liaison with key agencies particularly Scottish Environment Protection Agency, Scottish Water. • Must be consistent with WFD and WEWS, Flood Risk Management Plans and SEPA's Indicative River and Coastal FloodMap. 	ELC (lead)/ Developers/ SEPA/ Scottish Water /NatureScot	Ongoing monitoring SuDS SPG adopted in 2019

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy NH11: Flood Risk	Development that would be at an unacceptable risk of flooding will not be permitted.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Careful attention to flood risk as part of the DM process and through the statutory requirements imposed by the Flood Risk Management Plan. • Awareness of emerging legislation and reacting appropriately. 	ELC (lead)/ Developers/ SEPA/ Scottish Water	Ongoing monitoring
Policy NH12: Air Quality	Impacts on Air Quality will be taken into account in assessing development proposals, particularly within and close to any Air Quality Management Area (AQMA).	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available. • Careful attention to air quality as part of the DM process and through the statutory 	ELC/Transport Scotland/ Developer	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<p>requirements imposed by the AQMP.</p> <ul style="list-style-type: none"> • Awareness of emerging legislation and reacting appropriately. • Air Quality Action Plan to be finalised October 2016. 		
Policy NH13: Noise	The impact of noise will be taken into account when assessing relevant development proposals.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will be available with Council's Environmental Protection Service. • Noise impact Assessments must be consistent with PAN1/2011 • Awareness of emerging legislation and reacting appropriately. 	ELC (lead)/ Developers/ Transport Scotland	Ongoing monitoring. It should be noted that it is the responsibility of the developer and not Transport Scotland to ensure that there is no adverse effects from trunk road noise on new developments.

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
CULTURAL HERITAGE				
Policy CH1: Listed Buildings	Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Awareness of emerging legislation and reacting appropriately. 	ELC (lead)/ Developers/ HES	Ongoing monitoring Cultural Heritage and the Built Environment SPG adopted in 2018
Policy CH2: Development Affecting Conservation Areas	All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architecture or historic character or appearance of the Conservation Areas.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Cultural Heritage and the Built Environment Supplementary Planning Guidance to be finalised • Comprehensive Conservation Area Character Appraisals and Management Plans to replace Character Statements. 	ELC (lead)/ Developers/ HES	Ongoing monitoring Cultural Heritage and the Built Environment SPG adopted in 2018
Policy CH3: Demolition of an Unlisted Building in a	Demolition of an unlisted building within a Conservation Area requires Conservation Area Consent. Where a building makes a positive contribution to the area it should be retained.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ HES	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Conservation Area		<ul style="list-style-type: none"> • Cultural Heritage and the Built Environment Supplementary Planning Guidance to be finalised. • Comprehensive Conservation Area Character Appraisals and Management Plans to replace Character Statements. • Consideration to be given to relevant Development Briefs. 		Cultural Heritage and the Built Environment SPG adopted in 2018
Policy CH4: Scheduled Monuments and Archaeological Sites	The preservation in situ of important archaeological remains will always be preferred. Where development is proposed within areas of archaeological potential the developer must commission and make available to the Planning Authority, an archaeological assessment as part of any planning proposals. If significant archaeological remains are uncovered, the developer is encouraged to make provision for public accessibility and community involvement.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Comprehensive Conservation Area Character Appraisals and Management Plans to replace Character Statements. • Consideration to be given to relevant Development Briefs. 	ELC (lead)/ Developers/ HES	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy CH5: Battlefields	The effect of proposed development on the historical and archaeological significance of designated battlefield areas is a material planning consideration. Development should not adversely impact on the archaeological resource or the landscape context, including key views to from or within the battlefield.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Consideration to be given to relevant Development Briefs. • 	ELC (lead)/ Developers/ HES	Ongoing monitoring
Policy CH6: Gardens and Designed Landscapes	Impacts of development proposals on gardens and designed landscapes will be a material planning consideration. Planning applications that may affect a garden or designed landscape will not be permitted.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Awareness of emerging legislation and reacting appropriately. • Consideration to be given to relevant Development Briefs. 	ELC (lead)/ Developers/ HES	Ongoing monitoring
Policy CH7: Greywalls, Gullane	Development that harms the landscape setting of Greywalls and its associated Designed Landscape will not be permitted.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Consideration to be given to relevant Development Briefs. 	ELC (lead)/ Developers/ HES	Ongoing monitoring
Policy CH8: West Road	This greenfield land forms a prominent open area on the approaches to the town centre,	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through 	ELC (lead)/ Developers/	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Field, Haddington	framing the housing surrounding it on three sides and allowing for expansive southern views. In so doing it contributes to the character and appearance of the Conservation Area. It may be possible to accommodate some limited, carefully located and well-designed housing, appropriate to its site and location.	<p>the DM process to ensure compliance with the policy.</p> <ul style="list-style-type: none"> Comprehensive Conservation Area Character Appraisals and Management Plans to replace Character Statements. 	HES	
Policy CH9: High Street/Inch View, Prestonpans	In considering development proposals on vacant or underused land on the coastal side of High Street/Inch View, the Council must be satisfied that the overall amenity of the area will not be harmed by the loss of important seaward views.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ HES/SEPA	Ongoing monitoring
DESIGN				
Policy DP1: Landscape Character	New development must integrate with the existing landscape and townscape of the area, maximise the potential to make connections with the surroundings and reflect local vernacular architectural styles.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. Preparation of Design Standards for New Housing Areas SPG. 	ELC (lead)/ Developers	Ongoing monitoring Design Standards for New Housing Areas SPG adopted in 2020

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
		<ul style="list-style-type: none"> • Adoption of Development Briefs SPG. 		
DP2: Design	The design of all new, with the exception of change of use and alterations and extensions to existing building must adhere to the policy criteria.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Preparation of Design Standards for New Housing Areas SPG. • Adoption of Development Briefs SPG. 	ELC (lead)/ Developers	Ongoing monitoring Design Standards for New Housing Areas SPG adopted in 2020
DP3: Housing Density	All new housing sites will be expected to achieve a minimum average density of 30 dwellings per ha (net) using a full range of housing types and sizes.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Pre-application advice will give guidance on housing mix. • Master plans for the strategic development opportunities reflect this as a key priority. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring Design Standards for New Housing Areas SPG adopted in 2020
Policy DP4: Major Development Sites	Where major housing, employment or mixed use development is proposed, the developer must provide sufficient information from the	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers/ Housing Associations	Ongoing monitoring Development Briefs SPG

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
	outset to allow the design quality of the whole development to be assessed and secured.	<ul style="list-style-type: none"> • Master plans for the strategic development opportunities reflect this requirement as a key priority. • Adoption of Development Briefs SPG. 		<p>Design Standards for New Housing Areas SPG adopted in 2020</p> <p>Ongoing monitoring</p>
DP5: Extensions and Alterations to Existing Buildings	Extensions and alterations must be well designed and respect the character of the existing building and its surroundings. Generally, any alteration or extensions of, an existing building should be designed to appear as an integral part of the original building.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. 	ELC (lead)/ Developers	Ongoing monitoring
DP6: External Security (unlisted buildings and buildings out with a Conservation Area)	External security should be designed to allow the frontage and display area of the building to remain visible.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Policy CH2 may apply. • Must be consistent with all associated policies and guidance. 	ELC (lead)/ Developers/HES	Ongoing monitoring
Policy DP7: Infill, Backland and Garden	In built up areas, infill sites and backland sites can be suitable for new development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through 	ELC (lead)/ Developers	Ongoing monitoring

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Ground Development		<p>the DM process to ensure compliance with the policy.</p> <ul style="list-style-type: none"> All proposals for infill and backland development must be consistent with the general development policies outlined in DP1 and DP2. 		
Policy DP8: Design Standards for New Housing Areas	East Lothian Council requires that high quality design principles are incorporated into the design and layout of all new developments.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy Must adhere to Design Standards for New Housing Areas SPG and any other relevant policies. 	ELC (lead)/ Developers	Ongoing monitoring Design Standards for New Housing Areas SPG adopted in 2020
Policy DP9: Development Briefs	Proposals for the development of sites that are subject to a Development Brief must conform to the relevant framework or brief.	<ul style="list-style-type: none"> Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. Must adhere to Development Briefs SPG and any other relevant policies. 	ELC (lead)/ Developers	Ongoing monitoring Development Briefs SPG adopted in 2018
DELIVERY				

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
Policy DEL1: Infrastructure and Facilities Provision	New development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development.	<ul style="list-style-type: none"> • Planning applications will be managed and monitored through the DM process to ensure compliance with the policy. • Must adhere to Developer Contributions Framework Supplementary Guidance as well as other plans and guidance as relevant. 	ELC (lead)/ Developers	<p>Ongoing monitoring. Developer Contributions Framework Supplementary Guidance adopted in 2019.</p> <p>Delivery of all allocated sites in East Lothian has not been achieved therefore some interventions eg transport improvements are not necessary until LDP1 is concluded.</p> <p>Due to recent year inflationary pressures, the cost of the proposed interventions will have grown. Indexation has not kept pace with these pressures; therefore a financial re-assessment of the proposed interventions is overdue and will be included in the Proposed LDP2 Delivery</p>

GUIDANCE ACTION 2 LOCAL PLAN POLICIES & PROPOSALS				
Policy	Policy content	Action	Lead & Joint Working	Update on actions required to deliver policies and proposals contained in the LDP
				Programme (due to be in place in late 2025).

3.2 To enable additional development in East Lothian further investment will be required from NHS Lothian and developers to meet the health care needs of an increased population. Health facilities comprise of hospitals, general practitioners and dental care, and they are an essential part of infrastructure for all communities. East Lothian has 10 premises providing accommodation for 15 GP Practices. These comprise NHS owned primary care centres, NHS owned individual practice premises, practice owned medical centres and premises leased from private landlords. There are 18 premises providing General Dental Services and 2 locations providing Public Dental Service (East Lothian Community Hospital and MPCC). There are currently no General Dental Services in buildings which house other primary care services, in East Lothian.

It should be noted that nearly all GP practices in the county are run by GPs as independent contractors and developer contributions for expansion of existing premises will not be sought. However, NHS Lothian will require new premises for GP services at Blindwells, and developer contributions will be required. Following representations received on the 2016 Proposed Plan, the Reporter agreed with the Council’s position that it is justified to seek developer contributions towards primary healthcare facilities at Blindwells. It is still the intention of the East Lothian Health and Social Care Partnership (HSCP) not to ask for developer contributions for any area, bar Blindwells. NHS Lothian and the East Lothian Health and Social Care Partnership have identified a number of proposals to help address demand for services within East Lothian. The table below sets out the key proposals and interventions.

HEALTH CARE FACILITIES PROPOSALS					
Location	Intervention	Cost (including contingency)	Developer Proportion	Dependant Sites	Delivery Lead
MUSSELBURGH					
General Practitioner Services / Community Health Services	The two Musselburgh Practices: Riverside and Inveresk are accommodated in purpose-built premises in the Musselburgh Primary Care Centre completed in 2012. Although the building can accommodate projected population growth in and around Musselburgh, the two Practices are at capacity and would need to recruit further GP and practice team staff to accommodate the projected increase in population. This is a revenue issue not appropriate to address via developer contributions.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership

HEALTH CARE FACILITIES PROPOSALS					
Location	Intervention	Cost (including contingency)	Developer Proportion	Dependant Sites	Delivery Lead
PRESTONPANS					
General Practitioner Services / Community Health Services	To meet existing population growth a £2m renovation and extension of Prestonpans Group Practice was completed in 2017. The Cockenzie Health Centre (Harbours Medical Practice) which has had an extension built and completed in 2022 (planning application 19/01101/P). Housing developments south of Longniddry will require increased primary care provision for circa 1,500 people. The HSCP will in due course arrange for GP cover for the area concerned. Edinburgh Road/Dolphingstone development, which will house 600 people, is covered by Riverside Practice, having previously been outside existing practice boundary area catchments. This is a revenue issue not appropriate to address via developer contributions.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership
TRANENT					
General Practitioner Services / Community Health Services	Having been extended (£1.5m extension completed in 2014), Tranent Medical Practice has sufficient capacity to respond to the circa 500 population growth resulting from committed developments. However, the proposed developments will create extra pressure and there is a need for on-going monitoring to measure the success of newly established practice in meeting anticipated demands over time. Any additional demand beyond the capacity of Tranent Medical Practice	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership

Location	Intervention	Cost (including contingency)	Developer Proportion	Dependant Sites	Delivery Lead
	would need to be met by expansion of existing facility. Land is safeguarded in Tranent for expansion of the medical practice.				
ORMISTON					
General Practitioner Services / Community Health Services	As Ormiston Practice is within a new building it has spare capacity to respond to the population growth expected within its catchment area. Data obtained for the period 2012-23 shows this GP surgery grew by as much as 33%.	N/A	N/A		NHS Lothian/ East Lothian Health and Social Care Partnership
BLINDWELLS					
General Practitioner Services / Community Health Services	Initial development of a new GP Practice for Blindwells residents might first be accommodated in the short term within another practice until new dedicated premises provision in Blindwells is available. The first stage requirement for primary care premises on the Blindwells site would serve 5,000 patients and would need approximately 600m ² of premises to accommodate a GP practice and attached services – this would be at an initial cost of around £2m which could be provided by a developer in a way other than capital contribution.* The approval of planning permission for BW1 makes provision for such capacity to be provided.	Capital and land issue. Currently no site size identified but initial cost of £1,800,000	£1,800,000	Blindwells 1600	NHS Lothian / East Lothian Health and Social Care Partnership/ Developer Contributions

*please note that ELC is working with NHS Lothian to establish the current requirements for this health facility. More information will be provided as in the Proposed LDP2 Delivery Report later in 2025.

Location	Intervention	Cost (including contingency)	Developer Proportion	Dependant Sites	Delivery Lead
HADDINGTON					
General Practitioner Services / Community Health Services	Current housing commitments will create pressure on the three existing practices: Lammermuir Medical Practice, The Orchard Medical Practice and Tyne Medical Practice, which are all within the Newtonport Surgery building, which is under considerable space pressure and has very limited potential for extension. Possible relocations options, such as onto the new East Lothian Community Hospital site in Haddington are identified in the LDP. The new East Lothian Community Hospital includes all services provided previously in Roodlands and Herdmanflat Hospital. The new build is also able to support patients previously in Haddington Care Home, Crookston Care Home, and Midlothian Community Hospital.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership
DUNBAR					
General Practitioner Services / Community Health Services	The Dunbar Medical Centre accommodates three Practices: Cromwell Harbour Medical Practice, Lauderdale Medical Practice and Whitesands Medical Practice. The Practices have some room to grow to meet the committed population growth of 2,500 and the further population growth.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership
EAST LINTON					
General Practitioner Services / Community Health Services	The impact on East Linton Surgery from population growth is expected to be minor.	N/A	N/A	N/A	

Location	Intervention	Cost (including contingency)	Developer Proportion	Dependant Sites	Delivery Lead
Health Services					
NORTH BERWICK					
General Practitioner Services / Community Health Services	With a projected increase in population of circa 1,800 people, North Berwick Group Practice will be unable to cope and will need to be extended or reprovided. Potential locations for this either separate or related to the reprovision of the services with Edington Hospital are being considered by the HSCP.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership
GULLANE					
General Practitioner Services / Community Health Services	The new building accommodating Gullane Medical Practice has inbuilt capacity sufficient to respond to projected population growth.	N/A	N/A	N/A	NHS Lothian/ East Lothian Health and Social Care Partnership

4 Monitoring and Assessment for LDP Review

4.1 The LDP is a statutory document and the Council has a responsibility to revise the current Plan and deliver a new LDP which takes account of recent planning reforms introduced by the [Planning \(Scotland\) Act 2019](#). The Act sets out requirements and timescales for the delivery of an LDP, and this is supported by [The Town & Country Planning \(Development Planning\) \(Scotland\) Regulations 2023](#). As part of the LDP2 preparation process East Lothian Council has approved and submitted the Evidence Report to Scottish Ministers for approval as part of the Gate Check process. Scottish Ministers have appointed an independent assessor who will determine whether the report has sufficient information to enable the planning authority to prepare a draft LDP.

4.2 It is intended that work on the Proposed Delivery Programme for LDP2 will start in the second half of 2025.

Ref no.	Respondent	Consultation Response	Officer Comment	Summary of Proposed Change to Delivery Programme
1.1	Transport Scotland (TS)	<p>PROP T10 – Safeguarding Land for Platform Lengthening, p. 16 of the Delivery Programme</p> <p>TS pointed that the current LRDF-funded (Local Rail Development Fund) appraisal considered an Option 1 to extend North Berwick services which contained the description: »longer trains and platform extensions”. However, this option was sifted out. TS don’t recognise the costs included as there is no reference to such costs in the LRDF-funded appraisal POA (Preliminary Options Appraisal) or DOA (Detailed Options Appraisal) reports. TS suggests that as the current LRDF-funded appraisal has sifted out Option 1, there is no strategic business case to justify PROP T10 further consideration and this should be removed.</p>	<p>Comments from TS noted and the issue will be dealt with through the Proposed LDP2 and its Proposed Delivery Programme.</p> <p>The provision of longer train sets cannot be accommodated at North Berwick station because platform lengthening is constrained due to the Ware Road bridge. As a terminal station selective door opening is not permitted therefore more carriages cannot be accommodated.</p>	Provide additional information in the Delivery Programme.
1.2		<p>PROP T13 – East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge, and T14 Longniddry – Haddington Route Safeguard, p. 69</p> <p>TS noted that the current LRDF appraisal refers to the Haddington branch line, potential station locations, Longniddry Junction and that construction of a new ramp and overbridge would be required to enable the Haddington bound line to pass up and over the ECML. The Detailed Options Appraisal Report for the Haddington Local Rail</p>	<p>Comments noted. The Delivery Programme should refer to the current LRDF</p> <p>https://www.transport.gov.scot/public-transport/rail/rail-policy-and-strategy/local-rail-development-fund/</p> <p>Also, once the review of the Detailed Options Appraisal Report is complete, its findings will be considered as part of the preparation of the Proposed LDP2 and its Delivery Programme (late 2025).</p>	Provide further information on LRDF in the Delivery Programme.

		Development Fund was sent to Transport Scotland in 2024 and is currently under review.		
1.3		<p>Policy DEL1 – Infrastructure and Facilities Provision</p> <p>TS has been consulted on the preparation of the Developer Contributions Framework. This includes contributions towards a number of trunk road junction improvements including Salters Road and Dolphingstone Junctions. As these locations are on the trunk road network, public concerns get raised with TS; however, it is ELC that is identified as the delivery agent for these improvements. TS considers that there is a lack of clarity as to when the Council would propose to deliver these identified improvements or what monitoring exercise is to be undertaken to assess the performance of these locations to identify when improvements are required. TS recommends that the Delivery Programme provides more detail on these aspects.</p>	<p>The recommended trunk road interventions were predicated on a full allocation build out of forecast year 2025. Delivery of all allocated sites in East Lothian, therefore the intervention is not necessary until LDP1 is concluded. As we now move to LDP2 the committed trunk road interventions will be reassessed to establish need and appropriateness considering land use allocation and whether the proposed intervention is justified. Considering the growth forecast, it is highly likely base-level interventions will still be required; however, some additional capacity mitigation might be necessary at key trunk road junctions.</p> <p>Due to recent year inflationary pressures, the cost of the proposed interventions will have grown. Indexation has not kept pace with these pressures; therefore, a financial re-assessment of the proposed interventions is overdue and will be included in the Proposed LDP2 Delivery Programme (due to be in place in late 2025).</p>	Provide further clarification in the Delivery Programme.
1.4		Policy DP9 – Development Briefs	Development Briefs will be prepared for new sites or sites rolled forward in the	No change to the Delivery Programme is required.

		TS sought clarification on whether there is any intention to require the existing Development Briefs to be updated to reflect the requirements of NPF4 and also to align it with other requirements such as Developer Contributions?	next LDP. The current set of the Development Briefs will not be revised.	
1.5		<p>Dunbar Cluster – PROP DR7 Land at Spott Road</p> <p>TS understands that a developer wishes to form a link through the Dunbar Development to the east, beneath the rail line to connect to the A1086. Such a connection is not identified within the LDP for this site and could have significant impacts on the safe operation of the A1/A1086 junction. TS view is that if such a proposal was to be taken forward then it would be necessary to undertake a detailed assessment of potential redistribution effects and the impacts on the junction, with appropriate mitigation identified if required.</p>	<p>Comments noted.</p> <p>Need for assessment identified – this will be considered either through a planning application process or through the proposed LDP2 and its Proposed Delivery Programme.</p>	<p>No change to the Delivery Programme is required.</p>
1.6		<p>PROP T15 – Old Craighall A1(T) Junction Improvement</p> <p>TS noted that the Delivery Programme recognises that TS has implemented improvements at this junction but that these may not be adequate in terms of accommodating the full (or future) LDP allocations. Text indicates that this intervention will be monitored over time; however, TS would require more detail on who/how and when such monitoring will be undertaken and what the triggers for further improvement will be.</p>	<p>TS would require more detail on who/how and when monitoring at this junction will be undertaken and what the triggers for further improvement will be. Delivery of all allocated sites in East Lothian is ongoing and monitoring of this will be further discussed with TS as part of the LDP2 preparation. More detail about monitoring at this particular site will be included in the proposed LDP2 and its proposed Delivery Programme.</p>	<p>Provide further clarification in the Delivery Programme.</p>

1.7		<p>PROP T17 – A1(T) Interchange Improvements</p> <p>TS considers that with regards to Bankton Interchange, significant improvements require to be delivered to accommodate the currently consented Blindwells development. TS view is that these works are overdue but are expected to commence in early 2025. TS advise that they only accommodate the currently consented development, however, and not the full extent of improvements identified within the Adopted LDP and accompanying Transport Appraisal. TS seeks an understanding of what further improvements will be required and the mechanism for delivering these.</p> <p>With regards to Salters Road and Dolphingstone as indicated under DEL1, the Developer Contribution mechanism includes for these locations. However, TS seeks clarity on how the future monitoring exercise will be undertaken and the necessary improvements delivered by ELC.</p>	See officer response to 1.3 above	Provide further clarification in the Delivery Programme.
1.8		<p>PROP T25 – Dualling of A198 between Bankton North and Meadowmill Roundabouts</p> <p>TS noted that this links to improvements listed under T17 (A7.(T).Interchange.Improvements). It is noted that these requirements will be considered through the LDP2 Transport Appraisal.</p>	Comments noted.	No change to the Delivery Programme is required.
1.9		<p>Policy T2 – General Transport Impact, p. 66</p> <p>TS notes that they are identified as a joint working partner. TS recommends an overarching appraisal</p>	Comments noted. This work will be carried out to inform the proposed LDP2 and its Proposed Delivery Programme.	No change to the Delivery Programme is required.

		through updating of LDP Transport Appraisal to identify where cumulative impacts are expected. This is required to filter down to DM decision making.		
1.10		<p>PROP T18 – New trunk road interchange at Adniston, p. 70</p> <p>TS confirmed that there have been discussions with TS relating to a new junction to support the wider Blindwells proposals. TS noted that ELC will be required to justify such a proposal through the necessary appropriate appraisals process.</p>	Comments noted	No change to the Delivery Programme is required.
1.11		<p>Policy T23 – Transport Improvements to A198, p. 71</p> <p>TS points to comments above regarding Bankton and adequacy of current improvements in terms of accommodating future LDP development allocations.</p>	Comments noted.	No change to the Delivery Programme is required.
1.12		<p>Policy T32 – Transport Infrastructure Fund, p. 72</p> <p>TS noted that Policy T32 is linked to Policy DEL1 (Infrastructure Delivery). TS has been consulted on the preparation of the Developer Contributions Framework. This includes contributions towards a number of trunk road junction improvements including Salters Road and Dolphingstone Junctions. As these locations are on the trunk road network, public concerns get raised with TS; however, it is ELC that is identified as the</p>	<p>Comments noted.</p> <p>The Proposed LDP2 Delivery Programme should provide more detail on these aspects.</p>	No change to the Delivery Programme is required.

		<p>delivery agent for these improvements. TS considers that there is a lack of clarity as to when the Council would propose to deliver these identified improvements or what monitoring exercise is to be undertaken to assess the performance of these locations to identify when improvements are required. TS recommends that the Delivery Programme provides more detail on these aspects.</p>		
1.13		<p>Energy Generation, Distribution and Transmission, Wind Turbines Policies, pp. 74-76, and PROP EGT3 – Forth Coast Area Co-Ordinated Action, p.77</p> <p>TS development management colleagues have dealt with a large number of planning applications relating to these developments interfacing with the A1(T), including onshore connections from offshore wind. TS noted that the current approach is often ad hoc and uncoordinated with multiple applicants promoting similar proposals. Whilst each can be dealt with in isolation through planning, co-ordinating implementation can bring challenges in terms of network access, conflicting TTM requirements etc. TS submits that the LDP would benefit from a more co-ordinated spatial framework covering energy-related developments.</p>	<p>This issue will be addressed through LDP2 For s36 ELC is a consultee and therefore a consideration of wider /cumulative impacts need to be carried out by Scottish Government.</p>	<p>No change to the Delivery Programme is required.</p>
1.14		<p>PROP EGT1 – Former Cockenzie Power Station</p> <p>TS noted that road access to this site will impact on A1 Bankton Interchange. TS reiterated that current</p>	<p>Comments noted.</p>	<p>No change to the Delivery Programme is required.</p>

		improvements do not take account of additional development allocations. TS considers that appropriate assessment of transport impacts for this key site is undertaken as early as possible.		
1.15		<p>Policy NH13 – Noise, p. 91</p> <p>TS listed in a joint working group. It should be noted that it is the responsibility of the developer and not Transport Scotland to ensure that there are no adverse effects from trunk road noise on new developments. The agent of change is the development and not the existing trunk road.</p>	Comments noted.	Clarify that it is the responsibility of the developer and not Transport Scotland to ensure that there are no adverse effects from trunk road noise on new developments.
2.1	<u>Homes for Scotland (HfS)</u>	HfS recommends that East Lothian Council should ensure that a Delivery Programme is clear for all stakeholders on how sites will be delivered and play a part in addressing the national housing emergency, as well as the local housing emergency.	Comments noted.	No change to the Delivery Programme is required.
2.2		HfS noted that the Deliverable Housing Land Pipeline as set out in Section 2 is derived from the approved East Lothian Housing Land Audit (HLA) 2023. HfS suggests that once the 2024 HLA is agreed, it would be preferable if this was used.	Comments noted. The 2024 HLA will inform the Proposed LDP2 and its Proposed Delivery Programme.	No change to the Delivery Programme is required.
2.3		HfS noted that in East Lothian’s case, an LHLR is yet to be agreed through the replacement of the adopted LDP. East Lothian Council has set an indicative LHLR of 6,660 units, and this is a matter	Comments noted.	No change to the Delivery Programme is required.

		currently being considered by the Planning and Environmental Appeals Division (DPEA) at Gate Check. HfS noted that given that this figure has yet to be tested through the Gate Check process, limited weight can be given to it at this time.		
2.4		HfS stated that the Delivery Programme fails to record that some sites were disputed by HfS in the 2023 HLA. These sites equate to 128 units. HfS suggests that the actual claimable deliverable housing land supply for East Lothian is 7,276 homes. HfS noted that many of these homes are programmed to be delivered prior to the new LDP being adopted.	Comments noted.	The Deliverable Housing Land Pipeline should be amended to clarify that 128 units were disputed by HfS
2.5		HfS believes that landowners with no developer partner must demonstrate a clear commitment to either develop or bring site to market within agreed timescales in order for site deliverability to be credible. HfS noted that the East Lothian HLA has many sites in private ownership that have failed to deliver for 10+ years.	Comments noted. ELC has a long record of consistently high annual housing completions. It also has a tested method of monitoring deliverability of the already allocated sites through its HLA.	No change to the Delivery Programme is required.
2.6		HfS suggests that for the Delivery Programme to meet the requirements of the Regulations that the Council should detail specific actions that are required to deliver development sites, timescales for this and state who is responsible for addressing the action. For example, where the Council owns a site, the action should include dates for the marketing and concluding missives along with detail of who will	Information on infrastructure to complement the delivery of allocated housing sites is included in the Delivery Programme.	No change to the Delivery Programme is required.

		undertake this. These details are key to meeting criteria (c) of Regulation 24.		
3.1	NatureScot	NatureScot would be happy to support any ongoing work on policies relating to Open Space Strategy (Policy OS1).	Comments noted. NatureScot are and will be engaged in any policy review as part of the preparation of the Proposed LDP2 and its Proposed Delivery Programme.	No change to the Delivery Programme is required.
		NatureScot would welcome consultation on any ongoing work on The Green Network (Policy DC10).	Comments noted. NatureScot are and will be engaged in any policy review as part of the preparation of the Proposed LDP2 and its Proposed Delivery Programme.	No change to the Delivery Programme is required.
		NatureScot would welcome consultation on any ongoing work on Active Travel, particularly in relation to Green Active Travel routes and Nature Networks (Policy T4).	Comments noted. NatureScot are and will be engaged in any policy review as part of the preparation of the Proposed LDP2 and its Proposed Delivery Programme.	No change to the Delivery Programme is required.

REPORT TO: East Lothian Council
MEETING DATE: 25 February 2025
BY: Executive Director for Council Resources
SUBJECT: Review of Standing Orders

5

1 PURPOSE

- 1.1 To seek approval of proposed changes to the Standing Orders, Scheme of Administration and Scheme of Delegation, and to the addition of the Councillor/Officer Protocol as a Standing Orders Supporting Document.

2 RECOMMENDATIONS

- 2.1 That the Council approves the proposed changes to the Council's Standing Orders, Scheme of Administration and Scheme of Delegation (as set out in Appendices 1-3), with effect from 26 February 2025; and
- 2.2 That the Council approves the addition of the Councillor/Officer Protocol (attached as Appendix 4) as a Standing Orders Supporting Document.

3 BACKGROUND

- 3.1 The Council's Standing Orders, including the Scheme of Administration and Scheme of Delegation, are reviewed on an ongoing basis, with regular reports on proposed changes being presented to Council. On this occasion, there are proposed amendments to all three documents, summarised below and set out in Appendices 1–3 (by way of tracked changes). There are also a small number of editorial changes to be made to these documents which are not covered in the appendices – these are mainly concerned with spelling and consistency, but are not material changes.
- 3.2 As regards the Standing Orders, the proposed changes are set out in Appendix 1. The changes relate mainly to the arrangements for the operation of hybrid committee meetings; a change to the voting process; clarification on declaring interests; and changing decisions of the Council.
- 3.3 The proposed changes to the Scheme of Administration are set out in Appendix 2. The key changes include: provision for substitutes at the Audit & Governance Committee, Policy & Performance Review Committee, and Police, Fire & Community Safety Scrutiny Committee;

clarification on substitutes at the Joint Consultative Committee; and additional duties for the Planning Committee.

- 3.4 There are also several proposed changes to the Scheme of Delegation, as outlined in Appendix 3, including additions to the delegated powers of the Chief Planning Officer and Head of Infrastructure, as well as changes relating to planning control and proper officer appointments.
- 3.5 If approved, the changes set out in the appendices to this report will be incorporated into the Council’s Standing Orders, Scheme of Administration and Scheme of Delegation, and will come into effect 26 February 2025. The updated documents will be published on the Council’s website.
- 3.6 In addition, it is proposed to add the Councillor/Officer Protocol (attached as Appendix 4) as a Standing Orders Supporting Document. This document will replace Supporting Document D – Standards Commission for Scotland Advice Note for Councillors on Distinguishing between Their Strategic Role and Any Operational Work (there is a link from the Protocol to this document). If approved, the updated Protocol will be effective from 26 February 2025.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 East Lothian Council’s Standing Orders

AUTHOR’S NAME	LeI Gillingwater
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DATE	27 January 2025

Appendix 1

East Lothian Council Standing Orders: Proposed Amendments

4.3 Notice of Meetings to Members of the Council and Committees

- i. At least three clear days before a meeting of the Council or any committee, notice of the time and place of the meeting will be published. As a matter of practice, seven ~~clear~~ days' notice of meetings will normally be given.
[Note: clear days includes week days, ~~weekends and public holidays~~, but excludes the day the notice is issued and the day on which the meeting is held, weekends and public holidays.]
- ii. Where the meeting is called by Councillors in terms of Standing Order 4.2(ii), the notice will include a copy of the request signed by them and will specify the business to be discussed at the meeting.
- iii. Councillors will be provided with the meeting agenda and accompanying reports. If a notice of meeting is not received by any Councillor, the meeting will still be valid.
- iv. All Councillors will have access to all committee papers, including those containing exempt and confidential information (as defined in Standing Order 5.5).

4.5 Postponing, Continuing and Cancelling Meetings

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

5.2 Urgent Business

If three clear days' notice are not given for an item of business, it may be dealt with at the meeting as urgent business if:

- i. it is made known to the Convener before the start of the meeting; and

- ii. the Convener rules that there are reasons why it is urgent and states those reasons.

5.3 Written Motions to Council

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

6.1 Chairing Meetings

- i. The Provost, if present, will be the Convener of Council meetings. If the Provost is not present, the Depute Provost will chair the meeting. If neither the Provost nor the Depute Provost is present, the Councillors present will decide who will chair the meeting by means of nomination and a simple majority vote.
- ii. The Convener, if present, will chair committee/sub-committee meetings. If [a meeting is taking place using the hybrid facility and the Convener is not present is unable to attend in person but can attend using digital facilities](#), the Depute Convener will chair the meeting, [if](#)

[they are attending in person](#). If neither the Convener nor the Depute Convener is present [\(or they can only attend using digital facilities\)](#), the Councillors present will decide who [among those present in person](#), will chair the meeting by means of nomination and a simple majority vote.

- iii. If a Convener is required to vacate the chair due to a declaration of interest, the Depute Convener will assume the chair. If the Depute Convener is not present, the Councillors present will decide who will assume the chair by means of nomination and a simple majority vote.

6.2 Quorum

- i. No business will be carried out at a meeting unless a quorum of Councillors is [present in attendance, either in person or using digital facilities](#). A quorum is the minimum number of Council/committee members who must be present before the meeting can take place and make valid decisions.
- ii. The quorum of the Council, committees and sub-committees will be detailed in the Council's Scheme of Administration (see Appendix 1). The quorum will include those attending in person and those attending [remotely using digital facilities](#).
- iii. If, ten minutes after the time appointed for a meeting the quorum has not been met, the Convener will postpone the meeting until a date and time determined at the time or afterwards. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
- iv. If, after a meeting has started, the number of Councillors entitled to vote falls below the quorum, there will be a break of ten minutes. If, after the break, a quorum has not been found, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
- v. [Should a participant using digital facilities lose connection, the meeting will continue if it remains quorate. If the meeting becomes inquorate, there will be an adjournment of a reasonable time period, to be determined by the Convener, to allow for the participant to reconnect to the meeting. In the event that the participant cannot reconnect and the meeting remains inquorate, the Convener will adjourn the meeting until a date and time determined at the time or afterwards. The minutes of the meeting will state the reason for the adjournment.](#)
- vi. Decisions taken during any part of the meeting where there was a quorum present are valid.

6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology. Attendance recorded at hybrid meetings will include those present in the Chamber and those attending [remotely using digital facilities](#).
- ii. The entitlement to vote on any matter under consideration will be restricted to committee members present at the meeting. Direction on councillor participation in meetings of any committee of which they are not a member is set out within the Scheme of Administration for each committee.
- iii. Meetings may take place by way of the digital meeting facility only (that is, there will be no physical attendance). In such cases, Councillors and relevant officers will be advised of this in advance of the meeting date.

6.6 Press and Public Attendance at Meetings

- i. Except where Standing Order 5.5 provides otherwise, every meeting of the Council, its committees and sub-committees will be open to the press and public as observers. Except where Standing Order 5.5 provides otherwise, the press and public will be able to observe every meeting of the Council, its committees and sub-committees. Where a meeting takes place via [hybrid or digital facilities](#)~~only~~, this will be facilitated via a live webcast of proceedings.
- ii. The taking of photographs, use of mobile phones and of other audio visual and recording equipment is not permitted during meetings unless with the express permission of the Convener. Councillors and officers attending meetings held via digital facilities must not use any part of the recording for political purposes.
- iii. If a member of the public interrupts [or behaves inappropriately at](#) any meeting, the Convener may issue a warning to the person creating the disturbance or may order that person to be removed from the meeting. If they refuse to leave the meeting, the Convener may call for the Police to remove them.
- iv. If there is a general disturbance during any part of the meeting open to the public, the Convener may order that the public be removed from the meeting.
- v. Members of the public will not be permitted to address any meeting of the Council, its committees or sub-committees, except where they have the prior permission of the Convener. It will be at the discretion of the

Convener to permit any member of the public to address any meeting (see also Standing Order 7.1).

6.6 Meetings Held via the Hybrid Facility

In the event that a meeting is unable to be held using the live webcast facility, then the meeting can go ahead by way of a local recording. If the local recording facility fails, then the meeting may continue with only those present in the Chamber, as long as it remains quorate.

7.2 Behaviour

All Councillors must comply with the Councillors' Code of Conduct and behave respectfully at any meeting, and they should not behave in a manner that is improper or offensive, or deliberately obstructs or otherwise disrupts the business of the meeting.

The Convener may take any of the following courses of action against any Councillor disregarding the authority of the Convener, obstructing the meeting or conducting him/herself offensively:

- i. direct the Councillor to refrain from speaking during the remainder of the debate on the matter under discussion
- ii. adjourn the meeting for a period of time specified by the Convener
- iii. suspend the Councillor for the remainder of the meeting and direct him/her to leave the Chamber, in which case the Councillor concerned shall leave the Chamber immediately, or, if the Councillor is participating remotely using digital facilities, his/her access to the digital meeting facility will be suspended for the remainder of the meeting.

7.3 Points of Order

- i. A point of order is a verbal objection given to the Convener, saying that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or the Councillors' Code of Conduct. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- ii. Any Councillor eligible to participate in the meeting may raise a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a Standing Order (including the Standing Order number), the law or the Councillors' Code of Conduct has been, or is about to be, breached.

- iii. When a point of order is raised, the meeting will stop until the ~~Clerk or Legal Adviser~~Monitoring Officer, or their representative, has determined whether or not the point raised is a point of order. If the point of order is confirmed by the ~~Clerk or Legal Adviser~~Monitoring Officer, of their representative, the Convener will decide how the point of order should be dealt with. No Member should speak during this period, unless by invitation by the Convener. If the point is not confirmed to be a point of order, it will not be accepted and the business will continue.

7.4 Declarations of Interest – Councillors

- i. Any Councillor who has an interest (financial and/or non-financial), as defined in the Councillors' Code of Conduct, in any matter and is present at a meeting of the Council at which that matter is under consideration, will act in accordance with the Councillors' Code of Conduct. Members must also consider whether any connections they have constitute an interest, and should act accordingly. He/she should seek the advice of the Monitoring Officer and take account of legal advice, where appropriate, on the terms of the Code and how it may affect them.
- i.ii. When declaring an interest, a councillor must state clearly which item of business the interest relates to, what the nature of the interest is, and the action that the councillor will take. All declarations of interest will be recorded in the minutes.
- iii. Applications to the Council for any grant, approval or permission in which any Member has a personal or financial interest will be considered only by the Council or the appropriate committee or sub-committee.

9.3 Amendments

- i. Amendments must relate to the report or motion under discussion. Written amendments must be emailed directly to the Clerk by the Councillor submitting the amendment, and 'countersigned' by at least one other Councillor by way of an email to the Clerk.
- ii. Other than in exceptional circumstances (see (x) below), and in relation to the terms set out in (xi and xii) below, amendments must be submitted to the Clerk by noon on the day prior to the meeting, in order that copies can be circulated to Members prior to or at the meeting. Competent written amendments submitted prior to the meeting will be published on the website alongside the relevant item of business in advance of the meeting.

- iii. Only in exceptional circumstances will the Convener accept amendments submitted out with the timescale set out in (ii) above. In such circumstances, the Convener will explain his/her reasons for accepting the late amendment.
- iv. Every amendment shall be given in writing to the Clerk.
- v. The Convener has the power to rule out of order any amendment he/she considers irrelevant or substantially similar to the motion or to any previous amendment.
- vi. Amendments must be moved and seconded before they can be debated or put to a vote.
- vii. Individuals present at a meeting who do not have voting rights may not move or second an amendment.
- viii. Amendments submitted in accordance with the timescales set out in (ii) above will be introduced following the presentation of the report by the officer/the moving and seconding of a motion by Councillors. Where more than one amendment has been submitted, the Convener will determine the order in which they are taken.
- ix. Once all amendments have been moved and seconded, the Convener will move to the debate.
- x. Exceptional circumstances shall include a written amendment submitted outwith the timescale set out in (iii) above or a verbal amendment made in response to matters raised during the debate. Such amendments should be proposed and seconded and put to the Council or committee in accordance with Standing Order 10.1(iii). Where requested, the proposer of a verbal amendment may be required to provide the clerk with the amendment in writing.
- xi. For the purpose of the budget-setting process, specific arrangements, as determined by the Council, will be made as regards the timescales for and submission of amendments.
- xii. In relation to planning and civic licensing applications, where more than one amendment has been proposed and seconded on the same aspect of an application during the course of the meeting, special arrangements may need to be put in place to deal with the amendments, depending on the specific circumstances. In such cases, the Legal Adviser will set out the process for dealing with such amendments.

9.4 Order of Debate

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

10.1 General Information

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided either by a show of hands, roll call vote or via the electronic voting facility, of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. In the event that a participant using digital facilities is unable to verbally communicate their vote, they may do so by contacting the Clerk by email/digital message.

iv. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.

ivii. Where a motion and amendment are put before the Council or committee, a vote will be taken on both proposals, with each Councillor having one vote. The proposal receiving the support of a majority of Councillors present and entitled to vote will be declared to be the decision of the Council or Committee.

~~Where an amendment has been proposed and seconded, it will be voted on before the vote on the motion. Where the amendment is carried, the original motion will fall. Where more than one competing amendment has been proposed and seconded, the Convener will determine the order in which they are put to the vote. A vote will be taken on the motion against the first amendment. A vote will then be taken on the surviving position against the second amendment. This process will continue for any further amendments. All councillors are entitled to vote at all stages.~~

vi. Where a motion and two or more amendments are put before the Council or committee, a vote will be taken on all proposals, with each Councillor having one vote. If a proposal receives the support of a majority of Councillors present and entitled to vote it will be declared to be the decision of the Council or committee. If none of the proposals receives the support of a majority, the one which has received the fewest votes will be dropped and a fresh vote will be taken on the remaining proposals. If there is an equal number of votes between the proposals with the fewest votes, the Convener will have a casting vote to determine which proposal should be dropped. If the Convener chooses not to exercise his/her casting vote, the decision will be taken by drawing lots. This process of elimination will continue until one proposal has received a majority, and that proposal will be declared to be the decision of the Council or committee.

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

~~v. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.~~

10.2 Roll Call Vote

- i. Any Councillor (whether or not eligible to vote) can ask for a roll call vote on any question coming to or arising at a meeting.
- ii. If a vote is taken by roll call, the names of those Councillors voting for or against the motion or amendment will be included as part of the minutes for the meeting.

~~iii. For meetings where the Council's digital meeting facility is in use, all votes will be taken by roll call.~~

12 RESCINDING-CHANGING DECISIONS OF THE COUNCIL

~~A decision of the Council or committee cannot be changed by the Council or committee within six months unless notice has been given of the proposed item in the notice of the meeting and: (a) the Provost or Convener rules that there has been a material change of circumstances; or (b) the Council or committee agrees that the decision was based on erroneous, incorrect or incomplete information. Any motion to make such a change would require the approval of two-thirds of Councillors present and entitled to vote. Any motion that would directly rescind a previous Council decision within a period of six months from the date of the original decision can only be approved if two-thirds of Councillors present and entitled to vote agree to do so. This Standing Order does not apply to decisions taken under powers delegated to officers.~~

Appendix 2
East Lothian Council Standing Orders – Scheme of Administration:
Proposed Amendments

AUDIT & GOVERNANCE COMMITTEE

A Remit and Powers

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

1. *Risk and Internal Controls*

- (a) promote Council policy on risk management by reviewing the delivery of the Risk Management Strategy, reviewing the business and strategic risk assessment arrangements and procedures and the Corporate Risk Register;
- (b) promote, review and monitor internal controls, financial and otherwise, within the Council in order to provide reasonable assurance of the effectiveness and efficiency of operations and compliance with relevant statutes, directions, guidelines and policies;
- (c) develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
- (d) approve the annual Internal Audit assurance report and the statement of internal controls for inclusion in the annual accounts;
- (e) approve Internal Audit's Terms of Reference;
- (f) [approve the annual Internal Audit Plan.](#)

2. *Review of Audit Functions*

- (a) determine the scope of the annual audit plan and ensure it is directed in accordance with the approved business risk assessment;
- (b) examine and review the External Audit Planning Memorandum and review the overall performance with regard to quality, productivity and the fees charged;
- (c) review the activities of the Internal Audit function and monitor overall performance in terms of quality, productivity and effectiveness;
- (d) ensure that the Internal Audit function is sufficiently resourced to provide a systematic review of internal controls and a full assessment of significant investigations;
- (e) examine Internal and External Audit reports, and ensure weaknesses identified are adequately addressed by management and recommendations are actioned;

- (f) ensure that there are effective relationships between Internal and External Audit and inspection agencies, and that the value of the audit process is actively promoted.

3. *Financial Matters*

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

4. *All matters relating to the [performance-scrutiny](#) of services and the Council as a whole, including, but not limited to:*

Community

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

Service Delivery Arrangements

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

Structures and Processes

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

Governance

- Corporate Governance
- Annual Governance Statement

B Membership and Attendance

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

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. [There shall be no substitutes. Members of the Audit and Governance Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Audit and Governance Committee \(in accordance with Standing Order 6.4\). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.](#)

E Meetings

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

F Reporting Arrangements

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

G Miscellaneous

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

CHIEF OFFICER AND HEAD TEACHER APPOINTMENTS SUB-COMMITTEE

A Remit and Powers

[The following business and functions are delegated by the Council to the Chief Officer and Head Teacher Appointments Sub-Committee:](#)

1. The Chief Officer and Head Teacher Appointments Sub-Committee shall have the authority to appoint to the positions of Chief Executive, Executive Director, Head of Service, Jointly Accountable Officer and Head Teacher. [The Convener will not have a casting vote in the appointment of employees.](#)

B Membership and Attendance

1. An Appointments Sub-Committee will be drawn from a cross-section of Councillors for all permanent Chief Officer appointments and Head Teacher appointments. Only those Councillors (or their nominated substitutes) selected to participate in the appointments process will have the right to attend and participate in the meeting.
2. As regards the appointment of the Chief Executive, the Appointments Sub-Committee will consist of the Council Leader, Provost and three cross-party Councillor members (at least one of which should be from the largest Minority Group). The Sub-Committee may be advised by an Independent HR Adviser and the Service Manager, People and Council Support.
Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of the Chief Executive.
3. As regards the permanent appointment of Executive Directors and Heads of Service, the Appointments Sub-Committee will consist of three Councillors, normally two Councillors from the Administration and one Councillor from the largest Minority Group. The Sub-Committee may be advised by the Chief Executive, an Independent HR Adviser and the Service Manager, People and Council Support. In the case of a Head of Service appointment, the Panel may also be advised by the Executive Director of the Service in which the vacancy exists
Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of Executive Directors and Heads of Service.
4. As regards the appointment of a Jointly Accountable Chief Officer, the Appointments Sub-Committee will consist of the Council members and partner members of the Integration Joint Board (IJB) and the Chief Executives of East Lothian Council and NHS Lothian (or their representatives). The Sub-Committee will be advised by the Service Manager – People and Council Support and, where appropriate, an independent external adviser.
Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of Jointly Accountable Officers.
5. As regards the appointment of Head Teachers, the Appointments Sub-Committee will consist of at least one Councillor (preferably the Convener or Depute Convener of the Education and Children's Services Committee, or a ward Councillor, who will chair the panel; however, where possible, two Councillors will be sought, at least one from the Ward in which the vacancy arises), one or two

Parent Council members from the school to which the appointment is being made* and two officers nominated by the Executive Director for Education and Children's Services. Where the appointment relates to a Roman Catholic school, a representative of the Roman Catholic Church (who sits on the Education and Children's Services Committee) will be appointed to the panel in addition to those groups listed above. Where there is a Roman Catholic Church representative vacancy on the Education and Children's Services Committee, the appointment process will proceed in the absence of such a representative. All Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to take part in the appointment of Head Teachers.

For Depute Head Teacher appointments, one Councillor will be sought to participate in the recruitment process, but the Councillor will not form part of the quorum and the panel may go ahead without their involvement.

* Where only one Councillor is participating there will only be one Parent Council member participating. Should there be no Parent Council member(s) interested in participating in the process, the Parent Council may nominate a representative to participate on their behalf from outwith the Parent Council, but their nominee must have undertaken the Council's Recruitment and Selection Training for Head Teacher Appointments. Should the Parent Council decline the offer to participate, the recruitment process will continue in their absence.

In the event of a shared Headship, one Parent Council member from each school will be eligible to participate.

C Quorum

1. The quorum for the appointment of Chief Officers is set out in B1-4.
2. The quorum for the appointment of Head Teachers shall be four for non-denominational schools and five for Roman Catholic schools, one of whom must be a Councillor.

D Substitutes

1. As regards the appointment of Chief Officers, there shall be no substitutes.
2. As regards the appointment of Head Teachers, substitutes shall be permitted, on a like-for-like basis.

E Meetings

1. Meetings shall be called by Notice issued by the Chief Executive. The Notice shall specify the agenda for the meeting and shall be accompanied by the relative documentation to be discussed at the meeting.
2. The agenda shall, whenever possible, be issued seven days prior to the meeting.
3. Meetings of the Chief Officer and Head Teacher Appointments Sub-Committee will be held in private, [due to the confidential nature of the business](#).

F Reporting Arrangements

1. Minutes of the meetings in relation to the appointment of Chief Officers shall be presented to the Council for noting.

2. Minutes of the meetings in relation to the appointment Head Teachers shall be presented to the Education and Children's Services Committee for noting.

G Miscellaneous

1. All permanent vacancies will be advertised publicly and in accordance with the Council's Recruitment and Selection Policy and Procedures applicable at that time, unless arising as a result of an internal restructure.

PETITIONS AND COMMUNITY EMPOWERMENT REVIEW COMMITTEE

A Remit and Powers

[The following business and functions are delegated by the Council to the Petitions and Community Empowerment Review Committee:](#)

Petitions

1. The remit of the Committee in respect of petitions shall be to consider petitions raised by local residents or organisations, which relate to either:
 - (i) Council services or activities; or
 - (ii) the general well-being of the East Lothian community
2. Petitions shall be referred to the Committee if the issue has not been resolved by any other means. [The Committee does not have the powers to approve petitions. However, The Committee](#) shall consider the merits of each petition received. Where the Committee considers that action should be taken in respect of a petition, it shall refer the matter to the appropriate committee or Chief Officer for further consideration and possible implementation. In such cases the outcome of the matter shall be reported back to the next meeting of the Petitions and Community Empowerment Review Committee.

Community Asset Transfer Reviews

3. The remit of the Committee in respect of community asset transfer reviews shall be to consider requests for reviews of asset transfer decisions submitted by community transfer bodies where:
 - (i) the Council has refused the request;
 - (ii) the request has been agreed, but the terms and conditions in the decision notice are significantly different from those in the request; or
 - (iii) no decision notice has been issued by the Council within the required period.

B Membership and Attendance

1. The membership of the Petitions and Community Empowerment Review Committee shall consist of the Provost (Convener) and the leaders of all political groups.
2. Councillors who are not members of the Petitions and Community Empowerment Review Committee will have the right to attend meetings of the Committee, but only the members of the Committee (or their substitutes) will have the right to participate in the meeting.

C Quorum

1. Half the membership + 1

D Substitutes

1. Members of the Petitions and Community Empowerment Review Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Petitions and Community Empowerment Review Committee (in accordance with Standing Order 6.4).

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
2. Where a petition is to be considered by the Committee, the organiser of the petition will be invited to attend and be offered the opportunity to address the Committee – individual signatories will not be invited. Invitations will be sent no later than the date the agenda is issued.
3. Anyone wishing to address the Committee should advise the Clerk no later than three working days before the meeting so that seating, timetable and other arrangements can be made.
4. Petitioners will be allowed five minutes to address the Committee – this period may be extended at the discretion of the Convener.
5. Where a petition is continued until a future meeting of the Committee the same rights to attend and speak at the meeting shall apply.
6. Where a community asset transfer review is to be carried out by the Committee, further information may be sought from interested parties in advance of the meeting; this information will be published on the Council's website. The Committee may invite interested parties to the meeting, if required. Invitations will be sent no later than the date the agenda is issued.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Petitions and Community Empowerment Review Committee.
2. Minutes shall be presented to the Petitions and Community Empowerment Review Committee for approval.
3. ~~Where a petition has been accepted, t~~The outcome [of the Committee's consideration of a petition](#) shall be reported to the organiser of the petition on approval of the minutes.
4. The terms of the decision notice for a community asset transfer review shall be determined by the Committee and reported to the community asset transfer body. It shall also be published on the Council's website.

G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council or another committee for decision.
2. As regards community asset transfers, appeals can be submitted to Scottish Ministers by community asset transfer bodies where:
 - (i) they are unhappy with the outcome of the Council's review; or

- (ii) following agreement to an asset transfer request, the Council has not concluded the contract within the agreed time period, as set out in Appendix 3 of the East Lothian Council Community Asset Transfer Policy and Guidance. Requests for appeals must be made in writing to Scottish Ministers within 20 working days from the date of the decision notice of the review. The procedures for appeals are set out in Section 20 of the Asset Transfer Guidance for Community Transfer Bodies.

PLANNING COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Planning Committee.

The development, determination and implementation of policy and associated matters relating to:

1. *Planning Applications*
 - (a) determination of planning applications and related consents and the taking of any actions required for the enforcement of planning control as provided for under the Town and Country Planning Acts and related legislation;
 - (b) hearing of appeals against a refusal to grant a Relaxation under the Building (Scotland) Acts;
 - (c) confirmation of orders under Section 10 and 13 of the Building (Scotland) Acts.
2. *Pre-determination Hearings*
 - (a) The holding of Pre-Determination Hearings where required in terms of S38A of the Town and Country Planning (Scotland) Act 1997 and associated regulations.
3. *Pre-application Discussions of Major Applications*
 - (a) The holding of formal pre-application discussions of major and national applications, in accordance with Scottish Government/CoSLA guidance and the Council's procedures for these.
4. *Tree Preservation/High Hedges*
 - ~~(a)~~ ~~(a)~~—determination of confirmation of Tree Preservation Orders where there are outstanding objections.
 - ~~(a)~~(b) determination of High Hedge applications where there are outstanding objections.
5. *Consultation responses on applications made under Section 36 of the Electricity Act 1989*
 - (a) deciding on consultation responses referred to the Planning Committee under Section 19.5 of the Scheme of Delegation.

B Membership and Attendance

1. The membership of the Planning Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Planning Committee. In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political

group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality.

2. Councillors who are not members of the Planning Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration. Local ward Councillors who are not members of the Committee will also have the right to make a statement on applications for development within their ward.
3. For the purposes of carrying out Pre-Determination Hearings, the Planning Committee shall comprise all Members of the Council.

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
2. All letters of representation will be made available to all Councillors in advance of an application being submitted to Committee.
3. Where an application has been referred to Committee, applicants/agents and third parties who have submitted individual written representations to East Lothian Council within the prescribed timescales will be advised that they are welcome to attend the Committee meeting. Other than councillors and Council officers, only applicants/agents, third parties who have submitted individual written representations to East Lothian Council, and the community council within whose ward area the development is proposed will be allowed to make representation at Planning Committee. ~~but~~ The following restrictions on addressing the Committee will also apply, as set out below:
 - There will be a maximum of three representatives speaking in favour of an application, including the applicant/agent (who will get priority)
 - There will be a maximum of three representatives speaking in opposition to an application. A 'first come, first served' approach will be adopted, with all those who have submitted representations within the prescribed timescales being advised that they will need to call the Clerk at a certain time on a certain day to register their intention to address the committee. The first three requests received will be granted, and any subsequent requests will be refused.
 - In addition to the representations outlined above, Community Councils will be given the opportunity to address the Committee, whether or not they have submitted a written representation on the planning application under consideration.
4. Those applicants/agents and third parties who have been invited to address the Committee will be allowed five minutes to address the Committee – this period may be extended at the discretion of the Convener.

5. Where several parties share a view on an application they will be invited to elect a single representative to speak on their behalf.
6. Applicants will be invited to make a single presentation rather than calling a sequence of professional advisers.
7. Where an application is continued until a future meeting of the Committee the same rights to attend and speak at the meeting shall apply.
8. Pre-determination hearings, which consider major developments, will continue to include representations from applicants, agents and individuals as this is a statutory part of that particular process.
9. Pre-application discussions of major applications will include representation from applicants. Site visits will be held as part of the normal site visit schedule. Councillors will discuss proposals in accordance with the terms of the Councillors' Code of Conduct.

F Reporting Arrangements

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

G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.
2. *Site Visits*
 - (a) Site visits will be held in advance of the meeting of the Planning Committee.
 - (b) The purpose of site visits is to provide Members with an opportunity to make themselves aware of the land and/or buildings subject of the application or which might be affected by the application – there will be no presentation by the Appointed Officer or staff or discussion of the merits of the application.
 - (c) Site visits will not form part of the formal business of the Committee, i.e. there will be no requirement for a quorum nor will a minute be taken.
 - (d) Applicants/agents will be invited to attend the site visit, but only for the purpose of answering questions from Members.
 - (e) Third parties who have submitted individual written representations will be advised that site visit will be taking place for the purpose of Members familiarising themselves with the site, but those individuals/groups will not be invited to attend the site visit.
 - (f) It will be assumed that Members who do not attend the site visit will be familiar with the site or will take other steps to ensure they have sufficient knowledge to make an informed decision.

POLICE, FIRE AND COMMUNITY SAFETY SCRUTINY COMMITTEE

A Remit and Powers

The following business and functions are delegated by the Council to the Police, Fire and Community Safety Scrutiny Committee:

1. To carry out scrutiny of the performance of the Police and Fire & Rescue Services in East Lothian, with specific reference to each organisation's Local Plan
2. To receive and comment on local quarterly performance reports from Police Scotland and the Scottish Fire & Rescue Service
3. To engage in the development of Police Scotland and the Scottish Fire & Rescue Service Local Plans and joint working with the Police and Fire & Rescue Services
4. To consider and respond to national and local level strategies and policies of Police Scotland and the Scottish Fire & Rescue Service
5. To scrutinise and monitor the Service Level Agreement between the Council and Police Scotland
6. To receive and comment on reports on the performance of any other services performing a community safety function in East Lothian.

B Membership and Attendance

1. The membership of the Police, Fire and Community Services Scrutiny Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Police, Fire and Community Services Scrutiny Committee. In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places.
2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.
3. Councillors who are not members of the Police, Fire and Community Safety Scrutiny Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. [There shall be no substitutes. Members of the Police, Fire and Community Safety Scrutiny Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Police, Fire and Community Safety Scrutiny Committee \(in accordance with Standing Order 6.4\). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.](#)

E Meetings

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

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Police, Fire and Community Services Scrutiny Committee.
2. Minutes shall be presented to the Police, Fire and Community Services Scrutiny Committee for approval.
3. The Committee can refer any item of business to the Council, in which case a report shall be placed on the agenda of the next appropriate meeting.

G Miscellaneous

1. The Police, Fire and Community Services Scrutiny Committee will be entitled to appoint ad hoc (short-life) sub-committees. The Committee or its sub-committees will be entitled to undertake reviews of policies and/or performance relating to Community Safety matters, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of any Cabinet Spokespersons and/or officials of the Council on any matter relevant to the issue under consideration by them.
2. The Committee will be entitled to invite representatives of other public agencies, local communities, the private and voluntary sectors, trade unions and academic institutions to assist with reviews of policies and/or performance. Also, it will be entitled to call appropriate expert witnesses, commission appropriate research and hold evidence gathering meetings.
3. The Committee will have the power to comment on, and make recommendations on matters insofar as relevant to its authorised remit, where appropriate, to the Council.

POLICY & PERFORMANCE REVIEW COMMITTEE

A Remit and Powers

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

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

B Membership and Attendance

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

C Quorum

1. Half + 1 of the places filled.

D Substitutes

1. [There shall be no substitutes. Members of the Policy and Performance Review Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Policy and Performance Review Committee \(in accordance with Standing Order 6.4\). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.](#)

E Meetings

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

F Reporting Arrangements

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

G Miscellaneous

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

JOINT CONSULTATIVE COMMITTEE

A Remit and Powers

The functions of the Joint Consultative Committee (JCC) shall be:

1. to provide a means of regular consultation between the Council and employees, providing a forum for the discussion of matters of mutual interest provided that no question of an individual's pay, wage, grading, discipline, promotion or efficiency shall be within the scope of the JCC;
2. to consider and offer observations on any proposals made by the Council involving substantial administration re-organisation on the extent to which it affects the pay and conditions of employment of the employees of the Council;
3. to consider reports on any matter, which may be referred to the JCC by the Council or by any employee organisation. The Committee shall have the right to invite the attendance of any officer of the Council, or any other person or persons to act in an advisory capacity to any meeting of the Committee. It shall be within the discretion of either side to refer to the appropriate National Joint Council or other negotiating body for advice and guidance on any matter brought before the Committee;
4. to act as a consultative forum on matters pertaining to equal opportunities in employment insofar as they concern the Council's HR Policies and Procedures and its statutory duties, taking advice and guidance from the appropriate statutory bodies as required.

B Membership and Attendance

1. The Joint Consultative Committee shall appoint from amongst its members a Convener and Depute Convener who will alternate their duties on an annual basis. If the Convener appointed is one of the Council's representatives, the Depute Convener shall be one of the employee representatives and vice versa. The Convener and, in his/her absence, the Depute Convener shall preside at the meetings of the JCC. In the absence of both, the members present shall elect one of the members to preside. The Convener of the meeting shall not have a casting vote.
2. The membership of the JCC shall be 8 representatives appointed by the Council and 14 representatives (who shall be employees of the Council) of the Trades Unions recognised by the Council as follows: Unison – 7; Unite – 2; GMB – 1; EIS – 3; NASUWT/SSTA – 1.
3. The Council shall determine the Councillor membership of the JCC. In appointing Councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of appointing members of any political group/independent councillors to the vacant places.
4. The members representing the staff shall be appointed amongst the employees of the Council in accordance with the rules of the participating Trades Unions for the making of such appointments. All staff representative members of the JCC shall cease to hold office on leaving the employment of the Council.

5. Only those Trades Union representatives, or their substitutes, will have the right to attend and participate in meetings.

65. Any vacancy on the JCC shall be filled by the appointing organisation.

76. The employee representatives shall appoint an Employee Side Secretary to the JCC from amongst their members.

87. Only those Councillors appointed to the Joint Consultative Committee, or their substitutes, will have the right to attend and participate in meetings.

C Quorum

1. 3 members from the Council side
3 members from the Union side from not less than 2 Unions

D Substitutes

1. Members of the JCC shall be entitled to nominate substitute members to attend any meeting of the JCC. Substitute members representing the Council must be members of the Cabinet. Substitute members representing the Staff Side must be from the relevant Trades Union and be a Council employee. Substitute members shall be identified at the beginning of any meeting they attend.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
2. An Agenda Sub-Committee, at Officer/Trades Union level, shall be established to facilitate the work of the JCC.
3. The JCC may establish sub-committees to facilitate consideration of specific matters.
4. Meetings of the Joint Consultative Committee shall be held in private, due to the confidential nature of the business.

F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Joint Consultative Committee.
2. Minutes shall be presented to the JCC for approval.

G Miscellaneous

1. Matters relating to Local and National agreements/procedures which are specific to a group or groups of employees must, at the request of the Trades Union(s) concerned, be considered by a sub-committee of the JCC, with the Trades Union side consisting only of the Trades Union(s) recognised and represented on the relevant National Joint Council. Agreements made at such sub-committees shall be a matter only of reporting to the JCC prior to reporting to the Council or relevant Committee.
2. Employee members of East Lothian JCC will be granted paid leave for meetings of the JCC and for pre-meetings of the Staff Side. Where required, cover will be in addition to the 'Policy for Time-Off for Trades Unions Duties and Activities'.

The Council shall provide the necessary accommodation for meetings of the JCC, JCC sub-committees and Staff Side pre-meetings of the JCC.

3. The Council shall provide the necessary accommodation for meetings of the JCC and also facilities for requests for time off work from employee representatives of the JCC.

Appendix 3
East Lothian Council Standing Orders – Scheme of Delegation:
Proposed Amendments

7. Specific Duties and Responsibilities Delegated to the Chief Planning Officer

A. General

7.1 The Chief Planning Officer is designated by the Council as the proper officer responsible for carrying out certain duties and functions in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended), and other related planning legislation.

B. Specific Delegated Functions

7.2 Taking decisions on planning applications and enforcing planning laws, subject to the protocol set out in Section 19 of this Scheme of Delegation

7.3 Monitoring planning permission and other permissions, and taking enforcement action under Part V1 and V11 of the 1997 Act, including serving notices, taking direct action and prosecuting people for not keeping to such notices

7.4 Determining requests to undertake work to trees that are either protected by a Tree Preservation Order or are within a Conservation Area; and determining applications for Tree Preservation Orders where there are no outstanding objections

[7.5 Determining applications for High Hedges where there are no outstanding objections](#)

7.65 Providing the Council's view as planning authority on planning applications and other consultations from neighbouring planning authorities and the Scottish Government. The only exception to this is consultation responses on applications made under Section 36 of the Electricity Act 1989 (see Section 19.5)

C. Proper Officer Delegation

7.76 The Service Manager for Planning will act as the Chief Planning Officer. In their absence, suitably qualified and experienced officers within the Planning Service are authorised to carry out the duties of the Chief Planning Officer.

11. Specific Duties and Responsibilities Delegated to the Head of Communities

A. General

11.1 The Head of Communities is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Connected Communities
- Customer Services
- ~~Policy, Improvement and Partnerships~~
- Protective Services

B. Specific Delegated Functions

11.2 Approving grants to individuals and organisations within the community, up to a maximum decided by the Council

11.3 Making suitable arrangements for the Council's insurance matters, and settling individual insurance claims up to a maximum of £100,000

12. Specific Duties and Responsibilities Delegated to the Head of Corporate Support

A. General

12.1 The Head of Corporate Support is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- [Communications](#)
- [Council Support](#)
- Customer Feedback
- Democratic Services
- Executive Support, including to Lord Lieutenant
- Human Resources and Payroll
- Information Governance
- IT Services
- Legal Services
- Licensing
- Registration Services
- [Unified Business Support](#)

B. Specific Delegated Functions

12.2 Appointing and re-appointing curators ad litem and reporting officers

12.3 Appointing members to the East Lothian Local Licensing Forum

12.4 Determining the following licensing matters (in accordance with relevant legislation, as set out in the scheme of delegation adopted by the Licensing Sub-Committee):

- a. to grant a licence, on advice from the Chief Constable that there are no objections
- b. to renew a licence, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted
- c. to grant a licence in terms of any other primary or secondary legislation which regulate licensing regimes falling within the ambit of the Licensing Sub-Committee, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted

- d. to determine whether exceptional circumstances exist which would justify the return of application fees in cases where the application is not progressed
- e. to suspend a licence with immediate effect in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982
- f. to determine whether 'good cause' has been shown by an applicant where the application for renewal of a licence is received late, in terms of paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982
- g. to provide that if, for any reason, the delegated officer considers it inappropriate to determine an application under delegated powers, the application will be referred to the Licensing Sub-Committee for determination

17. Specific Duties and Responsibilities Delegated to the Head of Infrastructure

A. General

17.1 The Head of Infrastructure is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Engineering Services and Building Standards
- Estates
- Facilities Management
- Roads Services
- Sport, Countryside and Leisure
- Strategic Asset and Capital Plan Management
- Transport Services
- Waste Services

B. Specific Delegated Functions

17.2 In consultation with, and with the agreement and approval of the Section 95 Officer, the Service Manager – [Legal Governance](#), and other officers as required, undertake:

- a. Disposals of land and/or buildings (if the highest offer is not to be accepted or the property is to be sold without having to be advertised, the matter is referred to Cabinet)
- b. Acquisitions of land and/or buildings as agreed within the capital programme
- c. Agreeing terms for the disposal of small areas of open space ground on the Housing Revenue Account or managed by Sport, Countryside and Leisure, where such areas are not advertised for sale
- d. Agreeing terms for leases/tenancies of land or buildings, and all matters arising from the lease of a property, including lease transfer and variation, sub-letting, change of use, alterations, and recovering overdue rent and other charges
- e. Agreeing terms for granting wayleaves, rights of way and servitudes
- f. Agreeing terms for an excambion of land required for any of the Council's functions where this action is within the approved capital programme
- g. Settling claims for professional fees and costs in connection with buying and selling land, and compensation claims of up to £25,000
- h. [Initiating, confirming and making Experimental Traffic Regulation Orders \(if such Orders are subsequently proposed to be made permanent, the matter is referred to Cabinet\)](#)

17.3 Letting Common Good properties, following consultation (as required in terms of the Community Empowerment (Scotland) Act 2015) and consideration of representations made during such consultation.

19. Scheme of Delegation for Planning Applications

19.1 Decisions in relation to planning applications

- a. Delegated Decisions – ‘Local Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 shall be determined by the Chief Planning Officer without reference to Members, subject to 19.1(b) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.
- b. Scheme of Delegation List – A list of reports on applications to be decided under delegated authority in terms of 19.1(a) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Chief Planning Officer in terms of 19.1(a) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Chief Planning Officer should determine the application.

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

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

19.3 Decisions in relation to enforcement of planning control

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

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

- a. The Chief Planning Officer shall have authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
- b. The Chief Planning Officer shall have authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.
- c. The Chief Planning Officer shall have authority to modify or discharge planning obligations through written agreement with all parties providing that there is no reduction in the scale or level of obligation or financial contribution to the Council or any non-applicant.

19.5 Consultation requests under Section 36 of the Electricity Act 1989

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

20. Statutory Appointment of Officers

20.2 The proper officers appointed for the roles set out in Section 20.1 cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties:

Proper officer appointed for the roles set out in Section 20.1	Officer(s) who will carry out duties if the proper officer is not available
If the Chief Executive is not available to act as Head of Paid Service	Executive Directors, as agreed
If the Returning Officer is not available for election purposes	Depute Returning Officer
If the Executive Director for Council Resources is not available to act as Section 95 Officer	<u>Head of Finance, in the first instance, or</u> a suitably qualified and experienced person from within the Finance Service
If the Head of Children's Services is not available to act as Chief Social Work Officer	A suitably qualified and experienced person from within the following services: Children's Services Adult Statutory Services Adult Community Services
If the Service Manager – Planning is not available to act as Chief Planning Officer	A suitably qualified and experienced person from within the Planning Service
If the Head of Corporate Support is not available to act as Monitoring Officer	Service Manager – Governance Team Manager(s) – Democratic and Licensing (in relation to matters concerning the Councillors' Code of Conduct)
If an Executive Director is not available	Relevant Head of Service
If the Service Manager – Governance is not available to act as Clerk to the Licensing Board	A suitably qualified and experienced person from within the Legal Service
If the Executive Director for Council Resources is not available to act as the Senior Information Risk Officer	Head of Corporate Support
If the Team Manager – Information Governance is not available to act as Data Protection Officer	Head of Corporate Support / Service Manager – Governance / Team Leader – Information Governance



Councillor/Officer Protocol

Contents

1. Introduction and application of the Protocol
2. General principles
3. Role of councillors
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5. Relationship between officers and councillors
 - 5.1 Roles and responsibilities
 - 5.2 Political neutrality
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6. Communications
 - 6.1 Channels of communication
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 - 6.3 Access to information / requests for information
 - 6.4 Confidentiality
 - 6.5 Data Protection
 - 6.6 Media relations and publicity

1 INTRODUCTION AND APPLICATION OF THE PROTOCOL

- 1.1 This Protocol will come into effect on XXXX. The guidance applies to both councillors and Council officers, including statutory officers. It should be read in conjunction with the Councillors' Code of Conduct and its associated guidance/advice notes, available at: [Councillors' Code of Conduct | The Standards Commission for Scotland \(standardscommissionscotland.org.uk\)](https://standardscommissionscotland.org.uk).
- 1.2 Councillors and Council officers should familiarise themselves with the general principles of the Protocol, set out in Section 2.
- 1.3 For further advice on the Protocol, please contact:

Hayley Barnett, Head of Corporate Support and Monitoring Officer
hbarnett@eastlothian.gov.uk / 01620 827274

Carlo Grilli, Service Manager – Governance
cgrilli@eastlothian.gov.uk / 01620 827770

Lel Gillingwater, Team Manager – Democratic & Licensing (job-share)
lgillingwater@eastlothian.gov.uk / 01620 827292

Linda Gillie, Team Manager – Democratic & Licensing (job-share)
lgillie2@eastlothian.gov.uk / 01620 827225

2 GENERAL PRINCIPLES

- 2.1 Councillors and Council officers should treat each other with courtesy and respect, and each should recognise and act in accordance with their different roles and responsibilities.
- 2.2 Councillors are entitled to a reasonable level of assistance, in accordance with the Council's policies and procedures, and officers have a duty to ensure that they provide assistance to them.
- 2.3 Councillors and Council officers should comply with relevant legislation, guidance, codes of conduct, policies and procedures at all times when carrying out their respective roles.
- 2.4 Communications between councillors and Council officers should be considered confidential (see Section 6.4), unless determined otherwise by legislation or Council policy/guidelines.

3 ROLE OF COUNCILLORS

- 3.1 Councillors have a strategic leadership and oversight role within the Council, which includes determining Council policy/strategy, taking decisions on major and complex matters presented to them at Council/committee, and scrutinising the implementation of policy and the performance of the Council.
- 3.2 In accordance with the Councillors' Code of Conduct, councillors have a duty to act in the interests of the Council as a whole and the communities it serves. They also have a duty to be accessible to the people of the area for which they have been elected to serve, and to represent their interests.
- 3.3 Councillors have a responsibility to the electorate and should therefore represent the views of local residents fairly and without prejudice. It is their duty to assist constituents in their dealings with the Council.
- 3.4 Councillors must consider issues on their merits, taking account of the views of others and ensuring that the Council uses its resources prudently and in accordance with the law.
- 3.5 Councillors also represent the Council in partnership arrangements and on outside bodies.
- 3.6 Councillors must not involve themselves in operational matters or management of staff (for further information, see the Standards Commission for Scotland *Advice Note for Councillors on Distinguishing between Their Strategic Role and Any Operational Work*: [Advice Notes | The Standards Commission for Scotland \(standardscommissionscotland.org.uk\)](https://standardscommissionscotland.org.uk)).

4 ROLE OF OFFICERS

- 4.1 Council officers are responsible to the Council as their employer, and they are responsible for implementing Council policies and delivering Council services in accordance with those policies.
- 4.2 Council officers should seek to assist councillors in their enquiries, and should treat all councillors fairly and equitably.
- 4.3 In carrying out their duties, Council officers must ensure they comply with relevant legislation, guidance and Council policy, and they should do so in an open and transparent manner.
- 4.4 Council officers must ensure that councillors are provided with all the relevant information in order that they can carry out their duties effectively and make informed decisions.

- 4.5 A Scheme of Delegation is in place (Appendix 2 of Standing Orders: [Standing Orders of East Lothian Council | East Lothian Council](#)) which allows certain Council officers to take decisions on a variety of matters. When taking delegated decisions, officers must comply with the Scheme of Delegation, as well as ensuring that good governance has been followed and any risks have been taken into account.

5 RELATIONSHIP BETWEEN COUNCIL OFFICERS AND COUNCILLORS

5.1 Roles and Responsibilities

In order to achieve a positive and effective working relationship, it is important that councillors and Council officers understand and respect each other's roles and responsibilities.

The relationship between councillors and Council officers should always be positive, respectful and courteous. However, it should not become so close as to call into question officers' ability to act in an impartial manner with councillors.

Councillors should not ask officers to do anything which compromises or is likely to compromise them and prevent them from undertaking their duties properly. Any officer who has concerns about a request from a councillor should seek guidance from their line manager.

Councillors must not involve themselves in operational matters. Should a councillor have any concerns regarding the operational business of the Council, they should raise the matter with the relevant Executive Director or Head of Service. If concerns remain, they should escalate to the Chief Executive.

Councillors should not raise any adverse matters related to the performance, conduct or capability of Council employees or groups of employees in public.

Should a councillor have any concerns about the conduct or behaviour of a Council officer when carrying out their duties, they should raise the matter with the relevant Executive Director or Head of Service.

5.2 Political neutrality

Council officers must act with political neutrality at all times, and must treat all councillors equally, fairly and consistently, regardless of their political affiliation. It is recognised that senior officers may form closer working relationships with councillors within the Administration, due to the nature of those roles; however, this should not affect officers' ability to deal impartially with councillors who are not members of the Administration.

Council officers must not advise councillors on matters of party political business.

Should a councillor have any concerns about the political neutrality of a Council officer when carrying out their duties, they should raise the matter with the Chief Executive or relevant Executive Director.

5.3 Members' Services

Councillors will be provided with administrative support, accommodation, equipment and other resources in order to carry out their duties as a councillor. It is important to note that while the tasks of Members' Services administrative staff are largely directed by the councillors for whom they provide support, they are managed by Council officers and are subject to the same rules and duties as other Council staff.

Under no circumstances, should Members' Services staff be asked to participate in party political activity in the course of their Council duties, nor should they be asked to represent or substitute for councillors at events or decision-making bodies, although they may attend as non-speaking observers, with the permission of their line manager.

In the event that an officer providing support to councillors has concerns in relation to conflicting priorities, or the behaviour/conduct of a councillor, then those concerns must be referred to their line manager.

5.4 Use of Council facilities and resources

Council facilities and resources must only be used for Council business and not for any party political activities or private purposes.

Further information on the use of Council facilities during pre-election periods can be found in the Council's Pre-election Period Guidance, which is published on Elnet in advance of each election.

6 COMMUNICATIONS

6.1 Channels of communication

Councillors should direct any requests for advice or information regarding Council services to the relevant service manager in the first instance. It will be for service managers to determine who is best placed to respond to such requests.

Should two or more councillors make the same enquiry, the officer dealing with the matter should ensure that a consistent response is provided to all those making the enquiry. However, where a specific question has been

raised by a councillor, officers are not obliged to share the response more widely.

When dealing with a ward-related matter, officers should ensure that all councillors for that ward are given the same information at the same time. However, it should be noted that councillors with additional responsibilities may be entitled to receive that information earlier if it concerns an issue within their area of responsibility.

6.2 Meetings between councillors and Council officers

Councillors may expect the attendance of Council officers at meetings as part of the assistance provided to councillors. However, they should not make unreasonable requests for meetings, and should bear in mind that officers may have other priorities and may not be able to attend meetings requested at short notice.

If a councillor requests the attendance of a Council officer at a meeting, they must provide sufficient information to allow the officer to decide if their attendance would be appropriate. For example, they should advise of the matter(s) to be considered; in what capacity the officer has been invited; who else will be in attendance (including other councillors or third parties) and the reason for their attendance; and whether a record of the meeting is required and, if so, what the recording arrangements are.

Council officers may meet councillors in relation to any aspect of Council business, and it will be for them to determine who should be invited. However, where the meeting concerns a wider ward issue, officers must invite all ward councillors to the meeting, and should not give one or more councillor preferential treatment over others.

6.3 Access to information / requests for information

Councillors have a right to access Council documents and information where this information is required in order to perform their Council duties. This right of access is based on the principle commonly referred to as the 'need to know' principle. Further information on this can be found [Councillors' Right of Access to Information Held by the Council](#).

Some councillors have additional responsibilities (such as the Provost, Council Leader, committee conveners), and those individuals will therefore have some additional rights and privileges.

In requesting information from Council officers, councillors should have regard to the potential burden on the officer(s) in respect of their request, e.g. time pressures, resources required, and the nature/complexity of the information requested. Councillors should therefore consider what is reasonable in terms

of their request (see link to guidance note above) and be aware that officers may not be in a position to agree to all requests that councillors make.

In accordance with the Freedom of Information (Scotland) Act 2002, councillors also have the same rights as members of the public to request information held by the Council. When a councillor submits a Freedom of Information request, they will be treated in the same way as a member of the public.

6.4 Confidentiality

Councillors and Council officers will have access to information which is confidential and not available to the public. It is therefore important that confidential information is not disclosed or used for personal or political advantage. In accordance with Code of Conduct guidance, councillors are advised to treat information as confidential even if it is not stipulated as such.

Enquiries from councillors should be considered as confidential and not shared with other councillors unless consent is given (or unless there is a serious risk to the health or safety of councillors, officers or members of the public).

Certain Council and committee reports as classed as 'exempt' because they contain exempt information, for example commercially sensitive information or information relating to an employee. Such reports will be marked 'not for publication' and must not be disclosed by councillors or Council officers to third parties.

Any alleged breach of confidentiality on the part of a councillor or Council officer should be reported to the Chief Executive or relevant Executive Director in the first instance. Where it is alleged that a councillor has breached confidentiality, this may lead to the matter being referred to the Commissioner for Ethical Standards.

6.5 Data Protection

Councillors are data controllers as regards any personal data they obtain in respect of their Council duties, and are thus bound by data protection rules and guidance. Such information is not considered to be Council information; however, if it is shared with Council officers, then it becomes data that is held by the Council and is subject to the usual data protection rules.

6.6 Media relations and publicity

The Council must comply with relevant legislation as regards any publicity it produces. The Code of Recommended Practice on Local Authority Publicity is attached as Supporting Document G to the Council's Standing Orders. Specific guidance on publicity during pre-election periods is published on Elnet in advance of each election.

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2025

BY: Executive Director for Council Resources

SUBJECT: Nomination of the Vice-Convenor and Renewal of the Term of Office for Councillor Members of the East Lothian Integration Joint Board

6

1 PURPOSE

- 1.1 To seek approval of the nomination of Councillor Akhtar as Vice-Convenor of the East Lothian Integration Joint Board (IJB), with effect from 1 April 2025, and to renew the term of office for three of the Council-appointed members of the IJB, with effect from 23 June 20.

2 RECOMMENDATIONS

- 2.1 That the Council approves the nomination of Councillor Shamin Akhtar as Vice-Convenor of the East Lothian Integration Joint Board, to take effect from 1 April 2025 until 31 March 2027;
- 2.2 That the Council approves the renewal of the term of office for the following Council-appointed members of the IJB: Councillors Akhtar, Jardine and McFarlane, to take effect from 23 June 2025.

3 BACKGROUND

- 3.1 In accordance with the East Lothian Integration Joint Board (IJB) Integration Scheme, the Council is asked to nominate a new Vice-Convenor of the IJB, to take effect from 1 April 2025 until 31 March 2027. The Vice-Convenor must be nominated from among the Council's voting members of the IJB. The Administration is nominating Councillor Akhtar, Cabinet Spokesperson for Health and Social Care, for this role. The appointments of both the Convenor and Vice-Convenor of the IJB will be confirmed at its meeting on 20 March 2025.

3.2 Also in accordance with the IJB's Integration Scheme, the Council is required to renew the term of office for Council-appointed members every three years. The Council is therefore asked to approve the renewal of the terms of office for Councillors Akhtar, Jardine and McFarlane, with effect from 23 June 2025. Councillor Findlay's term of office does not require renewal at this time.

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – none

6.2 Personnel – none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 East Lothian Integration Joint Board Scheme of Integration

AUTHOR'S NAME	LeI Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x 7292
DATE	27 January 2025

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2025

BY: Executive Director for Place

SUBJECT: East Lothian Council/Queen Margaret University
Joint Venture Agreement: Proposal to Amend Articles
of Association

7

1 PURPOSE

- 1.1 The purpose of this report is to provide a report on an amendment to (1) Article 5 of the Articles of Association of the JV Co and (2) consent to a variation to the Joint Venture Agreement between East Lothian Council and Queen Margaret University.

2 RECOMMENDATIONS

- 2.1 To ratify the amendment to Article 5 of the Articles of Association and consent to the variation of the Joint Venture Agreement between East Lothian Council and Queen Margaret University.

3 BACKGROUND

- 3.1 In April 2022 East Lothian Council (“ELC”) and Queen Margaret University (“QMU”) concluded the legal documents to enable the delivery of the Joint Venture Structure, including a Joint Venture Agreement.
- 3.2 The Joint Venture provides for a 50/50 representation from ELC and QMU by way of the appointment of four directors. Two directors represent ELC’s interest and two represent QMU’s interest. The Joint Venture Agreement and the Joint Venture Company Articles both provide that the number of directors shall not be less than, and no more than, four. Where the number of directors is below four the directors may not act.
- 3.3 In February 2025, one of the JV directors representing QMU’s interest intimated the intention to resign from the Board (due to personal circumstances). After seeking appropriate legal advice, it was agreed that

the JV would proceed in the following manner at the Board meeting on 6 February.

- 3.4 The directors resolved to issue a written resolution (attached) to the shareholders seeking shareholder approval to amend the Article 5. The written resolution to amend the articles, did not change the requirement of four directors (made up of an equal number of A Directors and B Directors). Rather, the amendment provided that if there is a vacancy or imbalance in their number, the continuing directors may act for all purposes provided they are capable of constituting a quorum.
- 3.5 The Joint Venture Agreement provides that the quorum for a meeting of the directors is two directors. One shall be a director representing ELC, the other a director representing QMU. Each director has the capability of exercising two votes on behalf of the absentee director – this arrangement will then allow continuity of business.
- 3.6 In addition, the JV Agreement has some legacy wording that states that *"To the extent that there are fewer than four directors appointed as at the Completion Date, the parties respectively undertake to ensure they have each appointed two directors no later than 6 months after the Completion Date."* That is now obsolete, and the Board agreed to address this by way of a variation to the JV agreement (attached) that stated:

"If at any time a party has less than two appointed directors, it shall use reasonable endeavours to appoint additional directors such that it has two appointed directors in office as soon as reasonably practicable (but allowing for its internal governance processes relating to the appointment of directors)."

The purpose of the above is to (1) align with the provision in the articles and (2) reduce the likelihood of a breach under the JV Agreement if a party has appointed less than two directors and to allow a party reasonable time to make further appointments.

The last item of business was a minuting of the QMU's formal resignation which will be intimated post the date of the Council meeting.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - East Lothian Council's £10M contribution is reflected in the approved capital plan.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Council Report (Private) - Commercial Heads of Terms between ELC and QMU for the Delivery of the Food and Drink Innovation Hub and Park – 27 October 2020.
- 7.2 Council Report (Private) - Commercial Heads of Terms between East Lothian Council and Queen Margaret University for the Delivery of the Food and Drink Innovation Hub and Park – 15 December 2020.
- 7.3 Council Report (Private) ELC/QMU Commercial Heads of Terms. – 27 April 2021.
- 7.4 Council Report (Private) East Lothian Council / Queen Margaret University Legal Update – 16 November 2021
- 7.5 Council Report (Private) East Lothian Council / Queen Margaret University Joint Venture – February 2022.
- 7.6 Council Report (Private) East Lothian Council / Queen Margaret University Joint Venture – March 2022.
- 7.7 Members Library Report – June 2022
- 7.8 Members Library Report – February 23
- 7.9 Members Library Report – October 23
- 7.10 Members Library Report – October 24

AUTHOR'S NAME	Catherine Molloy
DESIGNATION	Project Manager
CONTACT INFO	Cmolloy1@eastlothian.gov.uk
DATE	7 February 2025

THIS DOCUMENT HAS BEEN PREPARED BY BRODIES LLP. YOUR SIGNATURE ON THIS DOCUMENT MAY HAVE CERTAIN LEGAL CONSEQUENCES AND YOU SHOULD SEEK INDEPENDENT LEGAL ADVICE BEFORE SIGNING THIS DOCUMENT.

Company number SC725216

PRIVATE COMPANY LIMITED BY SHARES

WRITTEN RESOLUTIONS of EDINBURGH INNOVATION PARK JOINT VENTURE COMPANY LIMITED
(**Company**)

[] February 2025 (**Circulation Date**)

Pursuant to Chapter 2 of Part 13 of the Companies Act 2006, the directors of the Company propose that the Resolution below is passed as a special resolution (**Resolution**).

SPECIAL RESOLUTION

THAT the articles of association of the Company be amended by deleting the present Article 5 and by adopting the following as new Article 5 namely:

"The number of directors shall not be less than and no more than four, made up of an equal number of A Directors and B Directors, provided that the continuing directors may act for all purposes notwithstanding any vacancies or imbalance in their number provided they are capable of constituting a quorum. No shareholding qualification for directors shall be required."

AGREEMENT

Please read the notes at the end of this document before signifying your agreement to the Resolution.

The undersigned, a person entitled to vote on the Resolution on the Circulation Date, hereby irrevocably agrees to the Resolution:

Signed by

Signature of Authorised Signatory	
Print Name	
For and on behalf of Queen Margaret University, Edinburgh	
Date	

Signed

Signature of Authorised Signatory	
Print Name	
For and on behalf of East Lothian Council	
Date	

NOTES

1. If you agree to the Resolution, please indicate your agreement by signing and dating this document where indicated above and returning it to the Company using one of the following methods:
 - **By hand or post:** delivering the signed copy to **Brodies LLP, 58 Morrison Street, Edinburgh EH3 8BP**, United Kingdom (marked for the attention of Malcolm Holmes).
 - **By e-mail:** by attaching a scanned copy of the signed document to an e-mail and sending it to malcolm.holmes@brodies.com. Please enter "Written resolution dated [CIRCULATION DATE]" in the e-mail subject box.
 - **DocuSign:** by clicking "finish" which returns the signed document to Brodies LLP.

If you do not agree to the Resolution, you do not need to do anything. You will not be deemed to agree if you fail to reply.

2. Once you have indicated your agreement to the Resolution, you may not revoke your agreement.
3. Unless, by 28 days from the Circulation Date, sufficient agreement has been received for the Resolutions to pass, they will lapse. If you agree to the Resolution, please ensure that your agreement reaches us before or during this date.

AGREEMENT

BETWEEN

QUEEN MARGARET UNIVERSITY, EDINBURGH

AND

EAST LoTHIAN COUNCIL

THIS DOCUMENT HAS BEEN PREPARED BY BRODIES LLP ON BEHALF OF QUEEN MARGARET UNIVERSITY, EDINBURGH. YOUR SIGNATURE ON THIS DOCUMENT MAY HAVE CERTAIN LEGAL CONSEQUENCES AND YOU SHOULD SEEK INDEPENDENT LEGAL ADVICE BEFORE SIGNING THIS DOCUMENT.

Date of delivery: February 2025

AGREEMENT

BETWEEN

PARTIES

- (1) **Queen Margaret University, Edinburgh**, a company limited by guarantee registered in Scotland with company number SC007335 and having its registered office at Queen Margaret University Drive, Musselburgh, East Lothian, EH21 6UU ("**QMU**"); and
- (2) **East Lothian Council**, constituted in terms of Local Government etc. (Scotland) Act 1994 and having their Principal Offices at John Muir House, Brewery Park, Haddington EH41 3HA ("**ELC**").

QMU and ELC are referred to together as the "**Parties**" in this Agreement.

BACKGROUND

- (A) The parties entered into a joint venture agreement dated 12 April 2022 (the "**JV Agreement**") relating to Edinburgh Innovation Park Joint Venture Company Limited (company number SC725216).
- (B) The parties have agreed to vary the JV Agreement.

AGREED TERMS

1 Interpretation

- 1.1 Unless otherwise defined in this Agreement, capitalised terms shall have the meanings set out in the JV Agreement.
- 1.2 The rules of interpretation set out in the JV Agreement shall apply to this Agreement.

2 Variation of the JV Agreement

- 2.1 Clause 4.2 of the JV Agreement shall be deleted, and the following shall be substituted as a new clause 4.2 in place thereof:

"4.1 There shall be a minimum number of four directors and no more than four directors on the Board made up of an equal number of A Directors and B Directors, provided that the continuing directors may act for all purposes notwithstanding any vacancies or imbalance in their number provided they are capable of constituting a quorum. If at any time a party has less than two appointed directors, it shall use reasonable endeavours to appoint additional directors such that it has two appointed directors in office as soon as reasonably practicable (but allowing for its internal governance processes relating to the appointment of directors).

3 Status of agreement

3.1 This Agreement is supplemental to the JV Agreement. Except as set out in this Agreement, the JV Agreement shall continue in full force and effect.

4 Third party rights

4.1 This Agreement does not confer on any person other than the parties any right to enforce or otherwise invoke any term of this Agreement under the Contract (Third Party Rights) (Scotland) Act 2017).

5 Counterparts

5.1 This Agreement may be executed in any number of counterparts, each of which is an original and which together have the same effect as if each Party had signed the same document.

6 Governing law and jurisdiction

6.1 This Agreement and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by and construed in accordance with the law of Scotland.

6.2 The parties irrevocably agree that the courts of Scotland have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).

This Agreement is executed as follows and, if executed in counterpart in terms of the Legal Writings (Counterparts and Delivery) (Scotland) Act 2015, is delivered for the purposes of that Act on the date set out on page 1 of this Agreement:

For **QUEEN MARGARET UNIVERSITY, EDINBURGH**

.....
signature of witness

.....
signature of authorised signatory

.....
full name of above (print)

.....
full name of above (print)

.....
.....

.....
date of signing

.....
address of witness

.....
place of signing

For **EAST LOTHIAN COUNCIL**

.....
signature of witness

.....
signature of authorised signatory

.....
full name of above (print)

.....
full name of above (print)

.....
.....

.....
date of signing

.....
address of witness

.....
place of signing

MOTION TO EAST LOTHIAN COUNCIL
25 February 2025

Motion in Support of a Global Fossil Fuel Non-proliferation Treaty

8

Preamble

1. Weather records have now confirmed that 2024 was the first year in which the planet was consistently more than 1.5C higher than pre-industrial baseline temperatures, indicating that the goal of the Paris agreement to keep warming below that threshold, is in jeopardy.¹
2. East Lothian Council declared a Climate Emergency in 2019 and a Nature Emergency in 2023. Council also voted unanimously in 2022 to write to the Lothian Pension Fund expressing support for divestment of the fund's public sector pension investments from businesses whose activity is the extraction and burning of fossil fuels. LPF has since increased the value of its shares in fossil fuel companies.² Recent strategies like the Local Economy Strategy, LHEES strategy, the Local Housing Strategy, the Tree and Woodland Strategy and two plans currently under development – the Local Development Plan 2 and the updated Climate Change Strategy – have all provided a chance for Members to debate the climate crisis and East Lothian's response to it. We know we need to do things differently if we are to pass on a thriving county to future generations.
3. The scientific consensus is clear that human activities are primarily responsible for accelerating global climate change, and that the climate crisis now represents one of the preeminent threats to global civilization.
4. The International Energy Agency stated in its May 2021 report "Net Zero by 2050" that in order to reach that goal there should be no new oil or gas fields, or new coal mines, as of that moment.³ The Paris Climate Agreement is silent on coal, oil and gas, an omission with respect to the supply and production of fossil fuels (the largest source of greenhouse gases) that needs to be collectively addressed by other means.
5. A new global initiative is underway calling for a Fossil Fuel Non-proliferation Treaty.⁴ Although a treaty text has not yet been agreed, the campaign follows three principles:
 - a. plan the end of new fossil fuel exploration and expansion;
 - b. phase out existing production in line with the global commitment to limit warming to 1.5°C; and
 - c. accelerate equitable transition plans globally.
6. Support for a treaty has been pledged by 14 national governments, the World Health Organisation, the European Parliament, 10 indigenous nations, and hundreds of local governments including Edinburgh, Glasgow, and North Ayrshire.

¹ <https://www.metoffice.gov.uk/about-us/news-and-media/media-centre/weather-and-climate-news/2025/2024-record-breaking-watershed-year-for-global-climate>

² <https://www.scotsman.com/news/politics/lothian-edinburgh-fossil-fuels-pensions-4734881>

³ <https://www.iea.org/reports/net-zero-by-2050>

⁴ <https://fossilfueltreaty.org/>

7. East Lothian has a part to play in all three of the demands from the Treaty campaign:
 - a. End new fossil fuel exploration: the huge development of renewable generation in East Lothian provides alternative energy sources that mean we have no need to drill in new sites for fossil fuels;
 - b. Phase out existing production: the energy generated in East Lothian through renewables (and Torness, until 2030) can provide energy as fossil fuel extraction falls. The potential for heat recovery from industrial sources and large-scale district heating will cut demand for oil and gas, and provide huge economic opportunity to residents and investors alike;
 - c. Accelerate equitable transition plans globally: the recent redundancy announcements at Grangemouth show why it is so important to plan the energy transition and not leave workers at the mercy of market forces. All levels of government have a part to play to ensure that skilled job opportunities match up to availability of skilled workforce and no one is left behind.

Therefore, East Lothian Council:

- Recognises the severity of the global climate crisis and the vulnerability of East Lothian, as a coastal and agricultural county, to the effects of climate breakdown;
- Notes that the effects of climate change are likely to fall disproportionately on those who are already more vulnerable, and that this is true locally as well as globally;
- Notes also that East Lothian is uniquely placed to deliver clean energy in a post-fossil fuel economy and that the Just Transition has the potential to create high-quality jobs in East Lothian, as well as secure and affordable heat and electricity;
- Endorses the calls for a Global Fossil Fuel Non-proliferation Treaty and calls upon the Scottish and UK governments, as well as CoSLA, to do the same.
- Asks that the Leader of the Council writes to the First Minister of Scotland, to the UK Secretary of State for Net Zero, and to the Leader of CoSLA, to ask them publicly to endorse the principle of a treaty based on three pillars: non-proliferation; a fair phase-out of fossil fuels; and a just transition.

Proposed by (name): Shona McIntosh

Date: 13 February 2025

Seconded by (name): John McMillan

Date: 13 February 2025

Received by (name of officer): Linda Gillie – Team Manager, Democratic & Licensing

Date: 13 February 2025

MOTION TO EAST LoTHIAN COUNCIL

25 February 2025

Local Heat and Energy Efficiency Strategy: Application for Scottish Government Support

In October 2024, East Lothian Council unanimously approved the Local Heat and Energy Efficiency Strategy and Delivery Plan. One of the recommendations agreed to was that 'officers should continue to explore all opportunities to undertake feasibility studies where funding is available to assess the technical and financial viability of district heating and smaller-scale local heat network solutions.' The report also noted, under 'Resource Implications' (Section 6.1 of that report) the fact that 'without Scottish Government funding the Council's actions could be limited.'

Since then, the East Lothian Community Benefits Organisation, through a generous donation of community benefit money from East Lammermuir Community Council, have commissioned and begun a feasibility study, at no cost to the Council.

The Scottish Government's Heat Network Support Unit (HNSU) exists to provide support, guidance and, where appropriate, funding, for local authorities engaged in exploration of heat network potential. Only local authorities (not community groups or businesses) can make the application to unlock any of this support. Therefore, any access to HNSU expertise and future financial assistance is dependent upon East Lothian Council making such a formal application.

This motion calls for Members to:

- Welcome the opportunity for Members to visit Midlothian' Energy's Heat Centre on 25 March 2025 to further explain the technology involved in supplying district heating.
- Recognise the success of residents from Tynninghame, Crowhill Steading (near Innerwick) and Mainshill Steading (near Morham) in securing consultancy support via Local Energy Scotland to undertake local heat network feasibility studies.
- Acknowledge the generosity of East Lammermuir Community Council for the funding that they have made available to East Lothian Community Benefits to commission a feasibility study on a large-scale district heat network for East Lothian. This study commenced in mid-January 2025 and is expected to take 4–6 months.
- Also acknowledge the financial contribution being made by Scottish Enterprise towards the cost of this feasibility study.
- Note that officers have engaged with East Lothian Community Benefits and the project's Steering Group on this community-led feasibility study and agree that this engagement and support should continue.

- Require that Officers apply (as soon as possible and before the next Council meeting in April) to the Scottish Government's Heat Network Support Unit to formally seek support from the HNSU's staff for the district heating feasibility study and a smaller heat network proposal being explored by Pencaitland Community Council.

Proposed by (name): Lyn Jardine

Date: 13 February 2025

Seconded by (name): Shona McIntosh

Date: 13 February 2025

Received by (name of officer): Linda Gillie – Team Manager, Democratic & Licensing

Date: 13 February 2025

REPORT TO: East Lothian Council
MEETING DATE: 25 February 2025
BY: Executive Director for Council Resources
SUBJECT: Submissions to the Members' Library Service,
25 November 2024 – 9 February 2025

1 PURPOSE

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

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 25 November 2024 and 9 February 2025, as listed in Appendix 1.

3 BACKGROUND

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

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

AUTHOR'S NAME	Lel Gillingwater
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DATE	10 February 2025

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
25 November 2024 to 9 February 2025**

Reference	Originator	Document Title	Access
150/24	Head of Infrastructure	East Lothian Journey Hubs	Public
151/24	Executive Director for Council Resources	Review of Team Manager Roles with the Housing Assets Team	Private
152/24	Executive Director for Place	East Lothian by Numbers – Travel and Transport	Public
153/24	Executive Director for Place	East Lothian Council – Public Sector Climate Change Reporting 2023/24	Public
154/24	Head of Corporate Support	Establishment Changes for November 2024	Private
155/24	Executive Director for Place	In-House Pest Control Service – Phase 1	Private
156/24	Executive Director for Education and Children's Services	Service Review – Tots and Teens	Private
157/24	Head of Communities	Environmental Health (Business Compliance) Service Plan 2024-25	Public
1/25	Executive Director for Council Resources	SRR – Licensing Standards Officers	Private
2/25	Head of Corporate Support	Establishment Changes for December 2024	Private
3/25	Head of Infrastructure	Sale of Former Civic Amenity Site	Private
4/25	Executive Director for Council Resources	Creation of Legal Assistant – Property (Legal Services)	Private
5/25	Executive Director for Council Resources	Creation of the Post of Home School Practitioner	Private
6/25	Head of Housing	Proposals to Increase Council House Rents – Consultation Exercise	Public
7/25	Head of Infrastructure	Trade Waste Charges 2025/26	Private
8/25	Head of Communities & Partnerships	East Lothian Partnership Performance Report 2020-2024	Public
9/25	Head of Infrastructure	Sale of 27.5 sqms or Thereby of Land in North Berwick	Private
10/25	Head of Infrastructure	Lease of Park at Athelstaneford	Private
11/25	Head of Corporate Support	Establishment Changes for January 2025	Private
12/25	Head of Finance	Bad Debt and Credit Balance Write Offs Q1-Q2 2024-25	Public
13/25	Head of Corporate Support	Quarterly Customer Feedback Reporting	Public

10 February 2025

