

Item 9: Strengthening Planning Enforcement Powers
Amendment Submitted by Councillors Jardine and Cassini

The amendment seeks to amend the motion, as follows:

1. Deletes the fifth paragraph of the motion (beginning '*There have been no significant changes to planning enforcement powers in recent years ...*') and replaces it with:

'Council recognises that the Planning (Scotland) Act 2019 strengthened the enforcement framework by increasing penalties, modernising Temporary Stop Notices and introducing fixed-penalty provisions. The key challenge now is not the absence of powers but ensuring councils are adequately resourced and confident to use these powers effectively and transparently.'

2. Deletes paragraph 1 of the 'Council is asked to' section (beginning '*Instruct the Chief Executive ...*') and replaces it with:

'Instruct the Chief Planning Officer to bring forward within three months an options paper setting out:

- a. how existing enforcement powers are currently deployed;
- b. opportunities to make fuller and timelier use of Stop and Temporary Stop Notices and Fixed Penalty Notices;
- c. indicative timelines from complaint to action; and
- d. any resource implications for consideration through the budget process.'

3. Deletes paragraph 2 of the 'Council is asked to' section (beginning '*Request that this review consider providing councils ...*') and replaces it with:

'Recognise that effective use of existing enforcement powers depends on clear corporate backing for officers acting within statutory powers and on sustainable staffing levels within Planning and Legal Services.'

4. Amends paragraph 5 (beginning '*Request that an annual summary of enforcement activity ...*') by replacing the words 'an annual summary' with 'a quarterly dashboard' and inserting after 'Planning Committee' the words:

'to include data on cases opened and closed, notices served, recovery rates and appeals, to improve transparency and oversight.'

5. Deletes paragraph 6 (beginning *'Agree that East Lothian Council should work with COSLA ...'*) and replaces it with:

'Agree that East Lothian Council should continue to work with COSLA and other local authorities to share best practice in delivering effective enforcement and to highlight resource and skills needs within the planning system.'