



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 OCTOBER 2025  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
AND VIA HYBRID MEETING FACILITY

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### Committee Members Present:

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

### Council Officials Present:

Mr L Rockey, Chief Executive  
Ms L Brown, Executive Director for Education and Children's Services  
Ms S Fortune, Executive Director for Council Resources  
Ms H Barnett, Head of Corporate Support  
Ms L Byrne, Head of Children's Services (R)  
Mr K Dingwall, Head of Development  
Mr D Hood, Head of Operations – Health & Social Care (R)  
Mr E John, Head of Communities  
Ms N McDowell, Head of Education (R)  
Mr T Reid, Head of Infrastructure  
Ms E Barclay, Democratic Services Assistant  
Ms P Gray, Communications Officer (R)  
Mr R MacDonald, Surveyor  
Ms C Molloy, Project Manager (Edinburgh Innovation Hub)  
Ms T Murray, Principal Solicitor (Commercial) (R)  
Mr M Nelson, Team Manager – Property Asset Review

(R) = remote participant

### Visitors Present:

Mr A Nichol, Edinburgh and South East Scotland City Region Deal

### Clerk:

Mrs L Gillingwater

**Apologies:**

Councillor C Cassini

Councillor N Gilbert

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

The clerk recorded the attendance of Members by roll call.

**Declarations of Interest/Transparency Statement:**

Item 8: Transparency statements – Councillor Jardine noted that she had a child at Dunbar Grammar School; Councillor McIntosh noted that she had two children at Pinkie St Peter's Primary School; the Provost noted that he had a grandchild at Aberlady Primary School.

Prior to the commencement of business, the Provost advised that an emergency motion had been submitted by Councillors Findlay and Allan. Whilst recognising the intent behind the motion, he did not consider it to be urgent and therefore had not accepted it for consideration at the meeting.

**1. MINUTES FOR APPROVAL**

The minutes of the following meetings of East Lothian Council were approved:

- a. East Lothian Council, 26 August 2025
- b. Special East Lothian Council, 30 September 2025

**2. ACTION LOG**

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

As regards Action 25/14 (Motion on Renewables Infrastructure), Hayley Barnett, Head of Corporate Support, advised that Group Leaders were working to finalise the letters to the Scottish and UK Governments, and recommended that, subject to agreement on the letters, this action be closed. She added that this action would effectively also close Actions 25/02 (Motion on Global Fossil Fuel Non-proliferation Treaty) and 25/05 (Motion on Security of the Nation's Energy Supply). Members agreed to close these actions subject to agreement on the letters.

As regards Action 25/17 (Musselburgh Flood Protection Scheme), Tom Reid, Head of Infrastructure, reported that the letter and associated documentation had now been submitted to the Scottish Government. He undertook to provide a copy of the letter to Members.

### **3. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 9 JUNE – 11 AUGUST 2025**

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

The Head of Education responded to questions relating to the suite of Education policy documents (refs: 87-90/25), particularly in relation to engagement with parents/carers on policy changes, and exclusion data.

#### **Decision**

The Council agreed to note the reports submitted to the Members' Library Service between 11 August and 12 October 2025, as listed in Appendix 1 to the report.

### **4. ASSET REVIEW – PLACE MAKING PROJECT PROPOSALS**

A report was submitted by the Executive Director for Place presenting key findings from the Place Making Project engagement and seeking approval for proposals aimed at securing and enhancing service delivery.

The Head of Infrastructure, Tom Reid, presented the report. He advised of the engagement process undertaken and the feedback received, and he drew particular attention to proposals for creating Library & Area Hubs (as set out at Sections 3.13-3.41 of the report) and Community Hubs (as outlined at Sections 3.42-3.50). He also pointed out that the Preliminary Market Consultation (PMC) for the Brunton Hall had been issued on 27 October. Mr Reid indicated that a further report on the Place Making Project would come to Council in late 2026, following further community consultation on the proposals.

Mr Reid responded to questions from Members in relation to the timing of the creation of Community Hubs; proposed work with community groups to create viable solutions and avoid duplication; benchmarking with other local authorities; monitoring of community benefits and social value; and the level of investment required for buildings to reach net zero, and the need to identify funding opportunities to achieve that.

The report was welcomed by Members, who recognised the importance of providing community spaces. It was pointed out that community engagement and support was key to the success of the proposals, as was empowering different communities to operate facilities in the way that would work best for them. The importance of continuing to provide library services was also stressed, as was monitoring the capacity of communities to run facilities.

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

#### **Decision**

The Council agreed:

- i. to instruct the Head of Infrastructure to develop an Outline Business Case to present options and costings for the creation of six core Library & Area Hubs, which would include undertaking a range of feasibility studies, as outlined in the report;
- ii. that officers would consider alternative service delivery models at various libraries in partnership with local communities;

- iii. that officers would engage with local communities to assess the feasibility of implementing a revised operating model at various community centres, village halls, Haddington Town House and Dunbar Town House;
- iv. to instruct the Head of Infrastructure to develop a Community Benefits Subsidised Lease Policy to provide clarity and transparency around the process for applying discounts on rent for community organisations;
- v. to establishing the feasibility of relocating North Berwick Youth Project to the former nursery adjacent to North Berwick Community Centre which arose from the place-based engagement;
- vi. to note the decision by Council on 24 June 2025 as part of 'Learning Estate Paused Capital Projects' to incorporate the Elphinstone Community Centre into the Primary School to address future pupil roll requirements;
- vii. that officers should engage with community representatives to investigate the feasibility and benefits of greater commercialisation of Dunbar Town House; and
- viii. to assess the feasibility of creating a publicly accessible list of all community facilities available in East Lothian, in conjunction with the Council's community partners.

## **5. ENERGY REPORT AND LOCAL HEAT AND ENERGY EFFICIENCY STRATEGY DELIVERY PLAN UPDATE**

A report was submitted by the Executive Director for Place providing Council with an update on the Local Heat and Energy Efficiency Strategy (LHEES) Delivery Plan and on energy-related matters, and seeking agreement on next steps.

The Provost noted that an amendment to the recommendations had been submitted by Councillors McIntosh and Hampshire.

The Head of Development, Keith Dingwall, presented the report, highlighting progress made on the Delivery Plan actions to date, and proposing a number of changes to the Delivery Plan (outlined at Section 3.8 of the report). Mr Dingwall also advised of discussions with neighbouring authorities in relation to heat networks (detail on an East Lothian heat network is outlined at Section 3.21 of the report), and noted that work had commenced on a Regional Energy Masterplan through the City Region Deal.

Mr Dingwall responded to questions from Members as regards the involvement of the Council in SGN Ltd's proposals; funding and delivery mechanisms open to the community group following the feasibility study; the potential for using mine water as a heat source, currently being explored by developers at Blindwells; progress on setting up small-scale trial heat network projects in East Lothian; issues with serving rural communities by way of heat networks; the opportunities for using hydrogen to heat homes, with trials currently underway in Fife; and the need to avoid exposing the Council to financial risk.

Councillor McIntosh presented the amendment, noting her desire for the Council to strengthen its commitment to working with communities and other stakeholders to reduce carbon emissions and achieve net zero by 2045. She stressed the need to reduce dependency on fossil fuels, and highlighted options for electrifying heating systems, which would also result in financial benefits to consumers. She noted that she felt uneasy about giving SGN Ltd a

letter of support; however, she accepted the need to ensure that there would no risk to the Council.

Councillor Hampshire seconded the amendment, emphasising the need for heating to be affordable. He was not entirely convinced that the heat network proposal was the right solution, but was happy to work with the community group and to consider this alongside other proposals.

The report and amendment were welcomed by Members, who stressed the need for projects to be affordable and deliverable.

The Provost then moved to the roll call vote on the report recommendations versus the amendment. Support for the amendment was unanimous.

## **Decision**

The Council agreed:

- i. to note progress made on the actions in the LHEES Delivery Plan;
- ii. to approve the amendments to the actions in the LHEES Delivery Plan (set out in Section 3.8 of the report);
- iii. that officers should continue to explore the potential for district heat networks across the authority, noting the particular opportunities on the potential for a district heat network at Cockenzie using waste heat from a data centre, along with the existing sources of waste heat already identified in the LHEES report, and the potential of utilising mine water geothermal energy for the Blindwells development and surrounding area;
- iv. that officers continue to work regionally, in partnership with other Councils, to further develop the Regional Energy Masterplan, and ensure that the full potential of regional infrastructure is utilised effectively and efficiently and for this work to explicitly include the potential from heat networks;
- v. with the principle of a partnership with Lothian Heat Community Interest Company, which should be aligned with regional discussions, and subject to officers developing an MOU to be agreed at a future Council meeting; noting the various deadlines for future funding opportunities to progress aspects of the LHEES delivery plan, this MoU should be brought to the December 2025 meeting of the Council for a report and decision;
- vi. to note in principle that while committed to exploring the development of heat networks, their delivery cannot be dependent on capital resources from, or underwriting of debt by, this Council, given the financial position and wider demands on resources; however, also to note that in some cases a heat network may represent best value as a decarbonisation option for Council estates and housing and could also be a key enabler to reduce fuel poverty among residents, and therefore instructs officers to work with Lothian Heat CIC to facilitate access to funding and advice, including but not limited to, the Scottish Government's Heat Network Support Unit and Heat Network Fund, the UK National Wealth Fund, GB Energy and SPEN; and
- vii. to ask officers to write to SGN Ltd to confirm that the Council in principle supports the Caledonia H2 project, while recognising that this project seeks to connect industrial sites and therefore is entirely separate from the issue of heat in buildings and the Council's obligations under the Local Heat and Energy Efficiency Strategy.

## **6. EDINBURGH INNOVATION HUB UPDATE**

A report was submitted by the Executive Director for Place providing an update on the Edinburgh Innovation Hub.

The Project Manager, Catherine Molloy, presented the report. She reported that the Innovation Hub building was now complete, and the handover would take place on 10 November. She provided a summary of various aspects of the project, including operational activities, community wealth building and economic benefits.

There followed a series of questions from Members on risk management arrangements, the monitoring of future community wealth building and economic benefits, projections for the occupancy of the building, ongoing discussions to address issues at the new road junction, and the promotion of the Innovation Hub facilities.

The report was welcomed by Members. Tributes were paid to Douglas Proudfoot (former Executive Director for Place) and to Ms Molloy for their work in successfully delivering the Innovation Hub, which would bring benefits to the local area. It was pointed out that this was a commercial venture that would not be funded by the Council, and the Joint Venture was called upon to be open and transparent about the social value of the project. It was also noted that improvements to the cycle network would be explored.

The Provost asked the Council to note the recommendations, which were duly noted.

### **Decision**

The Council agreed to note the update on the Edinburgh Innovation Hub.

## **7. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL: ANNUAL REPORT 2024/25 AND UPDATE**

A report was submitted by the Executive Director for Place summarising the key findings of the City Region Deal Annual Report (attached as Appendix 1 to the report), which was approved by the City Region Deal Joint Committee on 5 September 2025).

The Provost welcomed Mr Andy Nichol, Head of the Project Management Office for the Edinburgh and South East Scotland City Region Deal, to the meeting.

The Head of Development, Keith Dingwall, presented the report. He provided an overview of the progress and achievements regarding the City Region Deal Programme for 2024/25, including the completion of the Innovation Hub, the positive response to the Blindwells Strategic Outline Business Case by the UK and Scottish Governments, and progress made regarding the upgrading of Sheriffhall Roundabout.

Mr Dingwall and Mr Nichol responded to a series of questions from Members regarding measuring benefits of the Programme (a measurement framework and dashboard was under development), the impact and benefits of the Employability and Skills Programme, and the provision of regular progress reporting to Council and the Members' Library.

The report was welcomed by Members, particularly the partnership working between councils, universities and the business community. It was suggested that a case for City Region Deal 2 should be prepared, and also that the work done through the City Region Deal should be

better promoted. The development of the benefits dashboard was welcomed as this would allow people to see the impact of the investment in the various projects.

The Provost asked the Council to note the recommendations, which were duly noted.

## **Decision**

The Council agreed:

- i. to note the summary findings of the seventh City Region Deal Annual Report; and
- ii. to note the date for the next Annual Conversation.

## **8. MOTION: BAN ON SMARTPHONES AND SIMILAR DEVICES IN EAST LOTHIAN SCHOOLS**

A motion was submitted by Councillors Bruce and Findlay, as follows:

That East Lothian Council:

Notes the growing body of evidence showing the detrimental impact of smartphones on children and young people, including:

- Significant negative effects on learning outcomes, attention spans, and behaviour in schools;
- Widespread exposure to harmful online content, including bullying, sexual harassment, and explicit material;
- Increasing concerns from teachers, parents, and international organisations regarding the safeguarding, health, and wellbeing of young people in the context of smartphone use.

Further notes that international comparators such as France, the Netherlands, South Australia, and Denmark, alongside UK local authorities such as Barnet Council, Moray Council, and Edinburgh City Council, have already moved to implement comprehensive bans on smartphones in schools.

Additionally notes that evidence from the Scottish Secondary Teachers' Association (SSTA) behaviour survey shows that 71% of members reported mobile phones were negatively affecting behaviour and learning, while 92% reported lessons are interrupted by mobile phones.

Believes that East Lothian Council has a duty under the United Nations Convention on the Rights of the Child (Articles 3, 19, and 31) to act in the best interests of children and to take steps to safeguard them from harms.

Council is asked to:

1. Consult on how to introduce a full ban on smartphones, smartwatches, and similar devices on all primary school estates in East Lothian.

2. Consult on the introduction of a ban on smartphones, smartwatches, and similar devices for students in S1 to S6 during the school day (“bell to bell”), including break and lunchtimes, enforced through the use of lockable pouches or a similar system to ensure devices are securely and safely stored away from students.
3. Consult on permitting, at the discretion of individual Headteachers, the creation of pre-designated areas where S6 students may access smartphones outside of class time.
4. Consult on the establishment clear exemptions for students with medical needs (e.g. medication reminders) or Additional Support Needs where smartphone use is required.
5. Instruct officers to bring forward an implementation plan for the above, following consultation with headteachers, parents, carers, pupils, and trade unions, to ensure smooth and consistent delivery across all schools in East Lothian.
6. Agree that the outcomes of the consultation, an integrated impact assessment, and the financial implications of the ban be reported back to full Council before the end of the current school year, in order to allow a final decision and implementation for the 2026/27 academic year.

Cllr Bruce presented the motion, pointing out the effects of smartphone use on children’s learning, behaviour and sleep, as well as children having access to inappropriate and harmful content online. He noted that other areas within Scotland and beyond had introduced smartphone bans during the school day, and he was of the view that such a policy should be introduced across all schools in East Lothian, in order to protect the learning time and wellbeing of young people.

Cllr Findlay seconded the motion, noting that he had received correspondence from many parents in support of the motion.

An amendment to the motion was submitted by Councillors Jardine and Hampshire:

The amendment seeks to amend the motion, as follows:

1. Amends the motion title by deleting the words *‘Ban on Smartphones and Similar Devices in East Lothian Schools’* and replacing them with:  
*‘Supporting our Head Teachers to Develop a Phone-Free Learning Environment in East Lothian Schools’*
2. Deletes paragraphs 1–3 of the motion preamble (from ‘Notes the growing body of evidence...’ to ‘... regarding the safeguarding, health, and wellbeing of young people in the context of smartphone use.’) and replaces them with:  
‘Notes the growing body of evidence on the impact of smartphones and similar devices on learning, behaviour and wellbeing, alongside the need to equip children and young people with the digital and social skills to use technology responsibly.

‘Recognises the investment in Chromebook-based digital learning for several years, and that a universal 1:1 pilot at Dunbar Grammar School commenced in August 2025, providing every pupil with a device; and notes this pilot will inform any wider roll-out.

‘Acknowledges the Scottish Government’s *Guidance on the Use of Mobile Phones in Schools* (August 2024), which supports locally developed, rights-based approaches consistent with the Council’s duties under the *United Nations*

*Convention on the Rights of the Child* and recognises that significant consultation activity has already taken place across most secondary schools. 'Notes that East Lothian Primary Schools have phone-free learning environments.'

3. Deletes paragraph beginning 'Further notes that international comparators ... and replaces it with:  
'Further notes the emerging international and national practice on phone-free learning and acknowledges the importance of evaluating the evidence from pilots already under way in other local authorities, including Edinburgh and Moray.'
4. Deletes all paragraphs under "Council is asked to:" (points 1–6 inclusive) and replaces them with:

'Council therefore agrees to:

1. Develop, in partnership with Head Teachers, Parent Councils, Pupil Councils and Trade Unions, a draft *Phone-Free Learning Policy Framework* for consultation across all East Lothian schools. The framework will emphasise responsible use, local flexibility and clear exemptions for pupils with medical or additional-support needs.
2. Identify one or more *test-of-change* schools willing to pilot enhanced phone-free measures (which may include locker storage or policy-based arrangements) and to evaluate the impacts on learning, behaviour, wellbeing and equity.
3. Ensure that all consultation and pilot design explicitly include *pupil voice* in line with the Council's UNCRC duties and that equality, digital-inclusion and data-protection impacts are fully assessed.
4. Bring an update to the December Council with a view for a full report with evaluation and costings being brought back to a future Council with recommendation at the earliest opportunity.'

Presenting the amendment, Cllr Jardine made reference to a recent petition heard by the Petitions and Community Empowerment Review Committee, where the Committee had agreed that personal mobile phones and devices should not be used in the classroom, and that there should be structured and managed digital access. She advised that feedback on the Chromebook initiative at Dunbar Grammar School had been positive, and she suggested that the Council should build on this, working in partnership with schools and undertaking a fully costed evaluation. She believed that a ban on phones would not work without investment in the digital infrastructure and support from families.

Councillor Hampshire seconded the amendment, suggesting that implementing a ban would be difficult for schools to manage. His preference was to have a policy whereby pupils, parents and teachers could manage and control the use of devices within the classroom. He noted that a consultation on this subject was already underway, and added that where inappropriate content was being shared, action could be taken.

During the debate, a number of Members voiced their support for controlled use of digital devices, with schools having the power to manage this. It was recognised that learning time should be protected, but that it was important to listen to the views of young people, parents and teachers on this subject. It was also noted that young people would require digital skills,

and that the amendment acknowledged this. Concerns were voiced about the impact of social media on young people's mental health and wellbeing, and that social media companies should take greater responsibility for content on their platforms.

Summing up, Councillor Bruce indicated that he had spoken to teachers about this issue, and they had concerns about the impact of social media in particular. He was in favour of providing Council-issued devices to pupils, as they would not need to bring their own device to school.

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

In favour of motion (4): Councillors Bruce, Collins, Findlay, McGuire  
In favour of amendment (16): Councillors Akhtar, Allan, Bennett, Dugdale, Forrest, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston

Against (0)  
Abstentions (0)

The amendment was therefore carried.

### **Decision**

The Council agreed:

- i. to develop, in partnership with Head Teachers, Parent Councils, Pupil Councils and Trade Unions, a draft *Phone-Free Learning Policy Framework* for consultation across all East Lothian schools. The framework will emphasise responsible use, local flexibility and clear exemptions for pupils with medical or additional-support needs;
- ii. to identify one or more *test-of-change* schools willing to pilot enhanced phone-free measures (which may include locker storage or policy-based arrangements) and to evaluate the impacts on learning, behaviour, wellbeing and equity;
- iii. to ensure that all consultation and pilot design explicitly include *pupil voice* in line with the Council's UNCRC duties and that equality, digital-inclusion and data-protection impacts are fully assessed; and
- iv. to bring an update to the December Council with a view for a full report with evaluation and costings being brought back to a future Council with recommendation at the earliest opportunity.

### **9. MOTION: STRENGTHENING PLANNING ENFORCEMENT POWERS**

A motion was submitted by Councillors Collins and McGuire, as follows:

East Lothian is the fastest-growing county in Scotland. With this growth has come a significant increase in housing developments across the county. However, too often, developers appear to act with disregard for the planning conditions they have agreed to, leaving residents and Council officers to deal with the consequences.

There have been repeated instances where developers have failed to comply with planning conditions, have operated in breach of those conditions, or have sought

retrospective permission after unauthorised works have already taken place. Such actions can cause major disruption to local communities, pose safety risks, and place considerable strain on Council departments including Planning and Roads.

One recent example includes construction traffic using residential streets rather than agreed access routes, creating risks and disturbance for residents. When such breaches occur, Council officers face the difficult task of enforcing compliance, often under the shadow of potential legal action and significant financial costs to the authority.

While local authorities in Scotland have access to a range of statutory planning enforcement powers – including Enforcement Notices, Breach of Condition Notices, Stop Notices, and Fixed Penalty Notices, these powers are often limited in practice by cost, complexity, and the potential for appeals. Scottish Government planning statistics show that in 2023–24 there were 5,991 enforcement cases across Scotland, resulting in just 634 notices served, six reports to the Procurator Fiscal, and only one prosecution.

There have been no significant changes to planning enforcement powers in recent years, nor are there current proposals to strengthen these powers at a national level.

Council is asked to:

1. Instruct the Chief Executive of the Council to write to the Scottish Government urging them to review and strengthen the planning enforcement powers available to local authorities;
2. Request that this review consider providing councils with greater ability to ensure compliance with planning conditions and deal effectively with breaches, without the constant fear of costly legal action from developers;
3. Instruct officers to review East Lothian Council's current approach to planning enforcement, including resources, response times, and communication with residents, and report back to Council with recommendations;
4. Request that the Council's Planning Enforcement Charter be reviewed and actively promoted to ensure residents understand how to report potential breaches and what actions the Council can take;
5. Request that an annual summary of enforcement activity be presented to the Planning Committee to improve transparency and oversight; and
6. Agree that East Lothian Council should work with COSLA and other local authorities to continue sharing best practice and support a coordinated call for stronger and more effective enforcement powers across Scotland.

Cllr Collins presented the motion, making reference to a number of recent planning breaches within her ward. She believed that certain developers were getting away with poor behaviour as Council officers did not want to face the threat of legal action, and that this exposed the Council to risk. She stressed the need for the Council to have greater powers to enforce planning conditions, as, in her view, the provisions in 2019 Planning Act were not adequate. Whilst speaking in agreement of some parts of the amendment, she urged Members to support the motion.

Cllr McGuire seconded the motion, noting that he had received complaints about developer behaviour from residents of a Haddington housing development, and he questioned why no action had been taken.

An amendment to the motion was submitted by Councillors Jardine and Cassini, as follows:

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.'*

Cllr Jardine presented her amendment, noting that, in terms of point 4, it should read 'Policy & Performance Review Committee' rather than 'Planning Committee'. She felt that the 2019 Planning Act provided the Council with sufficient enforcement powers, and that the issue was about having the capacity and confidence to use those powers. She recognised that the process was complex and resource intensive, adding that having more powers without additional resources would be meaningless. She stressed the need for a practical and evidence-driven approach to the matter.

In Councillor Cassini's absence, Councillor Menzies formally seconded the amendment.

There followed a debate, with Members sharing the frustrations voiced by Councillor Collins. It was noted that the Head of Development had already confirmed that the Council had sufficient powers to enforce planning conditions. However, some Members took the view that the 2019 Act did not provide the powers the Council needed, and several Members highlighted issues within their wards that had not been addressed. It was acknowledged that resourcing planning enforcement was a factor. The proposal to report issues to PPRC on a quarterly basis was welcomed.

**Sederunt:** Councillor Bruce left the meeting during the debate.

Summing up, Councillor Collins pointed out that the motion was seeking to support officers to use their existing powers, and to get additional powers. She indicated that she would be prepared to accept the amendment on the condition that the option to write to the Scottish Government (as set out in Section 1 of the motion) would be available should the PPRC recommend that course of action. Councillor Jardine accepted including that provision in her amendment. Councillor Collins duly withdrew her motion.

The Provost then moved to the roll call vote on the motion versus the amendment, as amended. The amendment, as amended, was supported unanimously.

## Decision

The Council agreed:

- i. to 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
  - d. any resource implications for consideration through the budget process;
- ii. to 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;
- iii. to instruct officers to review East Lothian Council's current approach to planning enforcement, including resources, response times, and communication with residents, and report back to Council with recommendations;
- iv. to request that the Council's Planning Enforcement Charter be reviewed and actively promoted to ensure residents understand how to report potential breaches and what actions the Council can take;
- v. to request that a quarterly dashboard of enforcement activity be presented to the Policy and Performance Review Committee to include data on cases opened and closed, notices served, recovery rates and appeals, to improve transparency and oversight, and with the option to write to the Scottish Government (as set out in Section 1 of the original motion), should the PPRC recommend this course of action; and

- vi. to 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.

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Council agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

### **Revisions to Chief Officer Structure**

A private report submitted by the Chief Executive regarding proposed changes to the Council's Chief Officer Structure was approved.

*The webcast for this meeting will be available at the link below for five years from the date of the meeting: [https://eastlothian.public-i.tv/core/portal/webcast\\_interactive/1031365](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1031365)*