

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 NOVEMBER 2018.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Harry Cartmill, Diane Calder (substituting for Peter Johnston), Pauline Clark (substituting for Frank Anderson), Tom Conn, David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, Dom McGuire (substituting for Cathy Muldoon), George Paul and Damian Timson

Apologies – Councillors Frank Anderson, Peter Johnston and Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 18 (Licensing of Mobile Home Sites) – Councillor Peter Heggie declared an interest in that he was a council appointed member of the West Lothian Licensing Board;

Agenda Item 17 (Pentlands Regional Park Management Plan) – Councillor Damian Timson declared an interest in that he was a council appointed member of the Pentland Hills Regional Park;

Agenda Item 18 (Licensing of Mobile Home Sites) - Councillor Chris Horne declared an interest in that he was a council appointed member of the West Lothian Licensing Board;

Agenda Item 18 (Licensing of Mobile Home Sites) - Councillor Dom McGuire declared an interest in that he was a council appointed member of the West Lothian Licensing Board;

Agenda Item 17 (Pentlands Regional Park Regional Plan) & Agenda Item 26 (Riverlife Programme) – Councillor Pauline Clark declared an interest in that she was a council appointed member of West Lothian Development Trust and would not participate in either item of business; and

Agenda Item 17 (Pentlands Regional Park Regional Plan) & Agenda Item 26 (Riverlife Programme) – Councillor David Dodds declared an interest in that she was a council appointed member of West Lothian Development Trust and would not participate in either item of business

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 that the additional item of business concerning “Riverlife: Novation of Funding and Procurement Exemption” would be considered alongside agenda item 26 as it was a companion report.

The Council Executive agreed that Agenda Item 21 (Supplementary Guidance on Air Quality) be continued to allow for further information to be included in the report.

3. MINUTES

The Council Executive approved the Minute of its meeting held on 23 October 2018 and the Minute of its adjourned meeting held on 29 October 2018. The Minutes were thereafter signed by the Chair.

4. COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting consideration of an application for a special project grant received from Dechmont Community Council as detailed in the appendix to the report.

A special project grant scheme operated for community councils in West Lothian to allow them to carry out projects in their areas. Community Councils could apply for a maximum of £750 special project funding in each financial year. There was no minimum grant. The total budget for the current financial year 2018-19 was £3,000 with applications being dealt with on a first come first served basis.

Three valid applications had been approved so far in financial year 2018-19, which meant that there was a remaining balance of £1,100. The amount requested in the valid application was £750 and if granted would leave a balance of £350.

Council Executive was asked to determine the valid application received from Dechmont Community Council as detailed in the appendix attached to the report.

Decision

To approve the valid application for a special project grant from Dechmont Community Council.

5. AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE (2018)

The Chair ruled in terms of Standing Order 28 (Changing a Decision) that as there had been a material change to a decision taken on the "Affordable Housing Supplementary Guidance" by the Council Executive at its meeting on 9 October 2018 therefore the following item would be considered.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for a minor change to the new supplementary guidance on Affordable Housing which had been approved by the Council Executive on 9 October 2018.

The Head of Housing, Customer and Building Services explained on 9 October 2018 Council Executive approved Supplementary Guidance on Affordable Housing 2018 however prior to it being submitted to Scottish

Government there was a need for a minor amendment to be considered by Council Executive.

The change required to the guidance concerned paragraph 4.5 and this was outlined in the report. A copy of the revised guidance was attached to the report at Appendix 1.

It was recommended that Council Executive :-

1. Agree the minor change to Paragraph 4.5 to ensure that all flatted developments would fall within the Supplementary Guidance; and
2. Agrees that the Affordable Housing Supplementary Guidance (2018) as amended should be submitted to Scottish Ministers for approval as part of the statutory development plan.

Decision

To approve the terms of the report

6. APSE PERFORMANCE NETWORKS SEMINAR 2018

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for attendance of appropriate elected members at the APSE Performance Networks Seminar 2018, incorporating the APSE Network Awards, which this year were taking place in Blackpool on 6 and 7 December 2018.

The Head of Housing, Customer and Building Services explained that the APSE Performance Networks Seminar was an essential part of the performance networks timetable and was an excellent shared learning opportunity. The seminar would include the 2017-18 data collection results as well as issues affecting service performance.

Also at the same event would be the Performance Network Awards which was a prestigious high-profile occasion where the best performing authorities and the most improved were awarded for their achievements.

A copy of the programme was attached to the report at Appendix 1

It was recommended that Council Executive approves attendance of the Executive Councillor for Services for the Community and the Executive Councillor for the Environment at the APSE Performance Networks Seminar, with appropriate officer's support from Operational and Housing, Customer and Building Services.

Decision

To agree attendance by Councillor Frank Anderson, George Paul and Tom Conn

7. 2018/19 HOUSING REVENUE ACCOUNT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing financial performance in relation to the Housing Revenue Account (HRA) following the month 6 monitoring exercise.

The report provided a summary of the position for the main expenditure headings and provided a projected out-turn.

It was noted that employee costs were forecast to underspend by £324,000 mainly as a result of secondments, vacant posts and staff turnover. Other costs were also summarised in the report and included premises costs, supplies & services, third party payments, capital borrowing and income.

The report concluded that a breakeven position was forecast on the basis of the information available.

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To note the terms of the report

8. 2018/19 HOUSING CAPITAL REPORT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following the completion of the month 6 monitoring exercise.

A table contained within the report demonstrated that there had been investment of £17.166 million in housing stock as at 30 September 2018. The forecast expenditure for the year was £41.512 million. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

The report advised that significant resources continued to be invested in the creation and acquisition of new homes with budget resources of £22.207 million in 2018/19. New housing supply included the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and projected out-turn for 2018/19.

Decision

To approve the terms of the report

9. 2018/19 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the financial position in relation to the General Fund Revenue Budget, following completion of the 6 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 30 September 2018 and provided a year-end financial forecast which took account of relevant issues identified in individual service budgetary control returns.

The report also provided a table summarising the position in relation to service expenditure and provided a forecast outturn noting that as a result of the month 6 monitoring exercise there was a forecast overspend of £1.352 million, which was partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £300,000.

It was recommended that Council Executive :-

1. Notes that the outcome of the month 6 monitoring exercise was a forecast overspend of £1.352 million for 2018/19, which was partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £300,000, a decrease of £32,000 from the position reported to Council Executive at month 4;
2. Notes the movements in forecasts at service level, in particular, an increase in the projected overspend for Operational Services of £1.098 million, £598,000 of which was as a result of an increase in projected expenditure for ASN transport, offset by an increased underspend within Social Policy of £956,000 related to care provision from providers;
3. Notes the increased level of recurring pressures of £3.894 million and the update from Heads of Service on progress against agreed actions to mitigate these pressures;
4. Notes the potential additional pressure estimated from pay award negotiations was included within the forecast for the current year and the requirement to meet these costs for future years through recurring staffing savings in each service;
5. Notes that officers were progressing a detailed review of the budget model in advance of the annual budget setting process for 2019/2020 to take account of changes in circumstances and updated forecasts;

6. Notes the progress in delivering approved savings for 2018/19 to 2020/2021; and
7. Agrees that Heads of Service take all necessary action to control spend, ensure that wherever possible expenditure was managed within 2018/19 budgeted resources, take all possible opportunities to deliver agreed savings as early as possible, and agree and deliver mitigating actions so that recurring cost pressures were addressed in advance of 2019/2020.

Decision

To approve the terms of the report

10. 2018/19 GENERAL SERVICES CAPITAL BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing information on the financial position in relation to the General Services Capital Programme following completion of the month 6 monitoring exercise.

The report provided an update on the 2018/19 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2018/19 capital budget was £29.733 million which assumed £4 million of over programming.

Good progress was being made on the capital programme with the committed expenditure as a percentage of projected outturn at 51%. In overall terms the monitoring exercise indicated that the projected outturn was on budget at £29.733 million based on further over-programming of £2.203 million being assumed. However if the programme progressed with no further slippage, the balance in resources would be funded by accelerated use of the capital fund, which could be accommodated within Treasury Management forecasts.

The report provided a summary of the forecast for each asset type and details of material movements and pressures that had been identified under the headings of Property, Roads and Other Related Assets, Open Space, and ICT.

Risks, resources, developer contributions and other strategic issues were also covered in the report.

It was recommended that Council Executive :-

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on

delivery of the approved capital programme; and

3. Notes the progress on the key capital projects

Decision

To approve the terms of the report

11. AUTUMN BUDGET 2018

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the announcements contained in the Chancellor of the Exchequer's Autumn Budget 2018.

The Head of Finance and Property Services explained that the Chancellor of the Exchequer delivered his Autumn Budget 2018 to the House of Commons on 29 October 2018. The Autumn Budget 2018 was the last before the UK would be leaving the European Union in March 2019, however the Chancellor did state that the 2019 Spring Statement could be upgraded to a full budget if required.

The Chancellor's Autumn Budget 2018 also included the Office for Budget Responsibility (OBR) update projections for the economy, growth and government borrowing.

In summary the key economic announcements were as follows :-

- Current and future UK tax revenues were expected to be higher than previously forecast;
- In line with the Spring Statement, the UK economy was expected to continue to grow for every year of the forecast, however GDP growth continued to be low;
- Public borrowing in 2018 was lower than forecast in the 2018 Spring Statement;
- Inflation was forecast to be above target in 2018 but to then quickly return to the 2% target; and
- The OBR also anticipated that the labour market would slowly grow over the period increasing the forecast employment rates

The report continued to provide information on public services and public spending along with details of other key announcements

With regards to implications for Scotland following the Autumn Budget Scotland would receive an additional £950 million in Barnett Consequentials over the three year period 2018 to 2021 as a result of the spending decisions included within the Budget.

The Scottish budget would be announced on 12 December 2018 with a

report being presented to Council Executive on 15 January 2019 detailing the Scottish Government's allocation to the total Scottish block.

It was recommended that Council Executive :-

1. Notes the latest economic position outlined in the Autumn Budget 2018;
2. Notes the revised UK public spending figures for revenue and capital;
3. Notes the other key announcements, including those related to Universal Credit;
4. Notes that, as a result of spending announcements in the Autumn Budget, the Scottish Government would receive an additional £950 million by 2020/21;
5. Agrees that the Head of Finance and Property Services should report to the Council Executive on 15 January 2019 on the outcome of the Scottish Budget and local government financial settlement which were due to be announced in mid-December 2018; and
6. Agrees that the Head of Finance and Property Services should ensure that the information within the Autumn Budget, Scottish Budget and local government finance settlement was taken account of when updating the council's financial plans for 2019/20 to 2022/23.

Motion

To move the recommendations of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To move the recommendations of the report but to add a further recommendation in the following terms :-

"Notes that due to the Conservative UK Government an additional £950m (£400m for Local Government) will be available to Scotland over the next three years through Barnett Consequentials. And that the Chief Executive West Lothian Council writes to the Scottish Government requesting that all Local Government additional funding that is made available is distributed to Local Government".

- Moved by Councillor Timson

Decision

To agree a composite motion in the following terms :-

"To agree the recommendations of the report and to agree a further

recommendation in that Council Executive instructs the Chief Executive to write to the First Minister to ask that all additional funding to the Scottish Government through the Barnett Consequentials be allocated to Scottish councils”.

12. CONFIRMATION OF STOPPING-UP ORDER: EXISTING RIGHT OF WAY, J4M8 DISTRIBUTION PARK, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to conclude the statutory procedures to stop-up a designated but disused right of way within the J4M8 Distribution Park in Bathgate.

The report recalled that at its meeting of 17 April 2018 Council Executive approved the initiation of the statutory procedures to stop-up the right of way at the J4M8 Distribution Park in Bathgate.

The Head of Planning, Economic Development and Regeneration explained that as an alternative path had been built as part of planning permission (0881/P/07) to an acceptable standard, the existing designated right of way was on land largely overgrown and unused.

Therefore following Council Executive approval on 31 August 2018 an order was made under Section 208 of the Town and Country Planning (Scotland) Act 1997 authorising the stopping-up of the right of way. Site notices were posted at either end of the right of way on 6 September 2018 along with notices in the West Lothian Courier and the Edinburgh Gazette.

No representations or objections were received therefore the council could confirm the order under the Act.

It was recommended that Council Executive approves the conclusion of the statutory procedures in order to confirm the order (The West Lothian Council (J4M8 Footpath, Bathgate) Stopping-up Order 2018).

Decision

To approve the terms of the report

13. SCOTLAND'S CLIMATE CHANGE DECLARATION - ANNUAL REPORT 2021/18

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing details of West Lothian's annual Scottish Climate Change Declarations for 2017/18.

The report advised that the council had a number of obligations under the Public Bodies Duties of the Climate Change (Scotland) Act 2009, and had been reporting on Climate Change since becoming a signatory to

Scotland's Climate Change Declaration in 2007.

The report provided a summary of the Declaration for West Lothian and noted that it was split into two sections. There was a "Required" section which must be completed and a "Recommended" section which was optional.

The first part of the required section provided key information about the organisation and the reporting year covered. Part two included information on how the council provided effective governance, leadership and management of climate change

Table one within the report showed comparative figures from 2017/18 with those from 2014/15 which was the first year of reporting on the new standardised template. It showed significant reductions across a range on contributing areas and highlighted the progress being made to deliver services in a more sustainable, low-carbon way.

In conclusion the report advised that the council's Climate Change Declaration report demonstrated significant progress in the council's efforts to reduce the impact on the environment and to adapt to future climatic changes.

It was recommended that Council Executive :-

1. Agrees the content of the Declaration as attached to the report at Appendix 1; and
2. Approves its submission to Sustainable Scotland Network and the Scottish Government for publication.

Decision

To approve the terms of the report

14. CONSULTATION ON REDUCING HEALTH HARMS OF FOODS HIGH IN FAT, SUGAR OR SALT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing a proposed response to the Scottish Government consultation on reducing health harms of foods high in fat, sugar or salt. Appendix 1 to the report contained the proposed response.

The report advised that on 2 October 2018 the Scottish Government issued a consultation paper on reducing health harms of foods high in fat, sugar or salt. The proposals were being considered as part of a national strategy in Scotland for tackling the public health consequences of poor diet and obesity.

The restrictions were intended to apply to any out of home food purchases and the establishments where such foods were sold. There were some exemptions for business to business sales, and for charity

events. The nature of sale and promotion of these foods was intended to be controlled to help manage persuasive promotion by retailers and impulse purchasing by consumers.

The consultation suggested that such controls would require to be properly regulated through legislation rather than voluntary arrangements, and that local authorities were best placed to enforce any legal requirements.

In conclusion the report advised that significant resources were required to address the consequences of poor diet on personal health, national resources and finances. The need for change was supported, however if regulation was part of the approach then it needed to be properly considered. The proposals in the consultation were well intentioned but would not be implemented without adequate resource, clarity and practicality.

It was recommended that Council Executive :-

1. Notes the content of the report and proposed response contained in Appendix 1; and
2. Approves the proposed response contained in Appendix 1 attached to the report.

Decision

To approve the terms of the report

15. SCOTTISH AWARDS FOR QUALITY IN PLANNING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for appropriate elected member attendance at the Scottish Awards for Quality in Planning in Edinburgh on the evening of 21 November 2018.

The report advised that the council's Enforcement Service had been shortlisted for a Scottish Quality in Planning Award with the awards ceremony scheduled to take place on the evening of 21 November 2018 in Edinburgh.

The council's approach to enforcement had been nominated under the "process" category of the awards with the submission describing recent changes carried out to make the council's enforcement activities more efficient and effective.

The organisers of the awards had extended an invitation to an elected member from each of the shortlisted authorities. The subject of the nominated project would fall within the remit of the Executive Councillor for Development and Transport.

It was recommended that Council Executive agree the appropriate elected

member attendance at the Scottish Quality in Planning Awards in Edinburgh on the evening of 21 November 2018.

Decision

To agree attendance by Councillor David Dodds

16. PENTLAND HILLS REGIONAL PARK STRATEGIC MANAGEMENT PLAN 2017-2027

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the proposed revision to the Strategic Management Plan for the Pentland Hills Regional Park (PHRP) and the council's proposed response to this.

The report advised that West Lothian Council co-operated with the City of Edinburgh Council and Midlothian Council in the management of the Pentland Hills Regional Park. The area of the park that was in West Lothian was around 10% of the designated park area.

The report recalled that the regional park was established in 1986 and was initially managed by the former Lothian Regional Council with structural funding from the former Countryside Commission for Scotland. Since then the park was adapted to local government re-organisation in 1996 and significant changes in external funding including the withdrawal of Scottish Natural Heritage (SNH) funding in 2006/7.

The Head of Planning, Economic Development and Regeneration explained that the current Strategic Management Plan which covered the operation of the Pentland Hills Regional Park was now due for updating and renewal. Initially City of Edinburgh Council approached the constituent authorities for funding to employ consultants to undertake the review. However, due to other budget commitments West Lothian Council and Midlothian Council were unable to provide funding.

However, Scottish Natural Heritage had funded consultants to undertake a series of workshops related to the ecosystems services produced by the Regional Park in 216/17, and it was felt the findings of this work would be a good basis for the new Strategic Management Plan.

The report went on to advise that two large woodland creation schemes had been submitted to the Forestry Commission Scotland for grant aid. Both straddled the A70 at West Cairns Plantation and on the boundary of the park at Whitelea.

A new timber footbridge had been constructed across the Water of Leith on the boundary between West Lothian and the City of Edinburgh council areas at Leithhead. The bridge was on the right of way and was originally replaced around 25 years ago but was showing signs of deterioration and publicity was to be organised around investment in this feature.

In conclusion the council continued to support the Pentland Hills Regional

Park which offered rural access opportunities to West Lothian residents and beyond.

It was recommended that Council Executive :-

1. Notes the report and the content of Appendix 1 which outlined some key questions for the revision of the Pentland Hills Regional Park Strategic Management Plan;
2. Notes and agrees the proposed West Lothian Council response to the proposed revision to the Pentland Hills Regional Park Strategic Management Plan; and
3. Agrees to forward the council's response to the Pentland Hills Regional Park managing authority, the City of Edinburgh Council.

Decision

To approve the terms of the report

17. LICENSING OF MOBILE HOME SITES WITH PERMANENT RESIDENTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the changes in licensing requirements for mobile home sites with permanent residents and the need for the council to approve the arrangements for licensing sites and enforcement of new legislative powers.

The report advised that following statutory amendments to the Caravan Site and Control of Development Act 1960, a new system for licensing and controlling permanent residential sites had been introduced. The key elements of the new system were as follows:

- Local authorities would have a range of powers, and appropriate discretion in deciding how to use them, in relation to the granting, management and revocation of licences.
- Licences would now require to be renewed every 5 years.
- The site licence holder (and anyone directly managing a site) must be a fit and proper person.
- An effective process for site owners and applicants to appeal any decisions by a local authority.

Any site that currently held a licence in terms of the act had until 1 May 2019 to apply for and obtain a new site licence otherwise the site would no longer be licensed.

The report went on to advise that a key change in the legislation was that sites would have to apply for renewal of the site every 5 years. The

process for considering new applications for site licence and renewal of existing licences would follow the principles set out in the Act, and accompanying guidance issued by the Scottish Government. Appendix 1 to the report provided more detail of this process.

The report noted that the consideration and determination of licence applications and renewals would have an impact on local authority resources. It was significantly more involved than considerations were previously. However it did provide a greater level of scrutiny and consideration of those who would hold a licence and manage the sites.

Under the changes to the Act local authorities were able to charge a fee for handling new licence applications and renewals. The fees would be reflective of what the local authority considered were reasonable costs. A schedule of fees was contained in Appendix 2.

The Head of Planning, Economic Development and Regeneration explained that a new range of enforcement powers had been introduced which would be incorporated into the Environment Health and Trading Standards Enforcement Policy. Appendix 3 contained more detail on enforcement.

In conclusion the report advised that changes to regulate and licence mobile home sites were welcomed in terms of providing greater options for protecting the safety and welfare of residents on these sites. It was however, essential that this additional financial and resource demand on the local authority was paid for, and therefore the proposals in the report and accompanying appendices were felt to be appropriate.

It was recommended that Council Executive :-

1. Notes the content of the report;
2. Approves the licensing procedures detailed in Appendix 1 attached to the report; and
3. Approves the scheme of charges for licence fees detailed in Appendix 2 attached to the report.

Decision

To approve the terms of the report

18. CONSULTATION ON HISTORIC ENVIRONMENT SCOTLAND'S "DRAFT HISTORIC ENVIRONMENT POLICY"

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a consultation on Historic Scotland's (HES) "*Draft Historic Environment Policy*" and the council's proposed response.

HES's draft Historic Environment Policy, a copy of which was attached to the report at Appendix 1, was designed to support and enable good

decision-making and set out six proposed policies. The policy also took into account principles in international charters and conventions cultural heritage.

The draft policy had been developed using current research as well as established views about how the historic environment should be cared for. It also drew upon previous policy documents and related policy areas that were affected by the historic environment.

The Council Executive was further advised that whilst the consultation did not pose specific questions on the content of the draft policy statement the council had taken the opportunity to comment and update the Interim Historic Scotland Environment Scotland Policy Statement (2016). As suggested by the policy statement the council had an up-to-date Local Development Plan in place that protected the historic environment and had also embarked on a review of its 9 conservation areas as well as a survey of all the second tier country houses and their surrounding woodlands. The report contained further information on the council's proposed response to the draft policy.

It was recommended that the Council Executive :-

1. Notes the content of the draft Historic Environment Policy; and
2. Agrees to forward the report to Historic Environment Scotland as the council's response to the consultation.

Decision

To approve the terms of the report

19. CONSULTATION ON LICENSING OF DOG, CAT AND RABBIT BREEDING ACTIVITIES IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the proposed response to the Scottish Government consultation on licensing of dog, cat and rabbit breeding activities in Scotland.

The report advised that under the Breeding of Dogs Acts 1973 & 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999, local authorities currently licence premises where the breeding of dogs for sale was undertaken. A person would be presumed to be undertaking the business of breeding dogs for sale if, during any twelve month period, five or more litters of puppies were born.

The dealing of young dogs and cats was regulated by the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009. Under the regulations an individual who sold or acquired a cat or dog at less than 84 days old with a view to sell, required an animal dealing licence.

Dog breeding licences were currently granted following compliance with a set of standards, specific to the type of activity in question. The legislation also allowed an appeals process to the Sheriff Court in case of refusal or imposition of onerous conditions.

The Head of Planning, Economic Development and Regeneration advised that there were currently three licensed dog breeders in West Lothian. There were separate standards for those operating within a domestic establishment, and those working within kennels or similar establishment.

The report noted that the breeding of cats and the breeding and dealing with young rabbits was currently unregulated.

Exact figures for the annual market for dogs, cats and rabbits was difficult to obtain, however it was estimated that around 100 licensed dog breeders currently operated within Scotland with the market for puppies ranging between 70,000 and 190,00 per year. It was also suggested that there may be a large number of unlicensed dog breeders who fell under the threshold of five or more litters in a 12 month period.

The report went on to advise that the Scottish Government had launched its consultation on the proposals on 7 September 2018, with a closing date of 30 November 2018. The main features of the new licensing system proposed were as follows:

- A lower threshold number of breeding animals determining whether licensing was to be applied;
- Licensing the breeding of cats and rabbits as pets;
- Introducing additional licence conditions and guidance;
- Licenses should be flexible and may be awarded on a risk-based assessment, for a period of up to three years;
- An exemption from inspection requirements for businesses assured by a UKAS accredited body;
- Licenses to be issued at any point in the year for a fixed term but could be suspended or revoked any time; and
- Discourage the breeding of dogs, cats and rabbits with a predisposition for genetic conditions which lead to health problems in later life.

The proposed response to the consultation was detailed in Appendix 1 to the report.

In conclusion the report advised that to ensure animal welfare standards, the Scottish Government wished to bring in a more modern system to licence the breeding of the most popular pet species.

The principle for bringing such operations under appropriate proportionate

regulation was generally accepted; however there was insufficient information with regard to the potential number of licensable breeders. The exemption of affiliated breeders and the involvement of third party accreditation was also a concern which was reflected in the proposed response.

It was recommended that Council Executive :-

1. Notes the content of the report and the proposed consultation response attached to the report at Appendix 1; and
2. Approves the proposed consultation response contained in Appendix 1 attached to the report

Decision

To approve the terms of the report

20. SCOTTISH GOVERNMENT DRAFT STATUTORY GUIDANCE ON FUNERAL COST CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing details on the Scottish Government's Draft Statutory Guidance on Funeral Costs and the proposed response to the consultation. The draft guidance was detailed in Appendix 1 and the response was contained in Appendix 2.

The report advised that the Scottish Government was currently drafting new statutory guidance on funeral costs for all stakeholders which was contained in Appendix 1 to the report.

The consultation asked stakeholders to provide a response to a series of questions to capture the views and opinions of the stakeholders on the draft statutory guidance on funeral costs.

The Head of Operational Services explained that whilst the setting of individual funeral charges was for local authorities and private businesses to determine, the Scottish Government's aim was to introduce statutory guidance to improve the availability and transparency of funeral charges information to assist consumers understand, compare and choose the services that were right for them.

The guidance recognised that people buying a funeral were often distressed and the guidance was to complement other actions the Scottish Government had already taken to encourage people to talk about and plan their funeral.

The consultation asked 22 questions covering a range of operational and strategic issues. The cemeteries services had provided general comment across the guidance for crematoriums and funeral directors as well as providing responses to questions that related to the council as a burial authority and the additional guidance for local authorities.

It was recommended that Council Executive approves the council's response to the Scottish Government consultation on the Draft Guidance for Funeral Costs

Decision

To approve the terms of the report

21. ROADS AND TRANSPORTATION SERVICES TRANSFORMING YOUR COUNCIL PROPOSALS 2018/19 - 2022/23 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising on the progress with the delivery of the activities and service changes which were identified as part of the Transforming Your Council agenda.

The report recalled that at its meeting on 13 February 2018 West Lothian Council approved a report on the 2018/19 to 2022/23 Revenue Budget. As part of the approval, officers were remitted to report back to Environment Policy Development and Scrutiny Panel and Council Executive on amended service standards.

Appendix 1 to the report outlined the key activities that the service would provide moving forward and detailed key changes to service standards and the proposed service standards for future service delivery. The impact of budget reductions could lead to reduced performance, increased complaints, long term deterioration of assets which would have to be closely monitored.

The Head of Operational Services explained that over the five year period 2018/19 to 2022/23 of Transforming Your Council, Roads and Transportation was required to make a £2.571m revenue saving which was a reduction of 25% based on 2017/18 revenue budget of £10.3m.

The report noted that Roads and Transportation historically allocated costs on a usage basis to both revenue and capital which made the process of identifying revenue savings more complex.

Significant reductions in both revenue and capital budgets would have a consequential impact on both service delivery and the condition of roads related assets. As less funding was available for planned maintenance, the fabric of the road network would deteriorate at an increased rate, which would lead to increased defects requiring unplanned reactive maintenance.

In order to minimise the impact on the roads asset, the reductions in funding and staffing resources would require a change in the way the service undertook planned maintenance with a shift from resurfacing to much more cost effective surface dressing treatments.

During 2017/18, the FTE within the service was 180.67, which was required to be reduced. To achieve this in 2018/19 the opportunity was

taken to remove a total of 20FTE vacancies which equated to £504,000. In order to achieve savings for 2019/20 it was proposed that a further 21 FTE would be removed from the structure generating savings of £587,000.

The removal of 21 FTE in 2019/20 combined with the reduction of 20 FTE posts in 2018/19 had clearly reduced the capacity of the service and as a consequence service delivery and the services organisational structure had to be revised.

The report went on to provide a summary of the changes for a number of service areas including provision of Christmas lighting, out of hours service and statutory minimum service requirements.

In conclusion the report advised that Road and Transportation Services had to deliver a challenging budget reduction of £2.571m which was a 25% reduction on the 2017/18 revenue budget and that significant service adjustments were required to achieve the necessary savings.

Motion

“Council Executive approves all recommendations excepting that officers are instructed to continue provision of festive lighting including erection, removal and maintenance of festive lighting equipment and to revert to Council Executive with compensatory savings, not necessarily from Operational Services”

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

First Amendment

“To approve all recommendations contained in the officers report, to continue the provision of festive lighting with compensatory savings to be identified elsewhere and to maintain existing winter maintenance standby costs and treatment between the hours of 05:00 and 08:00 with compensatory savings to also be identified elsewhere”

- Moved by Councillor Damian Timson and seconded by Councillor Chris Horne

Second Amendment

“To not approve the recommendations of the report until such time that discussions with the Trade Unions had concluded”.

- Moved by Councillor Diane Calder and seconded by Councillor Pauline Clark

A roll call vote was taken on the motion against the first amendment :-

Motion

Harry Cartmill

Amendment

Peter Heggie

Abstain

Diane Calder

Tom Conn	Chris Horne	Pauline Clark
David Dodds	Charles Kennedy	
Lawrence Fitzpatrick	Damian Timson	
Dom McGuire		
George Paul		
Kirsteen Sullivan		

A roll call vote was then taken on the motion against the second amendment :-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Harry Cartmill	Diane Calder	Peter Heggie
Tom Conn	Pauline Clark	Chris Horne
David Dodds		Charles Kennedy
Lawrence Fitzpatrick		Damian Timson
Dom McGuire		
George Paul		
Kirsteen Sullivan		

Decision

Following a vote the motion was successful by 7 votes to 2, with 4 abstentions, and it was agreed accordingly.

22. ROADS SAFETY INSPECTION MANUAL - 2018 REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the review of the roads safety inspection manual which was contained in Appendix 1 to the report.

The report advised that the council as Roads Authority had powers and duties to maintain public roads within its boundary. The establishment of a cost-effective regime of inspections provided the information for addressing the core objectives of road maintenance, provided data for the development of maintenance programmes and the roads asset management plan to assist the council to demonstrate compliance with its statutory duties.

The report recalled on 8 December 2015, Council Executive approved the current Roads Safety Inspection Manual which set out the council's

approach to safety inspections on public roads. The manual came into operation on 1 January 2016. The intention was to review the manual every two years.

The report went on to advise that a new code of practice (CoP), “Well Managed Highway Infrastructure” was published in October 2016. The new CoP moved away from prescriptive guidance to requiring authorities to adopt a risk-based approach to asset management. This meant that the CoP no longer contained specific advice with regards to inspection frequency or defect response times. Roads Authorities had until October 2018 to make their policies and procedure comply with the new CoP.

The Society of Chief Officers of Transportation in Scotland (SCOTS) through its Road Asset Management Project, produced additional guidance for local authorities to adapt their inspection manual and this has formed the basis for a revised inspection manual for West Lothian Council.

The report then went on to provide details of the key changes to the revised inspection manual.

In conclusion the report advised that a review of the Roads Safety Inspection Manual had been undertaken and a revised manual was produced based on the SCOTS model document. Key deviations from existing practice had been risk assessed in accordance with the principles of the Code of Practice.

It was recommended that the Council Executive approve the revised Roads Safety Inspection Manual for implementation on 1 January 2019.

Decision

To approve the terms of the report

23. ROAD ASSET MANAGEMENT POLICY AND PLAN 2018-2023

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the update Asset Management Policy and the revised Road Asset Management Plan for 2018-2023, a copy of which was attached to the report at Appendix 1.

The report recalled that in 2013 the council's Asset Management Policy and the Road Asset Management Plan (RAMP) were approved by the council. Since then Roads and Transportation had continued to develop its asset management practices in conjunction with the Society of Chief Officers of Transportation in Scotland (SCOTS) Asset Management Project.

The Road Asset Management Policy and Plan had been reviewed and update to reflect the revenue and capital budgets set following the council's Transforming Your Council Consultation in 2017.

The report concluded that Roads and Transportation was committed to maintaining a safe and reliable road network for West Lothian road users.

It was recommended that Council Executive :-

1. Approves the proposed Asset Management Policy attached to the report at Appendix 1; and
2. Approves the proposed Road Asset Management Plan 2018-2023 attached to the report at Appendix 2.

Decision

To approve the terms of the report

24. RIVERLIFE: ALMOND AND AVON PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational services providing an update on the progress to deliver projects under the Riverlife: Almond and Avon Programme.

The report advised that the Riverlife: Almond and Avon Programme was an ambitious programme of work within the catchments of the Rivers Almond and Avon. The programme aimed to deliver a range of improvements, help restore the natural heritage of the rivers and engage with communities helping reconnect people with their local river.

The programme was instigated by Forth Rivers Trust. Funders persuaded officers to lead these projects on the basis that the council had a legal responsibility to undertake this work and the Scottish Government was providing significant funding for its completion. Although the individual projects were complex and high-risk, measures were in place to resource, manage risk and minimise conflict. To comply with the requirements of funders, memoranda of understanding, collaboration agreements and extensions would continue to be required.

The report went on to provide details on a number of projects.

In conclusion the report advised that the Riverlife: Almond and Avon Programme was an ambitious programme of work which was helping to restore the natural heritage of local rivers in liaison with local communities. Partnerships had been formed and significant funding made available by the Scottish Government and Heritage Lottery Fund.

The Council Executive was recommended to :-

1. Note the progress being made with those projects forming part of the Riverlife: Almond and Avon Programme; and
2. Approve a proposal for officers to negotiate and enter into a collaboration agreement with the Forth Rivers Trust and further

memoranda of understanding with the Trust and other partners.

Decision

To approve the terms of the report

25. RIVERLIFE : NOVATION OF FUNDING & PROCUREMENT EXEMPTION

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Corporate Services and Head of Operational Services seeking approval for the novation of Heritage Lottery Funding for the Riverlife: Almond & Avon Project (Riverlife Project) to the council and to also approve to make a direct award to Forth Rivers Trust to provide services under the Riverlife Project as previously approved by the Heritage Lottery Fund.

The Council Executive was advised that the Heritage Lottery Fund (HLF) awarded Forth Rivers Trust £1.658m in 2016 for a four year programme of projects to help restore the rivers Almond and Avon. Since the award was made to the Trust by HLF significant changes had been made by the Scottish Government and SEPA which had seen funding for the physical improvement of the freshwater environment being directed to local authorities, in the context of Memoranda of Understanding.

The result of the change in funding meant that council officers were now effectively leading the projects instead of the Trust, albeit with its resources continuing to support delivery. This had negatively affected the cash flow from HLF to the Trust, which received its funding as a “grant percentage”. Therefore it was proposed that the remaining sum of £1.26m held by HLF be novated to the council, in order that it could pay the Trust to deliver activities whilst continuing to draw HLF funding in accordance with agreements.

The report provided a summary of the work of the Forth Rivers Trust who were a not-for-profit charitable organisation and who were best placed to continue to deliver the various services and projects associated with the Riverlife Project. Therefore it was proposed that a direct award be made to Forth Rivers Trust to supply the council with these services as previously approved by the Heritage Lottery Fund.

It was recommended that the Council Executive :-

1. Approves the novation of Heritage Lottery Funding of £1.26m from the Heritage Lottery Fund to the council; and
2. Approves the proposed direct award to Forth Rivers Trust to provide services under the Riverlife Almond & Avon Project as previously discussed with the Heritage Lottery Fund.

Decision

To approve the terms of the report

26. CONVERSION OF PART-TIME 20MPH SPEED LIMITS TO FULL-TIME 20MPH SPEED LIMITS IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to remove all the part-time 20mph speed limits outside schools in West Lothian and replace them with full-time 20mph speed limits.

The report recalled that in 2002 the council made a traffic regulation order which approved the installation of part-time 20mph speed limits to be installed at primary and secondary schools in West Lothian.

The electronic infrastructure for these part-time signs required extensive and costly maintenance. Also the majority of the signs and electronics were now reaching the end of their serviceable life and would require complete replacement within the next few years.

In order to reduce future maintenance cost implications whilst maintaining a safe environment around schools it was proposed to remove all part-time 20mph speed limits and replace them with full-time 20mph speed limits.

At its meeting on 13 February 2018 the Council Executive approved a ten-year capital investment strategy. This included a total of £66,000 over the ten years to replace existing part-time 20mph speed limit signs with full-time speed limits.

Attached to the report at Appendix 1 were details of those schools that presently had part-time 20mph speed limits installed along with other additional traffic calming measures. Those schools identified as not having traffic calming measure installed would have measures installed so they could comply with Scottish Government guidance.

Appendix 2 detailed the one primary school in West Lothian that currently did not have 20mph speed limits but at which it was proposed to install a new full-time 20mph speed limit sign.

Appendix 3 detailed those schools that currently had 30mph full time speed limits which were considered to be appropriate to the location and therefore would not be changed to the lower speed limits.

As part of these statutory procedures the existing redundant part-time 20mph traffic orders would be revoked and replaced with new full-time 20mph speed limit traffic regulation orders to cover all the new full-time 20mph speed limits.

It was recommended that the Council Executive approves the initiation of the statutory procedures to :-

1. Remove all the part-time 20mph speed limits outside schools in West Lothian and replace them with full-time speed limits as detailed in Appendix attached to the report; and

2. Provide a full-time 20mph speed limit at Simpson Primary School as detailed in Appendix 2.

Decision

To approve the terms of the report

27. NETS, LAND AND COUNTRYSIDE SERVICES TRANSFORMING YOUR COUNCIL PROPOSALS 2018/19 - 2023/24 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the progress with the delivery of the activities and service changes which were identified as part of the Transforming Your Council agenda.

The report recalled that at its meeting on 13 February 2018 West Lothian Council approved a report on the 2018/19 to 2022/23 Revenue Budget. As part of the approval officers were remitted to report back to Environment Policy Development and Scrutiny Panel and Council Executive on amended service standards.

Appendix 1 to the report outlined the key activities that the service would provide moving forward and detailed key changes to service standards and the proposed service standards for future service delivery. The impact of budget reductions could lead to reduced performance, increased complaints, long term deterioration of assets which would have to be closely monitored.

The Head of Operational Services explained that over the five year period 2018/19 to 2020/21 of Transforming Your Council, Nets, Land and Countryside required to make a £2.779m revenue saving which was a reduction of 27% based on 2017/18 revenue budget of £10.020m.

During 2017/18, the FTE establishment within the service was 283.85. With reducing budgets the service required to reduce staffing numbers. The opportunity was taken for 2018/19 to remove a total of 20.91 FTE through the removal of vacant posts from the service structure which equated to a staff saving of £544,579.

A table within the report detailed gross employee costs but did not include the value of shift allowance currently paid to employees. This value would not be removed until 2020/21 when the council progressed changes to contractual terms and conditions.

The proposed removal of 39 FTE combined with the reduction of 20.91 FTE posts in 2018/19 had clearly reduced the capacity of the service and as a consequence service delivery and the services organisational structure had to be revised.

The report went on to provide a summary of the changes for a number of service areas. The report also provided a summary of proposed savings.

In conclusion the report advised that the service had to deliver a challenging budget reduction of £2.779m which was a 27% reduction in revenue funding based on the 2017/18 revenue budget. Significant service adjustments were also required to be made to service staffing and service standards to achieve the necessary budget savings.

It was recommended that Council Executive approves the changes to service delivery within the NETs, Land and Countryside Services as outlined in the report noting that the changes would be phased to meet the overall budget requirements 2018/19 – 2021/22.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To delay approval of the report until such time discussions with the Trade Unions had concluded.

A roll call vote was taken which resulted as follows :-

Motion

Amendment

Harry Cartmill

Diane Calder

Tom Conn

Pauline Clark

David Dodds

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

Dom McGuire

George Paul

Kirsteen Sullivan

Damian Timson

Decision

Decision

Following a roll call vote the motion was successful by 11 votes to 2 and it was agreed accordingly.

28. EARLY RETIRAL AND VOLUNTARY SEVERANCE - 1 APRIL TO 30 SEPTEMBER 2018

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the number of employees who were granted early retiral/voluntary severance or flexible retiral from the council during the 6 month period 1 April to 30 September 2018

The Head of Corporate Services recalled that the council's policy on Early Retiral and Voluntary Severance required that reports on the application of the policy were submitted regularly to Council Executive. In accordance with that policy, all cases approved during the period of 1 April to 30 September 2018 were dependent on the establishment of a business case which ensured that the costs of releasing the employee were recovered within the stipulated timescales.

Details of all the cases were provided in Appendix 1 attached to the report and it was reported that all 44 approved cases in the reporting period fell within the 3 year payback period with 36 cases paid back within a year; 6 cases being paid back within 2 years and 2 cases being paid back within 3 years.

The Council Executive was asked to note the content of the report which had been prepared in accordance with the reporting requirements of the council's policy on Early Retiral/Voluntary Severance.

Decision

To note the terms of the report