

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 APRIL 2017.

Present – Councillors John McGinty (Chair), Cathy Muldoon, Frank Anderson, David Dodds, Lawrence Fitzpatrick, Carl John (substituting for Peter Johnston), Dave King, Danny Logue, Anne McMillan and George Paul

Apologies – Councillors Tom Conn, Jim Dixon and Peter Johnston

1. DECLARATIONS OF INTEREST

- a) Agenda Item 24 (Sale of land at Hamilton Square, Murieston to Dr Edward Russell-Smith) – Councillor Lawrence Fitzpatrick declared a non-financial interest in that the person to whom the land was being sold was his personal GP, however he would participate in the item of business; and
- b) Agenda Item 24 (Sale of land at Hamilton Square, Murieston to Dr Edward Russell-Smith) – Councillor Danny Logue declared a non-financial interest in that he was Chair of the IJB and an NHS employee.

2. ORDER OF BUSINESS

The Council Executive agreed to hear the deputation request received from Mr Ian Mate in relation to Agenda Item 6 (Edinburgh Airport Phase 2 Consultation on Airspace Change).

3. MINUTE

The Council Executive approved the Minute of its meeting held on 28 March 2017. The Minute was thereafter signed by the Chair.

4. DEPUTATION REQUEST BY EDINBURGH AIRPORT WATCH, IAN MATE, IN RELATION TO EDINBURGH AIRPORT PHASE 2 CONSULTATION ON AIRSPACE CHANGE

Mr Ian Mate addressed the members of Council Executive with regards to the contents of the consultation that had been issued by Edinburgh Airport in relation to airspace change.

Mr Mate explained that a great deal of meetings had been held in communities affected by the proposals contained within the consultation and that many local residents had concerns for the continued expansion of the airport and proposed changes to the airspace above those affected communities.

Mr Mate continued by explaining that some of economic arguments being

made by the airport in the consultation and their need to continue to expand could easily be explained away and in fact the airport took business away from Scotland by taking money out of the local economy. He also advised that the airport was employing less people than it did ten years ago and that would only continue to decrease as more processes associated with booking flights and holidays were automated.

Mr Mate also expressed his concerns for the content of the consultation document noting that it was a very complex document and most people would struggle to understand it. Also a lot of essential information had been missed out along with whole communities disregarded when it came to being notified about the ongoing consultation.

He also requested that the council give consideration to sending a copy of the consultation along with the council's proposed response to the Consultation Institute, MP's, MSP's and list MSP's.

The Chair thanked Mr Mate for his presentation.

5. EDINBURGH AIRPORT PHASE 2 CONSULTATION ON AIRSPACE CHANGE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising that a second consultation on airspace change had now been issued by Edinburgh Airport Ltd and which had a response date of 30 April 2017.

The report recalled that in 2011 Edinburgh Airport laid down the development trajectory for the airport and highlighted the potential future increase in airspace capacity to cope with traffic growth by the introduction of new technology. In summer 2015 Edinburgh Airport carried out a trial of an additional new departure route known as "Tutor" with the intention to gather data for a possible west bound departure flight path from the airport. Edinburgh Airport subsequently stated that the trial had been successful but alluded to a more comprehensive look at all flightpaths.

In June 2016, Edinburgh Airport launched "Let's go Further", its airspace change programme. Following initial activities the airport embarked on a two phase public engagement and consultation process with Phase 1 aiming to gather views from communities involved and Phase 2 proposing specific flightpaths.

West Lothian Council had already approved a response to Phase 1 of the consultation and a copy of this was attached to the report at Appendix 4. The proposed response to the second round of consultation would make reference to the phase 1 response, highlighting areas where opinion appeared not to have been considered.

It was to be noted that the council's proposed response to the phase 2 consultation had been subject to much discussion through the council's

local area committee's and policy development and scrutiny panel's at which a number of issues were raised. These were further explored in the report and included the need for change by the airport, noise pollution, air pollution, finances, accuracy of the consultation and economic development.

The Head of Planning, Economic Development and Regeneration continued to explain that the consultation included a survey tool which allowed for the electronic recording of opinion. The survey tool also asked a series of questions all designed to give responders the option to select which route they favoured over others. It did not provide an opportunity to reject a proposal or route. Therefore with this tight restriction it was proposed that the electronic response attached to the report at Appendix 2 would be sent to the airport and where the route change did not impact West Lothian the response would be left blank.

It was also proposed that a copy of the council's response would be copied to not only to Edinburgh Airport Ltd, but also to the Aviation Minister, Civil Aviation Authority and The City of Edinburgh Council as Planning Authority.

It was recommended that the Council Executive :-

1. Notes the content of the report and accompanying proposed consultation response;
2. Approves the response at Appendix 1 as the council's response to the consultation;
3. Approves the proposal that a letter be sent to Edinburgh Airport Ltd, the Civil Aviation Authority and the Minister for Aviation expressing concern about the bias of the consultation, the inaccuracies of data used, the lack of a status quo option and the negative impact upon West Lothian residents; and
4. Approves that should the airport progress with a proposal to the Civil Aviation Authority (CAA) to change the airspace and West Lothian were invited to comment, that the engagement of an independent consultant be considered to assist with interpretation of flight path information and impact on the community wellbeing.

#### Decision

1. Approved the terms of the report and the consultation response; and
  2. Agreed that a copy of the consultation response be sent to the Consultation Institute, local MP's, local MSP's and Lothian list MSP's.
6. WHITEHILL INDUSTRIAL ESTATE AND BLACKBURN ROAD, BATHGATE - WAITING/LOADING RESTRICTIONS AND REDETERMINATION OF FOOTWAY TO CYCLEWAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to commence the statutory process to install waiting/loading restrictions on the B792 Blackburn Road and in Whitehill Industrial Estate and to also re-determine the footpath along the B792 Blackburn Road to a shared footway/cycleway.

The Head of Operational Services explained that as part of the council's commitment to develop the new Whitehill Service Centre for Operational Services in Whitehill Industrial Estate, an increase in parking in the surrounding area would result in additional on street parking on the main access roads. There would also be new access points into the new service centre which would also require waiting restrictions to prevent access/egress visibility being obscured by parked vehicles.

As part of the new service centre the existing junction of the B792 Blackburn Road and Inchmuir Road would be re-designed to incorporate a traffic signalised junction, however waiting restrictions were required on the approaches to this junction to ensure safety and effective operation.

The report continued by providing an explanation on where the waiting restrictions would be installed and the re-determination of the existing footway on the B792 to shared use as a cycleway.

It was recommended that the Council Executive approve the initiation of statutory procedures for the promotion of a traffic regulation order to install additional waiting and loading restrictions on the B792 Blackburn Road and Whitehill Industrial Estate and to re-determine the footway on the B792 Blackburn Road to a shared use footway/cycleway.

#### Decision

To approve the terms of the report

### 7. ANNUAL INTERNATIONAL TWINNING GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) proposing to provide financial assistance to support the range of international activity planned between West Lothian Council and its twinning partners in financial year April 2017 to March 2018.

The Council Executive was advised that West Lothian Council supported a number of twinning partners including Grapevine (Texas, USA) Hochsauerlandkries (German), Guyancourt (France), Cran Gevrier (France) and more recently Mtarfa (n Malta).

The aim of twinning was to promote mutual understanding through educational, cultural, sporting and recreational exchanges. West Lothian Council supported twinning associations and encouraged these organisations to promote opportunities for individuals and community groups to participate in reciprocal exchange programmes with their

twinning partners.

The Council Executive was asked to approve the following :-

1. Financial assistance be provided to support international activity in West Lothian in 2016-17 as follows :-
  - West Lothian/Grapevine, USA - £7,317
  - West Lothian/Hochsauerlandkreis, Germany - £7,317
  - Linlithgow/Guyancourt, France - £3,250
  - Bathgate/Cran Gevrier, France - £3,250
  - Pumpherston/Mtarfa, Malta - £3,250

### Decision

To approve the terms of the report

## 8. EQUALITY OUTCOMES REPORT AND EQUALITY MAINSTREAMING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the council's Equality Mainstreaming commitments, progress made against the council's Corporate Equality Outcomes for 2013-2017 and a revised Equal Pay Statement.

The Head of Corporate Services explained that the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 required public bodies to develop and publish an equality mainstreaming report and to report on progress against that report every two years. The council's Mainstreaming Equality Report was published in April 2013 with a subsequent update in 2015.

The 2015-2017 progress report was required to include data related to the specific duties on employment monitoring information including recruitment, development and retention of employees by protected characteristic. In addition the council was required to publish information on the percentage difference, among its employees, between the average hourly pay of men and the average hourly pay of women.

The council's employment equality information and analysis for the period 1 January 2015 to 31 December 2016 and revised Policy Statement on Equal Pay was provided for at Appendix 1 attached to the report.

Another of the key specific duties required public bodies to develop and publish a set of Equality Outcomes and to report on progress against these outcomes every two years. The council developed 10 Corporate Equality Outcomes in 2013 and these were outlined within the Equality Outcomes Progress Report, a copy of which was attached to the report at

## Appendix 2.

It was recommended that the Council Executive approves the terms of the Equality Mainstreaming Report, a revised Policy Statement on Equal Pay and the Equality Outcome Report.

### Decision

To approve the terms of the report

## 9. SCOTTISH GOVERNMENT CONSULTATION - A SEVERANCE POLICY FOR SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval of a response to a Scottish Government consultation on the severance arrangements across the devolved public sector in Scotland.

The Head of Corporate Services explained that following the UK Government's reform of public sector exit payments, the Scottish Government had issued a consultation document on 31 March 2017 to all devolved public sector bodies to hear views on whether recent powers should be used or other reforms taken forward, to exit payment arrangements.

The UK Government's reform included; the ending of six figure exit payments for public sector workers by capping the total costs of an exit payment to £95,000; and the recovery (claw back) on public sector exit payments when a high earner (defined as someone who was on a salary of £80,000 or more) returned to work in the public sector within 12 months.

These reforms were likely to be delivered through regulations under the Small Business and Enterprise and Employment Act 2015 (the Act 2015). Scottish Ministers had powers under the 2015 Act to decide whether to adopt an exit payment cap and/or recovery measures similar to those being implemented by the UK Government or set a different level of cap and/or salary ceiling in relation to recovery provisions.

The report then provided a narrative on the aim of the consultation, a range of options available to the Scottish Government, the council's own position and details of the council's proposed response with full details attached to the report at Appendix 1 which was to maintain the status quo (option 1).

It was recommended that the Council Executive approve the proposed response to the consultation.

### Decision

To approve the terms of the report and the consultation response

## 10. COMMEMORATION OF JIM SIBBALD

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on proposals to name a facility or public building after former Armadale councillor, Jim Sibbald.

The Council Executive were advised that former councillor Jim Sibbald passed away on 2 July 2016, aged 71. Jim Sibbald had served as an elected member for the Armadale community on West Lothian District Council, Lothian Regional Council and West Lothian Council for a period encompassing four decades between 1997 and 2007.

At its meeting on 16 August 2016, West Lothian Council agreed to name, in consultation with the family and local community, an appropriate public building or a room or a hall in a public building or a street, in Armadale, in memory of Councillor Sibbald in recognition of his service to the Armadale and wider West Lothian community.

During Councillor Jim Sibbald's time in office he sat on West Lothian Leisure Advisory Committee and supported the 1995 refurbishment of Armadale Swimming Pool. Therefore it was considered that naming the swimming pool at Xcite Armadale would be a fitting tribute to him.

Discussions took place with Councillor Sibbald's family who were happy that the council proceed with the proposal to name the swimming pool after him. Officers also contacted Armadale Community Council and feedback from them was awaited.

Therefore the following proposals were presented for consideration by Council Executive who were asked to agree the proposal for the naming of a facility or public building after former Armadale councillor Jim Sibbald :-

- Jim Sibbald Pool, Xcite Armadale
- Jim Sibbald Swimming Pool, Xcite Armadale
- Sibbald Swimming Pool, Xcite Armadale

### Motion

"Council Executive note the terms of the report and agrees to :-

1. Name the public swimming pool in Armadale the "Jim Sibbald Swimming Pool, Xcite, Armadale.
2. Invite a member of the late Jim Sibbald's close family to perform the official renaming ceremony of the Armadale Swimming Pool.

### Decision

To unanimously agree the terms of the motion

## 11. NAMING OF PARTNERSHIP CENTRE IN LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on a proposal to name the new Partnership Centre in Linlithgow after the late Tam Dalyell MP.

The Council Executive were advised that Tam Dalyell served as a Member of Parliament from 1962 to 2005 for Labour during which he represented West Lothian from 1962 to 1983, then Linlithgow from 1983 to 2005.

In 2002 West Lothian Council granted the Freedom of West Lothian to Mr Dalyell to mark the 40<sup>th</sup> anniversary of his election to Parliament.

Tam Dalyell passed away on 26 January 2017 and on 7 March 2017 West Lothian Council approved a Notice of Motion recalling Mr Dalyell's unique contribution to West Lothian life and his long record of outstanding service to West Lothian's communities, his distinguished parliamentary service, including serving as Father of the House of Commons and his contributions as a school teacher, author and journalist.

The Notice of Motion approved by council agreed that a report should be considered by Council Executive with a proposal to permanently mark Tam Dalyell's contribution to West Lothian. Council Executive then agreed on 28 March 2017 that the new Linlithgow Partnership Centre provided an ideal opportunity to name a council facility after the late Tam Dalyell.

Therefore the following proposals were presented for consideration by Council Executive who were asked to agree the proposal for the naming of the new Partnership Centre in Linlithgow :-

- Tam Dalyell Partnership Centre, County Buildings, Linlithgow
- Linlithgow Partnership Centre, Tam Dalyell House
- Linlithgow Tam Dalyell Partnership Centre, County Buildings

### Motion

"Council Executive note the terms of the report and agrees to :

1. Name the new Linlithgow Partnership Centre, "Linlithgow Partnership Centre, Tam Dalyell House.
2. Invite Kathleen Dalyell, or in the event of her unavailability, a member of the late Tam Dalyell's close family to perform the official opening ceremony of the new Linlithgow Partnership Centre.
3. Place the Council held portrait of the late Tam Dalyell on permanent public display in a prominent public area of the new Linlithgow Partnership Centre.



4. Place on the wall beside the portrait, a copy of the dedication contained in the late Tam Dalyell's autobiography "The Importance of Being Awkward".

Decision

To unanimously agree the terms of the motion.

12. MUSEUMS SERVICE ACCREDITATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval of a suite of documents to allow museum services to reapply for the National Museums Accreditation Scheme.

The Head of Housing, Customer and Building Services advised that it was a necessary requirement of the Accreditation Scheme for Museums and Galleries in the United Kingdom for the council to hold a suite of documents which included an approved Development Plan covering a period of three to five years. Also required were Conservation and Collections Care Policy Statement, a Document Policy Statement and an Acquisition Policy Statement. Copies of all such documents were attached to the report as a series of appendices.

The report provided a narrative on each of the policy documents.

It was recommended that the Council Executive approve the suite of documents as set out in Appendices 1 to 4 to allow the museum services to reapply for accreditation approval.

Decision

To approve the terms of the report

13. 2026 SERVING A CHANGING SCOTLAND - 10 YEAR STRATEGY FOR POLICING CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the Police Scotland and Scottish Police Authority (SPA) consultation with Local Authorities on *2026 Serving a Changing Scotland – 10 Year Strategy for Policing*. Attached to the report was a proposed response to the consultation and noted that the consultation would close on 29 May 2017.

The 10 Year strategy for Policing in Scotland explained why Police Scotland would make further changes and transform from the current model to one that would better support the quality of service provided whilst ensuring that there was sufficient capacity to maintain the delivery of service and improve on outcomes for the safety and wellbeing of communities.

The seven Policing priorities consisting of Localism, Inclusion, Prevention, Response, Collaborative Working, Accountability and Adaptability, would be at the core of the delivery by Police Scotland. They would work to these priorities whilst focusing their strengths around five new strategic areas that had been identified as being; Protection, Prevention, Communities, Knowledge and Innovation.

The implementation of the 10 year strategy would enable Police Scotland to transform and reshape their corporate support and would prioritise their budget on frontline policing activities. They would look to benefit from economies of scale by joining up services with other public sector agencies in order to pool capacity and spending power. The transformational plan would generate more policing hours that were more productive for officers by freeing them from administrative duties. It had been recognised that these changes and improvements along with further introduced efficiencies and new technology would be key to achieving a financially sustainable position by the end of 2019/20 without reducing the operational capability or capacity of service delivery.

Council Executive was asked to approve the proposed response to Police Scotland and the Scottish Police Authority (SPA) consultation.

#### Decision

To approve the terms of the report and the consultation response.

#### 14. CONSULTATION ON THE SCOTTISH GOVERNMENT'S DRAFT ONSHORE WIND POLICY STATEMENT

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 by the Scottish Government on a Draft Onshore Wind Policy Statement, a copy of which was attached to the report at Appendix 1.

The members were advised that the consultation document had been published alongside the Draft Scottish Energy Strategy (SES) which followed on from and was a major plank in the implementation of the Scottish Government's Draft Climate Change Plan (CCP). All three documents were released in January 2017

The CCP set out wide-ranging policies to meet reduction targets for greenhouse gas emissions in accordance with the requirements of Section 35 of the Climate Change (Scotland) Act 2009. Relevant to the consultation on onshore wind energy policy, challenging targets were to be met by 2032 by Scotland; a fully decarbonised electricity sector able to remove CO<sub>2</sub> from the atmosphere and 80% of domestic heat to be provided by low carbon heat technologies.

The report provided a summary of the issues and implications for West Lothian and it was recommended that Council Executive :-

1. Welcomes the opportunity to comment on the draft policy statement;
2. Notes that the draft policy statement had some potential to impact on the council's draft supplementary guidance on wind energy which was required in support of the West Lothian Local Development Plan (LDP) which was now under examination by the Scottish Government;
3. Notes that the implications of the direction of the policy statement would likely result in renewed pressures for wind turbines on higher ground in West Lothian including those areas benefitting from the protection of local landscape designation; and
4. Agree the proposed response to the consultation document as set out in Appendix 1 attached to the report.

#### Decision

To approve the terms of the report and the consultation response.

#### 15. REVISED SUPPLEMENTARY GUIDANCE: PLANNING AND NOISE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of revised Supplementary Guidance (SG): on Planning and Noise.

The report recalled that Supplementary Guidance *Planning and Noise* was adopted by the council in 2008 in support of the West Lothian Local Plan. Since that time updated guidance had been published in the form of Planning Advice Note (PAN 1/2011) Planning and Noise. In addition, the council had prepared the Proposed Plan for the West Lothian Local Development Plan (LDP) which would replace the WLLP.

The Head of Planning, Economic Development and Regeneration explained that to reflect the requirements of PAN1/2011, and in support of the LDP, a draft supplementary guidance on noise was prepared to update the council's current guidance. Following consideration by the Development and Transport Policy Development and Scrutiny Panel the document was consulted on.

Following consultation, to which four responses were received, there was a need to amend the SG to provide greater clarity and address more fully considerations related to noise and the natural environment and assessment of proposals under the closed window testing. The proposed amendments were set out in the appendix attached to the report.

It was recommended that the Council Executive approves the content of the revised guidance and notes its compliance with Scottish Planning Policy (SPP) 2014 and Planning Advice Note 1/2011 *Planning and Noise*.

Decision

To approve the terms of the report

16. LINLITHGOW PUBLIC REALM DESIGN GUIDE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of the consultation on the draft Public Realm Design Guide for Linlithgow, a copy of which was attached to the report at Appendix 1.

A Public Realm Design Guide for Linlithgow had been prepared by Brindley Associates and EK:JN Architects in response to a brief prepared by the council and provided guidance and set out a vision for the public realm in the town.

The guide provided detail on considerations related to the public realm and was to be read in context of the West Lothian Local Plan and the emerging West Lothian Local Development Plan which provided the overall context for development in the town.

Consultation on the draft design guide was undertaken over an eight week period in Autumn 2016, from which four responses were received. A summary of the comments made and the proposed responses to these were summarised in Appendix 2 attached to the report. It was proposed to make some minor amendments to reflect the comments received and to update the Action Plan.

Some of the comments received related to concerns over the council's policy on window replacement for building within the conservation area. Therefore it was proposed that the policy, which dated from 1998, be reviewed and reported to the Council Executive at a later date.

It was to be noted that since the design guide was drafted a number of proposals/schemes identified in the Action Plan had been implemented; for example, restoration of the Cross Well. The guide would also be updated to reflect this and provide an update on progress on actions identified. A revised Action Plan was attached to the report at Appendix 3.

With regards to the funding of improvement works the council's 10 year capital investment programme contained a capital budget for traditional town centres in each year of the programme. This would provide some opportunities to carry out works but it was to be noted that much of that funding had already been committed. Similarly the design guide identified a number of projects which were aspirational and could only be delivered with significant levels of external funding. These had been highlighted in the Action Plan.

The report concluded that the design guide provided a sound basis for improving the public realm and building design within Linlithgow and identified priority actions for future public and private sector investment in

the town. The guide acted as an enabling document to focus investment decisions by partners and act as a bidding tool to lever in external funding. It was not the intention that it would be the council who would fund projects. It was also to be noted that the guide could raise expectations about improvements which could be difficult to deliver in the current financial climate.

It was recommended that the Council Executive :-

1. Note the comments received following consultation on the draft Public Realm Design Guide and proposed response to them;
2. Approves the Linlithgow Public Realm Design Guide as planning guidance in support of the West Lothian Local Development Plan; and
3. Notes that some references in the guide did not capture the changed circumstances or progress made since it was originally drafted and agrees that minor no-material edits could be made prior to publication to remedy these.

#### Decision

To approve the terms of the report

#### 17. SCOTTISH GOVERNMENT CONSULTATION: TALKING "FRACKING" A CONSULTATION ON UNCONVENTIONAL OIL AND GAS

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 by the Scottish Government entitled "Talking Fracking – A Consultation on Unconventional Oil & Gas" (UOG).

The Head of Planning, Economic Development and Regeneration provided an explanation of the regulation, licensing and development of unconventional oil and gas exploration and it was noted that at the moment the UK Government issued Petroleum and Development Licences (PEDL) for which three had been issued for Scotland. One of these licences covered a substantial area and included land within the administrative council areas of Falkirk, East Dumbartonshire, North Lanarkshire and West Lothian. Appendix 1 attached to the report provided some of the key terminology associated with "fracking".

The report continued by providing information on community benefits and the evidence and research recently published in support of the consultation, further details of which were attached to the report at Appendix 2.

The Scottish Government's position was to take a cautious, evidence-led approach while it gathered and considered evidence and therefore the consultation paper did not advocate a preferred position or policy. Instead it stated that the Scottish Government wanted to create a space for

dialogue to allow for different perspectives to come forward.

When the consultation closed on 31 May 2017 and the results had been independently analysed and published, the Scottish Government would use the evidence to inform its position on whether or not UOG technologies had a role in Scotland's energy mix. It would then ask the members of the Scottish Parliament to vote on its preferred approach and a final decision on the future of UPG was anticipated before the end of 2017.

A copy of the proposed response on behalf of West Lothian was attached to the report at Appendix 3.

It was recommended that the Council Executive agrees the report and Appendix 3 as the council's response to the consultation.

### Motion

"Council Executive note the terms of the report and agrees to replace the draft response contained in the report with the following to be submitted as the Council response to the Scottish Government consultation:

Council Executive recognises significant levels of public concern over proposals for shale gas exploration by the method of "fracking", particularly in view of the known workable substantial deposits of torbanite in West Lothian.

It notes that in the past annual report, Chief Scientific Adviser to the UK Government Professor Sir Mark Walport warned that government had not given proper consideration to fracking's health risk. It further notes that several European countries have either banned or imposed a moratorium on the hydraulic fracking technique of extracting oil and gas.

Council Executive notes that no definitive guidance has been issued to planning authorities in Scotland as regards the relationship between fracking and public health.

West Lothian Council sees no need for fracking in a country which has many sustainable renewable resources.

To protect the wellbeing of West Lothian residents Council Executive agrees to respond to the Scottish Government consultation by calling for a full moratorium on "fracking" and stating the Council's absolute opposition to fracking in Scotland".

### Decision

To unanimously agree the terms of the motion.

## 18. TIME LIMITED THIRD SECTOR AMBITION FUND

The Council Executive considered a report (copies of which had been

circulated) by the Head of Planning, Economic Development and Regeneration to obtain approval for a funding application process and the means of disbursement of the monies held on the Third Sector Ambition Fund, which had been established following the allocation of £200,000 of time limited funding in the council's revenue budget for 2017-18.

Following approval by Council Executive to establish a time limited funding allocation of £200,000 in 2017-18, a short term working group was established comprising of council officers and representatives from the Third Sector to inform the efficient and effective operation of the fund. The working group was chaired by the Head of Planning, Economic Development and Regeneration and the Voluntary Sector Gateway was invited to appoint three representatives. Council officers from Economic Development & Regeneration and Finance also attended the working group..

The working group agreed that the following should be recommended to the Council Executive as the basis of the funding stream :-

- The funding was open to voluntary and third sector organisations based or working in West Lothian
- Applicants were to have a Constitution and/or Articles of Association; a bank account in the name of the organisation; confirmation that a minimum of two people were required to sign and counter-sign cheques; provide audited or independently examined annual accounts; and confirm that surpluses or profits were retained and not distributed
- That there would be two levels of funding (1) £5,000 to £20,000 and (2) over £20,000.
- Any application for more than £20,000 would have to demonstrate that it could lever in significant levels of match funding.

The funding available was to be committed in 2017-18. Therefore subject to Council Executive approval there would be a three month period, commencing in early May, for bids to be developed and submitted to the council. Projects were then expected to commence in 2017-18 and be completed within 12 months of funding approval. Details of what would be required through the application process were outlined in the report.

Any applications received would be scored by a panel comprising of council officers and representatives of the third sector.

It was recommended that the Council Executive :-

1. Notes the availability of the Third Sector Ambition Fund; and
2. Approves the application process and proposed means of assessing applications and disbursing funds as set out in the report.

### Decision

To approve the terms of the report.

19. SUPPORTING BOWLING IN WEST LoTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration to consider a proposal to provide one off time limited financial assistance of £10,000 to support the range of activities in support of West Lothian's Bowling Community in 2017-18 and 2018-19.

The members were advised that West Lothian had a very active indoor and outdoor bowling community with outdoor bowling having 34 active clubs. Bowling also had a long history in West Lothian with the association being formed under the name of Linlithgowshire Bowling Association in April 1882.

In addition health professionals recommended playing bowls as it provided a number of health benefits including improved fitness, improved coordination, increased confidence, enhanced mental wellbeing and community connectedness.

West Lothian clubs had been successful in competitions over recent years at both national and international level and an opportunity had arisen for West Lothian Council to sponsor a West Lothian cup for the men's, women's and junior bowlers. In addition "Invest in West Lothian" would be printed on the bowler's shirts giving a great opportunity to market West Lothian.

To also support future generation experience of bowling, the council through the Active Schools and Community Service, were working in partnership with East Calder Bowling Club and local schools to introduce the sport to pupils. The pilot programme would utilise skills and experiences of local bowlers who would be supported to deliver activities within the curricular time for East Calder and St Pauls RC primary schools.

A bowling festival was also planned for 1 June 2017 to encourage children to continue participation in bowls in a community setting.

It was anticipated that the pilot project would be used as a template to further support the delivery of bowls within other localities in West Lothian and promote increased school and community participation in the sport.

It was recommended that Council Executive agrees :-

1. The establishment of a £10,000 time limited development fund to the West Lothian Bowling Association for 2017-18 which included £1,000 for the provision of indoor bowling equipment to support the delivery of bowls within primary and secondary schools across West Lothian;
2. The sponsorship of a Gents, Ladies and Juniors Bowling Cup; and



3. Promotion of Invest in West Lothian in the club tournaments shirts

Decision

To approve the terms of the report

20. BUDGET PROCESS REVIEW GROUP CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a submission from the council in response to the Finance and Constitution Committee consultation on the Scottish Parliament's budget process.

The Finance and Constitution Committee had established a review group to examine the Scottish Parliament's budget process following the devolution of further powers in the Scotland Act 2012 and Scotland Act 2016.

The Budget Process Review Group had been tasked with developing a revised budget process which incorporated an increased level of responsibility arising from the devolution of new powers. The review group had published an interim report which was subject to public consultation to help inform the review.

The Head of Finance and Property Services then provided an overview of the five themes emerging from the review report.

It was recommended that Council Executive :-

1. Notes the content of the Budget Process Review Group – Interim Report, as set out in Section D1 of the report;
2. Notes the content of the proposed consultation response from West Lothian Council, as set out in Appendix 1 attached to the report; and
3. Agree the content of the consultation response and agrees that the response was provided to the Finance and Constitution Committee on behalf of the council by the Head of Finance and Property Services

Decision

To approve the terms of the report and the consultation response

21. INDUSTRIAL LAND 0.83 HA (2.05 ACRES) BLACKBURN ROAD, BATHGATE - PROPOSED SALE TO A1 AUTOMOTIVE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking

approval for the sale of 0.83ha (2.05 acres) industrial open storage land at Blackburn Road, Bathgate.

The land at Blackburn Road, Bathgate was situated to the rear and adjoining the former Paterson's cement works which had now been bought by A1 Automotive Limited. The land was effectively landlocked and it was believed was originally acquired for the proposed development of a link road between Bathgate and Blackburn which was subsequently superseded by the development of the M8 motorway.

The site which extended to 0.83ha (2.05 acres) was irregularly shaped and consisted of undeveloped land. Therefore due to the nature of the site and its lack of access, the site was considered to of little use to anyone other than A1 Automotive Ltd as adjoining owners.

The main terms and conditions which had been provisionally agreed with the company were outlined in the report.

It was recommended that the Council Executive :-

1. Approves the sale of 0.83ha of land at Blackburn Road, Bathgate to A1 Automotive Limited for the sum of £90,000; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the transaction, including any required alteration to the sale price, on the basis that any revised terms and conditions still represented the highest capital receipt available to the council.

### Decision

To approve the terms of the report

## 22. CARMONDEAN HOUSE, CARMONDEAN CENTRE SOUTH, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of Carmondean House, Carmondean Centre South, Livingston to Mrs Eileen Stahl in accordance with the details set out in the report.

Carmondean House was a single-storey detached office pavilion comprising of office space plus associated car parking space. The property was owned by the council and formed part of the Tenanted Non-Residential Property (TNRP) portfolio.

Despite being openly advertised for lease by the council for some time there had been no meaningful interest in the property. Also as the building was vacant, the council as owner was liable for the ongoing payment of vacant non-domestic rates.

With minimal prospect of letting the property commercially the property

was re-advertised on the open market for sale and had a closing date of noon on 24 February 2017 for any offers.

The highest offer received by the closing date was from Mrs Eileen Stahl with the main terms and conditions of the offer summarised in the report.

Analysis of the offer received and being recommended for approval confirmed that the proposed purchase price of £177,000 compared favourably with values being achieved locally in the area for similar properties.

Therefore it was recommended that the Council Executive :-

1. Approves the sale of Carmondean House, Carmondean Centre South, Livingston to Mrs Eileen Stahl for the sum of £177,000 subject to the main terms and conditions set out in the report; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of the property, on the basis that any revised terms and conditions still represented the best capital receipt for the council.

#### Decision

To approve the terms of the report

23. 0.29 HS (0.79 ACRES) OF LAND AT HAMILTON SQUARE, MURIESTON - PROPOSED SALE TO DR EDWARD RUSSELL-SMITH

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of 0.29ha of land at Hamilton Square, Murieston, Livingston.

The land at Hamilton Square, off Alderstone Road was formally used as a site for the temporary Murieston Health Centre, which had since moved to the land adjacent.

The land was allocated in the West Lothian Local Plan for local area uses. Further discussions with the planning department indicated that this included small scale business, retail, leisure, recreational and residential developments.

The site was formally vacated by the previous health centre in March 2017 and was subsequently marketed with a closing date of 28 March 2017.

At the closing date the council had received seven offers to purchase the site with the main details of the highest offer received outlined in the report.

Therefore it was recommended that the Council Executive :-

1. Approves the sale of 0.29ha (0.79 acres) of land at Hamilton Square, Murieston, Livingston to Dr Edward Russell-Smith for £250,000 subject to the main term and conditions summarised in the report; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of land, including any required alteration of the sale price, on the basis that any revised terms and conditions still represented the highest capital receipt available to the council.

### Decision

To approve the terms of the report

#### 24. B8084 WHITBURN TO ARMADALE CYCLEPATH - PROPOSED COMPULSORY PURCHASE ORDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the use of compulsory purchase powers to acquire an area of land for the provision of a new cyclepath between Armadale and Whitburn.

The Council Executive was advised that the council was awarded grant funding from Sustrans (Scotland) in 2014 in order to assist in the development and delivery of a number of missing cycle links between communities throughout West Lothian. One of the key routes identified was between Armadale and Whitburn, which would not only provide a link between communities but also to Armadale railway station and the national cycle network (NCN75).

In order to implement the proposals the council would need to acquire land from the current owner EWP Investments Ltd.

The Head of Finance and Property Services continued to advise that Property Management and Development had been in negotiation with representatives of the landowner since mid-2014 to acquire the land by agreement. Terms were agreed in January 2016 for the purchase of the land and solicitors were appointed. However no further communication had been forthcoming since this time, despite reminders. Officers were concerned that the owner has since abandoned the deal without any further negotiation.

Officers have therefore contacted the landowner advising that it would seek to progress a compulsory purchase if there was no confirmation of a concluded transaction by them by 24 April 2017. It was also to be noted that the council had successfully agreed terms of the acquisition of further land required for the scheme from neighbouring owners.

Given the current circumstances and in order to minimise any further delays, it was proposed that the council should begin proceedings to

acquire the land using compulsory purchase powers under Section 189 of the Town and Country Planning (Scotland) Act 1997. Once a compulsory purchase order was made, the procedure included applying to Scottish Ministers for confirmation of the order.

If the council was successful then any compensation payable to the land owner whose land had been compulsorily acquired would be determined by statute. In situations where no agreement had been possible with an owner then either party was able to refer any dispute to the Lands Tribunal for Scotland for determination.

It was recommended that the Council Executive :-

1. Approves the promotion of a compulsory purchase order to acquire the land shown on the plan attached to the report at Appendix 1, extending to 1.68 acres (0.68ha) under Section 189 of the Town and Country Planning (Scotland) Act 1997; and
2. Grants delegated powers to the Head of Finance and Property Services and the Chief Solicitor to take matters forward, including any negotiations regarding the payment of statutory compensation or amendments to the statement of reasons and associated submission.

#### Decision

To approve the terms of the report

#### 25. LINLITHGOW PARTNERSHIP CENTRE - PROPOSED LEASE TO LINLITHGOW HERITAGE TRUST

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a 25 year lease of an area within Linlithgow Partnership Centre to Linlithgow Heritage Trust.

Linlithgow Heritage Trust (LHT) was based in Annet House, High Street, Linlithgow and operated the property as a museum. The property was owned by the council and had been leased to the Trust since the late 1980's. LHT's internal repairing lease of Annet House reached its natural expiry date on 31 March 2014 and since then had continued to run on a year to year basis. Whilst the LHT had occupied Annet House for a significant number of years there had always been an accessibility issue due to the configuration over multiple floors and no lift.

LHT was identified as a potential partner for the new Linlithgow Partnership Centre in the early stages of planning the new building. LHT would occupy a prominent area on the first floor of the building overlooking the High Street and The Cross. The new location would be more readily accessible to visitors being in the heart of the historic town and also to visitors less able-bodied as there would be lifts to the first floor of the building, together with the provision of accessible toilets.

Additionally the co-location of the Linlithgow Library, Local History Library, Family History Library and LHT all centrally based in the Linlithgow Partnership Centre would be of a benefit to locals and tourists alike. LHT also planned to stage events such as reminiscence days which could be of interest to many residents including those older residents attending the day care centre also located within the building.

LHT planned to make an application to the Heritage Lottery Fund to assist them in their proposed relocation and to assist with the set-up of exhibitions and specialised effects and lighting. This was a staged process which meant that should the LHT be successful in their application they would not be in a position to relocate until Spring 2018. LHT has successfully passed Stage one and were due to submit their Stage two application very soon.

The main terms and conditions of the proposed lease were summarised in the report.

It was recommended that Council Executive :-

1. Approves the lease of 210 square metres of office/exhibition space plus ancillary storage for a period of 25 years subject to the terms and conditions set out in the report; and
2. Grants delegated powers to the Head of Finance and Property Services to agree to any changes required to the current terms and conditions in order to conclude the transaction, on the basis that any revised terms and conditions still complied with approved leasing procedures.

Decision

To approve the terms of the report

26. INDEPENDENT INQUIRY INTO THE CONSTRUCTION OF EDINBURGH SCHOOLS UPDATE

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 recommendations set out in the independent enquiry into the Construction of Edinburgh Schools and to provide an indication of the measures already in place within the council in relation to the council's construction project processes.

The members were advised that the Independent Inquiry into the Construction of Edinburgh Schools was undertaken following the collapse of part of an external wall at Oxbgangs Primary School in January 2016 and subsequent investigative surveys indicating defects in the construction of the external walls in 16 schools, a secure unit and a community centre, all of which had been built as part of the same Public Private Partnership (PPP) contract.

The inquiry was led by Professor John Cole CBE, an architect and retired Civil Servant supported by Stewart Macartney, a structural engineer specialising in forensic investigations and director of a multi-disciplinary engineering consultancy together with Chris Philips, a lawyer and partner in an established legal practice.

The remit of the inquiry was summarised in the report.

The findings of the inquiry had been categorised into a number of specific areas including procurement, independent certification, client's relationship with the design team, information sharing, construction, training and recruitment, building standards, further inspections and those areas specific to Edinburgh City Council.

In summary the findings indicated that the primary cause of the Oxbgangs school wall collapse was poor quality construction in the building wall. In particular the brickwork and positioning of the wall ties, the direct supervisions of the laying of the bricks and the positioning of the wall ties and the quality assurance processes employed by the sub-contractor and main contractor were all deficient.

Following presentation and publication of the inquiry report on 9 February 2017 officers from Finance and Property Services and Building Standards reviewed the findings and provided comment on the position in relation to the council's delivery of large construction projects, the ongoing management of property assets and in particular PPP schools and regulatory requirements of Building Standards. The council's current position in relation to the recommendations within the report were summarised under the headings of Procurement, Independent Certifier, Clients Relationship with Design Team, Information Sharing, Construction, Training & Recruitment, Building Standards and Further Investigation.

Therefore it was confirmed that the council already had in place a robust approach which ensured quality assurance was paramount through the delivery of large scale construction projects. However there were also a number of recommendations which officers had considered and these had been incorporated into the council's procedures; these were summarised in the report.

And finally the Head of Property and Finance advised that following a review of the findings by the Scottish Government Buildings Division a separate report would be presented which would relate primarily to the implications for the council's Building Service.

It was recommended that Council Executive notes :-

1. The recommendations contained within the Independent Inquiry into the Construction of Edinburgh Schools and the council's position in relation to these;
2. The areas of good practice already in place in relation to the management of construction projects and quality assurances

processed; and

3. The additional measures outlined in the report that had been progressed by officers as part of the ongoing management of the council's construction project.

#### Decision

To note the contents of the report

27. NOTE ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS) TO APPROVE THE SUBMISSION OF AN ALTERNATIVE SEEP PROJECT

The Council Executive noted the action taken in terms of Standing Order 31 (Urgent Business) in that approval had been provided for an application to be submitted to the Scottish Government for the SEEP Call for Pilot Project Phase 2 for a total of £325,000 to fund a number of projects in West Lothian.

28. CLOSING REMARKS

The Chair wished to record a note of thanks to all the officers for their assistance over the past five year. He also wished to record a note of thanks to all councillors who had participated in meetings of the Council Executive. He also wished good luck to those members standing in the forthcoming council elections and thanked Councillor Tony Boyle who was standing down after five years' service.