

MINUTE of MEETING of the ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 27 APRIL 2017.

Present – Councillors Tom Conn (Chair), Tony Boyle, Diane Calder, Dave King, Greg McCarra

Absent – Barry Robertson

In Attendance – Robin Lever, Senior People's Forum Representative

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The panel confirmed the minute of its meeting held on 16 February 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. NICOTINE VAPOUR PRODUCTS ENFORCEMENT

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing details on the introduction of the Health (Tobacco Nicotine etc. and Care) (Scotland) Act 2016.

The report explained that new legislation had been introduced to regulate the sale, purchase, advertising and promotion of tobacco and Nicotine Vapour Products (NVPs), commonly known as e-cigs. The Health (Tobacco Nicotine etc. and Care) (Scotland) Act 2016 amended the Tobacco and Primary Medical Services (Scotland) Act 2010 and brought the regulation and control of the sale and supply of NVPs in line with those in place for tobacco products.

The report explained that NVP retailers were now required to be registered with the Scottish Government alongside the current tobacco retailers register and that additional duties were placed upon suppliers and distributors of the products. The Act placed duties upon local authorities to carry out enforcement and extended the fixed penalty powers in relation to the registration of NVP retailers, the display of appropriate notices and compliance with age restricted sales. In addition, the Act had introduced a requirement for retailers of both NVP and tobacco products to comply with the statutory "Challenge 25" policy.

The panel noted from the report that the exact number of NVP retailers was currently unknown. Retailers had until 1st October 2017 to register with the Scottish Government. The new legislation was likely to lead to a significant increase in the number of premises subject to regulatory control. In the first six months, the focus of enforcement activities would

be on advice and education to bring businesses to a state of compliance. Thereafter, enforcement activities would be set against other service priorities and would fall into line with those currently in place for tobacco products, including routine inspection of premises, investigating complaints and conducting test purchase exercises. The panel noted that for sellers of tobacco, premises were usually inspected every two years unless there were factors making particular premises high risk, in which case an annual inspection was carried out. Where a trader failed a test purchase, they were issued with a Fixed Penalty Notice. Failure to pay a fixed penalty notice resulted in further formal action being taken.

The report concluded that the Act would bring NVPs in line with existing controls on the sale and supply of tobacco products with the aim of reducing nicotine dependency within the community and, in particular, younger people. The Act was accompanied by funding which was intended to allow the deployment of staff to ensure compliance. Annual returns on compliance would be provided to the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) on behalf of the Scottish Government.

The report recommended that the panel note:

1. Notes the new legislation which came into force on 1st April 2017;
2. Notes that the Scottish Government had placed expectations upon trading standards services to deliver the intent of the legislation; and
3. Notes the proposed approach to enforcement as set out in the body of the report..

Decision

To note the terms of the report.

4. DRAFT SCOTTISH ENERGY STRATEGY CONSULTATION RESPONSE

The panel considered a report (copies of which had been circulated) by the Head of Finance & Property Services providing a proposed response to the Scottish Government's Draft Energy Strategy – The Future of Energy in Scotland.

The report recalled that in January 2017, the Scottish Government had published its Draft Climate Change Plan (CCP). A Draft Energy Strategy had been published shortly after the CCP which set out the long term vision for energy supply and use in Scotland to 2050. The current consultation sought views on the vision for Scotland's future energy system and how it would be achieved with responses sought by 30 May 2017.

The report summarised the Draft Energy Strategy which was a comprehensive document set out in six chapters. The Strategy took a whole system view of where energy came from and how it was used for

electricity, heat and transport. The Strategy set out logical progression to decarbonise energy future, although there was significant reliance on new and developing technologies such as Carbon Capture and Storage (CCS) which had been highlighted as a risk in the council's draft response.

A copy of the proposed consultation response had been provided as an appendix to the report. The response was comprehensive and sought to provide recommendations and suggestions where appropriate.

The report concluded that the targets set out in the Draft Climate Change Plan and the visions, priorities and actions detailed in the associated Energy Strategy would have a significant impact on Scotland's energy consumers for many years to come. As local authorities were expected to be key partners in the delivery of the overall objectives set out, it was important for its views to be taken into account throughout the consultation process. The Head of Service advised that the overall aims and objectives of the Strategy should be supported but with due consideration to the risks and issues identified in the proposed response.

The report recommended that the panel note the content on the proposed response and that it be presented to the Council Executive with a recommendation that it be approved for submission to the Scottish Government.

Decision

1. To note the contents of the report; and
2. To endorse the draft response and that it be presented to the Council Executive with a recommendation that it be approved for submission to the Scottish Government.

5. TREE AND WOODLAND MANAGEMENT PLAN

The panel considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the production of the Tree and Woodland Management Plan for West Lothian.

The report recalled that in June 2016 a Tree Management & Safety Policy had been approved. As part of the Policy, it was agreed that a Tree & Woodland Management Plan should be developed and implemented for trees and woodland in council ownership. The Management Plan included the management guidelines and rules as to how the council managed its trees, including what the council would and would not do in response to public requests. To support the Management Plan, an action plan had been developed which detailed the introduction of a holistic and planned regime for the management of the council's trees and woodlands, including the management of the associated risk.

The report explained that the Tree and Woodland Management Action Plan, together with the Tree and Woodland Guides, would assist staff, particularly in the Tree and Woodland Team, to manage the council's trees and woodlands in a more consistent and planned manner. They

would also ensure that the management and reasons for decisions were clear and transparent to the residents and others whom the management of the council's trees impacted upon. The key objectives contained within the Tree Management and Safety Police were listed within the report.

The council's website would be updated with a user friendly version of the guidance and rules to ensure the public was able to inform themselves on what the council was able/not able to do regarding most of the common tree related issues. The Management Plan was a working document that would require reviewing and updating as work was progressed and circumstances changed.

The report concluded that the delivery of the Tree and Woodland Management Plan and Action Plan would ensure the council's approach in its management of trees and woodland was open and transparent and would fulfil its legal obligations as well as following best practice.

It was recommended that the panel note the content of the Tree and Woodland Management Plan.

Decision

To note the contents of the report.

6. OPERATIONAL SERVICES MANAGEMENT PLAN 2017/18

The panel considered a report (copies of which had been circulated) by the Head of Operational Services outlining the purpose, scope and content of the Operational Services Management Plan for 2017/2018, a copy of which was attached to the report.

The Head of Operational Services explained that the Operational Services Management Plan was fundamental to the delivery of its services. The Plan took into consideration the medium term financial strategy of the council developed under Delivering Better Outcomes and the available resources for 2017/18. It also took full consideration to the council priorities identified in the Corporate Plan 2013 to 2017.

The report provided a summary of the activities, priorities and actions that Operational Services intended to deliver in the forthcoming year, as well as the performance measures that would be used to monitor success. It also provided a summary of the work undertaken and the achievements of the service in the preceding year.

It was recommended that the panel note the terms of the report and the Management Plan for 2017/2018.

Decision

To note the contents of the report and the Operational Services Management Plan 2017-2018.

7. PLANNING, ECONOMIC DEVELOPMENT & REGENERATION MANAGEMENT PLAN 2017/18

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration outlining the purpose, scope and content of the Planning, Economic Development & Regeneration Management Plan for 2017/2018, a copy of which was attached to the report.

The Management Plan comprised of three sections, details of which were summarised in the report, consisting of an overview from the Head of Service, an organisation chart showing the high-level structure of the service and a summary of each of the West Lothian Assessment Model Units.

The report provided a summary of the significant progress that had been made on the key activities in the previous plan.

The Head of Planning, Economic Development and Regeneration reported that in the coming year, the service would continue to focus on facilitating economic growth and community regeneration. It would continue working with the house-building industry in order to increase the rate of house construction in West Lothian and would ensure protection of communities through promoting a safe and legal trading environment. Other specific activities for the year ahead were outlined in the report.

It was recommended that the panel note the terms of the report and the Management Plan for 2017/2018.

Decision

To note the contents of the report and the Planning, Economic Development & Regeneration Management Plan 2017-2018.

8. UPDATE ON LINLITHGOW LOCH IMPROVEMENTS

The panel considered a joint report (copies of which had been circulated) by the Head of Planning, Economic Development & Regeneration and Head of Operational Services on the various improvements proposed for Linlithgow Loch and its surrounding area.

The report recalled that Linlithgow Loch was one of the two remaining natural lowland lochs in the Lothians. The loch was integral to the town's tourist appeal and provided various land and water based recreational opportunities as well as being the focal point for naturalists and outdoor education facilities. The loch was owned and managed by Historic Environment Scotland (HES) and designated a Site of Special Scientific Interest (SSSI) for its botanical and ornithological interest.

The report explained that the loch had originally been notified as the only example of lowland mesotrophic loch in West Lothian. Site condition monitoring in 2004 had concluded that the loch was in an unfavourable

condition due to nutrient enrichment largely associated with land use in the catchment. Evidence now suggested that the loch was currently eutrophic (nutrient rich and at times lacking oxygen), trending towards hyper-eutrophic.

One of the negative effects of the increase in nutrient levels within the water body was the appearance of an extended seasonal bloom of blue-green algae which breaks down and released toxins into the water. This led to further decline in water quality and low oxygen levels and represented a potential risk to public health.

The report recalled that in April 2013, following almost a decade of investigation and data collection, the Council Executive had confirmed its support for the Linlithgow Loch Catchment Management Plan which contained 13 management recommendations to reduce the effects of contaminated run-off into the loch. Algal bloom continued over extended periods in 2014 and 2015 but was not as aggressive in 2016 which could have been due to changes in temperature, wind conditions and light levels.

A review of a list of projects that impacted on the loch, along with updates on progress, were provided in the report. The projects had been grouped according to those specifically related to the loch and those related to issues surrounding the loch.

The panel noted from the report that whilst Linlithgow Loch and the surrounding Peel were in the ownership of HES, they were considered to function as a district park for the town and as a result, the council allocated £87,000 in the NETs 2017/18 Open Space Strategy budget towards the site. Discussions had taken place with HES about what form improvements could take and the panel noted that those were likely to be focussed on Lady Park and around the Lochside path.

The report described how a broad based community working group had convened in February to investigate the re-provisioning of the current peace gardens from St. Michael's hospital to the Rose Garden to the South of St. Michael's kirk yard. Members noted that since the Burgh Halls regeneration, there had been more use of the Rose Garden and patio areas outside for weddings and visitors. Limited access and large self-seeded trees were two constraints that were being studied. The council had gained ownership of the upper gardens when the Burgh Halls were renewed but the lower rose garden and access via Market Lane remained under the control of HES with whom the group had initiated liaison.

The report then moved on to explain that since the Linlithgow Loch Summit had been convened by HES in November 2015, one of the major actions had resulted in the formation of a Strategic Management Group comprising of senior officers from stakeholder organisations. The Group had met on three occasions to consider how to bring more investment to the loch. A number of subsidiary working groups had continued to operate on an ad-hoc basis, as described in an appendix to the report. HES had continued its commitment to the Loch by funding the Nutrient

Source Apportionment Study which had commenced in Spring 2017. The Study was a major piece of work which would take time to complete and would determine future actions to improve water quality in the Loch. Results would be reported to a future meeting of the panel. The report warned that tackling loch pollution was a long-term issue and recalled that Loch Leven in Fife, albeit a larger loch, had taken more than twenty years to realise water quality improvements with significant public and private investment.

The report concluded with information on the UK & Ireland Lakes Network which recently held its annual conference in Linlithgow due to the issues and ongoing work associated with the loch. The event had been held in mid-April and the 50-60 delegates had been given a tour of the loch and Palace by HES. The full day of the conference had explored the value and sustainable management of urban lochs, lakes, loughs, tams and llyns with a wide range of Scottish and other speakers.

The report recommended that the panel:

1. Note the content of the report; and
2. Offer comments about further improvements to the Loch and its surrounding area.

Decision

To note the terms of the report.

9. ENVIRONMENT PDSP WORKPLAN

The panel considered the contents of the workplan that would form the basis of the panel's work over the coming months.

Decision

To note the contents of the workplan.

10. CLOSING REMARKS

As this was the last meeting of the panel prior to the council elections in May, the Chair expressed his thanks to all members of the panel and to its supporting officers for their efforts in implementing actions arising from the PDSP over the last 5 years. He offered his best wishes to Councillor Boyle who was not standing for re-election.