

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 8 AUGUST 2017.

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

Apologies – Councillor Peter Heggie

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS

The Council Executive unanimously agreed to hear the deputation request received from Ms Shona MacKinnon in relation to Agenda Item 13 (Objections to Disabled Persons' Parking Bays).

The Chair then ruled in terms of Standing Order 11 that Agenda Item 13 would be considered along with the deputation immediately following Agenda Item 5 (Correspondence).

3. MINUTES :-

1. The Council Executive approved the Minute of its meeting held on 20 June 2017;
2. The Council Executive approved the Minute of its special meeting held on 28 June 2017; and
3. The Council Executive approved the Minute of its special meeting held on 19 July 2017

All Minutes were thereafter signed by the Chair

4. CORRESPONDENCE

The Council Executive noted the correspondence arising from previous decisions of the Council Executive.

5. OBJECTIONS TO DISABLED PERSONS' PARKING PLACES ORDER (PTO-17-03) AND UPDATE

Deputation

The Council Executive heard Ms Shona MacKinnon a resident of 7

Burnside Terrace, Polbeth speak in support of her objections to the proposed disabled persons' parking bay situated close to her property.

Ms Mackinnon explained that she had applied to the council to install a driveway at her property, 7 Burnside Drive, Polbeth, but was refused as in the meantime an application had been received for the installation of two disabled persons' parking bay close to her property.

Therefore Ms MacKinnon was requesting that the council give consideration to moving the bays to either an alternative location or by a few metres so both disabled persons' parking bays could be accommodated and would then leave enough space for her to install a driveway.

Ms MacKinnon explained that parking in the street was very congested with most houses having a least two cars and that most residents parked where they could.

The Council Executive members then took the opportunity to ask Ms MacKinnon a series of questions on the matter.

Report by Head of Operational Services

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of objections received in respect of 6 of the 62 proposed new enforceable parking places, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2009.

The Head of Operational Services explained that over the period June 2016 to February 2017 he approved the commencement of the statutory procedure to provide 62 new enforceable disabled parking bays in residential areas, in line with the council's duty under the Disabled Persons' Parking Places (Scotland) Act 2009.

The proposals were formally advertised between 25 May 2017 and 15 June 2017.

During the advertisement period eight written objections were received relating to six proposed parking bays. Seven of these objections were still outstanding and these were summarised in the report with further information attached as a series of appendices to the report.

As there were no objections to the other 56 advertised new bays the order was made in part on 12 July 2017 in respect of these designated bays.

Police Scotland, Disability Scotland and local ward members were consulted on the contents of the report and comments received were included in the report.

It was recommended that the Council Executive :-

1. Did not uphold the objections submitted during the statutory objection period to the making of the traffic regulation order to

provide disabled persons' parking bays in Hall Terrace, Burnside Terrace, Inglewood Street and Braehead Drive (6 parking bays); and

2. Notes that the traffic regulation order (PTO-17-03) had been made in part to designate the remaining 56 parking bays.

Decision

1. To note the contents of the Deputation from Ms Shona MacKinnon of 7 Burnside Terrace, Polbeth; and agreed the following in relation to each of the locations for which objections had been received :-
 - a) To not uphold the objection in relation to the disabled persons' parking bay in Hall Terrace, Torphichen;
 - b) To uphold the objection in relation to the eastern disabled persons' parking bay and retain the bay to the west outside 5 and 7 Burnside Terrace and for officers to have discussions with the applicant with regards to an alternative location for the bay originally located to the east;
 - c) To partly uphold the objection in relation to the disabled persons' parking bay outside 19 Inglewood Street with an amendment to reduce the overall length of the bay to 5 metres and to uphold the objection in relation to the bay outside 42 Inglewood Street; and
 - d) To not uphold the objection in relation to the disabled persons' parking bay outside 33/35 Braehead Drive, Linlithgow but reduce the overall length of the bay to 5 metres.

6. CALENDAR OF MEETINGS - CHANGES

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive proposing changes to the meeting dates of certain bodies in the council's Scheme of Administration as summarised in Appendix 1 attached to the report.

A timetable of meetings was agreed by Council Executive in March each year for each of the bodies in the Scheme of Administration. That was done in March 2017 for the period from August 2017 through to July 2018. It was noted at that time that the council's decision-making structure could change following the May elections and that the timetable of meetings may have to be revisited and amended where required.

The Scheme of Administration contained rules for setting meeting dates for the bodies mentioned. Most committee meeting dates were fixed by Council Executive with exceptions for Policy Development and Scrutiny Panels (PDSPs) and Local Area Committees (LACs).

The report then summarised a number of changes that were proposed to be made to the Employee Appeals Committee some PDSP's and some

LAC meetings. In addition the council had established two new Committees – the Audit Committee and the Governance & Risk Committee for which new meeting dates were also required.

The report also provided details of the appointment of a Lay Person to the Governance and Risk Committee. As the Governance and Risk Committee had no power to make a decision regarding the appointment of a Lay Person Council Executive was being asked to authorise the Chief Executive to seek the appointment of a Lay Person to the Risk and Governance Committee as recommended by the committee at its recent meeting held on 19 June 2017.

It was recommended that the Council Executive :-

1. Agree the dates proposed for meetings of the Audit Committee and the Governance & Risk Committee shown in the Appendix;
2. Note the new meeting dates for some Policy Development and Scrutiny Panels and Local Area Committees shown in the Appendix;
3. Note the additional meeting dates for Employee Appeals Committee shown in the appendix;
4. Authorise the Chief Executive to deal with any additional changes made to present meeting dates for other Policy Development and Scrutiny Panels and Local Area Committees;
5. Authorise the Chief Executive to pursue the appointment of a lay member to the Governance and Risk Committee; and
6. Consider any other changes that may be required

Decision

1. To approve recommendations 1 to 5 of the report; and
2. To agree that no further action be taken in terms of recommendation 6 of the report.

7. CONTRACT FOR PROMOTION/ADVERTISING OF ANTI-IDLING CAMPAIGN

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to contract Global Radio Services Ltd to deliver a series of promotional events to advertise the “no idling” message, aimed at reducing vehicle idling and thereby improving air quality.

The Council Executive were advised that the Scottish Government currently funded the East Central Scotland Vehicle Emission Testing Partnership which was a service delivered by staff employed by West Lothian, East Lothian, Midlothian and Falkirk Councils.

The activities focused around reducing vehicle emissions and their impact on air quality and health. Part of the activities included the promotion of the “no idling” message which was done using a variety of media methods such as web information, advertising, social media initiatives, etc. Specialist companies required to be engaged to deliver these functions.

In order to maintain advertising themes, the same company, Global Radio Services Ltd had been engaged over the past two years and it was proposed to continue with them for one further year before tendering for a new provider. The cost for the current requirement was £24,500 however the cumulative cost, combined with the previous two years was £100,251, which exceeded the £50,000 threshold for Business Case Exemption from Standing Orders for the procurement of contracts.

Budget implications and further information was contained within the report on Global Radio Services Ltd.

It was recommended that Council Executive approve the direct award to Global Radio Services Ltd.

Decision

To approve the terms of the report

8. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO ROYAL CONSERVATOIRE OF SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to make a direct award to the Royal Conservatoire of Scotland for the delivery of the Youth Music Initiative project Saturday Strings.

The Head of Corporate Services explained that Corporate Arts managed the Youth Music Initiative Programme which provided opportunities that allowed young people to work with professional musicians, create performance opportunities, develop their listening, creative and critical thinking skills and increase self-confidence and self-esteem. Teachers also benefited from the project as it incorporated Career Long Professional Learning opportunities that allowed teachers to develop skills in using music as a tool for interdisciplinary learning across the curriculum.

Community Arts had submitted a successful application to Creative Scotland and therefore a budget of £80,000 was available in 2017-18.

A tender process was undertaken previously for this project via Public Contract Scotland and there were no additional bids. The Royal Conservatoire of Scotland had delivered this project in West Lothian and in other local authorities over the past 15 years and was a world leading conservatoire based in Glasgow. Following extensive research by Community Arts it was identified that The Royal Conservatoire was the only company who could deliver these services and therefore a direct

award was being recommended.

It was recommended that the Council Executive approves a direct award to the Royal Conservatoire of Scotland of £80,000 per academic year for a period of 4 years, dependent on Youth Music Initiative funding being awarded by Creative Scotland each year.

Decision

1. To approve the terms of the report; and
2. To agree that the Depute Chief Executive provide the Education Executive with a report that would focus on music delivery through the Royal Conservatoire.

9. PROCUREMENT ARRANGEMENTS - EARLY LEARNING AND CHILDCARE SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the procurement of a two year framework agreement contract, with an option to extend for two further periods of up to 12 months each for Early Learning and Childcare Services.

It was the council's aim that sufficient early learning and childcare places of 600 hours was available within each settlement area in West Lothian to allow a place to be offered to all parents/carers who requested one on behalf of an eligible child.

To support this objective it was recommended that the council undertake a fresh tendering exercise for Early Learning and Childcare Services. The new framework would replace the existing framework which had been originally set up with ten providers.

By August 2020 it was expected that the entitlement for free early learning and childcare would rise from 600 to 1140. Therefore this procurement was designed to cover the period leading up to that increase.

The council had the physical capacity to provide approximately 4,700 early learning and childcare places within its own establishments with currently approximately 4,100 places occupied.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure would be used whereby all suppliers expressing an interest in the contract would be invited to tender. Criteria of 34% for Learning Provision, 34% for Success and Achievements, 27% for Leadership & Management and 5% for Workforce Matters would be applied. There would be no price evaluation and service providers would be paid the current fixed hourly rate of £3.59.

In order to ensure a geographic spread of "partner providers" it was proposed to tender in three geographic areas as follows :-

Lot 1 – North (including Broxburn, Linlithgow, Uphall and Winchburgh)

Lot 2 – East (including Livingston and the Calders)

Lot 3 – West (including Armadale, Bathgate, Blackburn, Blackridge, Fauldhouse and Whitburn)

It was envisaged that in order to support flexibility and choice each Lot would have at least one provider and providers would be spread geographically amongst the Lots. The anticipated start date for the contract was 1 August 2018 however in order to allow parents the opportunity to request partner providers places the contract awards would be made no later than 31 December 2017.

Sustainability considerations and workforce matters were also summarised in the report.

It was recommended that the Council Executive approves :-

- 1) The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender; and
- 2) That the award criteria to be applied at the tender stage would be as set out in Section D of the report.

Decision

To approve the terms of the report

10. WEST LOTHIAN CIVIC CENTRE AND WHITEHILL SERVICE CENTRE - PROCUREMENT ARRANGEMENTS - SUPPLY OF "HARD" FACILITIES MANAGEMENT SERVICE CONTRACTOR

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the procurement of a new three year contract at the conclusion of the current contract, with an option for a further two extension periods of up to 12 months each, for the supply of "hard" facilities management (FM) services for West Lothian Civic Centre, Torridon and Arrochar House and Whitehill Service Centre.

Since April 2014 the "hard" FM services in the Civic Centre had been provided through a specific "hard" maintenance contractor and this had latterly included Torridon and Arrochar House which were managed as part of the Civic Centre. This arrangement consolidated a situation where these services were provided by a range of external contractors under a number of different framework contracts.

Broadly speaking the "hard" FM maintenance contractor provided the maintenance of all the building fabric and mechanical and electrical services and the council supplied the "soft" FM services such as cleaning, catering and caretaking services. Experience over the period of the

existing contract had been favourable in the areas of both finance and quality.

The original contract, which dated from April 2014, was now in the first year of a possible two year extension period. Given these timescales it was now considered appropriate to re-tender in order to test the market to ensure that best value continued to be obtained.

The “soft” FM services of all the buildings would continue to be provided by the council however the requirement for “hard” FM services would be advertised in accordance with the European Union Directive. It was proposed that the Restricted Procedure would be used whereby a shortlist of capable suppliers expressing an interest in the contract would be invited to tender. Criteria of 40% for Price and 60% for Quality would be used.

Budget implications and sustainability considerations were also outlined in the report.

It was recommended that Council Executive :-

1. The use of the Restricted Procedure whereby a shortlist of capable suppliers would be invited to tender for the procurement of an initial three year contract with an option for a further two extension periods of up to 12 months each, for the supply of “hard” FM services for West Lothian Civic Centre, Torridon and Arrochar House and Whitehill Service Centre; and
2. The award criteria to be applied at the tender stage as set out in Section D of the report.

Decision

To approve the terms of the report

11. NETTLEHILL ROAD, LIVINGSTON - PROPOSED WAITING RESTRICTIONS

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 restrictions on Nettlehill Road, Livingston.

As part of the council's Accident Investigation and Prevention (AIP) programme for 2016-17 schemes were highlighted to be investigated for accident reduction measures to be implemented. Scheme number 5 on the list involved altering the existing staggered junction of Houston Road with Grange Road and Nettlehill Road to incorporate traffic signals to reduce accident trends that had been analysed.

The detailed design process for this scheme had since commenced and the need for waiting restrictions on the approach to the signalised junctions was highlighted.

To ensure the efficient operation of the proposed signalised junctions waiting restrictions were required to be installed on Nettlehill Road on the approach to the new signal heads. This would prevent inconsiderate parking at the junction and would improve visibility for all road users. The installation of waiting restrictions would ensure that the approach to the new traffic signal heads would not cause congestion to ensure that the maximum capacity was available to approaching traffic.

Police Scotland was consulted and supported the proposals. Local ward members were also consulted and had made no adverse comments.

It was recommended that the Council Executive approve the initiation of statutory procedures for the promotion of a traffic regulation order to install waiting restrictions on Nettlehill Road, Livingston.

Decision

To approve the terms of the report

12. J4M8 DISTRIBUTION PARK - PROPOSED WAITING RESTRICTIONS

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 restrictions in the J4M8 Distribution Park.

The Council Executive was advised that following concerns raised by the landowner and business owners in the J4M8 Distribution Park in West Lothian, council officers along with Police Scotland visited the site to witness the issues raised; the issues concerned the overnight parking by HGV vehicles, vehicles parking obstructively and opposite junctions, parking at roundabout entrances/exits, constant littering and carriageway verge damage.

The installation of waiting restrictions as shown on the plan attached to the report would improve road safety and provide a safer environment for road users using the distribution park. Access points and roundabouts would be kept clear which would allow the safe usage of roads within the distribution park particularly for larger vehicles.

Police Scotland was consulted and supported the proposals. The landowner also supported the proposals. The businesses within the distribution park had also been consulted and no adverse comments were received. Local ward members were also consulted and they too had no adverse comments on the proposals.

It was also to be noted that there was an existing fast food trailer present within the distribution park and discussions were ongoing with officers and the owner to determine a suitable relocation position.

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 restrictions in the J4M8 Distribution Park.

Decision

To approve the terms of the report

13. APPLICATION FOR MOTORWAY TOURIST SIGNPOSTING - FIVE SISTERS ZOO, POLBETH

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking endorsement of an application for tourist signs to the Five Sisters Zoo from the M8.

An application had been made to the council for additional tourist signs on the M8 to direct visitors to the Five Sisters Zoo.

Responsibility for signs on the motorway lay with Transport Scotland and its trunk road operator, Amey Highways. However the Trunk Road and Motorway Tourist Signposting Policy required an application to be made to the traffic authority where the tourist destination accessed the road network.

West Lothian Council's criteria stated that signs would normally be permitted from the nearest main road (A Class Road). In this case the application did not comply because there were already existing signs from the nearest A class road on the A71 at West Calder and from the A705 at Blackburn.

However the destination attracted a significant number of visitors from out with the local area and therefore the applicants had submitted information detailing that the lack of motorway signing made it difficult to locate the destination from out with the area.

Officers had reviewed the application and were of the view that there were sufficient traffic management grounds to recommend exceptions to the normal requirements in this case. The zoo attracted a significant number of visitors with over 100,000 visitors recorded in 2015.

A copy of the full application was attached to the report at Appendix 1 with Appendix 2 detailing the supplementary information to support the application and Appendix 3 detailing the locations of the proposed signs.

It was recommended that Council Executive :-

1. Endorses the application for tourist signposting on the M8; and
2. Recommends that the Council Executive approves the application for submission to Amey Highways.

Decision

To approve the terms of the report

14. ACCESSIBILITY SCHEMES 2016-17 TO 2017-19 (TRANCHE 3)

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to proceed with the implementation of the accessibility schemes identified in Appendix 1 attached to the report.

The report recalled that on 17 January and 28 February 2017 Council Executive approved Tranches 1 and 2 of a programme of accessibility schemes.

Since this time officers had worked closely with Disability West Lothian Access Group (DWLAG) in the assessment of requests and at a meeting on 12 July 2017 the Group agreed a further programme of works as detailed in Appendix 1 attached to the report at an estimated value of £34,000.

It was also being recommended to Council Executive that as the existing request list had been exhausted that the Head of Operational Services would deal with all future requests as a day-to-day activity in accordance with the powers delegated to them. It was to be noted that only a small amount of budget (£21,000) remained for this type of work on completion of this tranche.

It was recommended that the Council Executive agrees with the recommendation of officers and Disability West Lothian Access Group (DWLAG) and the programme of schemes listed in Appendix 1.

Decision

To approve the terms of the report

15. STATUTORY LIST OF PUBLIC ROADS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the statutory list of public roads to include those which had been added between 1 July 2016 and 30 June 2017.

The report recalled that at the meeting of Council Executive on 29 October 2013 it was agreed that additions to the statutory list of public roads would be reported on an annual basis.

Section 1 of the Roads (Scotland) Act 1984 outlined the powers and duties of local roads authorities and in particular it placed a statutory duty on the council to manage and maintain roads which were entered in a "list of public roads". The council kept a Statutory List of Public Roads which was available for inspection to meet the requirements of the 1984 Act.

The Council Executive was also advised that new roads approved through the development process were subject to the requirement for Road Construction Consent (RCC). Section 16(2) of the 1984 Act required that

after completion of the works in accordance with the RCC, and following application by the developer, the local roads authority should within 12 months of the application add the road to their list of public roads.

The roads listed in Appendix A were those roads which had been added to the Statutory List of Public Roads during the period between 1 July 2016 and 30 June 2017.

It was recommended that Council Executive approve the addition of the entries contained in Appendix A to the statutory list of public roads.

Decision

To approve the terms of the report

16. APSE ANNUAL SEMINAR 2017 - "BEYOND AUSTERITY - ENSURING A FUTURE FOR LOCAL AUTHORITY"

The Council Executive considered a report (copies of which had been circulated) seeking approval for the attendance of the Executive Councillor for the Environment and the Executive Councillor for Services for the Community at the APSE Annual Seminar 2017 – “Beyond Austerity, Ensuring a Future for Local the Local Authority Frontline” taking place on 6 and 7 September in Oxford.

The Council Executive were advised that the APSE Annual Seminar would be exploring excellence in frontline services and would provide an opportunity for delegates and suppliers to network and share ideas in an informal setting.

The council had also been successful in having two services – Housing and Nets – selected as finalists in two separate awards.

It was recommended that the Council Executive :-

1. Notes that Nets, Land and Countryside had been selected as finalists in Category 11 – Best Service Team of the Year Parks, Grounds & Horticultural Service;
2. Notes that Housing had been selected as finalists in Category 11 Best Internal Service of the Year Construction & Building; and
3. Approves attendance by the Executive Councillor for the Environment and Executive Councillor for Services for the Community at the APSE Annual Seminar on 6 and 7 September in Oxford.

Motion

To approve attendance by the Executive Councillor for the Environment and the Executive Councillor for Services for the Community.

- Moved by the Chair and seconded by Councillor Tom Conn

Amendment

To approve attendance by the Executive Councillor for the Environment, the Executive Councillor for Services for the Community and Councillor Frank Anderson.

- Moved by Councillor Peter Johnston and seconded by Councillor Frank Anderson

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

MotionAmendment

Harry Cartmill

Frank Anderson

Tom Conn

Peter Johnston

David Dodds

Chris Horne

Lawrence Fitzpatrick

Charles Kennedy

Cathy Muldoon

Tom Kerr

George Paul

Damian Timson

Kirsteen Sullivan

Decision

Following a vote the motion was successful by 7 votes to 6 and was agreed accordingly.

17. SOCIAL POLICY CONTRACT ACTIVITY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on contracting activity for the provision of care and support services for the period 1 April 2016 to 31 March 2017

Under the council's Standing Orders and West Lothian Community Health and Care Partnership's Health, Care and Support Services Procurement Procedures the Head of Social Policy was required to report annually to the Council Executive on contracting activity for the provision of care and support services. There was also a requirement to report on contract performance.

Attached to the report at Appendix 1 were details of the Social Policy contracts which had either been awarded or amended under the guidance of the Social Policy Contracts Advisory Group.

Also contained within the report was a table summarising contract performance for the same period.

It was recommended that the Council Executive notes the contracting activity for the provision of care and support services for the period 1 April 2016 to 31 March 2017.

Decision

1. To note the contents of the report; and
2. To agree that the Head of Social Policy provided all members of Council Executive with details on progress being made by the council in terms of payment of the Living Wage.