

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 20 FEBRUARY 2018.

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

Apologies – Councillor Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 8 (Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland) – Councillor Harry Cartmill declared an interest in that he was a volunteer with Dogs Trust West Calder.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 6 February 2018. The Minute was thereafter signed by the Chair.

3. PETITION - "CUTS TO INSTRUMENTAL MUSIC SERVICES IN WEST LOTHIAN PRIMARY AND SECONDARY SCHOOLS"

The Council Executive considered a petition which concerned proposals for a reduction to the Instrumental Music Service delivered throughout West Lothian primary and secondary schools. The petition had been signed by 2,420 people.

The Council Executive heard advice from the council's Governance Manager that in light of recent decisions of West Lothian Council it would be advisable for the matter to be referred to a future meeting of the Education Policy Development and Scrutiny Panel.

Decision

To agree that the petition be referred to a future meeting of the Education Policy Development and Scrutiny Panel when the decision made on 13 February 2018 in relation to instrumental music tuition would be taken forward.

4. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO BARNARDO'S SCOTLAND

The Council Executive considered a report (copies of which had been circulated) seeking approval to make a direct award to Barnardo's Scotland for the provision of a Social, Emotional and Behavioural Needs Early Intervention Scheme for children under 12 and those going through

transition into secondary mainstream school and their families.

The Head of Corporate Services explained that West Lothian Council Education Services currently utilised Barnardo's Scotland to provide an early intervention service for children under the age of 12 and those going through transition into secondary mainstream and their families with the aim of :-

- Supporting children to be successful learners;
- Supporting families to have a more positive family life;
- Supporting children to deal positively with peers and emotional issues; and
- Preventing children being educated out with the authority

The service was an early intervention service which aimed to work with families before they hit crises point, where possible.

Previously a Business Exemption Case was approved allowing derogation from the council's Standing Order for the Regulation of Contracts. However as the total aggregated expenditure had exceeded the approval authority of the Head of Corporate Services, Council Executive was being asked to consider the report.

The Head of Corporate Services continued to advise that a Strategic Commissioning Plan was being developed to ensure that all partners planned services which met the needs of and improved the quality of life for children and families in West Lothian. The comprehensive Strategic Needs Assessment which was being undertaken for this purpose would identify any future need for the early intervention service currently provided by Barnardo's Scotland.

It was therefore recommended that Council Executive approved a one-off direct award for Barnardo's Scotland of £39,910.00 for the delivery of a Social, Emotional and Behavioural Needs Early Intervention Service for West Lothian's children and their families.

Decision

To approve the terms of the report

5. WEST LOTHIAN COUNCIL RESPONSE TO THE SECOND CONSULTATION ON LOCAL HEAT AND ENERGY EFFICIENCY STRATEGIES AND REGULATION OF DISTRICT AND COMMUNAL HEATING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a response to be submitted to the Scottish Government's second consultation on Local Heat and Energy Efficiency Strategies and

Regulation of District and Communal Heating.

The report recalled that in 2017 the Scottish Government designated Energy Efficiency as a National Infrastructure Priority. The key delivery mechanism for this would be Scotland's Energy Efficiency Programme (SEEP) with a long term objective of a near zero-carbon building stock by 2035. In order to deliver the SEEP objectives it was recognised that a strategic approach to heat networks was required.

The Scottish Government had previously consulted on their approach to Local Heat and Energy Efficiency Strategies (LHEES) and District Heating in early 2017. Following analysis of the responses and as part of the development of the wider draft Energy Strategy and Climate Change Plan a second consultation with more detail had been issued

The consultation was set out in two broad areas – one focusing on LHEES and the other on District Heating and Licensing Connection. The report provided a summary of these two parts.

The consultation document also outlined what support for local authorities would be provided and this could take two forms. Firstly a potential National Delivery Mechanism was proposed and building capacity support for LHEES.

It was recommended that Council Executive :-

1. Note the contents of the report and proposed consultation response attached to the report at Appendix 1 attached to the report; and
2. Approved the response for submission to the Scottish Government

Decision

To approve the terms of the report

6. REGISTRATION AND LICENSING OF ANIMAL SANCTUARIES AND REHOMING ACTIVITIES IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Scottish Government consultation on proposed additions to the animal welfare licensing regime and to approve a response to the consultation.

The report advised that proposed licensing of rehoming centres and animal sanctuaries had been discussed by the Scottish Government with stakeholders alongside concerns surrounding pet breeding and sale. The concept of licensing was supported by the larger rehoming organisations, noting the differences between rehoming and sanctuaries.

The Programme for Government 2017-18 committed the Scottish Government to preparing legislation for registration and licensing of

animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants. The overall aim was to regulate :-

- To protect animal welfare in a way that was not unduly burdensome for those doing a good job at present;
- To be effective in dealing with cases where welfare was not being sufficiently protected; and
- Where such rescue activities were effectively operating commercially in the guise of a charity.

The report then provided a summary of the proposals contained in the consultation document. Attached to the report at Appendix 1 was a proposed response that had been prepared by officers.

It was recommended that Council Executive :-

1. Notes the terms of the report and the proposed new additions to the animal welfare licensing regime in Scotland;
2. Agrees the terms of the report as West Lothian Council's formal response to the Scottish Government consultation; and
3. Agrees to submit the response to the Scottish Government

Decision

To approve the terms of the report

7. 2017-18 GENERAL FUND REVENUE BUDGET - MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the financial position in relation to the General Fund Revenue Budget, following completion of the 9 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 31 December 2017 and provided a year-end financial forecast which took account of relevant issues identified in individual service budgetary control returns.

The report also provided a table summarising the position in relation to service expenditure and provided a forecast outturn.

It was recommended that Council Executive :-

1. Notes the outcome of the month 9 monitoring exercise was a forecast one-off underspend of £1.700 million, an increase of £650,000 reported at month 6;
2. Notes that Council Executive previously agreed to utilise £290,000

for the funding of time limited funding for buses in 2018-19;

3. Notes that Council Executive has agreed that £835,000 was preserved in the unallocated general fund balance pending consideration of the West Lothian Leisure position
4. Agrees that the additional £650,000 underspend at month 9 was also preserved in the unallocated general fund balance;
5. Notes the recurring pressures of approximately £2.558 million and that actions were being taken to address these pressures;
6. Notes the progress in delivering approved savings for 2017-18;
7. Agrees that Head of Service take all management action necessary to ensure 2017-18 expenditure was managed within the forecast position, and approved budget reductions were being achieved including amber savings; and
8. Agrees that Heads of Service identify and implement actions to ensure that recurring budget pressures were managed within available budgets in 2018-189 and future years.

Decision

1. To approve the terms of the report; and
2. To agree that the Head of Finance and Property Services provide all Council Executive members with the following information :-
 - Reasons for the underspend on care at home for older people and any link to the overspend in residential care for older people;
 - Details of the bus routes that would benefit from the one-off £290,000 time limited funding
 - A breakdown of the £1.5m Non-Service Expenditure; and
 - What options were in place to reduce overspend on bed & breakfast costs.

8. 2017-18 GENERAL SERVICES CAPITAL BUDGET - MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing information on the financial position in relation to the General Services Capital Programme following completion of the month 9 monitoring exercise.

The report provided an update on the 2017-18 General Services Capital

Programme based on the results of a comprehensive monitoring exercise. The approved 2017-18 capital budget was £44.992 million which assumed £4 million of over programming.

Good progress was being made on the capital programme with the committed expenditure as a percentage of projected outturn at 79%. In overall terms the monitoring exercise indicated that the projected outturn was on budget at £44.992m based on further over-programming of £813,000 being assumed. However if the programme progressed with no further slippage, the balance in resources would be funded by accelerated borrowing which could be accommodated within Treasury Management forecasts.

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

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

It was recommended that Council Executive

1. Notes the outcome of the month 9 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on delivery of the approved capital programme; and
3. Notes the progress on the key capital projects; and

Decision

To approve the terms of the report

9. 2017-18 HOUSING REVENUE ACCOUNT - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing financial performance in relation to the Housing Revenue Account (HRA) following the month 9 monitoring exercise.

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

It was noted that employee costs were forecast to underspend by £186,000 mainly as a result of vacant posts and staff turnover. Other costs were also summarised in the report and included premises costs, supplies & services, third party payments, capital borrowing and income.

The report concluded that a breakeven position was forecast on the basis

of the information available.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and the projected outturn.

Decision

To approve the terms of the report.

10. 2017-18 HOUSING CAPITAL REPORT - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following the completion of the month 9 monitoring exercise.

A table contained within the report demonstrated that there had been investment of £33.035m in housing stock as at 31 December 2017. The forecast expenditure for the year was £51.098m. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

With regards to house sales, it was anticipated that final receipts from tenants purchasing properties under Right to Buy legislation would total £4.147 million in 2017-18. A total of 91 properties were expected to be sold to tenants who had submitted applications prior to 31 July 2016. No further sales were expected beyond 2017-18.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and projected out-turn.

Decision

To approve the terms of the report

11. FORMER WINCHBURGH DAY CARE CENTRE AND FORMER BEATLIE SCHOOL, MAIN STREET, WINCHBURGH - PROPOSED SALE TO JAMAL JABIR AND SHEAMUS GOONAN

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 the former Winchburgh Day Centre, the former Beatlie School and the former Caretaker's Cottage sites, Main Street, Winchburgh to Jamal Jabir and Sheamus Goonan.

The report recalled that the former Winchburgh Day Centre was declared surplus to requirement in 2003. The building formed part of a larger campus comprising three distinct properties; namely the former day centre, the former Beatlie School and the former caretaker's cottages.

Having been declared surplus to requirements the council's intention had

been to market the whole site for private residential development. However due to prevailing educational constraints at the time the proposal was not progressed.

Then in 2014 Housing proposed to redevelop the former day centre building for social housing as part of the council's new build programme. However following a detailed assessment of the building it was concluded that the projected redevelopment costs were prohibitive. Therefore the proposed social housing redevelopment did not proceed.

Towards the end of 2016, officers were approached by the newly formed Winchburgh Community Development Trust (WCDDT) who expressed a tentative, informal interest in acquiring the former day care centre building via community asset transfer. At that time WCDDT were advised that any proposal would have to be supported by a very robust business plan, including a full community consultation. In the meantime the property would be openly advertised for sale as a development opportunity with a number of notes of interest received by the closing date of 26 October 2017.

Having been made aware of the council's marketing of the property and the setting of a closing date in January 2018 WCDDT contacted the council to confirm that following further consideration of their application by the Board they had decided to formally withdraw the asset transfer request.

At the closing date of 26 October 2017 two offers for purchase had been received with the highest offer from Jabal Jabir and Sheamus Goonan. The offer was unconditional and for the sum of £280,000. In addition to their offer for the former day centre, of their own accord, Jabal Jabir and Sheamus Goonan also submitted an offer of £200,000 to purchase the council's remaining adjacent ownership, namely the former Beatlie School and former caretaker's cottages.

The committee were further advised that Jabal Jabir and Sheamus Goonan had recently completed a residential redevelopment of a similar former school site in Edinburgh and their development would be a welcome move to improve and bring back into use a very prominent site on the village's Main Street.

It was recommended that Council Executive :-

1. Agrees that the former Winchburgh Day Care Centre would return to General Services from the Housing Revenue Account for £1 plus work costs incurred by Housing as it was no longer required for the development of affordable housing;
2. Approves the sale of the former Winchburgh Day Care Centre site, shown as A on the site plan, to Jamal Jabir and Sheamus Goonan for £280,000 subject to the terms and conditions set out in the report;
3. Approves the sale of the former Beatlie School, shown as B and former caretaker's cottages, shown as C on the site plan, to Jamal

Jabir and Sheamus Goonan for £200,000 subject to the terms and conditions set out in the report; and

4. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of both properties, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report

12. SITE AT NAIRN ROAD, DEANS INDUSTRIAL ESTATE, LIVINGSTON - PROPOSED SALE TO PICARDY ENTERPRISES LTD

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 sites at Nairn Road, Livingston to Picardy Enterprises Ltd.

The Head of Finance and Property Services explained that the proposal was to dispose of two yards at Nairn Road, Deans Industrial Estate. The sites were currently used for the councils Civic Amenity Centre and associated overflow car parking.

However both yards would be vacated in the coming months as part of the move of the council's modernisation of depots and stores with the yards relocating to Whitehill Service Centre.

The yards had been marketed since November 2017 and following sufficient market interest a closing date was set of 26 January 2018 with four offers received. After an evaluation of the offers, officers were recommending that the offer received from Picardy Enterprises represented the highest and best value for the council.

It was recommended that Council Executive :-

1. Approves the sale of sites at Nairn Road, Livingston to Picardy Enterprises for £141,000 subject to the terms and conditions set out in the report; and
2. Authorised the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of both properties, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report

13. POLICE SCOTLAND 2018-189 ANNUAL POLICE PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the consultation process on the proposed strategic policing priorities as set out in the Police Scotland 2018-19 Annual Plan.

The Head of Housing, Customer and Building Services explained that West Lothian Council had been invited to participate in the consultation process which would conclude on 21 February 2018. The Police & fire Reform (Scotland) Act 2012 required Police Scotland to produce an Annual Report outlining the arrangements for the policing of Scotland. The plan was to be laid before the Scottish Parliament prior to 1 April each year and was also published online for the public to view.

The consultation contained 7 questions regarding Police Scotland's activities for 2018-19. The plan was also influenced by several factors including their engagement with the public and the communities of Scotland.

The Police Scotland priorities for 2018-19 were as follows :-

- Violence, Disorder and Antisocial Behaviour;
- Serious Organised Crime;
- Counter Terrorism & Domestic Extremism;
- Protecting People at Risk from Harm
- Road Safety & Road Crime; and
- Acquisitive Crime

It was recommended that Council Executive approve the submission of a response to the Police Scotland consultation regarding the Annual Police Plan 2018-19.

Decision

To approve the terms of the report

14. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 18 October 2017, a copy of which was attached to the report.

Decision

To note the terms of the report

