

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 15 MAY 2018.

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

Apologies – Councillor Kirsteen Sullivan, Peter Heggie, Peter Johnston

1. DECLARATIONS OF INTEREST

Agenda Item 5 (Council Collection Items – Display at Linlithgow Partnership Centre) – Councillor Tom Conn declared an in in that he was the council's representative on the Linlithgow Heritage Trust which would be receiving council property on loan. He considered that this interest was so remote and insubstantial that he could remain and take part in that item of business.

Agenda Item 15 (Petition – Traffic Management Systems on Kirk Road and Marjoribanks Street, Bathgate) – Councillor Harry Cartmill declared an interest in that he had been part of discussions at community council meetings.

At the invitation of the Chair the Governance Manager advised members that they were entitled to express prior views or to campaign about policy issues without any consequences for declaring interest and withdrawing from decision-making on those issues. He advised that those considerations arose in relation to regulatory decision.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 Urgent Business, that a late deputation request in relation to Agenda Item 14, Proposed Footway Murieston Road, Livingston be put to the meeting.

The Council Executive agreed to consider the deputation.

The Chair advised that a deputation had been expected in relation to Agenda Item 15, Petition – Traffic Management System on Kirk Road and Marjoribanks Street, Bathgate, however a deputation request was not received due to incorrect information that the paper was being withdrawn. The Chair therefore suggested that the item of business be continued to the next meeting of Council Executive to allow an opportunity for a deputation to attend.

The Council Executive agreed to continue this item of business to its next meeting.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 17 April 2018 as a correct record. The Minute was thereafter signed by the Chair.

4. PROPOSED FOOTWAY MURIESTON ROAD, LIVINGSTON

Deputation

The Council Executive heard a deputation from Mr John Sharp in relation to concerns to the council's proposal to install a new footpath along the length of Road, Livingston. Mr Sharp was concerned that the report had ignored the issues raised by the residents of Murieston Road and was of the opinion that alternative options existed. He also explained that he did not disagree with a footpath but felt there was alternative options that would allow two way traffic and a footpath.

Mr Sharp also explained that if proposed measures were put in place there was likely to be more comprehensive and negative comments.

The Council Executive then put a number of questions to Mr Sharp.

Report by Officer

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing further information on the points contained in the Motion approved by Council Executive at its meeting on 23 January 2018 in relation to the proposed new footway provision on Murieston Road, Livingston.

At its meeting on 23 January 2018 the Council Executive considered a report from officers advising of the recommendation from the Livingston South Local Area Committee regarding the proposed footway on Murieston Road. The Council Executive then proposed and unanimously approved a Motion to instruct officers to :-

- Provide a report back to a future Council Executive on the implications for funding of projects from the CWSS grant awards if there was any change to the approved projects; and
- Report back to Council Executive on additional mitigation measures to improve pedestrian safety at the approved project at Murieston Road, taking into consideration those comments made during the deputation by local residents and was to also include consultation with Disability West Lothian on the proposal.

The report recalled that the scheme was approved by Council Executive at its meeting on 3 April 2012 and was to be implemented in year 3 of the 2012-13 to 2014-15 programme of the CWSS Schemes. However the implementation was delayed as a result of Network Rail carrying out works at the railway bridge and Scottish Power laying cables along

Murieston Road for the wind farms in the Harburn area.

All the schemes in the programme had been implemented with the exception of the Murieston Road footway scheme and two reserve schemes; these being MacIntosh Road, Kirkton Campus, Livingston and Newpark Road, Bellsquarry, Livingston. There was funding set aside within the CWSS budget to provide the proposed footway on Murieston Road.

The Head of Operation Services continued by explaining the design standards being proposed for the new footway, taking into consideration pedestrian and driver safety. Comments on the suitability of the existing path were also included along with comments from Disability West Lothian on the proposed new footway.

With regards to future development in the Murieston area on 14 February 2018 the Scottish Reporter granted planning permission for a 280 residential development at Wellhead Farm, Murieston. As part of this decision a condition was imposed for the provision of a new footway at the development site. The Section 75 obligation agreement for the development had amongst the conditions a requirement for the developer to pay the council £80,500, indexed from December 2017, for the cost of the pavement to the north eastern end of Murieston Road under the railway bridge and was to include sufficient street lighting.

It was therefore anticipated that through the receipt of the Section 75 monies, it would allow the two reserve schemes to be delivered.

It was recommended that the Council Executive :-

1. Note the recent decision of the Reporter, for the proposed Wellhead Farm development site, for the requirement of the Murieston Road footway as part of the development;
2. Note that as part of the Wellhead Farm Section 75 agreement, the council would receive £80,500 towards the construction of the footway;
3. Note that having obtained a Section 75 agreement for the Murieston Road footway, it was anticipated that the two remaining Cycling, Walking and Safer Streets (CWSS) schemes at MacIntosh Road, Kirkton Campus and Newpark Road, Bellsquarry could now also be delivered; and
4. Agree with officer's recommendations to progress the Murieston Road scheme.

#### Motion

To approve the terms of the report subject to replacing bollards with a guardrail.

- Moved by the Chair and seconded by Councillor Dom McGuire

### Amendment

Council notes that in consultation exercises conducted with residents living adjacent to the proposed footway at Murieston Road, that a substantial number in the community raised objections to the proposal, including some members of the Community Council. Objections cited were mainly on the implementation of a “throttle” under the railway bridge. Constituents voiced concern about traffic build up, visibility, blind corners and driver and pedestrian safety. Constituents also cited accidents which had occurred in nearby Murieston Valley, where there is road narrowing with good to excellent visibility.

A substantial number of constituents requested upgrading of the current footpaths in the area under discussion. The Local Area Committee of 15 December 2017 passed a motion that resources should be used to improve the quality and safety of the current footpath surface, lighting and cutting back of foliage along the route. It would appear, from the report by Head of Operational Services that additional work needs to be done in resurfacing current paths. However, council is disappointed to note that no suggestions have been made in relation to the improvement of lighting in the area under discussion. The safety of those, particularly women, walking in the hours of darkness from the railway station was an oft cited reason for the installation of the footpath on Murieston Road. From the data garnered from consultations, it would appear that more people will use the current footpaths than the proposed new one. Therefore, council considers that the current footpaths should be afforded better lighting, in particular, that the dark corner, on the downwards slope from Robin’s Lane and approaching the bridge should be better lit.

Council also notes that, at the meeting of the Livingston South Local Area Committee on 15 December 2017, three out of the four councillors agreed that the council should not proceed with the scheme to narrow the road under the railway bridge on Murieston Road. Council is disappointed to ascertain that the proposal which three councillors outvoted is again being considered, in its original form apart from some sign adjustments, by the Labour Executive.

Council is empathetic to the view point of the members of the Disability West Lothian and would wish to do its utmost to increase the accessibility of the Murieston footpaths for those with disabilities.

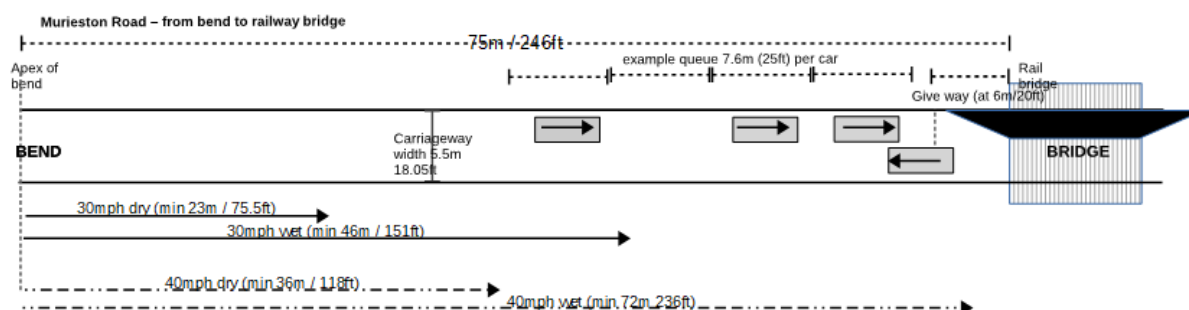
Council notes that counter proposals by constituents had been put forward to council, in particular by Mr John Sharp (attached). This proposal has also been discussed with members of Murieston Community Council. Mr Sharp’s plan put forward a solution to implement a footpath but which would also secure two-way traffic and avoid the necessity of a “throttle” arrangement. It would not appear, from the report by Head of Operational Services, that alternative arrangements, other than that of the narrowing of the road, have been sought.

At the Local Area Committee of 13 October 2017, council officers intimated that the estimated cost of the proposed footpath is £100,000. It

would appear that the cost is now lower, based on current contract values and currently sits at £80,000. Council notes that £800,500 is to be received as part of the Wellhead Farm Section 75 agreement. Council believes that, as the disruption which will occur as a result of the building of the Wellhead Farm site is to be borne by Murieston residents, then the funding from the development should be spent on the upgrading required in the Murieston community.

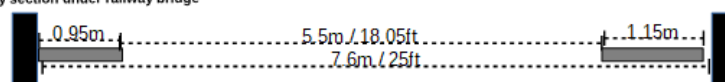
Therefore, Council instructs officers to:

1. Compile a report for the Local Area Committee which seeks to find a way of implementing a footpath under the railway bridge on Murieston Road but which secures two-way traffic.
2. Utilise the £80,500 funding from Wellhead Farm, if an alternative solution is over and above the council projection of £80,000
3. Utilise either outstanding Wellhead Farm (after the costs of an alternative two-way traffic solution has been met) or utilise the amount of £80,500 on work required by Murieston Community, including:
  - a) Carrying out the resurfacing work as outlined in the council proposal (£3,150)
  - b) Installing better lighting in the current footpaths, in particular at the bend on the downward slope from Robin's Lane

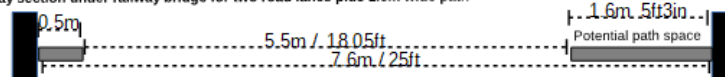


Present northbound traffic frequently 4 cars/min at commuting times; with planning applications 10/m in is not an unreasonable projection for the future. Once northbound traffic gives way it may take 10-15sec for a southbound vehicle to clear (and obviously longer for a cycle, or slow moving vehicle). When a northbound queue starts to move it can take 6-10sec before the rearmost vehicle moves significantly. While 25' is a typically accepted average for a static car queue, driver behaviour variations could leave larger / smaller gaps, or a slowing vehicle much closer to the bend.

Current roadway section under railway bridge



Possible roadway section under railway bridge for two road lanes plus 1.6m wide path



A paper-based survey of residents done in January 2018

A group of us did a forms-based survey (42 responses from homes in 11 different streets in Murieston South). The returns have been tabulated and can be shared to anyone who wants a copy.

Safety of the road section from the "throttle" to the road bend was a major concern for around 90% of respondents

The proportion of resident saying that they would use the new path was about 10%

There were a number of other challenging views about value for money, and where pathways most needed support.

Why we should NOT just implement the design incorporating a road "throttle" under the railway bridge

1. It is a hazard to road traffic, and to pedestrians.
  2. A throttle with (unspecified mitigation(s)) is still an added hazard; and public consultation has not been done on this basis.
  3. Pretty much all Murieston South utility services pass under this bridge. Service work could then result in road closure, rather than reduction to one lane.
  4. Hundreds of Murieston residents use this road daily and would have their driving amenity affected by a throttle (and possible "mitigation(s)").
  5. This is not about speed and safety on the Murieston South boundary road in general. Introducing a hazard at the railway bridge is not an appropriate or rational response to concerns on this.
  6. There are some detailed problems with the draft footpath design along the west side of the road passing Williamston farm buildings. The overall design would benefit from fresh consideration of footpath options, and likely use levels from different parts of Murieston South whether to station/shops or A71 direction.
  7. Vehicles associated with railway or landscaping can sometimes be found parked adjacent to the bridge; this may be justifiable for loading/unloading purposes.
  8. This is not about whether we have a new footpath or not (although some people would dispute the necessity). It is about whether we have looked seriously for the best way to provide a footpath with unnecessary detriment to our other needs.
- Moved by Councillor Moira Shemilt and seconded by Councillor Frank Anderson

A Roll Call Vote was taken which resulted as follows :-

Motion

Amendment

Harry Cartmill

Frank Anderson

Tom Conn

Moira Shemilt

David Dodds

Lawrence Fitzpatrick

Chris Horne

Tom Kerr

Charles Kennedy

Dom McGuire

Cathy Muldoon

George Paul

Damian Timson

Decision

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

5. COUNCIL COLLECTION ITEMS - DISPLAY AT LINLITHGOW PARTNERSHIP CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive requesting permission for items from the council's official collection to be permanently displayed at the new Linlithgow Museum at the Linlithgow Partnership Centre when it opened.

The members were advised that officers from the council's Libraries and Heritage Service had been working in partnership with Linlithgow Heritage Trust to deliver "A New Museum for Royal Linlithgow" project, which would facilitate the move of the museum from Annet House to the Linlithgow Partnership Centre.

A number of items which were part of the council's collection, some of which were not currently part of the museum collection, had been identified for display in the new museum when it opened in early 2019. A list of the items for display was detailed in Appendix 1 attached to the report.

CCTV would be installed in the new museum space and the gallery would also be invigilated. The museum space would also be closed to the public when it was not manned.

It was recommended that the Council Executive notes and agrees the proposal for items from the council's official collection to be put on permanent display in the Linlithgow Museum in the Linlithgow Partnership Centre.

Decision

To approve the terms of the report

6. LINLITHGOW MARCHES - RIDING OF THE MARCHES

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive inviting attendance at this year's Riding of the Marches in Linlithgow on 19 June 2018.

The Riding of the Marches was held annually and it had been a tradition that the Court of Deacons of the Ancient and Royal Burgh of Linlithgow invite up to five Councillors to participate in the event.

West Lothian Council had also traditionally provided a donation of £400 to cover these invitations.

It was recommended that the Council Executive :-

1. Considers the invitation from the Clerk to the Court of the Deacons of the Ancient and Royal Burgh of Linlithgow for the council to attend the Riding of the Marches;
2. If the invitation was accepted, agrees which five members should attend; and
3. Agrees to provide a donation of £400.00 to cover these invitations.

### Motion

To approve the recommendations of the report and that the 5 invited members to comprise of 3 Labour, 1 SNP and 1 Conservative.

- Moved by the Chair and seconded by seconded by Councillor Dom McGuire.

### Amendment

The invited members to comprise of 2 SNP, 2 Labour and 1 Conservative

- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt.

A Roll Call Vote was taken which resulted as follows :-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Harry Cartmill	Frank Anderson	Chris Horne
Tom Conn	Moir Shemilt	Tom Kerr
David Dodds		Charles Kennedy
Lawrence Fitzpatrick		Damian Timson
Dom McGuire		
Cathy Muldoon		
George Paul		

### Decision

Following a roll call vote the motion was successful by 7 votes to 2 and it



was agreed accordingly. There were 4 abstentions.

## 7. ACCESS FUND APPLICATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting two applications to the West Lothian Access Fund.

The report recalled that the West Lothian Access Fund was administered by West Lothian Council and supported by Disability West Lothian and it was available to charitable and voluntary organisations, who wished to improve access to and use of facilities for disabled people at premises in public use.

The West Lothian Access Committee whose membership included elected members, council officers and volunteer members of the public, assessed the eligibility criteria for applications to the Fund and made recommendations to Council Executive for approval of applications as appropriate.

Two applications had been received as follows:-

1. Linlithgow Rose Junior Football requested a grant of £1,500 to support the installation of a viewing shelter for disabled fans.
2. Broxburn Baptist Church requested a grant of £1,500 to support the installation of an accessible toilet for the congregation and the community.

If Council Executive approved the two applications £1,500 would remain in the 2018-19 budget for future applications.

The report recommended that the Council Executive approve the recommendations of the West Lothian Access Committee.

### Decision

To approve the terms of the report

## 8. PROCUREMENT ARRANGEMENTS - REPLACEMENT HR AND PAYROLL SYSTEM

The Council Executive considered a report (copies of which had been circulated) by the Head Corporate Services seeking approval to commence tendering procedures for a replacement HR & Payroll System, employing the evaluation methodology and criteria detailed in the report.

The current HR/Payroll system (Chris21) was nearing the end of its contract and a replacement solution was required in line with the council's digital transformation programme.

As the council did not have the in-house capability to provide the

requirement, the requirement would be advertised in accordance with the European Union Directives. It was proposed that the Open Procedure be used whereby all suppliers expressing an interest in the contract would be invited to tender; criteria of 40% for Price and 60% for Quality would be applied.

Sustainability considerations and budget implications were summarised in the report.

It was recommended that the Council Executive approves the commencement of procurement for a replacement HR & Payroll System, using the evaluation methodology and award criteria set out in the report.

#### Decision

To approve the terms of the report

### 9. SUPPORT FOR LOCATING CHANNEL 4 NATIONAL HEADQUARTERS IN GLASGOW

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to support the Glasgow City Council bid to secure the Channel 4 national headquarters in Glasgow.

Channel 4 had announced plans to establish a new national headquarters outside London.

For almost 30 years, Channel 4 had had a presence in Glasgow which had helped strengthen the broadcasting and media community in the city and across central Scotland. West Lothian benefited directly in terms of local residents working in the city; and indirectly in terms of sub-contract work opportunities.

Glasgow City Council had approached the Leader of the Council asking for the support of West Lothian Council in addition to that already provided by politicians across the political spectrum.

It was to be noted that Glasgow would face competition from other major UK cities including Cardiff, Birmingham, Leeds, Bristol and Manchester. Support from other local authorities could help secure the investment for Scotland.

It was recommended that Council Executive :-

1. Notes the potential economic benefits for West Lothian of a new national headquarters in Glasgow; and
2. Agrees that the council should support the bid and write to Channel 4 and Glasgow City Council accordingly.

#### Decision

To approve the terms of the report.

10. WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS -

The Council Executive considered a report (copies of which had been circulated) by the Broxburn, Uphall and Winchburgh Local Area Committee Lead Officer seeking approval of the West Lothian Villages Fund applications contained in Appendix 1 to the report.

The report advised that the Broxburn, Uphall and Winchburgh Local Area Committee considered the report and applications at its meeting on 15 February 2018 and the report recommended distribution of funds from the Village Improvement Fund for the Broxburn, Uphall and Winchburgh Valley ward.

The two members present agreed with the report, however as the meeting was inquorate, the committee could not approve the proposals. In such cases the Lead Officer was required to present the report to the Council Executive for approval.

Therefore Council Executive was asked to :-

1. Notes that the meeting of the Broxburn, Uphall and Winchburgh Local Area Committee on 15 February 2018 was inquorate;
2. Notes that four applications had been received for funding;
3. Notes that the proposals met the eligibility criteria for supported projects though two were pending additional permissions being put in place;
4. Approves the funding for Dechmont as per officers recommendation; and
5. Agrees that the Head of Planning, Economic Development and Regeneration should make an offer of funding as per the details set out in the report.

Decision

To approve the terms of the report.

11. WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS

The Council Executive considered a report (copies of which had been circulated) by the Whitburn and Blackburn Local Area Committee Lead Officer seeking approval of the West Lothian Villages Fund applications contained in Appendix 1 to the report.

The report advised that the Whitburn and Blackburn Local Area Committee considered the report and applications at its meeting on 19

February 2018 and the report recommended distribution of funds from the Village Improvement Fund for the Whitburn and Blackburn ward.

The two members present agreed with the report, however as the meeting was inquorate, the committee could not approve the proposals. In such cases the Lead Officer was required to present the report to the Council Executive for approval.

Therefore Council Executive was asked to :-

1. Notes that the meeting of the Whitburn and Blackburn Local Area Committee on 19 February 2018 was inquorate;
2. Notes that eleven applications had been received for funding;
3. Notes that the proposals met the eligibility criteria for supported projects though some were pending agreements/permissions being put in place;
4. Notes that the application totals for Seafield, Greenrigg and East Whitburn met the remaining balance;
5. Approves the funding for Seafield, Greenrigg and East Whitburn applications in full;
6. Notes that the Blackburn applications exceeded the remaining balance by £1,000 and that the LAC decision was to fully support the Blackburn Community Council application in full and reduce the Blackburn Bowling Club application by £1,000;
7. Approves the funding for Blackburn as per the LAC decision; and
8. Agrees that the Head of Planning, Economic Development and Regeneration should make an offer of funding as per the details set out in the report.

#### Decision

To approve the terms of the report.

#### 12. POLICE AND FIRE REFORM (SCOTLAND) ACT 2012 - POST-LEGISLATIVE SCRUTINY

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the Scottish Parliament's Justice Committee call for written views on its post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012.

The Police and Fire Reform (Scotland) Act 2012 created a single police force and a single fire and rescue service, replacing the eight police forces and the eight fire brigades that had previously existed. The 2012 Act included provision for new national governance arrangements as well

as arrangements for the scrutiny, oversight and funding of the police and fire and rescue services.

The remit for the Scottish Parliament's Justice Committee post-legislative scrutiny were to consider whether :-

- The policy intentions of the Police and Fire Reform (Scotland) Act 2012 had been realised and were being delivered; and
- Any further policy or legislative changes were required to improve the effectiveness of the Police and Fire Reform (Scotland) Act 2012.

The council's proposed response was attached to the report at Appendix 1 and Council Executive was invited to approve it for submission to the Scottish Parliament's Justice Committee.

### Decision

To approve the terms of the report subject to the inclusion of additional comments in relation to the decision to withdraw campus police officers in West Lothian going against Police Scotland's stated commitment to "prevention".

## 13. SCOTTISH GOVERNMENT CONSULTATION : REVIEW OF LANDLORD REGISTRATION APPLICATIONS AND FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of a consultation on a review of landlord registration application and fees.

The Head of Housing, Customer and Building Services explained that the Scottish Government's strategy for the Private Rented Sector in Scotland was published in May 2013 and outlined the purpose and aims in relation to landlord registration.

Within the consultation issued the Scottish Government were seeking views on proposals for reviewing two specific aspects of landlord registration :-

- Information that was to be included in an application for registration; and
- Application fees

Responses to the consultation would be used to inform the final policy and impact assessment that would be prepared in support of any Order to lay new regulations.

It was recommended that Council Executive :-

1. Notes and considers the Scottish Government consultation on a

review of landlord registration application and fees; and

2. Approves the draft response and agrees to its submission to the Scottish Government.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Dom McGuire

#### Amendment

Registration Fees to be set at a level that would allow the council to recover costs.

- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt.

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

#### Motion

#### Amendment

Harry Cartmill

Frank Anderson

Tom Conn

Moira Shemilt

David Dodds

Lawrence Fitzpatrick

Chris Horne

Tom Kerr

Charles Kennedy

Dom McGuire

Cathy Muldoon

George Paul

Damian Timson

#### Decision

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

#### 14. PETITION - TRAFFIC MANAGEMENT SYSTEM ON KIRK ROAD AND MAJORIBANKS STREET, BATHGATE

The Council Executive agreed to continue this item of business to its next

meeting.

15      PROPOSED CHANGE OF SPEED LIMIT - 30MPH TO 20MPH ZONE, WINCHBURGH

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures for a mandatory 20mph speed limit zone in a new residential development in Winchburgh.

The Head of Operational Services explained that previous guidance from the Scottish Government regarding speed of traffic in residential areas was to erect Twenty's Plenty advisory signs. This had now been superseded with a good practice guide issued by Transport Scotland for new residential areas. The new guidance recognised and referenced active travel, public health, air quality and road safety benefits from wide-area mandatory 20mph limits.

The proposed introduction of a mandatory 20mph speed limit zone within the area known as Area K in the ongoing development of the Winchburgh Core Development Area would include the following streets :-

- Hillend View
- Hillend Road
- Priestinch Road
- Church Avenue
- Church View; and
- Glendevon Farm Place

Police Scotland and local wards were consulted and fully supported the proposals.

It was recommended that Council Executive approves the initiation of the statutory procedures to introduce a mandatory 20mph speed limit zone to streets in the new development at Winchburgh.

Decision

To approve the terms of the report.

16.      ORGANISATIONAL DUTY OF CANDOUR

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of a new "Duty of Candour" that came into effect on 1 April 2018, a duty which applied to organisations and not individuals, such as the health, care and social work organisations.

The overall purpose of the Duty was to ensure that organisations were open, honest and supportive when there was an unexpected or unintended incident resulting in harm or death to an individual, as defined in the Act. The Duty of Candour provisions set out a range of things that needed to happen when unexpected or unintended harm had occurred.

The Head of Social Policy explained that under the Act the “responsible person” would be an organisation and depending on where or when the incident took place it would be for the services within the Health and Social Care Partnership to decide whether the NHS Board or Local Authority was the responsible person.

The report continued to explain what would trigger the “duty of care” and which would include the opinion of a health professional and the procedure that would be followed thereafter; this included an apology and offering a meeting to provide a full account of what had happened. A copy of the council’s Duty of Candour Procedure was attached to the report at Appendix 1 and was developed with the Scottish Government’s guidance on the Organisational Duty of Care.

Organisations also had a requirement to publish an annual report on when the Duty had applied. This would include the number of incidents, how the organisations had implemented the duty and what learning and improvements had been put in place.

In preparation the Health and Social Care Partnership had reviewed systems and processes to ensure any notifiable safety incidents would be captured and progressed through the right channels. Additionally arrangements were being made to have management and staff trained in the Duty of Candour.

It was recommended that the Council Executive :-

1. Note that the Act introduced a statutory Organisational Duty of Candour;
2. Note that the Regulations of the Act were legally binding;
3. Note that the Duty would be integrated with existing processes for responses to complaints, adverse events and incident reporting;
4. Note the steps taken to ensure staff training as required by the Regulations;
5. Note the Duty of Candour Procedure, which had been developed in line with the Scottish Government guidance;
6. Note the requirement for an Annual Report to be published; and
7. Agree to amend the Scheme of Delegations to delegate responsibility for the Organisational Duty of Candour to the Head of Social Policy.



Decision

To approve the terms of the report

17. STRATHBROCK CAFÉ PARTNERSHIP WITH WEST LOTHIAN COLLEGE

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Social Policy and the Head of Finance and Property Services seeking approval for the letting of the café at Strathbrock Partnership Centre, Broxburn to West Lothian College.

The members were advised that the café at Strathbrock Partnership Centre had been operated by Capability Scotland until the organisation withdrew from the contract in June 2017. Capability Scotland had received an annual subsidy of £67,692 from Social Policy to enable the provision of employment training places to people with additional support need through the café services.

The café lease had been advertised commercially in the past but had failed to attract a successful bidder.

General discussions had been taking place with West Lothian College for some time regarding potential partnership working to deliver enhanced opportunities for education and work experience for people with additional support needs in West Lothian. The intention was for the college to link with schools to enhance the transition options available to young disabled people. Work would also take place to ensure that appropriate links were in place to support people into employment or other opportunities beyond the programme.

If approved the proposed start date was August 2018 to coincide with the college academic year.

It was also being proposed to offer West Lothian College a time limited grant for two years of up to £20,000 per annum to assist with rent and start-up costs. This funding would be made available from one-off resources within the service and would allow time for the project to be evaluated. West Lothian College would have full responsibility for operating the café including the provision of staff that would deliver the service and support the students. It was anticipated that the café would become self-sufficient through sales by the beginning of year 3.

It was recommended that Council Executive :-

1. Approves the letting of the café at Strathbrock Partnership Centre, Broxburn to West Lothian College, subject to the 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 proposed tenant in respect of the lease of the property on the basis that any agreements represented

the achievement of best value for the council.

### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Dom McGuire

### Amendment

Before agreeing the report officers consider alternative provision and enter into discussions with West Lothian College and Hideaway Café.

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

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

### Motion

Harry Cartmill

Tom Conn

David Dodds

Lawrence Fitzpatrick

Dom McGuire

Cathy Muldoon

George Paul

### Amendment

Frank Anderson

Chris Horne

Tom Kerr

Charles Kennedy

Moir Shemilt

Damian Timson

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

## 18. BREICH VILLAGE HALL, BREICH – PROPOSED SALE TO SQUARE VALUE PROPERTIES LIMITED

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 Breich Village Hall to Square Value Properties Limited.

The report recalled that Breich Village Hall had been vacant since July 2014, when it ceased to operate as a community hall. It was declared surplus to requirement by Council Executive on 28 November 2017.

The property had been marketed as suitable for residential or commercial development since November 2017. Following a number of interests being noted a closing date was set for 13 April 2018, with four offers received by that date.

After evaluation of the offers, officers were recommending acceptance of the offer from Square Value Property Limited for £50,000.

The terms and conditions for the sale were outlined in the report.

It was recommended that Council Executive :-

1. Approves the sale of Breich Village Hall, Breich to Square Value Properties Limited for £50,000 subject to the 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 achievement of best value for the council.

### Decision

To approve the terms of the report

#### 19. 0.93HA AT HEARTLANDS BUSINESS PARK, WHITBURN - PROPOSED SALE TO LARK ENERGY LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to dispose of 0.93ha at Heartland Business Park, Whitburn.

The Head of Finance and Property Services explained that in April 2005 the council had entered into a development agreement with Land Option West (LOW) who were subsequently acquired by Green Town (Heartlands) Limited (GTHL). Under the terms of the development agreement the council transferred its minority ownership to LOW who then constructed the M8 J4 Motorway junction. The council however retained an overarching leasehold interest in order to control development and received 22% of net disposal proceeds from the future sale of any land at the business park in exchange for collapsing the lease over the plot(s) concerned.

Following a period of detailed negotiation GTHL had agreed provisional heads of term with Lark Energy Limited (LEL) for the sale of 0.93 hectares (2.3 acres) at the business park. The sale was subject to LEL securing planning permission for their proposed development of a commercially operated electric vehicle charging hub.

The proposed sale price was £345,000 of which £74,382 would be paid to the council. This sum would be payable on purification of transaction conditions, such as obtaining statutory consents.

As part of their development LEL would construct at their own cost an access road. In addition to the electric vehicle charging hub, LEL, were proposing to develop an “energy villager” on a 30 acre site south of the business park which was entirely owned by GTHL.

LEL required full ownership of the proposed disposal land prior to commencement of their development of the electric vehicle charging hub and therefore would require the council to collapse the lease structure for the area they proposed to acquire in exchange for the capital receipt to the council of £74,382.

It was recommended that Council Executive :-

1. Approves the proposed disposal of 0.93ha at Heartlands Business park, Whitburn to Lark Energy Limited, generating a capital receipt of £74,460 for the council; 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 achievement of best value for the council.

### Decision

To approve the terms of the report

## 20. 2.17 ACRES AT EAST MAINS INDUSTRIAL ESTATE, BROXBURN – PROPOSED SALE TO GORDON BOW ENGINEERING LIMITED

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 2.17 acres of land at East Mains Industrial Estate, Broxburn to Gordon Bow Engineering Limited for £167,500.

The report recalled that the council owned 2.17 acres of land at the junction of Clifton View and Youngs Road, East Mains Industrial Estate, Broxburn.

The site was openly marketed for sale during October 2017 and a closing date for offers was set for 9 November 2017. A number of offers were received by the closing date and these were varied both in terms of the price offered and the anticipated economic development benefits that the respective developments would deliver.

Following representations by the Head of Planning, Economic Development and Regeneration it was agreed that economic colleagues would contact each of the bidders seeking additional information to enable an economic benefit be undertaken.

The only responses received were from McQueen Dairies Limited (MDL) and Gordon Bow Engineering Limited (GBEL) who were the two highest bidders at the closing date. It was evident from the two responses that both proposals offered tangible economic benefits for the local community.

In April 2018 MDL withdrew their original offer due to the passage of time. The highest remaining offer was therefore the one received from GBEL

who had submitted a bid of £167,500 for the site. The offer was conditional upon them being satisfied as to the ground conditions.

It was recommended that Council Executive :-

1. Approves the sale of 2.17 acres of land at East Mains Industrial Estate, Broxburn to Gordon Bow Engineering Limited for £167,500, subject to the terms 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 achievement of best value for the council.

Decision

To approve the terms of the report

21. 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 held on 31 January 2018, a copy of which was attached to the report.

Decision

To note the terms of the report

22. 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 October 2017 to 31 March 2018.

Under the council's Health, Care and Support Services Procurement Procedures the Head of Social Policy was required to report bi-annually to the Council Executive on the care and support contracts awarded or extended within the period and any general update on contract activity.

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

A total of sixteen providers (from a total of eighty four) had attracted a risk score which required more intensive monitoring as follows :-

- Red (high risk) – one provider with a high volume of reported incidents continued to be managed through adult support and protection protocol. Two others were monitored on a regular basis through performance reporting and meetings. Two other services

closed at the end of March 2018.

- Amber (medium risk) – eleven providers. Two providers operating under the framework continued to underperform in relation to delayed discharge and timing of pick-up of packages in the community. Eight providers assessed as higher risk due to concerns about financial risk. One provider had the risk rating adjusted due to a drop in Care Inspectorate grades.

It was recommended that the Council Executive notes the contracting activity for the provision of care and support services for the period 1 April 2017 to 31 March 2018.

#### Decision

To note the contents of the report

### 23. CLOSING REMARKS

The Council Executive noted and congratulated Education Services and West Calder High School on being awarded Silver in the Best Social Infrastructure category at the Partnerships Awards Ceremony in London on 10 May 2018.