

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 4 DECEMBER 2018.

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

Apologies – Councillor Peter Johnston, Cathy Muldoon

## 1. DECLARATIONS OF INTEREST

Agenda Item 5 – Whitdale Day Centre - Councillor Tom Conn declared an interest in that he was a member of Optima and would withdraw from the meeting during consideration of this item of business.

Agenda Item 8 – Forth Bridges Area Tourism Strategy - Councillor Tom Conn declared an interest in that he was a member of Visit Scotland Edinburgh and Lothians Area Tourism Partnership.

Agenda Item 25 – West Lothian Leisure Financial Plan Update - Councillor Chris Horne declared an interest in that he was a council appointed Member of West Lothian Leisure for which a dispensation applied.

Agenda Item 9 – Donegal Trade Mission 17 – 19 October 2018 - Councillor Chris Horne declared an interest in that he was a Board member of the West Lothian Chamber of Commerce.

Agenda Item 25 – West Lothian Leisure Financial Plan Update - Councillor Harry Cartmill declared an interest in that he was a council appointed Member of West Lothian Leisure for which a dispensation applied.

Agenda Item 25 – West Lothian Leisure Financial Plan Update - Councillor Angela Doran declared an interest in that she was a council appointed Member of West Lothian Leisure for which a dispensation applied.

Agenda Item 21 – West Lothian Leisure Financial Plan Update - Councillor David Dodds declared a financial interest in that his son was an Employee of West Lothian Leisure and would withdraw from the meeting during consideration of this item of business.

Agenda Item 15 – Sale of 14 Limefield Road, Polbeth - Councillor Lawrence Fitzpatrick declared an interest in that he was a friend of the purchaser of the property and would withdraw from the meeting during consideration of this item of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 13 November 2018 as a correct record. The Minute was thereafter signed by the Chair.

3. WHITDALE DAY CENTRE - PETITION FROM EARS ADVOCACY

Councillor Conn having previously declared an interest left the meeting during consideration of this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing the proposed response to the petition received from EARS advocacy in relation to Whitdale Day Centre.

The report recalled that as part of the council's budget setting meeting on 13 February 2018 a decision was taken to deliver older people's day care through existing external provision. At its meeting of 11 September 2018 the Council Executive considered the petition in relation to Whitdale Day Centre and agreed to refer the petition to the Social Policy PDSP for consideration and subsequently to report back to Council Executive.

The report advised that the provision of social care services was based on assessed eligible needs and services were commissioned, whether internal or external based on those needs. One objective of commissioning plans was to have a consistent model of care for council arranged services which ensured equity in service delivery and created a more efficient and consistent model in relation to registered care services.

The Senior Manager advised that the day care provision for older people was already met predominately through an external contract with Optima, representing five third sector day care centres geographically located throughout West Lothian, with capacity of 110 places per day. The only older people's day care centre run directly by the council was based within Whitdale Care Home. Whitdale has an average of fifteen attendees on a daily basis. Members were advised that there was adequate capacity within the Optima day centres to meet the demand related to the current provision at Whitdale.

The petition received with a covering letter from Ears Advocacy was clearly predicated on a fear that there would be no suitable alternative support to replace that provided by Whitdale Day Centre. This was never the council's intention to withdraw from direct provision of older people's day care without regard for an alternative. The budget proposal included a specific reference to this provision being delivered by existing external provision.

The Head of Social Policy explained that capital funding had been allocated to reconfigure space currently used for day care in Whitdale Care Home to provide additional residential beds, which would ensure

that the current space remained dedicated to providing care for older people.

The creation of additional residential beds within the day care provision would have a positive impact on delayed discharge rates from St John's Hospital, waiting lists and also on respite demand. The provision of additional beds would improve the supply of care home provision and provide capacity to assist with the longer term care planning.

The report recommended that the Council Executive:-

1. Note that the council as part of its budget setting on 13 February 2018 made a decision to deliver older people's day care through existing external provision;
2. Note that it was never the council's intention to close Whitdale Day Centre without regard for current and anticipated future demand for older people's day care needs.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Amendment

To not approve the recommendations of the report until further consultation has taken place and a report is submitted to Social Policy PDSP.

- Moved by Councillor Frank Anderson and seconded by Councillor Diane Calder.

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

#### Motion

Harry Cartmill

David Dodds

Angela Doran

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

George Paul

Kirsteen Sullivan

#### Amendment

Frank Anderson

Diane Calder

Damian Timson

Following a roll call vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

4. RENT STRATEGY CONSULTATION.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing the proposed engagement and consultation process on the Rent Strategy for year 2018/19.

The report recalled that at the council meeting on 13 February 2018, the council agreed a 5 year rent strategy based on an annual rent increase of 3% for the remainder of the agreed strategy period to 2022/23.

The report advised that the council's Tenant Participation Strategy and best practise placed an obligation on the council as a local authority to consult with tenants on rent setting. The Tenant Participation Strategy also provided that the minimum period of consultation was two months.

Therefore consultation would be undertaken between December 2018 and February 2019 and would include presentations to Housing Networks, the Financial Scrutiny meeting of the Tenants Panel, and via social media.

In conclusion the report advised that the programme of activity would allow the council to discharge its obligations in terms of the rent setting consultation for year 2018/19 as part of the agreed 5 year rent strategy.

The report recommended that the Council Executive agree that officers commence engagement with tenants on the implications of the approved rent strategy.

Decision

To approve the terms of the report

5. CONSULTATION ON THE STATUTORY AND OTHER ASSESSMENTS ON THE SCOTTISH GOVERNMENT'S PREFERRED POLICY POSITION ON THE DEVELOPMENT OF UNCONVENTIONAL OIL AND GAS IN SCOTLAND (FRACKING)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of the proposed response to the Scottish Government's consultation on a Strategic Environmental Assessment (SEA) on its preferred position on unconventional oil and gas in Scotland, a partial fracking Business and Regulatory Impact Assessment (BRIA), and a policy position statement on fracking.

The BRIA set out three options for consideration by Scottish Ministers.

Option 1 indicated that the Scottish Government did not support the development of unconventional oil and gas in Scotland; Option 2 would mean no change to current practice; and Option 3 set out a pilot project in order to increase understanding of resources and of extraction impacts.

Whilst acknowledging the important role of gas in the transition to a low-carbon energy future, the Scottish Government deemed that the addition of an onshore unconventional oil and gas industry would not promote ability for Scotland to meet its greenhouse gas emissions targets or objectives in relation to protecting and enhancing the environment. Therefore, the Scottish Government's preferred position was Option 1, i.e. that it did not support the development of unconventional oil and gas in Scotland, and the panel was advised that Option 1 should be supported.

In conclusion the report advised that the development of unconventional oil and gas in Scotland (fracking) provided a potential source of energy, however, exploiting such resource was not without consequence.

The report recommended that the Council Executive agree the report and Appendix one as the council's response to the consultation.

### Decision

To approve the terms of the report subject to adding the word "potential" economic developments in the response to the last question.

## 6. FORTH BRIDGES AREA TOURISM STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration, providing a copy of the tourism strategy developed by the Forth Bridges Forum, of which the council had been a member since 2011. A copy of the strategy was attached to the report as Appendix 1.

The report explained that West Lothian's tourism sector made an important contribution to the local economy and a variety of statistics contained in the report demonstrated the potential benefits to communities and businesses from developing place marketing of the Forth Bridges. An increase in tourist visits was anticipated and improved transport connections would materially benefit West Lothian.

Key outcomes of the strategy were: creating a visitor destination, offering a warm welcome to all and marketing the destination.

The report concluded that the action plan in the strategy was comprehensive and inclusive, which would facilitate the successful delivery of the Forth Bridges Area Tourism Strategy, and that the council should be optimistic about the potential economic and cultural benefits for communities and businesses across West Lothian.

It was recommended that the Council Executive:-

1. Agree the content of the Forth Bridges Area Tourism Strategy; and

2. Approve the council's continued participation in Forth Bridges Forum.

The Chair suggested that officers talk to group leaders as part of the process for making sure West Lothian was better represented.

#### Decision

To update the draft strategy to ensure that West Lothian was better represented and to re-submit the report to the next meeting of the Council Executive on 18 December 2018.

### 7. DONEGAL TRADE MISSION 17-19 OCTOBER 2018

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the outcomes of the Trade Mission to Donegal on 17 – 19 October 2018.

The report advised that the Trade Mission in Donegal was organised through Udaras na Gaeltachta and included Irish Government, Allied Irish Bank and local agencies and businesses. Over the two days of the Trade Mission an extensive programme was put together details of which were included in the report.

It was advised that during the visit fears of what Brexit would mean for business featured in many discussions as it was explained that 80% of what they produced for the UK market.

It was announced through the Ministerial round table that Udaras would set aside space for any Scottish Company looking to set up a trading office from Ireland depending on the outcome of Brexit.

The report went on to advise that discussions with Udaras and their partners focused on start-ups, they were particularly interested in how West Lothian Council promote the service and provide continued support as they go through the growth stages.

The report concluded that this was a good start to building relationships in Donegal through the enterprise agency Udaras na Gaeltachta, which could be built on to share best practice to support local communities.

The Ministerial support from the Irish and Scottish Governments strengthened the relationship and through the commitment of shared office space would allow for ongoing collaborative work.

Work would continue with West Lothian Chamber of Commerce to support the collaboration and ensure benefits for West Lothian businesses.

The report recommended that the Council Executive:-

1. Note the contents of the report.
2. Agree to the ongoing links with Donegal through Economic Development

### Decision

To approve the terms of the report.

## 8. PROCUREMENT ARRANGEMENTS – SUPPLY OF THE PROVISION OF SPECIALIST BUSINESS ADVICE, SUPPORT AND TRAINING

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 a framework for specialist business advice and training as part of the Business Competitiveness European Funded project.

The report recalled that West Lothian Council had been awarded funding through the European Structural Funds 2014 – 2020 programme. Business Gateway West Lothian were the lead in the Business Competitiveness project for Edinburgh and Lothian which provided additional support to growing businesses.

The funding would support the delivery of enhanced Business Gateway services through a flexible set of interventions, tailored local circumstances and opportunities.

The report advised that the council did not have the specialist knowledge or experience to deliver this in-house. Specialist industry consultants were engaged to provide expert advice to high growth companies. Business Gateway was general advisers who were unable to meet the requirement for specialist advice on e.g. Taxation, Procurement, and E-Commerce.

The requirement would be advertised in accordance with the European Union Directives and that the Open Procedure would be used whereby all suppliers expressing an interest in the contract would be invited to tender.

The criteria to be applied at tender stage would be as follows:-

Price 30%

Technical & Professional 70%  
Capability - 70%

It was recommended that Council Executive approves application of the evaluation of methodology detailed in Section D for the tendering of the contract.

### Decision

To approve the terms of the report

9. PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO CM2000

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 CM2000 FOR THE Call Confirm Live System.

The Head of Corporate Services explained that the council first introduced the Call Confirm Live system to the Social Policy Support at Home Service following a tender in April 2013. The contract was awarded for three years with the option of extending for a further 2 years to 31<sup>st</sup> March 2019. There were no further extensions available within the terms of the current contract.

The scheduling system was used to manage records associated with people who receive Social Policy home care service and to manage the schedules of internal care workers who deliver care services within people's homes.

The report went on to advise that over the past 5 years, the service had worked extensively with CM2000 to refine and develop the scheduling system to meet operational requirements and maximise efficiencies.

The annual cost of the current system was £30,000 which included the cost of both administrator and mobile licences.

It was recommended that the Council Executive approves a direct award to CM2000 for the Call Confirm Live – Support, Maintenance and Licenses for a period of 4 years.

Decision

To approve the terms of the report.

10. PROCUREMENT ARRANGEMENTS – ONGOING PURCHASE OF ANNUAL MAINTENANCE AND LICENCES FOR ETHITEC

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 Ethitec for maintenance and licenses for the Community Equipment Store Software, Elms 2

The Head of Corporate Services explained that the Community Equipment Store supply and fit equipment and deliver continence supplies, ordered by both health and community care staff to ensure that people with disabilities could live independently at home. Elms 2 was used as a Health & Safety Executive approved asset register to track council and NHS equipment supplied to clients within West Lothian and was also used for all stock control and order processing.



There was an annual software budget of £5,000 available, 50% of the costs were recharged annually to NHS. Over the past 11 years £92,027.68 had been spent with Ethitec which included the original purchase price, updates to the system and annual maintenance and licence charges.

The council and NHS would continue to share the costs of the Elms software as agreed in the Service level agreement.

The report recommended that the Council Executive approve a direct award to Ethitec for annual maintenance and licences to support the Elms 2 software for the next 5 years as required by the Community Equipment Stores.

### Decision

To approve the terms of the report.

## 11. PROCUREMENT ARRANGEMENTS – MAINTENANCE AND CLEANING OF INTERCEPTORS; GULLIES; SAFETY KERB AND WASTE DISPOSAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to extend the current contract with EEG Utilities Ltd by 3 months and to commence tendering procedures for the procurement of a five year contract for Maintenance and cleaning of Interceptors; gullies, safety kerb and waste disposal at various Non-Housing properties within West Lothian.

The Head of Corporate Services explained that maintenance and cleaning of interceptors; gullies; safety kerb and waste disposal was required to ensure continued use of these items. The scope of the contract included the licenced waste disposal of interceptor, grease traps, gullies, drains and rainwater harvesters for all Non-Housing properties.

It was advised that the council did not have the specialist skills and resources required to deliver the service in-house. Due to the specialist nature of the equipment and the frequency of use there would be a significant amount of non-productive time to support in-house and as such it was more economical to out-source.

The report recalled that the current contract was awarded to EEH Utilities Ltd on 1 January 2018 expired on 31 December 2018. To allow sufficient time to tender the new requirements and to bring the contract in line with the council financial year, a 3 month extension to 31 March 2019 was requested. The tender would combine the cleaning of interceptors contract with the drain clearing contract which was also currently with EEG Utilities Ltd an expired in June 2019.

The requirement would be advertised in accordance with the European 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.

The criteria to be applied at tender stage would be as follows:-

Price 70%

Technical & Professional 30%  
Capability - 70%

The report recommended that the Council Executive approve the extension of the current contract with EEG Utilities Ltd by 3 months and the commencement of tendering procedures for the procurement of a five year contract for Maintenance and cleaning of Interceptors; gullies; safety kerb and waste disposal at various Non-Housing properties within West Lothian, using the evaluation methodology detailed in Section D of the report.

### Decision

To approve the terms of the report.

## 12. CONSULTATION ON THE REVIEW OF THE STRUCTURE OF THE SCOTTISH LOCAL GOVERNMENT PENSION FUND – LOTHIAN PENSION FUND RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a copy of Lothian Pension Fund's interim response to the consultation on the review of the structure of the Scottish Local Government Pension Fund.

The report recalled that the Local Government Pension Scheme in Scotland (SLGPS) was Scotland's largest pension scheme with around £42 billion of assets and 400,000 members.

The Scheme covered local authorities, colleges of education and a variety of other public bodies and charitable organisations. The Scheme was administered by 11 separate authorities whose funds ranged in size from approximately £20 billion to £300 million.

In June 2018 the Scottish Local Government Pension Scheme Advisory Board's Consultation on Structure was launched with the following four options for the future of the Scottish Local Government Pension Scheme.

- Option 1 – Retain the current structure of 11 Scottish LGPS Funds
- Option 2 – Promote greater co-operation in administration and investing between the 11 funds.
- Option 3 – Pool investments between the 11 Funds.
- Option 4 – Merge the 11 Funds into one or more new Funds.

The report advised that the Pensions Committee of Lothian Pension Fund which was responsible for administering, investing and managing the council's pension fund agreed its interim response that option 4, merger of funds into one or more new fund, was the preferred option.

A copy of the consultation document was attached as appendix 1 and Lothian Pension Fund's interim response was attached as appendix 2

The report concluded that the Heads of Agreement signed in 2013 between CoSLA and the Trade Unions contained a commitment to review the structure of the Scottish Local Government Pension Scheme. The Lothian Pension Fund response stated that support for option 4 was based on an assumption that the funding position of individual employers was protected.

The report recommended that the Council Executive:-

1. Note the content of the report and Lothian Pension Fund's interim response to the Consultation which was attached as an appendix to the report.
2. Agree that officers should provide further updates when there were any future developments.

#### Motion

Council Executive agrees Recommendations 1 and 2 but as a contributing council with 5,305 staff and 3,395 former employees in receipt of a pension from the fund, we consider that Option 2 Promote greater co-operation in administration and investing the 11 Funds' is the preferred option, being the position agreed by Cosla at Leaders meeting on 30 November 2018.

Council Executive instructs the Chief Executive to write to Lothian Pension Fund to advise it of this view.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Decision

To approve the terms of the motion.

### 13. SALE OF 14 LIMEFIELD ROAD, POLBETH

The Chair having previously declared an interest left the meeting during consideration of this item of business.

Councillor Kirsteen Sullivan chaired the meeting for this item of business.

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 14 Limefield Road, Polbeth to Mr Mohammed

Hanif.

The report advised that the property concerned was situated in the middle of a small neighbourhood terrace retail parade, where the other properties were in the private ownership of Mr Mohammed Hanif. The location of the property was shown on the plan attached to the report.

The property was part of the council's Tenanted Non-Residential/Commercial Portfolio and was under lease to Mr Munir Khan until May 2024 at a rent passing of £4,000 per annum.

The council did not normally consider sales of tenanted properties, however the situation with 14 Limefield Road, was unique. Retrospective permission was given under the lease for internal works to formalise the integration of the shop with number 13 and 15 Limefield Road to form a larger single premise. This left the council with potentially large dilapidations at lease end in order to separate the shops.

The Head of Finance and Property Services advised that following negotiations a basis of agreement which reflected the marriage value and lease position of the properties was established and therefore approval was sought to progress the transaction on the terms as detailed in the report.

The report recommended that the Council Executive:-

1. Approve the sale of 14 Limefield Road, Polbeth to Mr Mohammed Hanif for the sum of £40,000.
2. Authorise the Head of Finance and Property Services to carry out further negotiations with the purchaser in respect to the property, on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report.

#### 14. PROPOSED REDETERMINATION, CLIFTON ROAD, EAST CALDER

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 to re-determine two sections of the carriageway at Clifton Road, East Calder from carriageway to footpath.

The report advised that following approval of Calderwood core development area, housebuilding continued at pace. As part of the development there was a strategic need to re-determine Clifton Road, by removing vehicles from part of the adopted road.

The proposals included within the Calderwood Planning Permission in Principle were approved in May 2013. Further consideration had been given to the implementation of the changes needed to the existing road

network which included options to phase the re-determination of sections of the existing public road to align with development of the Calderwood Masterplan.

The report concluded that the procedure was to permit development to take place in accordance with the approved planning permission.

The report recommended that Council Executive approve the initiation of the statutory traffic order procedures to remove vehicular access on two sections of Clifton Road, East Calder.

#### Decision

To approve the terms of the report.

### 15. RECYCLING AND WASTE SERVICES – SERVICE REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing the proposed route to delivering the savings approved within Recycling and Waste Services and to highlight the proposed new Customer Service Standards which was contained in Appendix 1, and Appendix 2 detailed the current Customer Service Standards.

The report provided details on how Recycling and Waste Services intended to deliver the savings agreed as part of the budget at the Council meeting on 13 February 2018.

In the proposals agreed through the council's budget setting process on 13 February 2018, the Recycling and Waste Service Review incorporated a total proposed saving of £1.461.000 which was scheduled for delivery across 2019/20 and 2020/21. This saving was broken down into the following individual streams:

- Revised Blue Bin Options - £973,000 (2019/2020)
- Road End Collections - £76,000 (2020/2021)
- Reduction in Overtime & Absence Cover - £92,000 (2020/20221)
- New Ways of Working within the Collection Service - £320,000 (2020/2021)

An additional separate saving for the recovery of costs for the supply of replacement/additional containers was targeted for 2018/2019 for a total of £30,000.

The adoption of the proposed new Customer Service Standards, aligned with the national Code of Practice enabled the service to deliver savings related to Road End Collections, reductions in overtime and absence cover and the saving of £30,000 related to the charging for replacement containers.

The signing of the Charter and the associated support unlocked the ability to seek funding to enable the transition to an alternative solution for the current blue bin materials to help deliver savings of £973,000. The implementation would be timed to allow the development and implementation of new optimised collection routes to improve the utilisation and efficiency of the collection vehicles following agreement with representative groups across the section to meet the related £320,000 saving.

The report noted that based on the indicative timeline detailed in Section D3 of the report, the potential for a phasing issue may exist. The timeline detailed was based upon the procedural requirements to obtain support, market intelligence and funding from Zero Waste Scotland.

In conclusion the report advised that with the roll out of 140 litre landfill service, the move to Whitehill Service Centre and continued financial challenges from government funding, and within the global recycles market it was clearly time to review and update the service standards and accept the assistance of Zero Waste Scotland to align the strategic direction with the National Charter.

The proposed new Customer Service Standards align council processes and procedures with the sector's best practice in order to achieve a high performing and cost effective service and deliver on key savings measures.

The signing of the Charter for Household Waste Recycling in Scotland would enable the council to unlock the support of Zero Waste Scotland to scope and propose options to deliver the maximum value from dry mixed recycle streams and other collection services.

The report recommended that the Council Executive

1. Approve the proposed new Customer Service Standards, the principles behind the areas of change and the justification for alignment, where reasonable, with the Scottish Code of Practice.
2. Note the key aspects of the Customer Service Standards that allow the delivery of savings measures relating to overtime spending, road end collections and the charging for replacement containers.
3. Note the proposal to seek that the council adopt and become signatories of the Charter for Household Recycling in Scotland.
4. Note the slippage from the original timescales in order to seek market intelligence and support from Zero Waste Scotland for the review of the Dry Mixed Recycling options.
5. Note the impacts on the original savings proposals caused by market uncertainty.
6. Note the risk to the medium term level of savings derived due to the Scottish Governments proposed Deposit Return Scheme.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To delay any decision on the report until the full facts on impact assessments and consultation results with Trade Unions are known.

- Moved by Councillor Frank Anderson and seconded by Councillor Diane Calder

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

MotionAmendment

Harry Cartmill

Frank Anderson

Tom Conn

Diane Calder

David Dodds

Angela Doran

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

George Paul

Kirsteen Sullivan

Damian Timson

Decision

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

16. SUSTAINABLE WASTE AND RECYCLING COLLECTION SERVICE – BROWN BIN OPTIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the proposal to deliver the approved savings with regards to the collection and process for Garden Waste (Brown Bin) and Food Waste.

The report provided information on the current position with regard to tonnages, market rates for processing, options employed by other authorities and the timescales involved in implementing the proposal. The market risks and tonnage variations were also explained within the report to provide context on the ability to guarantee savings levels.

The report recalled that Council Executive on 6 February 2018 agreed that a proposal for charging for brown bin collections of £433,000 should be replaced by an alternative reduction measure which was subsequently agreed at the Council meeting on 13 February 2018. The agreed alternative measure was a reduction of £327,000 to be delivered by 1 April 2019, by co-mingling garden and food waste.

The Head of Operational Services explained that due to Brown Bin collections not being a statutory provision there was a potential to charge for its collection, however following a motion to Council Executive on 6 February 2018 officers were asked to consider alternative proposals for the co-mingling of garden waste and food waste into a single container.

The report provided a summary which showed financial, collection and staffing implications of the proposed collection service based upon the current market prices paid and the actual 2017 tonnage. Participation rates were based on available data from other Scottish Local Authorities adapted for the likely uptake within West Lothian. A “Do Nothing” option was also provided in the report for context.

The report informed the panel that in order to inform residents of the impending changes the service intended to follow the format of the engagement plan used successfully in previous roll out projects, for separate Food Waste collections and the 140 litre landfill bin.

The service changes would be communicated over a period of weeks initially in the local press, on the council’s website and in the Bulletin. This would be followed by a direct communication to each household, in partnership with information on social media.

Two weeks before the change in service, Recycling and Waste Services would hold information sessions for householders in each relevant area. The sessions would provide householders with an opportunity to talk to Recycling and Waste staff and address any concerns.

Following approval the service would commence to develop and design routes for the collection vehicles based on fortnightly co-mingled Garden and Food Collection

In conclusion the report advised that the modelled proposal for co-mingling Garden Food and Waste would enable the service to work towards the savings targets set. The tonnages received and market prices were external risks to the delivery of the savings. The service had no alternative solutions which would increase this saving without resorting to the previously discounted proposal and it was important that the panel were aware of this.



The report recommended that the Council Executive:-

1. Approve the proposal presented and the various impacts: financial, environmental, equality and staffing.
2. Note the market and tonnage risks associated with this savings proposal.
3. Note the “do nothing” pressure that existed for 2018/2019

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

#### Amendment

To delay implementation until the result of impact assessments and consultations with Trade Unions are known.

- Moved by Councillor Frank Anderson and seconded by Councillor Diane Calder.

A roll call vote was taken which resulted as follows:

#### Motion

Harry Cartmill

Tom Conn

David Dodds

Angela Doran

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

George Paul

Kirsteen Sullivan

Damian Timson

#### Amendment

Frank Anderson

Diane Calder

#### Decision

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

## 17. REVIEW OF LOCAL GOVERNANCE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the Review of Local Governance that was being undertaken jointly by the Scottish Government and COSLA and to make proposals in relation to West Lothian Council's participation in the Review.

The report advised that the Scottish Government Programme for Government contained a commitment to deliver a Review of Local Governance. The Scottish Government and COSLA launched a Local Governance Review in a joint announcement on 7 December 2017. The stated purpose of the review was to ensure that local communities had more say about how public services in their area were run.

The Review was intended to strengthen local decision making and democratic governance in ways that improved outcomes in local communities, grow Scotland's economy for everyone's benefit, support communities to focus on their priorities and help new ideas to flourish. The Review would cover services provided currently at local and national level, and how powers, responsibilities and resources were shared between national and local spheres of government and communities.

The Chief Executive explained that the Review would involve two separate strands. The first strand would focus on how decisions were taken in communities, the second on how decisions were taken at the level of community planning partnerships and councils or more regionally.

The second strand would involve the Scottish Government inviting city regions, regional groupings, individual local authorities, Community Planning Partnerships and other public sector organisations to propose place specific working which had the potential to improve local outcomes and drive inclusive economic growth.

All changes proposed would be tested against the following democratic renewal principles:-

- Subsidiarity and Local Decision Making
- Simple Open Democracy
- Personal and Empowering
- Fairness and Equality of Outcome
- Financially Sustainable and Preventative

The report went on to advise that an enabling group had been set up jointly by COSLA and the Scottish Government to undertake and report on both stages of the Review. It was noted in the report that a joint oversight group, comprising of ministers and the COSLA presidential team would ensure joint political oversight. The report also advised that the Scottish Government had stated that it intended new legislation (the

Local Democracy Bill) within the lifetime of the current parliament.

The report recalled that on 28 May 2018 Scottish Ministers, COSLA and the Scottish Community Alliance launched jointly the “Democracy Matters” conversation, the stated aim of which was to identify new legal rights for communities which would place them at the heart of decision making and was part of the first strand of the Review.

Scottish Ministers and COSLA asked public sector organisations to submit initial comments as the first stage of the second strand of the Review.

The Chief Executive established an officer group to produce draft proposals for consideration by members. The draft proposals centred around four key themes as follows:

- The Integrated Public Authority model and its benefits in terms of the democratic renewal principles, at the level of existing unitary authorities.
- Decentralisation and devolution of decision making utilised the existing powers conferred by the Community Empowerment (Scotland) Act 2015, communities of interest and existing approaches and communities of place (including Community Council, and Community Development Trusts) in preference to the establishment of a new tier of local governance, or new local bodies.
- The further development of joint working and shared services as an alternative to regionalisation.
- An examination of existing legislation which hindered effective public service delivery and governance.

In relation to the Integrated Public Authority model, initial thinking concentrated on the following themes:-

- Community safety (involving Police Scotland, Fire and Rescue, Housing, Education).
- Economic development (involving Scottish Enterprise, Skills Development Scotland, the College Sector, Education, Visit Scotland and potentially Scottish Water).
- Health and wellbeing (involving Council Revenues, Benefits, Grants etc., and aspects of the local delivery of national benefits).

It was noted that local residents influenced decisions through the democratic process which ensured that locally elected representatives were accountable for their actions and decisions. Bringing a greater range of public functions under the democratic oversight of local government could increase local control over decisions, increase the accountability of public services and foster a greater sense of connection

between the service and community.

The continuation of national bodies to set strategic direction was supported, with local authorities maximising the co-ordination, responsiveness and accountability of a wider range of public services to local conditions and priorities. The need to ensure continuation of strategic local oversight when introducing further devolution was also recognised.

In relation to joint working, an enhanced role for COSLA in promoting and facilitating joint working, along the lines of that used by local government bodies in England and Wales, may help ensure that local authorities secure some of the perceived benefits of regionalisation without losing accountability and that this aspect of reform remained within the democratic control of local authorities.

The report went on to provide details on the following:-

- The Integrated Public Authority
- Devolution and Decision Making
- Joint Working / Shared Services

The report advised that the Review of Local Governance provided an opportunity to examine legislation which was hindering effective public service delivery and governance, a number of examples was detailed within the report.

The report also provided details and information on the Legal Framework for local authorities.

In conclusion West Lothian Council's draft proposals were made up of four key themes, concentrated on four broad functions which were in accordance with the five democratic renewal principles all of which were detailed in the report.

The proposals could also be judged against the principles underpinning The Commission on the Future Delivery of Public Services.

The report recommended that the Council Executive

1. To note the ongoing Review of Local Governance being led jointly by the Scottish Government and COSLA.
2. To consider the contents of the report and agree their submission to COSLA and the Scottish Government
3. To note that officers would continue to work with COSLA in the development of a national Local Authority position.

### Decision

To approve the terms of the report.

18 PRIVATE SESSION

The Council Executive resolved to consider the following item of business in private as it was likely to contain exempt information under the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

19 WEST LOTHIAN LEISURE FINANCIAL PLAN - UPDATE ON PROGRESS

Having previously declared an interest Councillor David Dodds left the meeting taking no part in this item of business.

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) providing an update on the West Lothian Leisure (WLL) financial plan for 2019/20 to 2021/22.

The report recalled that Council Executive agreed, at its meeting on 11 September 2018, to request that West Lothian Leisure (WLL) submit a balanced three year plan for the period 2019/20 to 2021/22 by the end of October, which took account of the decisions made at the meeting. Council officers were asked to report to the WLLAC and Council Executive on the revised three year plan. The report provided WLLAC with an overview of the revised three year plan.

On 29 October 2018 the Chief Executive of West Lothian Leisure provided a progress report to council officers on a three year plan which the WLL Board considered at their meeting on Thursday 25 October 2018.

The committee was advised that the report had been presented to the West Lothian Leisure Advisory Committee on 29 November 2018, and that further updates would be provided to West Lothian Leisure Advisory Committee in due course as decisions were required to be made by the council to enable West Lothian Leisure to fully implement their three year plan.

The report recommended that the Council Executive agree the 5 recommendations in the report.

Motion

To approve the terms of the report subject to formal approval of the three year plan by West Lothian Leisure Board.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To not agree the five recommendations in the report. To report back to Council Executive after the meeting of West Lothian Leisure Board on 13

December 2018 if the plan was approved by the Board.

- Moved by Councillor Damian Timson and seconded by Councillor Charles Kennedy.

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

Motion

Amendment

Harry Cartmill

Frank Anderson

Tom Conn

Diane Calder

Angela Doran

Peter Heggie

Lawrence Fitzpatrick

Chris Horne

George Paul

Charles Kennedy

Kirsteen Sullivan

Damian Timson

Decision

Following a roll call vote there were 6 votes for the motion and 6 votes for the amendment. The Chair used his casting vote for the motion and it was agreed accordingly.