



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

10 January 2019

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 15 January 2019** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minute of Meeting of Council Executive held on Tuesday 18 December 2018 (herewith).

#### **Public Items for Decision**

5. Objections to Disabled Persons' Parking Places Order (PTO 18/05) - Report by Head of Operational Services (herewith).
6. Procurement Arrangements - Ongoing Purchasing of Resources and Training from Triple P - Report by Head of Corporate Services (herewith).
7. Revision of Operational Practices at Household Waste Recycling Centres - Transforming Your Council - Report by Head of Operational Services (herewith).

8. Consultation on Statutory Transport Noise Action Plan - Report by Head of Planning, Economic Development and Regeneration (herewith)
9. Lease of 19 St Helens Place, Armadale - Report by Head of Finance and Property Services (herewith).
10. Letting of 1A Liggat Syke Place, East Mains Industrial Estate, Broxburn to Excel Vending Limited - Report by Head of Finance and Property Services (herewith).
11. Letting of 1B Liggat Syke Place, East Mains Industrial Estate, Broxburn, to CARS4YOU Limited - Report by Head of Finance and Property Services (herewith).
12. Watson Park, North Street, Armadale - Report by Head of Finance and Property Services (herewith).
13. Surplus Properties - Report by Head of Finance and Property Services (herewith).
14. Scottish Draft Budget 2019 and Local Government Finance Settlement 2019/20 - Report by Head of Finance and Property Services (herewith).

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NOTE      **For further information please contact Eileen Rollo on 01506 281621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 18 DECEMBER 2018.

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

Apologies – Councillors Chris Horne and Peter Johnston

1. DECLARATIONS OF INTEREST

Agenda Item 17 (Procurement Arrangements – Direct Award to Bellway Homes) – Councillor Charles Kennedy declared an interest in that his wife was employed by Bellway Homes so he would not participate in the item of business; and

Agenda Item 8 (Forth Bridges Area Tourism Strategy) – Councillor Tom Conn declared an interest in that he was a council appointed member of VisitScotland Edinburgh and Lothians Area Tourism Partnership but would participate in the item of business.

2. MINUTE

The Council Executive approved the Minute of the meeting held on 4 December 2018 as a correct record. The Minute was thereafter signed by the Chair.

3. CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions.

4. CONSULTATION ON THE CONTINUING CARE (SCOTLAND) AMENDMENT ORDER 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of a proposed response by West Lothian Council to the Scottish Government's consultation on the Continuing Care (Scotland) Amendment Order 2019.

The Council Executive was advised that this was the fourth in a series of annual amendments to the original Continuing Care (Scotland) Orders 2015. This amendment, which would come into force on 1 April 2019, would further increase the upper age of young people who would become eligible for continuing care to twenty one years of age.

The draft response supported the proposed intention, as started during development of the 2014 Act, to further increase the higher age limit for

persons eligible for continuing care from nineteen to twenty one years of age from April 2019.

The draft response also noted that it was expected that there would be an increase in demand for continuing care support going forward. The Scottish Government had allocated £166,000 per annum to support implementation of continuing care. However it was the view of West Lothian Council that this provision was under-funded and would ultimately lead to a budget pressure.

It was recommended that Council Executive considers the proposed West Lothian Council response to the consultation by the Scottish Government in relation to the Continuing Care (Scotland) Amendment Order 2019 and agrees that the response be submitted to the Scottish Government.

### Decision

To approve the terms of the report

## 5. SUPPLEMENTARY GUIDANCE ON AIR QUALITY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of Supplementary Guidance (SG) on Air Quality that had been produced in support of the West Lothian Local Development Plan (LDP), following a period of consultation.

The proposed SG, which was attached to the report at Appendix 1, provided developers and their consultants with guidance on how the council would consider air quality within the planning process and explained the circumstances when an air quality impact assessment was likely to be required. The SG contained two appendices providing technical guidance for conducting air quality impact assessments and an air quality impact assessment evaluation checklist.

The SG was published by the council for consultation on 30 May 2017 with a closing date of 14 July 2017. Most of the comments received were of a positive nature with SEPA commenting that the guidance was of a very high standard.

If approved by Council Executive the SG would be submitted to Scottish Ministers who would then have 28 days in which to scrutinise it. The Scottish Ministers scrutiny would focus on ensuring that the principles of good public involvement and proper connection to the guidance had been achieved.

Prior to a decision by Scottish Ministers the SG would continue to be operated as non-statutory guidance (PG) thus affording it a degree of materiality when determining planning applications in the intervening period.

It was recommended that the Council Executive :-



1. Approves the content of the revised draft guidance as statutory supplementary guidance (SG);
2. Agrees to it being notified to the Scottish Government for endorsement;
3. Delegates the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA was required, having taken into account the views offered by the Consultation Authorities; and
4. Delegates to the Head of Planning, Economic Development and Regeneration to make any necessary changes to the Residential Development Guide to ensure consistency with Supplementary Guidance on Air Quality.

### Decision

To approve the terms of the report

## 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 Council Executive :-

1. Agrees the content of the Forth Bridges Area Tourism Strategy; and
2. Approves the council’s continued participation in the Forth Bridges Forum

Decision

1. To approve the recommendations of the report;
2. To agree that the strategy included three additional railway stations; these being Bathgate, Uphall and Kirknewton; and
3. To agree that officers investigate the viability of a viewing platform at Winchburgh

7. PROPERTY ASSET MANAGEMENT PLAN (2018/19 TO 2027/28)

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the proposed Property Asset Management Plan for 2018/19 to 2027/28.

The proposed Property Asset Management Plan for 2018/19 to 2027/28, attached to the report at Appendix 1 had at its core the overall aim to manage the council's property assets efficiently and effectively whilst continuing to improve performance. The plan was for a ten year period and progress would be reported annually. The plan would also be formally reviewed and recalibrated in 2022/23.

The plan set out the council's approach to the management of its property assets and would support the council's priorities by :-

- Establishing a corporate framework for the management of the council's property assets;
- Highlighting corporate outcomes and priorities and how they would be supported through the effective and efficient management of property assets;
- Presenting an overview of the extensive property assets owned by the council;
- Identifying the internal and external influencing factors and challenges affecting property;
- Identifying a number of activity themes to improve the performance of property asset management; and
- Outlining the investment the council would make in its property assets over the next ten years.

The Head of Finance and Property Services continued by providing information on corporate asset management performance measures, governance arrangements, performance improvement activity themes and capital investment.

The report concluded that the proposed Property Asset Management Plan had been prepared to reflect and support the priorities in the Corporate

Plan and Corporate Asset Management Strategy. It sets out a framework and resource requirement for the next ten years to ensure that the council managed its property assets effectively and efficiently.

It was recommended that Council Executive approve the proposed Property Asset Management Plan for 2018/19 to 2027/28.

### Decision

To approve the terms of the report.

## 8. SEASONAL LETTING OF PART OF BEECRAIGS COUNTRY PARK TO ROWEN EVENTS 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 letting of part of Beecraigs Country Park to Rowen Events Limited for a Christmas event.

The members were advised that the council was committed to maximising the use of its assets and utilising these to support wider council objectives. This included supporting economic development, generating income and supporting service delivery.

The council had been approached by Rowen Events Limited (Rowen) which was seeking to hold a Christmas themed event in part of Beecraigs Country Park during December, for the next five years. The lease would run from 11 November until 13 January each year. This period would include for the setting up and removal of various apparatus and equipment prior to and after each event. The first event would take place in 2019.

Rowen Events Limited was a new company set up for the event with the directors having a local connection to Linlithgow. The company were working in partnership with Unique Events to stage the event on their behalf. Unique were a well-known event management company with 25 years of experience in running similar event.

Officers from various services had, over a number of months, been working with Rowen on the development of their proposals.

The main element and focus of the event would be an illumination/light show to be staged in the woodland. This would be a ticketed event. Ancillary attractions would also be provided to compliment the illumination/light show and would include a "Santa's Storytelling Experience", which would occupy part of the visitor centre. Further details were contained in Appendix 1 attached to the report.

During the event Beecraigs Country Park and the visitor centre would continue to be open to the general public during the event, with only the illumination trail having restricted access during the afternoons and evenings for the period of the event. The potential benefits arising from the proposed event could greatly outweigh any inconvenience to the

public.

Whilst the event would be fully staffed by Rowen it was anticipated that council staff would be deployed to monitor the event. This would be undertaken within existing resources. Countryside Services would continue to work closely with Rowen on operational aspects of the proposal and would collaborate with them on technical and compliance requirements.

The proposed lease terms were outlined in the report and included details of the rent for the five years.

The report concluded that granting the lease was considered in the best interests of the council as it would promote Beecraigs Country Park to wider users and the general public and improve utilisation during the winter months.

It was recommended that Council Executive :-

1. Approves the letting of part of Beecraigs Country Park to Rowen Events Limited for the purposes of running a Christmas event comprising of light show, market stalls and various festive attractions on the terms outlined in the report; and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continued to represent the achievement of best value for the council.

In moving the recommendations of the report the Chair suggested that a third recommendation be added which concerned ring-fencing the monies earned from the annual rent payment.

#### Decision

1. To approve the recommendations of the report; and
2. To agree that the monies earned from the rent be ring-fenced for use in other council country parks.

#### 9. SCOTTISH HOUSING REGULATOR - REGULATION OF SOCIAL HOUSING IN SCOTLAND CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval to submit a consultation response on the Scottish Housing Regulator-Our Regulation of Social Housing in Scotland.

The Head of Housing, Customer and Building Services explained that the Scottish Housing Regulator (SHR) provided regulatory functions for social housing providers in Scotland. They protected the interests of tenants, homeless people and other service users of social landlords. They also focused on the provision of services that secured good outcomes for

tenants and services, they held landlords to account and drove improvement in service provision and they accomplished this through a regulatory framework known as the Annual Return on the Chart (ARC).

In January 2018 the SHR launched a discussion paper on the future of housing regulation in Scotland. The intention was to drive discussion and debate about the current arrangements and what was required to support a successful social housing sector in the future.

Using feedback obtained and subsequent discussions with landlords and their representatives, the SHR proposed to reduce the list of indicators by over a third from 74 to 44. The report provided a list of the main proposed changes.

In conclusion the vision of the SHR was to continue to regulate to protect the interests of tenants, homeless people and others who used the services of social landlords. The review of the ARC framework in consultation with social housing providers ensured the framework enabled full scrutiny of the relevant activity, performance, governance and financial health of the social housing sector in Scotland.

It was recommended that Council Executive approves the consultation response to enable a response to be submitted by the closing date of 18 December 2018.

#### Decision

To approve the terms of the report

#### 10. PRIVATE LANDLORD REGISTRATION ENFORCEMENT - IMPLEMENTATION OF RENT PENALTY NOTICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services which set out the proposed processes for applying various enforcement tools in relation to unregistered and registered landlords.

The members were advised that all private landlords with some exceptions were required to apply for registration in the register of landlords. Appendix 1 to the report contained a list of landlord exemptions. The requirement enabled councils to remove disreputable landlords from the housing market in order to protect tenants and the wider community from the impact of antisocial behaviour and mismanaged property.

Under Part 8 of the Antisocial Behaviour, etc (Scotland) Act 2004, it was a requirement for all persons leasing residential property in Scotland to be registered with the local authority. It was a criminal offence for a landlord to enter into a lease or occupancy agreement without being registered.

In addition the local authority had the power to issue a "Rent Penalty Notice" under Section 94 of the 2004 Act, the effect of which was to prevent the landlord collecting rent from any residential properties whilst

unregistered.

The Rent Penalty Notice would give a period of 28 days prior to commencement during which the landlord may still register. If the landlord registered during that period the Rent Penalty Notice would be revoked.

Implementing Rent Penalty Notices as an enforcement tool had notable benefits in terms of improving performance and compliance in the private rented sector, however it was recognised that implementation was not without challenge and a clear process had been created.

The report concluded that implementation of the available enforcement tools, in place of the Landlord Registration Scheme, would ensure compliance with legislation.

It was recommended that Council Executive agrees the introduction and approves the process for the issue of rent penalty notices.

#### Decision

To approve the terms of the report

### 11. WEST Lothian Rapid Rehousing Transition Plan

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on the progress of the preparation and development of the first iteration of the West Lothian Rapid Rehousing Plan (RRTP) which was required to be submitted to the Scottish Government by 31 December 2018.

The report recalled that a high level overview of the requirement for local authorities to prepare 5 Year Rapid Rehousing Transition Plans to reduce homelessness was reported to the Services of the Community Policy Development and Scrutiny Panel on the 18 September 2018 and the Council Executive on 9 October 2018.

The council and strategic partners prepared and developed the first iteration of the plan which was appended to the report.

The report set out the seven key elements to the West Lothian Rapid Rehousing Transition Plan as follows:

- Understanding West Lothian's Housing Market Context
- West Lothian's Homeless Position
- West Lothian's Temporary Accommodation Provision
- West Lothian's 5 Year Projections for Temporary Accommodation
- Identifying Support Needs

- Transitioning to a rapid Rehousing Approach in West Lothian
- Resources

The report also set out four high level actions identified by the council and partners to transition from the current provision to the West Lothian vision. These actions would be taken forward through four Rapid Rehousing Transition Plan Work streams of Early Intervention/Prevention and Housing Options, Supply and Temporary Accommodation, Support and Supported Accommodation and Health and Wellbeing. Appendix 3 contained the action plan for the five years of the West Lothian Rapid Rehousing Transition Plan.

The proposed timescales for submitting the first iteration of the Rapid Rehousing Transition Plan to the Scottish Government were detailed in table 2 within the report.

In conclusion the report advised that significant progress had been made with West Lothian's Rapid Rehousing Transition Plan and was on target to meet the Scottish Government's deadline of 31 December 2018 for submission of the first iteration.

Council Executive was asked to :-

1. Note and comment on the first iteration of the West Lothian RRTP;
2. Approve the first iteration of the West Lothian RRTP to be submitted to the Scottish Government; and
3. Note the proposed timeline for the governance arrangements of the plan to meet the implementation date of 1 April 2019.

#### Decision

To approve the terms of the report

## 12. SEVERE WEATHER POLICY (REVISED)

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a revised Severe Weather Policy, a copy of which was attached to the report at Appendix 1

The report recalled that during the early part of 2018, the country experienced exceptionally severe weather causing considerable disruption to businesses, workers and the public in general and prompting a Red Weather Warning to be issued. While the council had in place arrangements for dealing with disruption caused by severe weather, the unprecedented harshness of the weather conditions on this occasion exposed some weaknesses in the current policy.

Following consideration of a motion at Full Council on 30 March 2018 the

Chief Executive was instructed to undertake a thorough review of communication procedures between managers and staff, and to engage with the recognised Trade Unions to establish clean lines of communication for adverse weather conditions. Additionally the Chief Executive was asked to undertake a review of the existing Severe Weather Policy.

A review of the existing policy had resulted in the inclusion of a specific section relating to Red Weather Warnings and the contingency arrangements that should be invoked in these circumstances to ensure the safety and well-being of staff and the continuity of essential service delivery.

The review had also been informed by the Severe Weather: Fair Work Charter developed jointly by the Scottish Government and the Scottish Trade Union Congress (STUC) which provided a set of guiding principles to support employers and workers to plan for and manage the impact of severe weather.

Discussions had also taken place with the recognised trade unions and a number of revisions to the policy have been made with a view to improving its effectiveness in dealing with extreme weather events. In particular there had been an emphasis on the need for well communicated contingency arrangements to be in place especially where decisions were taken to close council buildings or where workplaces became inaccessible due to severe weather.

It had also been agreed that a list of post types deemed as “essential works” would be discussed with the recognised trade unions.

A further key change proposed was for the Chief Executive, in the exceptional event of a Red Weather Warning, to have discretion to override the normal policy provisions which may include authorising the general application of special leave or crediting essential workers who attended work within their normal hours/pay during the period that the warning was in force.

The report concluded that the revised draft policy should enable the council to respond in a more robust and co-ordinated manner to periods of severe weather going forward.

It was recommended that Council Executive :-

1. Approves the revised draft Severe Weather Policy attached to the report;
2. Notes that the revised policy reflected the guiding principles for supporting employers and workers set out in the Scottish Government’s Severe Weather Fair Work Charter;
3. Notes that the revised policy would be supported by a programme of improved contingency planning measures and guidance for employees; and



4. Notes that the revised policy provided discretion to the Chief Executive to override the normal provisions in the policy during periods when a Red Weather Warning was issued.

Decision

To approve the terms of the report.

13. AVOIDANCE OF INDUSTRIAL DISPUTES PROCEDURE (REVISED)

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a revised draft Procedure for Avoidance of Industrial Disputes in respect of non-teaching staff.

The Head of Corporate Services explained that while the council was fully committed to maintaining a constructive and positive working relationship with the recognised trade unions it was also accepted that situations could arise from time to time where proposed changes to working practices and conditions of employment resulted in a failure to agree. It was therefore important in these circumstances that there was a recognised protocol available for helping to resolve such matters before they escalated into damaging industrial disputes.

Following representations from the non-teaching trade unions through the council's Joint Consultative Group, the former Lothian Regional Council procedure which the council had adopted back in 1996 had been modified and updated.

The revisions were relatively minor in nature and included the removal of out of date references to the National Joint Council (NJC) which became obsolete following the introduction of the Single Status Agreement in 1997. The revised procedure also retained the option for parties to agree to third party assistance through the Advisory Conciliation and Arbitration Service (ACAS) in the event of failure to agree a resolution at the Avoidance of Dispute Committee.

A copy of the revised draft was attached to the report at Appendix 1.

It was recommended that the Council Executive approves the revised draft of the Avoidance of Industrial Disputes.

Decision

To approve the terms of the report

14. BSL (BRITISH SIGN LANGUAGE) LOCAL PLAN FOR WEST LOTHIAN COUNCIL 2018-2024

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a draft British

### Sign Language (BSL) Local Plan 2018-2024 for West Lothian Council.

The report recalled that the British Sign Language (Scotland) Act 2015 received Royal Assent on 22 October 2015. This legislation set out ambitious plans to make Scotland the best place in the world for BSL users to live, work and visit.

The BSL (Scotland) Act 2015 required that all “listed Authorities” in Scotland must produce an Authority Plan (local plan) demonstrating how they would work towards implementing the national plan and improving services for BSL users throughout the area.

The council as a listed authority was required to have a local BSL plan in place by the end of 2018.

In February 2018 West Lothian Council participated in a pan-Lothian consultation event involving other local authorities, Police Scotland, Scottish Fire & Rescue, NHS Lothian and other interested organisations and groups. This was then followed up with a specific West Lothian Council consultation event and included West Lothian residents, persons who used BSL and persons who represented users of BSL.

Based on the consultation events held and the feedback received a draft plan was produced and published for consultation on the council’s web site from 3 to 21 September 2018, a copy of which was attached to the report at Appendix 1. The format of the plan followed that of the National Plan and set out an ambitious suite of actions which would improve the way BSL users found out about and accessed council services.

The report concluded that the council recognised the need to deliver services that met the needs of the diverse communities of West Lothian whilst ensuring legislative compliance.

It was recommended that Council Executive approve the content of the draft BSL Local Plan 2018-2024 for West Lothian Council.

#### Decision

To approve the terms of the report

#### 15. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO BELLWAY HOMES FOR CONSTRUCTION OF 14 HOUSES

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 Bellway Homes for the construction of 14 homes at the former Vion (Halls) site at Broxburn, as part of the new build house programme.

The report recalled that West Lothian Council had embarked on three new build house programmes over the past ten years. Lessons had been learned from each phase and there was considerable experience to draw upon to inform the procurement approach for the next phase of new build

council housing.

The direct award to Bellway Homes of £1.814 million was being progressed as part of the approved five year housing capital programme for 250 houses across 6 sites. The agreed budget for the 250 houses was £43.272 million.

The scale of the build was too large for Building Services and therefore required to be procured externally.

The land in question had been transferred to the council under a Section 75 agreement. The only access to the site was via the Bellway Homes development. For this reason discussion had taken place with Bellway about the possibility of them carrying out the construction of the houses. Independent advice had been sought to check that the price offered was value for money against market rates.

As this was not the usual procedure, external legal advice had been sought prior to recommending this procurement route. It was to be noted that the construction price offered to Bellway Homes was well below OJEU level spend and below the regulated spend.

Standing Orders stated that for the level of spend three tenders should be sought or Council Executive approval obtained. Therefore it was being recommended that the Council Executive approves the direct award to Bellway Homes for the construction of 14 homes at the former Vion (Halls) site in Broxburn for the price of £1.814million.

### Decision

To approve the terms of the report

## 16. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO EDINBURGH UNIVERSITY FOR THE PROCUREMENT OF SPECIALIST FROEBEL TRAINING

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 Edinburgh University for specialist Froebel Early Years practitioner training for sixty Early Learning and Childcare practitioners.

The Head of Corporate Services explained that the council's Continuous Professional Learning framework aligned with the actions in "*A Blueprint for 2020 : The Expansion of Early Learning and Childcare in Scotland – Quality Action Plan*".

The council's innovative approach to Continuous Professional Learning centred on the national model of improvement "Looking Inwards, Outwards and Forwards". This approach included partnership with the future workforce, partner providers and community playgroups. Additionally the diversity of practitioner and management experience and knowledge of Early Learning and Childcare pedagogy had been a key factor in building consistency of practice across early learning and

childcare settings.

A Froebelian pedagogy was widely recognised nationally as a very effective learning approach which ensured that children developed in the four capacities of Curriculum for Excellence; these being; Successful Learners; Confident Individuals, Responsible Citizens and Effective Contributors.

Edinburgh University were the sole provider of specialised Froebel Early Years practitioner training in Scotland. Forty West Lothian Early Learning and Childcare practitioners were currently in the process of completing their training in early January 2019. Therefore following on from the success of the first cohort the council wished to arrange for a further sixty Early Practitioners to attend five full days of training.

The budget for the training was included in the approved 2018/19 revenue budget for Education Services.

It was recommended that the Council Executive approves a direct award of £51,000 to Edinburgh University for specialist Froebel Early Years practitioner training for sixty Early Learning and Childcare practitioners within the council and Partner Providers.

#### Decision

To approve the terms of the report

### 17. PROCUREMENT ARRANGEMENTS - PROVISION OF OCCUPATIONAL HEALTH SERVICE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the provision of Occupational Health Services for a three year contract.

The Head of Corporate Services explained that the council was committed to reducing sickness absence by the promotion of health at work and by setting standards that enabled service managers to take appropriate action in a fair and consistent manner when an employee's health gave rise to concern.

In order to achieve these standards, an Occupational Health Provider was required to provide a full and comprehensive Occupational Health Service.

Historically the contract had been specific to West Lothian Council however it was proposed to collaborate with West Lothian College for the new Occupational Health Service. The council did not have an in-house capability to provide this requirement.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure be used whereby all suppliers expressing an interest in the contract would be

invited to tender. A criteria of 50% for Price and 50% for Quality would be applied at the tender stage. The anticipated start date for the contract was 1 June 2018.

Sustainability considerations and budget implications were outlined in the report.

It was recommended that the Council Executive approves commencement of the procurement of a three year contract, with the option to extend annually for a further two years, for the supply and support of Occupational Health Services using the evaluation methodology and award criteria set out in the report.

#### Decision

To approve the terms of the report

### 18. PROCUREMENT ARRANGEMENTS - PROVISION OF ASBESTOS SERVICES FOR STATUTORY COMPLIANCE AND CAPITAL PROJECTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the procurement of a four year framework agreement for asbestos services.

The members were advised that all council service areas required provision of external asbestos consultants and removal specialists to undertake asbestos services. These services were in support of the council's statutory obligation to manage asbestos and support capital projects in line with the Health and Safety at Work Act, associated regulations and recognised guidance.

The current service provision had been procured via the Scotland Excel Asbestos Services framework which was administered by the Asbestos Compliance Team within Construction Services.

It was being proposed that the council would issue a consolidated tender document for a four year Framework Agreement, divided into lots, each reflecting their own specialist requirement in order to encourage the participation of Small and Medium sized Enterprises (SME's).

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure was used whereby all suppliers expressing an interest in the contract would be invited to tender. Initially suppliers would be considered on examples of work via the European Single Procurement Document and if considered capable their full tender would be evaluated.

A criteria of 50% for Price and 50% for Quality would be applied also the lot structure would be as follows :-

- Lot 1 – Asbestos surveying services

- Lot 2 – Asbestos surveying services
- Lot 3 – Asbestos removal services

The anticipated start date for the contract was April 2019.

In terms of rationale the Scotland Excel Framework for asbestos services would cover all 32 Scottish councils with generic specifications and a wide range schedule of rates. By issuing a single tender divided into specific lots would deliver efficiency savings internally and reduce supplier costs. Also this type of contract would encourage bids from Small and Medium sized Enterprises (SME's), a number of which were situated in and around West Lothian.

Sustainability considerations and budget implications were also outlined in the report.

It was recommended that the Council Executive approves the commencement of tendering procedures for the procurement of a framework agreement for asbestos services employing an Open Procedure with the evaluation methodology and criteria outlined in the report.

#### Decision

To approve the terms of the report

### 19. COUNCILLORS' CODE OF CONDUCT - ANNUAL REVIEW 2017/18

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager advising of significant issues in 2017/18 in relation to the Councillors' Code of Conduct.

Table 1 in the appendix attached to the report summarised the complaints received by the Commissioner for Ethical Standards for Public Life in Scotland (CES) during the year. Table 2 was the summary of the cases in which the CES found a breach and referred a case onto the Standards Commission for Scotland (SCS) for determination.

The highlights from the CES's year and from the complaint figures were as follows :-

- There was again a reduction in the total number of complaints;
- The largest category of complaints was of misconduct in dealing with individual applications, mainly planning cases;
- The largest category of cases referred on to the SCS was disrespect;
- The number of complaints from officers reduced again, down now for two consecutive years;

- Complaints were being processed more quickly but the reduction in numbers of complaints had helped that; and
- Only three complaints were made against members of devolved public bodies.

The SCS's year was also summarised in the report with further information contained in Appendix 3 on the hearing cases for the year.

Looking forward the SCS had identified the following areas of activity :-

- ❖ Issuing advice for councillors on distinguishing between policy-making and operational management
- ❖ Holding a workshop for IJB members and Standards Officers
- ❖ Holding more roadshows for councillors in 2018/19
- ❖ Amending Codes of Conduct to make more explicit that bullying and harassment would not be tolerated and would be a breach of the Code
- ❖ Working with the Scottish Ministers to revise more extensively the Codes of Conduct for councillors and public body members

With regards to training for the council's elected members on the code of conduct this was concentrated in the post-election induction programme with a series of short sessions provided on the different components of the Code. Other more targeted sessions were provided during the year.

The council's updated history of involvement with the CES and the SCS and of its internal procedures was shown in Tables 4, 5 and 6 of the appendix.

Six complaints were made and determined through the council's internal complaints procedure. Two of the six complaints related to the same circumstances with the other five cases summarised in the report.

It was noted that no complaints against West Lothian councillors were made to the CES during the year.

In conclusion the number of complaints against West Lothian Council in 2017/18 was higher than in recent years with the most significant aspect being the use of social media. Further awareness of issues relating to the Code of Conduct would help members in applying the Code to their council work and would assist officers in their dealings with members and their working relationships.

It was recommended that Council Executive :-

1. Notes the summary of the issues arising in relation to the Councillors' Code of Conduct in 2017/18;

2. Notes that the postponed annual presentation to members would take place at 9.00am on Tuesday 22 January 2019, immediately before the scheduled meeting of full council; and
3. Notes in particular the continuing interest in “respect” cases and the related issues of enhanced Article 10 rights to freedom of expression in political matters and inappropriate involvement of members in operational matters.

### Decision

To note the contents of the report

## 20. SCOTTISH PUBLIC SERVICES OMBUDSMAN : ANNUAL REPORT 2017/18

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive updating members on the Scottish Public Services Ombudsman Annual Report 2017/18.

The report recalled that the Scottish Public Services Ombudsman (SPSO) handled complaints at the final stage for public services in Scotland, including local authorities, the National Health Service, housing associations, prisons, most water and sewage providers, the Scottish Government and its agencies and most Scottish Public Authorities. The SPSO investigated complaints when the complainer had exhausted the formal complaints procedure of the relevant authority.

The SPSO reported that the number of complaints received regarding local government had increased by just less than 1% to 1542 for 2017/18 from 1528 the previous year.

The SPSO provided each council with information specific to that local authority to consider. The SPSO's Annual Letter was attached to the report at Appendix 1. Appendix 2 provided a table of statistics about complaints to the SPSO regarding West Lothian Council in the past two years. Appendix 2 also highlighted that the number of complaints received about West Lothian Council was 71, which had decreased from 73 complaints received in 2016/17. The greatest number of complaints related to Housing which was in line with the sector as a whole.

There were 28 complaints about West Lothian Council which were dealt with at the advice stage as they were not suitable for the SPSO, whilst a further 34 were considered to have had an early resolution. There were 12 complaints regarding West Lothian Council which were fully investigated, four were fully upheld, one was partly upheld and six were not upheld. One complaint was resolved. This was in comparison to 2016/17 when no complaints were fully upheld.

Compliance with the model Complaints Handling Process (CHP) was monitored in line with the Shared Risk Assessment and annual audit arrangements. Local authorities were also expected to have appropriate



self-assessment arrangements in place to ensure that their CHP was operating in accordance with the model CHP, which required councils to publish annual complaints statistics and learning against performance indicators.

The council had put in place clear governance arrangements for complaints and these were outlined in the report.

The SPSO's Annual Letter for 2017/18 noted the continued focus by the SPSO on helping authorities improve public services through learning from complaints. One of the ways this was progressed was through the recommendations made by the SPSO to local authorities. The SPSO had changed its approach to making recommendations with more of a shift towards an outcome in relation to services and remedying justice to individuals.

Appendix 3 set out the SPSO recommendations and service improvement actions for complaints closed by the Ombudsman in 2017/18.

1. Council Executive was asked to note the Scottish Public Service Ombudsman's SPSO annual report 2017-2018;
2. Council Executive was asked to note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome; and
3. Council Executive was asked to note the learning from SPSO complaints which was appended to the report for information.

### Decision

To note the contents of the report





## **COUNCIL EXECUTIVE**

### **OBJECTIONS TO DISABLED PERSONS' PARKING PLACES ORDER (PTO 18/05)**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is for the Council Executive to consider two objections which have been received in respect of a proposed new parking bay, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2009.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive does not uphold the objections submitted during the statutory objection period to the making of the traffic regulation order to provide disabled persons' parking bay in Grieg Crescent, Armadale

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; and Being honest, open and accountable;
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Policy:</b> None. <b>Legal:</b> The promotion of a legal Traffic Regulation Order under the Roads (Scotland) Act 1984.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<b>Financial:</b> Funded through the Roads Capital budget. <b>Staffing:</b> None. <b>Property:</b> None.

<b>VII Consideration at PDSP</b>	Not required.
<b>VIII Other consultations</b>	Police Scotland has been consulted and has made no adverse comments. Disability West Lothian has been consulted and made no comments.

## **D. TERMS OF REPORT**

### **D1 Background**

In line with the decisions made at Council Executive on 24 April 2012 and 13 November 2012, the power to start the statutory legal process in relation to residential disabled parking bays has been delegated to the Head of Operational Services.

Approval was given by the Head of Operational Services on the 15 May 2018 to commence the statutory process for enforcement of the Traffic Regulation Order for a disabled bay in Greig Crescent in Armadale. The bay was included in an Order (ref: PTO 18/05) along with numerous other new bays and amendments and was advertised in October 2018. Two objections were received, both in relation to the proposed bay in Greig Crescent.

### **D2 Details of the objections received and officers responses**

Copies of the objections are provided in Appendices 1 and 2.

Both objections state that the bay is not required because the applicant does not have a vehicle at the address.

#### ***Officer's response***

Under the Disabled Parking Places (Scotland) Act 2009 the council is required to provide bays, where it has the power to do so, when a request is made by a qualifying person (as defined within the Act). The requirements are that the applicant has a valid blue badge, and that there is a vehicle registered to the same address as the applicant.

In this case, officers have seen the blue badge and the vehicle registration document which matches with the address of the blue badge holder and therefore, in terms of the Act, the applicant is a qualifying person. There is no other evidence, other than that contained within the objections, that the applicant is not a qualifying person.

Therefore, it is the officer's opinion that the council has a duty to provide the bay.

The most appropriate position for the disabled bay to be installed on the public road network, which has been accepted by the applicant, is shown in Appendix 3.

It should also be noted that any person with an appropriate blue badge and vehicle can use this bay, it is not for the sole use of the applicant.

If it is considered or alleged by members of the public that the misuse of a blue badge or a legal bay is occurring, then this can be reported to Police Scotland accordingly. The Police will be able to take the appropriate enforcement action against offending motorists if the bay is made legally enforceable by the conclusion of the statutory Traffic Regulation Order process.

### **D3 CONSULTATION**

Police Scotland was consulted and officers are happy to support the recommendation. Officers noted that there is ample on-street parking for other vehicles.

Disability West Lothian was consulted and made no comments.

Local ward members were consulted and provided comments as follows:

- Councillor Borrowman commented that he had no grounds to question the assessment of officers.
- Councillors A Macguire and S King made no comments.

### **D4 SUMMARY**

It is considered that these two objections should not prevent this bay being made legally enforceable by the promotion of the Traffic Regulation Order. Once this order has been made, Police Scotland can provide the necessary level of enforcement to ensure that this bay is not abused or being misused by members of the public.

### **E. CONCLUSION**

It is recommended that the objections to the parking bay in Greig Crescent, Armadale are not upheld and the Traffic Regulation Order is made for the bay in question.

### **F. BACKGROUND REFERENCES**

None.

#### **Appendices/Attachments:**

Appendix 1 – Objection 1 details

Appendix 2 – Objection 2 details

Appendix 3 – Proposed agreed location drawing for the disabled persons parking bay

Contact Person: Kevin Hamilton, Roads Network Manager tel: 01506 282341, e-mail: [kevin.hamilton@westlothian.gov.uk](mailto:kevin.hamilton@westlothian.gov.uk)

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 15 January 2018

## **APPENDIX 1**

---

From: [REDACTED]  
Sent: 21 March 2018 18:32  
To: Noble, Graeme  
Subject: Re: Enquiry 6737561 - Disabled parking place at Greig Crescent, Armadale -  
[OFFICIAL]

Thank you for your e-mail.

I would like to confirm that I object to a disabled parking space in Greig Crescent, Armadale. My reason for this is that the person requesting the disabled bay does not keep a vehicle at their home address over night or even on a daily basis as the vehicle in question only appears once a week to pick up the applicant and then drop off again, so essentially creating a parking bay, which is in my opinion not necessary and is going to make parking even more difficult for the residents of Greig Crescent if there is a space taken up by a bay which would not be used.

Please notify me of a formal consultation so I may formally object to this.

Many thanks  
[REDACTED]

---

From: Noble, Graeme  
Sent: 21 March 2018 09:31  
To: [REDACTED]  
Subject: Enquiry 6737561 - Disabled parking place at Greig Crescent, Armadale -  
[OFFICIAL]  
DATA LABEL: OFFICIAL

Dear [REDACTED]

Thank you for your enquiry to West Lothian Council regarding a proposed disabled parking bay in Greig Crescent, Armadale.

Under the Disabled Parking Places (Scotland) Act 2009 the council are required to provide bays, where it has the power to do so, when a request is made by a qualifying person (as defined within the Act). The request that we received from a resident at Greig Crescent included the appropriate documentation to support that they are a qualifying person and on this basis we are required by the Act to provide a disabled parking place. As included within your enquiry if it is considered that the misuse of a blue badge is occurring then this should be reported to Police Scotland accordingly. The bay is marked in an advisory capacity in the first instance in line with Section (9) of the Act.

If you can confirm that you wish to object to the bay being made legally enforceable then I will retain your details within our records to ensure that you are notified of the consultation period at which point a formal objection can be made in writing to the Chief Solicitor.

I hope that this is of assistance with regards to your enquiry.

Best Regards,  
Graeme Noble

## **APPENDIX 2**

For the attention of The Chief Solicitor

I would like to raise a formal objection the proposed disabled parking bay at ■ Greig Crescent, Armadale.

I visit family regularly who live in this street as I look after my grand children. I wonder if you have visited Greg Crescent. The parking situation is already restricted due to this being a pre war street so extremely narrow so you cannot park both sides of the street, to do so would leave no space for other drivers or emergency services to get through.

I do appreciate the need for disabled parking bays for those people in genuine need whereas I do not believe this to be the case for ■ Greig Crescent. I believe the parking bay in question is being requested as a deliberate attempt to stop residents and/or their families being able to get parked.

Since the Council marked what I understand to be a temporary bay I have never once saw the supposed mobility vehicle in fact this bay lies vacant 24/7. Furthermore the space is so big you could park a bus in it so in effect if this proposal goes ahead there will be 2 less parking spaces which is absolutely disgraceful.

Not once has the applicants alleged motor vehicle been parked in the space so this much needed space has lain empty/unused for almost 6 months- surely this is not a valid reason for the Council to grant such a request.

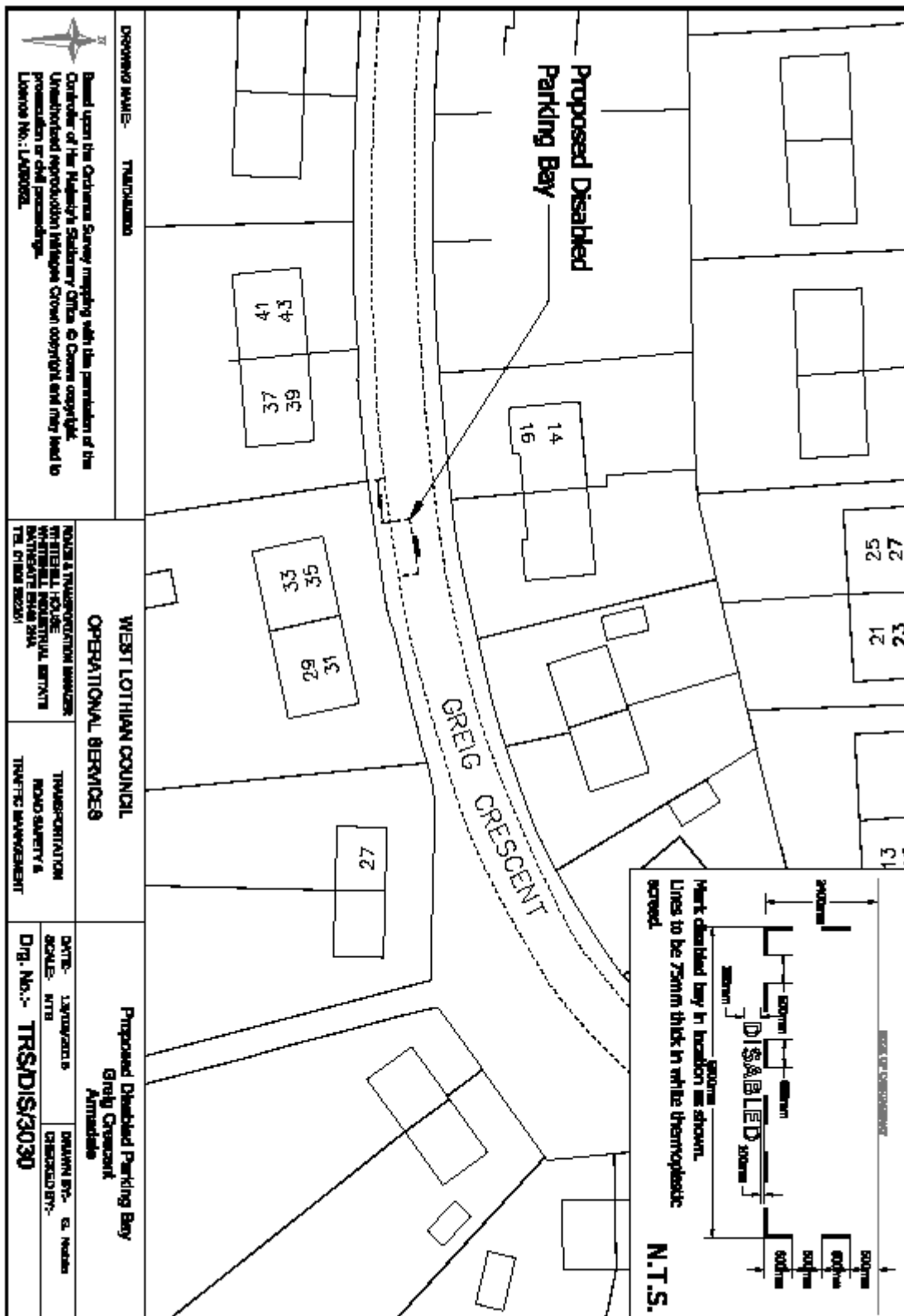
The mobility car in question I understand is used by another family member and parked 365 days a year in another town altogether!

Under the circumstances given that non disabled should have the same rights and be permitted to park their vehicle at their home address too. Given my objections I urge you to reassess this application.

Yours faithfully

■

Armadale







## **COUNCIL EXECUTIVE**

### **PROCUREMENT ARRANGEMENTS - ONGOING PURCHASING OF RESOURCES AND TRAINING FROM TRIPLE P.**

#### **REPORT BY HEAD OF CORPORATE**

#### **A. PURPOSE OF REPORT**

To seek Council Executive approval for a direct award for the ongoing purchasing of resources and training from Triple P for a 5 year period.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive approves procurement from Triple P to allow continued delivery of services in the Early Years and Early Intervention and Prevention areas. The anticipated contract value is £37,500

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Children (Scotland) Act 1995 Children and Young People (Scotland) Act 2014 Getting It Right For Every Child. Standing Orders of West Lothian Council and the Public Contracts Scotland (Regulations) 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Giving children the best start in life.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The annual budget is £7,500
<b>VII</b>	<b>Consideration at PDSP</b>	The Psychology of Parenting Project (of which Triple P Standard is part of) was considered by

**VIII Other consultations**

Our continued partnership work with NHS Education Scotland on the Psychology of Parenting Project will ensure that some of our training and resource costs will continue to be met by them. The Corporate Procurement Unit was consulted and the Corporate Finance Manager was consulted on budget implications.

**D. TERMS OF REPORT**

**D.1 Background**

The Triple P Positive Parenting Programme is a parenting and family support system designed to prevent and treat behavioural and emotional problems in children and teenagers. It aims to prevent problems in the family, school and community before they arise and to create family environments that encourage children to realise their potential.

Triple P draws on social learning, cognitive behavioral and developmental theory as well as research into risk factors associated with the development of social and behavioral problems in children. It aims to equip parents and carers with the skills and confidence they need to be self-sufficient and to be able to manage family issues without ongoing support. Triple P Standard is delivered to parents of children up to 12 years, with Teen Triple P for parents of 12 to 16 year olds. There are also specialist programs for parents of children with a disability (Stepping Stones), one-off discussion groups and on-line courses.

The council have delivered Triple P programmes in West Lothian since 2013. Embedding this programme into service plans was part of the original the Psychology of Parenting Project plan and the council have been successful in developing supports in Teen Triple P and Stepping Stones as well as the Standard programme.

In order to continue to develop and deliver these services the council need to be able to procure resources and training directly from Triple P on an ongoing basis.

Triple P is ranked by the United Nations as the number 1 parenting programme in the world, based on the extent of its body of evidence. It is one of our main interventions aimed at supporting families in need in West Lothian.

**D2 In House Capability and Business Case Exemption**

There is no in house capability to undertake this service.

With previous expenditure now exceeding the Head of Corporate Services approval for a Business Case Exemption, Council Executive is required to consider the terms of this Report.

**D3 Budget**

The annual budget available for the delivery of the Positive Parenting Programme is £7,500 per annum.

**E. CONCLUSION**

It is recommended that the Council Executive approves spend of £37,500 over the next 5 years in order to support the delivery of the Positive Parenting Programme.

**F. BACKGROUND REFERENCES**

Appendices/Attachments: None

Contact Person: Tom Henderson Category Manager

Tel: 01506 281805

E mail: Tom.Henderson@westlothian.gov.uk

Julie Whitelaw

Head of Corporate Services

Date of meeting: 15 January 2019





## **COUNCIL EXECUTIVE**

### **REVISION OF OPERATIONAL PRACTICES AT HOUSEHOLD WASTE RECYCLING CENTRES – TRANSFORMING YOUR COUNCIL**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

To seek approval to revise opening hours for the council's Household Waste Recycling Centres based upon the proposal requested to deliver the approved savings with regards to the council's Household Waste Recycling Centres.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. Approves the proposal presented in the report
2. Notes the potential impacts and risks

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on customer needs</li><li>• Being honest, open and accountable</li><li>• Making best use of our resources</li></ul>
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>All activities within Recycling &amp; Waste Services ensure the council is complying with statutory requirements at Scottish, UK and EU level with respect to the collection, handling and processing of household waste. The Refuse Disposal (Amenity) Act 1978 requires that Local Authorities provide sites where a person can dispose of refuse free of charge. The exception to this is refuse generated by business activities.</p> <p>The proposals are all legally compliant with current interpretations of the provision of Civic Amenity sites as deployed by a variety of Scottish Local Authorities.</p> <p>An appraisal of the risks posed by lone working has been undertaken and the proposed hours and working patterns ensure that two operatives are on site during operational hours.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance indicators</b>	<p>Reduction in recycling rates of varying degrees due to the drop in access and capability within the sites.</p> <p>Potential increase in the volume and cost of managing illegal flytipping due to access and capacity issues, which could be further impacted by saving being processed within NETS, Land &amp; Countryside reducing the enforcement capacity.</p> <p>Potential for increased complaints due to perceived reductions in the level of service offered.</p>
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	SOA 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p>Scottish Government revenue grant funding is not sufficient to meet increasing costs and demand for services. Based on budget assumptions, the council faced a significant revenue budget gap of £65.3 million over the five year period.</p> <p>A budget reduction of £321,000 to be delivered from 1 April 2019 was approved by Council on 13 February 2018. This would result in a 9.0 FTE reduction in staffing at the HWRCs.</p> <p>There will not be an associated reduction in property costs due to the desire to retain all 5 sites.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	<p>PDSP has considered and recommended approval on 30 October 2018 and requested the following actions to be progressed:</p> <ul style="list-style-type: none"> <li>• Investigate if there is likely to be traffic issues at Oakbank following planning permission being granted for a new housing site.</li> <li>• Consider options for working in partnership with other recycling and third sector organisations.</li> <li>• Consideration of the ability to enable businesses to access recycling services to the benefit of the council and local economy.</li> </ul>
<b>VIII</b>	<b>Other consultations</b>	<p>Financial Management Unit</p> <p>Transforming Your Council public consultation</p> <p>Environmental PDSP – 30 October 2018</p>

## **D. TERMS OF REPORT**

### **D.1 INTRODUCTION**

Council Executive on 6 February 2018 agreed that a proposal for closing three of the five Household Waste Recycling Centres (HWRCs) should be replaced by an alternative reduction measure which was subsequently agreed by Council on 13 February 2018 to

maintain all of the locations but review the operating hours to deliver the saving required of £321,000 from 1 April 2019.

## D.2 BACKGROUND

Within West Lothian, the recycling centres have undergone significant changes since 2015 as a result of efficiency measures. Prior to 2015 the service operated six Civic Amenity Sites serving an area of 427 sq km in Broxburn, Blackburn, Deans, Linlithgow, Oakbank and Whitburn.

Each site had a staffing establishment of four employees working on a rolling shift with two staff members being present on site at all times during operating hours. The requirement to have two members of staff on site at all times has been accepted as being the most suitable method of handling the volumes of traffic at the sites, the size of the sites and the safety of operatives in terms of risk to lone workers and the potential for violence and aggression given the requirement to challenge illegal trade use of facilities

The sites themselves were accessible to both members of the public and commercial businesses. Whilst the sites were free for householders; commercial businesses were charged, via a permit scheme, for any material deposited. The charging system was based upon a transparent full cost recovery model and charged in 500kg increments (1 permit = 500kg) with 500kg being the minimum charge, costing £79.83 for 2015/2016.

In April 2015 under Delivering Better Outcomes, the staffing resource at the sites was reduced from four to three and the hours altered to a four month peak season opening of 9am to 7pm and an eight month low season opening of 10am to 5pm, seven days per week.

This change delivered a staffing saving of £152,000 and with a change in operational focus to drive a recycling change which was anticipated to be in the region of a 10% improvement, a further £128,000 would be saved from disposal costs.

In April 2018, as a result of the completion and move to the Whitehill Service Centre, Deans Recycling Centre was closed and due to a subsequent saving approved as a part of the budget process on 13<sup>th</sup> February 2018, the proposed Commercial Recycling Centre was not opened and a saving of 2.0FTE was made as a result. At the same time the ceasing of the acceptance of all commercial waste was implemented through the introduction of new site rules, which were drawn from extensive research into policies and practices across the UK.

A summary of the site performance information is shown in the table below:

Year	2014/2015	2015/2016	2016/2017	2017/2018
<b>Number of sites</b>	6	6	6	6
<b>Visits recorded</b>	545,954	583,597	644,880	688,328
<b>Tonnage Handled</b>	23,296	25,131	26,196	26,960
<b>Tonnage Recycled</b>	11,648	14,576	14,145	15,313
<b>Recycling Rate</b>	50%	58%	54%	56.8%

From the table it can be seen that there has been a steady increase in the number of site users, of between 7% and 11% per year. This reflects West Lothian's increasing population but also the impacts of reductions in service across other authorities. The steady increase has occurred despite the constraining of hours in April 2015 and would suggest that the popularity of the sites and public need remains high. As usage has increased, tonnage throughput has also increased but at a slower rate. The percentage recycling increased significantly following the implementation of the new operational procedures and staff training; however it dropped in 2016/2017 due to an increase in non-recyclable material being deposited following the roll out of the 140 litre residual waste service. It has since improved again following this initial drop in performance.

### D.2.1 Options to Deliver the approved savings

In order to deliver the approved savings, which are the equivalent of closing three HWRCs, the number of operational hours must be reduced by the same level. With the sites all operating on a 7 day per week opening pattern, the average hours per week that each site is open to the public is 56 hours. With five sites operating this is a total of 280 operational hours per week across the five HWRC. In order to reduce this total to deliver the approved saving the total operational hours require reduced to 112 operational hours per week across the five sites. This reduces the establishment by 9.0 FTE from the current establishment of 18.0 FTE (15.0 FTE frontline staff and 3.0 FTE cover staff).

The proposal detailed within this section was presented at the Environment PDSP and allows the reduction to be made in operational hours, whilst still maintaining five HWRC locations, based upon usage patterns.

#### Current System

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Total
Oakbank	8	8	8	8	8	8	8	56
Whitburn	8	8	8	8	8	8	8	56
Blackburn	8	8	8	8	8	8	8	56
Linlithgow	8	8	8	8	8	8	8	56
Broxburn	8	8	8	8	8	8	8	56
GRAND TOTAL								280

#### Proposal provided at PDSP

At the Environment PDSP the proposal put forward to deliver the required savings involved the two main sites being open at the weekend and three days during the week. The smaller sites were to be open at the weekend and for two days during the week. In order to facilitate this pattern and manage customer demand it would be suggested that sites are open from 1000 – 1400 on weekday opening and from 1000 – 1620 at the weekend, based upon the user data shown within the appendix to this report.



	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Total
Oakbank	4		4		4	6.4	6.4	24.8
Whitburn	4		4		4	6.4	6.4	24.8
Blackburn		4		4		6.4	6.4	20.8
Linlithgow		4		4		6.4	6.4	20.8
Broxburn		4		4		6.4	6.4	20.8
<b>GRAND TOTAL</b>								<b>112</b>

Due to the anticipated increase in demand for the use of the sites, following the reduction in accessible hours, the only sites that are designed to operate with a significant flow of traffic are Oakbank and Whitburn which is why they are open more often than Blackburn, Linlithgow and Broxburn.

This option would likely result in the requirement to redeploy all of the existing staff members, 18.0 FTE, as it is not possible to generate a 36 hour contract on this pattern. The service would therefore have to look to recruit and train new HWRC operatives to staff this pattern.

The differential opening pattern shown ensures that all sites are open at the weekend and that the two main sites are open more often than the three minor sites.

### **New Proposal**

The proposal put forward at PDSP represented a solution to delivering the approved saving whilst providing the widest access to the public at times that fit demand. Having taken due recognition of the discussion and comments at the PDSP and Council Executive, during the presentation of other Recycling & Waste TYC proposal papers, consideration has been given to the potential to incorporate a method of allowing business access for materials that can offset the operational costs through the generation of an income from materials sales or cost neutral recycling and reuse.

It is proposed that the 5 sites are opened, during the week, for an additional 2 hour period each day to provide capacity for local businesses to deposit specific materials for which the business would have a pre-approved council issued access pass (approval and application process highlighted in Appendix 2). The general public would also have access to the sites during these hours. However commercial access would not be permitted at weekends. The operating hours proposed are shown in the following table.

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
	<b>Hours per day</b>	<b>Hours per day</b>	<b>Hours per day</b>	<b>Hours per day</b>	<b>Hours per day</b>	<b>Hours per day</b>	<b>Hours per day</b>
Oakbank	8am - 2pm All Access		8am - 2pm All Access		8am - 2pm All Access	10am – 4pm Household Access Only	10am – 4pm Household Access Only
Whitburn	8am - 2pm All Access		8am - 2pm All Access		8am - 2pm All Access	10am – 4pm Household Access Only	10am – 4pm Household Access Only
Blackburn		8am - 2pm All Access		8am - 2pm All Access		10am – 4pm Household Access Only	10am – 4pm Household Access Only
Linlithgow		8am - 2pm All Access		8am - 2pm All Access		10am – 4pm Household Access Only	10am – 4pm Household Access Only
Broxburn		8am - 2pm All Access		8am - 2pm All Access		10am – 4pm Household Access Only	10am – 4pm Household Access Only

The permitting of business access and widening the capacity at the sites, from the original proposal, enables the site staff a greater ability to manage the potential flow of vehicles into the sites, given the significant reduction in overall opening hours.

The additional cost of the capacity increase is £29,000 when compared to the 112 hours per week proposal put forward at PDSP, which provides a NET additional 20 operating hours across the sites per week. This assumes that a shift allowance is no longer payable due to the change to a fixed working week and combinations of full time and part time contracts to provide the staffing complement required.

In order to offset this additional cost it is anticipated that the access permitted to local businesses will allow the council to generate an income based upon the additional tonnage that will be brought in. A target of 1,000 Tonnes of material across the year would be set and monitored through the standard budget monitoring process. The tonnage required represents around 4% of the total tonnage handled by the site and when combined with the removal of commercial waste services offered directly by the council, which commences on the 1<sup>st</sup> April 2019, represents a reasonable target for the sites to achieve.

<b>Material</b>	<b>Target Tonnes</b>	<b>Current market price</b>	<b>Income Target</b>
Cardboard/Paper	600	£10	£ 6,000
Metal	200	£85	£ 17,000
Glass	200	£30	£ 6,000
<b>Total</b>	<b>1000</b>		<b>£ 29,000</b>

This proposal allows capacity to be provided for local businesses to access the site and allows for longer opening hours than the original proposal for the public, based on the achievement of a modest income target to offset the additional staffing cost. The proposal seeks to provide an option for the deposit and processing of key recyclable materials for local businesses who may require a cost effective and accessible outlet for the small volumes of materials that they produce following the removal of the direct trade waste collection service previously offered by the council.

### **D.3 RISKS**

In terms of direct financial risks the approved savings reduction can be achieved through the adoption of a reduction in operational hours to 132 hours per week in conjunction with delivering an income to offset the additional 20 hours over the original PDSP proposal.

However it should be noted that there are financial risks outwith the direct saving that must be considered. There is a risk that illegal flytipping could increase, both at the site gates and in the surrounding areas, or through smaller items and bagged material being disposed of via the grey bin or as contamination in the blue bin as a result of the reduced number of days each facility is open

All businesses and traders have a legal duty to dispose of their waste and recycling through a registered waste operator. The council estimates that around 80% of fly-tipping is commercial-related, and it is believed that the increase noted to date is likely to be linked to the rising costs of waste disposal for companies.

Any additional pressure which may arise through flytipping would be unbudgeted as it currently stands. The amended proposal, incorporating access for businesses to deposit key recyclables will assist in limiting this impact.

As well as financial risks there is the risk, under the proposed scenario, that the service would be unable to recruit to the new opening hours.

A general safety risk must also be called out due to the potential for significant increases in the peak volumes of traffic at the HWRC.

There is also a risk that the income target are not achieved, either through changes in market conditions for the sale of materials or through the tonnage targets not being met. This will be monitored throughout the implementation process and during regular financial monitoring.

### **D.4 NEXT STEPS**

The service will communicate and consult with staff and Trade Unions to implement the changes required. Key to this will be managing the workforce change aspects of the opening pattern which is to be implemented.

If the proposal is approved Recycling & Waste Services staff will initiate a communication strategy that will include: training and briefing the new HWRC staff, briefing the existing HWRC staff on the changes to enable them to engage with the site users, providing short information cards for handing out to site users, lettering existing commercial customers about the change and how to obtain a Waste Carriers Registration number from SEPA, site signage, website information, social media releases and articles within Bulletin. All of these routes for communication will help to enable the transition to the new operational hours to take place as effectively as possible.

## **E. CONCLUSION**

The successful delivery of the approved savings measures is dependent on selecting a solution that disadvantages as few site users as possible and the proposal put forward is felt to meet the requirements of residents in terms of access times and patterns as well as supporting local businesses to recycle their commonly produced recyclable waste materials. The service has the ability to implement any pattern selected quickly and will continue to deliver a safe, efficient and effective HWRC service from our sites. Additionally, robust monitoring of external impacts from any change implemented must take place in order to ensure that any negative behaviour changes or illegal dumping of materials is challenged and addressed.

## **F. BACKGROUND REFERENCES**

Council Executive Report of 10 March 2015  
Environment PDSP Report of 7 September 2017  
Environment PDSP Report of 30 October 2018

Appendices/Attachments:

Appendix 1 – Recycling Centre Site Traffic Data  
Appendix 2 – Pre-approved Access Pass process

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**JIM JACK**  
**HEAD OF OPERATIONAL SERVICES**  
**15 JANUARY 2019**

## Appendix 1 – Recycling Site Traffic Data 2017 (January to July)

Blackburn 2017									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	368	294	322	328	370	476	253	2411	344
10:00-11:00	1429	1241	1379	1167	1299	1761	1576	9852	1407
11:00-12:00	1428	1254	1209	1138	1189	1850	2001	10069	1438
12:00-13:00	1383	1437	1256	1177	1181	1771	2009	10214	1459
13:00-14:00	1438	1350	1309	1208	1182	1701	2186	10374	1482
14:00-15:00	1493	1375	1372	1265	1400	1641	2192	10738	1534
15:00-16:00	1475	1250	1281	1228	1320	1628	1845	10027	1432
16:00-17:00	1060	1065	1078	1025	1015	996	1116	7355	1051
17:00-18:00	236	185	192	197	195	116	139	1260	180
18:00-19:00	219	155	162	163	126	81	77	983	140
Total	10529	9606	9560	8896	9277	12021	13394	73283	10469

Broxburn 2017									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	181	150	160	175	238	218	165	1287	184
10:00-11:00	1032	926	941	884	1000	1297	1074	7154	1022
11:00-12:00	1026	860	906	824	933	1271	1342	7162	1023
12:00-13:00	959	853	857	738	751	1163	1499	6820	974
13:00-14:00	914	800	807	725	735	1142	1461	6584	941
14:00-15:00	1065	913	939	802	896	1145	1433	7193	1028
15:00-16:00	859	835	782	708	872	1142	1436	6634	948
16:00-17:00	701	594	638	534	577	696	810	4550	650
17:00-18:00	134	102	103	112	102	107	110	770	110
18:00-19:00	101	79	95	91	76	54	58	554	79
Total	6972	6112	6228	5593	6180	8235	9388	48708	6958

Linlithgow 2017									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	344	283	329	331	297	344	238	2166	309
10:00-11:00	1140	975	1094	1035	1100	1371	1372	8087	1155
11:00-12:00	1170	982	1029	943	1049	1328	1603	8104	1158
12:00-13:00	1077	904	897	867	869	1287	1638	7539	1077
13:00-14:00	954	762	797	799	959	1146	1583	7000	1000
14:00-15:00	1096	908	974	875	1056	1266	1720	7895	1128
15:00-16:00	1048	908	982	840	1000	1295	1715	7788	1113
16:00-17:00	694	568	655	569	700	855	959	5000	714
17:00-18:00	147	117	144	127	116	114	117	882	126
18:00-19:00	80	47	68	58	50	28	34	365	52
Total	7750	6454	6969	6444	7196	9034	10979	54826	7832

**Oakbank  
2017**

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	311	267	272	316	329	391	230	2116	302
10:00-11:00	2206	2139	2057	1953	2193	2847	2743	16138	2305
11:00-12:00	2491	2018	2120	1918	2099	2914	3346	16906	2415
12:00-13:00	2311	2002	2036	1858	2031	2874	3382	16494	2356
13:00-14:00	2156	1890	1963	1860	1980	2723	3466	16038	2291
14:00-15:00	2353	2209	2215	2107	2205	2749	3599	17437	2491
15:00-16:00	2252	2018	2113	1970	2253	2834	3374	16814	2402
16:00-17:00	1938	1702	1819	1591	1749	1889	2307	12995	1856
17:00-18:00	361	321	337	269	288	249	249	2074	296
18:00-19:00	241	170	207	179	170	97	94	1158	165
<b>Total</b>	<b>16620</b>	<b>14736</b>	<b>15139</b>	<b>14021</b>	<b>15297</b>	<b>19567</b>	<b>22790</b>	<b>118170</b>	<b>16881</b>

**Whitburn  
2017**

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	231	206	208	205	248	336	156	1590	227
10:00-11:00	1518	1363	1435	1309	1415	1903	1726	10669	1524
11:00-12:00	1506	1401	1323	1198	1409	1946	1974	10757	1537
12:00-13:00	1529	1329	1239	1239	1286	1777	2252	10651	1522
13:00-14:00	1525	1303	1349	1238	1246	1789	2207	10657	1522
14:00-15:00	1663	1507	1546	1470	1442	1942	2315	11885	1698
15:00-16:00	1573	1386	1478	1235	1514	1654	2205	11045	1578
16:00-17:00	1230	1130	1144	1040	1121	1159	1327	8151	1164
17:00-18:00	260	202	244	216	232	170	187	1511	216
18:00-19:00	216	160	203	159	140	80	83	1041	149
<b>Total</b>	<b>11251</b>	<b>9987</b>	<b>10169</b>	<b>9309</b>	<b>10053</b>	<b>12756</b>	<b>14432</b>	<b>77957</b>	<b>11137</b>

## 2018 Data (January to July)

Blackburn 2018									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	270	293	255	292	315	358	178	1961	280
10:00-11:00	1435	1428	1392	1427	1380	2069	1782	10913	1559
11:00-12:00	1466	1332	1316	1297	1363	2053	2142	10969	1567
12:00-13:00	1410	1338	1324	1301	1247	1940	2338	10898	1557
13:00-14:00	1434	1400	1352	1307	1331	2005	2370	11199	1600
14:00-15:00	1566	1378	1399	1390	1356	1992	2210	11291	1613
15:00-16:00	1356	1258	1236	1303	1431	1906	2045	10535	1505
16:00-17:00	1071	984	990	926	1005	1030	1189	7195	1028
17:00-18:00	203	204	171	128	177	118	148	1149	164
18:00-19:00	108	158	142	113	129	50	77	777	111
<b>Total</b>	<b>10319</b>	<b>9773</b>	<b>9577</b>	<b>9484</b>	<b>9734</b>	<b>13521</b>	<b>14479</b>	<b>76887</b>	<b>10984</b>

Broxburn 2018									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	201	158	182	165	208	259	127	1300	186
10:00-11:00	1077	983	903	914	953	1410	1186	7426	1061
11:00-12:00	977	968	890	859	908	1462	1298	7362	1052
12:00-13:00	967	926	911	850	823	1433	1515	7425	1061
13:00-14:00	990	888	790	723	852	1306	1498	7047	1007
14:00-15:00	1001	938	851	852	893	1382	1541	7458	1065
15:00-16:00	796	776	744	755	803	1285	1412	6571	939
16:00-17:00	643	638	619	614	627	802	867	4810	687
17:00-18:00	142	121	108	81	116	102	84	754	108
18:00-19:00	84	99	84	88	88	44	78	565	81
<b>Total</b>	<b>6878</b>	<b>6495</b>	<b>6082</b>	<b>5901</b>	<b>6271</b>	<b>9485</b>	<b>9606</b>	<b>50718</b>	<b>7245</b>

Linlithgow 2018									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	306	279	266	296	279	300	205	1931	276
10:00-11:00	1074	998	957	1060	1072	1415	1256	7832	1119
11:00-12:00	1092	1043	900	989	992	1385	1490	7891	1127
12:00-13:00	935	848	827	864	827	1267	1547	7115	1016
13:00-14:00	879	798	780	721	858	1146	1485	6667	952
14:00-15:00	1016	893	927	865	956	1240	1552	7449	1064
15:00-16:00	898	786	853	788	915	1267	1567	7074	1011
16:00-17:00	664	518	528	550	629	762	884	4535	648
17:00-18:00	87	79	95	67	74	76	79	557	80
18:00-19:00	58	70	51	49	41	38	27	334	48
<b>Total</b>	<b>7009</b>	<b>6312</b>	<b>6184</b>	<b>6249</b>	<b>6643</b>	<b>8896</b>	<b>10092</b>	<b>51385</b>	<b>7341</b>

Oakbank 2018									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	349	395	320	321	413	566	300	2664	381
10:00-11:00	2442	2328	2300	2238	2396	3151	2707	17562	2509
11:00-12:00	2596	2416	2388	2247	2517	3340	3447	18951	2707
12:00-13:00	2425	2408	2260	2215	2318	3381	3640	18647	2664
13:00-14:00	2533	2226	2294	2191	2206	3237	3735	18422	2632
14:00-15:00	2639	2533	2492	2461	2460	3456	3811	19852	2836
15:00-16:00	2456	2398	2212	2214	2406	3343	3505	18534	2648
16:00-17:00	1936	1872	1752	1658	1741	2222	2211	13392	1913
17:00-18:00	370	353	332	294	311	296	278	2234	319
18:00-19:00	241	263	200	181	202	165	152	1404	201
Total	17987	17192	16550	16020	16970	23157	23786	131662	18809

Whitburn 2018									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total	Average
9:00-10:00	210	172	171	183	238	285	124	1383	198
10:00-11:00	1370	1314	1306	1276	1448	2069	1688	10471	1496
11:00-12:00	1357	1278	1314	1241	1430	2122	2049	10791	1542
12:00-13:00	1408	1277	1245	1141	1303	2103	2171	10648	1521
13:00-14:00	1446	1260	1277	1305	1280	2013	2489	11070	1581
14:00-15:00	1507	1437	1291	1368	1406	1984	2183	11176	1597
15:00-16:00	1427	1301	1221	1322	1480	1786	1971	10508	1501
16:00-17:00	1095	1047	944	1035	1074	1032	1148	7375	1054
17:00-18:00	224	206	165	146	154	91	129	1115	159
18:00-19:00	123	134	124	134	104	73	88	780	111
Total	10167	9426	9058	9151	9917	13558	14040	75317	10760



## **Appendix 2 – Pre-approved Access Pass process**

Businesses will be able to register for a Business Recycling Access Pass; this will be a non-chargeable service.

Development of the registration process will be undertaken and it is hoped that an online e-form will be the most appropriate methods for capturing this information and processing the request.

The registration process will consist of a cross check of its Waste Carriers Licence Registration against SEPA's online database.

Once this check has been completed, an annual Waste Transfer Note will be issued by the Council which can be used by businesses to evidence compliance with the Waste (Scotland) Regulations 2012. The regulations place a legal duty for any businesses that produce, handle or dispose of waste to hold a Waste Transfer Note under Duty of Care legislation. The Waste Transfer Note contains a written description of the waste which enables anyone handling it to do so safely and appropriately.

Business Recycling Access Passes will be issued, and will be re-issued on a calendar year basis. The design of the Access Pass is to be confirmed but will be sized so that can be carried easily.

Businesses will then be required to produce their Business Recycling Access Pass in order to access the sites during the business only hours to deposit their glass bottles and jars, paper, card, metal packaging, scrap metal, books, DVDs and clothes.

Any business attempting to deposit material other than those listed as suitable for a Business Recycling Access Pass will have their pass revoked and be reported to Recycling & Waste Services for onward notification to SEPA.

Householders are not permitted to access the sites during business only hours and businesses may not access the sites during public access hours.





## **COUNCIL EXECUTIVE**

### **CONSULTATION ON STATUTORY TRANSPORT NOISE ACTION PLAN**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of the Transport Scotland consultation on the statutory Transportation Noise Action Plan 2019-2023 and seek approval for the proposed response in [Appendix 1](#).

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the contents of this report and the proposed consultation response in [Appendix 1](#); and,
2. approves the proposed consultation response contained in [Appendix 1](#).

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p><a href="#">Environmental Noise Directive 2002</a></p> <p><a href="#">Environmental Noise (Scotland) Regulations 2006</a></p> <p>There are no equality issues</p> <p>Management of environmental noise is to address health problems caused by homes affected by routinely elevated noise levels</p> <p>Responsibility for the Strategic Environmental assessment lies with the Scottish Government. The <a href="#">2008 SEA is published online</a></p> <p>In support of policy EMG 5 of the West Lothian Local Development Plan the council has in place Supplementary Guidance on Noise.</p>
<b>III Implications for Scheme of Delegations</b>	There are no implications for the Scheme of Delegation. No new delegations are proposed.

## to Officers

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	There are no performance indicators associated with environmental noise management.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>Our children have the best start in life and are ready to succeed</p> <p>We live in resilient, cohesive and safe communities</p> <p>People most at risk are protected and supported to achieve improved life chances</p> <p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The draft Transport Noise Action Plan does not provide detail on expectations on local authorities, which have responsibilities for many of the roads identified. It is, therefore, not possible to identify future resource requirements.
<b>VII</b>	<b>Consideration at PDSP</b>	This consultation was not considered at the Environment PDSP due to the restricted timescale.
<b>VIII</b>	<b>Other consultations</b>	Roads & Transportation Planning Services

## **D. TERMS OF REPORT**

### **D1 Introduction**

Elevated background noise levels are recognised to lead to health problems, including those of the cardiovascular system. It is, therefore, important for the health of our residents that homes are not exposed to elevated background noise levels.

This report relates to the strategic mapping and action planning for noise from transport sources. Council approved Supplementary Guidance on Planning and Noise manages this issue on a case by case basis for new developments.

This report relates to the [current Scottish Government consultation](#) on the proposed action plan for 2019-23 to deal with noise from transport sources outwith the four large city areas, referred to in the report as agglomerations.

Assessment is limited to:

- Roads with more than 3,000,000 (three million) vehicle passages per year; and
- Railways with more than 30,000 (thirty thousand) train passages per year.

These criteria remain the same as the Round 2 noise mapping.

Air traffic noise is the responsibility of the airports and Civil Aviation Authority and is not covered by this consultation. Data and maps are available on the [Scotland's Noise web site](#).

## **D2 Background**

The Environmental Noise Directive (END) requires the Scottish Government on a five yearly cycle (rounds) to:

- produce strategic noise maps;
- prepare a series of specific noise action plans based on the results of these noise maps; and
- develop Noise Action Plans (NAPs) to prioritise the management of noise.

It does not set limit values, nor does it prescribe Action Plans measures. These remain at the discretion (in this case) of the Scottish Government.

Rounds 1 and 2 of noise modelling have previously been completed and actions are now underway on Round 3. The round 3 noise mapping, a five year update of the Round 2 mapping, took place during 2017 and the results are published on the [Scotland's Noise website](#). D4 outlines the key findings as they currently stand.

The consultation closes on 16 January 2019. It is anticipated that the NAPs will be adopted by the Scottish Government in summer 2019 following any changes being made which arise from the consultation exercise. Summaries of the NAPs will be provided to the European Commission.

If a major development occurs within the five year life of the NAPs, which affects the approved NAPS, the plans will be reviewed and revised if necessary.

## **D3 Noise maps**

Responsibility for producing the noise maps and NAPS lies with the Scottish Government via Transport Scotland.

Transport Scotland clearly seeks a collaborative approach with local authorities. The proposed consultation response makes it explicit that whilst West Lothian Council has a strong track record on collaborative working, this will be dependent on the availability of revenue funding for staff resources and capital funding for any identified necessary works.

The European Commission's advisory group on environmental noise recommends that Member States use computer modelling rather than measurements when measuring noise for Noise Mapping purposes. There are several technical and practical reasons why noise maps are normally produced using computer predictions rather than from noise measurements. It is worth noting that because the maps are not based on direct measurements:

- they cannot be used to determine the noise level at any specific property;
- the noise levels represent annual averages; and
- the predicted noise is at 4m above ground level, not ground or human ear height.

#### **D4 Candidate Noise Management Areas (CNMAs)**

Initial analysis of the noise map, using the Prioritisation Matrix in Section 5.1 of the draft document, provides a focus for deriving actions to manage noise by identifying Candidate Noise Management Areas (CNMAs). This prioritises buildings with a high population density exposed to high levels of transport noise. In practice, flats close to busy roads or railways are most likely to be prioritised.

Determination of a CNMA is simply a means of highlighting that a geographical area should be considered further in terms of a potential need for noise management. It may be that following further analysis, the area will be disregarded entirely or extended or reduced.

CNMAs for West Lothian are outlined in [Appendix 2](#)

The CNMAs may subsequently progress into a Noise Management Area (NMA) status. Between 2019 and 2023, the NMAs will be the primary consideration when formulating environmental noise management actions/policy following the actions listed in the Transportation NAP.

The process follows the Technical Guidance published by the Scottish Government during Round 1.

#### **D5 Candidate Quiet Areas (CQAs)**

END is clear that Member States should aim to identify and preserve Quiet Areas. Preserving existing quiet areas is of equal importance to managing high noise levels in noisy areas where people are most likely to be affected by noise. Noise mapping has been used to identify Candidate Quiet Areas in Scotland. However, there are no identified Candidate Quiet Areas (CQA) on the major road or rail networks mapped during END Round 3.

## **D6 Actions to date**

Transport Scotland outlines the actions taken to date, which are outlined in Section 7.1 of the draft Transport NAP. Selected highlights include:

- considered and applied quieter road surfacing material in the CNMA locations during routine maintenance;
- appropriate noise mitigation is included as part of all Transport Scotland transport projects. This is also reviewed as part of its before and after monitoring process;
- worked closely with local authorities, and others, in relation to noise complaints where development management has a part to play in improving outcomes;
- contributed to noise action week and have raised awareness of low noise tyres on Transport Scotland media outlets

## **D7 Consultation Response**

It is recommended that the principles of the draft Transport NAP are accepted. However, key issues arising are:

- the lack of clarity on what expectations there are of local authorities where the roads causing the issue are not the responsibility of Transport Scotland;
- although West Lothian has robust planning policy to avoid siting new homes near existing transport noise sources, this is not the case throughout Scotland risking ongoing generation of further CNMAs. This risk could be managed out by adopting similar arrangements across Scotland as are in place in West Lothian;
- West Lothian has high quality, quiet rural and semi-rural areas. Nothing is proposed to identify or protect these from future transport related noise;
- the objective proposed to improve matters in NMAs are broad and unspecific. No funding is currently attached, risking plans with no implementation; and
- promoting modal shift, particularly on non-trunk routes is not actively promoted.

Every effort has been made to reflect these matters within the limited scope of the consultation frame work. No option is provided for general comments or feedback.

## **E. CONCLUSION**

The Scottish Government has published the draft Transport Noise Action Plan associated with the third round of statutory noise mapping required by the Environmental Noise Directive 2002.

Whilst the general approach is supported, interaction with, and expectations on, local authorities is not clear and no process exists to identify quiet areas in West Lothian.

## **F. BACKGROUND REFERENCES**

[Consultation on Transportation Noise Action Plan 2019-2023](#)

[Scotland's Noise web site](#)

[Environmental Noise Directive 2002](#)

[Environmental Noise \(Scotland\) Regulations 2006](#)

[Programme for Scotland 2018 - 2019, Delivering for Today, Investing for Tomorrow](#)

[National Transport Strategy](#)

Appendices/Attachments:

Appendix 1: Proposed consultation response

Appendix 2: Candidate Noise Management Areas in West Lothian

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**Craig McCorriston**  
**Head of Planning, Economic Development and Regeneration**

15 January 2019



## Appendix 1: Proposed Consultation Response

#	Question
1	<p>The overall approach of the TNAP is as follows.</p> <ul style="list-style-type: none"> <li>• Firstly to continue to ensure noise management is incorporated into all transport-related activities, across the spectrum of design, construction, maintenance, policy, and point-to-point transportation activities.</li> <li>• Secondly, to further seek to manage noise levels where necessary and practicable at Noise Management Areas (NMAs), and aim to preserve environmental noise quality where it is good.</li> </ul> <p><b>What are your views on this overall approach?</b></p> <p>The overall approach is, in principle, laudable. Ensuring no new problems are created by effective planning and consideration of noise measures during development and operation of transport infrastructure is to be welcomed. However:</p> <ul style="list-style-type: none"> <li>• Addressing existing problems is sufficiently broad and unspecific as to be ineffective at delivering improvement on the ground;</li> <li>• Whilst it is accepted that some improvements can be made during routine maintenance (such as changes to road surface materials), no budget is proposed to address existing problems. Given ongoing pressures on local authority budgets, no improvements with capital or revenue budget implications beyond routine budgets are likely to proceed in the absence of additional funding;</li> <li>• No indication is provided as to the duties or expectations on local authorities, which are responsible for many of the roads identified, It is recognised that whilst responsibility lies with the Scottish Government (as 'competent authority'), a collaborative approach with local authorities is likely to be sought. Whilst West Lothian Council has a strong track record of collaborative working, the degree of any partnership will be directly associated with the availability of revenue funding for staff capacity and capital funding for works; and</li> <li>• No detail is provided on how new developments, particularly residential, do not arise alongside existing noise sources such as to create new CNMAs. This needs to be considered as part of the Development Planning process, aligned with the relevant Local Development Plans, as it currently is in West Lothian.</li> </ul>
2	<p>The TNAP prioritisation process, including the Building Prioritisation Score (BPS), Source Prioritisation Score (SPS), and Candidate Noise Management Areas (CNMAs), is defined in Section 4 of the TNAP.</p> <p><b>What are your views on the prioritisation process?</b></p> <p>In principle, the prioritisation process should direct interventions to locations of highest noise and population density. However, there will be residential development proposed alongside existing transport noise sources. In West Lothian, robust <a href="#">Supplementary Guidance</a> is in place to ensure homes are not constructed close to sources of transport noise, and where this cannot be avoided, to mitigate its effects. It is therefore entirely conceivable that flats may be intentionally constructed close to a transport noise source, providing a noise barrier for lower density housing which could not otherwise be constructed. (Such flats would be designed to have noise sensitive areas of the quiet façade and / or for mechanical ventilation to remove any need or ability to open windows on the façade facing the noise source). West Lothian Council would suggest that:</p> <ul style="list-style-type: none"> <li>• The principles of the planning and noise supplementary guidance be more widely applied across Scotland to ensure new CNMAs / NMAs are not accidentally created, creating a burden of the Scottish Government and local authorities; and</li> </ul>

	<ul style="list-style-type: none"> <li>the CNMA assessment process be 'fine-tuned' to ensure that flatted developments specifically designed to deal with elevated levels of transport noise be excluded at an early stage, reducing the need for more formal assessment.</li> </ul>
3	<p>The TNAP has 4 key objectives, with a series of actions (16 in total) ascribed to these.</p> <p><b>What is your view on the TNAP Key Objectives and actions?</b></p> <p>In principle, the key objectives and actions are acceptable. However:</p> <ul style="list-style-type: none"> <li>There is no recognition of the benefits of modal shift to sustainable travel, public transport or changes to propulsion methods (in lower road speed areas)</li> <li>It is unclear to what degree these apply or are expected of local authorities where they manage the roads concerned. The degree to which local authorities can collaborate with the Scottish Government (as 'competent authority') will depend on revenue funding for local authority staff capacity and capital funding to carry works.</li> </ul>
4	<p>The options for managing noise within the TNAP were developed using the source, pathway, receptor model.</p> <p><b>Do you consider there has been anything left out of the action plan using this approach. If so, what do you consider has been omitted?</b></p> <p>Quiet areas outwith agglomerations are not identified and therefore no measures are designed to protect such areas. In the absence of identification or designation, these will not be considered as requiring protection in any future developments from e.g. high speed rail, new road development or flightpath changes.</p>
5	<p>Action 1D of the TNAP is committed to establishing and operating a Noise Inspection Panel (NISP) to assess issues on Transport Noise from a source, transmission, receptor perspective to support delivery of the TNAP, and report yearly on progress.</p> <p><b>What are the key issues you consider should be discussed at the Noise Inspection Panel?</b></p> <p>The remit, constitution and purpose of the NISP is not outlined beyond the entry in table 6, line 1D. Further information is required to allow meaningful comment, however the need for consultation and engagement with the local authorities and communities concerned must be a fundamental to the process.</p>
6	<p>There are no Quiet Areas within the TNAP, however the actions within the TNAP will take account of any defined Quiet Areas and related actions.</p> <p><b>Do you consider enough is being done to protect Quiet Areas?</b></p> <p>No. There is currently no process in place to identify quiet areas outwith the Agglomerations. This leaves rural areas, which would be subject to most change in the event of development, undesignated and therefore not considered in any development proposals.</p>
7	<p>Our approach in TNAP delivery will be to work collaboratively in partnership with others.</p> <p><b>How can other stakeholders play their part in supporting delivery of the TNAP?</b></p> <p>Many roads identified are the responsibility of local authorities. The draft TNAP makes little or no mention as to how it would apply to these situations, how NMAs would be addressed or what expectations or requirements sit with local authorities.</p>

Whilst West Lothian Council has a strong track record of collaborative working, the degree of any partnership will be directly associated with the availability of revenue funding for staff capacity and capital funding for works; a

## Appendix 2: Candidate Noise Management Areas in West Lothian

### *Road CNMAs*

Transport Scotland Reference Number	Source	Road / Area	Community	Responsible Authority
32	A706	Manse Road	Whitburn	West Lothian Council
33	A89	South Bridge Street	Bathgate	West Lothian Council
34	M8	Bathgate Road	Bathgate	Transport Scotland
35	A705	East Main Street	Whitburn	West Lothian Council
43	A899	West Main Street	Broxburn	West Lothian Council
44	A899	West Main Street	Broxburn	West Lothian Council
45	A99	East Main Street	Uphall	West Lothian Council
47	A89	North Bridge Street	Bathgate	West Lothian Council
48	A899	Edinburgh Road	Bathgate	West Lothian Council
54	A89	East Main Street	Armadales	West Lothian Council
60	B8046	Pumpherston Road	Uphall Station	West Lothian Council
75	A803	High Street (Preston Road)	Linlithgow	West Lothian Council
76	A803	High Street (Whiten Loan <sup>1</sup> )	Linlithgow	West Lothian Council

### *Rail CNMAs*

Transport Scotland Reference Number	Nearest Street or Road	Nearest Community
25	West Port Place	Union Road /Preston Road junction, Linlithgow
26	Strawberry Bank	Linlithgow

<sup>1</sup> Should read 'Whitten Lane'



**COUNCIL EXECUTIVE**

**LEASE OF 19 ST HELENS PLACE, ARMADALE**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval for a ten year lease of 19 St. Helens Place, Armadale.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves a new ten year lease of 19 St Helens Place to Mohammed Aslam, at an initial rent of £3,700 per annum.
2. Authorises the Head of Finance and Property Services to agree to any changes required to the current terms in order to conclude the transaction, on the basis that any revised terms and conditions still represent best value for the council.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable and making best use of our resources;
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Will contribute to the council's annual budget for rental income.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The annual rent received will be secured for a further ten years and will be subject to three yearly rent reviews.
<b>VII</b>	<b>Consideration at PDSP</b>	Not Applicable

## **VIII Other consultations**

A copy of this report has been provided to the local elected members for information.

### **D. TERMS OF REPORT**

The property is situated at 19 St Helens Place, Armadale in the corner of the neighbourhood development. The location of the property is shown hatched black on the attached plan. The property forms part of the council's Commercial Property Portfolio and is currently leased to Mr Mohammed Aslam at a rent passing of £3,700 per annum, for use as a general store.

Mr Aslam upon taking over the lease of the premises from the previous tenant has undertaken a major investment in the property that has included works to improve the frontage, services and the general amenity of the retail and storage areas. To justify the investment he has asked the council for a new ten year lease.

The lease has in principle been agreed on the following terms:

1. Lessee: Mr Mohammed Aslam
2. Subjects: 19 St Helens Place, Armadale
3. Initial Rent: £3,700 per annum (excluding VAT)
4. Lease commencement date: To be agreed between the two parties.
5. Each party is to meet their own legal costs.
6. Repairing obligations - the lease will be on a full repairing and insuring basis, with the tenant being responsible for all repairs to the property
7. Rent Reviews - Three year rent reviews throughout the period of lease.

There is no proposed initial uplift on the rent due to the investment by Mr Aslam and the commitment to a new ten year lease. It should be noted that the current rent reflects the market value and secures the occupancy of the property for a further ten years.

### **E. CONCLUSION**

It is considered in the council's best interest to enter into the ten year lease at 19 St Helens Place, Armadale to Mohammed Aslam on the basis outlined in this report.

### **F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: Location Plan

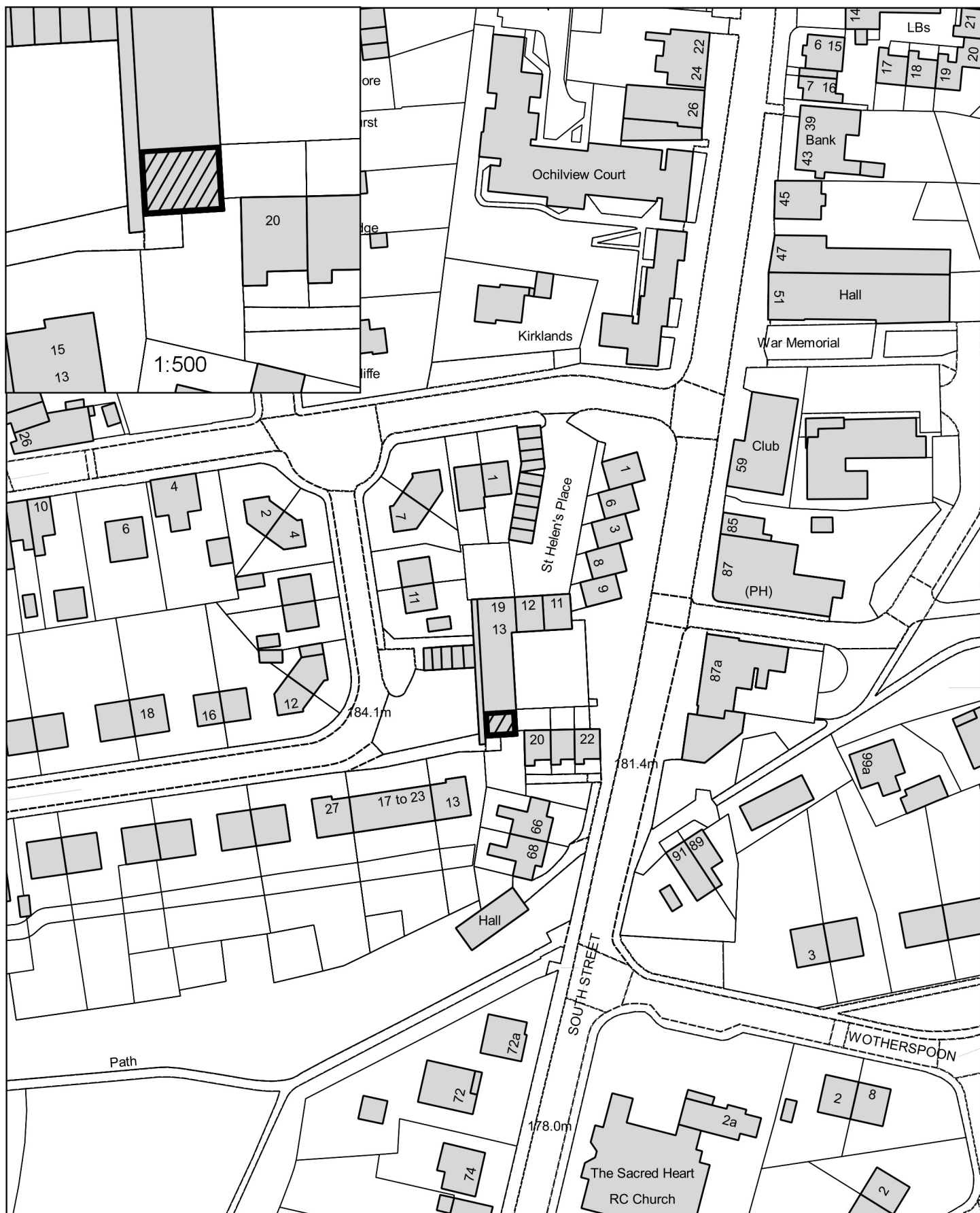
Contact Person:

Hannah Sturgess, Commercial Property Surveyor, Property Management and Development

Email: [Hannah.Sturgess@westlothian.gov.uk](mailto:Hannah.Sturgess@westlothian.gov.uk) Tel: 01506 283405

**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 15 January 2019



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**19 St Helens Place, Armadale**

**1:1,250**



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

**24/12/2018**







## **COUNCIL EXECUTIVE**

### **LETTING OF 1A LIGGAT SYKE PLACE EAST MAINS INDUSTRIAL ESTATE, BROXBURN TO EXCEL VENDING LIMITED**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To seek Council Executive approval for the letting of 1a Liggat Syke Place, East Mains Industrial Estate, Broxburn to Excel Vending Limited.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the letting of 1a Liggat Syke Place, East Mains Industrial Estate, Broxburn to Excel Vending Ltd for a period of fifteen years on the terms outlined in this report; and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continue to represent the achievement of best value for the council.

#### **SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customer's needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Rental income as set out in the report will contribute towards the councils revenue budget targets for the Commercial Property Portfolio.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Rental income as set out in the report will accrue to the councils revenue budget. The project will be managed within existing staff resources.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.
		The local elected members for the ward have received a copy of this report for their information.

## **D. TERMS OF REPORT**

### **D1 Background**

The property at 1a Liggat Syke Place is a semi-detached industrial unit with ancillary offices and small enclosed yard. Built in 1968, the unit measures 930.5m<sup>2</sup> (10,016 sq.ft.) A location plan is attached for information.

Following vacation of the property in October 2017, by the previous tenant Nexus Precision Engineering Limited, the council has undertaken a refurbishment of the property to extend its economic life and enable the proposed lease.

Established in 1993, Excel Vending Limited has grown to be Scotland's leading vending machine supplier. Its head office is based in East Kilbride. The company has expanded its operations in the east of Scotland and this property provides a service depot for its expanding business.

### **D2 Proposed Lease Terms**

The main agreed terms of the lease are:

**Tenant** – Excel Vending Limited.

**Use** – Workshop stores and ancillary offices for the supply & servicing of vending machines.

**Date of Entry** – On completion of the refurbishment in early March 2019.

**Lease Duration** – Fifteen years, with a tenant only option to break the lease on the fifth and tenth anniversary of the lease on giving six months prior notice.

**Rent** - £24,260 per annum (net of VAT) rising to £36,400 per annum for the second to fifth years of the lease.

**Rent free** – No rent free.

**Rent Review** – The rent to be reviewed to the open market level on the fifth and tenth anniversary of the lease.

**Repair** - The tenant has a full repairing and insuring responsibility.

**Legal Expenses** - Each party to meet their own legal costs.

**General** - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this type of property.

**E. CONCLUSION**

It is considered to be in the council's best interest to grant a new lease to Excel Vending Limited in accordance with the terms and conditions set out above.

**F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Appendix 1 – Location Plan

Contact Person:

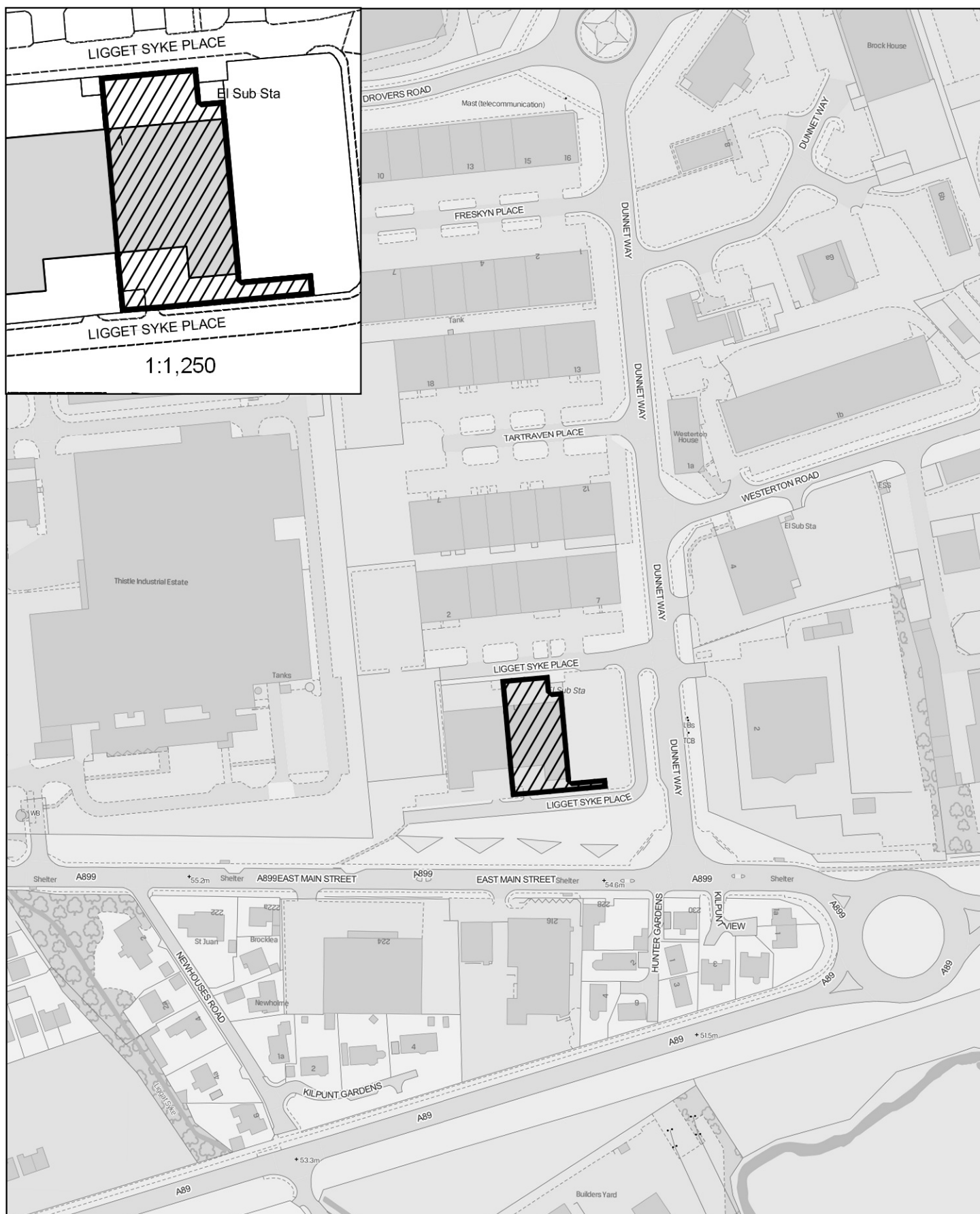
Stephen Letch, Group Commercial Property Surveyor, Property Management and Development

e-mail: [stephen.leitch@westlothian.gov.uk](mailto:stephen.leitch@westlothian.gov.uk), Tel: (01506) 281122

**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 15 January 2019





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**1A Liggat Syke Place, East Main Ind. Est  
Broxburn**

1:2,500



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

24/12/2018





**COUNCIL EXECUTIVE**

**LETTING OF 1B LIGGAT SYKE PLACE EAST MAINS INDUSTRIAL ESTATE,  
BROXBURN TO CARS4YOU LIMITED**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A PURPOSE OF REPORT**

To seek Council Executive approval for the letting of 1b Liggat Syke Place, East Mains Industrial Estate, Broxburn to Cars4You Limited.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the letting of 1b Liggat Syke Place, East Mains Industrial Estate, Broxburn to Cars4You Limited for a period of fifteen years on the terms outlined in this report; and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continue to represent the achievement of best value for the council.

**SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customer's needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Rental income as set out in the report will contribute towards the councils revenue budget targets for the Commercial Property Portfolio.
<b>V Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Rental income as set out in the report will accrue to the councils revenue budget. The project will be managed within existing staff resources.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.
		The local elected members for the ward have received a copy of this report for their information.

## **D. TERMS OF REPORT**

### **D1 Background**

The property at 1b Liggat Syke Place is a semi-detached industrial unit with ancillary offices and small enclosed yard. Built in 1968, the unit measures 926m<sup>2</sup> (9,973 sq.ft) A location plan is attached for information.

Following vacation of the property in October 2017, by the previous tenant Nexus Precision Engineering Limited, the council has undertaken a refurbishment of the property to extend its economic life and to enable the proposed lease.

Established in 2016, Cars4you Limited operates a car dealership in both Edinburgh and Rosyth. The acquisition of 1b Liggat Syke Place provides the company with a third location from which to sell vehicles along with providing a workshop for vehicle servicing, repair and preparation.

### **D2 Proposed Lease Terms**

The main terms of the lease agreed in principle are:

**Tenant** – Cars4you Limited.

**Use** – External car sales pitch for 14 vehicles. Vehicles workshop, stores and ancillary offices for the supply, repair and servicing of vehicles.

**Date of Entry** – On completion of the refurbishment in early March 2019.

**Lease Duration** – Fifteen years, with a tenant only option to break the lease on the fifth and tenth anniversary of the lease on giving six months prior notice.

**Rent** - £24,200 per annum (net of VAT) rising to £36,300 per annum for the second to fifth years of the lease.

**Rent free** – No rent free.

**Rent Review** – The rent to be reviewed to the open market level on the fifth and tenth anniversary of the lease.

**Repair** - The tenant has a full repairing and insuring responsibility.



**Legal Expenses** - Each party to meet their own legal costs.

**General** - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this type of property.

**E. CONCLUSION**

It is considered to be in the council's best interest to grant a the proposed lease to Cars4you Limited in accordance with the terms and conditions set out above.

**F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Appendix 1 – Location Plan

Contact Person:

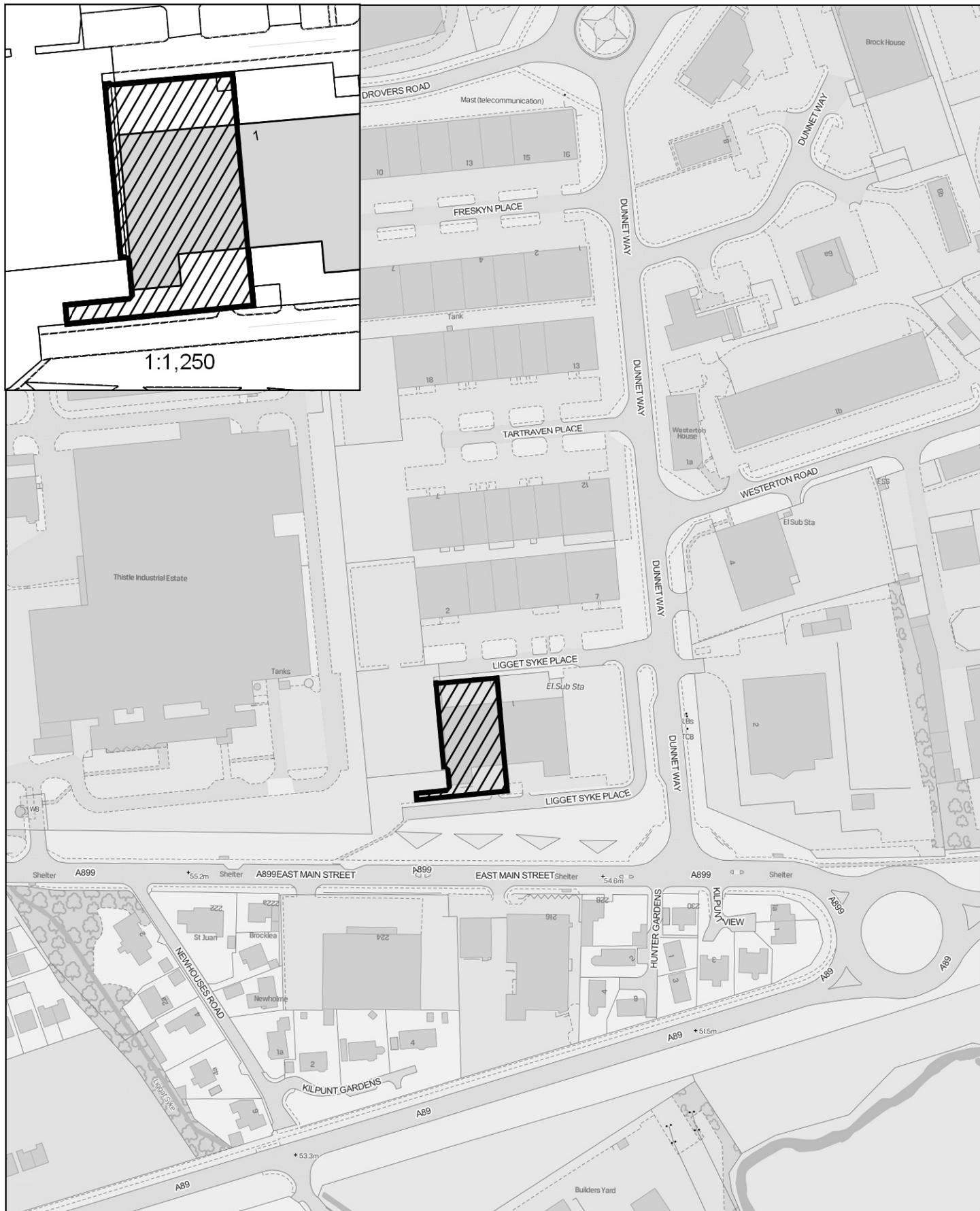
Stephen Letch, Group Commercial Property Surveyor, Property Management and Development

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**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 15 January 2019





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**1B Ligget Syke Place, East Main Ind. Est  
Broxburn**

1:2,500



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

24/12/2018





**COUNCIL EXECUTIVE**

**WATSON PARK, NORTH STREET, ARMADALE**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to consider alternative proposals for the development of sports facilities at Watson Park, North Street, Armadale.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the representations made by ACFC relating to an approved capital investment project planned at Watson Park, North Street, Armadale.
2. Agrees that officers should undertake a community consultation on proposals submitted by ACFC for the provision of a new synthetic 3G sports pitch and modular changing facilities at Watson Park, North Street, Armadale.
3. Agrees that officers should report the results of that community consultation to the Council Executive on 26 March 2019, along with any recommended alterations to the approved capital projects.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; Being honest, open and accountable; Making best use of our resources; Working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 1- Our children have the best start in life and are ready to succeed; Outcome 4 – We live in resilient, cohesive and safe communities; Outcome 7 – We live longer,

healthier lives and have reduced health inequalities; Outcome 8 – We make the most efficient and effective use of our resources by minimising our impact on the built and natural environment.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Any amendments to the Watson Park capital investment project will be delivered via existing approved budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	NETs, Land and Countryside Services, Education (Sports Development).  The local elected members have been provided with a copy of this report for their information.

## **D. TERMS OF REPORT**

### **D.1 Background**

The council's General Services Capital Investment Strategy 2018/19 to 2027/28 was approved at a meeting of the full West Lothian Council on 13 February 2018. Included in that Strategy is an approved budget of £947,000 for the provision of a new sports changing pavilion and drainage improvement works to the existing grass pitch at Watson Park, North Street, Armadale.

Armadale Community Football Club (ACFC) currently has a membership in excess of 400 boys, girls and adults, making it one of the largest football clubs in West Lothian. The club is a registered youth group through the council's accreditation scheme and it is also registered with the football governing bodies.

The project to deliver a new changing pavilion and improvements to the existing grass pitch at Watson Park was developed following a period of community consultation and it was progressed on the basis that ACFC would be the principal end user of these new facilities. ACFC were a key participant in that community consultation and they initially agreed that they would lease the new pavilion from the council and be responsible for its associated day-to-day management and running costs.

ACFC has now presented an alternative proposal that it considers will better serve the needs of its members and Armadale's wider sporting community going forward. The club has also confirmed that it is no longer willing to enter into a lease of the proposed new pavilion if that pavilion is merely intended to serve the existing 11-a-side grass pitch. ACFC's amended proposal can be summarised as follows.

### **D.2 Summary of Proposal**

ACFC's use of the existing grass pitch at Watson Park is by necessity restricted in order to avoid damage arising from excessive-use. Adverse weather conditions also frequently render that pitch unplayable, in particular for prolonged periods during the winter months.

In addition to Watson Park, ACFC also make full use of the other existing football facilities within Armadale (including those at Armadale Academy, Woods Park and Avondale Park), however these are considered insufficient to meet the increasing demands arising from a growing local population. As a result, new members are currently being turned away and some existing ACFC teams are traveling to, training and playing their competitive matches at alternative facilities in neighbouring towns.

In light of the foregoing, ACFC has identified the need for a new 11-a-side, 3G synthetic pitch at Watson Park as a key priority.

Rather than spending the bulk of the allocated capital budget on a substantial new changing pavilion and the remainder on basic drainage improvement works to the existing grass pitch, ACFC have requested that the council instead uses these funds to deliver a new 11-a-side synthetic 3G pitch along with more modest, modular changing facilities.

In support of their proposals, ACFC have highlighted other similar facilities across central Scotland, which they state have been delivered for sums less than the existing approved budget for the Watson Park project. ACFC have also presented a business case that demonstrates how the income derived from a new 3G pitch at Watson Park could provide them with a source of revenue income sufficient to enable them to enter into a lease of the new changing pavilion whilst also paying for the maintenance, upkeep and eventual renewal of the proposed new 3G pitch. This revenue-neutral model replicates existing arrangements at a number of other council owned sports facilities across West Lothian, including Albyn Park in Broxburn and Murrayfield Park in Blackburn.

Officers from Property Management and Development, NETs, Land and Countryside Services and Education (Sports Development) have considered these proposals and are broadly supportive of them, subject to delivery within the existing allocated capital budget and evidence of support for the amended project from the wider Armadale community.

### **D.3 Proposed Community Consultation**

In order to confirm support or otherwise for the amended project, it is proposed that council officers should undertake a brief period of public consultation during January and February 2019. A report on the consultation findings, along with any recommended amendments to the council's approved capital project would be submitted to Council Executive for consideration on 26 March 2019.

The consultation will be undertaken by colleagues experienced in the consideration, development and implementation of open space, sport and outdoor recreation activities to ensure that all aspects of the wider park are considered. Whilst the consultation will be comprehensive and will seek to engage as many stakeholders as possible, it will be suitably focused to ensure that conclusions can be presented within the timescales noted.

## **E. CONCLUSION**

It is in the council's best interests that cognisance be taken of alternative proposals submitted by ACFC and that officers should consult with the wider Armadale community on the merits of those proposals. It is proposed that the results of that consultation and any proposed amendments to the approved capital project should be reported to Council Executive on 26 March 2019 for consideration.

**F. BACKGROUND REFERENCES**

Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2018/19 to 2027/28 (page 57) – West Lothian Council 13 February 2018.

Appendices/Attachments: None.

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel. (01506) 281825; Email – [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 15 January 2019





## **COUNCIL EXECUTIVE**

### **SURPLUS PROPERTIES**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To seek approval to formally declare surplus a number of properties outlined in the report which are no longer required for service delivery.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves that the properties listed in the report and Appendix 1 are declared surplus to council requirements, and,
2. Instructs officers to dispose or lease the properties concerned in accordance with previously approved Surplus Property Procedures and as outlined in the report.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; and Making best use of our resources
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Forms part of the council's approved Asset Management Strategy and Property Asset Management Plan.  Complies with legal requirement to obtain "Best Value" under the 1973 and 2003 Local Government (Scotland) Acts and also the Disposal of Land by Local Authorities (Scotland) regulations 2010 and the Community Empowerment (Scotland) Act, 2015. Complies with Community Empowerment (Scotland) Act 2015 (Part 5) relating to community asset transfer.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	The disposal of surplus properties may contribute to performance in different areas e.g. capital receipts; revenue income from the Tenanted Non Residential Portfolio (TNRP) / Commercial Property Portfolio (CPP) or be available for community asset transfer.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Effective management of property resources influences many key outcomes contained in the single outcome agreement.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The letting, sale, asset transfer or demolition of assets identified as surplus will allow resources used for these to be re-directed to other retained property assets. Some will produce revenue income stream and/or a capital receipt which will contribute to relevant targets.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	<p>Relevant services have been consulted including Operational Services; Legal Services; Planning; Housing, Customer and Building Services.</p> <p>The local elected members for relevant wards have received a copy of this report for their information.</p>

## **D. TERMS OF REPORT**

### **D1 Introduction**

The report advises of a number of property assets that are no longer required for the delivery of services and are proposed to be declared surplus. The properties will be dealt with in accordance with the Surplus Property Procedures which were approved by the Council Executive on 28 November 2017.

### **D2 Background**

The council is committed to the efficient and effective management of assets to support the delivery of services. Property assets are managed as a corporate resource and those no longer required for the delivery of services should not be retained as these represent both financial and management resource burdens. Properties that are vacant or not effectively used also represent a risk of dereliction and are an ongoing statutory compliance burden on the council.

In accordance with the updated Surplus Property Procedures, property assets that are no longer required for service delivery need to be formally declared surplus and then be subject to a standard process to ensure transparent and consistent decision making on their future.

This report advises on a number of properties that have been identified as no longer required for service delivery and are therefore surplus to council requirements and will now be progressed in accordance with the updated procedures.

### **D3 Surplus Property**

The properties outlined in Appendix 1 have been identified as being surplus to service requirements and are no longer required by the council. These consist primarily of two main types of property, these are:

1. Properties that are no longer required for the delivery of services; and
2. Properties that have been replaced by new property assets where the lease, sale or demolition of the previous asset formed part of the business case for the new asset.

All of the properties meet both of the criteria outlined above and therefore it is appropriate that these are declared surplus to requirements and processed in accordance with the council's approved surplus property procedures.

#### **E. CONCLUSION**

The properties outlined in this report are or will no longer be required for service delivery and are therefore surplus to the Council's operational requirements going forward. It is in the council's best interest to proceed with the marketing of each property in accordance with the updated Surplus Property Procedures and as outlined in the report.

#### **F. BACKGROUND REFERENCES**

Council Executive – 28 November 2017 – Surplus Property Procedures

Appendices/Attachments:

Appendix 1 - List of properties to be declared surplus

Appendix 2 – Plans of properties referred to in Appendix 1.

Contact Person: Jack Orr, Group Surveyor, Finance and Property Services

Tel: (01506) 281829 - Email: [jack.orr@westlothian.gov.uk](mailto:jack.orr@westlothian.gov.uk),

**Donald Forrest**

**Head of Finance and Property Services**

Date of meeting: 15 January 2019



**APPENDIX 1 – LIST OF SURPLUS PROPERTIES AND RECOMMENDATIONS**

<b>Property</b>	<b>Reason for Declaring Surplus</b>	<b>Current Position</b>	<b>Recommendation</b>
Site of former swimming pool, Mid Street, Bathgate.	Not required for Affordable Housing.	Cleared site	Previously declared surplus as part of Bathgate Partnership Centre development. Was held to be considered for affordable housing. No longer required. Market for disposal for residential development.
Site of former community centre, Marjoribanks Street, Bathgate (including adjoining garden area).	Not required for Affordable Housing.	Cleared site	Previously declared surplus as part of Bathgate Partnership Centre development. Was held to be considered for affordable housing. No longer required. Market for disposal for residential development.
Former Station Car Park, Whitburn Road, Bathgate.	No longer required for service delivery / replaced by new facility.	Vacant	Offer for sale or lease to Network Rail/Scotrail as additional station car parking. If they are not interested, then transfer to Tenanted Non-Residential Portfolio. Thereafter, market for lease for appropriate uses.
Site of former community centre, School Road, Longridge.	No longer required for service delivery.	Cleared site	Market for disposal for residential development.
Land at Station Road, Armadale.	No longer required for service delivery / scheme abandoned.	Vacant site	Market for disposal for residential development.
Former recycling centre, Addiewell.	No longer required for service delivery.	Vacant site	Transfer to Tenanted Non-Residential Portfolio. Thereafter, market for lease for appropriate uses.





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**Former Community Centre, Marjoribanks Street,  
Bathgate (Approx. Area 2785.05m<sup>2</sup>)**

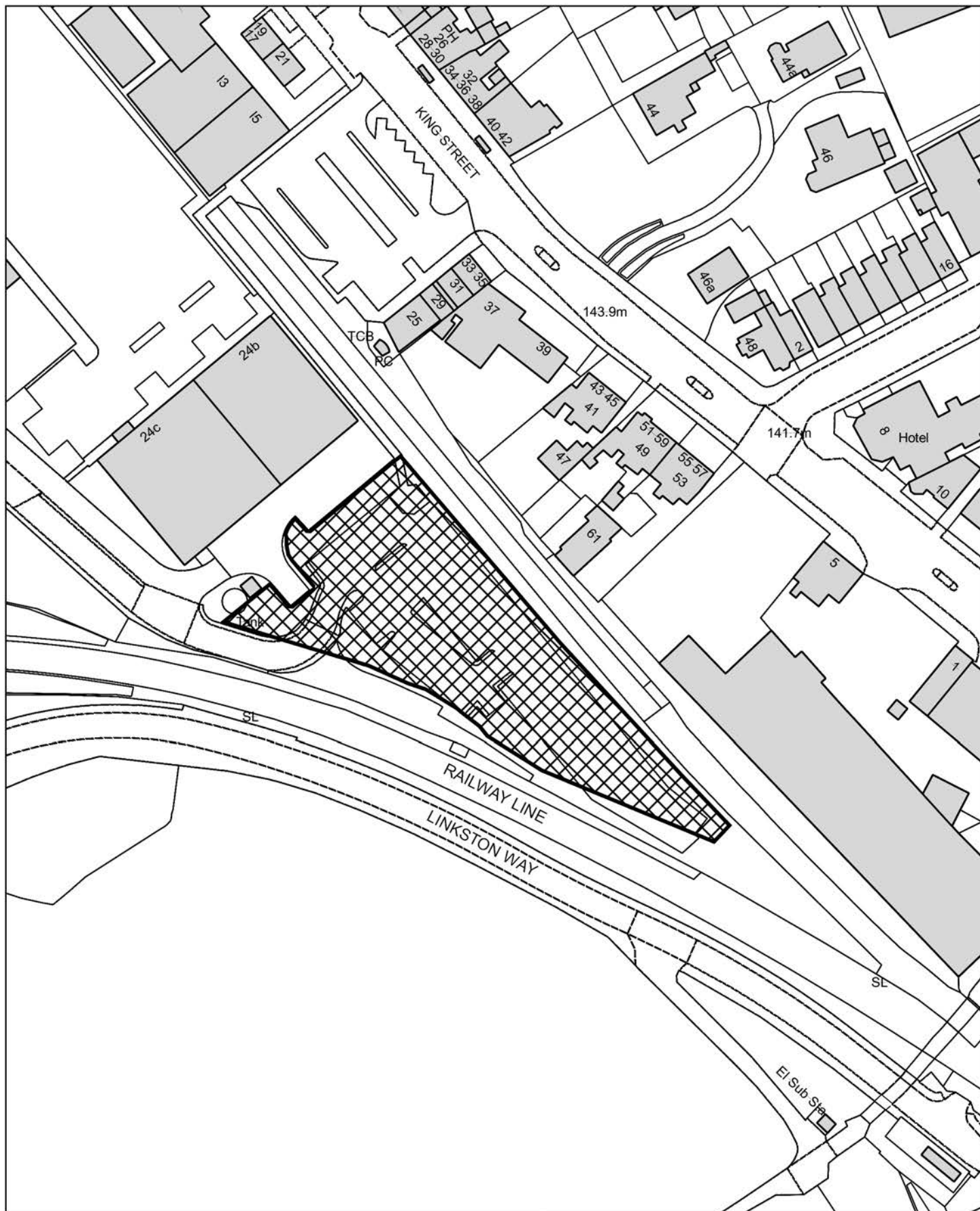
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Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

19/12/2018





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**Former Station Car Park, Bathgate  
(Approx. Area 3749m<sup>2</sup>)**

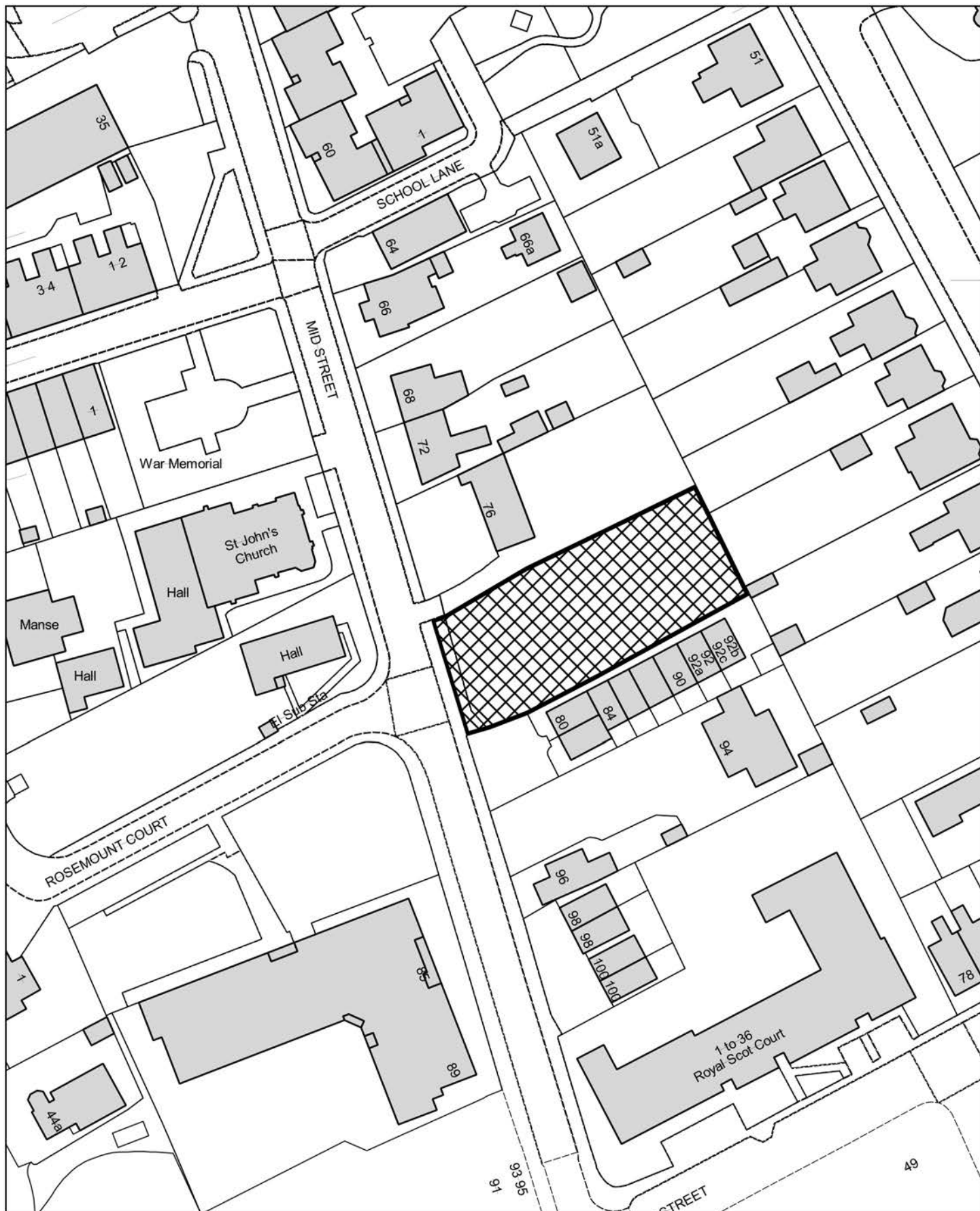
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Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

19/12/2018





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**Former Swimming Pool Site, Mid Street,  
Bathgate (Approx. Area 1472.94m<sup>2</sup>)**

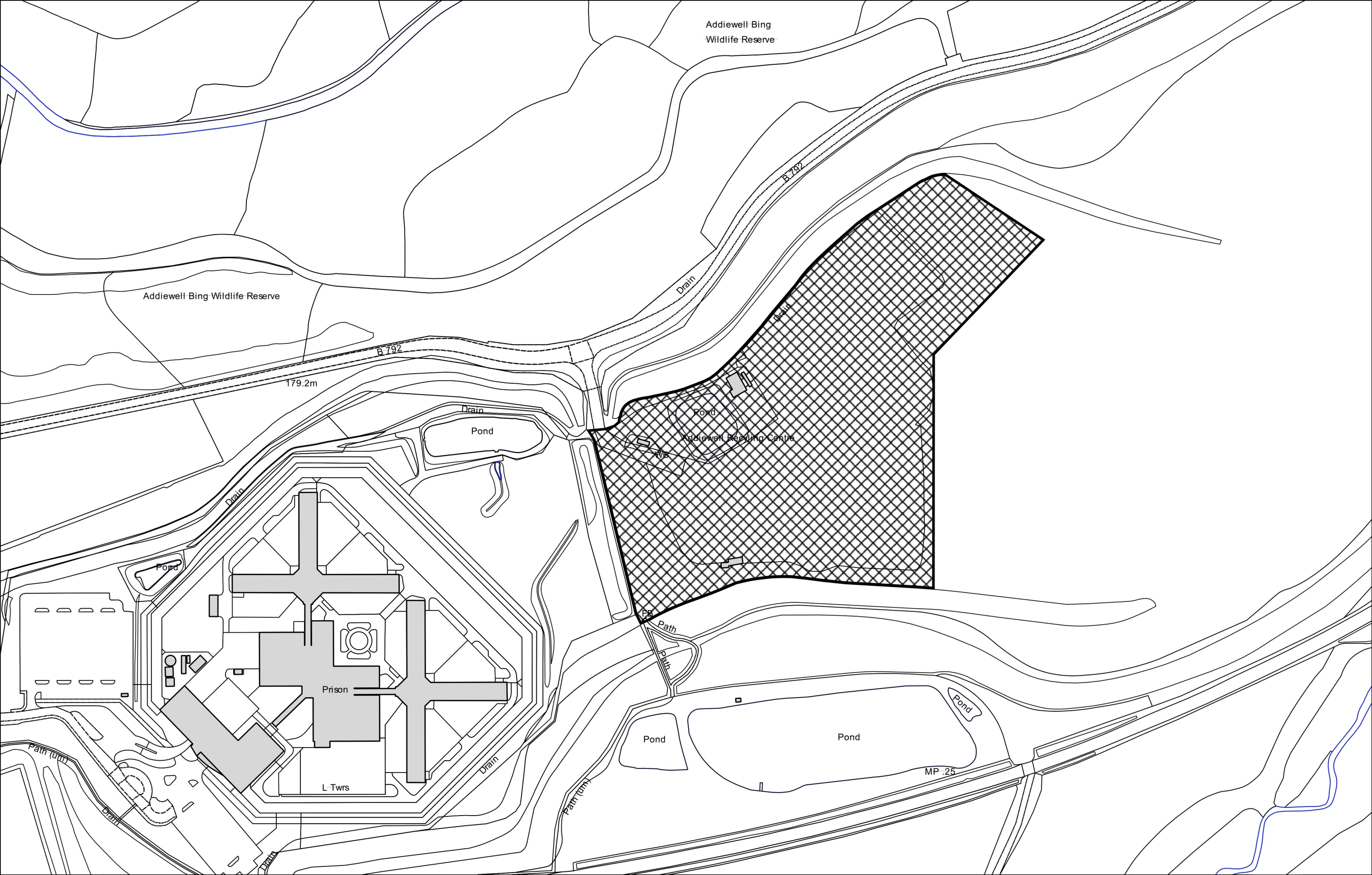
1:1,000



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

19/12/2018





	<div data-bbox="278 1906 1305 1953"><b>Addiewell Bing, Addiewell (Area Approx. 55001.17m<sup>2</sup>)</b></div> <div data-bbox="278 1999 1264 2028">Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF</div>	<div data-bbox="2457 1906 2588 1948">1:2.500</div>	<div data-bbox="2671 1906 2730 1948">A3</div>	<div data-bbox="2789 1873 2849 1974"></div>
	<div data-bbox="2006 1999 2160 2028">19/12/2018</div>	<div data-bbox="2190 1986 2896 2041">Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2018</div>		





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**House Plot, Station Road, Armadale  
(Approx. Area 653.51m<sup>2</sup>)**

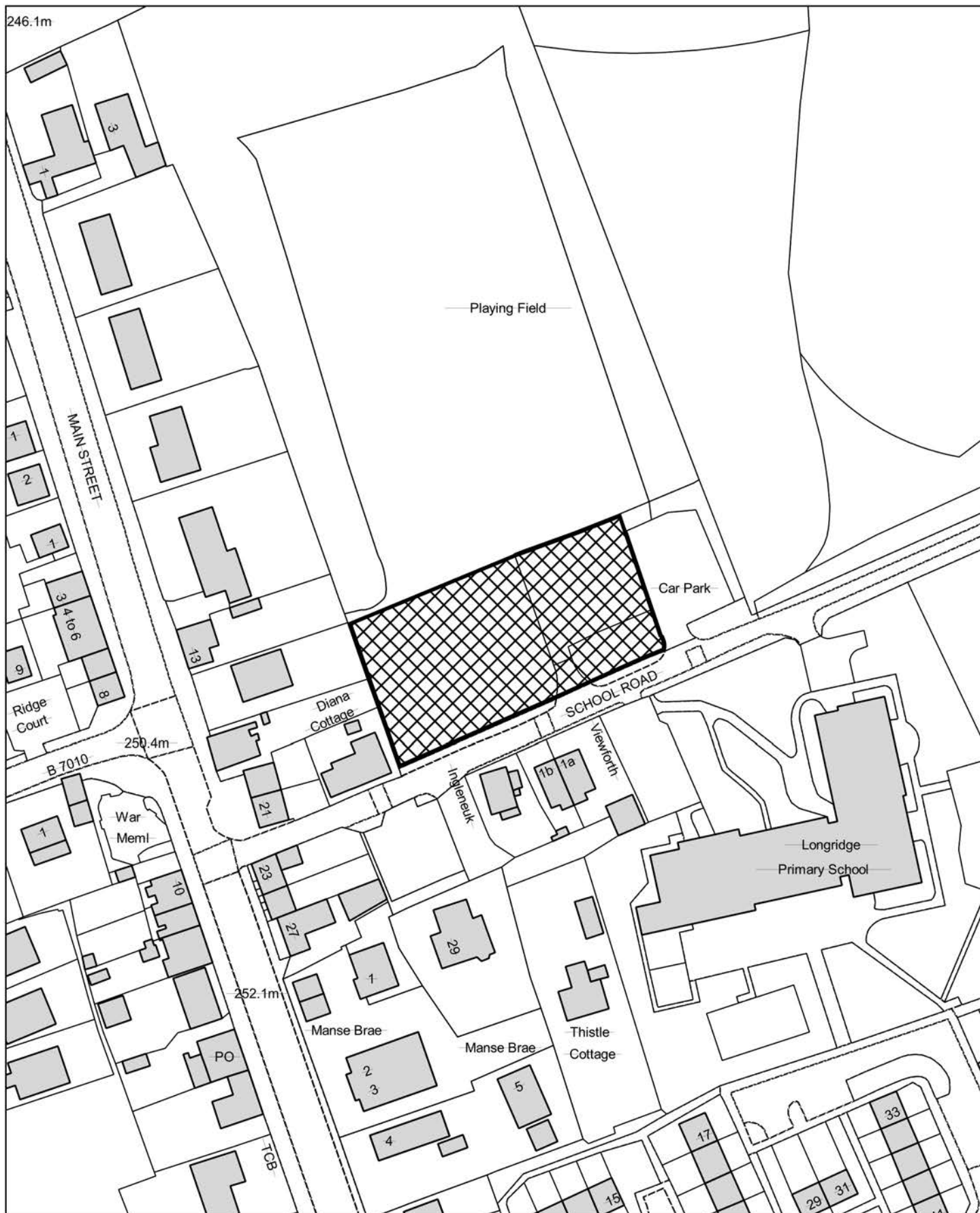
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Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

19/12/2018





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**Former Community Centre Site, Longridge**  
**(Approx. Area 2589.70m<sup>2</sup>)**

1:1,250



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

19/12/2018



**COUNCIL EXECUTIVE**

**SCOTTISH DRAFT BUDGET 2019 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2019/20**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

To provide the Council Executive with an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 12 December 2018, and the local government finance settlement for 2019/20, as published in Finance Circular 8/2018 dated 17 December 2017.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the issue of the Scottish Draft Budget 2019/20, which includes Scottish Government departmental spending plans for 2019/20;
2. Notes the outcome of the provisional local government finance settlement in respect of revenue and capital funding for 2019/20;
3. Notes that the revenue grant funding for West Lothian contained in the settlement, including assumed recurring items yet to be distributed, of £322.862 million reflects an increase of £4.692 million compared to 2018/19 funding, however it includes £9.462 million of revenue funding directly relating to new Scottish Government spending commitments, meaning that the council has a reduction in core revenue funding of £4.770 million in 2019/20;
4. Notes the general capital grant of £17.615 million, £296,000 for Cycling, Walking and Safer Streets and £4.8 million in capital funding for early learning and childcare in 2019/20;
5. Notes that the revenue grant funding package set out by the Scottish Government will not provide the funding required to meet unavoidable cost pressures such as pay awards, demographics and indexation and that, as a result, very significant budget savings will be required in 2019/20;
6. Notes the significant reductions in core revenue funding to the council since 2014/15 and the very significant savings that have been required since 2007/08;
7. Agrees that the Head of Finance and Property Services should update the agreed 2019/20 revenue budget taking account of the outcome of the finance settlement and latest circumstances and update the capital programme taking account of latest funding position and circumstances;
8. Agrees that the Head of Finance and Property Services should continue to assess the outcome of the detailed local government finance settlement, and should provide updated revenue and capital budgets to Council in February 2019;
9. Advises officers of any further action that Council Executive would wish to see in relation to the settlement.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable, working in partnership and making best use of resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council must approve a balanced revenue budget before 11 March each year to comply with statutory obligations. However, the budget is required to be approved by mid-February to facilitate the council tax billing process.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The funding settlement from the Scottish Government has a significant impact on the level of resources available to the council and, as a result, performance.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The council's budgets provide resources necessary to help deliver the Single Outcome Agreement.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p>Scottish Government funding is not sufficient to meet increasing costs and demand for services. Based on agreed budget assumptions, the council faced a revenue budget gap of £65.3 million over the five year period 2018/19 to 2022/23. West Lothian Council agreed budget savings of £60 million, leaving a balance to be found of £5.3 million.</p> <p>An initial assessment of the provisional local government finance settlement for 2019/20 has been made and officers will further consider the implications for the council, including comparison to budgeted assumptions in the five year financial plan agreed in February 2018.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	Quarterly horizon scan reports are provided to the Partnership and Resources PDSP outlining economic forecasts and potential impacts on public sector funding. The next update is scheduled for 1 February 2019.
<b>VIII</b>	<b>Other consultations</b>	This update is part of the ongoing briefing and consultation with elected members on financial issues.

## **D. TERMS OF REPORT**

### **D.1 Background**

The Cabinet Secretary for Finance, Economy and Fair Work, in a statement to the Scottish Parliament on 12 December 2018, announced the Scottish Draft Budget 2019/20. The Cabinet Secretary also wrote to the COSLA President, copying Council Leaders, on 12 December 2018 to confirm details of the local government finance settlement. The Scottish Government published Local Government Finance Circular 8/2018 on 17 December 2018, which was to be read in conjunction with the Cabinet Secretary's letter of 12 December. The allocations form the basis of the annual consultation between the Scottish Government and COSLA, ahead of the Local Government Finance (Scotland) Order 2019 being presented to the Scottish Parliament in 2019. In order to pass the 2019/20 Scottish Budget, the Scottish Government will require support within the Scottish Parliament. The draft Scottish Budget will be considered by the Scottish Parliament at readings of the Bill on 31 January, 6 February and 21 February 2019.

On 13 February 2018, West Lothian Council agreed a long term financial plan for five years and detailed revenue budgets for the three years 2018/19 to 2020/21. This has allowed the council to comply with best practice which indicates that public bodies should focus on their medium to long term sustainability, through having a strategy covering a minimum of five years, supported by detailed plans covering a minimum of three years. The 2017/18 annual audit report from EY, the council's external auditors, commented favourably on the process followed and the decisions made by the council.

### **D.2 Scottish Economic Growth**

The Scottish Fiscal Commission (SFC) contributes to the Scottish Budget process by providing estimates and forecasts on growth. As income tax has been devolved to Scotland, forecasts for economic growth have an impact on income tax estimates. Following better than anticipated performance in the production industry and exports in 2017 and 2018 to date, the SFC has upwardly revised their forecast growth assumptions in the short term.

A comparison to the Office for Budget Responsibility UK growth forecasts is summarised as follows:

*Table 1: Scottish and UK GDP Forecasts*

	2018	2019	2020	2021
Scottish Forecast GDP (December 2018)	1.4%	1.2%	1.0%	1.2%
UK Forecast GDP (Autumn Budget 2018)	1.3%	1.6%	1.4%	1.4%

Whilst the outlook for 2018 and 2019 has improved, forecast annual economic growth from 2020 onwards is subdued, reflecting low productivity growth. Growth to quarter 2 of 2018 was higher than the UK as a whole, with Scottish growth in quarter 3 of 2018 being 0.3%, however it is still below long term growth trends and lower than the UK in overall terms, with a significant gap remaining between Scotland and the UK.

The economic outlook continues to remain highly uncertain, although the SFC's central assumption is of an orderly exit from the EU. Should no Brexit deal be secured, there is a risk of a major impact on Scottish GDP, as shown in recent Bank of England projections. The Bank has forecast that a disruptive exit could result in a 3% reduction in GDP, with a disorderly exit resulting in an 8% reduction. This compares to the 2008/09 crisis where Scottish GDP reduced by 4%.

Although the growth projections were higher than previously forecast, the Scottish Government's forecasts for revenues raised from devolved tax in Scotland in 2019/20 are lower than originally projected. This decrease has partially offset the Barnett Consequentials received in the Autumn Statement 2018 and extra income from Scottish tax rates and bands deviating from the UK position.

If the Scottish growth forecasts prove to be optimistic and have to be revised downwards in future, this would have a negative impact on the overall resources available within the Scottish Budget. In addition the Scottish Fiscal Commission also forecasts that the Scottish Government may have to pay back substantial sums to the UK Government once reconciliations are completed on devolved tax take and the block grant adjustment from 2018/19 onwards.

### D.3 Total Spending in Scotland

In overall terms, Scotland's total proposed spending plans, as set out in the Draft Budget 2019/20, amount to £42,539 million, an increase of £1,984 million compared to the Scottish Budget 2018/19. The allocations per portfolio are set out in the table below:

*Table 2: Total Scottish Budget by Portfolio*

Portfolio	2018/19 Budget £'m	2019/20 Draft Budget £'m	Movement £'m
Health and Sport	13,599.1	14,323.2	724.1
Communities and Local Government	11,530.3	11,864.8	334.5
Finance, Economy and Fair Work	5,057.5	5,336.8	279.3
Education & Skills	3,412.6	3,448.0	35.4
Justice	2,652.9	2,719.2	66.3
Transport, Infrastructure and Connectivity	2,647.5	2,910.2	262.7
Environment, Climate Change and Land Reform	405.5	426.6	21.1
Rural Economy	362.1	351.0	(11.1)
Culture, Tourism & External Affairs	344.3	331.0	(13.3)
Social Security and Older People	122.9	584.9	462.0
Government Business and Constitutional Relations	2.4	12.1	9.7
Administration	192.6	0	(192.6)
Crown Office and Procurator Fiscal	116.0	120.7	4.7
Scottish Parliament and Audit Scotland	109.6	110.6	1.0
<b>Total</b>	<b>40,555.3</b>	<b>42,539.1</b>	<b>1,983.8</b>

The total proposed spending plans include both revenue resource and capital spending plans with health and sport receiving the biggest increase in funding of £724 million. Following the Chancellor

of the Exchequer's Autumn Budget in October 2018, the Scottish Government committed to allocating the full health Barnett Consequentials of £550 million to health spending in Scotland. As shown in the table above, health and sport received substantially more funding, with health resource spending increasing by 3.4% in real terms. Analysis from the Fraser of Allander Institute (FAI) anticipates that the Scottish Government have incorporated estimates of growth in demand for health services, which is why the funding allocated to this area has grown more than the Barnett Consequentials. Excluding capital, health now represents approximately 50% of the total Scottish resource budget.

With health receiving additional resource funding over and above Barnett Consequentials, other portfolios have seen real terms reductions in revenue resource funding, masked to some degree in the totals by capital funding. Local government represents the second largest element of the overall Scottish Budget, and in the draft budget core local government funding has seen the majority of the reduction in resource funding.

#### **D.4 Devolved Taxation**

The Scottish Government spending plans are underpinned by revenue raising tax powers devolved by the Scotland Act 2016. In 2019/20, tax revenues raised in Scotland will fund 40% of Scottish Government expenditure.

The SFC, which is an independent statutory body, is responsible for producing revenue forecasts for fully devolved taxes and non-savings non dividend (NSND) income tax. All forecast revenues underpinning the Scottish Budget are produced by the SFC.

##### Scottish Income Tax

The Scotland Act 2016 confers on the Scottish Parliament the power to set all income tax rates and the threshold of bands (above the Personal Allowance) that apply to the NSND income from Scottish taxpayers. The Scottish Government will receive all the revenue raised from NSND income tax in Scotland as a consequence of rates and bands set by the Scottish Parliament.

As part of the 2018/19 Scottish Budget significant changes to Scottish income tax were announced, along with the introduction of two new bands and a change to some rates. The thresholds of the proposed Scottish Income Tax bands for 2019/20 are as follows:

*Table 3: Scottish Income Tax Rates*

<b>Scottish Income Tax Rates</b>	<b>Scottish Bands</b>
Scottish Starter Rate 19%	Over £12,500 to £14,549
Scottish Basic Rate 20%	Over £14,549 to £24,944
Scottish Intermediate Rate 21%	Over £24,944 to £43,430
Scottish Higher Rate 41%	Over £43,430 to £150,000
Scottish Additional Rate 46%	Over £150,000

The SFC forecast that the Scottish Income Tax will generate receipts of £11.684 million in 2019/20, with an additional £64 million being generated from the changes to the thresholds.

##### Land and Buildings Transaction Tax (LBTT)

The Scottish Government is proposing that LBTT in 2019/20 is maintained at 2018/19 rates. However it is proposed that the Additional Dwelling Supplement (ADS) is increased from 3% to 4%. The 4% applies to the total price of the property for all relevant transactions above £40,000 and is charged in addition to the rates set out in the above table. The SFC forecast that the LBTT, including ADS, will generate £643 million in 2019/20.

##### Scottish Landfill Tax

The Scottish Government is proposing that the standard rate of Scottish Landfill Tax (SLfT) increases to £91.35 per tonne and the lower rate to £2.90 per tonne in 2019/20 in line with RPI inflation and other UK landfill charges. The SFC forecast tax revenue from SLfT in 2019/20 is £104 million.



## D.5 Public Sector Pay Policy

The public sector pay policy applies to staff under the Scottish Governments' remit, so does not include local government. The public sector pay policy for 2019/20 was announced alongside the draft Scottish Budget 2019/20, it includes a 3% rise for those earning less than £36,500; provides a 2% rise for all those earning between £36,500 and £80,000; and limits the maximum pay uplift for those earning over £80,000 to £1,600.

## D.6 Welfare Changes

The Social Security (Scotland) Act 2018 received Royal Assent on 1 June 2018, with Scottish social security benefits now starting to be delivered. This includes Carers Allowances Supplement Payments and the Best Start Baby and pregnancy payments from December 2018. From 1 April 2019, the Carers Allowance will increase to £66.15 per week and the Carers Allowance Supplement will increase to £8.70. Best Start Early Learning and School payments and Funeral Expense Assistance will be introduced in summer 2019.

The draft Scottish Budget confirmed that funding for the Scottish Welfare Fund and funding to fully mitigate Bedroom Tax losses in 2019/20 will be provided as follows:

- Funding of £52.3 million to councils to fully mitigate the effects of bedroom tax losses in 2019/20;
- Additional funding of £10.9 million will be provided for Discretionary Housing Payments;
- Funding will be provided to councils, with the Scottish Welfare Fund funding level being frozen at 2018/19 levels of £38 million.

## D.7 Local Government Funding

In 2019/20, the total managed expenditure available within the local government portfolio is £10,779.9 million. This figure includes general revenue and capital grant funding, specific revenue and capital grants, as well as an estimate of non-domestic rate income. There are a number of other funding allocations linked to individual policy initiatives held within other spending portfolios and, taking account of this, the total 2019/20 local government funding settlement is £11,071.4 million. The formula share of the revenue grant, non-domestic rate income and capital grant for each council is set out in Finance Circular 8/2018, published on 17 December 2017. The total funding for local government as set out in the circular based on the Scottish Draft Budget is set out below:

*Table 4: Scottish Government Funding to Local Government (Cash Terms)*

	<b>2018/19 Budget £'m</b>	<b>2019/20 Draft Budget £'m</b>	<b>Movement £'m</b>
<b>Revenue Funding</b>			
General Revenue Grant	6,891.0	6,626.6	(264.4)
Non Domestic Rates Income	2,636.0	2,853.0	217.0
Specific Grants	267.5	507.6	240.1
2018/19 Stage 1 Budget Bill Paid 2017/18	34.5	0.0	(34.5)
<b>Total Revenue Funding</b>	<b>9,829.0</b>	<b>9,987.2</b>	<b>158.2</b>
<b>Capital Funding</b>	<b>876.4</b>	<b>1,084.2</b>	<b>208.0</b>
<b>Total Government Funding to Local Government</b>	<b>10,705.4</b>	<b>11,071.4</b>	<b>366.2</b>

The overall funding available to local government in 2019/20 will increase in cash terms, however the core local government settlement will decrease in real terms by 3.4% in 2019/20. This decrease is calculated after allowing for new specific grants, which are earmarked for delivery of Scottish Government priorities such as early learning and childcare, and the return of £150 million in general capital grant which was reprofiled from the 2016/17 local government finance settlement. Although total revenue funding is increasing by £158.2 million, as shown above, if the ringfenced funding is deducted the actual movement is a reduction of £245.2 million.

Table 5: Decrease in Core Revenue Funding After Deduction of Ringfenced Funding

	£'000
Cash Increase in Total Revenue Funding for Local Government	158,147
<u>Less: Ringfenced Funding</u>	
Early Learning and Childcare	(240,000)
Health and Social Care	(108,000)
Mental Health Counsellors in Schools	(12,000)
Implementation of Barclay	(3,300)
Carers Act	(10,000)
Free Personal Care for Under 65s (Franks Law)	(30,000)
<b>Cash Decrease in Total Revenue Funding for Local Government in 2018/19</b>	<b>(245,153)</b>

The Scottish Parliamentary Information Centre (SPICe) estimates that in addition to 1.7% cash and 3.4% real reduction in combined general revenue grant and non domestic rates, if the £150 million rephased capital grant was removed, support for capital would fall significantly by 7.5% in cash terms and 9.1% in real terms.

Providing some context to the cash movement, local government has seen its percentage share of the overall Scottish Budget falling year on year. In 2007/08, local government received 28.62% of the total budget. In 2019/20, based on the draft budget, local government's share will be 26.03%.

As confirmed by the FAI, the headline local government settlement is flat in real terms only because capital and specific grants are included. The significant cash reduction in funding for existing council services received through the general revenue grant will have major implications for local service delivery in councils. In summary the real changes in each of the elements of the local government finance settlement, as provided by the FAI, are as follows:

Table 6: Real Movements in 2019/20 Local Government Finance Settlement

	Real Movement from 2018/19 %
General Revenue Grant (for existing service delivery)	(7.2)
Non Domestic Rates	6.3
<b>Core Local Government Finance Settlement</b>	<b>(3.4)</b>
Specific Grants (includes Early Learning & Childcare)	73.6
<b>Total Resource Budget</b>	<b>(1.2)</b>
General Capital Grant (includes return of 16/17 £150 million)	15.5
Specific Grants (includes Early Learning & Childcare)	34.4
<b>Total Capital Budget</b>	<b>21.5</b>
<b>Total Resource and Capital Budget</b>	<b>0.7</b>

Source: Fraser of Allander Institute, 2018

Budget reductions have been delivered over a number of areas of the Scottish Budget, from Higher Education to concessionary fares and bus services, however local government has seen largest reduction in core funding. Between 2016/17 and 2019/20, the core local government finance settlement will have decreased by 9% in real terms. The size of the local government budget means that substantial additional funding would be required to restore funding to 2016/17 levels in real terms. To restore core funding, £539 million would be required, which is nearly £500 million more than Higher Education which has the next largest real terms reduction in funding.

## D.8 High Level Local Government Settlement

As set out in the Finance Circular 8/2018, total local government revenue funding for 2019/20 will be £9,987.2 million and capital funding will be £1,084 million, representing total local government funding of £11,071.4 million.

The provisional total funding allocations form the basis for the annual consultation between the Scottish Government and COSLA ahead of the Local Government Finance (Scotland) Order 2019 being presented to the Scottish Parliament in February 2019.

The allocations to individual local authorities contained in the finance circular have been arrived at using the standard needs based distribution methodology and updated indicators. There have been a number of questions on the settlement and local government officers, along with COSLA, are liaising with Scottish Government officials to fully verify the assumptions and figures contained in the settlement. Any redistribution to address agreed discrepancies found in the finance circular will be undertaken within the total settlement allocations set out and not through the provision of any additional resources by the Scottish Government. The allocations are therefore only provisional at this stage, and will be subject to any correction agreed as part of the consultation process.

The package of measures offered to councils is as follows:

- Baseline from 2019/20 the full £170 million additional revenue investment announced at stage one of 2018/19 Budget Bill.
- £210 million revenue and £5 million capital funding to support the expansion in early learning and childcare (ELC) hours to 1,140 by 2020.
- £40 million in 2019/20 to support the expansion of Free Personal and Nursing Care for under 65s and the implementation of the Carers Act.
- £120 million to be transferred from the health portfolio for investment in integration, including delivery of the Living Wage, uprating personal care and school counselling services.
- Maintenance of the pupil teacher ratio nationally and provision of places for all probationers who require one under the teacher induction scheme.
- An allocation of £3.3 million for the implementation of the Barclay Review of business rates.
- Repayment, in full, of the £150 million general capital grant funding reprofiled from 2016/17.
- A £50 million Town Centre Fund to enable local authorities to stimulate and support place-based economic improvements and inclusive growth.

The letter from the Cabinet Secretary of 12 December outlined that individual local authorities will, in return for this settlement, be expected to deliver certain specific commitments. For 2019/20, local authorities will continue to have flexibility to increase council tax by a maximum of 3%.

The total £160 million allocated to health and social care has to be additional to councils' 2018/19 spending on social care and is not substitutional. This means that local authority social care budgets for allocation to Integration Authorities and funding for school counselling, must be £160 million greater than 2018/19 budgets.

The Scottish Government is committed to a programme of educational reform and will work in partnership with local authorities to empower schools to make key curriculum, budgetary and staffing decisions. The Cabinet Secretary, in his letter of 12 December, states that the Scottish Government will continue to commit an overall funding package in the local government finance settlement to support both maintaining the pupil teacher ratio at a national level and ensuring that places are provided for all probationers who require one under the teacher induction scheme. The Scottish Government recognise that discussions on teachers' pay are ongoing through the tri-partite Scottish Negotiating Committee for teachers and any additional allocation to fund a negotiated agreement will require to be agreed.

As noted, the overall finance settlement provided to local government in 2019/20 in circular 8/2018 is £11,071.4 million. The finance circular confirms that a number of funding distributions have still to be allocated at individual local authority level in 2019/20 including teacher induction scheme funding of £37.6 million, free personal care for under 65s and £12 million for mental health. In addition, although the settlement includes funding for discretionary housing payments of £63.2 million nationally, the council will not receive confirmation of its share of this funding until late January 2019. For the new funding streams of free personal care and mental health, this funding would be cost neutral for the council due to expenditure commitments. Once individual funding allocations are known for these sources of funding, the council's grant funding will be updated accordingly. For teachers' induction scheme and discretionary housing payments, it would be reasonable to assume that the level of funding received in 2018/19 would be replicated in 2019/20.

## D.9 High Level Implications for West Lothian Council

The provisional distributable revenue grant allocation for West Lothian Council set out in the circular for 2019/20 is £319.734 million. This reflects a £3.881 million increase compared to the equivalent figure in 2018/19. As outlined above in section D.8, the council has still to receive confirmation of some unallocated funding amounts including discretionary housing payments and teachers' induction. Assuming that 2019/20 unallocated funding is provided to local authorities on the basis of 2018/19 figures, the council would receive an additional £3.128 million in funding, although the council still awaits confirmation of its share of grant allocations for these items. Adding this to the amount in the circular, the council's draft 2019/20 Scottish Government funding would be £322.862 million which is £4.692 million greater than the equivalent figure in 2018/19.

It is important to note that within the provisional West Lothian allocation there is £9.462 million of funding which relates to new additional expenditure commitments for 2019/20. Taking account of this, the council's 2019/20 core funding from the Scottish Government for existing service delivery is equivalent to a £4.77 million reduction compared to 2018/19. In summary, the movement in funding for West Lothian Council is as follows:

*Table 7: Movement in Scottish Government Grant Funding for West Lothian Council*

		£'000
2018/19 Scottish Government Grant Funding		318,170
2019/20 Scottish Government Grant Funding		322,862
<b>Gross Increase in Grant Funding</b>		<b>4,692</b>
Less Specific/Ringfenced Grants for Scottish Government Commitments:		
• Early Years Expansion	(6,223)	
• Health and Social Care	(3,083)	
• Carer's Act Extension	(285)	
• Free Sanitary Products in Public Buildings	(37)	
• Other movements in specific grants	166	(9,462)
<b>Net Decrease in 2019/20 Core Grant Funding</b>		<b>(4,770)</b>

It should be stressed that this is an initial assessment and the process of consultation with councils is open until 18 January 2019. Any changes as a result of the consultation will require a redistribution of the settlement allocations.

Figures for provisional capital grant funding indicate that the council will receive general capital grant funding of £17.615 million, £296,000 for Cycling, Walking and Safer Streets and £4.8 million for early learning and childcare. The general capital grant and Cycling, Walking and Safer Streets include £3.070 million that was rephased from 2016/17. Deducting the return of the council's 2016/17 capital allocation, the council's general capital grant is £431,000 less than the 2018/19 grant.

Further clarification will be available via adviser briefings to the CIPFA Directors of Finance Group over the coming weeks on the 2019/20 budget position and medium term financial implications resulting from information available from the Scottish Fiscal Commission. Levels of growth and

productivity in the Scottish economy will have a significant bearing on medium term funding of the Scottish budget going forward, including for local government. Changing economic circumstances, including Brexit, further contributes to the uncertainty around future funding. All indications are that medium term economic growth and, as a result, funding for the public sector will continue to be constrained which reinforces the need for long term financial planning.

Although Scottish Government funding was only confirmed for 2018/19, the council agreed a five year financial plan with detailed budgets for 2018/19 to 2020/21 and a ten year capital investment programme on 13 February 2018. The council's medium to long term approach to financial planning acknowledges the importance of having robust medium term financial strategies in place to achieve financial sustainability. The approved financial plan included a budget gap of £65.3 million over the five years to 2022/23, with approved savings of £60 million. These savings are in addition to the £92 million of savings which the council delivered over the ten year period 2007/08 to 2017/18.

Council savings since 2007/08, and including savings agreed as part of the five year financial strategy to 2022/23 in February 2018, are summarised as follows:

*Table 8: Revenue Budget Savings 2007/08 to 2022/23*

	£'000
2007/08	3,555
2008/09	6,536
2009/10	2,824
2010/11	5,334
2011/12	16,745
2012/13	8,756
2013/14	7,669
2014/15	7,067
2015/16	12,108
2016/17	12,529
2017/18	8,783
<b>Total</b>	<b>91,906</b>
2018/19	13,898
2019/20	15,626
2020/21	11,757
2021/22 and 2022/23	24,048
<b>Total</b>	<b>157,235</b>

The approved 2019/20 revenue budget included a number of assumptions regarding grant funding. It was assumed that the council would receive a reduction in core funding of £4 million, offset by some additional funding for historic loans fund borrowing and the Living Wage for Social Care. The total budgeted grant movement for 2019/20 agreed on 13 February 2018 was a reduction of £3.27 million. As shown in the table 6, the council's actual movement in Scottish Government grant funding for 2019/20 is a reduction of £4.77 million. This means that the 2019/20 settlement is £1.5 million worse than the budgeted position for 2019/20 assumed in February 2018.

The increased use of ringfenced funding for Scottish Government initiatives and priorities, means that total resources available to support existing local service delivery are becoming constrained. Since 2013/14, the council has received a cash increase in grant funding of £20.057 million. In that same period, cash funding of £35.446 million has been provided for a number of national commitments including, but not limited to, council tax freeze, health and social care and funding for schools. This means that over the period since 2013/14, the council has received a cash cut in core funding of £15.389 million.

*Table 9: Analysis of Movement in Core Scottish Government Grant Funding 2013/14 to 2019/20*

<b>Year</b>	<b>Gross Movement £'000</b>	<b>Ringfenced Funding £'000</b>	<b>Net Movement in Core Funding £'000</b>
2013/14	2,798	2,603	195
2014/15	4,134	4,307	(173)
2015/16	5,960	6,465	(505)
2016/17	(4,580)	2,084	(6,664)
2017/18	(799)	5,052	(5,851)
2018/19	7,715	5,331	2,384
2019/20	4,829	9,604	(4,775)
<b>Total</b>	<b>20,057</b>	<b>35,446</b>	<b>(15,389)</b>

Following the announcement of the draft local government finance settlement, officers will now review the budget model to incorporate the updated funding for 2019/20. In addition, officers will review expenditure assumptions to reflect any changes in circumstances since approval of the budget in February 2018. Taking account of confirmation on the 2019/20 local government finance settlement, and the latest budget model assumptions, the Head of Finance and Property Services will present an updated 2019/20 budget, four year revenue financial plan and updated nine year capital investment programme to Council for approval in February 2019.

The Scottish Parliament will consider the draft Scottish Budget at readings scheduled for 31 January, 6 February and 21 February 2019, where there is the potential for the draft Scottish Budget to be amended. COSLA have been highlighting the impact of the reduction in core grant funding to councils, emphasising the need for a rethink from the Scottish Government or a Parliamentary intervention otherwise the delivery of essential local services are at risk. COSLA have emphasised in their communications that core budgets at a local level have reduced substantially and if the settlement is not changed, it will result in substantial job losses in local government to ensure councils can continue to balance their budgets. COSLA continue to campaign for an increase to the local government finance settlement, and the impact of this campaigning will become clear during the budget bill readings scheduled for early in 2019.

## **E. CONCLUSION**

The Scottish Government published the draft 2019/20 Scottish Budget on 12 December 2018 and the Cabinet Secretary wrote to the COSLA President on the same day. The provisional local government finance settlement for 2019/20 was announced on 17 December 2018. The total local government settlement is £11,071.4 million, which after deduction of ringfenced funding for Scottish Government commitments represents a real terms reduction in core funding for existing services of 3.4%. Core revenue grant funding for 2019/20 has been reduced by £245 million.

For West Lothian, the increase in revenue grant funding, based on the settlement, is £4.692 million. After taking account of funding provided for new spend commitments, the comparable reduction compared to 2018/19 is £4.770 million. It is clear that the revenue funding package proposed by the Cabinet Secretary will not provide sufficient funds to meet cost pressures and increasing demands and very significant savings will continue to be required in 2019/20 and future years. In addition, the council's core general capital grant has been reduced by £431,000.

It is proposed that the Head of Finance and Property Services continues to assess the outcome of the detailed local government finance settlement, taking account of further confirmation required and the further funding streams to be clarified. Based on further review of the figures and forecasts contained in the local government finance settlement and associated documents, it is proposed that the Head of Finance and Property Services updates the approved revenue and capital budgets for 2019/20 for reporting to Council in February 2018.

## **F. BACKGROUND REFERENCES**

Revenue Budget 2018/19 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 13 February 2018

Scottish Budget 2019/20 published by Scottish Government on 12 December 2018

Local Government Finance Circular 8/2018 published by Scottish Government on 18 December 2018

Appendices/Attachments:

None

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**15 January 2019**