

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, CIVIC CENTRE, HOWDEN SOUTH ROAD, LIVINGSTON, on 18 MAY 2010.

Present – Leader of the Council Peter Johnston (Chair), Councillors Frank Anderson, William Boyle, John Cochrane, Martyn Day, Robert De Bold, Neil Findlay, Ellen Glass, George Paul (Substituting for Graeme Morrice), Andrew Miller and Jim Walker

Apologies – Councillors Isabel Hutton and Graeme Morrice.

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 11 that an urgent item of business, concerning the appointment of a development partner for phase 2 of new council house build would be taken at the end of the agenda.

2. MINUTE

The Council Executive approved the minute of its meeting held on 4th May 2010. The Minute was thereafter signed by the Chair.

3. MINUTE OF ST JOHN'S HOSPITAL STAKEHOLDER GROUP MEETING

The Council Executive noted the Minute of the meeting of the St John's Stakeholder Group meeting held on 15th January 2010.

4. HOUSING CAPITAL PROGRAMME 2010/2011

The Council Executive considered a report (copies of which had been circulated) by the Director of Customer and Support Services seeking approval for the detailed 2010/2011 Housing Capital Programme.

The Director of Customer and Support Services advised that the Council Executive had approved a ten-year Housing Capital Strategy, which had encompassed two major strands and that the purpose of the report was to set out details of the Housing Capital Programme for 2010/2011.

The 2010/2011 Housing Capital Programme would see a total investment of £26.415 million and the proposed areas of investment were outlined in the report. The programme would be in line with the approved capital programme.

Appendix 1 attached to the report set out the investment proposals in detail, whilst Appendix 2 provided the technical detail for each part of the programme.

The report continued to advise on other factors that would be taken into account including affordability, value for money and best value and risk management.

The report concluded that the capital programme for 2010/2011 built on the strategy agreed by the Council Executive in December 2008 and would allow the council to work towards bringing all of the council's housing stock up to SHQS by 2015, continue to build 800 new affordable council houses for rent and provide further investment in improving the amenity of our communities.

It was recommended that the Council Executive approve the 2010/2011 Housing Capital Programme and related funding as detailed in the report.

Decision

To approve the terms of the report.

5. RESPONSE TO DRAFT CONSULTATION PAPER: EVICTION OF TENANTS IN THE SOCIAL RENTED SECTOR: PROTECTION OF TENANTS WITH RENT ARREARS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing and Building Services, which advised of a consultation that had been received from the Scottish Government concerning the eviction of tenants in the social rented sector.

The Head of Housing and Building Services advised that following a rise in repossession rates in Scotland in 2009 the Scottish Government hosted an event with a wide range of stakeholders to consider the eviction of tenants in social housing.

As a result of this seminar the Scottish Government had issued a consultation "Eviction of Tenants in the Social Rented Sector – Protection of Tenants with Rent Arrears" which outlined the current legislation and included options to improve the consistency and rigour of pre-eviction processes and procedures.

The options aimed to balance the needs of landlords who had a duty to protect public finances and prevent homelessness, along side the needs of tenants.

The report summarised the main points outlined in the consultation and that the Scottish Government recognised that there was a lot of good practice in the social rented sector for supporting tenants however practices varied from landlord to landlord.

The report concluded that within West Lothian the focus was very much on early intervention, prevention and support however it was considered reasonable to support the consultation proposals to improve consistency

in the sector, balance the needs of landlords, protect public finances and prevent homelessness along side the needs of the tenant.

It was recommended that the Council Executive approve the proposed response for inclusion in the collective response being sent by the Scottish Rent Arrears Forum.

Decision

To approve the terms of the report and the consultation response.

6. WEST LOTHIAN COUNCIL SCHEME OF ASSISTANCE FOR PRIVATE SECTOR HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing and Building Services seeking approval for the council's Scheme of Administration and Section 72 Statement for private sector housing.

The Head of Housing and Building Services advised that following a review of the Housing Scotland Act the policy vision was that national and local government should work in partnership to improve the standards and suitability of existing houses in the private sector. However it is noted that the primary responsibility for condition rested with the private sector.

In setting out the West Lothian scheme of assistance, as attached to the report at Appendix 1, it was proposed that the emphasis should be on offering practical advice to homeowners to encourage them to invest in their homes as appropriate.

Therefore it was proposed that grant funding would no longer be available to owners purely based on the condition of the property. However grant assistance would continue to be available where it could make a difference to older or disabled people and help them live more comfortably in their own homes.

The report continued to detail two new areas where limited financial resources would be made available to help owners and outlined in Appendix 2 attached to the report where details of the budget for the Scheme of Assistance and that included a small amount of funding for loans for owners who could not fund their share of common repairs and some limited assistance for owners of mixed tenure projects.

The Head of Housing and Building Services also explained that a series of information leaflets had been developed to enable people to identify where they could get any help that they needed and which would be available on the council's web site.

The report also outlined details on the consultation that had been undertaken on the Scheme of Assistance.

The report concluded that the Scheme of Assistance proposed to change to the way in which help was offered in relation to the private sector housing and that in future there would be more emphasis on advice rather than using grant funding.

It was recommended that the Council Executive: -

- Approve the Scheme of Assistance for West Lothian as attached to the report at Appendix 1;
- Note that the available resources in 2010/2011 for aids and adaption work were limited and that cases would be prioritised so that those with critical need could proceed;
- Agree that a review of the Care and Repair Service took place this year in light of the forthcoming national review of Care and Repair Services;
- Note that information and advice would be available to the public through frontline public services; and
- Agree that a further report on private sector housing be brought to the PDSP's before the start of the next financial year.

Decision

To approve the terms of the report.

7. ALLOWING LOCAL AUTHORITIES TO SELL ELECTRICITY: CONSULTATION ON MAKING REGULATIONS UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

The Council Executive considered a report (copies of which had been circulated) by the Head of Development and Regulatory Services, which informed the members of the UK Government's consultation on allowing Local Authorities to sell electricity.

The Head of Development and Regulatory Services advised that the UK Government believed that local authorities had an important role to play in efforts to tackle climate change and that by allowing local authorities to sell electricity generated from renewable sources would encourage the development of local renewable electricity projects.

The report continued to outline the proposed draft regulations, details of which were attached to the report at Appendix 1 and also included details of the main question being posed as part of the consultation.

The report concluded that some local authorities were starting to consider developing renewable generation projects either themselves or in

partnership with for example a Trust and that existing legislation in Scotland prevented local authorities from selling electricity produced other than in association with heat and waste.

In West Lothian there was support for giving local authorities powers to sell electricity by them from all forms of renewable generation as defined in the Renewables Directive. However the regulations would require to be amended to enable local authorities to subcontract production of electricity in partnership with others.

It was recommended that the Council Executive approve the response to the consultation on Allowing Local Authorities to Sell Electricity as outlined in the report.

Decision

To approve the terms of the report.

8. KIRKNEWTON LEVEL CROSSING

The Council Executive considered a report (copies of which had been circulated by the Transportation Manager, which advised that the safety of the existing level crossing at Kirknewton had been a major concern to Network Rail and the council for several years. Therefore the council had been working with Network Rail over the past few years to advance a solution for the crossing.

The Transportation Manager explained that as part of the proposed underbridge solution, land would require to be purchased from private individuals.

On 23rd February 2010 the Council Executive considered a report, seeking authorisation to commence the compulsory purchase of land required if negotiations failed and to enter into a legal agreement with Network Rail for them to underwrite the acquisition costs for the new road, underbridge and pedestrian underpass.

However at that meeting it was agreed to delay the decision for one month to allow council officers to open dialogue with Kirknewton Community Council.

Details of the further dialogue between Network Rail, West Lothian Council, Kirknewton Community Council and the Office of the Rail Regulator (ORR) were summarised in the report.

Also tabled at the meeting were details of the 192 survey responses that had been submitted by the community council many of who supported the proposals.

The Transportation Manager concluded that following further dialogue undertaken with the community, who had been balloted on the proposals,

there remained a need to remove the existing level crossing. Following a redesign of the proposals, which reduced the land take, progress would continue to be made with regards to land purchase.

It was recommended that the Council Executive: -

- Note the progress made by Network Rail, working in partnership with council officers on designing the new underbridge, associated new section of road and the pedestrian underpass;
- Authorise the entering of an agreement on the general terms as detailed in the report with Network Rail on the underwriting of the acquisition costs for the new road, underbridge and pedestrian underpass;
- Note that the council would commission when appropriate the Valuation Office Service to commence negotiations for the acquisition of the land required by agreement to deliver the project;
- Authorise officers to commence the compulsory purchase of the land required and settle compensation claims on behalf of the council should negotiations referred to fail within an acceptable timescale to the partners; and
- Note the consultation undertaken by the partners and Kirknewton Community Council since the meeting of the Council Executive held on 23rd February and the early results of the community council's ballot.

Decision

To approve the terms of the report.

9. A899 EAST MAIN STREET/WEST MAIN STREET, UPHALL - CWSS TRAFFIC CALMING/SPEED MANAGEMENT MEASURES - CONSULTATION UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager, which updated the members of the progress made to introduce traffic calming/speed management measures on the A899 West Main Street/East Main Street, Uphall and to seek approval to implement the scheme as consulted.

The report advised that due to the relatively low speeds and unsuitability of vertical traffic calming features, a system of road markings was proposed along the route. This would then formalise the existing on street parking and would narrow the existing running lanes to encourage drivers to reduce their speed.

A report had been presented to the Local Area Committee on 29th April

2010 that outlined the aims of the scheme and highlighted the extensive community consultation undertaken.

The report concluded that following extensive consultation with the community of Uphall it had been identified that there were concerns regarding parking and road safety on the A899 West Main Street/East Main Street and that the Local Area Committee had indicated their support for the introduction of road markings and to formalise parking and to reduce carriageway width.

Therefore it was recommended that the Council Executive approve the proposals for traffic calming/speed management measures and note that the Broxburn, Uphall and Winchburgh Local Area Committee had supported the proposals.

Decision

To approve the terms of the report.

10. PROPOSED DISABLED PERSONS PARKING BAYS IN BROXBURN, FAULDHOUSE, MID CALDER AND WINCHBURGH

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager to initiate the statutory procedures to introduce new disabled persons parking bays at Argyll Court, Broxburn, Main Street, Fauldhouse, Market Street, Mid Calder and Main Street, Winchburgh. It was also intended to use the statutory procedures to amend the traffic order for the existing disabled bay on East Main Street, Broxburn.

The Transportation Manager advised that requests had been received for the provision of disabled parking facilities in a number of town centre locations. Therefore it was proposed to promote a traffic order to create disabled bays at the following locations: Argyll Court, Broxburn, Main Street, Fauldhouse, Market Street, Mid Calder and Main Street, Winchburgh

The proposed disabled parking bays would have a time limit of 90 minutes and no return within 2 hours. This restriction would in be place between the hours of 8am-6pm.

Additionally it had been identified that the traffic order for the existing disabled parking bay near the swimming pool at East Main Street, Broxburn was inaccurate and therefore it was proposed that the order be amended to resolve the inaccuracy.

Details of the consultation that had taken place on the proposals were summarised in the report and included comments from local members.

The report concluded that the proposed disabled person parking bays would improve facilities for blue badge holders seeking to use the

amenities at the town centres detailed in the report.

It was recommended that the Council Executive approve the initiation of the statutory procedures to :-

1. Promote a traffic order to introduce five disabled person parking bays in Broxburn, Fauldhouse, Mid Calder and Winchburgh; and
2. Amend the traffic order for the existing disabled persons' parking bay near the swimming pool, East Main Street, Broxburn.

Decision

To approve the terms of the report.

11. ACCIDENT INVESTIGATION AND PREVENTION (AIP) CASUALTY REDUCTION PROGRAMME 2010/11

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager seeking approval for the list of proposed prioritised casualty reduction schemes for the 2010/2011 programme.

The Transportation Manager advised that the council's Road Safety Plan and Community Safety Strategy had identified the need for a road casualty reduction programme utilising accident investigation and prevention (AIP) techniques.

The report then outlined the progress to date with regards to the existing casualty reduction programme that had commenced in 2007/2008, in which time a total of 25 schemes had been completed.

Attached to the report at Appendix 1 was the proposed programme for 2010/2011 and it was noted that officers had identified just under 80 sites throughout West Lothian.

The report concluded that the AIP Programme was the council's main opportunity to make a significant impact in meeting casualty reduction targets and that this had been backed up by national research and local results.

It was recommended that the Council Executive approve the list of casualty reduction schemes for implementation in 2010/2011.

Decision

To approve the terms of the report.

12. SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services seeking approval to adopt an updated version of the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2010/2011.

The Head of Support Services advised that the Scottish Local Authorities Remuneration Committee 2009 report had made 15 recommendations, as set out in Appendix 1 attached to the report, to assist the Scottish Government in bringing forward regulations and guidance on councillor salaries, allowances and expenses.

Summarised in the report were details of the proposed changes to the Scheme for Elected Members, Remuneration, Allowances and Reimbursement of Expenses and which was attached to the report at Appendix 3.

The report concluded that the council would be meeting its statutory duty by adopting a revised scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses based on the changes included in the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

The Head of Support Services recommended that the Council Executive adopt the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement for 2010/2011.

Decision

To approve the terms of the report.

13. CIPFA TRAINING COURSE: THE EFFECTIVE AUDIT COMMITTEE - GLASGOW, 17TH JUNE 2010 - CONSIDER ATTENDANCE BY COUNCILLOR CARL JOHN

The Council Executive considered attendance at the CIPFA Training Course "The Effective Audit Committee", taking place on 17th June 2010, Glasgow

Decision

To approve attendance by Councillor Carl John

14. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services, which advised of the expenditure from the Councillors Local Disbursement Fund for the period 1st April to 31st March 2010.

The Head of Support Services advised that all members had disbursed their entire allocation during the year and that the budget for the fund for 2009/2010 was £106,380 or £3,32437 per elected member.

It was further noted that for a disbursement to come within the guidelines for the scheme there was to be some evidence in the application of a benefit to the community rather than a benefit to an individual.

The Council Executive was asked to note the expenditure from the Councillors' Local Disbursement Fund for the period 1st April to 31st March 2010.

Decision

To note the terms of the report.

15. COMMUNITY COUNCIL SPECIAL PROJECTS FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services to inform the members of payments from the Community Councils Special Project Grant Fund for 2009/2010.

The report advised that the Special Projects Grant Fund allowed Community Councils to carry out projects in their areas, such as production/distribution of newsletters, environmental improvements and park benches, etc.

Each Community Council could apply for a maximum of two special project grants in each financial year and that the maximum grant per application was limited to £750.00. Applications were dealt with on a first come, first served basis.

Summarised in the report were details of those applications that had been made and approved during 2009/2010 and it was noted that there remained a balance of £1860.

The Council Executive was asked to: -

1. Note the payments made from the Community Councils Special Projects Grant Fund for 2009/2010; and
2. To note that bi-annual reports would be brought to the Council Executive in May and October each year to inform of payments and the balance remaining in the fund.

Decision

To note the terms of the report.

16. ANNUAL PUBLICATION OF MEMBERS EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services to inform the members of the levels of Elected Members Remuneration, Allowances and Expenses paid from 1st April to 31st March 2010 and to provide details of the training undertaken during this period.

The report advised that in accordance with Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2008, councils were required to record and publish no later than 1st June each year, payments made to Elected Members in the previous year.

Attached to the report at Appendix 1 was a record of the payments made for the period 1st April to 31st March 2010. It was noted that the amounts stated were gross before any deductions for Income Tax and National Insurance.

In addition to the levels of payments made, the regulations also required the council to publish details of training undertaken during the reporting period. Attached to the report at Appendix 2 was a note of attendance at training events.

The Council Executive was asked to note the terms of the report and to display the schedules attached to the report as appendices on the council's web site.

Decision

To note the terms of the report.

17. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS):-

(a) 1,480sqm at 7 Quarrywood Court, Livingston – Proposed Ground Lease Extension

Note approval provided for the extension of the existing ground lease at 7 Quarrywood Court to Keymed Ltd for an additional 10 years as recommended by the Head of Property Services in his report dated 28th April 2010

(b) New Council Housing – Bid for Government Funding (Third Round)

Note approval provided for the submission of a bid for help in funding the second phase of the councils' new build housing programme as recommended by the Head of Housing and Building Services in her report dated 27th April 2010

Decision

To note the action taken in terms of Standing Order 31 (urgent business)

18. PRIVATE SESSION

The Council Executive resolved that, under Section 50(A) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 8 and 9 of Schedule 7A of the Act.

19. NEW BUILD COUNCIL HOUSING 2007-2011 - APPOINTMENT OF DEVELOPMENT PARTNER FOR PHASE 2

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing and Building Services seeking approval to appoint a development partner for the second phase of the new build council housing project for 545 units.

The Head of Housing and Building Services advised that a revised development brief for 545 houses was prepared and issued to five organisations, details of which were summarised in the report.

Five submissions were returned to the council on 20th April 2010 and that council staff together with Legal Advisors and the employers agents evaluated the submissions in accordance with the requirements of the brief and a bid evaluation methodology and scoring matrix, details of which were attached to the report at Appendices 1a and 1b.

The results of the evaluation and a summary of the tendered submissions were outlined in Appendices 2 and 3 attached to the report and it was noted that the financial provision for the construction of the house had been made in the 10-year housing capital programme and that a third submission for government funding to help had been made.

The report concluded that all five submissions had met the council objective of providing quality housing for rent in accordance with the requirements set out in the development brief and that they had been assessed in line with the quality and price criteria set out in the brief.

It was recommended that the Council Executive agree: -

- That Lovell Partnerships Ltd were appointed as development partner for the second phase of new build council houses. This would be on the basis of their tendered submission of £44,998,606 for the construction of 545 units;

- The Council would seek to enter into a formal legal agreement to proceed on the basis of the submission received. Lovell Partnerships Ltd would submit applications for Planning, Building Warrants and Road Construction Consent for all eight sites. This would be subject to satisfactory final financial checks;
- The four unsuccessful bidders were notified of the outcome. As required by Procurement legislation they would be given the opportunity to have feedback on their submission ten days before the council intended to enter into a formal agreement with the preferred bidder and at that stage would also have the opportunity to raise any challenge to the decision to award the contract; and
- A budget of £45.5m would be set aside for the construction aspects of the project.

Motion

To approve the terms of the report and accept the bid from Lovell Partnerships Ltd.

- Moved by the Chair and seconded by Councillor Cochrane.

Amendment

“West Lothian Council Labour Group welcomes new council house building in West Lothian but have serious concerns about the lack of time available to Councillors to scrutinise the spending of around £45million of public money and calls for the decision to award the tender to be delayed until the next Council Executive meeting to allow proper scrutiny to take place “

- Moved by Councillor Findlay and seconded by Councillor Paul.

Decision

Following a vote the Motion was successful by 8 votes to 3 and it was agreed accordingly.