

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN HOUSE, on TUESDAY 24 MARCH 2009.

Present – Council Leader Peter Johnston (Chair); Councillors Frank Anderson, Willie Boyle, John Cochrane, Martyn Day, Robert De Bold, Ellen Glass, Isabel Hutton, Andrew Miller, Graeme Morrice, Jim Swan (substituting for Willie Dunn) and Jim Walker.

Apologies – Councillor Willie Dunn.

1. ORDER OF BUSINESS

The Chair ruled, in terms of Standing Order 7 that a letter, which had been received on the day of this meeting concerning Agenda Item 11, The Supply of Furniture to the Civic Centre, was to be circulated to the members of the committee and that its contents would be taken into consideration during discussion on the item of business.

2. DECLARATION OF INTEREST

- a) Agenda Item 14 – Almond Valley Heritage Trust - Councillor Cochrane declared a non-financial interest in Agenda Item 14, Almond Valley Heritage Trust, in that he was a council appointed member of the board of trustees and would vacate Chambers during the discussion and decision on the item of business.
- b) Agenda Item – Almond Valley Heritage Trust - Councillor Miller declared a non-financial interest in Agenda Item 14, Almond Valley Heritage Trust, in that he was a trustee of the Almond Valley Heritage Trust and would vacate Chambers during the discussion and decision on the item of business.
- c) Agenda Item 14 – Almond Valley Heritage Trust - Councillor Walker declared a non-financial interest in Agenda Item 14, Almond Valley Heritage Trust, in that he was a council appointed member of the board of trustees and would vacate Chambers during the discussion and decision on the item of business.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 24<sup>th</sup> February 2009. The minute was thereafter signed by the Chair.

4. PROPOSED BOYCOTT OF ISRAELI GOODS

The Council Executive considered a letter (copies of which had been

circulated) received from West Dunbartonshire Council, which was seeking support for the proposed boycott of Israeli goods.

The letter outlined the terms of the motion, which West Dunbartonshire Council had approved, and concerned the recent troubles in the Middle East between Israel and Palestine and the disproportionate use of force used by Israel against Palestine and as a consequence cease the purchase of goods sourced from Israel.

#### Motion

To note and endorse the contents of the motion from West Dunbartonshire Council but take no further action.

- Moved by the Chair and seconded by Councillor Cochrane

#### Amendment

To write to West Dunbartonshire Council and applaud their position with regards to the boycott of good sourced from Israel.

- Moved by Councillor Morrice and seconded by Councillor Swan

#### Decision

Following a vote the Motion was agreed by 10 votes to 2 and it was agreed accordingly.

### 5. CONSULTATION: A CHIEF RETURNING OFFICER FOR SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of a Scottish Government consultation on the post of a Chief Returning Officer (CRO) for Scotland. The deadline had initially been 20<sup>th</sup> March 2009 but an extension until the start of April had been agreed.

The report explained that following the Gould report, the Scottish Government had committed to exploring options for the creation of a Chief Returning Officer as a way of providing greater co-ordination for elections in Scotland. The consultation paper considered various options and invited discussion on what form the proposal could take.

The report went on to advise that the Council had responded to previous consultations, which had raised the issue of a post of Chief Returning Officer and the previous comments made by the Council, were set out in the report.

The consultation response was considered at a meeting of the Partnership and Resource Policy Development and Scrutiny Panel on 9<sup>th</sup> March 2009, at which it was agreed that an amendment be made to the response at Question 7, which related to the appointment process. It was

then recommended to forward the response as outlined in Section 5 of the report to the Council Executive for approval.

It was recommended that the Council Executive approve the response to the consultation questions detailed in Section 5 of the report as the council's response to the Scottish Government's consultation on the post of Chief Returning Officer for Scotland.

### Decision

To approve the terms of the report

## 6. WEST LOTHIAN COUNCIL PUBLICATION SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval of the Publication Scheme, which required to be submitted to the Office of the Scottish Information Commissioner (OSIC) for approval by 1<sup>st</sup> April 2009.

The Chief Legal Officer advised that in November 2008, the Office of the Scottish Information Commissioner had approved a Local Authority Model Publication Scheme. It was a statutory requirement for the council to produce a publication scheme and using the model meant that the council was using a template which had already been approved by OSIC.

Section 2.11 of the report dealt with information not available under the scheme. However information could be requested under various pieces of legislation including: -

- The Data Protection Act
- The Freedom of Information (Scotland) Act
- Environmental Information Regulations

The section also included the potential charges that such requests could incur. In this regard, the Information Management Working Group (IMWG) recommended that the council continue to make no charge for responding to FOI requests.

It was recommended that the Council Executive: -

1. Agree the Publication Scheme as shown in Appendix 1 to the report;
2. Agree a policy of not charging for information requests made under the Freedom of Information (Scotland) Act, the Environment Information (Scotland) Regulations, Pupils' Education Records (Scotland) Regulations or subject access requests under the Data Protection Act; and

3. Agree to delegate authority to the Chief Executive in conjunction with the Leader of the Council to make any minor amendments requested by the Office of the Scottish Information Commissioner.

### Decision

To approve the terms of the report

## 7. SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

The Council's Code of Corporate Governance required the Scheme of Elected Members' Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by Committee.

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services advising of the implications of the Local Governance (Scotland) Act 2004 (Remuneration) Amendments Regulations 2008 and the Local Government (Allowances and Expenses) (Scotland) Amendments Regulations 2008, which came into force on 10<sup>th</sup> February 2009. Attached to the report at Appendix 1 was the updated scheme to support the changes made in the revised regulations.

The report advised that the Scottish Local Authorities Remuneration Committee (SLARC), the independent review body, had undertaken a review into how the remuneration package introduced in May 2007 was being implemented and to review the levels of salary, allowances and expenses.

Following a gathering of information, from a variety of sources, including COSLA, SOLACE and a number of local authorities, SLARC confirmed that the package previously introduced had been generally well received.

Whilst the number of posts introduced in May 2007 had not changed, the Scottish Government had approved a 2.5% per annum increase to basic salary levels effective from 1<sup>st</sup> April 2008 and 1<sup>st</sup> April 2009 respectively, details of which were outlined in the report.

The work of SLARC also involved a review of the level of allowances and expenses that could be claimed by elected members, again details of which were summarised in the report.

Further information was also provided in relation to the provision of telephone, computers and other equipment.

The report concluded that all councils must publish information on councillors' remuneration, allowances and expenses in respect of the previous financial year in standard format on their web site by 1<sup>st</sup> June each year and make the information available for inspection at council offices.

It was recommended that the Council Executive: -

1. Note the content of the report; and
2. Agree the revised Scheme of Elected Members' Remuneration, Allowances and Reimbursement of Expenses that complied with the changes made in the regulations.

### Motion

"The Council Executive accepts the recommendations in the report and agrees to adopt the revised scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses detailed in the report with the salary levels for councillors being set out as follows for the 2009-10 year: -

<b>Position</b>	<b>Salary Level</b>	<b>Cost</b>
Leader of the Council	£32,470	£32,470
Provost	£24,353	£24,353
Senior Councillors* (11)	£24,353	£267,883#
Councillors (19)	£16,234	£308,446

\*(Depute Provost & Chair of Development Control, 8 Executive councillors, Chair of Performance and Audit Committee, Chair of Licensing Board and Licensing Committee)

# The total allocation for the provision of Senior Councillor's salaries is set at £284,116"

- Moved by the Chair and seconded by Councillor Day

### Amendment

To ask officers to submit a further report to the next meeting of the Council Executive which was to include the Special Responsibility Allowance for the Leader of the Opposition as had been in place for the past two years.

- Moved by Councillor Morrice and seconded by Councillor Swan

### Decision

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

## 8. TREASURY MANAGEMENT STRATEGY FOR 2009/2010

In accordance with the Council's Treasury Policy Statement and Treasury Management Practice, the Council was required to consider the Treasury Management Strategy for each financial year.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance providing a copy of the Treasury Management Strategy for 2009/2010, which detailed the expected activities of the Treasury Function for 2009/2010. The requirements of the Prudential Code had been incorporated in the strategy report.

The Strategy complied with the CIPFA's Treasury Management and Prudential Codes and the council's Financial Regulations and would form the basis of the council's treasury activities during the year.

The Head of Finance invited the Council Executive to :-

1. Approve the Treasury Management Strategy for 2009/2010; and
2. Approve an increase to the Housing Capital financing requirement prudential indicator for 2008/2009 to £62.618 million

### Decision

1. To approve the terms of the report; and
2. Record a note of thanks to the Financial Services Team for all their hard work during the economic downturn

## 9. RISK MANAGEMENT

In terms of the Council's Risk Management Policy and Strategy, the Head of Finance was required to formally report annually to the Council Executive on risk management.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance providing details of the action taken to implement the council's Risk Management Plan during 2008/2009 and seeking approval of the proposed plan for 2009/2010.

The report informed the members of progress during 2008/2009 in the following areas: -

- Risk Register
- Review of Strategic Risks
- Action by Services to Reduce Identified Risks
- Business Continuity Planning
- Sickness Absence

- Partnership Working
- Fleet Risk Management
- Review against British Standard
- Insurance Arrangements
- Tenants Contents Scheme

In relation to Claims, the report provided a brief summary of the position under the following main policies: -

- Employers Liability
- Public Liability
- Property
- Motor

Finally the report provided details of the Risk Management Plan for 2009/2010 which was part of a three-year strategy which would continue to be implemented with the objective being to ensure that the key business risks were identified, control measures were in place and regular reviews of the risks took place.

The report concluded that the management of risk was a continuous process and that measures identified would be incorporated into the service risk register.

It was recommended that the Council Executive: -

1. Note the activities undertaken in 2008/2009 in pursuit of the Risk Management Policy and Strategy; and
2. Approve the Risk Management Plan for 2009/2010 as detailed in the report.

#### Decision

To approve the terms of the report.

#### 10. PROCUREMENT ARRANGEMENTS – THE SUPPLY OF CIVIC CENTRE FURNITURE

Prior to consideration of the item of business a letter was circulated to the members of the Council Executive from a company called Flexiform. The letter outlined concerns with regards to the council's tendering process that had been followed in relation to the supply, delivery and installation of furniture for the Civic Centre.

The Council's requirement for the supply of furniture for the civic centre had been advertised in accordance with the European Union Directives.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance describing the tendering process which had been undertaken and recommending that approval be provided for

the award of a 1-year contract for the supply of workstations, chairs and storage furniture for the period of 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010 and any additional items thereafter, to the companies listed in Appendix 1 to the report.

Following discussion, the Head of Finance explained that any company that had been unsuccessful in tendering for the civic centre furniture contract was provided with a 10-day period in which to approach the council and seek a de-brief, which would afford the opportunity to discuss and review the merits of the bid.

#### Decision

1. To approve the terms of the report, in principle and award the contract for the supply of furniture for the Civic Centre to the companies outlined in the report;
2. To instruct the Chief Executive to investigate the allegations outlined in the letter from Flexiform, and, if the allegations were proven to be unfounded, the award of the contract should proceed, with a report to be submitted to next meeting of the Council Executive outlining details of the findings; or
3. To agree that in the event that any of the allegations were substantiated then the contract was not to proceed and that a full report was to be submitted to next meeting of the Council Executive.

#### 11. PROCUREMENT ARRANGMENTS – THE SUPPLY OF ROAD MAINTENANCE MATERIALS

The Council's requirement for the supply of road maintenance materials had been advertised in accordance with European Union Directives.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance describing the tendering process which had been undertaken and recommending that approval be provided for the award of a 2-year contract for the supply of road maintenance materials for West Lothian Council, East Lothian Council and Midlothian Council for the period 20<sup>th</sup> April 2009 to 31<sup>st</sup> March 2011, with a 2-year contract extension option to the companies listed in Appendix 1 to the report.

In answer to a question raised, the Chief Executive gave an undertaking to explore the inclusion of additional costing details in future reports that were seeking Council Executive approval for the award of a contract for council services or goods.

#### Decision

1. To approve the terms of the report; and



2. To agree that the Chief Executive explore the inclusion of additional costing details in future reports that were seeking Council Executive approval for the award of a contract for council services or goods.

12. PROCUREMENT ARRANGEMENTS – THE PROVISION OF AN EMPLOYEE BENEFIT SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance seeking approval to award a contract for the provision of an employee benefit scheme.

The report advised that whilst the council had an existing employee benefit scheme with Asperity Employee Benefits Ltd, the contract was due to expire in April 2009.

The requirement for an employee benefit scheme had been advertised in accordance with European Union Directives and the specification, attached to the report at Appendix 1 required the provision of a unified benefit scheme, incorporating voluntary benefit, childcare voucher and cycle to work schemes, all to be provided at nil cost to the council.

Seven expressions of interest were received together with formal proposals, of which six provided a nil cost solution. The six nil cost proposals were evaluated against the specification requirements and the recommendation was to award the contract to Asperity Employee Benefit Ltd, commencing on 6<sup>th</sup> April 2009 for a period of three years.

Decision

To approve the terms of the report

13. JOINT TASKING FOR COMMUNITY SAFETY

The Council Executive considered a report (copies of which had been circulated) by the Head of Community Planning and Regeneration, which advised the members of the joint tasking model being developed in partnership with Lothian & Borders Police and relevant Community Planning Partners and how the model could be implemented in West Lothian.

The proposed Joint Tasking and Co-ordination model was a partnership approach involving West Lothian Council, Lothian & Borders Police, Lothian & Borders Fire and Rescue Service and other appropriate Community Planning Partners with an interest and accountability for community safety.

The proposed new structured partnership would use a local tasking and co-ordination process to raise the standard of services, and ensure

community safety services were co-ordinated in response to evidence based need.

The key objectives of Joint Tasking and Co-ordination were: -

- Strategic vision for the future of West Lothian
- Structured multi-agency working, tackling shared problems from varied perspectives to achieve long term success
- Responsive to local needs
- Meeting to collectively tackle individuals and resolve the core issues impacting on communities.

The proposed West Lothian model would be based on a four-tier structure from Strategic Partnership Board to Local Area Committee, as outlined in Appendix 1 to the report. Elected members would be represented at both strategic and locality level ensuring local accountability.

The new working system was expected to start in Spring 2009 and members of the community and elected members would receive progress reports through local area committees and other communication channels.

The Head of Community Planning and Regeneration recommended that the Council Executive: -

1. Welcome the development of the Joint tasking model between West Lothian, Lothian & Borders Police and Community Planning Partners;
2. Agree that the council fully participate in the implementation of the Joint Tasking partnership model as outlined in the report;
3. Consider appropriate elected member representation on the Joint Tasking Strategic Partnership Board; and
4. Agreed that the Council Executive would receive reports on progress on Joint Tasking.

#### Motion

1. To approve recommendations 1, 2 and 4 of the report;
2. Appoint Councillors Johnston, Beurksens, Dickson, Boyle and Morrice to be the council's representatives on the Joint Tasking Strategic Partnership Board;
3. That the elected member representation would be subject to a future review; and

4. That substitutes on the Joint Tasking Strategic Partnership Board would be allowed from any member of the council.

- Moved by the Chair and seconded by Councillor Day

#### Amendment

1. To approve recommendations 1, 2 and 4 of the report; and
2. Appoint 3 labour members and 4 administration members to the Joint Tasking Strategic Partnership Board, which would allow for a geographic spread of elected member representation.

- Moved by Councillor Morrice and seconded by Councillor Swan

#### Decision

Following a vote the motion was successful by 9 votes to 2, with one abstention, and it was agreed accordingly.

### 14. FOSTER CARER MILEAGE RATES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval to increase the mileage rate paid to West Lothian carers.

The report advised that as a foster carer it was expected that the child/young person in placement was treated as one of the family and as such there was no expectation to claim costs for activities associated with normal family activities.

However if the caring task involved situations, such as hospital visits, visits to long-term prospective carers/adopters, visits to the child's family and activities/hobbies that were special to the child then the carer was entitled to claim reimbursement of those costs incurred.

The rate paid for mileage had been set at 13.2p for many years and had not been regularly reviewed. Therefore following a review by the Association of Directors of Social Work which compared rates of pay with other local authorities it was felt that West Lothian needed to urgently address the issue of parity with other areas.

Based on the number of carers' claims and projected costs it was decided a sum of £10,000 would be sufficient to increase the mileage rate from 13.2p to 40p.

It was recommended that the Council Executive approve the proposed increase in the mileage rate paid to West Lothian foster carers from 13.2p to 40p.

Councillor Boyle requested if consideration could be given to connecting future reviews of Foster Carer mileage rates to those of Councillors and Officials to allow for fairness and parity.

#### Decision

1. To approve the terms of the report; and
2. To agree that future reviews of Foster Carer mileage rates would be linked to reviews of Councillor and Officials' mileage rates.

### 15. CORPORATE PARENTING POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for a Corporate Parenting Policy and proposed remits for Children's Champions and Champions for Children's residential units.

The report advised that "Scotland's Looked after Children and Young People: We Can and Must do Better", a strategy document published by the Scottish Executive in January 2007, highlighted the need for councils to understand and execute their responsibilities as corporate parent for all looked after children and young people.

The draft Corporate Parenting Policy attached to the report at Appendix 1 outlined those responsibilities and identified aims and objectives.

Additionally the Corporate Parenting Policy sought to establish the role of Children's Champion's for looked after children and young people and the proposed remit for such a role was attached to the report at Appendix 2.

Also attached to the report at Appendix 3 was the proposed remit for Champion's of Children's Residential Units, which would cover the four residential units throughout West Lothian and would seek to enhance the functioning of the corporate parent by strengthening performance in a number of areas as outlined in the remit.

The report concluded that by adopting such a policy it was expected that the council would be well placed to understand and enhance its role as corporate parent with the result of the best possible outcomes for West Lothian's looked after children and young people.

The Head of Social Policy further advised that guidance to assist elected members in becoming a Children's Champion was being prepared and would be presented to a future meeting of the Social Policy Policy Development and Scrutiny Panel.

It was recommended that the Council Executive approve the Corporate Parenting Policy and remits for Children's Champion and Champions for Residential Units.

Decision

1. To approve the terms of the report; and
2. Agreed that guidance to assist elected members in becoming a Children's Champion would be presented to a future meeting of the Social Policy Policy Development and Scrutiny Panel.

16. WESTRIGG OLD MAN'S HUT

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural Services advising that the Westrigg Old Man's Hut was surplus to requirements and to seek approval to proceed to demolition as soon as possible.

The report advised that the West Lothian Asset Management Group in consultation with Property Services had reviewed the council's property portfolio, as there were several buildings, pavilions and small-hutted units that were in an extremely poor condition.

A condition survey was carried out on the Westrigg Old Man's Hit and this had indicated that it would cost in the region of £50,000 to carry out a refurbishment programme. Since this time the building has been severely vandalised and had been boarded up as it was unfit for use.

The group of elderly people who had been using the facility had since been offered and accepted free accommodation at the Craig Inn Centre, for which the council had agreed to transport the group free of charge until the end of March 2009.

It was further noted that whilst LEADER funding may have been available to develop the facility, the extent of the vandalism, the costs involved in making the facility accessible and the extremely limited usage did not represent good value for money.

The Local Area Committee had been consulted on the proposals and had agreed with the recommendation contained within the report.

It was recommended that the Council Executive approve that the Westrigg Old Man's Hut was declared surplus to requirements and was demolished as soon as possible.

Decision

To approve the terms of the report

17. HOUSEHOLDER PERMITTED DEVELOPER RIGHTS – SCOTTISH GOVERNMENT CONSULTATION PAPER

The Council Executive considered a report (copies of which had been circulated) by the Development Control Manager advising of the Scottish Government's replacement of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 with the Town and Country Planning (Household Permitted Development) (Scotland) Order 2009, copies of which were attached to the report at Appendices 1 and 2, and to seek approval for a consultation response to the Scottish Government on the new order.

The report advised that householders enjoyed permitted development rights under existing planning legislation, up to certain limits, to build an extension to their house or erect a free standing garage or other outbuilding within their curtilage without having to apply for planning permission.

The revised regulations would increase the level of householder development, which was possible without having to apply for planning permission. This would allow for changes to be made to parts of the roof, including the installation of dormers and would seek to introduce different levels of control for the principle of side and rear elevations to a house.

The report summarised the proposed new permitted development rights and included an assessment of the impact of the proposed changes.

Concerns raised in relation to the proposals were also outlined in the report and suggested comments to those concerns were detailed.

The report concluded that the proposed amendments to householder permitted development rights were generally welcomed as they would introduce control and would allow development which was not likely to give rise to any nuisance to proceed without the need for going through the planning process.

It was recommended that the Council Executive notes the proposed changes and approves the proposed response to the Scottish Government's consultation on householder permitted development rights as attached to the report at Appendix 3.

In answer to a question raised with regards to exacerbating education constraints if householders could extend their properties without the need for planning permission, officers advised that the consultation response had not taken this into consideration

### Decision

1. To approve the terms of the report; and
2. Agreed that the consultation response would make reference to the fact that allowing householders to build extensions without the need for planning permission could unwittingly exacerbate education constraints.

18. CONSULTATION ON REVISION OF PLANNING CIRCULAR 12/1996 – PLANNING AGREEMENTS

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager, which set out a proposed response to a Scottish Government consultation on draft, revised planning circular 12/1996, Planning Agreements.

The report advised that the consultation sought to explore how best to make the existing system of planning agreements, set out in Section 75 of the Town and Country (Scotland) Act 1997 and implemented through Circular 12/1996, operate more effectively in order that agreements could be taken forward in a more transparent and consistent manner.

The existing circular was being reviewed because the Scottish Government was concerned that the conclusion of planning agreements could cause a delay on development by slowing up the planning process, delaying the benefits to Scotland's communities of appropriately planned development and adding costs for developers, infrastructure providers and the wider public sector.

Information was provided on the policy tests that were required for planning agreements and the sequential test of necessity and its implications for the Council.

The report also outlined other elements of the circular that would be revised and their implications for the Council.

The report concluded that the revised circular clarified existing procedures and did not propose radical change to circular 12/1996. However whilst the draft circular had no major implications for policy or procedures, it was recognised that its publication would do nothing to solve the infrastructure problems that currently existed.

The Planning Services Manager recommended that the Council Executive approve the proposed response to the Scottish Government's consultation on draft circular 12/1996, Planning Agreements.

Decision

To approve the terms of the report

19. STRATEGIC DEVELOPMENT PLAN UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager, which provided an update on progress of the preparation of the Strategic Development Plan.

The Planning Services Manager advised that at a meeting of the SESplan

Joint Committee a number of items concerning the Strategic Development Plan were considered and included the Development Plan Scheme, Operating Budget for 2009/2010, Financial Regulations for SESplan and Green Belt Study.

Details of the four elements that were discussed at the SESplan meeting, were outlined in the report and the Council Executive were asked to ratify the proposed operating budget for the financial year 2009/2010 and the proposed financial regulations for SESplan.

The report concluded that the Development Plan Scheme would set the timetable for the preparation of the Strategic Development Plan, whilst the proposed operating budget and financial regulations were considered appropriate, with the council's contribution being met from the existing Planning Service budget.

It was recommended that the Council Executive: -

- Note the contents of this report;
- Endorse the decision by the Edinburgh & South East Scotland Strategic Development Plan Joint Committee (SESplan JC) to agree the proposed operating budget for SESplan over the financial year 2009/10;
- Endorse the decision by SESplan JC to adopt the proposed financial regulations for the SESplan Joint Committee; and
- Delegate authority to the Planning Services Manager, acting in consultation with the Leader of the Council and the Executive Councillor for Development and Transport, to agree any further non-substantive revisions to the operating budget and Financial Regulations as matters arose.

### Decision

To approve the terms of the report

## 20. DEVELOPMENT PLAN SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking endorsement on the proposed Development Plan Scheme for the West Lothian Local Development Plan.

The report advised that Section 20B of the Planning, etc (Scotland) Act 2006 required a Development Plan Scheme to be prepared at least annually for the Strategic Development Plan and the Local Development Plan. The purpose of the Development Plan Scheme was to set out a programme for preparing, reviewing and consulting on the Strategic Development Plan and the Local Development Plan.



After adopting a Development Plan Scheme, the Act required the authority to publish it, including electronically, send two copies to Scottish Ministers and place copies in public libraries. The Development Plan Scheme was also to include a participation statement, which would indicate when, how and with whom consultation would take place.

The report also contained information relating to the approval of a Development Plan Scheme for the South East Scotland Strategic Development Plan, which was similar to that being proposed for West Lothian Council.

The Planning Services Manager explained that in order to meet the Scottish Government's requirements that a Development Plan Scheme be prepared by 31<sup>st</sup> March 2009, a draft Development Plan Scheme for West Lothian had been prepared as attached to the report at Appendix 1.

The draft Development Plan Scheme had been written in an accessible style and encouraged people to register their interest in the Local Development Plan process.

However given that the council adopted the West Lothian Local Plan on 13<sup>th</sup> January 2009, there was no need for the council to embark on an early review of the plan, as this part of the development plan was up to date.

The report then outlined a timetable for the progression of the Local Development Plan over the next five years and advised that given the proposed timetable the earliest the Local Development Plan would be adopted would be 2014.

It was recommended that the Council Executive: -

1. Approves the Development Plan Scheme for the West Lothian Local Development Plan attached to the report at Appendix 1;
2. Notes the approved Development Plan Scheme for the South East Scotland Strategic Development Plan approved by the SESplan Joint Committee on 26<sup>th</sup> January 2009.

#### Decision

To approve the terms of the report

#### 21. PROPOSED JOINT WORKING AGREEMENT BETWEEN HISTORIC SCOTLAND AND PLANNING AUTHORITIES IN RELATION TO STATUTORY CASEWORK AND CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager which advised the members of the content of Historic Scotland's draft of the proposed Joint Working

Agreement, which had been sent to councils for comment.

The Planning Services Manager explained that Historic Scotland had issued to all councils a draft proposed joint working agreement between the agency and planning authorities in relation to consultation on and processing of applications for listed building consent and other development which had an effect on the historic environment.

The report then outlined the role of Historic Scotland and its relationship with council's, including their role as a consultee on the designation of conservation areas by local authorities.

However Historic Scotland were of the view that in most cases local authorities did not need to engage them at the pre-application stage although they would have a role in sensitive or significant cases. It was also the view of Historic Scotland that the planning authority was best placed to provide information on most historic environment and casework matters, including the need for consent, within their communities without the need to seek general advice from them.

The report then summarised the main key points of the consultation document and it was to be noted that West Lothian had had a long relationship with Historic Scotland and had good working relationships across a number of areas. However recent experience had seen cases where the council would have benefited from a greater more rapid and focused input from Historic Scotland rather than the "hands-off" approach being offered through the consultation.

The report concluded that the agreement, including devolution of Category B listed buildings consent would bring little added value to West Lothian in terms of performance and might even carry some risk by placing additional burdens on existing services.

Additionally there was a concern that the removal of Historic Scotland's "higher level" input would inevitably lead to a dilution of the status and effective conservation of Category B listed buildings and that West Lothian would receive less input and support from Historic Scotland in general.

It was recommended that the Council Executive: -

1. Notes the content of the draft joint agreement;
2. Agrees to the responses in the questionnaire;
3. Accepts the principle of the agreement subject to further discussion with Historic Scotland and suggested refinements and comments, including those in the questionnaire;
4. Awaits the outcome of the pilot scheme of listed building consent delegation; and

5. Requests a further report by the Planning Services Manager on how the agreement might apply to West Lothian.

Decision

To approve the terms of the report

22. DRAFT PLANNING BRIEF – JAMES YOUNG HIGH SCHOOL, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking approval for a draft planning brief for a site at James Young High School, Livingston.

The report advised that the site was located on the south side of Almondvale Road close to the main town centre shopping areas and under the terms of the local plan the site was allocated for town centre uses. Such an allocation allowed for a broad range of uses such as business, recreational and civic developments, retail and housing including flats.

The brief, attached to the report at Appendix 1, was intended as a guide to development of the site and identify key design, environmental and infrastructure requirements of the council as well as any additional community benefits.

As was standard practice with planning briefs, consultation took place with local parties including local members who suggested that the site could be suitable for housing for the elderly. Additionally concerns were expressed over the impact any development would have on the school environment, access to the site and marketing.

It was to be noted that whilst the brief allowed for housing development it was not restricted to housing for the elderly. Additionally Social Policy advised that the site did not provide a good environment for this type of provision due to the immediate surroundings.

With regard to the impact on the school environment the brief had been subject of consultation with the school and no comments had been received. Likewise with regards to access to the site, permission would be required from Aldi as owners of the access road, and no comments had been received.

The Council Executive also noted that neither Dedridge Community Council nor the parent council had any comments to make.

The report concluded that whilst Property Services had advised that there was no immediate plan to market the site, the purpose of the brief was to allow the site to come forward quickly should the council decide in the future to move forward on marketing.

Councillor Anderson then sought to clarify the position with regards to the proposed footpath to the town centre, which appeared to fall within the curtilage of the school boundary. Officers advised that if necessary the footpath could either be moved further to the north or remain in its existing position but surrounded by security fencing and gated as appropriate.

It was recommended that the Council Executive: -

1. Approve the draft planning brief; and
2. Note that if the site were marketed then the brief would form part of the marketing particulars.

#### Decision

1. To approve the terms of the report; and
2. To agree that the existing footpath currently located within the curtilage of the school boundary be moved further to the north.

#### 23. CAPITAL PROGRAMME EXPENDITURE: TRADITIONAL TOWN CENTRES

Prior to consideration of the following item of business Councillor Hutton left the room and took no further part in the meeting.

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager asking the members to consider the funding arrangements for town centre improvement projects in the five traditional towns for the forthcoming financial year.

The Planning Services Manager advised that in November 2007 the Council Executive approved a ten-year capital investment and asset management strategy over the period 2008/2009 to 2017/2018 and this included an investment strategy for each of the traditional town centres of Armadale, Bathgate, Broxburn and Uphall, Linlithgow and Whitburn. Details of the approved budgets for each of the next four financial years were detailed in the report.

A significant number of projects had been implemented across the five towns in financial year 2008/2009. However at the present time each of the five towns was at a different stage in terms of agreeing frameworks for future bids.

Given that each town was at a different state of readiness to prioritise future projects, consideration was to be given as to how the distribution of funding for the coming financial year was to take place. Therefore the following three options were proposed for consideration by a meeting of the Partnership and Resource Policy Development and Scrutiny Panel: -

**Option 1** – Continue with the Council Executive agreement from February 2008 whereby each town would receive a fixed allocation of £25k per annum with the balance of the £413k being allocated on the basis of business cases for proposed projects being submitted from individual towns.

**Option 2** – Continue with the same arrangement, which had been in place for this financial year 2008/2009 whereby the funding of £413k would be split equally between each of the towns.

**Option 3** – Implement a higher level of guaranteed funding for each town (for example £50k) with the remainder of the £413k being allocated on the basis of business cases for proposed projects being submitted from each town.

Details of the discussions that took place at the meeting of the Partnership and Resource Policy Development and Scrutiny Panel were summarised in the report and it was concluded that the Policy Panel would recommend to the Council Executive a combination of Options 1 and 3.

The report concluded that the recommendation from the Policy Panel would allow a focused approach to town centre improvements and would allow for a more substantive improvement to be undertaken.

It was recommended that the Council Executive approve the recommendation of the Partnership and Resource Policy Development and Scrutiny Panel in that funding should be allocated on the basis of a guaranteed amount being available to each town with the balance of funding being allocated on the basis of competitive bids. If the Council Executive accepted the recommendation from the PDSP it was suggested that the end of May was set as the deadline for groups in each of the towns to submit bids for consideration by the council.

#### Motion

To approve Option 3 of the report, whereby each town would get a higher level of guaranteed funding with the remainder of the balance to be allocated on the basis of business cases for proposed projects being submitted from each town and to ensure that there was suitable officer support to enable bids to be brought forward from each of the traditional town centres.

- Moved by the Chair and seconded by Councillor Day

#### Amendment

To approve Option 2 of the report, whereby the funding would be equally split between each of the five traditional towns

- Moved by Councillor Swan and seconded by Councillor Morrice

### Decision

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

## 24. BUS SERVICE INFORMATION ISSUES AND INITIATIVES

The Council Executive considered a report (copies of which were circulated) by the Public Transport Manager, which informed the members of progress towards a Bus Information Strategy and to seek approval for an interim position for bus service information pending its adoption.

The report advised that the Transport (Scotland) Act 2001 required all councils to adopt a Bus Information Strategy. This was a significant project that required extensive consultation with service users and negotiation with suppliers to get to the point of agreement and adoption.

The purpose of the strategy was to define appropriate bus passenger information standards in terms of volumes, availability and timelines and would also define roles and responsibilities for the production and distribution of information and give councils powers to deliver those standards and if necessary charge operators for doing so.

It was to be noted that strategies had not been developed or adopted in many council areas including West Lothian. However SESTran was leading the development of a region-wide strategy which constituent councils would be able to adopt if they saw fit.

In the lead-up to a strategy being available, a short term review of existing bus service information produced by the council had been undertaken which would provide for an interim position pending the strategy itself being available.

A key part of the council's service information effort in recent years had centred on the West Lothian comprehensive bus and rail timetable, which was a 190-page publication produced approximately twice a year.

However continual changes to services rendered each issue out of date very quickly, often before the booklet had been delivered to the printer. A further factor was that a single issue of the comprehensive timetable booklet absorbed about one half of the annual budget for timetable production.

An alternative to the continuation of the comprehensive book would be to concentrate effort on providing printed material on individual service leaflets, which would be more easily revised and less expensive to produce.

As it would take approximately one year to create and adopt a SESTran-led Bus Information Strategy there remained the need to focus efforts in

providing service information in an environment of constant bus services changes. Therefore it was proposed that interim efforts in West Lothian adhere to the following principles and guidelines: -

- The 190-page bus and rail timetable would be replaced by a combination of more frequent revisions to the area map and guide and improved and standardised service timetable leaflets.
- Printed bus stop information would be maintained up to date in all existing locations.
- A full list of publications and service standards would be adopted.
- Full use would be made of the facilities of Traveline and Transport Direct wherever possible.
- Opportunities to explore or develop a real time bus information system for West Lothian would be taken wherever possible, by working partnership with other councils within SESTran.

The report concluded that a region wide bus strategy was being progressed by SESTran and would probably be available late in 2009. In the meantime an interim position was recommended during which time information provision could be stabilised pending the preparation and adoption of a bus information strategy.

It was recommended that the Council Executive: -

- Approve participation in the SESTran initiative to produce a Bus Information Strategy which the council would be able to adopt or amend if thought worthwhile; and
- Approve the interim revisions that were taking place to the range of service information provided by the council.

### Decision

To approve the terms of the report

## 25. UPDATE ON THE FORTH REPLACEMENT CROSSING

Prior to consideration of the following item of business Councillor Morrice left the room and took no farther part in the meeting.

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager providing an update on the Scottish Government's plans for the Forth Replacement Crossing.

The Transportation Manager explained that on 10<sup>th</sup> December 2008, the Scottish Government published the Strategic Transport Projects Review, which listed a total of 29 transport packages to be delivered from 2012-

2022 in key locations across the country and included a replacement Forth crossing.

The report continued that since 2007 there had been a series of positive reports about the condition of the Forth Road Bridge, which had allowed for a different approach for use of both the existing bridge and new bridge to serve different transport functions.

The two-bridge strategy had allowed a design of the bridge deck of the new crossing to be narrowed by not having to provide footways, cycle ways, bus lanes or tracks for light rail. Therefore the bridge deck significantly reduced the cost of the structure.

Further detail was provided in the report, which related to the design of the new bridge, approach roads and park and ride schemes. Cost were also summarised along with the timescale for the project.

It was further noted that Transport Scotland had staged a series of public information exhibitions during January 2009, three of which were held in West Lothian at Winchburgh, Livingston and Linlithgow. As part of the continuing consultation process the Scottish Government were seeking feedback from the council, details of which were attached to the report at Appendix 4.

Key issues for West Lothian included the impact of the project on the local transport network, existing communities, development proposals and other issues, details of which were outlined in the report.

The report concluded that the proposal of a two-bridge strategy had the potential for strategic benefits for the Scottish transport network and for cross Forth travel, however it was important to ensure the safety and free flow of traffic on the local road network and protect vulnerable individuals and communities from the adverse affects of construction and additional traffic from the new crossing.

It was recommended that Council Executive note the contents of the report, and approve the feedback form, attached to the report at Appendix 4, as the basis of the council's response to the Government's latest round of consultation on the Forth replacement crossing.

#### Decision

To approve the terms of the report

## 26. STRATEGIC TRANSPORT PROJECTS REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager, which provided an update on the Scottish Government's recent announcement of the Strategic Transport Projects Review.



The Transportation Manager explained that on 10<sup>th</sup> December 2008, the Scottish Government published the Strategic Transport Projects Review, which listed a total of 29 transport packages to be delivered from 2012-2022 in key locations across the country and included a number of projects that would impact upon West Lothian.

It was noted that the Strategic Transport Projects Review (STPR) had been undertaken by Transport Scotland to define the Scottish Government's most appropriate strategic investment priorities and had been prepared in accordance with the Scottish Transport Appraisal Guidance and the Scottish Government's strategic objectives of: Wealthier, Fairer, Smarter, Healthier, Safer & Stronger, and Greener.

The review initially generated a long list of transportation options for appraisal, which was eventually reduced to 29 recommended packages, listed under the following hierarchy: -

- Projects 1-5 – to maintain and safely operate existing assets;
- Projects 6-13 – to make better use of existing capacity; and
- Projects 14-29 – to target infrastructure improvements.

The final detailed list of the 29 packages was provided in Appendix 4 to the report and highlighted the interventions that affected West Lothian and the SEStran partnership area. Estimated costs were also provided for each package.

Further detail was provided in the report on the projects that impacted upon West Lothian, including Edinburgh to Glasgow rail improvements, integrated ticketing and Grangemouth road and rail access upgrades.

In addition to the projects included in the STPR there were also details of those projects that had been removed, and included Linlithgow Park and Ride, M8 and A71 Bus Priority Measures and Priority Vehicle Lane on the M8.

The Transportation Manager concluded that the publication of the STPR was generally welcomed in terms of giving Transport Scotland's insight to future projects and initiatives within Scotland and that there would be considerable benefit to West Lothian if all 29 projects were delivered.

It was recommended that the Council Executive note the contents of the report concerning the publication of the Scottish Government's Strategic Transport Project Review.

### Decision

To note the contents of the report

27. PROPOSED WAITING RESTRICTIONS – INCHMUIR ROAD, WHITEHILL INDUSTRIAL ESTATE, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager seeking approval to initiate the statutory procedures to introduce waiting restrictions on Inchmuir Road in Whitehill Industrial Estate, Bathgate.

The report advised that local businesses had raised concerns about indiscriminate parking around junctions and accesses within Whitehill Industrial Estate. At some locations on street parking near junctions inhibited access and reduced visibility at those junctions.

Additionally three minor personal injury accidents occurred within Whitehill Industrial Estate during the five-year period from 1<sup>st</sup> September 2003 to 31<sup>st</sup> August 2008.

Therefore “no waiting at any time” restrictions were proposed around all junctions, accesses and corners on Inchmuir Road.

Lothian and Borders Police had been consulted on the proposals and had made no adverse comments on the proposals.

Local ward members were also consulted on the proposals and the comments made by Councillor Beurskens and Councillor Swan were outlined in the report.

In order to ensure good access to business properties within Whitehill Industrial Estate and to maintain road safety for pedestrians and drivers, it was recommended that a permanent traffic order be promoted to introduce “no waiting at any time” restrictions on Inchmuir Road, Bathgate.

Decision

To approve the terms of the report

28. OBJECTIONS TO PROPOSED WAITING RESTRICTIONS AND PROPOSAL FOR ADDITIONAL MEASURES, LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager to allow objections received in relation to the proposed traffic regulation order effecting Friars Brae, Linlithgow to be considered.

The report advised that the statutory procedures to provide “no waiting at anytime” restrictions on sections of Manse Road, Edinburgh Road, Friars Brae and Mill Road Industrial Estate were formally advertised between 10<sup>th</sup> December 2008 and 19<sup>th</sup> January 2009.

During the statutory advertising period seven letters of objection were received, two of which were still outstanding.

As no objections were received for the waiting restrictions at Mill Road Industrial Estate and Edinburgh Road and there were no outstanding objections for the waiting restrictions on Manse Road, the traffic regulation order had been made in part and would come into force on 20<sup>th</sup> April 2009.

Details of the two outstanding objections received in connection with Friars Brae were summarised in the report.

As a result of the points made by one of the objectors it was also proposed to introduce “no waiting at any time” restrictions on additional sections of Friars Brae, that would improve two way traffic flow and access for refuse vehicles.

Lothian and Borders Police and local members were consulted and had made no adverse comments on the proposals.

The report further advised that at a meeting of the Linlithgow Local Area Committee, the Transportation Manager was asked to consider a one-hour waiting restriction for the Clarendon area. It was therefore proposed to consult residents on the provision of limited waiting restrictions in Clarendon Road, Clarendon Crescent and Rockville Grove, which would restrict parking between the hours of 10am and 11am thus discouraging cars from being left all day in the same location.

Lothian and Borders Police were consulted and had made no adverse comments on the proposals.

Local ward members were also consulted on the proposals and the comments made by Councillor Conn were outlined in the report. Councillors Day and Kerr had made no adverse comments on the proposals.

It was recommended that the Council Executive: -

1. Overrules the outstanding objections to the advertised traffic regulation order in connection with Friars Brae;
2. Approves the making of the traffic regulation order for Friars Brae PT/08/13 and the introduction of the waiting restrictions as advertised;
3. Approves the initiation of the statutory procedures to promote a permanent traffic regulation order to introduce “no waiting at any time” restrictions on additional lengths of Friars Brae; and
4. Approves the commencement of local consultation on waiting restrictions in Clarendon Road, Clarendon Crescent and Rockville

Grove, Linlithgow.

Decision

To approve the terms of the report

29. DESIGNING STREETS – CONSULTATION DRAFT FROM SCOTTISH GOVERNMENT

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager seeking approval for the submission of a response to the Scottish Government's consultation on designing streets, which would apply the principles of good design to both new and wherever possible, existing streets.

The report advised that the consultation was split into two sections, the first being Policy and the second being Supporting Guidance. The report then summarised the key points of each section of the document.

It was to be noted that Quality Audit was identified within the policy document as a key component in delivering the desired high development quality and that whilst it was good practice particular reference was made to the assessment and audit of the development proposal through quality audit.

Additionally the Supporting Guidance provided design advice on how streets should be designed and included advice on street users needs, street geometry, parking, materials, adoption and maintenance, traffic signs and markings, street furniture and street lighting.

It was further explained that whilst an integrated working approach already existed within the council, with consultation taking place with other service areas at the pre-application stage, Designing Streets placed a greater emphasis on showing that the quality aspects needed to create a well designed place and street had been fully considered.

Also with the introduction of a quality audit process, which would be desirable, it would be resource intensive and detailed guidance would need to be developed by the council to identify what would be required in support of planning applications.

Finally the consultation document made no reference to the Planning (Scotland) Act 2006 and there was an important link with this legislation in terms of the requirement for early discussion of development proposals with the planning authority.

The report concluded that the council supported the principles contained within Designing Streets and that approval should be sought for it to be the basis for developing its own detailed guidance for integrated working and local development standards documents.

It was recommended that the Council Executive accepts the principles of the policy document but notes the practical difficulties in delivering quality audits within the planning process and approves the response to the Scottish Government's consultation on Designing Streets.

#### Decision

To approve the terms of the report

### 30. LEASE OF ADDITIONAL AREAS OF LAND, MILLFIELD, LIVINGSTON – ALMOND VALLEY HERITAGE TRUST

Prior to consideration of the following item of business and in answer to a question raised, the Chief Legal Officer advised the members present that where an elected member had declared an interest and had advised that they would not participate in the discussion or decision on the item, that for the avoidance of doubt it was advisable for the member to leave the room.

Following the Chief Legal Officer's advice, Councillors Cochrane, Miller and Walker vacated the room and took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval for the lease of 2 areas of land in addition to the existing lease of 9.237 hectares to Almond Valley Heritage Trust.

The report advised that the Almond Valley Heritage Trust had leased the existing site since January 1996. At its meeting on 10<sup>th</sup> February 2009 the Council Executive approved the recommendation to extend the lease to 28<sup>th</sup> February 2043. The lease was required by the Trust to enable them to raise additional external funding for further development.

As part of the previous report to the Council Executive it was advised that further authorisation would be sought to extend the existing area of land leased to the Trust.

The areas to be leased to the Trust had been previously leased on a seasonal basis for use as an overflow car park and it was proposed that this area would be incorporated on a permanent basis as part of the lease.

The Head of Property Services recommended that the Council Executive approve the lease of 2 areas of land in addition to the current lease of 9.237 hectares at The Almond Valley Heritage Centre, Millfield, Livingston for the period until 28<sup>th</sup> February 2043.

#### Decision

To approve the terms of the report

31. 34-36 MAIN STREET, WEST CALDER – PROPOSED EXTENSION OF LEASE TO RED BAND CHEMICAL COMPANY LTD T/A MACBRIDE PHARMACY LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval to extend the term of lease of shop premises at 34-36 Main Street, West Calder to Red Band Chemical Company Ltd trading as MacBride Pharmacy Ltd.

The report advised that at a meeting of the Council Executive on 30<sup>th</sup> September 2008, it was approved to lease the property for a fifteen-year period. Subsequently the tenant had approached the council with a request to extend the lease for an additional five years.

The main terms and conditions of the extended lease were summarised in the report.

The Head of Property Services recommended that the Council Executive approve the extension of the lease of 34-36 Main Street, West Calder to Red Band Chemical Company Ltd, trading as MacBride Pharmacy Ltd for the period until 2027 at an initial rental of £9,900 per annum.

Decision

To approve the terms of the report

32. BEECRAIGS COUNTRY PARK, LINLITHGOW – PROPOSED LEASE FOR VISITOR ATTRACTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval for the proposed lease of an area of woodland at Beecraigs Country Park to Adventure Forest Ltd (t/a GOAPE) for the purpose of creating a “high-wire/rope course” attraction,

The report advised that at its meeting on the 20<sup>th</sup> May 2008, the Council Executive approved a report which set out a business plan with a range of measures to stabilise and safeguard the future of the council’s country parks. The report also recommended undertaking an investigation to determine the potential for encouraging “adrenalin activities” to appeal to younger markets and generate new revenue sources.

Following investigations by Countryside and Property Management & Development, an area of Beecraigs Country Park was identified as having potential for a “high wire/ropes course” visitor attraction.

A brief, outlining the council’s desire to establish such an attraction,

together with the councils legal and financial requirements were distributed to operators of such facilities in the UK to obtain formal tender submissions.

Two tenders were received prior to the closing date of the 20<sup>th</sup> August 2008 and following consideration and evaluation of the tenders the submission by Adventure Forest Ltd (t/a GOAPE) was considered to be the most attractive.

The report then summarised the main terms and conditions of the lease and advised that Adventure Forest Ltd was the UK's largest high wire/rope course attraction operator and operated sites throughout England and one in Scotland at Aberfoyle.

The report concluded that the proposed lease would not only provide a revenue gathering opportunity but would also provide a further attraction to the already successful range of activities at Beecraigs Country Park.

It was recommended that the Council Executive: -

1. Approve the lease of 3.222 ha or thereby of land at Beecraigs Country Park to Adventure Forest Ltd for a period of 25 years at an initial rent of £2,000 per annum; and
2. Authorise officers to amend the terms and conditions of the lease agreement in the circumstances that the boundaries changed due to alterations in the design of the attraction.

In answer to a question raised, concerning continued access to some of the public footpaths following installation of the high wire apparatus, the Head of Property Services gave an undertaking to ensure that if any public footpaths were affected by the installation then alternative routes would be sourced and that if any further concerns were raised with regards to public access then a report would be forwarded to the Culture and Leisure Policy Development and Scrutiny Panel for consideration.

#### Decision

1. To approve the terms of the report;
2. To agree that the Head of Property Services undertake to ensure that if any public footpaths were affected by the installation of the high wire apparatus alternative routes would be sourced; and
3. To agree that if any further concerns were raised with regards to public access, then a report would be submitted to the Culture and Leisure PDSP for their consideration.

### 33. LAND AT HOWDEN WEST ROAD, LIVINGSTON – PROPOSED COMPULSORY PURCHASE ORDER (CPO)

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services, seeking approval to adopt compulsory purchase powers to acquire an area of land at Howden West Road, Livingston in connection with road traffic improvements and a pedestrian crossing.

The Head of Property Services explained that local residents used an area of land between India Cottage Restaurant and the Shell Petrol Filling Station on Howden Road West, Livingston as an unofficial highway to reach public transport, St Johns Hospital and local amenities.

In a bid to reduce the risk of accidents at the location, a scheme had been designed that would include a new pedestrian crossing and general road safety improvements.

In order for the council to proceed with the project an area of land within the ownership of India Cottage Restaurant was required to complete the footpath link and pedestrian crossing, but despite ongoing negotiations with the landowner since 2002 no agreement had been reached.

Therefore the report concluded that, as it had not been possible to reach a negotiated agreement with the owner of the land compulsory purchase was deemed necessary to allow the improvements to take place.

It was recommended that the Council Executive approved the promotion of a Compulsory Purchase Order under the Highways Act 1980, in order to secure the acquisition of land at Howden West Road, Livingston in order to carry out highway improvements.

#### Decision

To approve the terms of the report

#### 34. CILIPS (CHARTERED INSTITUTE OF LIBRARIES AND INFORMATION PROFESSIONALS) ANNUAL CONFERENCE

The Council Executive considered attendance at the Chartered Institute of Libraries and Information Professionals Annual Conference to be held in Peebles from 1<sup>st</sup> to 3<sup>rd</sup> June 2009.

#### Decision

To agree that the council be represented by Councillor Miller, or nominee.

#### 35. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

(a) Responding to Allegations against Foster Carers – Protocol for



### Consultation and Comment

The Council Executive were advised of action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a consultation response to the Scottish Government as recommended by the Head of Social Policy in his report dated 17<sup>th</sup> February 2009.

(b) The Big Lottery Fund “Big Thinking” Consultation

The Council Executive were advised of action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the Scottish Government as recommended by the Head of Community Planning and Regeneration in his report dated 20<sup>th</sup> February 2009.

(c) Greenspace Questionnaire – Long Term Sustainable Management of Urban Spaces

The Council Executive were advised of action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the Scottish Government as recommended by the Head of Operational Services in his report dated 6<sup>th</sup> March 2009.