



West Lothian  
Council

## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

4 September 2014

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 16 September 2014** at **10:00am**.

For Chief Executive

### **BUSINESS**

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm the Minute of the meeting held on 19 August 2014 - Due to rules prohibiting the publication by the council of certain material in the run up to the referendum, this document is not being published or uploaded to the internet or made available to the general public except in response to a specific request.

### **Public Items for Decision**

5. Air Weapons and Licensing (Scotland) Bill - Response to Scottish Parliament's Call for Evidence - Report by Head of Corporate Services (herewith).
6. West Lothian Villages Improvement Fund - Applications - Report by Lead Officer for Armadale and Blackridge Local Area Committee (herewith)

7. Review of the Enforcement Charter - Report by Head of Planning and Economic Development (herewith)
8. SESPlan Supplementary Guidance for Housing - Report by Head of Planning and Economic Development (herewith)
9. Review of Residential On-Street Disabled Persons' Parking Policy - Report by Head of Operational Services (herewith)
10. Reservoirs (Scotland) Act 2011 - Consultation on Registration, Charging, Risk Designation and Associated Aspects - Report by Head of Operational Services (herewith)
11. Objections to Stoneyburn and Bents Traffic Calming - Modernisation Measures - Report by Head Operational Services (herewith)
12. Proposed Stopping-up Order - Part of B9080 Carriageway near Glendevon, Winchburgh - Report by Head of Operational Services (herewith)
13. Proposed Change of Speed Limits - 40mph to 30mph on part of the B9080, Winchburgh and 50mph to 30mph on part of B8020, Winchburgh - Report by Head of Operational Services (herewith)
14. Supplementary Planning Guidance - A71 Developer Contributions - Joint Report by Head of Planning and Economic Development and Head of Operational Services (herewith)
15. 2014-15 Winter Service Policy - Roads and Transportation - Report by Head of Operational Services (herewith)
16. 2014-15 General Fund Revenue Budget - Month 4 Monitoring - Report by Head of Finance and Estates (herewith)
17. 2014-15 General Services Capital Budget - Month 4 Monitoring Report - Report by Head of Finance and Estates (to follow)
18. 2014-15 Housing Revenue Account - Month 4 Monitoring - Report by Depute Chief Executive, Corporate, Operational and Area Services (herewith)
19. 2014-15 Housing Capital Report - Month 4 Monitoring - Report by Depute Chief Executive, Corporate, Operational and Area Services (herewith)
20. Procurement Arrangements - Supply of Telecare Maintenance and Associated Works - Report by Head of Finance and Estates (herewith).
21. Review of Anti Social Behaviour, etc (Scotland) Act 2004 - Report by Head of Housing, Construction and Building Services (herewith)

**Public Items for Information**

22. St John's Hospital Stakeholder Group - Report by Depute Chief Executive, Community Health & Care Partnership (herewith)
23. Community Planning Partnership Board - Report by Depute Chief Executive, Community Health & Care Partnership (herewith)
24. West Lothian Community Health & Care Partnership Board - Report by Depute Chief Executive, Community Health & Care Partnership (herewith)
25. Procurement - Month 5 Monitoring 2014/15 - Report by Head of Finance and Estates (herewith).

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NOTE      **For further information please contact Eileen.Rollo on Tel No.01506 281621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**







## **COUNCIL EXECUTIVE**

### **AIR WEAPONS AND LICENSING (SCOTLAND) BILL – RESPONSE TO SCOTTISH PARLIAMENT’S CALL FOR EVIDENCE**

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

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

To invite Council Executive to consider the draft response to the Scottish Parliament’s call for evidence in relation to the provisions of the Air Weapons And Licensing (Scotland) Bill.

### **B. RECOMMENDATION**

It is recommended that the Executive approves the response to the consultation set out in Appendix 1 to the report.

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

<b>I Council Values</b>		<ul style="list-style-type: none"><li>• Focusing on our customers' needs</li><li>• Being honest, open and accountable</li><li>• Providing equality of opportunities</li><li>• Working in partnership</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>		<ul style="list-style-type: none"><li>• Licensing (Scotland) Act 2005</li><li>• Civic Government (Scotland) 1982</li></ul>
<b>III Implications for Scheme of Delegations to Officers</b>	None	
<b>IV Impact on performance and performance Indicators</b>	None	
<b>V Relevance to Single Outcome Agreement</b>	None	

<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	Environment PDSP 28 August 2014
<b>VIII Other consultations</b>	Environmental Health & Trading Standards Manager; Licensing Standards Officers and the Cab Inspector at the Taxi Examination Centre and Heads of Service

## **D. TERMS OF REPORT**

### **D1 Background**

The Air Weapons And Licensing (Scotland) Bill was published by the Scottish Parliament on 14 May 2014. The Local Government and Regeneration Committee of the Scottish Parliament is currently scrutinising the Bill. The Committee launched its call for written evidence on the Bill on Tuesday 1 July 2014.

A questionnaire was issued to stakeholders including all local authorities seeking written submissions to the Committee on the Bill. The email received from the Scottish Parliament makes it clear that if stakeholders are only interested in a specific part of the Bill (e.g. air weapons, or taxis etc.) they need only respond to the questions relating to that topic. The deadline for responses is 29 September 2014.

### **D2 Scope of the Bill**

The Bill proposes to change the law in Scotland in relation to air weapons; the licensing of alcohol, taxis and private hire cars, metal dealers, sexual entertainment venues, theatres and contains provisions relating to licensing boards and the introduction of Civil Licensing Standards Officers.

Details of the proposed changes are contained in Appendix 1.

### **D3 Call for evidence**

The call for evidence is essentially a consultation document which asks a number of strategic questions about the licensing schemes operated under the Civic Government (Scotland) 1982 and the Licensing (Scotland) Act 2005 as well as detailed questions about some of the changes proposed in the Bill.

The document was copied to the Environmental Health & Trading Standards Manager, the Licensing Standards Officers, all Heads of Service and the Cab Inspector at the Taxi Examination Centre for comments. All comments received have been reviewed and where appropriate incorporated into the draft response.

A copy of the completed questionnaire is attached at Appendix 2. A separate response to section 3 (general licensing issues) and section 4 (alcohol licensing) of the questionnaire will be considered by the Licensing Board at its meeting on 12 September.

#### **D4 Consideration at PDSP**

A report seeking the view of the Environment PDSP on the draft response was considered by the Panel at its meeting on 28 August 2014. The decision of the Panel was to note the report and refer it to Council Executive for approval.

#### **E. CONCLUSION**

The Scottish Parliament seeks the Council's view on the Air Weapons And Licensing (Scotland) Bill. Council Executive is invited to consider the questionnaire and to approve the proposed response attached at Appendix 2.

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

Licensing (Scotland) Act 2005

Civic Government (Scotland) 1982

Appendices/Attachments:

Appendix 1: Summary of the Provisions of the Air Weapons and Licensing (Scotland) Bill

Appendix 2: Draft response to the questionnaire on the Air Weapons and Licensing (Scotland) Bill

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(01506) 281624

[Audrey.watson@westlothian.gov.uk](mailto:Audrey.watson@westlothian.gov.uk)

Julie M Whitelaw  
Head of Corporate Services

Date: 16 September 2014



## **SUMMARY OF THE PROVISIONS OF THE AIR WEAPONS AND LICENSING (SCOTLAND) BILL**

The Bill is in four parts:

### **Part 1 - Air weapons**

The Bill sets out a new licensing system for air weapons administered by the Police Service of Scotland. Specific provisions include:

- a definition of the air weapons that will be subject to licensing;
- a requirement for air weapon certificates and the process for applications, grants (including conditions and duration) variations, renewal and revocation of these;
- a system of police permits, visitor permits and event permits;
- restrictions on the commercial sale, sale for delivery outwith Scotland, manufacture, repair, testing of air weapons and the operation of recreational shooting facilities;
- enforcement powers and offences;
- power to set fees and provide guidance;
- Air gun clubs;

### **Part 2 - Alcohol licensing**

The Bill amends the existing licensing regime for alcohol licensing included within the Licensing (Scotland) Act 2005 ("the 2005 Act.") Specific provisions include:

- amendment of the licensing objective in relation to children to also include young persons;
- amendment of the duration of a licensing policy statement to align with the term of Local Government elections;
- inserting a fit and proper person test in relation to the issue or continued holding of a premises or a personal licence;
- removal of the automatic requirement for a hearing to be held where a Licensing Board is notified of a relevant or foreign offence in relation to a premises or personal licence;
- amendment of the definition of relevant offences and foreign offences to no longer disregard a matter that is spent for the purposes of the Rehabilitation of Offenders Act 1974;
- creation of new offences of giving, or making available, alcohol to a child or young person for consumption in a public place;
- inclusion of the flavouring angostura bitters in the definition of alcohol for the purposes of the Act;
- clarification that for an overprovision assessment, the whole Board area may be considered as an area of overprovision;
- for an overprovision assessment to allow Boards to take account of licensed hours, among other things;
- a duty on Boards to prepare an annual financial report in respect of their licensing activities;

- removal of the requirement for a premises licence holder to notify a change in interested parties and amendment of the definition of an “interested party” to remove premises managers;
- changes to the personal licence holder requirements including removal of the five year restriction on re-applying for a licence revoked on grounds of failing to undertake refresher training or notifying the board of such, and other changes to the personal licence holder requirements;
- a requirement for a Licensing Board to issue an acknowledgement of complete applications, unless the Board does not consider that it would be appropriate to do so;
- automatic grant of a licence where a Licensing Board has failed to determine an application within the required period or the extended period as granted by a sheriff. This clarifies compliance with the EU Services Directive.

### **Part 3 - Civic Licensing**

The Bill amends the existing licensing regimes included within the 1982 Act:

#### Sexual entertainment venues

Sets out a new licensing system for sexual entertainment venues administered by local authorities. Specific provisions include:

- the definition of sexual entertainment venues;
- the power for local authorities to license sexual entertainment venues according to the existing structure set out in Schedule 2 of the 1982 Act;
- the power for local authorities to determine the number of sexual entertainment venues in their area.

#### Metal dealers

The Bill proposes amendments to the metal dealer licensing regime.

Specific provisions include:

- removal of the exemption warrants system that allowed a metal dealer with a larger turnover to be exempted;
- limit payment for metal by metal dealers or itinerant metal dealers to prescribed methods i.e. bank transfer or cheque;
- amended standards for identification of customers;
- amended standards of record keeping;
- removal of mandatory requirement that metal dealers should not process metal for 48 hours after receiving it.

#### Taxis and private hire cars

The Bill proposes amendments to the taxis and private hire cars regime.

Specific provisions include:

- the power to refuse to grant private hire car licences on grounds of overprovision;

- the extension of taxi driver testing to include private hire car drivers;
- removal of the contract exemptions to the licensing and regulation of taxis and private hire cars, bringing hire cars used on contracts into the regime.

#### Public entertainment venues

The Bill proposes to abolish theatre licences as currently required under the Theatres Act 1968 and instead regulate theatres through the existing public entertainment licencing regime provided for in the 1982 Act.

#### Miscellaneous and general

The Bill proposes a number of miscellaneous amendments to the operation of all civic government licensing regimes. Specific provisions include:

- power for Scottish Ministers to make provision for the procedure to be followed at or in connection with hearings;
- introduction of a new role of Civic Licensing Standards Officer;
- where it has not already been provided for, the deemed grant of a licence where the Local Authority has failed to determine an application within the required period or the extended period granted by a sheriff.

### **Part 4 - General Provisions**

This part of the Bill sets out general provisions, such as for the making of ancillary provision by regulations. It also contains definitions, the short title and provisions for commencement of the Act by order.

More detail on these proposals can be found in a document entitled “Explanatory Notes to the Air Weapons and Licensing (Scotland) Bill” which is available from the Scottish Parliament’s website at -

[http://www.scottish.parliament.uk/S4\\_Bills/Air%20Weapons%20and%20Licensing%20\(Scotland\)%20Bill/b49s4-introd-en.pdf](http://www.scottish.parliament.uk/S4_Bills/Air%20Weapons%20and%20Licensing%20(Scotland)%20Bill/b49s4-introd-en.pdf)





## Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament  
Pàrlamaid na h-Alba

Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (\*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&lbill.

**\*1. Please supply your name and contact details:**

Name:	Carol Johnston, Acting Chief Solicitor
Organisation:	WestLothian Council
Address 1:	West Lothian Civic Centre
Address 2:	Howden South Road
City/Town:	Livingston
Postcode:	EH54 6FF
Country:	West Lothian
Email address (if no email leave blank):	Carol.johnston@westlothian. gov.uk

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SUBMISSION ID  
NUMBER

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Phone Number:

01506 281624

**\* 2. Please confirm that you have read and understood the Scottish Parliaments "Policy on the treatment of written evidence by subject and mandatory committees":**

☒ Yes

**\* 3 Please confirm whether you are content for your name to be published with your submission:**

☒ Yes

☐ No

**\* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?**

☐ Personal

☒ Professional

☐ Commercial

**\* 5. Do you wish your email to be added to the Committee's distribution list for updates on progress of the Bill:**

☒ Yes

☐ No

**\* 6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.**

☒ Yes

☐ No

**\* 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).**

☐ All of the Bill

☐ Equalities, climate change and other Scottish Government objectives

☐ Air Weapons

☒ General licensing issues

☐ Alcohol licensing

☒ Civic licensing – taxi/private hire car licensing

☒ Civic licensing – scrap metal dealers

☒ Civic licensing – theatre licensing

☒ Civic licensing – sexual entertainment venues

**Name/Organisation:**

**1. Equalities, Climate Change and other Scottish Government objectives**

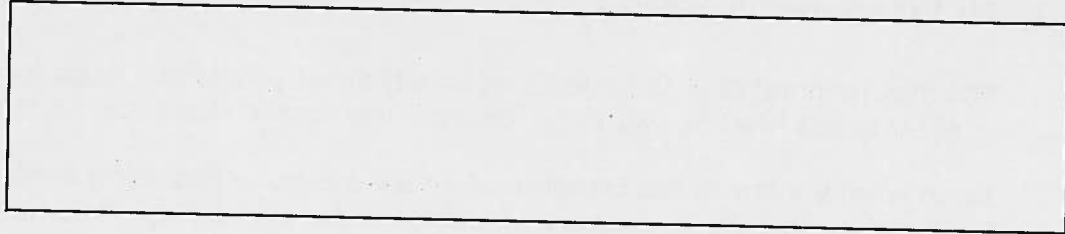
You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**8. Do you consider that the Bill has any implications for meeting Scotland's climate change commitments? Please explain.**

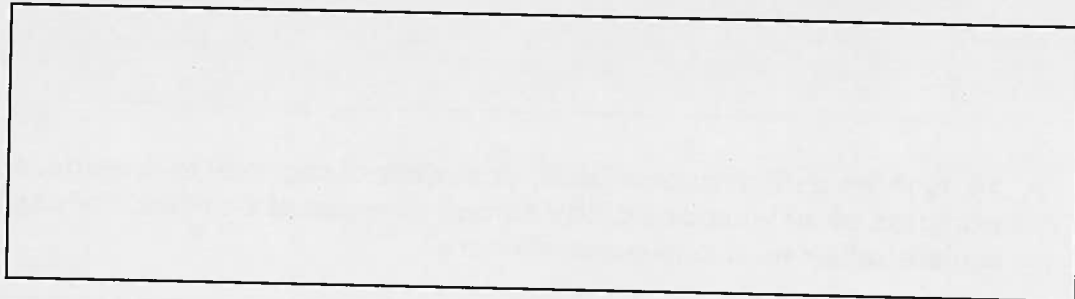
**9. Do you consider that the Bill has any implications for meeting Scotland's equality and/or human rights commitments? Please explain.**

**10. Do you consider that the Bill has any implications for preventative spending and/ or public services reform? Please explain.**

**11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.**



**12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?**



Name/Organisation:

## 2. Air Weapons Licensing

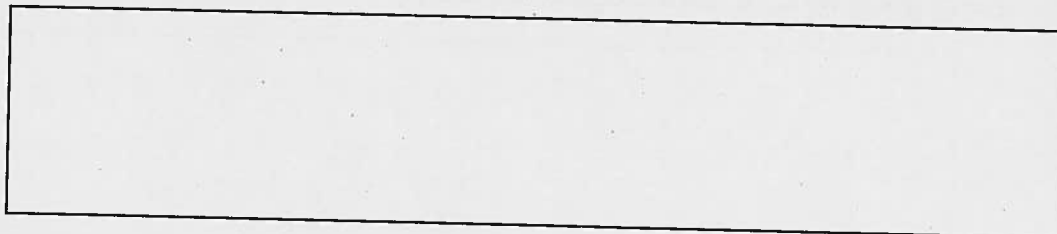
You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?**

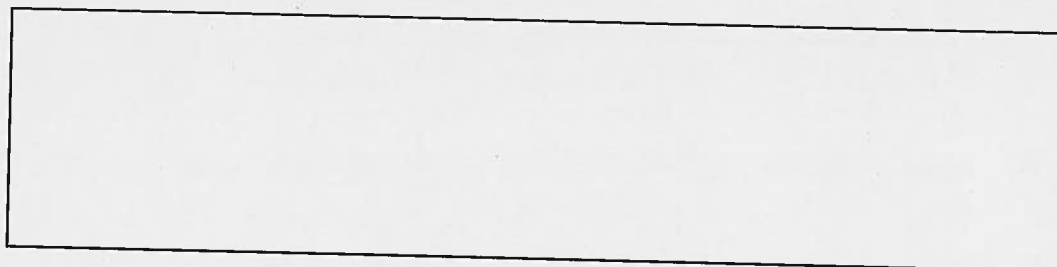
**14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/ users?**

**15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?**

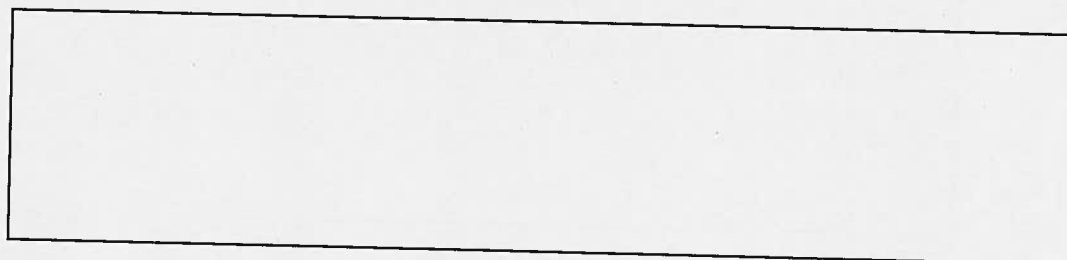
**16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?**



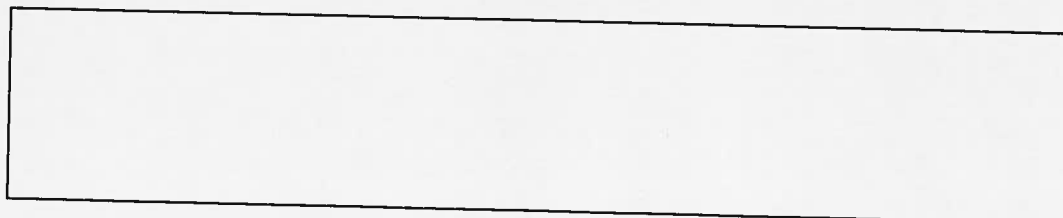
**17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing centre, entertainment sector etc.)?**



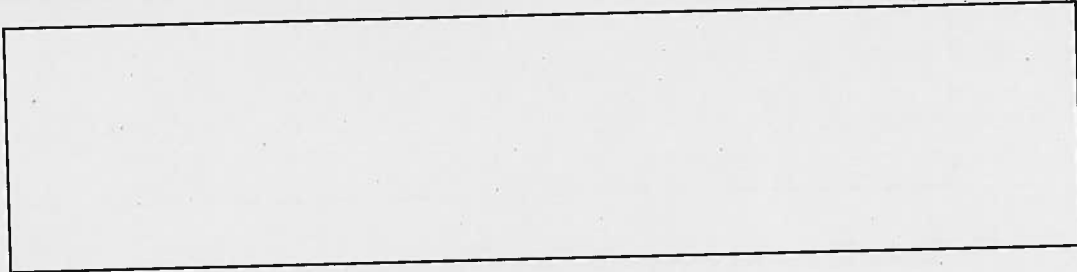
**18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?**



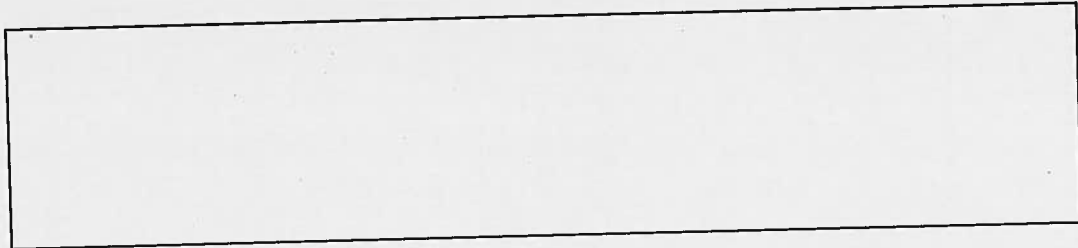
**19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?**



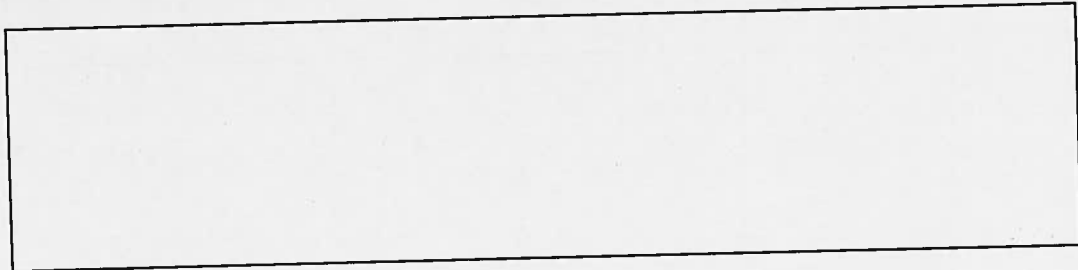
**20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (eg. The work of local government, public agencies etc.)?**



**21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?**



**22. Do you have any other comments to make on air weapons licensing aspects of the Bill?**





Name/Organisation: **West Lothian Council**

### 3. General Licensing Issues

You may respond to all questions or only those you have a specific interest in.  
(Text boxes have no word limit, they will increase in size accordingly).

**23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for purpose?**

Neither regime are considered to be fit for purpose. In relation to the 1982 Act the legislation is outdated and a full review of the regime should be undertaken. In relation to the 2005 Act parts of the Act require to be amended and comments will be provided in relation to this in the response from the West Lothian Licensing Board. In addition, generally there is a real practical issue arising from the complexity of both pieces of legislation. Licence holders and traders requiring to be licensed are often operating without the benefit of legal advice. This is often not readily available at a price affordable to those who require to be licensed. As the legislation is very prescriptive and hard to interpret as a result this leads to a situation whereby applicants and licence holders look to local authorities to provide advice which they cannot give. The legislation needs to be clearer and simpler.

**24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. 'city space' etc.)?**

It is submitted that the system should regulate individual behaviour so as to protect the public and prevent disorder.

In relation to communities of space if there is to be an expectation that such areas will be regulated through licensing a power to do so should be made explicit in the legislation to prevent uncertainty.

**25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?**

It is submitted that in order to prevent a variety of different layers of bureaucracy that the licensing system should be amended to make it clear that such considerations can be considered before licences are granted. It is often unclear to customers that they may need a number of separate consents to operate, e.g. a street trader trading on council land may need planning permission, a street trader's licence, permission from the Council to occupy the land and a food hygiene certificate.

**26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?**

It is submitted that the licensing system is too prescriptive and narrow in its approach to be of any assistance in these respects.

**27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?**

These are not currently licensing considerations and unless the law is changed to make these licensing issues any decisions made on these grounds would be open to challenge.

Name/Organisation:

#### 4. Alcohol Licensing

You may respond to all questions or only those you have a specific interest in.  
(Text boxes have no word limit, they will increase in size accordingly).

**28. In what ways will the Bill's provisions on alcohol licensing allow for reductions in crime and the preservation of public order?**

**29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?**

**30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?**

**31. In what ways will the re-introduction of the “fit and proper person” test assist with the implementation of the licensing objectives set out in the 2005 act?**

**32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?**

**33. Which, if any, types of spent relevant offences should be required to be disclosed and what do you think the benefits of disclosure will be?**

**34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?**

Name/Organisation:

West Lothian Council

## 5. Taxi and Private Hire Car Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

### 35. What benefits should the licensing of taxis and private hire cars deliver for customers?

The benefits which hire car licensing should deliver for customers are a system of public transportation within taxis and private hire cars which offers high standards of safety, accessibility, comfort, reliability and customer service.

### 36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?

Customers can choose to either book a taxi or private hire car (PHC) depending on their needs and/ or preference. In West Lothian from February 2015 all taxis will all meet a single accessibility standard so customers requiring particular types of accessibility features will be able to know before hailing a taxi or waiting at a rank whether they will be able to access a taxi. From February 2015 all PHCs will either be either saloon cars (type 1 PHCs) or larger 8 seater vehicles equipped with passenger lifts (Type 2 PHCs). Type 2 PHCs are suitable to transport persons who require to travel within larger heavier wheelchairs or require a passenger lift to access a vehicle. Such persons cannot normally travel within accessible taxis (as these are not large enough to accommodate lifts) so the two tier licensing scheme allows a greater variety of vehicles to be available for hire which ensures that as many disabled persons as possible can use hire cars. Operators who wish to licence a PHC with more than 4 passenger seats in order to be able to transport larger groups may be encouraged to licence a type 2 vehicle and this adds to the flexibility of the overall hire car fleet and increased choice for customers.

### 37. The Government states that a radical overhaul of the current two-tier licensing regime would “clearly require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public”. What are your views on this and would the potential costs and disruptions outweigh any

**potential benefits of a unified system?**

It is clear that a radical overhaul of the current two-tier licensing regime would require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public. Local authorities would be forced to completely change their policies and to undertake significant consultation with key stakeholders prior to this. This exercise would be resource intensive and time consuming and would lead to an extended period of uncertainty for the hire car trade. In addition, it would be difficult to envisage how an acceptable level of accessibility could be achieved without making all hire cars meet a single accessibility standard. This would mean that saloon cars could no longer be used as hire cars which would be unfortunate as many customers prefer them and they are eminently suitable to be licensed as PHCs which require to be pre booked. It is only by Councils imposing accessibility standards that the majority of taxi operators have licensed accessible taxis due to their significantly greater cost when compared with saloon vehicles. Very few operators were prepared to upgrade to accessible vehicles on a voluntary basis. Another major difficulty would be lack of rank space. If all currently licensed vehicles could use taxi ranks this would cause chaos as there simply are not sufficient spaces. In West Lothian there are twice as many PHCs as taxis and space at the busy ranks is already very limited and at times causes traffic congestion. Other ranks are underused as customers use mobile phones to book taxis or PHCs instead of queuing. It is submitted that West Lothian's current hire car policies ensure that taxis and PHCs complement each other and when fully implemented next year these policies will provide the best choice of hire cars for all customers including disabled travellers. It is therefore submitted that the potential cost and drawbacks of a unified system outweigh any advantages and that the current two tier system should be retained.

**38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while maintaining justifiable differences?**

It is submitted that without changes to the legislation to allow licences to be transferred that the changes planned by section 60 if implemented will inevitably lead to operators entering into black market arrangements to "rent" plates. As the legislation provides that licences come to an end a short period after the death of a licence holder these arrangements often lead to inequitable situations where the "tenant" has financed the purchase of a vehicle and may have no legal right to that vehicle in the event of the licence holder's death. In addition in enforcement terms it is difficult to assess who the actual operators of vehicles are,

The changes to training requirements are welcomed. All hire car drivers should have to demonstrate knowledge of their area as satellite navigation has its limitations. It is submitted that local authorities be required to introduce a system of mandatory training for all hire car licence within the next 5 years. The pilot schemes run by People 1<sup>st</sup> have established a set number of modules which should be recommended as mandatory in statutory guidance. This will raise standards across the whole of the country. It is submitted that licensing authorities should have the power to order an operator or driver to undertake a particular training module in appropriate circumstances if complaints regarding them are substantiated.

**39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?**

Many councils such as West Lothian have introduced mandatory signage for PHC vehicles to ensure that the public can differentiate between taxis which can be hailed and PHCs which need to be pre booked. There will obviously be great resistance to the use of such signage on high quality chauffeur driven vehicles. Consideration should be given to what special conditions could be applied to these vehicles and how they can be distinguished from the rest of the PHC fleet.

Also the removal of the 24 hour contract exemption will potentially bring vehicles operated by hotels, nursing homes, schools and nurseries within the scope of the legislation if customers are paying for the service. Exemptions should be considered for transport of such persons.

Name/Organisation: West Lothian Council

## 6. Scrap Metal Dealer Licensing

You may respond to all questions or only those you have a specific interest in.  
(Text boxes have no word limit, they will increase in size accordingly).

**40. Taking the proposals in sections 63 to 66 of the Bill together, how will they have the desired effect of strengthening the metal dealers' licensing regime to the extent that metal theft and related criminal activity is reduced?**

**41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?**

**42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**

The proposal to remove the exemption warrant procedure is supported to extend metal dealer licensing to all involved in the metal trade.



- 43. Removal of requirement to retain metal on-site - what impact will the proposal to remove the retention of metal requirement have on the enforcement of the licensing regime and prevention of criminal activities?**

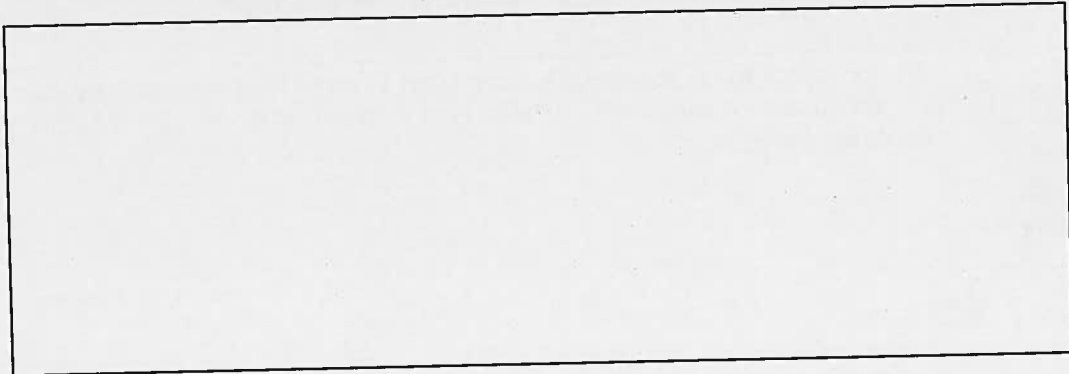
- 44. Forms of payment - what is your view on the proposal to go 'cashless' and is there merit in considering whether metal dealers could be allowed to operate using cash for only very small transactions, which could be limited to a certain number per month?**

The proposal to go cashless is supported in order that transactions can be traced for enforcement purposes. There is a concern that any de minimis provisions could be exploited.

**45. Forms of identification and record keeping:**

**In line with the Scrap Metal Dealers Act 2013, the Bill adds additional record keeping requirements to a metal dealer's licence including recording the means by which a seller's name and address was verified and retaining a copy of the document, and the method of payment and a copy of the payment document. The Bill will also require a metal dealer to record information in books with serially numbered pages or by means of an electronic device, and to keep separate records at each place of business. Such information and documents are to be kept for three rather than the current two years.**

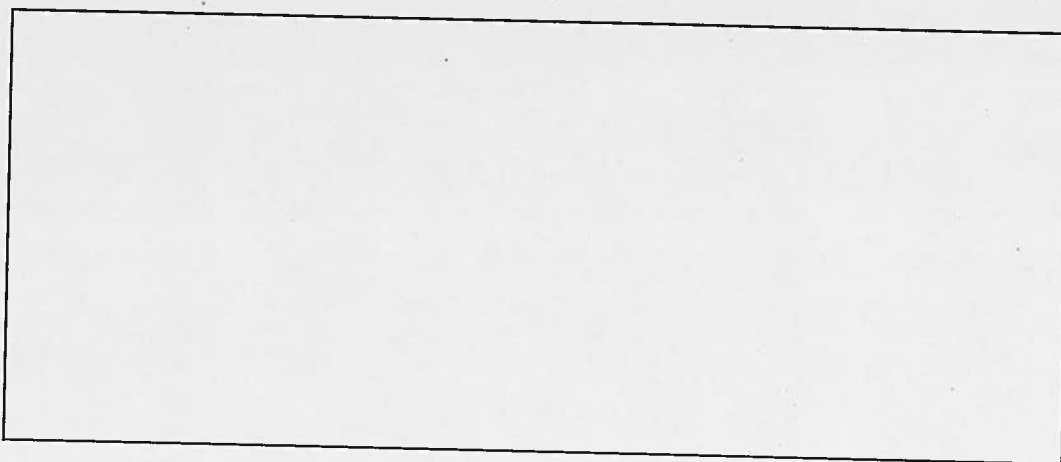
**How important is it that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, and do you agree with the Scottish Government that the proposed record keeping requirements are not unduly burdensome?**



**46. Mandatory and discretionary licensing requirements:**

**The Scottish Ministers can impose mandatory licensing requirements, such as those included in the Bill relating to record keeping and the identification of customers. In addition, local authorities can also attach discretionary requirements to licences in their areas.**

**Does the Bill get the balance right between mandatory and discretionary licensing requirements? Should the Bill include other mandatory conditions for obtaining a metal dealer's licence, such as installing CCTV at metal dealers' premises or in relation to labelling of metal and 'forensic coding'?**





Name/Organisation: **West Lothian Council**

## **7. Civic Licensing – Theatre Licensing**

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

### **47. Will there be any impacts during the transitional period between ending the current theatre licence and starting the public entertainment licence?**

There will need to be time allowed for local authorities to revise their public entertainment licensing resolutions before this part of the legislation is brought into force, As the statutory process for making changes to resolutions is lengthy it is submitted that 18-24 months' notice of this proposed change being brought into effect is required.

### **48. Are there additional costs or resource implications on theatres or licensing authorities?**

The work required to be carried out generally in relation to the various changes proposed by this Bill is considerable and will have a significant on all licensing teams. In particularly small teams who are required by the legislation to work to very strict statutory deadlines in relation to the processing of applications will struggle to undertake the work required to comply with the changes unless the programme for implementation is carefully managed. It is submitted that representatives of the SOLAR Licensing Forum should be consulted regarding this,

### **49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?**

Local authorities should review their fee charging structures to take account of these changes,

Name/Organisation:

West Lothian Council

## 8. Civic Licensing – Sexual Entertainment Venues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?**

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'

It is submitted that as the definition of "display of nudity" does not include naked male torsos that it will not extend to topless male bar staff which are now popular at events aimed at attracting women only audiences and could be deemed to be a form of sexual entertainment.

**51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?**

This would be unworkable as it would be impossible to enforce. How could the Police know how many such events are taking place? If the operators of a venue were to be referred for prosecuted for operating without a licence it would be almost impossible to prove beyond reasonable doubt that the exemption did not apply. The views of Police Scotland should be sought in relation to this question.

**52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?**

Guidance regarding the factors which authorities can take into account when setting a numerical level would be appreciated.

**53. The Bill relies mainly on the existing licensing regime for sex shops as set out in**

**section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?**

Yes.

**54. Are there any barriers to licensing authorities operating the new licensing regime?**

## 55. Civic Licensing

**Do you have any other comments to make on the civic licensing aspects of the Bill?**

An opportunity should be taken to update some of definitions in the 1982 Act such as "public place", "places of public entertainment" and to redraft Section 21 regarding operating outwith your area.

The legislation should be changed to allow local authorities to issue pre populate site notices as the provisions are so complex that many site notices are not properly displayed.

Guidance on for local authorities on the operation of the 1982 Act generally would be welcomed.

The procedure for lodging objections should be reviewed and updated, Emailed objections should be acceptable.

The meaning of "ceasing to have effect" in Section 13(6) of the 1982 Act should be clarified.





## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY ARMADALE AND BLACKRIDGE LEAD OFFICER**

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

The purpose of this report is to seek approval of the attached report which was heard at Armadale and Blackridge Local Area Committee (LAC) on 29 August 2014. Members agreed with the report however could not approve it as the meeting was inquorate.

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

1. It is recommended that the Executive approve the report.

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

<b>I Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.

## **VIII Other consultations**

The report was considered at the Armadale and Blackridge LAC on 29 August 2014. Members of the LAC agreed that the report should be forwarded to the Executive for approval.

## **D TERMS OF THE REPORT**

### **D1 Background**

The Armadale and Blackridge LAC heard the attached report on 29 August 2014. The report recommends distribution of funds from the Village Improvement Fund for the Armadale and Blackridge ward. The two members present agreed with the report, however due to only being two in number, could not approve the proposals. In such cases, it falls upon the Lead Officer to present the report to the Council Executive, asking that the views of the LAC be considered. This report fulfils this requirement.

## **E. CONCLUSION**

The members of the Armadale and Blackridge LAC agreed the content of the attached report however due to being inquorate, could not approve the report. The request is that members of the Executive approve the report on behalf of the Armadale and Blackridge LAC.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014), Armadale and Blackridge Local Area Committee (August 2013), and Armadale and Blackridge Local Area Committee (August 2014).

Appendices/Attachments: One

Appendix 1: Armadale and Blackridge Local Area Committee – West Lothian Villages Improvement Fund applications

Contact Person: Douglas Benson, Community Regeneration Officer, Tel. 01506 281970, [douglas.benson@westlothian.gov.uk](mailto:douglas.benson@westlothian.gov.uk)

Elaine Cook, Lead Officer, Armadale and Blackridge Local Area Committee  
16 September 2014



## **ARMADALE AND BLACKRIDGE LOCAL AREA COMMITTEE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

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

The purpose of this report is to advise the Local Area Committee of the application received from within the local area committee area seeking funding from the West Lothian Villages Improvement Fund (WLVIF) in 2014/15.

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

It is recommended that the Local Area Committee:

2. notes that two applications has been received for funding;
3. notes that the proposals meet the eligibility criteria for supported projects;
4. supports funding for the projects; and
5. agree that the Head of Planning & Economic Development should make an offer of funding as per the details set out in this report.

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

<b>I Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe communities.

<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.
<b>VIII Other consultations</b>	Area Services.

## **D TERMS OF THE REPORT**

### **D1 Background**

In 2012 the Council Executive agreed the eligibility criteria for a West Lothian Villages Improvement Fund (WLVIF). Funding of £1.65m is available to support eligible schemes with the funding phased over five years. The fund has the following two work streams:

**1) A shop frontage/shop improvement scheme**, to which local independent retailers can apply. This operates in a similar way to the shop frontage improvement schemes for traditional town centres i.e. a grant of up to £750 and no more than 50% of the cost of the shop front improvement.

**2) Small scale village improvements and initiatives**, this can include a number of types of investment, including both physical improvements to the streetscape and investment in community provision:

- Provision of street furniture such as seating, cycle stands and direction signs.
- Improved village gateways (e.g.; through planting, landscaping and/or signage).
- Improved sense of place in village centres through hard landscaping, planting and soft landscape improvements.
- Tidying and landscaping of gap sites within villages.
- Access improvements in and around villages.
- Investment in projects that engage and support young people.
- Investment in other local community facilities.

Three villages within the Armadale and Blackridge ward are eligible under the scheme.

Distribution of funding is based on village size. In April 2014 Council Executive agreed to full allocations to each village to add to the monies already announced for 2013-14 the following represent the full money allocated to each of the eligible villages in the ward:

Blackridge	£55,000
Torphichen	£55,000
Westfield	£20,000

## **D2 Applications**

The following applications have been received for this round of funding:

### Westfield and Bridgehouse Community Council – Bridgehouse Phone box Restoration

Funding of £2,760 (subject to confirmation of adoption from BT) is being sought to 'adopt' the iconic phone box from BT, repair the fundamental physical damage to the unit and turn the phone box into a defibrillator station. This will be complimented by floral planters and book exchange.

### Torphichen Kirk – Renovation of kitchen at St John's Hall

Funding of £15,475 is being sought to modernise and improve accessibility for user groups at the kitchen of St John's Hall. The hall is very well used by the community but the kitchen facilities are in need of upgrading to maximise space, make them more user friendly and improve safety.

## **E. CONCLUSION**

Three villages within the Armadale and Blackridge ward are eligible to apply to the Villages Improvement Fund.

The applications, detailed above, meet the eligibility criteria of the Village Improvement Fund and the Local Area Committee are asked to support them.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014) and Armadale and Blackridge Local Area Committee (August 2013).

Appendices/Attachments: Two

Appendix 1: Westfield and Bridgehouse Community Council – Bridgehouse Phone box Restoration

Appendix 2: Torphichen Kirk – Renovation of kitchen at St John's Hall

Contact Person: Douglas Benson, Community Regeneration Officer, Tel. 01506 281970, [douglas.benson@westlothian.gov.uk](mailto:douglas.benson@westlothian.gov.uk)

Alice Sinnet, Economic Development Manager, Tel. 01506 283079, [alice.sinnet@westlothian.gov.uk](mailto:alice.sinnet@westlothian.gov.uk)

Craig McCorriston, Head of Planning and Economic Development  
29 August 2014

## West Lothian Villages Improvement Fund

## Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

## 1. Applicant Organisation Details

<b>Organisation Name</b>	<b>Westfield &amp; Bridgehouse Community Council (WBCC)</b>
<b>Project title</b>	<b>Bridgehouse Phone box Restoration</b>
<b>Contact person</b>	
<b>Position</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	
<b>Type of organisation</b>	<b>Community Council</b>
<b>What date was your organisation formed?</b>	<b>Pre-2000</b>
<b>Are you a charity, please quote your number</b>	<b>Not a charity</b>
<b>What are the main activities of your organisation?</b>  (please answer in no more than 100 words)	<b>To provide a formal contact point to West Lothian Council for raising and resolving issues that affect residents in our area. We actively seek to improve the local environment and amenities and encourage residents to get involved.</b>

Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>N/A</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>N/A</b>

Are you applying for other funding.	
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if so, please detail	<p><b>Approved</b>      <b>Anticipated</b></p> <p>Not applying for other funding.</p>
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## 2. Project details

<b>Council Ward</b>	<b>Armada &amp; Blackridge</b>
<b>Project location</b>	<b>Bridgehouse</b>
<b>Project start date</b>	<b>September 2014 (Subject to confirmation of adoption of phone box from BT)</b>
<b>Project finish date</b>	<b>September 2015 (likely earlier, but Restoration will be weather/resource-dependent)</b>
<b>Estimated Outcome</b>	<b>"Classic" cast-iron telephone box preserved and enhanced as community focal point, including defibrillator equipment.</b>

### **Project description**

Describe fully the project for which grant is being sought (background and context of the project, description of works).

In June 2014, BT indicated to West Lothian Council (WLC) that they intended to remove the K6 (classic, cast-iron style) phone box outside the Bridgehouse swing park, due to lack of use and 'physical condition' (it was clipped by a bus several years ago, causing some of the casting to crack in one corner).

Bridgehouse residents were not keen on this proposal, as the box is a key visual part of the hamlet's character and is oft-used for providing directions. The residents have been very proactive in approaching BT, WLC, local elected members, WBCC and the Bridgehouse Community Hall for advice and support on how to prevent the box being removed.

The result is a plan to 'adopt' the box from BT (purchase for £1), repair the fundamental physical damage and then develop the shell into a valuable community resource incorporating defibrillator equipment, a book exchange and floral display.

The defibrillator will be organised through the Community Heartbeat Trust, who are targeting phone-box installations – see here for details on the benefits of community defibrillator installations for locations such as Bridgehouse (and surrounding area) and how the scheme works:

<http://www.communityheartbeat.org.uk/adopttelephonebox.php>  
<http://www.communityheartbeat.org.uk/how.php>

There is a capital cost £2,000 for the equipment, installation and initial training to use the equipment. As part of the scheme, the British Coatings Federation is donating paint to bring the box back to its former glory.

The book exchange will operate as in many guest houses – people simply add books they're done with, which others then borrow, resulting in an ever-changing library resource. Floor-to-ceiling shelving will be built into the box to house the books.

The floral planting will be in the form of baskets or planters fixed to the exterior of the box. It's worth noting that Bridgehouse has no formal 'street planting' at present.

Please see attachments for examples of possible shelving and planting options.

The key steps in the project are as follows:

1. Adopt box from BT [admin]
2. Acquire Public Indemnity Insurance cover for box [admin]
3. Repair physical damage and restore box (glazing, paint, detailing, etc). [specialist metal working, Community]
4. Acquire and install defibrillator + training for use of [CHT, Community]
5. Fit out for book exchange and floral display (shelving, supports, books, planting) [Community]
6. Enjoy! Public celebration to 'open' box [Community]
7. Ongoing Seasonal maintenance replanting [Community]

Following discussion between residents and WBCC, the formal adoption of the box will be carried out by the Bridgehouse Community Hall Association (BCHA). This makes most sense, as it's already the local hub for Bridgehouse community events. WBCC were invited to be the adopters but for various reasons it was felt that the long-term future of the box was best placed 'officially' in the hands of the BCHA.

WBCC's remit is to encourage and support community activities in its area. In this case we are seeking to do this primarily by helping to fund the project, so that the residents can focus on the 'hands-on' (community-building) aspects of the restoration and conversion.

The application is for the initial renovation, outfitting, defibrillator and planting only. Ongoing costs are identified as basic maintenance, seasonal replanting and electricity supply – these are not part of the application and will be met through community fundraising and/or material donations (e.g. home grown plants).

Aside from the obvious amenity benefits of the project, the uncertain future of the box has already triggered an increase in community activity, for example:

- people are stopping and chatting to each other when they pass the box to exchange views and find out more
- cars are pulling up to stop and read the notice;
- there is a resurgence of community spirit that is leading to renewed interest in the Community Hall's activities.
- People are sharing ideas: planting themes, what to do with the box at Christmas, fundraising ideas, what other projects could be done (e.g. street signs). Although we have excellent facilities in the Community Hall, unfortunately it is tucked away slightly out of sight (and out of mind), their leaflets & posters could be left in the box for everyone to pick up/read. Bus timetables and other useful Community information could also be kept in the box.

An additional, peripheral benefit to the project is that local suppliers can be used for many of the materials, retaining the investment within the general geographical area.



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<b>Partners involved (other local organisations you are working with)</b>	Bridgehouse residents Bridgehouse Community Hall Association
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<b>Evidence of need</b> What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.
<p>The following extracts from related email threads indicate the desire for the project.</p> <p>From: BT Subject: 01501 730272 Craigrigg Cottages Westfield Bathgate EH48 3DH Telephone kiosk Permanent removal</p> <p>Dear Sir or Madam,</p> <p>Please find attached a 90 Day consultation letter and a 42 Day notice for the permanent removal of the above telephone kiosk. Please include the reference number in the subject bar of any reply. Thank you.</p> <p>Yours sincerely ...</p> <hr/> <p>From: Residents ... BT have now gone through the official channels and submitted the necessary paperwork to planning department for permanent removal of our telephone box. As you can see from the comments below the Planning Department have no objections to this. ... ... growing number of people who would like to see the box itself 'adopted' and retained as a feature of the village. ... The proposal that I am putting forward, and which is being supported by upwards of 20 residents within the local community, is to 'adopt' the decommissioned box, repair it, paint it and then use it as a feature. Suggestions so far include a lending library; planting it up each year with seasonal flowers; installing a solar light in the roof and decorating it with lights at Christmas. All feedback is welcome. Please also forward to others who may have an opinion. Thanks. Regards, [REDACTED]</p> <hr/> <p>Please also see attached 'supporters' list.</p>

<b>Outcomes</b> Describe what your project will deliver.
Village Improvements; e.g Number of sites improved Area of landscaping

<b>1. Local landmark will be preserved</b> <b>2. Local amenity will be increased (focal point, medical and literary resource)</b> <b>3. Community will be strengthened through project activities</b> <b>4. Use of local suppliers (where possible) benefits local economy</b>
Community Facilities: e.g number of facilities improved -Projected usage
Defibrillator station (medical resource) Book exchange Floral display

### 3.Project Costs

<b>Amount of funding requested</b>	<b>Up to £2760</b>
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<b>Item of expenditure</b>	<b>Cost</b>
<b>Structural repairs (materials)</b>	<b>£500</b>
<b>Defibrillator (equipment, install, training)</b>	<b>£2000</b>
<b>Shelving/Brackets (materials)</b>	<b>£80</b>
<b>Signage ("No longer property of BT" + contact info)</b>	<b>£20</b>
<b>Plant Containers/brackets (materials)</b>	<b>£80</b>
<b>First season Planting (Compost/Plants)</b>	<b>£80</b>

<b>Project management</b> Describe how your project will be managed and administered including details of any: <ul style="list-style-type: none"> <li>- Design / plans</li> <li>- Implementation arrangements e.g contract tenders</li> <li>- Planning Approval</li> </ul>
<ol style="list-style-type: none"> <li>1. Administration (adoption of phone box from BT and organisation of insurance) - BCHA/residents.</li> <li>2. Project Development and funding – Residents/WBCC</li> <li>3. Local organisation of activities –Residents</li> </ol> <p>Project development indicates that the physical repair to the box will require welding and probably some replacement parts. We're unable to provide a formal quote at this point, and it may prove difficult to get one, as it's a 'restoration' rather than a standard metal working job, so not of interest to many companies.</p> <p>Local resident [REDACTED] has volunteered to carry out the repairs and has provided the following indicative costs:</p> <ul style="list-style-type: none"> <li>- £200 for portable welder/generator hire</li> <li>- £100 for rods (high-nickel for cast-iron), cutting/grinding discs</li> <li>- £200 for replacement parts (metalwork, Perspex glazing)</li> </ul>

#### 4. Declaration

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	Secretary
<b>Organisation</b>	Westfield & Bridgehosue Community Council
<b>Date</b>	21 August 2014

Please send your completed forms to:

Catherine Duffin  
Administration Assistant  
Regeneration & Employability  
Area Services  
West Lothian Council  
2nd Floor North  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Tel: 01506 283275

E-mail: [Catherine.duffin@westlothian.gov.uk](mailto:Catherine.duffin@westlothian.gov.uk)

<b>Attachment checklist - as applicable</b>	<b>Please Indicate (x)</b>
Constitution or Articles and Memorandum	X
Committee Members or Directors List	X
Bank Statements - three statements	X
Annual accounts	X

## Appendix 2

### West Lothian Villages Improvement Fund

#### Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 3. Applicant Organisation Details

<b>Organisation Name</b>	<b>Torphichen Kirk</b>
<b>Project title</b>	<b>Renovation of Kitchen at St John's Hall</b>
<b>Contact person</b>	[REDACTED]
<b>Position</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	<b>Church of Scotland</b>
<b>What date was your organisation formed?</b>	---
<b>Are you a charity, please quote your number</b>	<b>Scottish Charity Number SC021516</b>
<b>What are the main activities of your organisation?</b>  (please answer in no more than 100 words)	<b>Worship, Fellowship, Meetings and Social Events</b>

Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>Yes / No</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>Yes / No</b> Yes

Are you applying for other funding, if so, please detail	<div>No</div> <div><b>Approved</b>      <b>Anticipated</b></div>
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#### 4. Project details

<b>Council Ward</b>	<b>Armada and Blackridge</b>
<b>Project location</b>	<b>Torphichen Kirk</b>
<b>Project start date</b>	<b>October 2014</b>
<b>Project finish date</b>	<b>November 2014</b>
<b>Estimated Outcome</b>	<b>Upgraded community facility delivered</b>

##### **Project description**

Describe fully the project for which grant is being sought (background and context of the project, description of works).

We are applying for this grant so that the Kitchen at St John's Hall can be modernised and made more accessible for user groups.

The hall is very well used by the community but the kitchen facilities are in need of upgrading to maximise space, make them more user friendly and improve safety.

##### **Partners involved (other local organisations you are working with)**

User groups of St John's Hall

##### **Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

The need for this project has been identified by the local parishioners and user groups of the facility. Nine local groups regularly use the hall:

Brownies  
Youth Club  
Mums and Toddlers  
West Lothian Twin Group  
TACO (Band)  
Torphichen Folk Band  
Gala Day Committee

<p>School PTA Dance club</p> <p>And there are also regular events:</p> <p>Monthly village coffee mornings Ceilidhs Quiz nights Musical evenings Themed events Village Halloween party Christmas Fair Holiday clubs Exhibitions Public meetings Collection point for Rag bag</p> <p>The hall also houses a second hand book stall and a traidcraft stall.</p>
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<p><b>Outcomes</b> Describe what your project will deliver.</p> <p>Village Improvements; e.g Number of sites improved Area of landscaping</p>
<p>The project shall deliver a more compact modern kitchen layout and design. This will make it more accessible, safer and easier to use for the client groups utilising the hall.</p>
<p>Community Facilities: e.g number of facilities improved -Projected usage</p>
<p>One site will be improved through the installation of a modern kitchen. This will benefit the nine current regular users groups and also make the hall more appealing for groups looking to use it in the future.</p>

### 3.Project Costs

<b>Amount of funding requested</b>	<b>£15,475 inc. VAT</b>
<b>Item of expenditure</b>	<b>Cost</b>
<b>Provision of new kitchen units &amp; worktops, splash back</b>	<b>£3,761</b>
<b>Flooring</b>	<b>£500</b>
<b>Appliances</b>	<b>£4,335</b>
<b>Strip out and fitting of kitchen and flooring</b>	<b>£2,300</b>
<b>Electrical upgrade required for replacement of main isolator, new fuse box, installation of breakers</b>	<b>£2,000</b>
<b>Total</b>	<b>£12,896 ex. VAT</b>

**Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

The project will be managed by the Depute Fabric Convenor of Torphichen Kirk with support from the Clerk to the Congregational Board. The installation will be undertaken by approved contractors. No planning approval is required.

**5. Declaration**

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	Clerk to Torphichen Kirk Congregational Board
<b>Organisation</b>	Torphichen Kirk
<b>Date</b>	12 May 2014

Please send your completed forms to:

Catherine Duffin  
Administration Assistant  
Regeneration & Employability  
Area Services  
West Lothian Council  
2nd Floor North  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Tel: 01506 283275

E-mail: [Catherine.duffin@westlothian.gov.uk](mailto:Catherine.duffin@westlothian.gov.uk)

<b>Attachment checklist - as applicable</b>	<b>Please Indicate (x)</b>
Constitution or Articles and Memorandum	
Committee Members or Directors List	X
Bank Statements - three statements	
Annual accounts	X







## **COUNCIL EXECUTIVE**

### **REVIEW OF THE ENFORCEMENT CHARTER**

#### **REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

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

The purpose of this report is to advise the Council Executive of proposed revisions to the Enforcement Charter. The charter sets out the duties and responsibilities of the planning enforcement service within the Development Management section of Planning Services.

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

It is recommended that the Council Executive:

1. notes the detail of the draft revised Enforcement Charter;
2. notes that enforcement is a discretionary power and formal enforcement action should be seen as a last resort in terms of dealing with unauthorised activities; and
3. approves the revised charter and approves it for publication.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Enforcement is a discretionary activity delivered within the framework of the Planning Act and related regulations and guidance.</p> <p>The charter does not raise any SEA, equality or health risk issues, although these might be considerations in individual enforcement cases.</p>
<b>III Implications for Scheme of Delegations to Officers</b>	The revised charter does not propose, or require, any changes to the Scheme of Delegation
<b>IV Impact on performance and performance Indicators</b>	Measures about the speed and effectiveness of enforcement activity are part of the annual Planning Performance Framework reporting.

<b>V Relevance to Single Outcome Agreement</b>	<p>Outcome 10 - We live in well-designed, sustainable places where we are able to access the services we need.</p> <p>Outcome 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	The draft charter was considered at the Development and Transport PDSP on 22 August 2013 and was approved for consultation with community councils.
<b>VIII Other consultations</b>	Community councils have been consulted; no adverse comments have been received.

## **D. TERMS OF REPORT**

### **D1 Background**

Planning legislation gives local authorities enforcement powers to deal with a range of unauthorised land use activities. These are generally the failure to obtain planning consent in advance of carrying out works or changes of use on land or to property, or failure to comply with a condition of a planning consent. However, the powers also extend into areas of amenity and limited powers are available to the planning authority to deal with land or property which is being kept in an untidy or derelict state and is resulting in a loss of amenity to the area.

### **D2 The Enforcement Charter**

The council is required, under section 158A of the Town and Country Planning (Scotland) Act 1997, to produce and distribute an enforcement charter, which sets out:

- a statement of the authority's policies for taking enforcement action;
- an account of how members of the public are to bring any suspected breach of planning control to the attention of the council;
- how any complaint to the authority over a suspected breach is to be made; and
- the council's procedures for dealing with any such complaint.

The council's charter was first produced in 2010. The Act requires it to be updated and republished regularly. The review updates the contact details for enforcement staff and retains all information which remains relevant.

A key element of the charter is that it sets out the issues on which the council can take enforcement action, those issues which cannot be addressed under the legislation, and the circumstances under which the enforcement service will take action. It sets out the enforcement process and indicates the timescales for responses to initial complaints.

The council receives some 300 enforcement related complaints annually and the revised charter, in line with government guidance, sets out the nature of those complaints that will be investigated and those that will not be pursued, having regard to the wider public interest and the impact of a breach of planning control on residential and visual amenity.

Since the original charter was published, a new enforcement complaints form has been produced, which is available online. The revised charter provides a link to this document.

Subject to approval by the Council Executive, the revised charter will be placed on the council's website, distributed to all local libraries and a copy will be sent to all elected members, community councils and amenity bodies within West Lothian.

## **E. CONCLUSION**

The revised Enforcement Charter sets out a clear route for reporting suspected breaches of planning control and provides an update on staff contact details. The charter sets the actions to be taken to resolve matters in an attempt to resolve matters in advance of progressing enforcement action. It also sets out the public interest tests which will be applied when deciding if action is warranted.

Appendices/Attachments: Enforcement Charter 2014

Contact Person: Ross Burton, Senior Planning Officer,  
01506 282405, ross.burton@westlothian.gov.uk

**Craig McCorriston**

**Head of Planning and Economic Development**

**Date of meeting: 16 September 2104**





# ***Planning Enforcement Charter***

*A guide to enforcing planning controls*







## Introduction

Planning permission is required for all development that takes place in Scotland, but some of it is permitted and does not require a planning application. Sometimes, however, developers or householders undertake work without planning permission or fail to keep to the terms of the permission they have been given.

Councils have powers to enforce planning controls in such cases, if they consider it is in the public interest to do so. Councils monitor developments to ensure planning controls are being followed but there is also a role for the public in alerting the council to any problems they become aware of.

This charter explains how the enforcement process works, the role of the council and the service standards it sets itself. It also explains what happens at each stage of what can be a lengthy process.

Enforcement is one of the most complex parts of the planning system and can affect many members of the community. The aim of this charter is to ensure that adopted procedures are fair, reasonable, and consistent, and that interested parties are fully aware of the procedures involved in the process, the powers available to the council, and the limits of those powers.

We hope you will find this charter useful and will let us know if you think we could improve the service further.

## Key points on planning enforcement

Breaches of planning control do not in most cases constitute a criminal offence; however, unauthorised works to a listed building, or to a tree protected by a Tree Preservation Order, both of which are investigated by the enforcement team, do. The purpose of planning enforcement is to resolve the problem rather than to punish a mistake. Any action taken has to be appropriate to the scale of the breach and to the effect that the breach has on local amenity.

West Lothian Council has statutory powers to investigate development carried out without planning permission, breaches of the conditions attached to planning consents and other environmental matters which give rise to concern over residential amenity, such as land which has been allowed to deteriorate to such an extent that it affects the appearance of a wider area. We can take formal action where a satisfactory outcome cannot be achieved by negotiation, although enforcement is a discretionary power. This means that, even where there is a breach of planning control, the council has to consider whether it is in the public interest to take enforcement action. The council is not required to take any particular action on a specific breach of planning control, and indeed can decide that no action is necessary.

Another important duty of the enforcement service relates to the monitoring of approved developments, particularly housing developments. Planning permission is normally granted subject to a number of conditions, some of which control the development and some of which relate to matters such as landscaping or finishing materials. It is the role of the enforcement service to check that any conditions which have to be approved before building begins have been approved, and that the development is built in accordance with the approved plans. We do this by establishing contact with the developer at an early stage and by visiting the site regularly to monitor the development.

The council's authority to take enforcement action comes from government legislation. Fuller information on the use of enforcement powers can be found in the Scottish Government publication [Planning Circular 10/2009: Planning Enforcement](http://www.scotland.gov.uk/Publications/2009/09/16092848/0) ([www.scotland.gov.uk/Publications/2009/09/16092848/0](http://www.scotland.gov.uk/Publications/2009/09/16092848/0)).

Planning enforcement also covers the display of advertisements such as billboards and advertisement hoardings, although slightly different procedures apply. These are set out in a separate section at the end of the document. The wording and images on an advertisement are not covered by planning control. Any complaints



about the content of an advertisement should be made to the [Advertising Standards Authority, Mid City Place, 71 High Holborn, London WC1V 6QT](#), tel. 020 7492 2222, email [enquiries@asa.org.uk](mailto:enquiries@asa.org.uk) or online at [www.asa.org](http://www.asa.org)

## Determining issues

It is clearly undesirable that anyone should carry out development without the necessary permissions being in place. However, the main objective of the planning enforcement service is to remedy the undesirable effects of unauthorised development and to bring unauthorised activities under control, ensuring that the credibility of the planning system is not undermined, and that the amenity of neighbours is not adversely affected.

The council follows these guiding principles in relation to planning enforcement:

**Consistency:** to ensure that similar enforcement activities are dealt with in the same manner; **Fairness:** to ensure equitable and fair enforcement; **Proportionality:** to ensure that enforcement action relates directly to the degree of breach of planning control; **Clarity:** to ensure that any enforcement action taken by the council is easily understood by citizens, organisations and businesses; **Equality:** to ensure that any decision is not influenced by the ethnic origin, gender, religious or political beliefs or sexual orientation of the offender or interested parties.

***In considering any enforcement action, the decisive issue for the council will be whether the breach of planning control or the condition of a site would unacceptably affect amenity or the existing use of land or buildings meriting protection in the public interest. In other words, the council will need to be satisfied that the breach of planning control is causing harm. The council will not take enforcement action solely to regularise an otherwise acceptable development which is causing no demonstrable harm.***



## What the council can investigate

This can include:

- work being carried out without the necessary planning permission or consent;
- an unauthorised change of use;
- failure to comply with conditions attached to a permission or consent;
- a site or building which is in such a poor condition that it affects residential amenity.

## What the council cannot investigate

Sometimes the council receives complaints involving neighbour disputes over boundaries and land ownership. These are not matters falling under planning control and cannot be investigated by the enforcement service, but should be referred to a solicitor, or, if the property is owned by the council, Property Services should be contacted.

Complaints can sometimes involve matters that are more appropriately dealt with by other council services such as Environmental Health, or external agencies such as the Scottish Environment Protection Agency. If we receive a complaint which involves another council service we will pass it to the relevant service and we will inform you who we have contacted on the matter. If it involves an external agency - an agency outwith the council - we will advise you who should be contacted.

## How we investigate possible breaches of planning control

A priority system is used for investigating complaints based on matters such as the effect of the breach, and its significance on neighbours. Priority will be given to significant breaches of planning control including:

- unauthorised development causing immediate harm;
- unauthorised works to listed buildings;
- unauthorised felling of protected trees;
- breaches of planning conditions adversely affecting amenity and/or resulting in continuing harm.

When we receive a complaint, we will check that it constitutes a breach of planning control and that the legislation allows us to take action. If it does, the complaint will be registered, given a case reference number and allocated to an enforcement officer. If full contact details are provided by the complainant, an acknowledgement letter or email will be sent confirming the case reference number and the case officer dealing with the matter, in line with our published standards (see Appendix 1 and below). We encourage people who contact us to give full contact details, which we will treat as confidential as much as possible; this enables us to update people who approach us with a problem, or to contact them for further information if necessary.

### **Service Standard**

*We will acknowledge an enforcement complaint made on an enforcement complaint form within five working days of receipt. An initial phone contact which requests a response will be acknowledged within two working days.*

An investigation begins with an enforcement officer visiting the site to gather information before a decision is made on how to proceed. Following this visit, the individual who has made the complaint will be informed of what action, if any, is proposed. In some cases, additional investigations may be required and if that is the case, we will contact the complainant and advise them of the likely timescale involved.

### **Service Standard**

*We will visit sites which are the subject of complaints within 10 working days of receipt of an enforcement complaint form*

The length of time required to resolve a case or take action can be affected by a number of factors. Progress can be delayed because of the need to gather further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay resolution of the case.

### **Service Standard**

*The findings of the initial visit and any action that is proposed or has been taken will be sent to the complainer within 28 days. If the alleged breach is not to be the subject of any further action, the response will give reasons for that decision. If we cannot meet this timescale, the complainer will be contacted within 28 days giving information on the reason(s) for it taking longer than this and indicating the likely timescale for responding.*

The council recognises that delays can be a source of considerable frustration to those submitting information, particularly if they consider their amenity is affected. Consequently, we will do our best to keep interested parties informed of significant stages in the progress of a case and we will give you contact details of the officer handling the case. You may wish to contact the case officer directly for a more regular update.

### **Service Standard**

*Complainants will be notified of the outcome of a case within 10 working days of the case being closed, with an account of the outcome provided.*

## Reporting breaches of planning control

Members of the public have a vital role in reporting breaches of control. Any concerns should be raised with the council at the earliest opportunity. You can make preliminary enquiries by telephone or in person at the council offices. However, if you would like to receive a response in writing to this initial contact this should be followed up in writing or by e-mail.

The council has prepared an enforcement complaint form ([link to appropriate page on website](#)) which you should use to report any suspected breaches of planning control.

While the council will do its best to honour requests for confidentiality, all correspondence with the council is subject to the requirements of the Freedom of Information (Scotland) Act 2002 so we might not be able to guarantee total confidentiality. In addition, total confidentiality cannot be guaranteed if the case leads to court proceedings.

Members of the public can also have an important role in monitoring the conditions that are placed on certain planning consents. Your involvement is therefore invaluable in providing information where it is believed that conditions attached to the consent are not being complied with. Breaches of planning conditions are investigated in the same way as other breaches of planning control.

Details of the conditions imposed on planning consents are included within the decision notice relating to the development which can be inspected on the council's website. Monitoring is undertaken by the council's development management service. However, the council deals with around 1,000 planning applications each year and it is not possible for us to monitor all conditions at all times.

Details of the conditions imposed on planning consents are included within the decision notice relating to the development which can be inspected on the council's website. Monitoring is undertaken by the council's development management service. However, the council deals with around 1,000 planning applications each year and it is not possible for us to monitor all conditions at all times.





### **Contact details for reporting breaches of planning control**

You can report a suspected breach by using the interactive form on the [council's website](#) or by emailing the Planning service at [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

### **Making a suggestion or complaint about the enforcement service**

The council tries hard to meet people's expectations and we hope that you will be satisfied with the planning enforcement service. However, if you have any concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures or shortcomings. We will consider seriously any complaints made about the way an enforcement enquiry was dealt with. In the first instance, complaints should be discussed with the member of staff involved. If you are still dissatisfied, you can submit a formal complaint via our website, at [westlothian.gov.uk/complaints](http://westlothian.gov.uk/complaints)

Written complaints about the service we provide will be acknowledged and then fully and promptly investigated.

If you are unsatisfied with the council's complaints process, you have the right to take your complaint to the Scottish Public Services Ombudsman, at:

[SPSO, FREEPOST EH641, Edinburgh EH3 0BR](#)

Telephone: 0800 377 7330, or [spsso.org.uk/online-contact](http://spsso.org.uk/online-contact) Generally, you must contact the Ombudsman within 12 months of the date of the complaint.

The following information is appended to the charter:

- Appendix 1: Planning enforcement service standards
- Appendix 2: Powers available to deal with breaches of planning control

## **Appendix 1: Planning enforcement service standards**

An initial letter or email complaint will be acknowledged within five working days of receipt.

An initial phone contact which requests a response will be acknowledged within five working days.

All sites which are the subject of a complaint will be visited by an enforcement officer within 10 working days of receipt of the complaint.

Any complaint which in the view of the Development Management Manager requires immediate investigation will be visited by an enforcement officer within one working day of receipt of the complaint.

A further response, detailing the findings of the initial visit and any action that is proposed or has been taken to remedy the alleged breach, will be sent to the complainer within 28 days of receipt of the complaint. If the alleged breach is not to be the subject of any further action this response will give the reasons for that decision.

If it proves impossible or impractical to respond within the above timescale, the complainer will be contacted within 28 days of receipt of the complaint, giving information on the reason(s) for it taking longer than this and indicating the likely timescale for response.

The complainer will be notified of the outcome of the case within 10 working days of the case being closed by the case officer, with an account of the outcome.

## **Appendix 2: Powers available to deal with breaches of planning control**

### ***Enforcement notice***

If development is carried out without planning permission, or a condition or limitation subject to which planning permission has been granted is not complied with, an enforcement notice can be served on all parties with an interest in the land requiring remedial works to be carried out to deal with any harm caused by the breach. There is a right of appeal to the Directorate for Planning and Environmental Appeals (DPEA) against an enforcement notice and the notice has no effect until the appeal has been determined and the notice upheld. It is an offence not to comply with the terms of an enforcement notice.

### ***Stop notice***

Where a breach of planning control consists of an activity considered to be causing serious harm, a stop notice, in conjunction with an enforcement notice, can be served. The notice usually takes effect within three days of service and it is an offence to fail to comply with its requirements. There is no right of appeal against a stop notice.

### ***Temporary stop notice***

This can be issued where a breach of planning control comprises an activity and when the council considers that it is important that the activity should cease immediately. It must be displayed on the land to which it relates and ceases to have effect after 28 days. It is an offence to fail to comply with its requirements.

### ***Breach of condition notice***

If planning permission has been granted subject to conditions and these have not been complied with, a breach of condition notice can be served on the person(s) responsible for carrying out the development to which it relates, or on the owner of the land requiring compliance with the condition. There is no right of appeal against a breach of condition notice and it is an offence to fail to comply with its requirements.

### ***Fixed penalty notice***

Where an enforcement or breach of condition notice has not been complied with, the council can issue a fixed penalty notice as an alternative to prosecution. The fixed penalty amounts to £2,000 for each step not complied with in an enforcement notice and £300 for each step not complied with in a breach of condition notice.



### ***Notice requiring application for planning permission***

This can be issued on an owner of land requiring submission of a planning application where development has been carried out without permission. Whilst there are no penalty provisions for failing to comply with this notice it constitutes taking enforcement action under the relevant legislation and leaves it open to the council to pursue further action in terms of an enforcement notice.

### ***Notice requiring information as to interests in land***

This can be issued on any occupier of land requiring them to confirm in writing their interest in the land along with details of any other party with an interest in land. In addition it can require information on what the land is being used for, when that use began and the time when any activities being carried out began. It is often used to gather information prior to pursuing enforcement action. It is an offence to fail to comply with its requirements.

### ***Planning contravention notice***

This can be served on an owner of land or any person carrying out operations on land or who is using the land for any purpose. The notice requires recipients to confirm whether the use or activities alleged in the notice are being carried out, when they began, details of those engaged in the use/activities including their own and to provide any information as to any planning permission that may exist for the use/activities or any reason why permission is not required. It is an offence to fail to comply with its requirements.

### ***Amenity notice***

Can be served on anyone with an interest in land where the condition of any land is considered to adversely impact on the amenity of an area. There is a right of appeal to the DPEA.

### ***Listed building enforcement notice***

Similar to a standard enforcement notice but relates to unauthorised works affecting the character of a listed building. Any recipient of such a notice can appeal to the DPEA. It is an offence to fail to comply with the requirements of a listed building enforcement notice.

### ***Advert enforcement notice***

Similar to an enforcement notice but relates to unauthorised advertisements. Can be appealed to the DPEA.

### ***Advert discontinuance notice***

Where an advertisement enjoys deemed consent under the relevant advertisement regulations but the council require its removal, a discontinuance notice may be served. Can be appealed to the DPEA.

### ***Replacement tree notice***

Where a tree protected by a tree preservation order is removed, uprooted or destroyed in contravention of the order or any conditions of a consent given under a tree preservation order requiring the replacement of trees is not complied with, the council can issue a replacement tree notice requiring the owner of the land to plant a tree or trees. Any notice served can be appealed to the DPEA.

### ***Prosecution***

Non-compliance with certain notices as indicated above, as well as the display of an advertisement in contravention of legislation or contravention of a tree preservation order can constitute a criminal offence under the relevant legislation and can result in the offence being reported to the Procurator Fiscal with a view to criminal proceedings being initiated against the individuals concerned. The decision whether or not to prosecute rests entirely with the fiscal and will be based on the evidence submitted and whether or not it is in the public interest to prosecute.

### ***Interdict***

The council can apply to the courts to restrain a breach of planning control and the court may grant an interdict if it is considered appropriate to restrain or prevent the breach.

### ***Direct action***

Non-compliance with certain notices (enforcement, amenity, advert and replacement trees) can result in the council entering the land and carrying out the steps required to secure compliance with the notice. The costs involved in such actions are recoverable from the owner of the land concerned.



هذه المعلومات متوفرة بلغة بريل وعلى شريط ويخط كبير وبلغات الجالية.

الرجاء الإتصال بخدمة الترجمة على الهاتف 01506 280000

এই তথ্য আপনি ব্রেইল, টেপ, বড় অক্ষরে এবং কমিউনিটির বিভিন্ন ভাষাগুলিতেও পাবেন। অনুগ্রহ করে ইন্টারপ্রেটেশন অ্যান্ড ট্রান্সলেশন সার্ভিসের সঙ্গে যোগাযোগ করুন। টেলিঃ 01506 280000

這份資料是可以凸字、錄音帶、大字印刷及社區語言的式本提供。請聯絡傳譯及翻譯服務部，電話：01506 280000

ਇਹ ਜਾਣਕਾਰੀ (ਬ੍ਰੇਲ) ਨੈਤਰੀਨ ਦੇ ਪੜ੍ਹਣ ਵਾਲੀ ਲਿਪੀ, ਟੇਪ, ਵੱਡੇ ਫਿੰਟ ਅਤੇ ਸਮਾਜ ਦੀਆਂ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ। ਫ਼ਿਫਾ ਕਰਕੇ ਇੰਟਰਪ੍ਰੀਟੇਸ਼ਨ ਅਤੇ ਟਰਾਂਸਲੇਸ਼ਨ ਸਰਵਿਸ ਨੂੰ ਇਸ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ : 01506 280000

یہ معلومات بریل (اندھوں کے رسم الخط)، ٹیپ، بڑے حروف کی طباعت اور کمیونٹی میں بولی جانے والی زبانوں میں دستیاب ہے۔  
برای دریافتی انٹرنیٹ، آئیڈز، اسلایڈنگ سروس سے ٹیلیفون نمبر 01506 280000 پر رابطہ قائم کریں۔

Informacje te mogą być przełożone na język Braille'a, dostępne na taśmie magnetofonowej lub wydane dużym drukiem oraz przetłumaczone na języki mniejszości narodowych.  
Prosimy o kontakt z Usługami Tłumaczeniowymi pod numerem 01506 280000.

Information is available in Braille, tape, large print and community languages.

Please contact the interpretation and translation service on **01506 280000**.

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.

Published by West Lothian Council.



West Lothian  
Council



**COUNCIL EXECUTIVE**

**SESPLAN SUPPLEMENTARY GUIDANCE FOR HOUSING**

**REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

**A. PURPOSE OF REPORT**

The purpose of this report is to update the Council Executive on progress with the Supplementary Guidance on Housing (SG), as required by the Scottish Ministers in approving the Strategic Development Plan, and to seek ratification of the decision of the SESplan Joint Committee to adopt the SG as modified.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the modification to the Supplementary Guidance on Housing as directed by Scottish Ministers; and
2. endorses the approval of the Supplementary Guidance on Housing as modified.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Strategic Development Plan has been the subject of Strategic Environmental Assessment and is supported by an Equalities Impact Assessment.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Preparation of strategic development plans (SDPs) and local development plans (LDPs) are statutory requirements. Progress with the preparation of the SDP and LDP are monitored by Scottish Government as a performance indicator for local authorities.
<b>V Relevance to Single Outcome Agreement</b>	<b>Outcome 3</b> - Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.

	<b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI Resources - (Financial, Staffing and Property)</b>	<p>Progressing the Supplementary Guidance to approval does not, itself, have any unplanned resource implications for the council.</p> <p>Bringing forward the requirements of the supplementary guidance could have significant infrastructure implications for the council. The implications cannot be fully assessed until such time as the requirements are translated into site specific allocations in the forthcoming local development plan.</p>
<b>VII Consideration at PDSP</b>	A report on the SESplan Supplementary Guidance was considered by the Development & Transport PDSP on 28 August 2014. The panel was content to forward the report to the Council Executive with a recommendation that it be approved.
<b>VIII Other consultations</b>	The council's Head of Finance and Estates was consulted in the preparation of this report. The SG itself was the subject of consultation.

## **D. TERMS OF REPORT**

### **D1 BACKGROUND**

The SESplan Joint Committee (JC) comprises representatives from City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils. The Joint Committee met on 30 June 2014 to consider the announcement of Scottish Ministers intention to adopt the SESplan Supplementary Guidance for Housing Land (SG), subject to a modification.

In approving the Strategic Development Plan (SDP) on the 27 June 2013, Scottish Ministers made modifications to Policy 5 of the SDP in relation to housing land. The modifications required Supplementary Guidance to be prepared to set out how much of the overall housing land requirement should be met in each of the six member authority areas over the period 2009 – 2024. This would inform LDP preparation. Scottish Ministers expected the Supplementary Guidance to be adopted within one year from the date of approval of the SDP.

All papers from the Joint Committee can be accessed on the SESplan web site at [http://www.sesplan.gov.uk/about/jc\\_reports.html](http://www.sesplan.gov.uk/about/jc_reports.html) A Minute of the Joint Committee will be published in due course.

### **D2 *Supplementary Guidance for Housing Land***

On 12 November 2013, SESplan published Supplementary Guidance for Housing Land in support of the approved SDP. Following a period of public consultation and assessment of responses received, the guidance was submitted to Scottish Ministers on 21 May 2014 for approval.

Scottish Ministers have now considered the terms of the SG and on 18 June 2014 notified SESplan of their intention to adopt the guidance subject to a modification. The modification must be made to the SG prior to its adoption. The letter advising of the intention to adopt and the modification is attached as Appendix One.

In that letter Scottish Ministers have given notice under Section 22 (8) of the Town and Country Planning (Scotland) Act 1997 that, before the Supplementary Guidance is adopted, it must be modified to remove the second sentence of paragraph 3.13 of the guidance. This sentence reads *“Member authorities will base their calculation of the five year land supply on the period 2009 – 2024, taking into consideration housing completions.”*

Scottish Ministers consider that the inclusion of this sentence does not comply with Regulation 27 (2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and as such gives rise to a potential inconsistency between the approved SDP and the SG. Regulation 27 (2) requires that for a matter to be included in Supplementary Guidance that will form part of the development plan it must be *‘expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance’*. Ministers therefore consider that to avoid inconsistency, ensure compliance with the legislation and to avoid potential further delays in the process, that the sentence be removed.

The SESplan Joint Committee considers that Scottish Ministers’ determination and the reasoning which underpins the determination is contrary to the approach which SESplan and the member authorities considered reasonable, pragmatic and consistent with the SDP. Legal advice was thus sought by SESplan. This advice set out three options:

- A. Modify the Supplementary Guidance as directed and adopt it as modified;
- B. Do not adopt the Supplementary Guidance and start the process again; or
- C. Raise a legal challenge against the direction made by Ministers.

Whilst disagreeing with the Ministers’ decision and reasoning, the Joint Committee agreed that options B and C were not appropriate courses of action as these would create further uncertainty and cause significant delay to the preparation of Local Development Plans (LDP) and SDP2. In addition, a judicial challenge would be highly sensitive and carry significant financial and reputational risks to SESplan. The Joint Committee agreed to option A to modify the SG as directed and adopt it as modified.

The implications of modifying the SG by removing the sentence on calculating five year housing land supply are significant. In making the modification, SESplan and the subsequent LDPs will be required to calculate the five year housing land supply over two plan periods 2009–2019 and 2019-2024.

Scottish Ministers have not provided guidance on how the land supply would be calculated for five year blocks bridging the two periods for which the Supplementary Guidance sets requirements. SESplan and the member authorities will investigate the development of a consistent approach to the calculation of the five year land supply to provide this clarity. Such a procedure will not, however, form part of the development plan.

## **E. CONCLUSION**

Preparation of SG is a requirement of Scottish Ministers in approving the SDP. The direction from Scottish Ministers to approve the SG, subject to modifications will allow for this requirement to be met and allow LDPs to move forward.

## **F. BACKGROUND REFERENCES**

Report to Council Executive, 29 October 2013: SESplan Supplementary Guidance for Housing.

Report to Development and Transport Policy Development and Scrutiny Panel (PDSP), 3 April 2014: SESplan Supplementary Guidance for Housing.

Report to Council Executive, 15 April 2014: SESplan Supplementary Guidance for Housing.

Report to Development and Transport Policy Development and Scrutiny Panel (PDSP), 28 August 2014: SESplan Supplementary Guidance for Housing.

Appendices/Attachments: One

Appendix One: Scottish Ministers Notice of Intention to Adopt the SESplan Supplementary Guidance on Housing

Contact Person: Fiona McBrierty, Acting Development Planning Manager, Tel: 01506 282418, email [fiona.mcbrierty@westlothian.gov.uk](mailto:fiona.mcbrierty@westlothian.gov.uk)

**Craig McCorriston**

**Head of Planning and Economic Development**

**16 September 2014**



Ian Angus  
SESplan Manager  
SESplan  
Ground Floor  
Claremont House  
130 East Claremont Street  
Edinburgh  
EH7 4LB

In 2014 Scotland Welcomes the World



Our ref: POL/10193  
18 June 2014

Dear Ian

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND)  
REGULATIONS 2008**

**NOTICE OF INTENTION TO ADOPT SESPLAN SUPPLEMENTARY GUIDANCE ON  
HOUSING LAND**

I refer to Graeme Marsden's email of 21 May 2014 certifying notice of SESplan's intention to adopt the above supplementary guidance in association with the approved SESplan.

Under S22(8) of the Town And Country Planning (Scotland) Act 1997, the Scottish Ministers give notice that before adopting the Supplementary Guidance on Housing Land, it must be modified to remove the 2<sup>nd</sup> sentence of paragraph 3.13 of the guidance which reads: 'Member authorities will base their calculation of the five year land supply on the period 2009-2024, taking into consideration housing completions.'

Regulation 27(2) of the Town And Country Planning (Development Planning) (Scotland) Regulations 2008 requires that for a matter to be included in supplementary guidance that will form part of the development plan it must be 'expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance'. It is not considered that the inclusion of the 2<sup>nd</sup> sentence of paragraph 3.13 complies with this requirement. While it may be considered to provide useful further information or detail, the inclusion of this also gives rise to a potential inconsistency between SESplan itself and the supplementary guidance. Ministers therefore consider that to avoid such inconsistency, to ensure compliance with the legislation and to avoid potential further delays in the process, that the relevant sentence be removed.

Yours sincerely



**Rosie Leven**  
Principal Planner

Copy to Craig McCorriston - [craig.mccorriston@westlothian.gov.uk](mailto:craig.mccorriston@westlothian.gov.uk)



West Lothian  
Council

**COUNCIL EXECUTIVE**

**REVIEW OF RESIDENTIAL ON-STREET DISABLED PERSONS' PARKING POLICY**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to provide a review of the Council's existing policy and agree the updated policy on residential on-street disabled persons' parking places.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the policy implementation over the past 3 years; and
2. approves the revised policy as set out in Appendix 1.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

Focusing on our customers' needs;  
  
Being honest, open and accountable;  
  
Providing equality of opportunities; and  
  
Making best use of our resources.

**II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

**(a) Policy**

The purpose of this report is to review and update the existing policy which sets out how we deal with applications for residential on-street disabled persons' parking places.

**(b) Legal**

The policy was drafted to clarify the council's interpretation of duties imposed by the Disabled Persons' Parking Places (Scotland) Act 2009. It is also drafted in the context of powers contained within the Road Traffic Regulation Act

1984.

### **(c) Equality Issues**

The amended policy has been subject to an Equality Impact Assessment review.

<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	<p>The provision of residential on-street disabled persons' parking places contributes to the following outcomes:</p> <ul style="list-style-type: none"><li>• Older people are able to live independently in the community with an improved quality of life</li><li>• We live in resilient, cohesive and safe communities</li><li>• We live longer, healthier lives and have reduced health inequalities</li></ul>
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	The policy was considered at Environment PDSP on 28 <sup>th</sup> August 2014.
<b>VIII Other consultations</b>	Consultation has been undertaken with Police Scotland, the Council's Equality Officer, Disability West Lothian (West Lothian Access Committee and Disability Equality Forum)

## **D. TERMS OF REPORT**

### **Introduction**

This report reviews the council's policy for dealing with applications for residential on-street disabled persons' parking places. The report reviews implementation over the last three years, providing information on application numbers, objections, customer feedback and complaints. This report is also intended to clarify the council's position on certain aspects of this provision and continue to make the implementation of bays more transparent for applicants.

### **Background**

The Disabled Persons' Parking Places (Scotland) Act 2009 (the Act) introduced a duty on local roads authorities to provide designated on-street parking places for qualifying disabled people at their homes on request. In September 2011, a policy was agreed on the Council's approach to implementation of the Act.

Officers have implemented the act in line with this policy for the last 3 years and a review of the policy is now required.

## **Discussion**

The current policy, agreed in 2011 covers the following issues:

- Requests from non-qualifying persons
- The types of vehicle that are considered to be suitable in terms of the Act
- Requests for parking places in turning areas
- Requests for parking places from people who have off-street parking
- How the designated parking bays are signposted and marked
- Requests for parking places on non-adopted land
- Provision of dropped kerbs with disabled parking places
- How we review the provision of parking places
- A summary of the application process
- A statement on data protection
- Details of the appeals process

Each of the sections contains an explanation of the issue along with the policy agreed to deal with the issue. The policy is available to prospective applicants and the public on the council website.

## **Applications**

Since the agreement of the policy in September 2011, the council has received 359 applications from qualifying persons (as set out in the policy). Where an application is deemed “qualifying” it has met the basic criteria, the application is then assessed for provision of a parking bay. On some occasions parking bays cannot be provided as a result of private off-street parking, land ownership issues or on road safety grounds. These requests cannot be progressed by the council and the applicant is informed. In addition to 324 qualifying applications received, the council has received 35 applications from applicants who do not meet the basic criteria set out in the Disabled Persons Parking Places (Scotland) Act 2009.

## **Objections**

Once parking spaces have been agreed with qualifying applicants and provided in an advisory capacity, the council must make a permanent traffic regulation order to make the agreed parking bay solely for the use of blue badge holders. During this process objections are invited in line with procedures set out in the Road Traffic Regulation Act 1984 and council procedure.

Traffic Regulation Orders for disabled parking bays are promoted in batches and there have been five orders promoted since April 2011, four of which fall within the timescale of this policy review. Details of the objection made are detailed in the table below, Table 1. Objectors can choose to withdraw their objection however, if they do not, the objection is considered by Council Executive, to make a decision. There have been 12 objections considered by Council Executive over the course of the three years. Only one of these objections has been upheld. In this case officers liaised with the original applicant to try to find an alternative suitable location.

DPPP Traffic Regulation Order	Date Heard at Council Executive	Total No. of Objections	Location of Parking Bay	Decision
1	12 April 2011 (PRIOR TO POLICY)	1	Avondale Drive, Armadale (1 Objection)	Overrule
2	7 February 2012	3	Traprain Crescent, Bathgate (1 Objection)	Overrule
			Scott Place, Fauldhouse (1 Objection)	Upheld
			Birkenshaw Way, Armadale (1 Objection)	Overrule
3	21 August 2012	3	Merker Terrace, Linlithgow (2 Objections)	Overrule
			Craiglaw Place, Dechmont (1 Objection)	Overrule
4	26 February 2013	4	Turn High Road (3 Objections)	Overrule
			Woodville Court (1 Objection)	Application was removed before objection was considered
5	21 January 2014	2	Bridgecastle Road, Armadale (1 Objection)	Overrule
			Abbotsford Rise, Livingston (1 Objection)	Overrule

**Table 1 - Summary of Objections to Traffic Regulation Orders for Residential Disabled Parking Bays in West Lothian.**

## Complaints

A review of complaints relating to residential disabled parking over the last 3 years has been undertaken. There have been 13 complaints received by the service in connection with residential disabled parking over the period that the policy has been in use. On many occasions complaints have been in connection with the location of parking places and the process by which parking bays are made enforceable. On most occasions contact from officers and subsequent explanation of procedures and referral to the policy has been sufficient to deal with complaints. Complaints regarding disabled parking are dealt with using the councils approved complaints procedure.

## Customer Feedback

An annual customer survey is undertaken to assess the service provided to applicants by the council. The results of the 2012 and 2013 customer surveys, post policy implementation, do not show significant changes to customer satisfaction when compared with the 2011 survey.

The survey asks customers about the overall application, application handling and timescales and overall service provided. Our survey results indicate high satisfaction rates for overall application and overall service provided, maintaining scores in excess of 90% across the questions asked. However, lower scores (between 65%-90%) have been recorded for application handling and timescales over the last 3 years. These lower scores relate to two distinct areas for improvement. The areas identified for improvement year on year are timescales for bay provision and the provision of information pertaining to reasons that an application is refused.

In terms of timescales not being met, the team responsible for this has tried to streamline the process as much as possible.

The other area for improvement is the provision of information to applicants on why their application was unsuccessful. It is often unclear whether an applicant is a non-qualifying applicant or a qualifying applicant who has had their bay refused. Reasons for refusal or non-provision are covered in the policy. A change to the customer satisfaction questionnaire for 2015 will be made to provide more insight into respondent customer type may provide more information on this for a future review of the policy.

### **Equality Impact Assessment**

An Equality Impact Assessment (EQIA) was carried out on the policy in 2011 and a review has been undertaken in connection with this policy update. A copy of the updated Equality Relevance Assessment is contained in Appendix 2.

### **Consultation**

The original policy was drafted in consultation with Legal Services, the council's Equality Officer and Disability West Lothian. As there are no proposed changes to the policy only consultation with Disability West Lothian through an Equality Impact Assessment and Police Scotland has been undertaken.

Police Scotland have advised that they have no adverse comments on the policy.

A copy of the Equality Relevance Assessment is contained in Appendix 2 as detailed above.

### **Policy Review**

The council currently provides 637 enforceable residential disabled parking places across West Lothian, this number changes each time a Traffic Regulation Order is promoted. The number of facilities provided compares favourably with the number of complaints/objections received.

The policy has been in place for three years and as detailed above, has assisted officers in implementing the Disabled Persons Parking Places (Scotland) Act 2009. Over the course of the three years there have been no significant events indicating that changes are required.

Based on the information provided in this paper and that there has been no changes to the legislation that the policy was been designed to provide guidance on, there are no material changes recommended at this time.

However, a minor change to the review cycle is proposed. It is proposed to change the review cycle for the policy to every three years or more frequently if required. The revised policy is included in Appendix 1.

### **PDSP Review**

This report and revised policy was reviewed at the meeting of the Environment PDSP held on 28<sup>th</sup> of August 2014. The panel recommended that the Council Executive approved the revised Residential On-street Disabled Person's Parking Policy.

## **E. CONCLUSION**

Following a comprehensive review of the Residential Disabled Persons Parking Places policy it is considered to be serving the council well. The current policy will enable officers to continue to provide a clear and transparent approach to dealing with applications for residential on-street disabled persons' parking places.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix1 –

RESIDENTIAL ON-STREET PARKING PLACES IMPLEMENTATION POLICY v2 (2014)

Appendix 2 –

EQUALITY RELEVANCE ASSESSMENT

Contact Person: Jane Dunlop, Engineer – Road Safety and Traffic Management, Tel: 01506 282338

*Jim Jack, Head of Operational Services, Whitehill House, Bathgate*

Date: 16 September 2014



## **APPENDIX 1**

### **RESIDENTIAL ON-STREET PARKING PLACES IMPLEMENTATION POLICY v2 (2014)**

## **APPENDIX 2**

### **EQUALITY RELEVANCE ASSESSMENT**



## **WEST LOTHIAN COUNCIL**

### **DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009**

### **RESIDENTIAL ON-STREET PARKING PLACES IMPLEMENTATION POLICY**



## INTRODUCTION

This policy statement sets out how West Lothian Council will implement the ongoing requirements of section 5 of the Disabled Persons' Parking Places (Scotland) Act 2009 (DPPP Act). In particular, it explains how we will deal with certain issues which are not specifically covered by the Act. The policy has been developed in conjunction with local groups representing disabled people and supersedes all previous policies on the provision of Disabled Persons' Parking Places.

## RESIDENTIAL DISABLED PERSONS' PARKING PLACES

The DPPP Act permits any individual who holds a disabled persons' badge (blue badge) and who has a suitable vehicle registered at their address (a qualifying person) to apply to the council for a disabled persons' street parking place from which there is convenient access to their address. A request may also be made through another person acting on behalf of a qualifying person.

The council must then decide whether it has the power under the Road Traffic Regulation Act 1984 (RTRA) to provide such a parking place. If it decides that it has the power, the council must then start the statutory process to make a traffic regulation order (TRO) to implement the parking place. In these circumstances, the council can mark an advisory parking place on the street whilst it undertakes the TRO process. In no other circumstances can the council mark an advisory disabled persons' parking place either on-street or off-street.

It should be noted that if the council proceeds with designating a disabled persons' parking place, that parking place is for the use of **any blue badge holder** and is not for the exclusive use of the original applicant.

In deciding whether the council has the power to provide a disabled persons' parking place, Section 45(3) of the RTRA requires that it must consider both the interests of traffic and those of owners and occupiers of adjoining properties and in particular:



- The need for maintaining the free movement of traffic
- The need for maintaining reasonable access to premises; and
- The extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood

Section 122 of the RTRA also places a duty on the council to exercise its powers to secure the “expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.”

This means that there will be circumstances when the council must refuse an application for a disabled persons’ parking place because the requested location would not meet the requirements of the RTRA.

The main issues in considering whether to designate a residential disabled persons’ parking place are discussed below.

## **Requests from non-qualifying persons**

The council will only consider applications for residential disabled persons’ parking places from qualifying persons as defined in the DPPP Act. This ensures that the limited resources available are prioritised to those blue badge holders covered by the DPPP Act.

## **Type of vehicle**

The DPPP Act requires that a qualifying person has a “suitable vehicle for the carriage of the individual” registered at their address. The DPPP Act does not give any definition of what a suitable vehicle might include.

The council considers that road registered mobility scooters (ie Class 3 invalid carriages), which can legally be driven on footways do not require on-street parking spaces and therefore are not suitable vehicles for the purposes of the DPPP Act.



Similarly, two-wheeled motor vehicles can generally be parked in much smaller spaces and therefore, will not normally be eligible for disabled persons' parking places.

### **Requests for parking places within turning areas**

In many culs-de-sac, there are areas at the end of the road which provide the facility for larger vehicles to turn. As parking pressures have increased, these areas often become informal parking areas and in some cases, advisory disabled persons' parking places have been provided in the past. However, in terms of the RTRA, the council has no power to designate a disabled persons' parking place in such a turning area as it would interfere with the free movement of traffic and could affect access to premises by larger vehicles.

Therefore, the policy is not to designate parking places in such turning areas.

### **Requests from qualifying persons who have off-street parking at their address**

Since it started providing disabled persons' parking places in residential areas, the council has refused applications from badge holders who have off-street parking. This is on the basis that off-street parking is usually much more convenient to the address of the badge holder and it avoids removing a free parking space on the road. However, in some situations, the badge holder is unable to use their off street parking for example because the vehicle is too large or there are steps from the area to the house.

Therefore, the policy is that the council will not designate a disabled persons' parking place where the applicant has **suitable**<sup>1</sup> off-street parking available at their address.

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<sup>1</sup> Suitability of off-street parking will be assessed on a case by case basis.



## **Parking place signs and markings**

The size of the parking place markings is prescribed by the Traffic Signs Regulations and General Directions 2002. However, as the minimum size of the prescribed marking is difficult to achieve in many of our residential streets, the council has obtained a special authorisation from Scottish Ministers to provide smaller parking places where necessary.

However, as the parking places are for the use of any blue badge holder, the council will aim to maximise the size of every disabled persons' parking place, within the constraints of the specific location and considering the impact on adjoining parking spaces.

In order to be enforceable, the parking place markings must also be accompanied by a sign in accordance with the regulations. Unless there is a suitable lamp column or post within the extents of the parking place marking, the sign will be erected on a separate pole on the footway/verge directly adjacent to the parking place. The sign will generally be mounted at a minimum height of 900mm to the bottom of the sign although this can be increased to suit the local circumstances. The sign will not be erected until after the traffic regulation order governing the parking place has been made.

## **Requests for disabled persons' parking places on non-adopted land**

In some areas, particularly within Livingston, the council receives requests to provide disabled persons' parking places in parking areas which are not part of the adopted road network. These parking areas are not considered to be on-street parking and therefore, the council has no powers to designate a street parking place. We will, wherever possible, offer an alternative location for a parking place which is deemed to be on-street but often this is not convenient for the applicant.



In these circumstances, the applicant will have to approach the landowner and ask that an advisory off-street disabled persons' parking place is provided. The landowner can then, if desired, enter into an agreement with the council to have an off-street parking places order made to cover the advisory bay. However, the council cannot designate nor mark the advisory bay as the DPPP Act expressly prohibits doing so.

### **Provision of dropped kerbs associated with residential disabled persons' parking places**

The council will not normally provide new dropped kerbs in association with a new residential disabled persons' parking place. This is because the cost of doing so would quickly deplete the very limited budget and this would place a limit on the number of parking places we could provide in a given year.

However, if the applicant makes the council aware that they have a special requirement for a dropped kerb (for example if they are a wheelchair user and there is no alternative convenient dropped kerb provision), we will give due consideration to the provision of a new dropped kerb.

### **Review of parking places**

The DPPP Act requires that the council keeps the provision of disabled persons' parking places under review.

When we are informed of ad-hoc changes to applicants requirements (for example if the applicant moves away or dies), we will investigate and give consideration to removing the parking place. However, as part of this, we will assess whether the parking place could be convenient for another qualifying blue badge holder and if this is the case, we may retain the parking place.

We will carry out a full audit and review of on-street disabled persons' parking places every two years. We will do this by writing to the original applicants and asking if they still require the originally requested parking place.





## **Application process**

Applicants must complete the required form and submit a copy of their blue badge and the V5 vehicle registration document for the vehicle registered at their address. Where the vehicle is registered through the Motability scheme, the applicant can obtain a copy of the V5 registration document direct from Motability. An illustration of the application process is shown in Appendix A.

## **Appeals Process**

Where a qualifying person is unhappy with any decision made by officers in relation to the provision of a disabled persons' on-street parking place, they may apply to the Head of Operational Services to have the case reviewed. In doing so, the qualifying person must state the grounds for the appeal. The Head of Operational Services will then consider the appeal and inform the applicant within 21 days of the outcome. Should the applicant remain dissatisfied, the council's complaints procedure will apply.

## **Data Protection**

The council will collect and hold personal information of persons who apply for disabled persons' parking places for as long as is necessary to maintain any parking place provided at their request. In the case of applications from non-qualifying persons or unsuccessful qualifying persons, we will hold the information for no more than 18 months following receipt of the application. The information will be collected and held for the purpose of administering the disabled persons' parking places scheme but may be shared with other agencies to assist in the prevention of fraud. Applicants will be informed of this and asked to sign a declaration to confirm that they agree to this use of their information.

We will write to those qualifying persons at least every two years as part of the review process and we may also contact applicants to undertake customer satisfaction surveys.



## **Policy Review**

We will review this policy at least every three years or more frequently if required.

## **Contact Details**

This policy is developed and implemented by Transportation Service within Operational Services. All enquiries should be addressed to:

Road Safety and Traffic Management

Whitehill House

7 Whitestone Place

Whitehill Industrial Estate

Bathgate

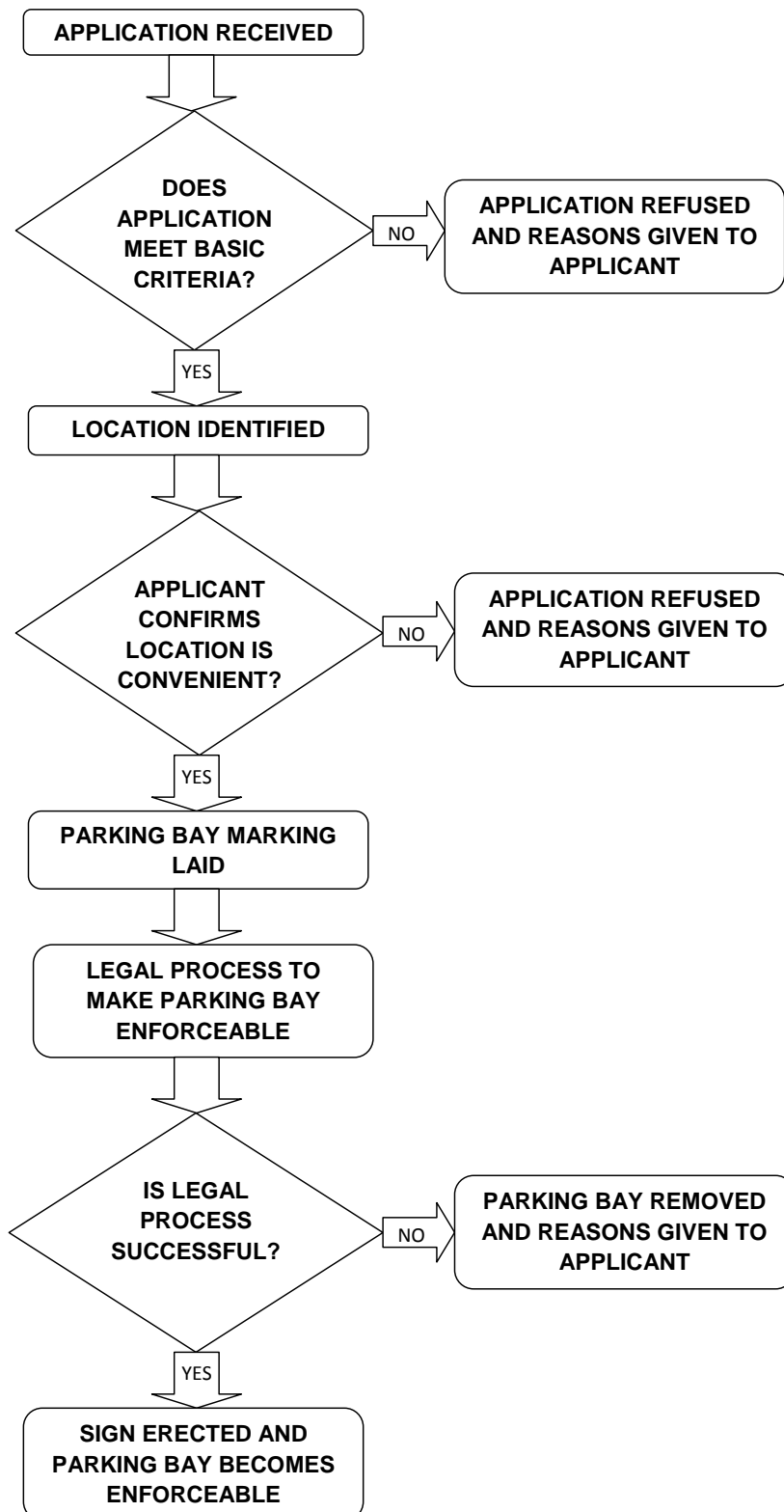
West Lothian EH48 2HA

Tel: 01506 280000

e-mail: [customer.service@westlothian.gov.uk](mailto:customer.service@westlothian.gov.uk)



## APPENDIX A - APPLICATION PROCESS DIAGRAM







## Equality Relevance Assessment

<b>1. Details of proposal</b>	
Policy title	Residential On-Street Disabled Parking Places Implementation Policy Statement (as revised August 2014)
Lead officer	Jane Dunlop, Engineer, Road Safety and Traffic Management
Date relevance considered	31 July 2014
<b>2. Does the council have control over how this policy will be implemented?</b>	
YES	<input checked="" type="checkbox"/> X
NO	<input type="checkbox"/>
<b>3. Do you have evidence or reason to believe that this policy will, or may potentially:</b>	
<b>General Duties</b>	<b>Impact on equality (Yes or No)</b>
Reduce or increase discrimination, victimisation or harassment against people covered by the equality protected characteristics?	No
Reduce or increase equality of opportunity between people who share an equality protected characteristic and those who do not?	No
Provide opportunity to improve good relations between those who share an equality protected characteristic and those who do not?	No
<b>4. Equality impact assessment required?</b> (Two <b>Yes</b> above = full assessment necessary)	
YES	<input type="checkbox"/>
NO	<input checked="" type="checkbox"/> X
<b>5. Decision rationale</b>	
<p>The original implementation of the policy underwent full equality impact assessment in 2011. A number of specific issues were identified which changed the original draft version of the policy following the assessment. The changes proposed for this revision are mainly administrative so do not impact on equality issues. The opportunity to review the equality impact assessment also enabled review of the practical implementation of the policy through discussion with the Disability Access Committee. No particular issues or concerns related to the policy were identified.</p>	

- **No assessment required – process ends**
- **Assessment required – continue to next section**





West Lothian  
Council

**COUNCIL EXECUTIVE**

**RESERVOIRS (SCOTLAND) ACT 2011 – CONSULTATION ON REGISTRATION,  
CHARGING, RISK DESIGNATION & ASSOCIATED ASPECTS**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to highlight a consultation recently published by the Scottish Government on Registration, Charging, Risk Designation and associated aspects under the Reservoirs (Scotland) Act 2011 and to seek approval for the draft response which has been prepared by officers.

**B. RECOMMENDATION**

It is recommended that the Council Executive notes the consultation and approves the draft response prepared by officers allowing it to be finalised and submitted on behalf of the Council.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Legal:</b> The Reservoirs (Scotland) Act 2011
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	SOA 4. We live in resilient, cohesive safe communities; SOA 5. People most at risk are protected and supported to achieve improved life

chances;

SOA 7. We live longer, healthier lives and have reduced health inequalities;

SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

**Financial:** It is likely that there will be new cost pressures for the NETs, Land & Countryside Service, which is responsible for both Beecraigs and Eliburn reservoirs, both owned by the Council. The financial impact cannot be determined until these reservoirs are assessed and charges set.

**VII Consideration at PDSP**

The report has been subject to consultation with the Executive Councillor for the Environment as the due submission date was not compatible with the Scrutiny Panel's meetings schedule

**VIII Other consultations**

Consultation has taken place with the Countryside Manager & Emergency Planning Officer

**D. TERMS OF REPORT**

**1.0 Introduction**

1.1 On 07 August 2014 the Scottish Government published a consultation in respect of Registration, Charging, Risk Designation and associated aspects under the Reservoirs (Scotland) Act 2011 seeking comments from stakeholders on proposals for new regulations and the commencement of a number of sections of the Reservoirs (Scotland) Act 2011.

1.2 The Reservoirs (Scotland) Act 2011 was developed to improve the regulation of reservoirs in Scotland. Under the Reservoirs Act 1975 (current legislation) only structures with a capacity in excess of 25,000 cubic metres in volume and held artificially above ground level are subject to a supervision and inspection regime. The new legislation provides for the inclusion of reservoirs of a smaller capacity which have the potential to pose a risk to public safety in the event of an uncontrolled release of water.

1.3 The Council is currently Enforcement Authority under the Reservoirs Act 1975. Part 7 of the Flood Risk Management (Scotland) Act 2009 transfers the responsibility for enforcement to SEPA. This part of the Act has not yet been commenced.

**2.0 Background**



- 2.1 The Scottish Government is seeking views on regulations that will provide for the creation and maintenance of a register of controlled reservoirs by SEPA, create the framework for SEPA to establish a new charging scheme in relation to its new functions under the 2011 Act and establish a framework for carrying out the risk designation process for reservoirs.
- 2.2 A number of sections within the Act were commenced on enactment including sections 1, 2, 3, 7, 114 and 115. A further set of sections are to be commenced in 2014 including sections 27, 28, 29, 30, 31, 54, part of 64, 104, 105, 107, 108, 109, 110, 111, parts of 112 and 113. These proposals formed part of a previous consultation in 2013.
- 2.3 Sections 27 to 31 enable the creation of new Scottish panels of specialist engineers, who have an important role in the supervision and inspection of Scotland's reservoirs ensuring that they are safely managed.
- 2.4 Section 54 enables the Scottish Ministers to make regulations that provide for the reporting of incidents. Section 64 enables the Scottish Ministers to make regulations that provide for the appointment of referees. Sections 104, 105, 106, 107 and 108 require SEPA to follow directions given by the Scottish Ministers, enable the Scottish Ministers to make regulations in relation to the form of notices and reports, allow for circumstances should the status of the Institution of Civil Engineering change and clarify that the Act does not confer a right to claim damages if obligations under the Act were to be breached.
- 2.5 Section 109 inserts offence provisions into the Water Environment and Water Services (Scotland) Act 2003. Section 110 applies the Act to the crown and section 111 provides for offences committed by corporate bodies. Section 112 makes consequential amendments to other related legislation and section 113 enables the Scottish Ministers to make ancillary provisions through orders.
- 2.6 In order to enable the registration process to operate efficiently and effectively, the Scottish Ministers are proposing to commence a number of additional Sections of the Act later in 2014 and in 2015.

### **3.0 The Council's Response**

- 3.1 The draft prepared by officers in response to the consultation is attached (Appendix 1). It is broadly in line with the response to previous consultations in respect of reservoir safety.
- 3.2 Whilst the Council has previously indicated its support for the introduction of a risk-based approach to reservoir safety it has sought safeguards from new cost pressures associated with the introduction of the new charging regime in respect of the two reservoirs which it owns, namely Beecraigs and Eliburn.
- 3.3 The response also underlines points made previously about the tenuous financial circumstances associated with many small and medium enterprises which derive a livelihood from reservoirs and the potential impact of the new charging scheme on these businesses, particularly in the context of the existing regulatory regime being largely paid for from general taxation.

- 3.4 It reiterates another concern that the risk that may be presented by a reservoir could change as a result, for example, of a decision by a planning authority to grant permission for a development downstream in the inundation zone. It is unfair that a reservoir owner or operator could potentially incur additional cost due to an increase in risk caused by a third party decision.

## **E. CONCLUSION**

The Scottish Government has published a consultation in respect of Registration, Charging, Risk Designation and associated aspects under the Reservoirs (Scotland) Act 2011 responses from stakeholders to a series of twenty-eight set questions.

Officers have drafted a response to the questions (Appendix 1 attached). Whilst the Council continues to support the new risk-based approach to reservoir safety, the responses continue a theme established in previous consultation responses which highlight the potential negative impact of the proposed new charging regime on public services, on the small and medium sized enterprises which derive an income from reservoirs and highlight the potential implications of the charges of decisions by others.

Members are asked to note the consultation and approve the response drafted by officers allowing it to be finalised and adopted as the Council's response to the consultation.

## **F. BACKGROUND REFERENCES**

Consultation on a Risk-Based Reservoir Safety Regime for Scotland - Report by Head of Operational Services to the Council Executive - 23 March 2010

Scottish Government Consultation - Reservoirs (Scotland) Bill - Report by Head of Operational Services to the Council Executive - 14th November 2010

Reservoirs (Scotland) Act 2011 – Consultation on Commencement & Regulations - Report to Council Executive by Head of Operational Services – 20 June 2013

Appendices/Attachments: Appendix 1 – Officer's Draft Response to the Scottish Government Consultation on Registration, Charging, Risk Designation and Associated Aspects under the Reservoirs (Scotland) Act 2011

Contact Person: Graeme Hedger, Team Leader, Flood Risk Management 01506 776924

Jim Jack, Head of Operational Services

16 September 2014



**Officer's Draft Response to the Scottish Government Consultation on Registration, Charging, Risk Designation and Associated Aspects under the Reservoirs (Scotland) Act 2011**

**Q.1 Do you agree with the proposed commencement programme for the registration process?**

A.1 The commencement programme for the 2011 Act as set out in the consultation document appears to represent a reasonable approach.

**Q.2 If you have any concerns please set them out below:**

A.2 The Council is concerned that the programme of commencement of the Act relates to the narrow window of six months when registration of reservoirs under the Act will be free of charge. This is considered a reasonable period for those large raised reservoirs which currently fall within the ambit of the Reservoirs Act 1975 but may be too short a period to identify those with an interest in reservoirs which fall out with the current legislation but may fall within the ambit of the 2011 Act. The Scottish Government is asked to reflect on a similar situation a few years ago when it became necessary to register impoundments and abstractions affecting the water environment. A large number of these still remain unregistered. A very proactive communications strategy will be required to ensure that contact is made with all those parties having an interest in these structures.

**Q. 3 Do you agree with the proposed commencement programme for the risk designation process?**

A. 3 The methodology of approach drawing on previous work undertaken by SEPA appears sound and should aid consistency.

**Q.4 If you have any concerns please set the out below:**

A.4 No commentary

**Q.5 Do you think that additional information should be held on the Register of Controlled reservoirs?**

A.5 No, the information proposed to be held appears adequate.

**Q.6 If so what information should be included?**

A.6 No additional information is thought to be required.

- Q.7 Do you think that Scottish Ministers should set out the manner in which the information is to be recorded? Please set out your reasons below:**
- A.7 In the interests of openness and accountability it is thought that some or all of the information relating to controlled reservoirs should be publicly available, probably on the Internet, mindful of course of the national security implications. The Scottish Government and or SEPA would need to ensure that the requirements of the Data Protection Act were also observed, however. Ideally, and in order to make the process as accessible and cost-effective as possible, managers of reservoirs should be able to populate the Register themselves via the Internet providing that there is an audit trail built into the system.
- Q.8 Do you think that Scottish Ministers should make provision as to where the Register is to be kept? Please set out your reasons below:**
- A.8 Specifying where the Register is to be kept is considered outdated and infers that the register should be available as a hard copy. The register should only be accessible electronically and ideally via a web-based system. The extent to which access is controlled or details visible may have to be controlled to comply with Data Protection legislation and national security concerns. The register should be a working document updated in real time with a clear audit trail and version control. The Scottish Government is advised that to date requests to access Registers are rare.
- Q.9 Do you agree that the information proposed should be provided by reservoir managers at registration?**
- A.9 Council officers' experience suggests that many reservoir managers do not know some of the key information about the reservoir that they manage and which has been held in the Registers of Large Raised Reservoirs. It would be reasonable for SEPA to part-populate the documents for managers and or owners of reservoirs and to ask them to verify that the information included was true to the best of their knowledge.
- Q.10 What, if any, of the information should not be required?**
- A.10 All of the information shown on the proposed register of controlled reservoirs should be required.
- Q.11 What additional information, if any, should be required from reservoir managers?**
- A.11 It is not thought that any additional information is required over and above that outlined in the table within the consultation document.
- Q.12 Do you agree that the last Inspection reports produced under the 1975 Act should be sent to and held by SEPA until there is an Inspection report submitted under the 2011 Act? Please set out your reasons below.**
- A.12 It is suggested that SEPA should only require the certificates associated with the last inspection. It is unlikely that SEPA would access or derive benefit from the last reports. It is also possible that this might result in additional costs to reservoir managers and to SEPA. It is likely that the cost of handling and storage would outweigh the benefit of having the report and could increase the overall cost of regulation.

- Q.13** What specifications, if any, should be set out in the regulations in relation to the production and submission of inundation maps for newly constructed reservoirs?
- Q.14 The regulations should stipulate that as-built drawings, specifications and bills of quantity be provided to SEPA in respect of new reservoirs and that the design consultant provides an inundation plan which has been prepared exactly in accord with guidance to be published by SEPA. So few design details of Scotland's existing reservoirs have survived. It is in the national interest for new information to be carefully recorded and stored.
- Q.15** Is 28-days an appropriate length of time to require changes of information to be provided to SEPA? If not, what length of time should be given?
- A.15 28-days period is a reasonable period of time to require changes of information to be given.
- Q.16** Do you agree that reservoir managers should be required to inform SEPA of changes to appointments of engineers under the 1975 Act during this transitional period? Please set out your reasons below:
- A.16 The effect of placing the onus on reservoir managers to notify changes regarding the appointment of engineers during the transitional period will be to place a significant burden on SEPA. It is thought more effective to place the burden of notifying appointments on Panel Engineers. Reservoir Managers can be slow to make appointments. One of the key tasks of Enforcement Authorities under the 1975 Act has been to prompt reservoir managers or "undertakers" to make appointments and get Inspections done.
- Q.17** Do you agree that reservoirs constructed during the transition period should be included on the register if they would have been regulated under the 1975 Act? Please set out your reasons below:
- A.17 Yes, it is reasonable to include on the register, reservoirs constructed during the transition period if they would have been regulated under the 1975 Act. The likelihood is low as few new reservoirs are in the process of being constructed in Scotland.
- Q.18** Are any other transitional arrangements required to ensure that the process runs smoothly? Please set out details below:
- A.18 A well thought out communications strategy is required to ensure that the owners, operators and managers of reservoirs are well informed about the impending changes associated with reservoir safety and what they have to do. This is especially important because some reservoirs which will become controlled under the new legislation may not previously have fallen within the ambit of the 1975 Act. SEPA must also consider how the transition will affect Enforcement Authorities currently acting under the 1975 Act and communicate accordingly.
- Q.19** Do you agree with the proposed types of charges? Please set out your reasons below:
- A.19 The owners and managers of reservoirs have not previously been charged directly for the enforcement activities formerly undertaken by local authorities

and shortly to be transferred to SEPA. This has been paid for from general taxation and business rates neither of which will be reduced when the duties are transferred to SEPA and the new charging scheme is in place. This will be a new cost to a number of businesses that will be unwelcome and may negatively impact on the viability of the business. West Lothian Council has already placed on record its concern that those that own or operate reservoirs, which are well built but ageing structures and subject to the rigours of a changing climate already have too few reserves to call upon in the event of the reservoir requiring maintenance in the interests of safety. It is for this reason that West Lothian Council is resistant to new charges being levied on the owners or managers of reservoirs in its area where there is only a negligible commercial gain from the use of the structure or indeed where it is not being used.

The Scottish Government is reminded that those that own and or operate reservoirs may already pay charges under the water Environment & Water Services (Scotland) Act 2003 for the impoundment and abstraction of water.

**Q.20                    Are there any of the proposed charges that shouldn't be included in the new charging scheme? Please set out your reasons below.**

A.20                    Registration should be free of charge. It should be an undemanding process which provides as much information to the owner and or manager of a reservoir as possible but requires them to verify the information provided and fill the gaps. Ideally, outstanding information should be information capable of being input directly onto the Register via the Internet and payments, where these are levied, should be payable on line.

Annual fees should only be levied on those businesses that use reservoirs for a clear commercial gain and with a turnover above a pre-determined threshold. The impact of new charges on Scottish Water will also need to be carefully considered in the context of the regulation of its charges.

**Q.21                    Do you agree that there should be a single fee per reservoir where there are multiple reservoir managers and a single point of contact has been agreed? Please set out your reasons below:**

A.21                    Yes, there should only be a single fee per reservoir. Ideally, the owner of the reservoir should be the point of contact unless a legal agreement is in place which places the burden of responsibility for reservoir safety on others.

**Q.22                    Do you agree that the proposed framework for the charging scheme should be set out in regulations? Please set out your reasons below:**

A.22                    Yes, the proposed framework for the charging scheme should be set out in regulations. Most charging schemes managed by SEPA are supported by regulation.

**Q.23                    Should the purpose or use of the reservoir be taken into account when setting charges? Please set out your reasons below:**

A.23                    Yes, charges may be levied in respect of reservoirs retained for clear commercial gain with a turnover above a pre-determined threshold. It is the Council's view that charges should not be levied in respect of reservoirs retained in the public sector for the purposes of providing compensation flows, reducing flood risk, enhancing biodiversity, providing a social amenity or forming an integral part of a country park. Local authorities in particular

have no means of raising additional funds to meet new cost pressures without cutting services.

**Q.24 Do you think that the Scottish Ministers should set maximum fees for each category of reservoir?**

A.24 Yes, Scottish Ministers must be politically accountable for the charges that are set. The charges should reflect the minimum necessary input to implement the risk-based approach to reservoir safety.

**Q.25 What should the maximum fees be for the registration charge for each risk category?**

A.25 The Council is of the view that registration fees should be limited to those reservoirs operated for commercial gain. It is considered reasonable to incentivise early registration. If charges are to be levied they should be restricted to those reservoirs operated for clear commercial gain above a predetermined threshold. The charges should relate to the overall cost of regulating the risk-based approach and should be tightly controlled. It remains the Council's view, however, that any new charge represents a new and unwelcome cost pressure for those that have been receiving a similar service paid for by means of general taxation and business rates. Any new cost to businesses has the potential to negatively impact on its viability. West Lothian Council has already placed on record its concern that those that own and lease reservoirs, which are well built but ageing structures subject to the rigours of a changing climate have too few reserves to call upon in the event of a reservoir requiring maintenance in the interests of safety. In summary, West Lothian Council is resistant to new charges being levied on the owners or managers of reservoirs except where the primary purpose of the reservoir is for clear commercial gain and the additional costs can be recovered by raising charges.

**Q.26 What should the maximum fees be for the annual administration charge for each risk category?**

A.26 The Council is of the view that annual fees should be limited to those reservoirs operated for clear commercial gain. The charges should relate to the overall cost of SEPA meeting its minimal legal obligations. It remains the Council's view, however, that any new charge represents a new and unwelcome cost pressure for those that have been receiving a similar service paid for by means of general taxation and business rates. The Scottish Ministers are asked to be mindful when setting charges of the impact on the public services and on the viability of small and medium enterprises.

The council remains concerned that the risk presented by a reservoir can be changed by third-party decisions by planning authorities, for example. It seems unfair that the owner or manager of an existing reservoir should be penalised by a decision to develop within the inundation zone of a reservoir.

**Q.27 What should the maximum fee be for processing transfers of reservoirs?**

A.27 The Council is of the view that annual fees should be limited to those reservoirs operated for clear commercial gain above a pre-determined threshold. The charges should relate to the overall cost of SEPA meeting its minimal legal obligations. It remains the Council's view, however, that any new charge represents a new and unwelcome cost pressure for those that

have been receiving a similar service paid for by means of general taxation and business rates. It could also be argued that these businesses have been paying for the administration of reservoir safety legislation through their business rates, income tax and council tax neither of which will be reduced when the duties are transferred to SEPA.

**Q.28                    Do you agree with the proposed approach to consultation and approval of the Reservoir charging scheme? Please give your reasons below:**

A.28                    The approach to consultation and approval of the reservoir charging scheme appears satisfactory. It is hoped, however, that there will be a genuine effort on the part of the Scottish Government to take on board feedback which results from the consultation.

**Q.29                    Do you agree that is necessary to use regulations to require SEPA to produce this guidance? Please give your reasons below:**

A.29                    SEPA is a creature of statute. The requirement to prepare and publish guidance is already incumbent on SEPA. It is not considered that there needs to be further regulation requiring SEPA to prepare and publish guidance.





West Lothian  
Council

**COUNCIL EXECUTIVE**

**OBJECTIONS TO STONEYBURN AND BENTS TRAFFIC CALMING – MODERNISATION MEASURES**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to allow the Council Executive to consider objections that have been made to the proposed amendments to the existing traffic calming along the B7015 in Stoneyburn and Bents.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. overrules the outstanding objections to the amendments to the existing traffic calming through Stoneyburn and Bents; and
2. give approval to officers to progress the proposed amendments to implementation.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; and Being honest, open and accountable.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Policy:</b> None <b>Legal:</b> None
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The projects will contribute to outcomes: “We live in resilient, cohesive and safe communities.”
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The scheme has been approved previously in the 204/15 Roads and Transportation Capital Programme.
<b>VII</b>	<b>Consideration at PDSP</b>	None

## **VIII Other consultations**

Ward members, Stoneyburn and Bents Community Council and the wider community have been consulted.

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

#### **D.1 Background**

Officers attended meetings with Stoneyburn and Bents Community Council in April and May 2014 to develop a scheme to amend the existing traffic calming measures through Stoneyburn and Bents. This was in response to concerns from the community regarding the existing measures, in particular that the speed cushions did not impact on motorcycles, large commercial vehicles or buses in reducing their speed.

On agreeing a scheme that met the community council's aspirations, an open evening was held at Stoneyburn Community Centre on 21 May 2014. This allowed members of the community to view plans of the proposed amendments and discuss issues with the officers present. Letters were delivered to all residents along the main street in Stoneyburn and Bents, around 500 properties, advising residents of the proposals and inviting them to the open evening. Around 12 people attended the open evening and were given the opportunity to record any comments they wished make. Only four people noted a comment and these are appended.

On 27 May, Council Executive approved the initiation of the statutory procedures to introduce a scheme to modernise the traffic calming along the B7015 through Stoneyburn and Bents. The proposals were then advertised between 3 and 31 July 2014, during which time two objections and two letters of support were received.

Officers responded to the objections, however, both objectors were unwilling to withdraw their objections. A copy of the objections, officer's responses and letters of support are appended.

#### **D.2 Objections**

The reasons for the objections are that the objectors are happy with the existing traffic calming measures. However, Mr Miller is also concerned the amended scheme will cause an increase in noise and vibration, as a result of the measures being relocated. Mrs Sneddon is also concerned that vehicle speeds will increase outside her property, as a result of the measures being relocated further away from her property.

##### Officer's response

The introduction of the amendments to the existing traffic calming measures address the concerns raised by the community while still meeting the original objective of reducing speeds and casualties. The proposed flat top road humps will extend over the full width of the carriageway and therefore impact on all types and sizes of vehicles

From studies carried out by the Department for Transport, evidence suggests that:

- There is little or no difference in noise level between speed cushions and flat top road humps where commercial vehicles and buses make up 15% of the total volume of vehicles, as is the case through Stoneyburn and Bents.

- Very poor soil conditions (i.e. peat) would have to exist in the area of the property and road hump for there to be any exposure to ground vibration. From inspection of British Geological Survey maps, the soil condition is good in this area (boulder clay).

Officers' view is that the proposed amendments will not materially impact on either Mr Miller's or Mrs Sneddon's properties. The existing speed cushions are located approximately 23 metres west of Mr Miller's property, while the proposed road hump is to be located approximately 17 metres east of his property. In relation to Mrs Sneddon's property, the proposed road hump is to be relocated approximately 37 metres west of the existing speed cushions which is located on the western boundary of her property.

## **E. CONCLUSION**

From the extensive consultation carried out before and during the statutory consultation, only two objections were received. In contrast there is support from the community council and other members of the community to proceed with the implementation of the amendments to the existing traffic calming measures.

Officers recommend that the objections be overruled and the scheme approved as promoted.

## **F. BACKGROUND REFERENCES**

Report to Council Executive, 27 May 2014

Appendices/Attachments:      Objections, Officer's Responses and Letters of Support  
    Comments from Open Evening  
    Drawing No. TP/B598/6/CONS/1 REV1

Contact Person: Ronald Fisher, Projects Manager Tel: 01506 282330.

**Jim Jack, Head of Operational Services**

**16 September 2014**





[REDACTED]  
Bents  
Stoneyburn  
West Lothian  
[REDACTED]

22 July 2014

The Chief Solicitor  
West Lothian Council  
West Lothian Civic Centre  
Howden South road  
Livingston  
West Lothian  
EH54 6FF

Re. Proposed Road Hump Scheme 2014-HMP/14/01  
B7015 Stoneyburn

Dear Sir,

I am writing to advise you of my objection regarding the above proposed scheme. My objection is on the grounds that the works as proposed will create an unacceptable level of noise and vibration to some properties including my own which is currently not experienced.

I must make it clear that I am not objecting to the whole scheme, but specifically the hump that is currently shown as outside the property known as Alandale, Cannop Crescent, on drawing no. TP/B598/6/DD/1 ( this has been moved slightly east from the original drawing TP/B598/6/CONS/1)

The current measures (speed cushions) do not require a significant number of vehicles to reduce speed to negotiate them. , Medium Sized Goods Vehicles (Ford Transit size and over), Large Goods Vehicles and Buses can all traverse the cushions without altering speed due to the width of their track. In addition, many larger cars now have a track so wide that they are not affected. Motorcyclists and many smaller cars can also drive between the cushions when traffic conditions allow

In support of my objection, I submit that due consideration has not been given to a number of factors.

I am advised that the proposals have been designed ignoring the existing measures and the approach taken was from a point at the Pelican Crossing west of Knowepark Court and then to space the measures as equally as possible to the east and west of this location over the stretch of road covered by the existing measures (the existing measures are not equidistant ).

I do not believe that due consideration has been given to the physical features of the road .

The new measures will impact on all vehicles using the road as they will stretch across the full width of the carriageway.

The section of Cannop Crescent on which the proposed hump I am objecting to is on an incline. When travelling east, the incline is uphill and it is adjacent to and quite close to this side of the carriageway that properties are situated.

It has been suggested to me by representatives of West Lothian Council that the use of flat top road humps/speed tables has no or minimal effect in respect of noise or vibration.

This appears to be contrary to evidence which is widely available, and I can give some examples:-

Source - D.O.T.

Main concern with humps on inclines, particularly for heavy vehicles is that vehicles travelling uphill can encounter an "actual gradient" of 1 in 5 or greater when traversing the humps.

Source - City of Bristol.

Speed tables could create noise and vibration which is heard and felt in residences nearby.

Source - Kent County Council.

Traffic calming, particularly schemes involving vertical deflection can cause noise particularly where the road to be calmed has an HGV/Bus content. In addition some drivers tend to accelerate away from each feature and this also creates noise particularly at night.

Source - Surrey County Council.

DB(a) unit (noise) is weighted to suppress the lower frequencies such as the "roar" arising from an accelerating rear engined bus, likely therefore to be underestimated.

The following are sourced from D.O.T. Traffic Advisory Leaflets.

If humps are used, care needs to be taken with their siting as they can generate noise and vibration from large vehicles.

**Flat top Straight Ramps.** The use of this type of flat top hump instead of round top humps would also increase noise and ground-borne vibration by buses and goods vehicles.

For buses the flat top road hump gives the highest maximum and mean vibration levels.

Source - Transport For London.

Speed tables designed to reduce discomfort to longer wheelbase vehicles. Though they do require buses to slow down more than cars.

It can be noted that a number of references are made to buses. This is an important point in respect of my objection.

The section of Cannop Crescent that includes the hump I am objecting to is well serviced by bus routes.

The total number of scheduled public transport buses passing this location Monday to Friday is just under 100 per day (Actual Number 98)  
This is slightly less on Saturday 90 and on Sundays 48.

The buses are invariably rear engined and have automatic transmission which will engage a low gear as the vehicle slows to traverse the hump. The low gear is likely to be maintained by the gearbox until the bus has traversed the hump and accelerates away. By engaging a low gear, higher revs. will be maintained increasing noise and vibration. As a bus can be in the region of 8-10 metres in length, with the proposed position of the hump, the slowing down and engaging of low gear will occur close to our property.

I believe that it is possible to achieve a solution whereby the hump I am objecting to could be moved a little further east which would eliminate the noise and vibration that the proposed position would create.

I submit this letter for your information together with a request that it may be put before the appropriate committee for their consideration, particularly the large number of buses and goods vehicles that use this route.

Yours faithfully,

[REDACTED]

T.Miller.



Roads and Transportation  
Whitehill House  
7 Whitestone Place  
Whitehill Industrial Estate  
Bathgate  
West Lothian  
EH48 2HA

Contact: Ronald Fisher  
Tel: 01506 776782

Ref: TP/B598/6/RF

Email: [ronnie.fisher@westlothian.gov.uk](mailto:ronnie.fisher@westlothian.gov.uk)

7 August 2014

T Miller  
[REDACTED]

Bents  
West Lothian  
[REDACTED]

Dear Mr Miller,

**OBJECTION TO PROPOSED ROAD HUMP SCHEME 2014 – HMP/14/01  
B7015 IN STONEYBURN AND BENTS, WEST LOTHIAN**

I refer to your letter of objection received on 24 July 2014 and respond as follows.

As you have stated, a road hump was originally positioned outside your property. However, after concerns were raised by yourself with my colleague at the public exhibition at Stoneyburn Community Centre, it was relocated outside your neighbour's property 16 metres further east.

A survey carried out after the existing speed cushions were installed recorded the percentage of commercial vehicles and buses as 15% of the total volume of vehicles traveling along Cannop Crescent. Local Transport Note 1/07 published by the Department for Transport indicates that there is little or no difference in noise level between speed cushions and flat top road humps with this level of split of vehicle type.

Local Transport Note 1/07 also indicates that, taking into account the distance between your property and the proposed road hump, ground conditions would have to be very poor for you to perceive any ground-borne vibration.

It should also be noted that the tests and trials carried out by the Department for Transport is based on road humps 75mm high. The proposed road humps are to be 70mm high.

You also state that "The current measures (speed cushions) do not require a significant number of vehicles to reduce speed to negotiate them". This is one of the concerns raised by the community which has prompted a review of the existing measures and the amendments being proposed. As the flat top road humps will extend over the full width of the carriageway, the proposed measures will impact on all types and sizes of vehicles.

The impact of the incline of the road is only a concern where it is 1:10 or steeper. As this is a bus route, the approach ramps to the proposed road hump will be 1:15 which is acceptable for roads with inclines of up to 1:10. The longitudinal gradient of the carriageway at this location is 1:50, which is substantially shallower than this and therefore the incline of the road will have no significant impact on vehicles traversing it.

Consideration has been given to buses as part of the design. The proposed road humps will be constructed with 1:15 gradients on the ramps and to a height of 70mm. Both these factors will ensure that buses do not ground while traversing the road hump. Also, with the road humps being constructed at 70mm high rather than the standard 75mm they will appear less severe as the existing measures. This and the consistent spacing between the proposed road humps should ensure that vehicles maintain a constant speed when traveling through Stoneyburn and Bents. However, the proposed measures will still have the desired effect of ensuring vehicle speeds are maintained in accordance with the 30mph speed limit.

In view of this response, I should be grateful if you would reconsider your objection and withdraw it in writing to the Chief Solicitor at West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF or by e-mail to [objections.roads@westlothian.gov.uk](mailto:objections.roads@westlothian.gov.uk) within two weeks of the date on this letter.

If you do not wish to withdraw your objection it will be considered by the Council Executive in due course.

Yours sincerely,



**RONALD FISHER  
PROJECTS MANAGER  
PROJECT DESIGN & IMPLEMENTATION**

**Moss, Joyce**

---

**From:** [REDACTED]  
**Sent:** 01 August 2014 07:20  
**To:** objections.roads  
**Subject:** road humps on B7015 Stoneyburn

Dear Chief Solicitor,

I strongly oppose the proposed change to the traffic calming measures on the B7015 through Stoneyburn.

The road humps that we have at present have cut the speed of the traffic going passed our house and through the village by half. If there is an issue with vehicles passing through the middle of the bumps, the answer is to extend them across the road to meet in the middle.

This is an appalling waste of tax payers' money.

The new flat speed bumps do not slow traffic to any marked extent. I have witnessed vehicles driving over them at speed.

The main objection to the existing speed bumps is from residents who have had their cars damaged. If they slowed down, there would be no damage.

We used to have traffic speeding past our house at over 80mph and the speed bumps have been a wonderful blessing, giving us safety when leaving or entering our drive.

If there is an accident caused by speeding traffic going past our house due to the existing speed bumps being removed and replaced with these less effective ones, which are further apart and further from our drive, I shall hold West Lothian Council responsible.

I attended the meeting in Stoneyburn but my objections were simply argued down.

Sincerely,

[REDACTED]  
Cannop Crescent  
Bents  
Stoneyburn.



This email is free from viruses and malware because avast! Antivirus protection is active.

Roads and Transportation  
Whitehill House  
7 Whitestone Place  
Whitehill Industrial Estate  
Bathgate  
West Lothian  
EH48 2HA

Contact: Ronald Fisher  
Tel: 01506 776782

Ref: TP/B598/6/RF

Email: [ronnie.fisher@westlothian.gov.uk](mailto:ronnie.fisher@westlothian.gov.uk)

7 August 2014

[REDACTED]  
Cannop Crescent  
Bents  
Stoneyburn

Dear Mr and Mrs Sneddon,

**OBJECTION TO PROPOSED ROAD HUMP SCHEME 2014 – HMP/14/01  
B7015 IN STONEYBURN AND BENTS, WEST LOTHIAN**

I refer to your email of objection received on 1 August 2014 and respond as follows:

One of the concerns raised by the community is that motorcycles and larger vehicles can negotiate the existing speed cushions without the need to reduce their speed. This concern prompted a review of existing measures and the amendments being proposed. As the proposed road humps will extend over the full width of the carriageway, the proposed measures will impact on all types and sizes of vehicles. The proposed measures will still have the desired effect of ensuring vehicle speeds are maintained in accordance with the 30mph speed limit.

In view of this response, I should be grateful if you would reconsider your objection and withdraw it in writing to the Chief Solicitor at West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF or by e-mail to [objections.roads@westlothian.gov.uk](mailto:objections.roads@westlothian.gov.uk) within two weeks of the date on this letter.

If you do not wish to withdraw your objection it will be considered by the Council Executive in due course.

Yours sincerely,



**RONALD FISHER  
PROJECTS MANAGER  
PROJECT DESIGN & IMPLEMENTATION**

The Chief Solicitor

West Lothian Council

West Lothian Civic Centre

Howden South Road

Livingston

EH54 6FF



[REDACTED]

[REDACTED]

Stoneyburn

West Lothian

EH47 8BY

26/07/2014

West Lothian Council B7015 Stoneyburn Road Hump Scheme 2014- HMP/14/01

Dear Sir/Madam,

Further to the recent notice of proposed changes I am writing in support of the proposed alterations.

I believe that the schedule will result in an improved system to that which already exists.

My only regret is that we need such road calming measures in the first place.

I hope you do not get much in the way of objections and that the work can be completed soon.

Yours Sincerely

[REDACTED]

Neil W A Mclean

Chairman Stoneyburn Community Council

**Bents  
Bathgate  
West Lothian  
EH47 9EN**



**16 July 2014**

**The Chief Solicitor  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF**

**Dear Sir**

**Proposed changes to traffic calming measures in Stoneyburn and Bents**

I write to you say that I am very much in favour of the proposed alteration to calming measures throughout the village. Stoneyburn Community Council, of which I am a member, has campaigned for this change for some time and we are extremely pleased that the Council has now agreed to go ahead with these changes.

I am also secretary of Stoneyburn and Bents Future Vision Group and our members also endorse this action. Last year we carried out a major survey across all residents in the village and this issue was raised time and again, ie that the current "humps" do not serve their purpose and that change was needed.

We look forward to the work starting as soon as possible.

Yours faithfully,

**Tom Stannage**

B7015 MAIN STREET IN STONEYBURN

TRAFFIC CALMING

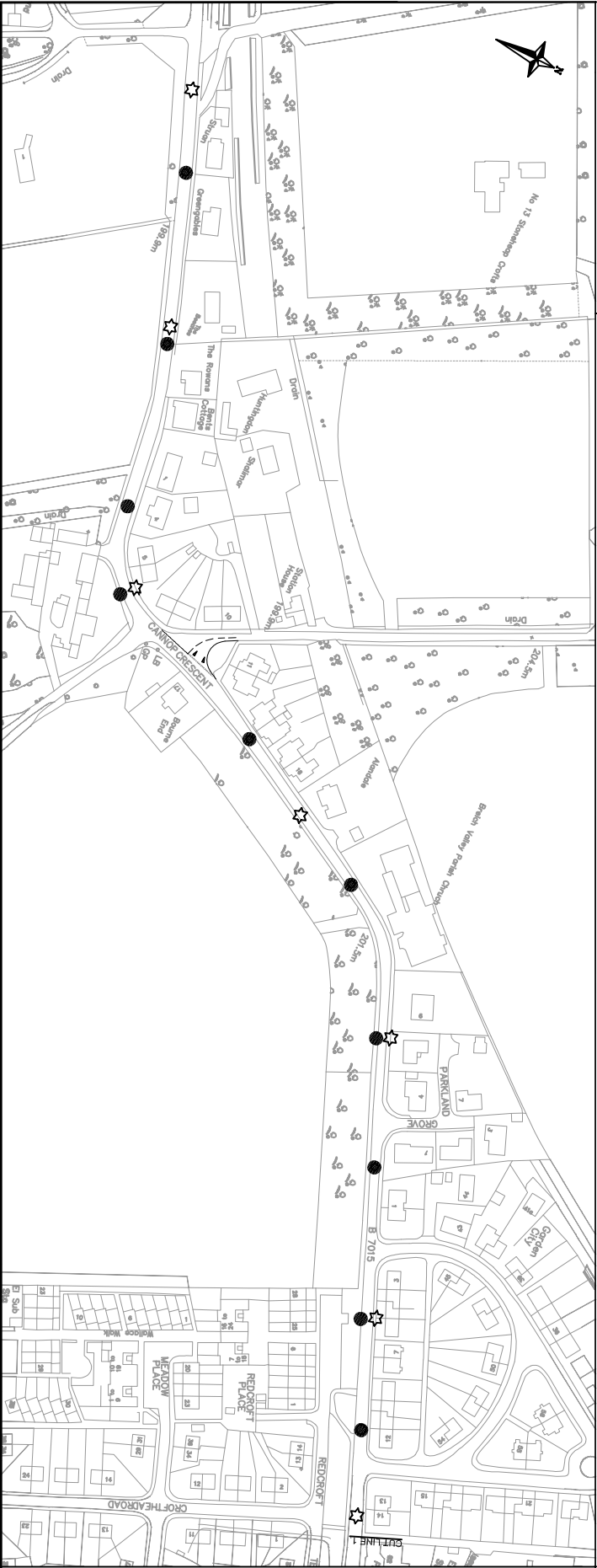
PUBLIC EXHIBITION

21/05/2014

NAME	ADDRESS	COMMENTS
I. Bryce	[REDACTED]	PREFERENCE WOULD BE TRAFFIC CALMING SYSTEM BUT GLAD TO SEE CHANGE TO LARGER ONES
M. Clifton	[REDACTED]	HUMP NEAR P.O. WOULD CAUSE POTENTIAL PROBLEMS WITH PARKING, BUS STOP OUTSIDE HOTEL + OUR ADDRESS FROM LAVER TO OUR HOUSE, NEW DESIGN HUMPS ARE SUPERIOR
N McLean	[REDACTED]	PREFER NEW STYLE HUMP TO EXISTING ONES. NEW STYLE WILL CATCH ALL VEHICLES. HUMP NEAR P.O + HOTEL WILL SLOW DOWN SPEEDS ON THIS STRAIGHT, THANK YOU.
D. Glavin	[REDACTED]	WISH TO BE KEPT INFORMED ABOUT WORKS PROGRAMMING AND WORKS SEQUENCING + ANY PLANNED DIVERSIONS







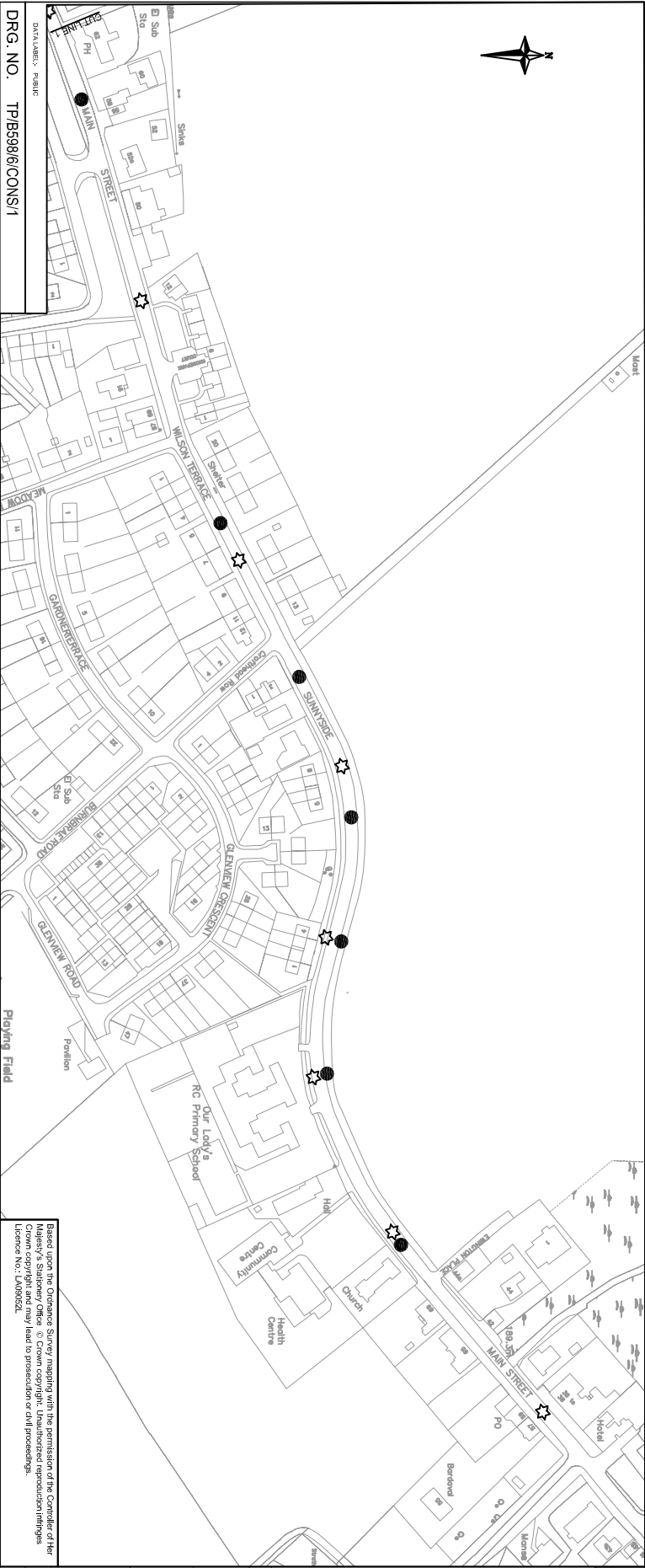
PROPOSED LEGEND:

☆ PROPOSED NEW 6m LONG FLAT TOP ROAD HUMPS

● EXISTING SPEED CUSHIONS TO BE REMOVED

NOTES:

THE 3 SETS OF SPEED CUSHIONS OUTSIDE STONEBURN PRIMARY SCHOOL WILL ALSO BE REPLACED WITH 6m LONG FLAT TOP ROAD HUMPS.



OPERATIONAL SERVICES

ROADS & TRANSPORTATION  
WHITEHALL HOUSE  
WHITEHALL INDUSTRIAL ESTATE  
B448 2N4  
TEL: 01938 20200  
West Lothian Council  
Transportation



STONEBURNMENTS IN WEST LOTHIAN  
PROPOSED TRAFFIC CALMING ALTERATIONS

DRG. NO. TP/B598/6/CONS/1 REV.1





## **COUNCIL EXECUTIVE**

### **PROPOSED STOPPING-UP ORDER**

### **PART OF THE B9080 CARRIAGEWAY NEAR GLENDEVON, WINCHBURGH**

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

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

The purpose of this report is to initiate the statutory procedures to stop up a section of public carriageway near to Glendevon Farm Steadings access road. This will facilitate the development of the initial phases of the Winchburgh development including roads associated with the Winchburgh Core Development Area (CDA).

#### **B. RECOMMENDATION**

It is recommended that Council Executive approve the initiation of the statutory procedures to stop up a 75 metre long section of the carriageway of the B9080.

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

<b>I Council Values</b>	Focusing on our customers' needs: and Being honest, open and accountable
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy – none  Legal – Promotion of the stopping-up order under the Town and Country Planning (Scotland) Act 1997.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	The introduction of the stopping-up order will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	Promotion of the stopping-up order and associated works will be funded by the developer.
<b>VII Consideration at PDSP</b>	None.

#### **VIII Other consultations**

Police Scotland and the local ward members have been consulted.

There is a statutory consultation required as part of the procedures to stop up the carriageway and verge.

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

Development is proceeding in the Winchburgh CDA. The overall development strategy is approved in the outline planning application (1012/P/05). The final development layout will include a new core road through the development area. This core road starts at the west side of Winchburgh connecting to the existing B9080.

This initial phase of the development creates the start of the core road and creates new road links back to the existing B9080. The site is located near to the existing access to Glendevon Farm Steadings. A location plan is attached.

Detailed planning permission (0511/ARM/13) has been granted for the first phase of the infrastructure. It is proposed to stop-up part of the existing carriageway and verge made redundant by the proposed development. The existing footway will be retained at this early stage of the development.

Appropriate provision can be made in the order if necessary for the rights of statutory undertakers

Police Scotland have been consulted and they have no objections to the proposed stopping up order which in line with the other road changes in the area.

The local ward members have been consulted and had no comments to make on the proposed stopping up order.

#### **E. CONCLUSION**

In order to facilitate the implementation of the Winchburgh CDA proposals it is necessary to stop-up a section of public carriageway and verge on the B9080.

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

Planning Approval (Ref: 1012/P/05).

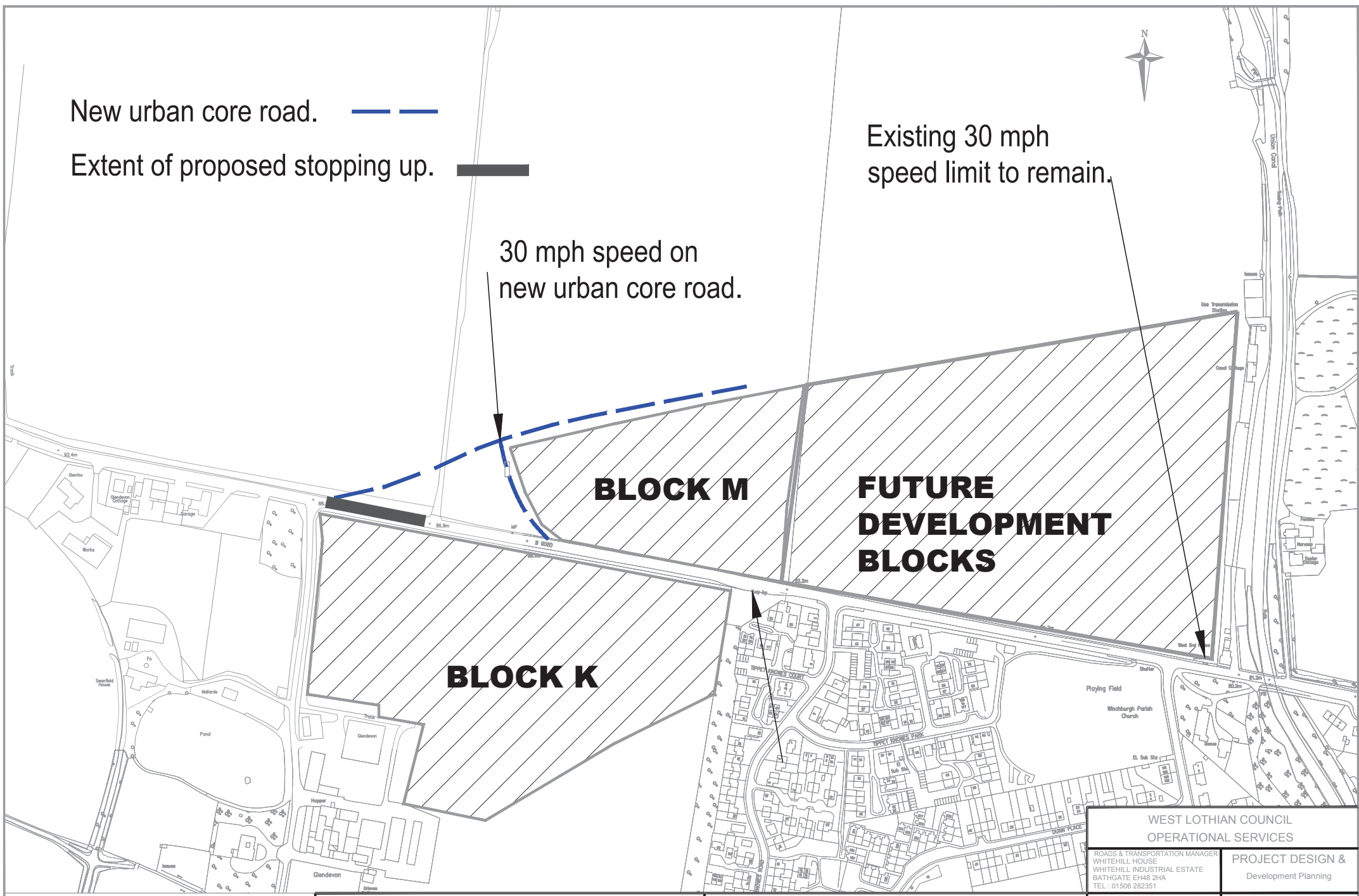
Planning Approval (Ref: 0511/ARM/13).

Appendices/Attachments: Drawing No. TP/STP/01

Contact Person: Jim Stewart, Team Leader Engineer, Road Safety & Traffic Management, Operational Services, County Buildings, Linlithgow.

Tel: 01506 282327, e-mail: [jim.stewart@westlothian.gov.uk](mailto:jim.stewart@westlothian.gov.uk)

Date: 16 September 2014



DATA LABEL:- Internal	Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No.: LA09052L	B9080 WINCHBURGH CORE DEVELOPMENT AREA PROPOSED STOPPING UP OF B9080	DATE: AUG 2014	DRAWN BY: JHS
			SCALE: NTS	CHECKED BY: JHS
			Drg. No. TP/STP/01	





## **COUNCIL EXECUTIVE**

### **PROPOSED CHANGE OF SPEED LIMITS** **40MPH TO 30 MPH ON PART OF THE B9080, WINCHBURGH** **50MPH TO 30MPH ON PART OF B8020, WINCHBURGH**

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

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

The purpose of this report is to seek approval to initiate the statutory procedures to reduce the speed limit on sections of the B8020 and the B9080 at Winchburgh. The proposed amendments to the speed limits will clearly mark the boundary of the new urban development in the Winchburgh area.

### **B. RECOMMENDATION**

It is recommended that Council Executive approves the initiation of the statutory procedures to extend :-

1. the 30mph speed limit on the B9080 to the west of Winchburgh by around 950 metres; and
2. the 30mph speed limit on the B8020 to the north of Winchburgh by around 425 metres.

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

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; and Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy – none  Legal – The introduction of a 30mph speed limit will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The introduction of the 30mph speed limit will support Outcome no. 4 – We live in resilient, cohesive and safe communities

<b>VI Resources - (Financial, Staffing and Property)</b>	The cost of promoting and implementing the speed limits will be entirely funded by the developer. Maintenance costs relating to the road signage will require to be accommodated in future revenue budgets.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	Police Scotland and the local ward members have been consulted.

## D. TERMS OF REPORT

The proposed introduction of extensions to the 30 mph speed limits on the B9080 and the B8020 reflects the ongoing development on the western and southern approaches of Winchburgh and relates to the change of urban boundary identified by the extent of development contained in the Finalised West Lothian Local Plan.

Planning permission in principle for the development of Winchburgh has been granted and a number of the development blocks identified in the masterplan now have detailed planning permission.

### **B9080 (Appendix 1)**

Part of the new urban core road at the west side of Winchburgh has detailed planning permission along with housing developments in blocks M and K. House building has commenced on blocks M and K and works to alter the road layout have started on site.

The length of road subject to the speed limit change is approximately 950 metres and links to the tie in to the west end of the new urban core road. A location plan is attached which shows the new road layout, the extent of the speed limit proposal and the location of the key development areas M and K which when completed will form part of the urban area of Winchburgh.

### **B8020 Beatlie Road (Appendix 2)**

Longer term there are changes to the road network at the B8020 to connect in with the proposed new urban core road which will run from east to west through the new Core Development Area. However, in the short term house building has also started on block AA and enabling works have been undertaken to provide a new footway link along the west side of the B8020 towards the B9080. Development is also planned for block BB.

The length of road subject to the speed limit change is approximately 425 metres along the length of the B8020 at the development. A location plan is attached which shows the extent of the speed limit proposal and the location of the key development areas AA and BB which when completed will form part of the urban area of the expanding Winchburgh settlement.

Police Scotland have been consulted and they have no objections to the proposed changes in speed limit.

The local ward members have been consulted and had no comments to make on the proposed changes to speed limits.



## **E. CONCLUSION**

The reduction of the speed limit on the identified sections of the B9080 and the B8020 mph identify the start of the extended urban envelope of Winchburgh and ensure that the speed limit is appropriate for the mix of pedestrian and vehicle uses in this developing urban areas.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:- Two

Appendix One – B9080 Speed Limit Change

Appendix Two – B8020 Speed Limit Change

Contact Person: Jim Stewart, Team Leader, Development Planning,  
Whitehill House, 7 Whitestone Place, Whitehill Industrial Estate, Bathgate, West Lothian,  
Tel: 01506 282327, e-mail: [jim.stewart@westlothian.gov.uk](mailto:jim.stewart@westlothian.gov.uk)

Jim Jack, Head of Operational Services,  
Whitehill House, 7 Whitestone Place, Whitehill Industrial Estate, Bathgate, West Lothian,

Date of meeting: 16 September 2014



## Existing 40 mph

30 mph speed on  
new urban core road.

speed limit to remain.

# FUTURE DEVELOPMENT BLOCKS

# BLOCK

Proposed 30 mph speed limit (currently 40mph).

<p><b>limit (currently 40mph).</b></p>	
<p><b>B9080 WINCHBURGH CORE DEVELOPMENT AREA PROPOSED SPEED LIMIT CHANGES</b></p>	
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<p><b>DATA LABEL:-</b> Internal</p>	
<p><b>WEST LOTHIAN COUNCIL OPERATIONAL SERVICES</b></p>	
<p><b>ROADS &amp; TRANSPORTATION MANAGER WHITEHILL HOUSE WHITEHILL INDUSTRIAL ESTATE BATHGATE EH48 2HA TEL : 01506 282351</b></p>	
<p><b>PROJECT DESIGN &amp; Development Planning</b></p>	
<p><b>DATE: AUG 2014</b></p>	
<p><b>SCALE: NTS</b></p>	
<p><b>DWG. No. TP/TRO/01</b></p>	
<p><b>DRAWN BY: JHS CHECKED BY: JHS</b></p>	



30 mph speed on  
new urban core road.

Existing 40 mph  
speed limit to remain.

# Block

Proposed 30 mph speed limit (currently 40mph).

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## **COUNCIL EXECUTIVE**

### **SUPPLEMENTARY PLANNING GUIDANCE – A71 DEVELOPER CONTRIBUTIONS**

#### **JOINT REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT AND HEAD OF OPERATIONAL SERVICES**

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

The purpose of this report is to seek approval of the supplementary planning guidance (SPG) for A71 developer contributions.

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

It is recommended that the Council Executive approve the A71 SPG developer contributions document.

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

###### **I Council Values**

- focusing on our customers' needs;
- being honest, open and accountable;
- making best use of our resources; and
- working in partnership.

###### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

The implementation of the adopted West Lothian Local Plan (WLLP) will require substantial funding for infrastructure and substantial developer contributions. It is a key requirement of the WLLP and the approved Strategic Development Plan (SDP), that development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed. Policy 9 of the SDP refers.

Policy IMP17 of the WLLP indicates that planning agreements (Section 75s) will be entered into where appropriate and that developer contributions will be sought in accordance with circular 12/1996 – Planning Agreements (this circular has been replaced by circular 2/2012).

		<p>Key relevant WLLP policies are: TRAN 4 which requires developers to contribute towards the costs of infrastructure to support development and also TRAN 21 specifically identifies the need for such contributions to the A71 corridor.</p> <p>Developer contributions may also be obtained through section 69 agreements under the Local Government (Scotland) Act 1973.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>Outcome 4 – We live in resilient, cohesive and safe communities.</p> <p>Outcome 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p>Residential developers will be required to make payments in accordance with the SPG.</p> <p>The terms of the SPG will ensure that developer contributions towards the A71 are at a level commensurate with the impact of the new development as part of the Livingston and Almond Valley CDA.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	A previous report was submitted to this PDSP in December 2012 to endorse draft SPG and requesting approval for consultation with interested parties.
<b>VIII</b>	<b>Other consultations</b>	Consultations were carried out with the development industry which had links with the Livingston and Almond Valley CDA. A list of those consulted is included in Appendix One.



## **D. TERMS OF REPORT**

### **D1 Background**

West Lothian Council adopted the West Lothian Local Plan (WLLP) on 13 January 2009. The plan proposes major housing growth and, as a consequence, a number of community infrastructure and transportation projects are required to support the local plan strategy. Developer contributions towards transportation improvements to the A71 are required to support the development plan strategy.

Supplementary Planning Guidance (SPG), for contributions towards the A71 dates from June 2006 and was approved by the council's Policy Partnership and Resources Committee on 20 June 2006. The SPG identified the requirement for developer contributions to implement the A71 bus priority measures and seeks contributions commensurate with the impact of new development.

Contributions are secured through either Section 75 or Section 69 Agreements. The SPG applied to residential areas within the Livingston & Almond Valley CDA.

The council's Development and Transport Policy Development Scrutiny Panel (PDSP) noted the terms of a revised SPG on 13 December 2012. The SPG of 2006 was amended to incorporate new priorities for public transport provision along the A71. Consultation was carried out in May 2013. A summary of the consultation responses received is attached as Appendix two.

The revised SPG is set out in Appendix Three to this report and explains why developer contributions are required, sets out how these are to be provided and specifies the council's policy on securing developer contributions towards the cost of the required works. The revised SPG now specifically targets developer contributions to deliver and to mitigate the impacts on the A71 in West Lothian. This is where the greatest impact arising from development will be and delivery of these schemes has the greatest benefit in influencing future modal share thus reducing car based transport along the A71 and into Edinburgh itself.

### **D2 Proposed Revised Supplementary Planning Guidance**

There are signs of a recovery in the private sector housing market as the rate of house building in West Lothian is now starting to increase. The credit crunch has created a difficulty for developers in being able to raise finance to forward fund major infrastructure. The level of developer contributions towards the A71 improvements requires a phased introduction of these measures as funding accumulates through developer contributions.

Part of the overall costs for the A71 improvements was originally to be funded through the South East Scotland Transport Partnership (SEStran) Capital Programme. However, SEStran has ceased to be a funding body and as such an opportunity for funding is no longer available.

These factors will affect the delivery of the whole package of measures along the route. Therefore, it is considered that a clear priority in the delivery of the remaining public transport elements of the A71 corridor study must be made.

The A71 study, informing the 2006 SPG, has been reviewed and the key element to improve public transport in the short to medium term is the section of bus lane from the B7015 towards the B7030 at Wilkieston. It is proposed that the developer contributions secured through the SPG should be targeted towards this section of bus lane first whilst funding is sought for the remaining parts of the scheme.

To continue to support the development strategy of the WLLP, and the emerging strategy through the West Lothian Local Development plan (LDP) which will in time replace the WLLP, the need to secure developer contributions to implement public transport improvements to the A71 remains. A copy of the proposed updated SPG is attached as Appendix Two.

The SPG proposes that where a contribution to infrastructure is considered to be appropriate, the amount of contribution will be based on a unit rate per property and secured through a legal agreement.

## **E. CONCLUSION**

The revised SPG sets out a strategy for securing the developer contributions required towards the A71 public transport improvements which will support housing growth in West Lothian. The key principles of developer contributions remain unchanged between the 2006 SPG and the draft 2014 SPG.

The SPG identifies how developer contribution costs are shared for transportation infrastructure costs on the A71 that are to be part funded jointly by the Livingston and Almond Valley CDA developers.

The SPG also identifies how costs are shared for infrastructure that is fully funded by the Calderwood CDA developer only.

The revised SPG now sets priorities for the delivery of the public transport infrastructure on the A71 corridor, the initial elements of which will be funded by the developer contributions.

## **F. BACKGROUND REFERENCES**

Strategic Development Plan 2024.

West Lothian Local Plan 2009.

SG Circular 2/2012 - Planning Agreements.

Appendices/Attachments: Three

Appendix One Revised A71 Supplementary Planning Guidance consultation list.

Appendix Two: Summary of comments from revised Supplementary Planning Guidance consultations

Appendix Three: A71 Supplementary Planning Guidance 2014

Contact Person: Jim Stewart, Team Leader, Development Planning, 01506 282327, email [jim.stewart@westlothian.gov.uk](mailto:jim.stewart@westlothian.gov.uk)

Jim Jack, Head of Operational Services.

Craig McCorriston, Head of Service Planning and Economic Development

16 September 2014

**A71 SPG CONSULTATION – LIST OF CONSULTEES**

<b>NAME</b>	<b>COMPANY</b>
Ian Drummond	Stirling Developments
Martin Hall	Davidson & Robertson
Norman Kidd	Walker Group (Scotland) Ltd
Iain McGouldrick	Persimmon Homes East Scotland
David Bell/Ben Cole	Fouin & Bell
Rick Finc	Rick Finc Associates
David Leslie	City of Edinburgh Council
Blair Melville	Homes for Scotland



## APPENDIX 2

Developer comments received following consultations on the revised SPG in May 2013

Developer	Comments	WLC Response
Walker Group	<p><u>Bus Priority Contributions</u> Suggested flows on A71 were calculated wrongly thus giving too high a contribution</p>	<p>Traffic flows on A71 for each development were taken from the transport assessments (TA) submitted by each developer. The Gavieside TA of May 2011 figure 5.1 advises of 9% of trips on the A71. The Nov 2011 TA for 200 units gives in/out flows for AM + PM. Multiplying this up to 2200 units with 9% of the site flows on A71 gives 648 trips as used in the calculations. Calderwood TA Table 10.3 2800 units generates 1387 trips on the A71.</p>
	<p><u>Shared infrastructure costs.</u> Wrong costs worked out.</p>	<p>Appendix 2 of the revised SPG states a cost for B7015 signals at £61,600 this is wrong. The costs are worked out at £300,000 this is the correct cost. Appendix 1 also states £300,000 therefore there is no need to change the unit costs for this junction.</p>
	<p><u>General comment</u> Why a 2002 base year for costs? We are now 12 years on cannot a more up to date figure be used. How can you secure infrastructure costs under circular 2/2012 when SEStran no longer a funding body? Why are WLC continuing with the study outcomes when the other partner, CEC, has no intention of following through with these improvements?</p>	<p>The first Section 75 was started 4 years ago and it is inappropriate to change the estimated costs at this stage.</p> <p>The developer contributions can still be collected as the development still has an impact on the network. The monies collected will still be used for bus lane provision on the A71, to assist the development within West Lothian. Implementation would have to be phased and the SPG sets the priorities for this.</p>
Stirling Developments	<p>The SPG only covers recovery of costs on A71, a further SPG should be written for the other infrastructure costs.</p>	<p>A section 75 will be agreed with each developer within the CDA and these will contain developer contributions for the appropriate infrastructure improvements.</p>
	<p>Can costs be provided for the different transport interventions</p>	<p>The costs shown are indicative and are a best estimate of the costs involved in constructing proposals that the council would like introduced. They are based on plans included in the TA submitted at planning stage.</p>

	<p>Can you clarify what provision will be made if the costs which WLC have estimated are below the actual costs of the works?</p> <p>Please confirm that WLC retain ownership over all land to facilitate these works.</p> <p>Not sure how the Calderwood trips have been calculated?</p> <p>WLC states that A71 from B7015 to Wilkieston is a priority location to introduce an eastbound bus lane but this section does not appear on the specific measures. Will you seek separate funding for this measure?</p>	<p>As the developers have been unable to agree cost sharing for the traffic interventions it will be up to the developer that requires the improvement to pay for the works. The council will be able to give over any monies collected to date for the particular improvement.</p> <p>It is not the council's intention to require third party land to build any improvements.</p> <p>Table 10.3 from the TA shows A71 west of East Calder traffic lights total 2 way flow both AM and PM as 1387 trips.</p> <p>Section 39 of the document stated that there was a revised location emphasis on improvements to bus journey times on A71 and highlighted the section from B7015 to Wilkieston.</p> <p>Section 40 should have stated this in item (a). However, due to a typing error the resulting item indicates the wrong section of the A71. The emphasis of the change is that the improvements are between the B7015 and B7030 junctions.</p>
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**A71 Corridor Study  
Developer Contributions  
Supplementary Planning Guidance  
16 September 2014**

## INTRODUCTION

1. West Lothian is seen as a place that will continue to prosper and as a place to live and work. The Strategic Development Plan for Edinburgh and South East Scotland (SESplan) (SDP) identifies a need for substantial housing allocations to meet the demand across the SESplan area. Through the identification of Core Development Areas (CDA's) a significant share of this development is planned for West Lothian.
2. The scale of growth is shown below:

25,000 houses in the adopted West Lothian Local Plan;  
12,000 in three CDA's; and  
5,000 houses in the Livingston and Almond Valley CDA.

Further land allocations will be required to accommodate the requirements of the SDP established through supplementary planning guidance on housing.

Within the Livingston and Almond Valley CDA there are two major allocations at Calderwood and at West Livingston/Mossend. There are also employment allocations in these areas and this leads to substantial mixed use development. The development proposals at Calderwood and West Livingston/Mossend will impact on transport demand along the A71 corridor and given the scale of development proposed the council undertook a number of studies to identify sustainable transport solutions on the A71 corridor. These are discussed below at paragraphs 7-14.

The scale of housing and employment development identified within the Livingston and Almond Valley CDA is as follows:

<b>Core Development Area Allocation</b>	<b>Housing</b>	<b>Employment Land (ha)</b>
Calderwood	2800	20
West Livingston/Mossend (Gavieside)	2200	40
<b>Total</b>	<b>5000</b>	<b>60</b>

3. Scottish Planning Policy (SPP) and Planning Advice Note: PAN 75 – Planning for Transport identify the requirements to secure development which is sustainable, provides high quality public transport access to encourage modal shift and also facilitates movement by public transport including interchange facilities.

## BACKGROUND

4. There is a current requirement within the approved SDP to safeguard the A71 Upgrade from Hermiston to East Calder. This requirement is identified as Item 94 of the Action Programme and is safeguarded by SDP policy 9.



5. This safeguard is included in the adopted West Lothian Local Plan (WLLP) and is safeguarded by policy TRAN 30 in the WLLP and indicated on proposals map 2. However, the City of Edinburgh Council has noted this safeguard is subject to review, pending the findings of a study into transport issues on the A71 corridor.
6. A number of studies have been commissioned by West Lothian Council to assess and address transportation issues raised by proposed developments within the area. The studies carried out to date are the West Lothian Sustainable Transport Study and the A71 Corridor Study. The studies also reviewed the requirement to safeguard the A71 upgrade identified in paragraph 4 above.

## **WEST LOTHIAN SUSTAINABLE TRANSPORT STUDY**

7. This study was undertaken by consultants on behalf of West Lothian Council and provided a very detailed assessment of the sustainable transport needs of West Lothian. It was published in November 2005. The study identified three main packages which were considered important in improving and maintaining sustainable travel both within and to and from West Lothian. One key package assessed was the provision of infrastructure associated with the Core Development Areas (CDAs) identified in the WLLP. These requirements are identified in the CDA action plan table 7.1, set out in the WLLP. In addition, the study identified A71 bus priority as a scheme of significant strategic benefit.
8. The CDA related key infrastructure requirements in relation to movements that go along or impact on the A71 corridor are identified below:

West Calder Station Park & Ride  
Gavieside Link to Toll Roundabout, Livingston  
East Calder - Distributor Link and improvements  
Kirknewton Station Park & Ride  
Wilkieston Northern Bypass

These elements of infrastructure are key to both the development of the CDA areas and to the delivery of longer term sustainable development. This is not an exhaustive list of the entire transport infrastructure required in association with the Livingston and Almond Valley CDA. The key requirements for infrastructure are detailed in the CDA Action plan appendix 7.1 of the adopted WLLP.

## **A71 CORRIDOR STUDY**

9. The A71 Corridor Study was undertaken by consultants WSP on behalf of West Lothian Council and the City of Edinburgh Council and was published in June 2005. The study was commissioned to examine future travel demand in the A71 corridor between West Calder and Hermiston and make recommendations on how that demand could be catered for sustainably, in line with regional and local transport objectives.
10. The study included the preferred development strategy that is contained in the adopted WLLP in particular allowing for the impacts of the West Livingston/Mossend and Calderwood development proposals.

11. The study identified a comprehensive set of options that were considered and assessed. Package 1 which consisted of online bus priority and service enhancement was considered to be the package best suited to meet future travel demands on the A71 corridor. The package of works within West Lothian is identified and listed below:

- (a) Bus lane and bus priority at the A71/Kirknewton/East Calder junction.
- (b) Eastbound bus lane from above to the junction of the A71 with the B7031.
- (c) New traffic light layout with bus priority at the A71/B7031 junction.
- (d) Eastbound bus lane on the A71 between the B7031 and the B7015.
- (e) New roundabout at the junction of the A71/B7015.
- (f) Wilkieston north west bypass to B7030.

The package of works within the City of Edinburgh is identified and listed below:

- (g) Eastbound bus lane between the entrance to the Dalmahoy Hotel and Addiston Mains. (Proposed widening on the north side).
  - (h) Widen the A71 between west of Curriehill Road and Heriot-Watt north gate on the south side to create third lane (eastbound bus lane).
  - (i) Junction improvements at Curriehill Road/A71 junction including splitter islands new kerbing, resurfacing, signage etc
  - (j) Various road improvements between Wilkieston and Curriehill Road/ including resurfacing kerbing drainage, footways markings and signage.
12. The council's Enterprise and Development Committee endorsed the measures in package 1 on 30 August 2005. These improvements are highlighted and safeguarded within the WLLP and this guidance note supplements the WLLP and specifies how it is anticipated that these improvements and the additional infrastructure needed will be implemented.
13. Schemes (a) to (j) set out in paragraph 11 above will be pedestrian and cycle friendly and are to be fully integrated with existing on-road and off-road routes along the corridor.

## **WEST LOTHIAN LOCAL PLAN REQUIREMENTS**

14. The key requirements for infrastructure are detailed in the CDA Action Plan appendix 7.1 of the WLLP. In addition, policy TRAN 4 of the WLLP identifies the requirement for developers to implement either an appropriate part or all of the identified improvements in proportion to the potential impact of their development on the surrounding road network. TRAN 21 specifically extends this requirement to the studies and initiatives linked to enhancing sustainable transport options for travelling on the A71 corridor between Livingston and Edinburgh and safeguards the schemes identified in the A71 corridor study.

## **UPDATE**

15. Since the SPG prepared in 2006, there have been a number of factors which now affect how the detailed delivery of the identified schemes will be made. First of all the need to contribute to the schemes was challenged by some developers as part of the public local inquiry into the finalised West Lothian Local Plan and it was not until 2009 following consideration of the Reporters' recommendations that the local plan was adopted and the funding of these measures through the SPG were endorsed in the WLLP.
16. Furthermore, a major factor in the delivery of shared transport infrastructure has been the reluctance by different developers within Core Development Areas (CDAs) to join together to develop comprehensive master plans and agree the timing, phasing and costs of the shared infrastructure. This has meant that the need to carry out this transportation master planning element has at times rested with the council.
17. The 2006 SPG identified SEStran as a contributor to the wider A71 public transport scheme in its role as the Regional Transport Partnership. However, SEStran are no longer a funding body and whilst they continue to have a role in supporting wider cross border infrastructure it will be for West Lothian Council and the City of Edinburgh Council to identify alternative funding sources to enable the implementation of the entire scheme.

#### **DEVELOPMENT APPLICATIONS – Livingston and Almond Valley CDA**

18. Within the Livingston and Almond Valley CDA it has not been possible to achieve a single developer master plan for the entire area. Public Transport improvements along the entire A71 corridor are to be partly funded by developers within the Livingston and Almond Valley CDA, whilst some key junction improvements are to be fully funded by all the developers of the Calderwood CDA. How these costs are to be divided between these developers is detailed in this SPG.
19. The Almondell part of the Calderwood CDA has planning approval for mixed use development (0524/P/09 refers) and a phase 1 of the development (0749/FUL/10). It should be noted that most of the Raw Holdings part of the Calderwood CDA is not within application 0524/P/09 but the traffic impacts of all 2800 units within the Calderwood CDA have been included within the transport assessment undertaken. Planning consent has been granted for part of the Raw Holdings allocation, these being 0081/FUL/12 and 0823/FUL/13. Both these applications are subject to a Section 75 Agreement.
20. The transport assessment submitted with the Almondell planning application identified a change to the proposed junction improvements outlined in the A71 Corridor Study. The assessment identified that a signalised junction on the A71/B7015 would be more appropriate than the roundabout proposed in the Corridor Study. Furthermore the proposed roundabout and part time signals at the staggered A71/B7031 junction have been replaced with a signalised junction.

21. Therefore, the planning applications and supporting transport assessment for the applications referred to in section 19 provide that the measures set out below for the A71 which are to be fully funded and delivered by the development of the Calderwood CDA:
- a new traffic signal controlled junction with bus priority at the A71/B7031 junction;
  - a new traffic signal controlled junction with bus priority at the A71/B7015; and
  - the Wilkieston north west bypass to B7030.
22. The West Livingston/Mossend CDA does not have an overall agreed master plan but there are currently two planning applications for around 208 houses at the Mossend part of this CDA which the council is minded to grant (0349/FUL/11 and 0337/P/13 refer). The legal agreements for these two applications have yet to be signed but the agreed Heads of Terms include developer contributions to the A71 bus priority proposals contained in this SPG.
23. The primary benefit from the A71 public transport improvements is commuter journeys to work. In the absence of identified development of the business areas and to ensure the earliest possible delivery of the measures all costs associated with the A71 have been shared between the housing allocations based on the number of units.

## **DEVELOPER CONTRIBUTIONS**

24. Appendix 7.1 of the WLLP has already identified the key elements of infrastructure which are needed to support the developments at West Livingston/Mossend and Calderwood. These key infrastructure requirements have been tested as part of the overall development strategy and are directly linked to each CDA area and are considered necessary to enable the identified scale of development to progress.
25. The main purpose of this revised SPG is to indicate more clearly how the sustainable improvements on the A71 identified by the A71 Corridor Study will be linked to and implemented as part of the CDA development strategy. Appendix 1 identifies relevant elements of the A71 bus improvements, an approximate cost for each section and how it is identified that the infrastructure will be delivered. The costs identified in the Appendix are indicative, but have been used as a basis for assessing shared contributions.
26. In all cases, where contributions are sought from developers they will be sought in accordance with Scottish Government guidance contained in Circular 3/2012 "Planning Agreements". Paragraph 7.10 of the WLLP provides further guidance. Appendix 2 details how these costs have been calculated.

## **Calderwood**

27. The detailed information from the transport assessments in support of the planning applications for Calderwood was used to assess the potential impact of the development on the transport network on the A71.

28. Stirling Developments Ltd has accepted that as the largest developer within the Calderwood CDA they will be responsible for providing and forward funding the junction improvements onto the A71 and also the Wilkieston Bypass. These are necessary to accommodate the impact of the Calderwood CDA. Planning conditions attached to the planning approval in principle for the Calderwood development indicate trigger points when infrastructure and junction improvements are required. However, as not all of the Calderwood developers are discussing how the costs for each of the improvements will be shared, it has been left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Each housing developer's contribution is based on a percentage of their housing development in relation to the total scale of housing proposed for the whole of the Calderwood CDA. The council will collect each developer's contribution based on a housing unit cost and reimburse Stirling Developments Ltd after construction of each of the following works.
29. The Calderwood CDA developer contributions for the A71 improvements are:
- A71 / B7031 signalisation £215 per housing unit based on 1<sup>st</sup> quarter 2002 prices
  - A71 / B7015 signalisation £107 per housing unit based on 1<sup>st</sup> quarter 2002 prices
  - Wilkieston bypass north west section £607 per housing unit based on 1<sup>st</sup> quarter 2002 prices.
30. It should be noted that the assessment of the value of contributions from other Calderwood developers has been based on indicative costs for the proposed junction improvements identified as part of the transport assessments for the A71/B7015 junction and the A71/B7031 junctions. The indicative costs at 2002 prices are contained in Appendix 1 and in the event that the CDA developers make contributions in advance of the final costs of the signals being known and the actual cost of the signals is less than the indicative cost set out in this SPG (with indexation from first quarter 2002 applied) those developers shall be entitled to a part refund from the council for any overpayment made.

#### **Gavieside/Mossend and Calderwood**

31. The remaining improvements on the A71, which are not fully developer funded but require contributions to the overall cost, are the provision of bus priority along the A71 between the junctions most heavily affected by the developments. These schemes are also identified in Appendix One. From transport assessments undertaken for Mossend and Calderwood it has been possible to allocate how these costs should be shared between the Livingston and Almond Valley CDA developments.
32. These bus priority measure costs are to be met by both the Calderwood and West Livingston/Mossend CDA developers as well as West Lothian and the City of Edinburgh councils. The developer contributions account for around 40% of the total cost. The contributions are:

- Bus priority contributions from Calderwood CDA (items a, b & d from A71 Corridor Study) £350.72 per housing unit based on 1<sup>st</sup> quarter 2002 prices.
- Bus priority contributions from Gavieside/Mossend CDA (items a, b & d from A71 Corridor Study) £208.54 per housing unit based on 1<sup>st</sup> quarter 2002 prices.

### **A71 CORRIDOR PUBLIC TRANSPORT PRIORITIES**

33. Some progress on the items within the A71 Study has already been made. The service improvements on the Edinburgh to Glasgow via Shotts line have been implemented increasing peak hour services and improving passenger capacity on the route.
34. In addition the council has already introduced a road improvement scheme at the junction of the A71/Linburn Road. The introduction of the traffic signals and the intelligent traffic signal system greatly reduces delay to public transport access for the route 28 bus when accessing the A71.
35. In accordance with the West Lothian Local Plan the levels of impact identified in the Transport Assessment undertaken for both Calderwood and West Livingston/Mossend have now been used to calculate the relative developer contributions to the required infrastructure and this is more fully explained in Appendix Two.
36. However, given the current economic climate and the financial constraints affecting the development industry it is considered that a clear priority in the delivery of the remaining public transport elements of the A71 corridor must be made.
37. The balance of funding for the provision of the bus lanes along the A71 was previously expected to be secured by the West Lothian and the City of Edinburgh councils from SEStran. However, SEStran has ceased to be a funding body and therefore this opportunity for funding is no longer available. This is another factor which will affect the delivery and timing of the whole package of measures.
38. As stated above it is considered vital that clear priorities are established to implement the elements of the public transport strategy in the most beneficial order. There are two key bus routes that serve the Calderwood area and access the A71. These are the No.27 and No.28 routes. These routes are part of the Route 27/28 Quality Bus Partnership and measures should initially benefit these routes.
39. The No.27 route accesses the A71 from the B7015 and the section of the A71 from the B7015 to Wilkieston is a priority location to introduce measures to improve public transport journey times.

40. The existing bus routes very rarely use the A71 between Lizzie Bryce and the B7015. Therefore, in the medium to long term it is unlikely that there will be a bus from Livingston to Edinburgh directly via the A71 that will be at a frequency or have sufficient demand to make this route worthwhile. It is therefore proposed that the council reallocates monies for the formation of bus lanes on the A71, collected or intended to be collected under Section 75 agreements following the 2006 SPG, to a proposed bus lane on the A71 between the B7015 and the B7030 and further, that a strategy regarding implementation of bus priority measures should now be considered with the following priorities:-
- (a) Eastbound bus lane on the A71 between the B7015 and the B7030;
  - (b) Bus lane and bus priority (north/south) at the Kirknewton/East Calder junction (C27);
  - (c) Widen the A71 between west of Curriehill Road and Heriot-Watt north gate on the south side to create third lane (eastbound bus lane);
  - (d) Bus lane and bus priority on the A71 from the Kirknewton/East Calder junction (C27) to the B7031;
  - (e) Eastbound bus lane between the entrance to the Dalmahoy Hotel and Addiston Mains. (Proposed widening on the north side); and
  - (f) Bus lane and bus priority (eastbound) at the Kirknewton/East Calder junction (C27).
41. It can be seen that there are two City of Edinburgh Council (CEC) sections within this list of priorities. As discussed earlier at officer level the CEC priorities have shifted with greater emphasis being placed on increased park and ride provision at Hermiston. However, given that contributions are required to the wider package of measures from both local authorities, it is consider appropriate that they continue to be identified in the priority list.
42. The key benefit to both authorities in relation to the overall impact on the A71 corridor would be the delivery of the measures (a) and (b) from the priority list above. These schemes provide the best opportunity to influence public transport use at the earliest stages of the development reducing car based trips into Edinburgh.
43. It is proposed that the developer funding contributions should be targeted at schemes (a) and (b). Discussions between West Lothian Council and the City of Edinburgh Council on how the remaining sections of the study proposals can be funded will continue.

## SUMMARY

44. Reference has been made to various pieces of traffic modelling work undertaken by West Lothian Council in support of its development strategy set out in the WLLP. This modelling work clearly identifies the key infrastructure needed to deliver the development proposals.
45. These CDA infrastructure requirements have also been assessed as part of a West Lothian wide Sustainable Transport Study and are identified as key requirements to deliver the overall sustainable transport strategy.
46. The approved WLLP clearly identifies the key infrastructure that is considered necessary to deliver the Calderwood and West Livingston/Mossend CDAs.
47. The A71 Corridor Study identifies and gives indicative costs for various measures which are considered necessary to improve public transport and junction accessibility along the A71 corridor. This Study follows on from recommendations within the West Lothian Sustainable Transport Study which identified A71 bus priority as a scheme of significant strategic benefit.
48. Appendix 1 indicates the indicative costs involved in providing the bus priority improvements within West Lothian on the A71 corridor. It also shows the infrastructure requirements that are to be fully provided by developers and indicates where a contribution will be required which will be linked to the scale of impact on the A71 corridor. All contribution levels are to be indexed link.
49. Due to the lack of a master plan covering either the whole of the West Livingston/Mossend and Calderwood CDAs it has fallen on the council to estimate a pro rata cost contribution from each of the different developers. Any monies obtained will be paid to the developer who is required to carry out each junction improvement when the appropriate trigger point has been reached. The easiest way to set a contribution level has been to base the cost on a per house unit level and Appendix Two outlines how these costs have been calculated.
50. This SPG is proposing that the developer funding identified based on the original SPG and detailed earlier, should be used to implement, as a matter of priority, the two key schemes that benefit sustainable transport use.
51. In relation to the schemes within the city of Edinburgh discussions with officers indicate that priorities in relation to public transport improvements have changed. The strategy is now to seek to build on the success of Hermiston Park and Ride, seeking to reduce the ongoing traffic movements into Edinburgh City Centre. As part of the development of Hermiston Park and Ride a number of road and public transport improvements were implemented which helped improve journey times from Heriot-Watt to the city bypass.



52. Therefore, it is considered that the strategy of concentrating developer contributions to deliver increased bus based patronage from West Lothian is the key way forward to support the ongoing development within West Lothian. In addition it is considered that the measures identified within West Lothian should be prioritised in terms of delivery and funding.

**Appendix 1: A71 CORRIDOR STUDY SCHEMES**

<b>PROPOSED SCHEME</b>	<b>ANTICIPATED COSTS *</b>	<b>CDA DEVELOPER</b>	<b>DEVELOPER REQUIREMENT **</b>
Bus lane and bus priority at the A71/Kirknewton/East Calder junction	£350,000	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Appendix 2.
Eastbound bus lane from above to the junction of the A71 with the B7030	£600,000	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Appendix 2.
New traffic light layout with bus priority at the A71/B7031 junction	£602,000	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Appendix 2.
Eastbound bus lane on the A71 between the B7031 and the B7015	£2,760,000	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Appendix 2.
New traffic light layout with bus priority at the junction of the A71/B7015	£300,000	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Appendix 2.
Wilkieston north west bypass to B7030	£1,700,000	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Appendix 2.

\* These costs are estimated at 2002 prices.

\*\* In all cases, where contributions are sought from developers they will be sought in accordance with Scottish Government guidance (see Chapter 7, paragraph 7.10) of the WLLP. The contribution will be in proportion to the impact of the development on the surrounding road network.

Legal agreements will be required to secure the contributions and the agreement will include appropriate mechanisms to deal with the situation where a shared cost scheme cannot be implemented because there are insufficient funding contributions from the developers and the public sector.

## Appendix 2

### Livingston and Almond Valley CDA Shared Costs

#### Bus Priority Contributions for A71 (Excludes Junctions)

The total trips on A71 to the west of B7031 junction using 2-way AM and PM peak flows.

Base traffic ATC 2007	3,205 trips (61.1%)
Calderwood	1,387 trips (26.5%)
Gavieside	648 trips (12.4%)
<b>Total</b>	<b>5,240 trips</b>

From the A71 Corridor Study appendix the feasibility cost for the proposed bus priority measures on the A71 is £3,710,000. Taking the above trips and calculating the scheme cost on a pro-rata basis means:-

Base Traffic	£2,269,116
Calderwood	£982,017
West Livingston/Mossend	£458,794

To apportion the costs for each developer it is easier to work out a rate per house:-

Calderwood	2800 units	<b>£350.72 per unit</b>
West Livingston/Mossend	2200 units	<b>£208.54 per unit</b>

### Calderwood CDA Shared Infrastructure Costs

Stirling Developments Ltd will forward fund and construct the shared infrastructure. However, the following levels of contribution will be secured from other developers in the Calderwood CDA area and repaid to Stirling Developments Ltd by the council upon completion of the infrastructure.

#### Wilkieston Bypass

Estimated cost at £1,700,000 all for Calderwood with 2800 units.  
 $1700000/2800 = \textbf{£607 per unit}$

#### Traffic Signals at B7015 junction

Estimated cost at £61,600 all for Calderwood with 2800 units  
 $300000/2800 = \textbf{£107 per unit}$

#### Signalisation and Road Realignment at B7031 Junction

Estimated cost at £602,000 all for Calderwood with 2800 units  
 $602000/2800 = \textbf{£215 per unit}$





West Lothian  
Council

**COUNCIL EXECUTIVE**

**2014/15 WINTER SERVICE POLICY – ROADS AND TRANSPORTATION**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The *Code of Practice for Highway Maintenance 2005: Well Maintained Highways* recommends that councils should review and approve their Winter Service Policy annually. The purpose of this report is to seek approval for councils Winter Service Policy for 2014/15.

**B. RECOMMENDATIONS**

It is recommended that the Council Executive approves the Winter Service Policy for 2014/15 as set out in Appendix A.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs
	Making best use of our resources
	Working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Council's Winter Service Policy. Roads (Scotland) Act 1984 and The Code of Practice for Highway Maintenance 2005
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	The Policy will ensure that the service is delivered in a consistent and efficient manner which will meet existing performance targets and service standards.
<b>V Relevance to Single Outcome Agreement</b>	Maintaining strategic transport links within the community are necessary in order to deliver the SOA Outcomes. The Winter Service supports Outcomes 1, 2, 10 and 14.
<b>VI Resources - (Financial,</b>	Operational Services have a Winter Service

<b>Staffing and Property)</b>	budget for 2014/15 of £2.425 million to carry out their statutory duties under the Roads (Scotland) Act 1984 (Section 34).
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	The Winter Service Policy was established after an extensive review in 2011. All Local Area Committees, Education Services Town Centre Management, Public Transport Services, Corporate Communications, the public via the Citizens Led Inspection process, internal and external partners e.g. Procurement services, Finance Services, Salt Suppliers etc.

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

In Scotland, Councils statutory responsibilities regarding the Winter Service are defined in the Roads (Scotland) Act 2004, Section 34 which requires “that a road authority shall take such steps as it considers reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads”.

The council’s current Winter Service Policy (summarised in Appendix A), is well established and is based on the Codes of Practice *for Highway Maintenance 2005: Well-Maintained Highways*. Following the severe winters of 2009/2010 and 2010/2011 a full review of the Winter Service Policy was conducted and the Winter Service Policy was updated and approved by council in November 2011.

The updates to the Winter Service Policy for 2011/2012 included the inclusion of service standards and a definition for an “*Extreme Weather Event*”; a statement on resilience and salt conservation; and the policy promotes the benefits of self help in line with Government recommendations.

The *Code of Practice for Highway Maintenance 2005: Well Maintained Highways*: recommends that councils should review and approve their Winter Service policy annually.

The revised Winter Service Policy for 2011/2012 was fully implemented and proved successful in dealing with the “normal” UK winters that were experienced in 2011/2012, 2012/2013 and in 2013/2014. The revisions to the policy also significantly improved the level of service provided within residential areas.

Therefore it is recommended that the existing Winter Service Policy is approved for the coming winter season 2014.

#### **E. CONCLUSION**

Following the severe winters 2009/2010 and 2010/2011 an extensive winter service review was undertaken and, based on the review findings, the council’s Winter Service Policy was revised for 2011/2012 to take cognisance of the recommendations made within the *Code of Practice for Highway Maintenance 2005: Well Maintained Highways*.

The revised Winter Service Policy for 2011/2012 was fully implemented and proved successful in dealing with the “normal” UK winter that were experienced during the

winters of 2011/2012, 2012/2013 and 2013/2014.

Therefore, it is recommended that the Council Executive approve the existing Winter Service Policy as detailed in Appendix A for the coming winter season 2014.

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

Roads (Scotland) Act 2004

Code of Practice for Well Maintained Highways 2005

Appendices/Attachments: Appendix A – Current Winter Service Policy

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**Jim Jack**  
**Head of Operational Services**

**Date: 16 September 2014**





The Winter Service Policy 2014/15 is summarised as follows:-

Carriageways	Road Type	Treatment
Primary Routes <b>(SNOW ROUTES)</b>	Important principal roads, major scheduled bus routes, routes to fire stations, hospitals, ambulance depots and local danger spots on highly trafficked roads and major industrial estates.	Gritting and/or snow ploughing 24 hours a day on all days. Pre grit if required. Planned or reactive.
Secondary Routes Level 1	Other classified routes, distributor routes and connecting routes between centres, minor bus routes, main accesses to schools, medical centres and residential areas.	Gritting and/or snow ploughing during normal working hours i.e. 0800 to 1505 hours Monday to Friday.  Pre grit if required.
Secondary Routes Level 2	Residential areas, cul-de-sacs and other unclassified roads.	Gritting and/or snow ploughing during normal working hours i.e. 0800 to 1505 hours Monday to Friday.  Reactive treatment only.
Secondary Routes Level 3	Surfaced areas within schools, roads within industrial estates, routes to car parks and car park surfaces.	Gritting and/or snow ploughing during normal working hours i.e. 0800 to 1505 hours Monday to Friday.  Reactive treatment only.

Footways	Footway Type	Treatment
Primary Routes <b>(SNOW ROUTES)</b>	Urban shopping areas and precincts. Routes to schools, accesses to health centres and medical centres, hospitals, etc. main routes to residential areas and bus stops.	<b>During November and March</b> , gritting of widespread ice/snow clearing 0500 to 1505 hours Monday to Friday. <b>During December, January and February</b> the service will be extended to cover weekends and public holidays (0500 to 1505 hours).  Reactive treatment only.
Secondary Routes Level 1	Other routes to schools, residential areas and housing areas in general.	Gritting of widespread ice/snow clearing 0800 to 1505 hours Monday to Friday.  Reactive treatment only.
Secondary Routes Level 2	Footway links to car parks, community centres, day centres etc and cycle routes	Gritting of widespread ice/snow clearing 0800 to 1505 hours Monday to Friday.  Reactive treatment only.

## EXTREME WEATHER EVENT

An extreme weather event will be considered to be an event where continuous snow is forecast and likely to give significant accumulations in excess of 10cm over a substantial proportion of the council area. The snow will also be expected to remain in untreated areas for a prolonged period due to low temperatures before a natural thaw disperses it.

During periods of extreme weather and heavy continuous snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes and these routes will be known as West Lothian Council's "Snow Routes". These routes are defined within the council policy and will be published on the council website. Gritters and footpath resources will be deployed on these specified snow routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes.

The policy is aimed at providing a minimum strategic network during periods of extreme weather and will provide access to key facilities and other transport needs.

## **RESILIENCE and SALT CONSERVATION**

West Lothian Council procures and stocks salt supplies for use on the whole of the public carriageway and footway network during the winter period. A minimum stock of 30,000 tonnes of salt will be available at the start of the winter period.

In periods of an extreme weather event or periods of prolonged conditions that demand a high usage of salt it may be necessary to restrict the use of salt to snow routes only. For West Lothian Council, salt will be restricted to snow routes when the council reaches a minimum stock level of salt for 6 days resilience of continuous salting.

## **GRIT BIN POLICY**

- Only provided on sites with difficult conditions.
- Bins will only be located where they can be filled from a lorry.
- Only replenished during and immediately after periods of adverse weather or upon request from the public as resources allow.
- No provision in private areas or car parks for internal use by either Council or any other public or private property such as schools, parks, hospitals, old people's homes, lunch clubs etc. unless a service level agreement is in place.
- Bins will not be designated to serve a carriageway if that carriageway is designated as a primary route or snow route.
- Bins will not be designated to serve a footway if that footway is designated as a primary route or snow route.
- Only written requests for bins will be considered.
- A request will not be accepted unless a location to site the bin has been agreed. Therefore, even if the criterion for locating the bin is met, none will be provided if residents cannot agree a position.
- The position of any proposed bin should not obstruct the passage of pedestrians.
- Grit bins will be left in-situ during the summer months unless the responsible officer confirms that they are causing a public nuisance.
- Bins should be yellow and tagged with a unique id number and their position recorded in the electronic database.

In times of an extreme weather event it is not always possible to service and replenish grit bins due to their location and the deployment of resources in higher priority areas.

In the event that West Lothian Council suspends the grit bin service then Road Services will provide temporary grit bags and grit heaps at strategic locations across West Lothian for use by the public. The locations of the grit bags and grit heaps will be advertised to the public when the service is in operation.

## **SELF HELP – WHAT CAN YOU DO?**

There is no law preventing members of the public from clearing snow and ice from public roads and footways outside their properties and businesses. However, people should

exercise care and caution when attempting to undertake any snow clearing so that they do not create any further hazards through careless or inconsiderate actions.

Being a good neighbour during severe winter weather is usually welcomed. Detailed below is some advice provided by the Government on clearing roads and footways yourself:-

1. Do not use hot water as this could freeze, increasing the risk of injury to persons.
2. Choose suitable clothing for the task to ensure that you remain warm, clearly visible to traffic and that footwear provides a good grip.
3. Do not take unnecessary risks in the road and be aware that vehicles may find it difficult to stop quickly in icy conditions.
4. If shovelling snow consider where you are going to put it to avoid shifting the problem elsewhere, for example, avoid blocking other footways and drainage features such as gullies.
5. Use a shovel with a wide blade and do not overload the shovel with snow.
6. It is easier to remove fresh snow before pedestrians have compressed the snow into compacted ice.
7. Clear a line down the middle of the area to be cleared first to create a safer surface to work from.
8. Spread some salt on the area cleared to prevent the formation of ice.
9. Do not use too much salt as a few grams, about a tablespoon for each square metre that you clear should be sufficient.
10. If there is no salt available then a little sand or grit is a reasonable substitute. It will not have the same de-icing properties as salt but will improve grip underfoot.
11. Salt applied to the road or footway could be washed away by rain or snow and subsequently freeze – in this case a further application of salt should be used soon after the rain has ceased and before temperatures approach freezing.
12. Particular care and attention should be given to steps and steep gradients to ensure that snow and ice is removed – it may be beneficial to apply additional salt at these locations to reduce the risk of injury.



## **COUNCIL EXECUTIVE**

### **2014/15 GENERAL FUND REVENUE BUDGET – MONTH 4 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND ESTATES**

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

To provide the Council Executive with a report on the financial position in relation to the General Fund Revenue Budget, following the completion of the month 4 monitoring exercise.

#### **B. RECOMMENDATION**

It is recommended that Council Executive agrees that Heads of Service take all management action necessary to ensure 2014/15 budgets are managed within budget, and approved budget reductions are achieved

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

<b>I</b>	<b>Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on Performance and Performance Indicators</b>	Effective implementation of the revenue budget is vital to service performance.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources – (Financial, Staffing and Property)</b>	A breakeven position against budget is forecast in 2014/15.  Various pressures have been identified but these are being managed through savings elsewhere in the budget
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable
<b>VIII</b>	<b>Details of Consultations</b>	Depute Chief Executives and Heads of Service.

## D. TERMS OF REPORT

### 1. Introduction

This report sets out the overall financial performance of the General Fund Revenue Budget for the period to 31 July 2014 and provides a year end financial forecast which takes account of relevant issues identified in individual service budgetary control returns. The report also considers the position regarding the delivery of approved 2014/15 budget reduction measures, and the implementation of time limited revenue investment.

The budget monitoring process for 2014/15 is in line with the council's budgetary control framework and procedures which place particular focus on a risk based and pro-active approach to budget monitoring. A risk based approach is important due to constrained budgets resulting in higher risk of overspends in many areas.

### 2. Month 4 Summary Financial Information for 2014/15

The table below summarises the position in relation to service expenditure and provides a forecast outturn. As noted, a breakeven position is forecast for 2014/15 but as part of the monitoring exercise undertaken, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service Area	Commitment to 31 July	2014/15 Budget	Forecast Outturn	Projected Variation Over/(Under)
	£'000	£'000	£'000	£'000
<b>Ed, Planning &amp; Econ Dev</b>				
Schools, Education Support	123,879	132,139	132,139	0
Area Services	14,658	14,885	14,885	0
Planning & Econ Development	2,787	3,008	3,008	0
<b>Corp, Ops &amp; Housing</b>				
Operational Services	41,198	57,335	57,335	0
Housing, Construction & Building Services	3,351	3,963	3,963	0
Corporate Services	10,459	11,218	11,218	0
<b>WLCHCP &amp; Social Policy</b>	60,155	87,575	87,575	0
Chief Executive, Finance & Estates	24,314	23,982	23,982	0
Joint Valuation Board	1,215	1,215	1,215	0
<b>Service Expenditure - Total</b>	<b>282,016</b>	<b>335,320</b>	<b>335,320</b>	<b>0</b>
<b>Non Service Expenditure</b>	<b>40,199</b>	<b>40,199</b>	<b>40,199</b>	<b>0</b>
<b>Time Limited Spend</b>				
Employment	2,363	2,363	2,363	0
Preventative spend	2,748	2,748	2,748	0
<b>Time Limited Spend - Total</b>	<b>5,111</b>	<b>5,111</b>	<b>5,111</b>	<b>0</b>
<b>TOTAL EXPENDITURE</b>	<b>327,326</b>	<b>380,630</b>	<b>380,630</b>	<b>0</b>

### **3. Summary of Main Issues in Service Expenditure Budgets**

#### **3.1 Education, Planning & Economic Development**

##### Schools with Education Support

The budget for Schools with Education Support Services is forecast to breakeven this financial year.

At this stage in the academic year it is difficult to assess the anticipated pattern of demand led and reactive services, including supply cover, maternity costs, wraparound and school milk. These areas, along with demographic changes, will continue to be closely monitored during the remainder of the financial year as expenditure patterns become clearer.

It should be noted that Devolved School Management budgets are currently based on projected pupil numbers and, in accordance with normal practice, will be subject to revision later in the year following the annual school census.

In addition, the revenue funding implications in respect of the implementation of the Children and Young People (Scotland) Bill from August 2014, have been taken account of in the reported budget position.

##### Area Services

The budget for Area Services is forecast to breakeven. An overspend of £164,000 is forecast in Libraries staffing costs, mainly due to approved prior staffing savings not yet being achieved. Options are being actively progressed to balance this pressure on a recurring basis and, in the short term, it is anticipated that staff savings elsewhere in the service will be available to meet this pressure. There remain a number of risk areas and these will be closely monitored during the remainder of the financial year.

##### Planning & Economic Development

A break even position is currently forecast for 2014/15. Both planning application and building warrant income levels are showing an increase compared to last year and are expected to meet budget targets.

#### **3.2 Community Health & Care Partnership and Social Policy**

At this stage, a break even position is forecast for 2014/15. There are a number of demand led risks across the children and families, adults and elderly client care groups. There is forecast to be a significant increase in care costs this year particularly in relation to elderly care at home costs (£1 million) and staffing cost pressures have been identified in Reablement and council care homes. Other key risks include adult complex care external fostering and direct payments, where the impact of Self Directed Support is increasing the number of clients choosing to receive direct payments. Care pressures are currently being met by savings elsewhere in the budget, particularly in residential school places, but this position will require to be closely monitored over the coming months and options identified to manage pressures on a sustainable basis.

#### **3.3 Corporate, Operational and Housing Services**

##### Corporate Services

A breakeven position is forecast for Corporate Services.

## Operational Services

The out-turn forecast for Operational Services is a breakeven position. There are pressures totalling £460,000 within Public Transport which relate mainly to forecast local bus and mainstream school contract costs that are in excess of the available budget. These are being offset by one-off underspends within Waste Management, largely as a result of the phased roll out of food waste during this financial year. Although the overspend within Public Transport is being accommodated in 2014/15, the current position is not sustainable beyond this financial year and appropriate action will be required to bring expenditure in line with budget. ASN transport is also a risk area and will continue to be closely monitored during the year.

Other risks include income targets in Countryside, Cemeteries and Roads and Transportation allocations to capital.

## Housing, Construction & Building Services

A breakeven position is forecast for Housing, Construction & Building Services. There are a number of risks in Homelessness which will continue to be closely monitored.

### **3.4 Chief Executive, Finance & Estates Services**

A breakeven position is forecast. Risk areas include commercial property rental income and the impact of welfare reforms, which will be closely monitored.

### **3.5 Joint Valuation Board**

The requisition to the Joint Valuation Board is expected to breakeven.

### **3.6 Time Limited Expenditure**

The delivery of approved time limited investment is continuing to progress and £5.111 million is forecast to be spent in 2014/15. Appendix 1 provides further information on the individual time limited projects, including progress on project delivery. There are exit strategies in place for when time limited funding is fully utilised.

## **4. Non Service Expenditure**

The budgets for non service expenditure are currently forecast to breakeven. Housing benefit subsidy will be closely monitored during the year to minimise the risk of an overspend. In line with usual practice, any in year underspends on the council's insurance account will be transferred to the Insurance Fund at the year end and any treasury surplus arising in the year will be transferred to the Capital Fund at the year end.

## **5. Funding in 2014/15**

The council's revenue grant is forecast to be on budget. Any additional grant funding for 2013/14 announced during the year will be reported in future monitoring reports. Council Tax income is forecast to breakeven for the year.

## **6. 2014/15 Budget Reduction Measures**

The review of the delivery of budget reductions completed by Heads of Service has demonstrated that satisfactory progress is being made. In 2014/15, against the total budget reductions of £7.176 million approved, £6.618 million (92%) is categorised as green. There is one measure that has been assessed as red which relates to a £35,000 saving in the cost of external foster placements. The objective of reducing the number of children placed in external fostering has not been achieved as demands for placements are not able to be met from within the council's own foster carers. However, it is



anticipated that this saving can alternatively be met from reducing spend in the costs of other external placements for children which is being progressed as part of the reshaping care for children workstream. Therefore it is proposed that future monitoring reports will be updated to reflect the change in how the £35,000 will be achieved.

The remaining £523,000 of budget reductions are assessed as amber. These measures, set out in Appendix 2, are still achievable, however further ongoing action is required to ensure they are delivered in full in 2014/15.

## **7. Summarised Budget Position for 2014/15**

The month 4 monitoring indicates that at this stage a breakeven position is forecast for 2014/15. There are a number of risks in the current year and demand led service delivery areas in particular will require to be closely monitored over the remainder of the financial year.

## **E. CONCLUSION**

The projected outturn at month 4 indicates a breakeven position for 2014/15. However, there are a number of demand led risks that will require close scrutiny over the remainder of the year.

Monitoring of delivery of the 2014/15 budget reductions has demonstrated that good progress is being made although further work is required to ensure the measures identified as amber are achieved. The delivery of time limited investment is progressing and it is anticipated that revenue expenditure of £5.111 million will be incurred in 2014/15.

There remain various risks and it is important that Heads of Service pro-actively manage budgets over the financial year to ensure spend remains within forecast levels.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Two

Appendix 1 – Update on Delivery of Time Limited Investment

Appendix 2 – 2014/15 Budget Reductions categorised as Amber.

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**Donald Forrest**

**Head of Finance and Estates**

Date: 16 September 2014



**UPDATE ON DELIVERY OF TIME LIMITED INVESTMENT**

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b><u>Employment</u></b> <b>Additional Training &amp; Employment (Clare Summers)</b>	3,426	1,250	765	770	<p>The programme has four elements:</p> <ol style="list-style-type: none"> <li>1. Small / Medium Sized Enterprises (SME) wage subsidy</li> <li>2. Voluntary Orgs Wage Subsidy</li> <li>3. West Lothian Jobs Fund</li> <li>4. Modern Apprenticeships</li> </ol> <p>At 31 July 2014 the wage subsidy SME element of the programme has created 472 wage subsidy opportunities for young people. 181 participants have now completed the wage subsidy period with 80% progressing into a positive destination. The total number of positions created by the Voluntary Organisations wage subsidy to the end of July was 19.</p> <p>The modern apprenticeship programme has created 60 non trade modern apprenticeship opportunities within areas such as the, Access2employment, Community Facilities, Economic Development, Financial Management Unit, Procurement and Revenues. Officers have identified ten new opportunities to begin in March 2015.</p> <p>The West Lothian Jobs Fund training placements have created 98 six month paid places within WLC. 59 participants have now completed the wage subsidy period with 44 (progressing into a positive destination. This results in a sustainability rate of 75% for the programme.</p>	<p>Improved learning and employment opportunities for Young People particularly those requiring "More Choices More Chances" in West Lothian linking to key area of local youth strategy.</p> <p>Promotion of economic activity in local communities. Support for local business development and capacity. Promotion for partnership working in this key area.</p>
<b>Veterans Employment Programme – Wage Subsidy to Employers who recruit ex-forces men and women (Clare Summers)</b>	75	29	46	0	<p>The veterans wage subsidy programme was officially launched in September 2013 as part of the West Lothian Community Covalent action plan. To date six employers have had an opportunity approved, with two having identified suitable candidates. Officers are in the process of trying to identify veterans for the opportunities.</p> <p>Officers are continuing to engage with support services working with veterans to promote programme to the client group.</p>	Improved employment opportunities for West Lothian Veterans linking into the West Lothian Armed forces community Covenant.

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Skills Training Programme (STP)</b> <b>(Dawn Roden)</b>	125	40	42	43	An additional 50 places on the Skills Training programme will be created over the five year period – ten per year. The programme was re-designed in 2013/14 to accommodate smaller group sizes. The ten additional places were achieved; however the project faced increasing difficulty in obtaining work experience placements for trainees.	Improving the skills and employability of young people requiring More choices, More chances.
<b>Graduate Training Programme</b> <b>(Clare Summers)</b>	134	134	0	0	The project created 13 places in 2013/14 in areas such as Community Regeneration, Corporate Communications, Finance, Housing and Public Transport.  In 2014/15 six places have been created with graduates starting there opportunities in August. Services are in the process of identifying other possible opportunities for the next six places which will commence in October 2014.	Improving the skills and employability of young people.
<b>Schools Attainment</b> <b>(Elaine Cook)</b>	754	584	170	0	Attainment team now returned to schools. 18 development posts for individual subjects in secondary sector for two years. Co-ordinator also in place until July 2015.  Four Numeracy posts in primary.	Improved numeracy evidenced from monitoring and tracking attainment.  Improved attainment in numeracy and national performance measures across primary and secondary sectors.  Improved Higher attainment across all subjects and implementation of new Higher.
<b>Employability Secondary Schools</b> <b>(Elaine Cook)</b>	76	76	0	0	Two Key workers employed in secondary schools focusing on positive destinations especially with vulnerable students.  11 co-ordinators, one in each secondary school to focus on vocational qualifications and transition to work. £2,500 distributed to schools to appoint co-ordinator.	Improved positive destinations in all secondary schools.  Improved attitudes and awareness of employability skills.  Accreditation of skills.

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Reading Literacy and English as additional language [EAL] (Elaine Cook)</b>	140	140	0	0	Roll out of EAL training to build capacity within schools across all sectors.  Two FTE focusing on improving attainment and to support and enhance the process of transition for senior pupils.	Raised attainment for children with English as an additional language in literacy. Particular emphasis on reading.  Build capacity in staff to support children with EAL in literacy.  Improved attendance.
<b>Young People's Business Start Up (Alice Sinnet)</b>	100	60	40	0	Funding will be used to provide a range of services including Youth Enterprise, Retail Skills Academy, college courses and retail opportunities. Lease of unit to council & partners on 18 August with entry around first week in October 2014.	Project will support council outcome to realise our full economic potential. More and better employment opportunities for our young people by increasing skills of existing workforce and increase number of self-employed.
<b>West Lothian Voluntary Sector - Social Enterprise Network (Ian Hepburn)</b>	50	50	0	0	A Network Co-ordinator is in place at the West Lothian Social Enterprise Network (WLSN) and they will support the development of an Enterprising Third Sector Framework and implementation of a related action plan.	This funding will support the development of a more enterprising and sustainable social economy that contributes to key West Lothian Council outcomes.
<b>Employment Projects - Total</b>	<b>4,880</b>	<b>2,363</b>	<b>1,063</b>	<b>813</b>		

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b><u>Preventative / Anti-Poverty</u></b>  <b>Enhanced Early Intervention – Primary and Secondary (Elaine Cook)</b>	680	680	0	0	<p>Nurture Programme</p> <p>35 0.5 FTE's allocated to primary schools in greatest Scottish Index of Multiple Deprivation (SIMD) area feeding into the secondary schools with the greatest SIMD. Staff trained by Educational Psychologists.</p> <p>Three secondary behaviour outreach teachers appointed (collaborating with secondary colleagues to improve capacity in mainstream schools).</p>	<p>Successful transition from primary to secondary.</p> <p>Raised self-esteem and confidence resulting in increased engagement in learning and school attendance.</p> <p>Reduced onward referral to SORG, outreach services and Young Person's Team.</p> <p>Improvement in school's capacity to support children with social and emotional difficulties.</p> <p>Improved capacity in secondary schools for pupils with social, emotional and behavioural issues to be supported in their own school.</p>
<b>Families Included (Jane Kellock)</b>	500	300	200	0	<p>The team is located in Strathbrock Family Unit.</p> <p>The team are working with up to 22 families. New referrals continue to come in from a variety of agencies.</p> <p>The first phase of the evaluation is complete and the initial report was produced in March 2014.</p>	<p>The outcomes expected to be addressed include a reduction in:</p> <ul style="list-style-type: none"> <li>• prolific and repeat offending / anti-social behaviour; High cost responses to child protection / welfare;</li> <li>• Homelessness; and poor education outcomes.</li> <li>• Use of external resources such as residential schools and secure units.</li> </ul> <p>There are early indications of positive outcomes for families.</p>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Netopian / Advocacy Project (Jane Kellock)</b>	24	24	0	0	<p>Hardware installed in residential houses and roll out to foster carers is almost fully completed. Laptops have been fully installed in two thirds of carer households. A final 36 carers are in the final stages of having BB lines and broadband installed. Laptop installation will follow.</p> <p>It is anticipated that remaining fixed term monies will be directed into:</p> <ul style="list-style-type: none"> <li>Ensuring that systems are in place so that dialogue with children contributes to effective service improvements across all C&amp;F service areas.</li> <li>An Internet Safety group established to review our activities in relation to keeping children safe on line. A Working group has been reviewing policy and procedures in neighbouring authorities to inform our own West Lothian practice guidance. Young people are included in this planning.</li> <li>3-year Children's Participation Project to build capacity across Council and CPP services: a Stakeholder event to launch Investing in Children took place on the 21<sup>st</sup> January 2014.</li> </ul>	<p>Wider use of internet amongst the Looked After (away from home) community.</p> <p>Increased knowledge and understanding of internet safety amongst foster carers, residential staff and Looked after Children.</p> <p>Increased feeling of connection with the Looked after Community.</p> <p>Increased awareness of opportunities for participation / achievement for Looked after Children.</p> <p>Increased feelings of self- worth.</p>
<b>Befriending Service for Older People (Alan Bell)</b>	190	120	70	0	<p>Service being provided by Cyrenians.</p> <p>A quarterly report of activity is made to the Reshaping Care for Older People Programme Board.</p>	<p>Reduced feelings of isolation and loneliness.</p> <p>Increased feelings of self-worth.</p> <p>Increased feeling of connection with the local community and increased links made with informal social networks.</p>
<b>Home Support -Dementia (Pamela Main)</b>	274	91	91	92	<p>Project fully operational and will run for three years subject to annual review.</p>	<p>Reduction in the number of bed days in hospital for those patients who are identified as being at risk.</p> <p>Increase in the number of patients who have an early supported discharge.</p> <p>Increase in the number of patients who are able to remain at home after discharge, and feedback that confirms carer satisfaction.</p>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Home from Hospital Support (Pamela Main)</b>	240	120	120	0	<p>The Home From Hospital is being provided by British Red Cross.</p> <p>Reports of activity are made to the Reshaping Care for Older People Programme Board.</p>	The main outcome of this service is that people will successfully re-adjust to living at home again following admission to hospital and that they do not experience a relapse or deterioration resulting in re-admission to hospital.
<b>Targeted Intervention programme - Early Years Swimming (Sheila McEwan/Jane Kellock)</b>	47	25	22	0	<p>In academic year 2014-15, three blocks of 8 week lessons:</p> <ul style="list-style-type: none"> <li>Block 1 27 Oct – 19 Dec</li> <li>Block 2 12 Jan – 6 March</li> <li>Block 3 4 May – 26 June</li> </ul> <p>The swim lessons are organised at various pool sites across West Lothian. A total of 43 nurseries will again be targeted in academic year 2014-15. Costs to deliver in 2014-15 have been estimated as £25,000.</p>	<p>The Early Years programme continues to focus on delivering free lessons in areas with a high % of non-swimmers identified from the Learn To Swim (LTS) Plus programme which is delivered to all schools across West Lothian.</p> <p>Intended outcome is that the % of LTS Plus non-swimmers will reduce in future years, especially within Scottish Index of Multiple Deprivation (SIMD) areas.</p>
<b>Targeted Intervention programme - First Steps - Extension into Breich Valley (Jane Kellock)</b>	54	54	0	0	<p>First Steps - Extension into Breich Valley is being used to part fund two FTE GP referral instructors based within West Lothian Leisure's Health &amp; Well Being Team.</p> <p>Number of referrals from targeted areas of Fauldhouse, Blackburn, Blackridge, Breich Valley, and Stoneyburn continues to increase.</p> <p>Provision of trial Physical Activity interventions to young people both in community and school settings in partnership with Healthy Families Healthy Children initiative is progressing.</p>	<p>There has been an increase in number of Medical referrals in the Breich Valley locality.</p> <p>Increased number of maintenance/rehab classes available to the West Lothian population.</p>



Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Anti-Poverty Strategy (Elaine Nesbit)</b>	529	233	170	126	<p>Different strands are incorporated into the anti-poverty strategy action plan and all are on target.</p> <p>Staff in post and delivering on key actions.</p> <p>Food Poverty Working Group – feasibility study on social supermarkets.</p> <p>Citizens Advice Bureau-additional money advice sessions.</p> <p>WL Advice Network – development worker one year fixed term post.</p> <p>Two year fixed term post for development worker – digital inclusion.</p> <p>Fund to be used for additional projects as agreed by APS Development group.</p>	<p>Vulnerable claimants will have benefits maximised.</p> <p>Families on lower incomes will protect themselves financially by having savings.</p> <p>People in West Lothian will be more financially resilient by being more aware of the help and support available locally.</p> <p>An anti-poverty champions group, made up of people affected by poverty, will be active in West Lothian.</p> <p>People will avoid fuel poverty by minimising their fuel costs.</p> <p>Vulnerable younger people will improve their financial skills.</p>
<b>Provision of Advice to People Affected by Welfare Reform (Elaine Nesbit)</b>	61	61	0	0	Workers in place and advising people affected by welfare reform.	Vulnerable claimants will have benefits income maximised.
<b>Credit Union Development Fund – Welfare Reform (Elaine Nesbit)</b>	70	70	0	0	<p>Spend and associated actions agreed with West Lothian Credit Union.</p> <p>Resource to continue Blackburn &amp; Seafeld District Credit Union (B&amp;SDCU) schools project.</p> <p>Remainder of funding to be allocated to B&amp;SDCU. Proposal due September 2014.</p>	<p>Increase in number of adults who have a credit union account.</p> <p>Increase number of primary school children who save with a credit union.</p>
<b>Support For Financial Inclusion – Welfare Reform (Elaine Nesbit)</b>	70	70	0	0	<p>One off funding given to WL Credit Union for support for Choices Loan Project.</p> <p>Paper due to committee in October with proposed actions and associated spends.</p>	<p>Adults make informed choices about lending and debt management.</p> <p>Affordable alternatives to pay-day lenders are available locally.</p>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Temporary Call Centre / CIS Staffing – Welfare Reform (Karen Cawte)</b>	160	160	0	0	Five staff employed in Customer Information Services (CIS) on temporary contracts to deal with Welfare Fund payments and additional enquiries as a result of Welfare Reform. Four staff employed in Customer Service Centre (CSC) on temporary contracts to deal with Scottish Welfare Fund applications.	Vulnerable clients will be supported to maximise income and minimise impact of welfare changes.
<b>Backfill Housing Need Officer Seconded to Welfare Reform work (Ann Marie Carr)</b>	43	30	13	0	Housing needs member of staff seconded to work on this area of welfare reforms.	Enhance support to persons impacted by Welfare Reform changes.
<b>Additional Revenues and Benefits Staff for Welfare Reform work (Sandra Malloy / Scott Reid)</b>	152	152	0	0	Staff are continuing to process benefit caseload and build on their knowledge and experience to allow them to deal with the wide range of work.	Claimants will continue to receive decisions on their Housing Benefit and Council Tax Reduction claims as timeously as possible.  The backlog of outstanding work will continue to reduce over the period of the project.
<b>Families Included expansion - Women offenders Initiative -Almond Project (Tim Ward)</b>	104	74	30	0	There is an established performance framework in place and there is a successful engagement rate of 91%. Only 10% of women have committed a further offence during the six months post engagement and those have reduced rates of offending and seriousness.  The project is monitored by the Reducing Reoffending Committee.  The project has been successful and sited within the Domestic Abuse and Sexual Assault Team (DASAT).	A reduction in the use of custody.  Reduction in offending and anti-social behaviour.  Increased benefit from supervision and programmed work in the community.  More effective liaison with criminal justice and mental health services.  Improvements in parenting.

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Families Included expansion - Domestic Abuse Perpetrators Project (Tim Ward)</b>	57	57	0	0	<p>Staff recruited and in post.</p> <p>Programme has been developed and performance measures in place.</p> <p>Domestic abuse programme is now in operation and there has been a significant increase in the use of Community Payback Orders for Domestic abuse perpetrators from the courts.</p>	<p>All victims of domestic abuse are better protected.</p> <p>All perpetrators who are sentenced to community based disposals take part in programmed work with a view to decreasing domestic abuse incidents.</p> <p>Reoffending is reduced.</p>
<b>Supporting Mental Wellbeing - Positive Parenting (Jane Kellock)</b>	213	160	53	0	<p>Four staff within Early Year Service and Children and Young People's Team taking forward this work.</p> <p>Staff will ensure increased delivery of proven parenting programmes for parents and carers of 0 - 3 year olds.</p> <p>In addition, increased capacity within existing staff teams will improve evaluation of progress made by children.</p> <p>The staff concerned are coordinating and along with staff from other service areas, delivering the Psychology of Parenting Project in 2013-14 and 2014-15. The first run of group work programmes (14 in total) has been delivered.</p>	<p>SOA 4 Our young people are successful learners, confident and independent, effective contributors and responsible citizens.</p> <p>SAO 7 We have tackled the significant inequalities in West Lothian society.</p>
<b>Supporting Mental Wellbeing - Young People's Mental Wellbeing (Jane Kellock)</b>	88	88	0	0	<p>The project has now delivered a range of tailored training courses to staff and young people with the highest risk of poor outcomes.</p> <p>The project is integral to the Mental Health -Mental Wellbeing Screening Group, offering advice, consultancy and training to professionals working in the field of mental health and wellbeing.</p> <p>In addition a bespoke training on self-harm has been developed and is being piloted.</p> <p>Two Train the Trainers courses have been developed: for Living Life to the Full and for Stress Less.</p>	<p>SOA 4 Our young people are successful learners, confident and independent, effective contributors and responsible citizens.</p> <p>SAO 7 We have tackled the significant inequalities in West Lothian society.</p>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Forecast Spend £'000	2015/16 Forecast Spend £'000	2016/17 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Alcohol Diversionary Activities (Alan Bell)</b>	150	150	0	0	<p>Funding has been allocated to the following organisations</p> <ul style="list-style-type: none"> <li>• £14,750 to Whitburn S1-S3</li> <li>• £12,220 to Firefly Ltd</li> <li>• £6,848 to Active Summer in Knightsridge</li> <li>• £11,140 to Friday Night Project</li> <li>• £6,800 to Polbeth Drop in</li> <li>• £11,414 to Craigshill Offbeat</li> </ul> <p>There are also 15 applications pending approval totalling £80,000, which leaves less than £7,000 unallocated.</p>	<p>Reduction in Anti-Social Behaviour</p> <p>Delivery of 1:1 Interventions</p> <p>Changing individual &amp; group attitudes to drinking</p>
<b>Support For Local Food Banks (Ian Hepburn)</b>	29	29	0	0	<p>West Lothian Council allocated this time limited funding to the following four organisations to support them in addressing food poverty:-</p> <ul style="list-style-type: none"> <li>• £15,000 to West Lothian Food Banks</li> <li>• £10,000 to CFINE West Lothian</li> <li>• £3,000 to Food Train West Lothian</li> <li>• £1,000 to the Salvation Army</li> </ul>	<p>This contributes to increased partnership working linked to the Anti-Poverty Strategy.</p>
<b>Preventative / Anti-Poverty Projects - Total</b>	<b>3,735</b>	<b>2,748</b>	<b>769</b>	<b>218</b>		
<b>TOTAL TIME LIMITED EXPENDITURE</b>	<b>8,615</b>	<b>5,111</b>	<b>1,832</b>	<b>1,031</b>		

## Appendix 2

## 2014/15 Revenue Budget Monitoring – Update on Budget Reductions categorised as Amber

<u>Description of Measure</u>	<u>Saving £'000</u>	<u>Action being taken to deliver</u>
Area Services - New community service delivery model for school community facilities	140	Revised proposal being progressed for implementation in October 2014.
Area Services - Revised cash payments facilities in Council Information Service premises (Total saving of £85,000 of which £61,000 has been categorised as Green, with balance Amber)	24	Further service redesign is being progressed.
Operational Services - Integrate school crossing patrol and facilities management	38	Redesign of Roads and Transportation and Facilities Management is being progressed which will deliver the saving later in the financial year
Operational Services - Introduction of seasonal night security in country parks	10	Redesign of Nets, Land and Countryside is being progressed which will deliver the saving later in the financial year
Operational Services - Internal transport savings (Total saving of £300,000 of which £276,000 has been categorised as Green, with balance Amber)	24	Proposals being progressed and remainder of saving is expected to be delivered later in the financial year.
Operational Services - Revised fishery opening dates	9	Redesign of Nets, Land and Countryside is being progressed which will deliver the saving later in the financial year
Social Policy - Community Alarms and Telecare: Introduce charging for new clients	22	The number of new installations are increasing and it is anticipated that the income target will be met.
Finance and Estates - Corporate Procurement contract savings (Total saving of £752,000 of which £496,000 has been categorised as Green, with balance Amber)	256	Work is ongoing to identify opportunities for savings from services annual procurement plans.
<b>Total</b>	<b>523</b>	





West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **2014/15 GENERAL SERVICES CAPITAL BUDGET – MONTH 4 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND ESTATES**

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

To provide the Council Executive with a report on the financial position in relation to the General Services Capital Programme following the completion of the month 4 monitoring exercise.

##### **B. RECOMMENDATIONS**

It is recommended that the Council Executive:

1. Notes the outcome of the month 4 monitoring exercise and the projected outturn;
2. Approves the amendments to the capital budget outlined in section 7 of the report.
3. Agrees that asset lead officers and the Head of Finance and Estates continue to take necessary action to deliver the overall programme.

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

<b>I Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's General Services Capital Programme is managed within the stringent requirements set out in the Prudential Code.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Effective capital implementation is vital to service performance.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	Capital expenditure of £46.696 million is projected in 2014/15, assuming over programming of £4 million.
<b>VII Consideration at PDSP</b>	Not applicable.

## VIII Other consultations

The capital monitoring exercise has involved consultation with Depute Chief Executives, Heads of Service, asset lead officers and capital project managers.

### D. TERMS OF REPORT

#### 1. Background

The report provides an update on the 2014/15 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2014/15 capital budget is £46.696 million which assumes £4 million of overprogramming.

#### 2. Summary of Month 4 Financial Information

The summarised actual and projected asset expenditure at month 4 is shown in the table below:

Asset Type	2014/15 Approved Budget £'000	Committed Expenditure at Month 4 £'000	2014/15 Projected Outturn £'000	2014/15 Projected Variance £'000
Property	27,037	12,217	25,269	(1,768)
Roads	11,964	2,053	10,846	(1,118)
Open Space	6,145	1,726	5,418	(727)
ICT	5,550	1,599	5,567	17
	50,696	17,595	47,100	(3,596)
Remaining Overprogramming	(4,000)	N/A	(404)	3,596
TOTAL	46,696	17,595	46,696	0

Reasonable progress is being made on the capital programme with the committed expenditure as a percentage of projected outturn at 38%. In overall terms, the monitoring exercise indicates that the projected outturn is £46.696 million.

#### 3. Summary of Forecasts and Pressures

The monitoring exercise indicates that projected expenditure in 2014/15 is £46.696 million. Of the £4 million of assumed over-programming, £3.956 million has already been utilised so to achieve the projected spend levels there is only scope for £404,000 of further slippage. If the programme progresses with no further slippage the balance in resources will be funded by accelerated borrowing, which can be accommodated within Treasury Management forecasts. Below is a summary of the forecast for each asset type, including details of material movements and pressures that have been identified:

##### Property

In overall terms, the monitoring exercise indicates that projected outturn expenditure in 2014/15 is £25.269 million, with £12.217 million of expenditure incurred to date, representing 48% of the 2014/15 projected outturn. A small number of larger projects are progressing more slowly than anticipated, resulting in net slippage of £1.768 million.



#### Children and Young People

There is £265,000 of slippage in relation to the two year old provision. A number of activities are currently being undertaken so that tasks are effectively prioritised for completion in August 2016.

#### Schools Developer Funded Projects

There is slippage forecast for the developer funded projects at St Anthony's Primary School and St Nicholas' Primary School. Resources within Construction Services are being realigned to focus on the delivery of the projects to recover the outturn position.

#### Stoneyburn Community Centre and Wee Croft

The Wee Croft has been completed and opened. The Stoneyburn Community Centre has involved detailed consultation with the management committee, community and elected members, resulting in the project being reprogrammed to 2015/16 to limit the impact on activities undertaken in the centre. This has resulted in slippage of £250,000.

#### Office and Depot Modernisation

Considerable work have been undertaken on the Depot Modernisation project to ensure that proposals can be delivered within budget, while meeting service requirements. Revised phasing of the project has resulted in slippage of £2.050 million in 2014/15. It is however anticipated that Lister Road will be completed by May 2015 and Whitehill will be completed by March 2016.

#### Schools Summer Programme of Works

An ambitious programme of works was undertaken to improve education buildings across West Lothian during the summer holiday period. Expenditure incurred was approximately £3.2 million which delivered 59 projects ranging from roof replacements and building rewiring to minor drainage works and decorative improvements. Staff from Construction Services, Building Services, Education Services and Finance and Estates, together with external contractors, worked closely to ensure the programme was effectively delivered. The planning and delivery of the works has been positively received and the results of the summer programme was reported to the Education Policy Development and Scrutiny Panel (PDSP) in September.

#### **Roads and Other Related Assets**

Projected outturn expenditure in 2014/15 is £10.846 million, resulting in net slippage of £1.118 million. In terms of actual spending, £2.053 million of expenditure, representing 19% of the 2014/15 projected outturn, has been incurred at period 4.

#### Roads and Footways

Commitment to date currently sits at 11% of the forecast outturn, which is less than expected at month 4. The Asset Lead Officer and project managers are taking actions to ensure the forecast outturn is achieved.

#### Flood Prevention and Drainage

There is £130,000 of slippage on two projects, the Flood Risk Management and Risk Management (Scotland) Act projects, as Scottish Water will not be able to progress Integrated Catchment Studies as quickly as had originally been planned.

#### Structures and Transportation

Net slippage of £668,000 has been identified which is mainly attributable to the revised phasing for the Drumshoreland Distributer Road project. The distributor road has had a ground investigation report completed which has resulted in the redesign and alignment of the housing plots and the road, and rephrasing of the works. The road is still to receive planning permission and the extent of the works are yet to be agreed, therefore the majority of the project has been reprogrammed to 2015/16 to commence in April 2015.

### Traditional Town Centres and Villages Improvements

The Shop Front and Village Improvement Funds have forecast a slippage of £366,000. Meetings are taking place to seek to improve the application process and to encourage communities and businesses to apply for funding.

### Light- Emitting Diode (LED) Street Lighting

The project to replace old street lighting columns with more cost effective and environmentally friendly LED lighting commenced in 2014/15 with the first phase now substantially complete. The project is scheduled to replace approximately 2,250 lighting columns in 2014/15 and to date has replaced over 2,220 which is a significant achievement in a short timescale. The LED lighting installed will deliver energy savings as well as reducing light pollution resulting in lighting which is more focussed and controlled onto the council's roads and footpaths.

### **Open Space**

The monitoring exercise indicates that projected outturn expenditure in 2014/15 is £5.418 million with £1.726 million of expenditure incurred to date, representing 32% of the 2014/15 projected outturn. A number of projects are progressing slower than anticipated, resulting in net slippage of £727,000.

### Open Space and Sport Facility Projects

There is net accelerated spend of £29,000 forecast for the open space and sport facility projects. However it should be noted that there is slippage in two projects, Bridgend Park, Linlithgow slippage of £170,000 is forecast as significant earthworks will be involved, which would be better undertaken during the spring of 2015. Kettilstoun Mains, Linlithgow there is slippage of £229,000 as the community led master plan for the area is still being discussed.

### East Calder Park Upgrade

There is forecast slippage of £90,000, pending finalisation of proposals East Calder Partnership Centre.

### Threemiletown Children's Play Area

Slippage of £60,000 is being reported as a result of ongoing discussion with the community, property management and development and Hopetoun Estates regarding the possible re-location of the park and play area.

### East Calder Cemetery

The contractor is now scheduled to start on site in March 2015 for completion in November 2015, resulting in slippage of £672,000 in 2014/15.

### **ICT**

Projected outturn expenditure in 2014/15 is slightly over budget at £5.567million. In terms of actual spending to date, £1.599 million of expenditure, representing 29% of the 2014/15 projected outturn, has been incurred at month 4. The reported accelerated spend will be accommodated as part of the budget roll-forward process at the year-end. Projects are either progressing as planned or are at project initiation, although a number of risks will continue to be managed.

## **4. Risks**

Effective management of risks is a key element of effective delivery of a large and varied capital investment programme. There are a number of risks summarised as follows:

### Property Assets

There are risks in the property statutory compliance programme that the forecast level of accelerated spend may result in overall overspends within these budgets. Construction Services are proactively monitoring these risks.

Where projects have forecast slippage they are identified as risks and will be closely monitored on a monthly basis to ensure no further slippage occurs.

### Roads and Other Related Assets

There are four areas of the roads programme with risks identified, which are U Class Roads, Flood Prevention and Drainage, Traffic Management and Town Centres and Villages. There are actions in place to mitigate and reduce the risks.

### Open Space Assets

Kettilstoun Mains is the only project identified as a high risk within the open space programme, this is due to the community led nature of this project which has resulted in delays in the phasing of the project as the master plan for the area is developed in engagement with the community.

### ICT

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

## **5. Resources**

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2014/15 capital programme is funded from a variety of sources comprising:

<b>Revised Funding Source</b>	<b>£'000</b>
Borrowing	18,047
Capital Grants	16,933
Other Contributions (Developer Contributions & Capital Fund)	8,476
Capital Receipts	<u>3,240</u>
Total Resources	<u>46,696</u>

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

## **6. Developer Contributions Update**

During the first four months of 2014/15, developer contribution income of £1.144 million was received. Further details can be found in appendix 2. The outstanding balance in the developer contribution accounts at the end of month 4 is £10.038 million.

## **7. Proposed Amendments to the Capital Budget**

The capital programme is kept under review to ensure appropriate adjustments are made when necessary. The following amendments to the programme are proposed.

### Firth Road

Following condition survey results it is recommended that urgent work is undertaken during 2014/15 at Firth Road Livingston. It is proposed that the project is funded from B Class, C Class and Adopted Footways contingency budget savings and a saving from safety fence works.

### Beecraigs Visitor Centre

The 2015/16 capital programme has an allocated budget of £194,000 to upgrade the existing Beecraigs Visitor Centre. However the existing visitor centre building is now past its life expectancy and investment in the building will not be cost effective, as expenditure incurred will only prolong the life of the building for a period of five to seven years. An opportunity has been identified to utilise the existing restaurant building to reconfigure the building and develop office space for the country park staff, a new visitor centre with café and other space for hire. The project will deliver office space and will increase opportunities to engage with visitors while complying with our asset management principles. To reconfigure the existing restaurant building would require additional resources of £267,000, which can be funded from prudential borrowing via increased income from the facility. It is proposed that the Beecraigs Visitor Centre is relocated to the existing restaurant building and that the building is reconfigured to provide office space, a franchised café and space which could be made available for hire.

### Grounds for Learning – Natural Play Project

Officers have been liaising with Grounds for Learning (GfL), which is a Scottish programme that supports outdoor learning and play for children through landscapes, to identify play areas in Primary Schools which could be developed and funded by GfL and school funds. The Natural Play Project aims to landscape school grounds to support children in exploring a more natural free flow play environment, using materials such as trees and rocks for climbing, sand and a variety of landscaped grass areas which promote creativity and the building of resilience.

GfL have confirmed that they will be supporting five West Lothian Primary Schools to improve their outdoor open space, with the grant award of £14,500 towards each school. Contributions will also be made from school funds and parent councils to meet the cost of the projects. The schools involved are:

- Dedridge Primary School – £14,500 GfL funding
- Longridge Primary School - £14,500 GfL funding plus £5,000 from school fund
- Croftmalloch Primary School - £14,500 GfL funding plus £1,500 from school fund
- St John Ogilvie Primary School - £14,500 GfL funding plus £4,000 from school fund
- Uphall Primary School - £14,500 GfL funding plus £3,000 from parent council and £3,500 from school fund

It is proposed the above school projects are incorporated in to the capital programme in 2014/15.

### New Primary School South Armadale

In May 2014 Council Executive was advised of progress with the developer at Southdale with respect to signing a Section 75 Planning Obligation Agreement to transfer land for a new school and to provide funding for the first phase of the school. The report highlighted that there would be an early need to provide additional class spaces beyond the four class organisation originally planned, and set out that any need for an extension beyond a four class organisation would be considered when the needs assessment has been completed.

Work has now identified that it would be prudent to plan for an eight class organisation as a first phase. An eight classroom structure would deliver the required number of classrooms for the first phase along with nursery and two year old provision, together with ancillary accommodation such as gym hall, dining area and other learning resources. The cost of delivering an eight classroom structure is estimated to be £7.5 million, which is £2m above the currently identified budget.

It is intended that the full cost of the school, which is ultimately planned as a full two stream school with nursery accommodation will be funded by developers but forward funding via borrowing is required to ensure that the school is available for the 2016/17 academic year. This forward funding can be accommodated within the current Treasury Management Plans.

As with any negotiations based upon housing development, there are a number of risks and uncertainties that can impact on the delivery of previously agreed plans.

It is proposed that the increase in classroom capacity costing £2 million is incorporated into the capital programme. As noted this requires an increase in borrowing, with the capitals costs refunded in due course by developers.

#### St Anthony's Primary School Armadale

The first phase extension at St Anthony's will deliver additional classrooms, a hall and administration accommodation this was incorporated into the capital programme with a budget of £1.968 million for completion in 2015/16. However following a report on ground conditions it is recommended that work is now undertaken to prepare the foundations for future extensions and developments to the school. In addition to this there are also additional costs associated with improved playground provision, replacement of the ash pitch with a new grass pitch and an upgrade to the boiler, electricity supply and fire alarms to accommodate the extension that were not previously foreseen. The accelerated and increased works to be undertaken is estimated to increase the phase one budget from £1.968 million to £3.5 million. It should be noted that future works undertaken to deliver the second phase are currently estimated to be £2.5 million as opposed to £3.5 million. It is intended that the cost of delivering the extension of the school will be funded by developers, however this will be forward funded via borrowing to ensure the extension is available by academic year 2015/16. The forward funding has been assessed and can be accommodated within the current Treasury Management Plans.

## **8. Other Strategic Issues**

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans and these are set out below:

### **Risk Management and Uncertainty**

The budget monitoring process focuses attention on risks to the performance of the capital programme.

### **Affordability, Prudence and Sustainability**

In overall terms, I would assess that the capital plan remains affordable, subject to identified risks being managed. Capital receipts have been amended to reflect challenging market conditions but they will be kept under close review.

### **Stewardship of Assets**

The council's strategic approach to capital planning, involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members.

### **Value for Money and Best Value**

All aspects of the programme are geared towards securing Best Value.

## **E. CONCLUSION**

Following the month 4 monitoring process, the 2014/15 outturn forecast is £46.696 million. Good progress is being made on delivery of the programme and, at the end of month 4, expenditure to date accounts for 38% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have also been identified and will continue to be managed by asset lead officers and monitored by the CMT.

## **F. BACKGROUND REFERENCES**

General Services Capital Programme – Report by Head of Finance to Council Executive 19 June 2014

Appendices/Attachments:      1. General Services Capital Monitoring Update Month 4  
   2. Developer Contributions Update Month 4

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**Donald Forrest**  
**Head of Finance and Estates**  
**17 September 2014**

**APPENDIX 1****2014/15 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4 MONITORING****PROPERTY ASSETS****Planned Improvements and Statutory Compliance**

	Annual Budget 2014/15 £'000	Total known commitment to year end £'000	P12 forecast 2014/15 £'000	P12 variance 2014/15 £'000	Variance Analysis
Nursery Schools	211	16	211	0	On Budget
Primary Schools	2,838	698	2,765	(73)	Accelerated / Slippage
Secondary Schools	864	335	889	25	Accelerated / Overspend
Special Schools	455	16	455	0	On Budget
School Estate Wide Improvements (Kitchens)	100	54	100	0	On Budget
Arts Venues	80	0	80	0	On Budget
Care Homes	9	21	11	2	Accelerated / Overspend
Cemeteries	10	0	10	0	On Budget
Community Centre and Halls	781	96	930	149	Overspend
Country Parks	105	8	115	10	Overspend
Disability Day Centres	48	0	48	0	On Budget
Family Centres	100	2	100	0	On Budget
Libraries	30	0	30	0	On Budget
Partnership Centres	50	2	51	1	Overspend
Youth Residential Units	5	1	6	1	Overspend
Sport Pavilions	50	1	50	0	On Budget
Miscellaneous	176	251	187	11	Accelerated
Operational Offices	180	28	104	(76)	Slippage
Tenanted Non Residential Properties	200	84	200	0	On Budget
General Statutory Compliance	1,694	540	1,803	109	Accelerated / Slippage
<b>Total Planned Improvements</b>	<b>7,986</b>	<b>2,153</b>	<b>8,145</b>	<b>159</b>	

**Property Projects****Schools General Projects**

Additional School Estate Capacity	0	3	700	700	Accelerated
Blackridge Primary School	100	26	100	0	On Budget
Burnhouse School, Whitburn	100	50	100	0	On Budget
Children and Young People Bill - Two Year Olds Provision	415	47	150	(265)	Slippage
Free School Meals - Production Kitchens	1,550	0	1,550	0	On Budget
New School, Breich	210	86	250	40	Overspend
Renewables (School Estate)	257	12	257	0	On Budget
Other School Projects	260	65	211	(49)	Slippage
	<b>2,892</b>	<b>290</b>	<b>3,318</b>	<b>426</b>	

**Schools Projects - Developer Funded**

Various Projects	2,435	1,382	2,257	(178)	Slippage
	<b>2,435</b>	<b>1,382</b>	<b>2,257</b>	<b>(178)</b>	

**Operational Buildings**

Community Property Integration and Modernisation	300	11	300	0	On Budget
Rosemount Court, Bathgate	3,704	6,089	3,704	0	On Budget
Other Operational Buildings	1,148	218	898	(250)	Accelerated / Slippage
	<b>5,152</b>	<b>6,317</b>	<b>4,902</b>	<b>(250)</b>	

**Office and Depot Modernisation Projects**

	8,210	1,920	6,165	(2,045)	Slippage
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**Energy Savings and Spend to Save**

	235	15	235	0	On Budget
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**Miscellaneous Projects**

	127	140	247	120	Accelerated / Overspend
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**Total Property Projects**

	<b>19,051</b>	<b>10,064</b>	<b>17,124</b>	<b>(1,927)</b>	
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**TOTAL PROPERTY ASSETS**

	<b>27,037</b>	<b>12,217</b>	<b>25,269</b>	<b>(1,768)</b>	
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**ROADS AND RELATED ASSETS****Roads and Footways**

A Class Roads	600	97	622	22	Overspend
B Class Roads	348	15	341	(7)	Saving
C Class Roads	580	9	540	(40)	Saving
U Class Roads	942	296	1,039	97	Overspend
Non Adopted Roads & Footways	566	18	578	12	Accelerated
Adopted Footways	522	34	512	(10)	Saving
General Roads Projects	372	(24)	344	(28)	Saving
	<b>3,930</b>	<b>446</b>	<b>3,976</b>	<b>46</b>	

**Flood Prevention and Drainage**

Flood Prevention and Drainage	339	44	209	(130)	Slippage
Broxburn Flood Prevention Scheme	203	52	203	0	On Budget
	<b>542</b>	<b>96</b>	<b>412</b>	<b>(130)</b>	

**Road Lighting**

	<b>1,805</b>	<b>647</b>	<b>1,805</b>	<b>0</b>	On Budget
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<b>2014/15 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4 MONITORING</b>	<b>Annual Budget 2014/15 £'000</b>	<b>Total known commitment to year end £'000</b>	<b>P12 forecast 2014/15 £'000</b>	<b>P12 variance 2014/15 £'000</b>	<b>Variance Analysis</b>
<b><u>Structures and Transportation</u></b>					
<b><u>Road Safety</u></b>					
Cycling, Walking and Safer Streets	437	90	437	0	On Budget
Inverlmond Community High - Footpath	28	0	28	0	On Budget
Road Casualty Reduction Schemes	215	9	215	0	On Budget
School Road Safety Schemes	10	0	10	0	On Budget
School Travel Schemes	20	0	20	0	On Budget
Speed Limits Review and Implementation	11	0	11	0	On Budget
	<b>721</b>	<b>98</b>	<b>721</b>	<b>0</b>	
<b><u>Traffic Management</u></b>					
Disabled Parking Act Implementation	50	14	50	0	On Budget
Drumshoreland Distributor Road	896	18	100	(796)	Slippage
Linlithgow Parking Strategy	30	81	81	51	Overspend
Pumpherston and Uphall Station Primary School - Road Works	91	2	91	0	On Budget
St Nicholas Primary School, Broxburn, Extension	195	3	195	0	On Budget
Other	926	181	926	0	On Budget
	<b>2,188</b>	<b>298</b>	<b>1,443</b>	<b>(745)</b>	
<b><u>Structures</u></b>					
Adopted Bridges - Assessment and Strengthening of Weak Bridges	435	111	450	15	Overspend
Adopted and Non Adopted Bridges - Backlog and Lifecycle Investment	1,512	233	1,574	62	Overspend
	<b>1,947</b>	<b>343</b>	<b>2,024</b>	<b>77</b>	
<b>Total Structures and Transportation</b>	<b>4,856</b>	<b>740</b>	<b>4,188</b>	<b>(668)</b>	
<b>Town Centres and Villages Improvement Fund</b>	<b>831</b>	<b>125</b>	<b>465</b>	<b>(366)</b>	Slippage
<b>TOTAL ROADS ASSET</b>	<b>11,964</b>	<b>2,053</b>	<b>10,846</b>	<b>(1,118)</b>	
<b><u>Open Space Assets</u></b>					
Open Space and Sports Facility Projects	2,161	918	2,190	29	Slippage / Accelerated
Open Space and Sports Facility Planned Improvements	1,318	321	1,263	(55)	Slippage
Open Space Parks Drainage	65	15	69	4	Overspend
Children's Play Areas	423	407	365	(58)	Slippage
Synthetic Turf Pitches	1,219	18	1,218	(1)	Saving
Cemeteries	835	47	189	(646)	Slippage
Land Decontamination	124	0	124	0	On Budget
<b>TOTAL OPEN SPACE ASSET</b>	<b>6,145</b>	<b>1,726</b>	<b>5,418</b>	<b>(727)</b>	
<b><u>ICT Assets</u></b>					
Corporate and Modernisation	3,789	1,491	3,806	17	Overspend
School Specific Spend	1,761	108	1,761	0	On Budget
<b>TOTAL ICT ASSET</b>	<b>5,550</b>	<b>1,599</b>	<b>5,567</b>	<b>17</b>	
<b>TOTAL</b>	<b>50,696</b>	<b>17,595</b>	<b>47,100</b>	<b>(3,596)</b>	
<b>Overprogramming</b>	<b>(4,000)</b>	<b>0</b>	<b>(404)</b>	<b>3,596</b>	
<b>TOTAL - ALL ASSETS</b>	<b>46,696</b>	<b>17,595</b>	<b>46,696</b>	<b>0</b>	



**2014/15 DEVELOPER CONTRIBUTIONS - MONTH 4 MONITORING**

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/14	Income 2014/15	Draw downs 2014/15	Balance at 31/07/14	Details of Committed Funds
	£	£	£	£	
Affordable Housing	380,890	0	0	380,890	Resource for phase 2 of council house building
Armada Academy	7,455	11,236	0	18,691	Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	2,759,127	73,914	0	2,833,041	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	45,242	0	0	45,242	Will be used to fund travel co-ordinator post
A801 Dualling	102,024	25,000	0	127,024	Committed to dualling of A801
Cemetery Provision	13,095	1,350	0	14,445	Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	173,353	4,874	0	178,226	Committed to provision of public art
St Nicholas PS, Broxburn	17,390	3,689	0	21,079	Will be used to fund extension to St. Nicholas Primary School. Refund has been paid for planning permission no longer required
St Paul's PS, East Calder	225,797	0	0	225,797	Will be used to fund extension to St. Paul's Primary School
Holy Family PS, Winchburgh	496,856	0	0	496,856	Committed to fund costs of extension to Holy Family Primary School
Play Areas	228,039	0	0	228,039	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	25,860	0	0	25,860	Will be used to fund extension of St Mary's Primary School
Parkhead PS	1,259	0	0	1,259	Used to fund extension to Parkhead Primary School
Linlithgow Academy	103,210	2,738	0	105,948	Fund for extension of Linlithgow Academy
Bathgate Academy	328,735	0	0	328,735	Will be used to fund Bathgate Academy extension
Whitburn Academy	244,511	1,651	0	246,163	Will be used to fund Whitburn Academy extension
St Mary's PS, Bathgate	141	0	0	141	Has been used to fund extension of St Mary's Primary School
Kirknewton PS	4,398	0	0	4,398	Will be used to fund extension of Kirknewton
A71 Wilkinston Bypass	105,874	0	0	105,874	Committed to A71 Works
Almondell & Calderwood Country Park	24,720	0	0	24,720	Committed to improving Almondell & Calderwood Country Park
East Calder Park	49,440	0	0	49,440	Committed to improving East Calder Park
East Calder Public Car Park	4,944	0	0	4,944	Committed to improving East Calder Public Car Park
St Paul's Primary School Footpath	32,135	0	0	32,135	St Paul's Primary School Footpath
East Calder Primary School	156,471	0	0	156,471	East Calder Primary School
Town & Village Centre Policy	23,311	0	0	23,311	Town & Village Centre Policy
Denominational Primary, Armadale	81,991	0	0	81,991	Will be used to fund extension of St Anthony's Primary School
Armadale Primary School S75	93,463	0	0	93,463	Will be used to fund works required at Armadale Primary School
Wester Inch, Bathgate	638,505	0	0	638,505	Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Civic Centre Roads/BMX Park	54,542	0	0	54,542	Funding for BMX / skate park in Livingston
Off site environmental works, West Mains	32,631	0	0	32,631	Will be used to fund off site works
Livingston Town Centre Waiting Restrictions	60,605	0	0	60,605	Will be used in Livingston town centre
Non-denominational Primary, Armadale	1,428,682	1,020,000	0	2,448,682	Will be used to fund education infrastructure in Armadale
Non-denominational Primary, Bathgate	2,708	0	0	2,708	Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	88,251	0	0	88,251	Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	671,775	0	0	671,775	Calders Non Denominational Secondary School
Linlithgow Bridge PS MUGA	60,155	0	0	60,155	Will be used to fund Multi Use Games Area (MUGA)
Mill Roundabout, Elburn	88,895	0	0	88,895	Will be used to fund improvements at the roundabout
Kirknewton Park & Ride	37,081	0	0	37,081	Kirknewton Park & Ride
<b>TOTAL</b>	<b>8,893,560</b>	<b>1,144,452</b>	<b>0</b>	<b>10,038,013</b>	





West Lothian  
Council

**COUNCIL EXECUTIVE**

**2014/15 HOUSING REVENUE ACCOUNT – MONTH 4 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on financial performance in relation to the month 4 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that the Council Executive notes the outcome of the month 4 monitoring exercise and the projected outturn.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<i>"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."</i>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	West Lothian Council approved £43.282 million budget on 19 December 2013. A breakeven position is predicted at this stage.
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable
<b>VIII</b>	<b>Other consultations</b>	Head of Finance & Estates.

## D. TERMS OF REPORT

### D.1 Introduction

The council approved a £43.282 million HRA Revenue budget on 19 December 2013. This report provides information on the financial position in relation to the HRA as at 31 July 2014 and provides a projection to the year end.

### D.2 Summary of Month 4 Financial Information

The table below summarises the position for the main expenditure heads and provides a projected out-turn.

	2014/15 Budget £'000	Committed Expenditure to 31 July £'000	2014/15 Projected Out-turn £'000	2014/15 Projected Variance £'000
Employee Costs	4,121	4,117	4,175	54
Premises Costs	14,374	5,287	14,374	0
Transport Costs	152	142	152	0
Supplies & Services	3,579	3,119	3,525	(54)
Third Party Payments	79	77	79	0
Transfer Payments	765	255	765	0
Support Services	2,365	788	2,365	0
Capital Financing	10,623	3,541	10,623	0
CFCR	7,224	2,408	7,224	0
<b>Total Expenditure</b>	<b>43,282</b>	<b>19,734</b>	<b>43,282</b>	<b>0</b>
Income	(43,282)	(19,500)	(43,282)	0
<b>Net Expenditure</b>	<b>0</b>	<b>234</b>	<b>0</b>	<b>0</b>

#### Employee Costs

Employee costs are forecast to overspend by £54,000 as a result of the temporary additional resource employed to assist with welfare reform and rent arrears issues.

#### Premises Costs

Based on current information, premises costs are projected to break even. However, expenditure on repairs is demand led and reactive to customer requirements, which will require this budget to be closely monitored during 2014/15 and for appropriate action to be taken to control expenditure within available resources.

#### Supplies & Services

Supplies and services are forecast to underspend by £54,000 due to savings across a range of budget headings.

#### Capital Financing & CFCR

The mix between borrowing and Capital Funded from Current Revenue (CFCR) is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account.

Following the latest assessment of capital financing charges, it is proposed that the budget for CFCR be reduced from £7.585 million to £7.224 million in line with latest capital financing projections, with an associated adjustment to budgeted borrowing levels. In overall terms, officers have assessed the resource projections are achievable, although there are various risks that will require careful monitoring.

The level of CFCR transfer will be further reassessed during the financial year, dependant on final capital borrowing requirements and related costs. The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and collection levels for housing rent.

### Income

Income forecasts relate to the total level of rent and other miscellaneous charges due to the HRA revenue account during 2014/15.

The value of current tenant arrears at 31 July 2014 stood at £1.797 million (5,445 cases) compared to £1.319 million (4,201 cases) at 31 March 2014. The broadly equivalent position at 31 July 2013 was arrears of £1.725 million (6,144 cases).

Arrears and their impact on the financial position of the HRA will continue to be closely monitored, and information on the level of arrears will be reported to the Services for the Community Policy Development and Scrutiny panel on a regular basis during 2014/15.

Based on latest assumptions of housing completions, house sales and disposals, the rental income is currently forecast to breakeven, assuming new build completion dates are achieved.

## **E. CONCLUSION**

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

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**Graeme Struthers**  
**Depute Chief Executive**  
**16 September 2014**





West Lothian  
Council

**COUNCIL EXECUTIVE**

**2014/15 HOUSING CAPITAL REPORT – MONTH 4 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 4 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that Council Executive note the outcome of the month 4 monitoring exercise and projected out-turn.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
<b>II</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>III</b>	<b>Impact on performance and performance Indicators</b>	None
<b>IV</b>	<b>Relevance to Single Outcome Agreement</b>	<i>"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."</i>
<b>V</b>	<b>Resources - (Financial, Staffing and Property)</b>	Council Executive approved a revised HRA Capital budget of £36.833 million on 19 June 2014.
<b>VI</b>	<b>Consideration at PDSP</b>	Not applicable
<b>VII</b>	<b>Other consultations</b>	Consultation has taken place with Housing Building & Construction Services and Finance & Estates Services.

## **D. TERMS OF REPORT**

### **D.1 Introduction**

The council approved a five year programme for Housing capital investment in January 2013. A revised 2014/15 HRA Capital budget, comprising a £36.833 million investment programme, was approved by Council executive on 19 June 2014 to take account of the 2013/14 out-turn and latest circumstances. This report contains detail of expenditure to date in the HRA Capital programme and provides a projected out-turn for the financial year

### **D.2 Summary of Month 4 Financial Information**

The summarised position for actual and projected expenditure is shown below. The table shows investment of £4.954 million in our housing stock as at 31 July 2014. The forecast expenditure for the year is £34.555 million. It should be noted that the investment programme can be split into two broad categories: new build housing where expenditure will largely be incurred in the latter part of the financial year as procurement contracts come into effect; and refurbishment of existing stock where large scale housing projects are undertaken by Building Services following completion of the summer investment programme in schools.

	<b>2014/15 Revised Budget £'000</b>	<b>Committed Expenditure at Month 4 £'000</b>	<b>2014/15 Projected Out-turn £'000</b>	<b>2014/15 Projected Variance £'000</b>
New Build Phase 2	3,610	1,036	3,610	0
New Build 1,000 Houses	12,350	557	12,376	26
SHQS Work	225	1	110	(115)
Major Refurbishment	3,767	432	3,165	(602)
Roofs and Roughcasting	4,420	466	2,675	(1,745)
Planned Programmes	6,190	1,014	6,100	(90)
Environmental / External	895	256	903	8
Miscellaneous	5,376	1,192	5,616	240
Total	36,833	4,954	34,555	(2,278)

#### **New Build Housing Phase 2**

New Build Phase 2 continues at Little Boghead, with new houses being handed over to the council and building works will be completed this financial year.

#### **New Build 1,000 Houses**

Work is progressing at Broxburn Old School and Adelaide Street in Craigshill, where existing properties are being converted to housing. New Build Lots 1 and 2 have been tendered and Lovell Partnerships are the successful contractor. For Lot 1, a total of 195 houses are planned in Pumpherston, Wester Inch in Bathgate, and in Redhouse in Blackburn. Planning applications have been submitted for Pumpherston and Bathgate, with Blackburn expected to be submitted in September. Lot 2 is at Kirkhill in Broxburn, where 230 houses are planned, and detailed studies on the site are currently being undertaken by the contractor, before an application for planning permission will be submitted.

The tender returns for Lot 3 are currently being evaluated, with the tender submissions for Lot 4 and 5 scheduled for November and December 2014.



### **Scottish Housing Quality Standard**

West Lothian Council has had a significant investment programme in its housing stock over the last ten years and it is fully expected that our council houses will meet the Scottish Housing Quality Standard (SHQS) in 2015. Survey work is undertaken prior to capital investment to determine the level of work to meet SHQS requirements, at this stage surveys have indicated that less work is required on external lighting and handrails, than was originally anticipated when budget levels were approved.

### **Major Refurbishments**

Major refurbishment has been completed at Park Road in Blackridge. Work is ongoing at Mayfield in Armadale, an underspend is expected this year as the results of an initial pilot project will inform the detail of further work to be undertaken in this area. Major work is due to commence at Bathville and Main Street in Fauldhouse later in the year. These works largely relate to roof and roughcast as well as other structural repairs and open space management.

### **Roof and Roughcasting**

There is an increased focus on Building Services undertaking roof and roughcasting work within the Housing capital programme. Therefore, the start date for a number of roof and roughcasting projects will be delayed, until Building Services have completed the summer investment programme in schools and new kitchens for primary schools, (to allow delivery of the policy of free school meals to P1 to P3 in January). Budgets for any delayed roof and roughcasting projects, will be carried forward to 2015/16 as required.

### **Planned Programmes**

Planned programmes including a range of energy efficiency measures and include central heating replacements, electrical testing and repairs, painting and fencing programmes. These projects are all progressing well and expenditure will be contained within available budgeted resources.

### **Environmentals / External Upgrades**

There are a number of tenant led environmental projects and street improvement projects planned. These projects are expected to be completed this year and budgets will be fully spent.

### **Miscellaneous**

This category includes other expenditure on West Lothian housing infrastructure, including refurbishment of the Blackburn Homelessness Unit and progress on the Deans South site to enable housing development. Work at Deans South includes the purchase of 56 plots from Castle Rock Housing Association, to enable demolitions and clearance of the site for the New Build project. Mortgage to Rent properties continue to come on-stream to expand the housing stock, with resources for the purchase of 15 houses budgeted for within 2014/15.

## **D.3 Capital Resources**

The table below shows the capital resources available to fund the housing capital programme in 2014/15. It should be noted that the investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from council house sales, government grants and council tax on second homes.

The mix between borrowing and CFCR is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account.

Following the latest assessment of capital financing charges, it is proposed that the budget for CFCR be reduced from £7.585 million to £7.224 million in line with latest capital financing projections, with an associated adjustment to budgeted borrowing levels. In overall terms, officers have assessed the resource projections are achievable, although there are various risks that will require careful monitoring.

	<b>2014/15 Revised Budget £'000</b>	<b>Income to Month 4 £'000</b>	<b>2014/15 Projected Out-turn £'000</b>	<b>2014/15 Projected Variance £'000</b>
House Sales	2,000	393	2,000	0
Borrowing	25,676	1,668	23,398	(2,278)
CFCR	7,224	2,408	7,224	0
Government Grants	1,748	300	1,748	0
Council Tax 2nd Homes	185	185	185	0
<b>Total Income</b>	<b>36,833</b>	<b>4,954</b>	<b>34,555</b>	<b>(2,278)</b>

#### **House Sales**

As at 31 July 2014, receipts from house sales totalled £0.393 million from the sale of properties. Sales projections are estimated at £2 million for the year.

#### **Borrowing**

At this stage it is anticipated that £23.398 million of borrowing will be required to meet projected expenditure levels.

#### **CFCR**

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £7.224 million. It should be noted that final contribution can be subject to capital borrowing requirements and related cost, as well as affordability within the HRA revenue account subject to pressures such as rent arrears and reactive repair costs.

### **D.4. Other Strategic Issues**

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans and these are set out below:

#### **Risk Management and Uncertainty**

The budget monitoring process focuses attention on risks to the performance of the capital programme. The impact of housing rent arrears will continue to be closely monitored.

#### **Affordability, Prudence and Sustainability**

In overall terms, I would assess that the capital plan remains affordable, subject to identified risks being managed.

#### **Stewardship of Assets**

The council's strategic approach to housing capital planning takes into account progress against Scottish Housing Quality Standards.

**Value for Money and Best Value**

All aspects of the programme are geared towards securing Best Value.

**E. CONCLUSION**

Good progress is being made in the Housing Capital investment programme and particularly within the New Build area, although expenditure will largely be incurred in the latter part of the financial year.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock and to increase the number of available houses for West Lothian residents.

Some slippage is expected due to capacity issues and an overall underspend of £2.278 million is anticipated. However, where slippage occurs resources will be carried forward to 2015/16 for work to be completed.

Budgets will continue to be closely monitored and the position managed by appropriate lead officers to ensure the 5 year programme remains within budget.

Appendices/Attachments: Council Executive P4 Housing Capital Monitoring

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**Graeme Struthers**  
**Depute Chief Executive**  
**16 September 2014**



**APPENDIX 1****2014/15 HOUSING CAPITAL PROGRAMME - PERIOD 4 MONITORING EXPENDITURE**

	Annual Budget 2014/15 £'000	Total known commitment to year end £'000	P12 Forecast 2014/15 £'000	P12 Forecast Variance £'000
<b>NEW BUILD</b>				
New Build Houses Phase 2	3,610	1,036	3,610	0
New Build 1,000 Council Houses Programme	12,350	557	12,376	26
<b>TOTAL NEW BUILD</b>	<b>15,960</b>	<b>1,593</b>	<b>15,986</b>	<b>26</b>
<b>SHQS</b>				
External lighting	100	1	50	(50)
Handrails	125	0	60	(65)
<b>TOTAL SHQS</b>	<b>225</b>	<b>1</b>	<b>110</b>	<b>(115)</b>
<b>MAJOR REFURBISHMENT</b>				
Mayfield Area, Armadale, Roof and render repair. Multiple years.	1,200	118	600	(600)
Harrison Houses - Loch Scheme, Whitburn. Roof, stair and balcony repairs.	100	0	98	(2)
Main Street, Fauldhouse. Major upgrades. Multiple year programme.	1,191	17	1,191	0
Park Road Flats, Blackridge, structural repairs with open space management.	411	227	411	0
Bathville Flats, Armadale. Roof and render repairs.	750	9	750	0
Moorelands, Addiewell. Roof and render repairs.	115	60	115	0
<b>TOTAL MAJOR REFURBISHMENT</b>	<b>3,767</b>	<b>432</b>	<b>3,165</b>	<b>(602)</b>
<b>ROOFS AND ROUGHCAST</b>				
Lanrigg Area, Fauldhouse	530	0	200	(330)
Felt & Rosemary Tiled Roofs: inc. Empire St	500	29	500	0
Riddochill Area, Blackburn	820	10	200	(620)
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	1,000	140	800	(200)
Cuthill, Stoneyburn	600	0	100	(500)
Crossgreen Drive, Wyndford & Kirkflat Uphall & Holygate Place Broxburn	565	146	565	0
Mid Street Deans, Livingston	0	7	0	0
Bank Street, Whitburn	0	27	27	27
Strathlogie, Westfield	110	0	110	0
Beech Place / Dean Place, Seafeld	110	3	50	(60)
Mossie Drive Blackburn	120	66	86	(34)
46 to 52 Auldhill Ave Bridgend	65	0	0	(65)
St Helen's Place Armadale	0	3	0	0
Barbauclaw Armadale	0	31	37	37
Loganlea Addiewell	0	4	0	0
<b>TOTAL ROOFS AND ROUGHCAST</b>	<b>4,420</b>	<b>466</b>	<b>2,675</b>	<b>(1,745)</b>
<b>PLANNED PROGRAMMES</b>				
Periodic testing and repairs / Electric Wiring	800	115	710	(90)
Kitchens and Bathrooms Renewals.	250	17	250	0
Window Replacement	200	0	200	0
Hard wired smoke detectors upgrade programme.	150	7	150	0
Painting of timber and render.	600	0	600	0
Common Stair Upgrades Floor, stair and wall repair.	265	26	265	0
Rhone Cleaning and Repair	400	1	400	0
New and Replacement Fencing	200	19	200	0
Central Heating -upgrade and replacement of boilers and distribution systems.	2,300	526	2,300	0
Insulation and Energy Efficiency - upgrade and replacement of cavity wall and loft insulation	325	47	325	0
Insulation and Energy Efficiency - external wall insulation.	200	0	200	0
Planned Reactive / HIO Investment - High value urgent upgrades.	500	257	500	0
<b>TOTAL PLANNED PROGRAMMES</b>	<b>6,190</b>	<b>1,014</b>	<b>6,100</b>	<b>(90)</b>
<b>ENVIRONMENTAL / EXTERNAL UPGRADING</b>				
Tenant Led Projects -Small Environmentals	175	1	175	0
Street Improvements - Area Improvements	100	3	100	0
Programmed Drainage -join Housing and Roads Service programme.	50	0	50	0
Play Areas in Council Housing Areas.	120	243	120	0
Dick Gardens - Landscaping.	0	8	8	8
North Reeves - Landscaping.	250	0	250	0
Bin Store - Access, condition and suitability Improvements -	200	2	200	0
<b>TOTAL ENVIRONMENTAL / EXTERNAL UPGRADING</b>	<b>895</b>	<b>256</b>	<b>903</b>	<b>8</b>
<b>MISCELLANEOUS</b>				
Upgrade of Blackburn Homeless Unit	2,030	13	2,030	0
Deans South - site maintenance, including services.	860	475	1,100	240
Aids and Adaptations to assist active living.	800	201	800	0
Asbestos removal - survey, removal and reinstatement costs of disturbed asbestos.	350	121	350	0
Legionella Upgrades - survey and removal of risk in common storage systems.	20	0	20	0
Feasibility Surveys	50	(6)	50	0
Home Safety Service - supporting independent living.	170	170	170	0
Home Security for Senior People	35	6	35	0

**APPENDIX 1****2014/15 HOUSING CAPITAL PROGRAMME - PERIOD 4 MONITORING**

Demolitions - Bents, Stonbeyburn, Glen Devon (whitburn).  
 Capita Housing System  
 Mortgage to Rent, supporting government private house purchase scheme.

**TOTAL MISCELLANEOUS****TOTAL EXPENDITURE****RESOURCES**

CFCR - Core  
 Capital Receipts  
 Borrowing  
 Government Grant  
 Council Tax on second homes

**TOTAL RESOURCES**

Annual Budget 2014/15	Total known commitment to year end	P12 Forecast 2014/15	P12 Forecast Variance
211	116	211	0
250	14	250	0
600	83	600	0
<b>5,376</b>	<b>1,192</b>	<b>5,616</b>	<b>240</b>
<b>36,833</b>	<b>4,954</b>	<b>34,555</b>	<b>(2,278)</b>
7,224		7,224	0
2,000		2,000	0
25,676		23,398	(2,278)
1,748		1,748	0
185		185	0
<b>36,833</b>		<b>34,555</b>	<b>(2,278)</b>



## **COUNCIL EXECUTIVE**

### **PROCUREMENT ARRANGEMENTS – SUPPLY OF TELECARE MAINTENANCE AND ASSOCIATED WORKS**

#### **REPORT BY HEAD OF FINANCE AND ESTATES**

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

To seek Council Executive's approval to commence tendering procedures for the procurement of a four year contract for provision of telecare maintenance and associated works with a start date of 1 March 2015 employing the evaluation methodology and criteria detailed in the recommendation detailed in Section D.

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

It is recommended that the Council Executive approves:

- 1) The use of the Open Procedure whereby all suppliers expressing an interest in the contract will be invited to tender.
- 2) The following award criteria be applied at the tender stage:

Price	- 40%
Technical Ability and Quality	- 60%

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

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Making best use of our resources
	Working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2012.
<b>III Implications for Scheme of Delegations to Officers</b>	None

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	This is a revenue budget of £180,000 for Telecare Maintenance, excluding the element that will be required to fund the in-house battery maintenance.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	The specification has been provided by the service area, who will also participate in the evaluation. The Corporate Finance Manager was consulted on budget implications. Guidance on Community Benefits was obtained from the Community Benefits officer.

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

##### **Background**

West Lothian's Community Health and Care Partnership's (WL CHCP) overall vision is to increase well-being and reduce health inequalities across all communities by commissioning a range of high quality health and social care services to meet the needs and outcomes of the people living in West Lothian and their communities.

To achieve this vision, services are commissioned with a focus on prevention and early intervention, to enable people to maximise their independence and remain within their own homes and within their local communities wherever possible with an improved quality of life, which respects their autonomy, independence, freedom and dignity.

Telecare is the name given to a range of equipment that can be used to support safety and independence within service users' own home, in a Care Home, Sheltered Housing or Housing with Care Developments. In service users own home the equipment is linked to an alarm system with a 24 hour call handling and response service. Typically service users will press a button on their pendant or alarm unit in order to summon assistance in an emergency. A team of dedicated call handlers will then receive the call and will respond to each enquiry or emergency accordingly depending upon the service user's emergency need at the time. In Care Homes, Housing with Care and Sheltered Housing equipment is linked to staff/warden call systems.

Established in 2001, West Lothian's Home Safety Service provides telecare equipment to give increased safety and security for disabled, elderly and vulnerable



people in over 4,500 homes. This equipment provides a 24 hour telephone line between the service user and the council's alarm receiving centre – Careline.

The intention is to establish a single contract to ensure that this equipment and infrastructure is maintained and supported appropriately.

### **In House Capability**

After an assessment of the council's capabilities in regard to in-house maintenance of telecare equipment throughout West Lothian it was concluded that there is no in-house capacity for undertaking the requirements, and a tender is the most effective and economic option.

### **Procurement Issues**

The requirement will be advertised in accordance with the European Union Directives.

It is proposed that the Open Procedure is used whereby all suppliers expressing an interest in the contract will be invited to tender.

The proposed weighting is recommended following consultation with Social Policy and is:

Price	- 40%
Technical Ability and Quality	- 60%

The winning tenderer will be required to have the capacity to fulfil the contract objectives

The anticipated start date for the contract is 1 March 2015.

### **Sustainability Considerations**

Evidence of corporate social responsibility will be required and any devices that require de-commissioning, throughout the contract term, will be disposed of in a manner that complies with council sustainable responsibilities.

### **Community Benefits**

Following a meeting with the Community Benefits officer, a generic, non-Evaluated Community Benefit clause will be included within the documentation. Service Providers will be required to detail any social, economic or environmental benefits which they intend to provide within their contract offer. Any proposed Community Benefit to be delivered will be imposed as a contract condition.

### **Budget Implications**

There is potential to deliver a budget efficiency against existing budget provision if the tender returns a favourable rate.

## **E. CONCLUSION**

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D above for the tendering of the contract for telecare maintenance services.

## **F. BACKGROUND REFERENCES**

A copy of the specification for this contract is available on request from Corporate Procurement.

Appendices/Attachments: None

Contact Person: Mark Duignan, Procurement Specialist

Email: [mark.duignan@westlothian.gov.uk](mailto:mark.duignan@westlothian.gov.uk)

tel: 01506 281813

Donald Forrest

**Head of Finance and Estates**

Date: 16 September 2014



## **COUNCIL EXECUTIVE**

### **REVIEW OF THE ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004**

### **REPORT BY HEAD OF HOUSING CONSTRUCTION AND BUILDING SERVICES**

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

To provide the Council Executive with the proposed response to the Scottish Government's consultation to support a Review of the Antisocial Behaviour etc. (Scotland) Act 2004.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive approves the response to the Scottish Government on the Review of the Antisocial Behaviour etc. (Scotland) Act 2004.

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

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Making best use of our resources
	Working in partnership
	Providing equality of opportunity
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	To provide information about an existing policy and its operation. The Antisocial Behaviour etc. (Scotland) Act 2004 applies.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	There is no direct impact however this report is part of the agreed process for strategic performance reporting.
<b>V Relevance to Single Outcome Agreement</b>	This report will have a positive impact on the following SOA indicators;  SOA09 – 014 – number of youth related

	antisocial behaviour calls identified by the Community Safety Unit.
	HQS080_9b.1a – Number of active antisocial cases
<b>VI Resources - (Financial, Staffing and Property)</b>	Scottish Government and Community Safety Funding.
<b>VII Consideration at PDSP</b>	Services for the Community PDSP, 26 August 2014.
<b>VIII Other consultations</b>	West Lothian Council, Environmental Health & Trading Standards (Head of Service), Housing Construction & Building Services, Legal Services (Chief Solicitor), Safer Neighbourhood Team Officers, Out of Hours Noise Nuisance Officers, Community Councils, West Lothian Tenants Panel and Housing Network.

## **D. TERMS OF REPORT**

- D1** The Antisocial Behaviour etc. (Scotland) Act 2004 (the Act) provides that a person engages in antisocial behaviour if they act in a manner that causes or is likely to cause alarm or distress; or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.

The Act also contains provisions in relation to domestic noise. The Scottish Government are running a separate call for evidence to support a policy review of the noise regime under Part 5 of the Act. The consultation for this separate call for evidence closed on the 25 August 2014.

This consultation from the Scottish Government is regarding the rest of the legislation under the Act.

## **D2 Background**

In December 2013, the Scottish Government published a post-implementation report on Promoting Positive Outcomes, the national strategy for tackling antisocial behaviour. Much of the work outlined is set in legislation that drives better public services and promotes greater democracy, for example the Police and Fire Reform (Scotland) Act and the Community Empowerment Bill.

The report also described the work undertaken through initiatives such as those used in West Lothian including CashBack for Communities and No Knives Better Lives which support young people to make positive choices about their lives and develop skills to lead them to positive destinations.

## **D3 Scope of this consultation**

The 2013 report advised that the Scottish Government was considering a number of suggestions for legislative change to the Act which would help improve the response to antisocial behaviour.

The Scottish Government are asking for our views on three categories of legislative change –

1. **Antisocial Behaviour Orders** - civil orders that exist to protect the public from behaviour that causes or is likely to cause alarm or distress.
2. **Closure Order Powers** – provide the police and courts the power to seal off premises (residential and non-residential) and prohibit all access to them, for up to three months
3. **Antisocial Behaviour Fixed Penalty Notices** - allow the police to issue “on the spot” fines of £40 for a list of specified offences

The Scottish Government is generally favourable to the changes suggested in the consultation document but will consider and reflect on all consultation submissions before deciding on the way forward.

#### **D4 West Lothian Council Response**

West Lothian Council officers have asked for responses from partners and members of the public in order to formulate the response to the Scottish Government.

West Lothian Council's proposed response to the consultation was considered at the Services for the Community PDSP on the 26 August 2014. The decision of the Panel was to note the proposed response and to refer it to the Council Executive for approval.

The questions for the consultation are attached as Appendix 1 and the response to the consultation is attached as Appendix 2. The consultation closes and the deadline for submission to the Scottish Government is 19 September 2014.

#### **E. CONCLUSION**

The Scottish Government are consulting on a number of changes to the Antisocial Behaviour (Scotland) Act 2004 and are asking for the views of three categories of legislative change which would help improve the response to antisocial behaviour.

This report highlights to the Council Executive the proposed response to the consultation and outlines the council's position in relation to these changes.

#### **F. BACKGROUND REFERENCES - Antisocial Behaviour etc. (Scotland) Act 2004**

Appendices/Attachments: 2

**Appendix 1** – The Antisocial Behaviour etc. (Scotland) Act 2004 – Consultation Document June 2014.

**Appendix 2** – Respondent Information form - The Antisocial Behaviour etc. (Scotland) Act 2004 – Consultation Document June 2014.

Siobhan Mullen, Customer Service Manager, Housing Construction & Building Services  
[Siobhan.mullen@westlothian.gov.uk](mailto:Siobhan.mullen@westlothian.gov.uk)

**Alistair Shaw, Head of Housing, Construction and Building Services**

Date: 16 September 2014



# **The Antisocial Behaviour etc. (Scotland) Act 2004**

**Consultation Document – June 2014**

**27/06/2014 – 19/09/2014**

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## PART 1 – ABOUT THIS CONSULTATION

### Introduction

1. Recorded crime in Scotland is at its lowest level in 40 years and down by 35% since 2006-07<sup>1</sup>. Fear of crime is decreasing and people in Scotland are more positive about the crime rate in their local area, with 76 per cent saying local crime has stayed the same or improved in 2012-13, compared with 69 per cent in 2008-09<sup>2</sup>.
2. We recognise however that antisocial behaviour remains an issue for many of Scotland's communities. That is why we continue to support local and national activity to tackle antisocial behaviour.
3. In December 2013, the Scottish Government published a post-implementation report<sup>3</sup> on Promoting Positive Outcomes, the national strategy for tackling antisocial behaviour. The report outlined the work undertaken by the Scottish Government since the publication of Promoting Positive Outcomes<sup>4</sup> in 2009 to continue to build a Scotland free from antisocial behaviour. Much of the work to tackle antisocial behaviour outlined in the report is set in legislation that drives better public services and promotes greater democracy, for example the Police and Fire Reform (Scotland) Act and the Community Empowerment Bill. The report also described the work undertaken through initiatives such as CashBack for Communities, No Knives Better Lives and Mentors in Violence Protection, all of which support young people to make positive choices about their lives and develop skills to lead them to positive destinations.
4. All of the work described reflects the objectives of the Scottish Government's Justice Strategy<sup>5</sup>, which sets out how delivery of our objectives contributes to the achievement of the Government's Purpose - to create opportunities for all of Scotland to flourish, through sustainable economic growth.

### Scope of this consultation

5. The 2013 report advised that the Scottish Government was considering a number of suggestions for legislative change to The Antisocial Behaviour etc. (Scotland) Act 2004<sup>6</sup> which would help improve the response to antisocial behaviour. The proposed changes now set out in this consultation document are intended to help deliver the National Strategic Objective of making Scotland '*safer and stronger*' and will also help to achieve National Outcomes<sup>7</sup> 9 and 11 '*we live our lives free from crime, disorder and danger*' and '*we have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others*'.

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2013/06/9697>

<sup>2</sup> <http://www.scotland.gov.uk/Publications/2014/03/9823>

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2013/12/2542>

<sup>4</sup> <http://www.scotland.gov.uk/Publications/2009/03/18112243/0>

<sup>5</sup> <http://www.scotland.gov.uk/Publications/2012/09/5924>

<sup>6</sup> <http://www.legislation.gov.uk/asp/2004/8/contents>

<sup>7</sup> <http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome>

6. The proposed amendments are consistent with a key principle of the Justice strategy, that we should adopt an innovative approach to improving the justice system in Scotland. They are also consistent with the '*Integration*' pillar of Promoting Positive Outcomes which aims to ensure that the Scottish Government works in partnership with legal practitioners to help improve the justice system for the benefit of all the people of Scotland.
7. The Scottish Government is broadly happy with the way in which the legislation is working to tackle antisocial behaviour. Engagement with police and antisocial behaviour local officials has reinforced our view that there is no need for fundamental legislative reform. Rather, the changes suggested in this consultation are largely technical changes that will help practitioners to use the existing legislation and systems in place more effectively.
8. We are asking for your views on three categories of legislative change - Antisocial Behaviour Orders, Closure Order powers and Antisocial Behaviour Fixed Penalty Notices.
9. The Scottish Government is generally favourable to the changes suggested in this consultation document but will consider and reflect on all consultation submissions before deciding on the way forward.
10. The 2004 Act also contains provisions in relation to domestic noise. The noise provisions of the Act provide for a Fixed Penalty Notice deterrent for domestic noise offences for any part of the day or night. An antisocial noise offence occurs if the responsible person within a domestic dwelling does not abate a noise which has exceeded a set noise level as measured on an approved noise measuring device, after a given period on receiving a warning notice from a local authority officer or police officer. For example a noisy party or playing amplified music. The Scottish Government published a call for evidence<sup>8</sup> to support a policy review of the noise regime under the 2004 Act in May 2014. The consultation will run until 25 August and responses will be used to consider any regulatory and non-regulatory changes required.

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<sup>8</sup> <http://www.scotland.gov.uk/Publications/2014/05/9660>

## **PART 2 - BACKGROUND AND PROPOSALS FOR LEGISLATIVE CHANGE**

### **Antisocial Behaviour**

11. The Antisocial Behaviour etc. (Scotland) Act 2004 (the 2004 Act) provides that a person engages in antisocial behaviour if they act in a manner that causes or is likely to cause alarm or distress; or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.
12. Antisocial behaviour can take place in almost any area and present itself in a number of forms. It can take place in the street in the form of rowdy and intimidating groups, antisocial drinking or drug misuse. Environmental antisocial behaviour can give communities the appearance of decline and includes such things as graffiti, littering and waste dumping and dog fouling.
13. The other main form of antisocial behaviour is nuisance neighbours; an antisocial minority who can destroy communities with their lack of regard for the quality of other people's lives. This type of antisocial behaviour can make people afraid to leave their own homes, especially as victim and perpetrator live close to each other. Parts 7<sup>9</sup> and 8<sup>10</sup> of the 2004 Act deal with antisocial behaviour in private housing and antisocial behaviour in social housing is covered by The Housing (Scotland) Bill introduced in the Scottish Parliament on 21 November 2013. The Housing (Scotland) Bill covers a wide range of issues concerning social and private housing and includes provisions to provide social landlords with additional tools to tackle antisocial behaviour.

### **Antisocial Behaviour Orders**

14. Antisocial Behaviour Orders (ASBOs) are civil orders that exist to protect the public from behaviour that causes or is likely to cause alarm or distress. An order contains conditions prohibiting the person named in it from doing anything specified in the order such as verbally abusing named persons or entering defined areas. The orders are not criminal penalties and are not intended to punish the offender. Breach of an ASBO however, is a criminal offence and an individual found guilty of breach of an ASBO would have a criminal conviction.
15. ASBOs are intended to tackle both behaviour which is likely to escalate to the criminal level, and patterns of behaviour which cumulatively cause considerable alarm or distress to the community. An ASBO is not intended to be a substitute for criminal proceedings where these are appropriate, and is intended to be complementary to other civil procedures.
16. Local authorities and registered social landlords, in consultation with the police, can apply to the sheriff court for an ASBO where there is evidence that a person (aged at least 12 years) has behaved in an antisocial manner and that an order is necessary for the protection of persons from further antisocial behaviour. Most local authorities have specialist antisocial behaviour units that operate across the council area and consider requests to make applications for ASBOs.

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<sup>9</sup> <http://www.legislation.gov.uk/asp/2004/8/part/7>

<sup>10</sup> <http://www.legislation.gov.uk/asp/2004/8/part/8>

17. The police are required to be consulted on all applications, whether the application is from a local authority or a registered social landlord. The police are also responsible for reporting breach of orders to the procurator fiscal.

### **Antisocial Behaviour Orders - Standard of Proof**

18. ASBOs are a civil order and, although breach is a criminal offence, the intention is that the award of an ASBO is decided on the civil standard of proof - on the 'balance of probabilities' whereas in Criminal cases it is 'beyond reasonable doubt'. When applying for an ASBO there is an inherent crossover between a civil application and a criminal sanction and as a result there has been some confusion concerning the standard of proof that is required to succeed in an application for an ASBO.
19. Whilst case law would seem to be clear on the approach to be taken, local experience seems to vary in different parts of Scotland, resulting in different local authorities applying different standards<sup>11</sup>. The Scottish Government has always expected that the Courts would apply the civil standard of proof when considering applications for ASBOs but this may need to be clearer in the legislation and guidance.

**Consultation Question 1. Should the legislation be clearer that the standard of proof required when considering an application for an ASBO is 'balance of probabilities' rather than 'beyond reasonable doubt'?**

### **Antisocial Behaviour Orders - Variation of Interim Orders**

20. Interim ASBOs are available to provide more immediate protection from antisocial behaviour. An interim ASBO prohibits the person named in it from doing anything prescribed in it, pending determination of the application for a full ASBO. Interim ASBOs are available under section 7<sup>12</sup> of the 2004 Act. Courts can impose an interim ASBO while it considers all the evidence and decides what to do in the long term. A court will consider the available evidence to decide whether or not an interim ASBO is appropriate in the circumstances but is most likely to impose an interim ASBO if there is any risk to the public.
21. Under the current legislation, there is no mechanism to allow an application to vary an existing interim ASBO. Where the person subject to an ASBO changes their behaviour after an ASBO is granted, or where an ASBO is required for a longer time period than it has been granted for, it is unclear how best to bring the interim ASBO back to court to allow an appropriate variation. It is proposed that there is a change made to the process where an amendment can be made to the ASBO without having to go through a full application process.

**Consultation Question 2. Should it be possible to vary an interim ASBO if the behaviour of the person who is the subject of the ASBO changes?**

<sup>11</sup> *Stirling Council v Harris* 2009 SLT (Sh Ct) 106 and *Glasgow City Council v Ferguson* 2009 SLT (Sh Ct) 47

<sup>12</sup> <http://www.legislation.gov.uk/asp/2004/8/section/7>

## **Antisocial Behaviour Orders - Service of Orders**

22. Under section 8<sup>13</sup> of the 2004 Act service of an ASBO is only permitted by the Sheriff Clerk using recorded delivery. However, where the Court has granted an ASBO and the specified person has continued to engage in antisocial behaviour, defence agents have sought to challenge the competency of the charge by challenging whether the original ASBO was served.
23. In order to alleviate the problem, some Sheriff Clerks have made local arrangements with the relevant Authority to effect service by Sheriff Officers. This is the method used in many other cases. It is proposed that service of both interim and full ASBO should be capable of being made by Sheriff Officers.

**Consultation Question 3. Should the service of both interim and full ASBOs be capable of being made by Sheriff Officers as an alternative to recorded delivery?**

## **Antisocial Behaviour Orders - Private Landlords**

24. The 2004 Act places a duty on landlords to tackle antisocial behaviour in their properties. However, in some instances it has not been possible to pass information to private landlords about police calls and action, due to internal data protection procedures.
25. Section 139<sup>14</sup> of the Act provides a list of relevant authorities that are eligible to receive information in relation to antisocial behaviour. Private landlords are not included although registered social landlords are. Scottish Ministers may, by order, modify the meaning of a “relevant authority” and could do this to allow private landlords to receive information about police calls and action in relation to antisocial behaviour by their tenants.
26. However, private landlords are not regulated or accountable in the same way as other relevant authorities listed in the Act and there is therefore a lack of formal control over how they use information about their tenants in relation to third parties.

**Consultation Question 4. Should private landlords be able to receive information about police calls and actions in relation to antisocial behaviour by their tenants?**

**Consultation Question 5. Should limits be put on the type of information which private landlords may receive?**

**Consultation Question 6. Should any other controls be in place to ensure that information received by private landlords is not misused?**

<sup>13</sup> <http://www.legislation.gov.uk/asp/2004/8/section/8>

<sup>14</sup> <http://www.legislation.gov.uk/asp/2004/8/section/139>

## Closure Order Powers – Local Authorities

27. In some communities there are particular premises which are a consistent focus for antisocial behaviour, for example, drinking or drug dens. For those living nearby their lives are made a misery and they may have little or no break from it day or night. The aim of a closure order<sup>15</sup> is to give the police and courts the power to seal off premises (residential and non-residential) and prohibit all access to them, for up to three months, to give the surrounding community relief.
28. The Chief Constable can authorise that a closure notice is served on the premises if they have good reason to believe that a person has been involved in antisocial behaviour on the premises within the last three months. They can also issue a closure notice where the use of the premises is associated with significant, continuous and serious nuisance or disorder.
29. A number of procedures must be followed before a notice is granted. These include consulting the local authority about the planned closure, and taking reasonable steps to find out the identity of any person (or people) who lives in, has responsibility for or has an interest in the premises.
30. A constable can then serve a closure notice on the premises. This prohibits anyone going into the premises who does not live there or is not the owner. It is an offence not to keep to this notice or obstruct a police officer serving a notice.
31. A sheriff then has two court days to consider an application from the police for a closure order to be made on the premises. The police have to make this application on the first court day after the day on which a closure notice is served on a premises. When deciding whether an order should be granted, the sheriff will consider the ability of anyone living in the premises to find alternative accommodation and the vulnerability of anyone in the household who has not been involved in antisocial behaviour.
32. If a closure order is granted, the premises can be closed for up to three months, with a possible extension of up to six months. If anyone remains within or enters the premises once the order has been served, they would be guilty of an offence, which could result in a fine or imprisonment, or both.
33. Extending closure order powers to local authorities could provide additional options in tackling antisocial behaviour and would mean police are given additional assistance to secure a safe living environment for communities.

**Consultation Question 7. Should closure order powers be extended to Local Authorities?**

**Consultation Question 8. Should a local authority power to issue closure orders be subject to consultation or other requirements?**

<sup>15</sup> <http://www.legislation.gov.uk/asp/2004/8/part/4>



## Antisocial Behaviour Fixed Penalty Notices

34. Fixed Penalty Notices for antisocial behaviour were introduced in Part 11, section 128<sup>16</sup> of the 2004 Act. They were intended for situations where police officers are dealing with behaviour which might be felt to require more than a verbal warning but less than a criminal prosecution report. They allow the police to issue 'on the spot' fines of £40 for a list of specified offences:
- Riotous behaviour while drunk in licensed premises
  - Refusing to leave licensed premises on being requested to do so
  - Urinating or defecating in circumstances causing annoyance to others
  - Being drunk and incapable in a public place
  - Being drunk in a public place in charge of a child
  - Persisting, to the annoyance of others, in playing musical instruments, singing, playing radios etc. on being required to stop
  - Vandalism
  - Consuming alcoholic liquor in a public place
  - Breach of the peace
  - Malicious mischief
  - Offensive behaviour at regulated football matches
35. If the offender accepts and pays the fine no further action is taken and it is not recorded as a criminal conviction. The individual can however challenge the offer and request a court hearing for the offence.
36. A Review of Fixed Penalty Notices (FPNs) for Antisocial Behaviour<sup>17</sup>, published in 2009, looked at the use and impact of fixed penalty notices and made recommendations for future changes to fixed penalty notice systems. The analysis included official data from the Police, the Crown Office and Procurator Fiscal Service and the Scottish Court Service, an e-survey of 'front line' police officers across Scotland and a series of in-depth interviews with police officers and local authority 'community safety' managers.
37. The research provided an indication of the level of support for the removal or addition of offences from the system of fixed penalties. The main offences which a majority of the research respondents felt should be removed were 'being drunk in charge of a child' and 'malicious mischief'.
38. For 'drunk in charge of a child' the objections to use of a fixed penalty stemmed from the severity of the offence, the 'duty of care' requirements which would require the police to take responsibility for the welfare of the child and the deeper problems that may be at the root of the offence, possible abuse and neglect and the need for other agencies to be involved in responses to these incidents. Interviewees said that this offence did not seem to sit well with the fixed penalty notice philosophy of dealing with minor problems caused by people who are not commonly the focus of police attention.
39. The opposition towards the use of fixed penalties for 'malicious mischief' among interviewees was connected to the perceived seriousness of this offence. Cases

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<sup>16</sup> <http://www.legislation.gov.uk/asp/2004/8/section/128>

<sup>17</sup> <http://www.scotland.gov.uk/Publications/2009/11/24155814/13>

of 'malicious mischief' are typically the more serious cases of vandalism. This category was seen as inappropriate because a minor case of 'malicious mischief' would normally be recorded as vandalism.

40. The most popular offences to be added to the list of fixed penalty notices at section 128 were Littering and Dog Fouling. However, littering and dog fouling are already punishable by fixed penalty under separate legislation (Environmental Protection Act 1990<sup>18</sup> and Dog Fouling (Scotland) Act 2003<sup>19</sup> respectively).
41. The Scottish Government's consultation<sup>20</sup> on promoting responsible dog ownership ran until 31 March 2014. Whilst its primary focus was protecting the public from dangerous and out of control dogs, it also asked respondents whether existing powers to address dog fouling are being used effectively or whether more could be done. The responses to the consultation are being analysed and we will take these into account in considering the need for any changes to the dog fouling fixed penalty notice.
42. On 1 April 2014 the fixed penalty notice for litter and fly-tipping increased from £50 to £80 for litter, and to £200 for fly-tipping. These increases follow the Scottish Government's National Litter Strategy Consultation<sup>21</sup> last year, which supported tougher penalties for anyone caught littering or fly-tipping.
43. The Scottish Government does not believe there would be any benefit in adding littering or dog fouling to the list of ASB fixed penalty notices. Police already have the powers to issue on the spot fines for 'littering' and 'dog fouling' and we will explore options to make it easier for police to address these issues using existing mechanisms, without having to make legislative changes to the list of offences.

**Consultation Question 9. Should 'drunk in a public place in charge of a child' be removed from the list of Fixed Penalty Notice offences?**

**Consultation Question 10. Should 'malicious mischief' be removed from the list of Fixed Penalty Notice offences?**

**Consultation Question 11. Should there be any other changes to the system of ASB Fixed Penalty Notices?**

<sup>18</sup> <http://www.legislation.gov.uk/ukpga/1990/43/section/88>

<sup>19</sup> <http://www.legislation.gov.uk/asp/2003/12/contents>

<sup>20</sup> <http://www.scotland.gov.uk/Resource/0044/00441549.pdf>

<sup>21</sup> <http://www.scotland.gov.uk/Publications/2014/02/8418>



## PART 3 – RESPONDENT INFORMATION FORM

### THE ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004 CONSULTATION DOCUMENT – JUNE 2014

Please Note this form must be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

#### 2. Postal Address

<input type="text"/>	
<input type="text"/>	
<input type="text"/>	
Postcode	Phone
Email	

#### 3. Permissions - I am responding as...

Individual

☐

/ Group/Organisation

☐

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate* ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available ☐

Yes, make my response and name available, but not my address ☐

Yes, make my response available, but not my name and address ☐

- (c) The name and address of your organisation *will be* made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your *response* to be made available?

*Please tick as appropriate* ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate* ☐ Yes ☐ No

## CONSULTATION QUESTIONS

Antisocial Behaviour Orders - Standard of proof

**Q1. Should the legislation be clearer that the standard of proof required when considering an application for an ASBO is 'balance of probabilities' rather than 'beyond reasonable doubt'?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

Antisocial Behaviour Orders - Variation of Interim ASBOs

**Q2. Should it be possible to vary an interim ASBO if the behaviour of the person who is the subject of the ASBO changes?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

Antisocial Behaviour Orders - Service of Orders

**Q3. Should the service of both interim and full ASBOs be capable of being made by Sheriff Officers as an alternative to recorded delivery?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Q4. Should private landlords be able to receive information about police calls and actions in relation to antisocial behaviour by their tenants?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Q5. Should limits be put on the type of information which private landlords may receive?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Q6. Should any other controls be in place to ensure that information received by private landlords is not misused?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

## Closure Order Powers – Local Authorities

### **Q7. Should closure order powers be extended to Local Authorities?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

### **Q8. Should a local authority power to issue closure orders be subject to consultation or other requirements?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

## Antisocial Behaviour Fixed Penalty Notices

### **Q9. Should ‘drunk in a public place in charge of a child’ be removed from the list of Fixed Penalty Notice offences?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Q10. Should ‘malicious mischief’ be removed from the list of Fixed Penalty Notice offences?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Q11. Should there be any other changes to the system of ASB Fixed Penalty Notices?**

Agree ☐ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

Finally, if there are any other issues that you wish to raise regarding antisocial behaviour in Scotland, not covered by this consultation document, please use your Respondent Information Form to share these with us.

## **ANNEX A - RESPONDING TO THE CONSULTATION**

### **Responding to the consultation paper**

You are invited to respond before the closing date of 19 September 2014, in writing to:

Antisocial Behaviour Team  
Community Safety Unit  
Scottish Government  
Area 1W, St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG  
Email: [communitysafety@scotland.gsi.gov.uk](mailto:communitysafety@scotland.gsi.gov.uk)

### **Duration**

This consultation started on 27 June 2014

This consultation closes on 19 September 2014

A consultation period of 12 weeks applies.

### **How to make an enquiry**

If you have any queries relating to this consultation please contact The Community Safety Unit on 0131 244 4640 or send your comments to the address above.

### **Audience**

This consultation only applies to antisocial behaviour legislation and systems in Scotland. Anyone may respond to this consultation. The Scottish Government would like to hear from anyone with an interest including local authorities, police, Scottish Courts and Judiciary, antisocial behaviour organisations and charities, housing associations and private landlords, and interested members of the public.

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form, which is enclosed with this consultation paper, as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would, therefore, have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## **The Scottish Government Consultation Process**

Consultation is an essential and important aspect of Scottish Government working methods. The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience.

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### **What happens next**

Where respondents have given permission for their response to be made public these will be made available in the Scottish Government Library and on the Scottish Government web pages. We will check all responses where agreement to publish has been given for any potentially defamatory material before making them public.

Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Victoria Quay, Edinburgh (Area G-D Bridge, Victoria Quay, Edinburgh, EH6 6QQ, telephone: 0131 244 4560). You can make arrangements for copies of responses to be sent to you, but a charge may be made for this service.

All consultation papers and published responses can also be accessed via the Scottish Government website: <http://www.scotland.gov.uk/consultations>.



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Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

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Edinburgh  
EH1 3DG

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DPPAS31552 (06/14)

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## THE ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004 CONSULTATION DOCUMENT – JUNE 2014

Please Note this form must be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

West Lothian Council

Title Mr ☐ Ms ☒ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Mullen

Forename

Siobhan

### 2. Postal Address

West Lothian Civic Centre

Howden South Road

Livingston

Postcode EH54 6FF

Phone 01506 280000

Email Siobhan.mullen@westlothian.gov.uk

### 3. Permissions - I am responding as...

Individual

/ Group/Organisation

☐

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate X Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☒

Yes, make my response and name available, but not my address ☐

Yes, make my response available, but not my name and address ☐

- (c) The name and address of your organisation *will be* made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your *response* to be made available?

Please tick as appropriate X Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate X Yes ☐ No

## CONSULTATION QUESTIONS

### Antisocial Behaviour Orders - Standard of proof

**Q1. Should the legislation be clearer that the standard of proof required when considering an application for an ASBO is 'balance of probabilities' rather than 'beyond reasonable doubt'?**

Agree ☐ Partially agree ☐ Disagree ☒

Please provide reasons for your answer:

**We believe that the distinction in the standard of proof is already clear and has already been highlighted by relevant court decisions.**

### Antisocial Behaviour Orders - Variation of Interim ASBOs

**Q2. Should it be possible to vary an interim ASBO if the behaviour of the person who is the subject of the ASBO changes?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Yes, we believe it should be possible to vary an interim order if the behaviour of the person who is subject to an ASBO changes. Our investigating officers have dealt with cases whereby individuals subject to ASBO's have continued to cause fear, alarm and distress to their neighbours but this behaviour has been out-with that prohibited by the ASBO. We would wish the Government to consider the possibility of variations to full ASBO's also.**

### Antisocial Behaviour Orders - Service of Orders

**Q3. Should the service of both interim and full ASBOs be capable of being made by Sheriff Officers as an alternative to recorded delivery?**

Agree ☐ Partially agree ☒ Disagree ☐

Please provide reasons for your answer:

**Section 8 of the Act continues to cause serious issues in respect of effective service of ASBOs. The current requirement is for personal or Recorded Delivery service. Unless the proposal for service by Sheriff Officer explicitly allows for letter box service, we feel that all that will be achieved, if this proposal goes ahead in its current form, is the introduction of a highly expensive step in process. Given that the recipients of such orders tend to live relatively chaotic lifestyles, which renders personal service difficult, if sometimes not impossible to exercise.**

**We currently face significant difficulties in getting service affected on target individuals, compounded by the fact that many target individuals abandon their homes or 'disappear' under the radar following service of ASBO. While this can be said to resolve the problems of ASB in the communities, not being able to serve the ASBO is not a desirable outcome. This point is discussed further below.**

#### Antisocial Behaviour Orders - Private Landlords

**Q4. Should private landlords be able to receive information about police calls and actions in relation to antisocial behaviour by their tenants?**

Agree ☐ Partially agree ☒ Disagree ☐

Please provide reasons for your answer:

**It is accepted that internal data protection procedures can serve to prevent the passing of relevant information to landlords, thereby potentially hampering their legal duty to tackle antisocial behaviour in their properties. The requirement under s.68 of the Act, however, is for the local authority to serve an antisocial behaviour notice on the landlord describing the antisocial behaviour and specifying the action requiring to be taken.**

**As this can potentially be difficult if not impossible for the landlord without the information required, we suggest that guidance be produced which specifies the form and content of the notice, triggering the relevant data protection exemption. This would be preferable to imposing a statutory obligation to share information with parties who are not subject to controls imposed under data protection legislation.**

**Q5. Should limits be put on the type of information which private landlords may receive?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Please see above**

**Q6. Should any other controls be in place to ensure that information received by private landlords is not misused?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**Please see above**

Closure Order Powers – Local Authorities

**Q7. Should closure order powers be extended to Local Authorities?**

Agree ☐ Partially agree ☒ Disagree ☐

Please provide reasons for your answer:

**In general terms we would welcome this power, as the Local Authority receives a significant amount of information from the community that is not always reported to the police.**

**However we have some concerns that the proposed amendment to allow local authorities to apply for closure orders may result in the police rescinding any responsibility to apply for such orders. We also have some concerns regarding the provision of alternative accommodation for any tenants or residents ejected from their properties under a closure order, as the onus will be placed on the local authority to find alternative accommodation for the individual.**

**Q8. Should a local authority power to issue closure orders be subject to consultation or other requirements?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**We would wish this power, should it be granted, to be subject to consultation in the same way that is currently for the police.**

Antisocial Behaviour Fixed Penalty Notices

**Q9. Should 'drunk in a public place in charge of a child' be removed from the list of Fixed Penalty Notice offences?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**We have no reason to disagree with this offence being removed.**

**Q10. Should 'malicious mischief' be removed from the list of Fixed Penalty Notice offences?**

Agree ☒ Partially agree ☐ Disagree ☐

Please provide reasons for your answer:

**We have no reason to disagree with this offence being removed and believe that this should be dealt with as vandalism.**

**Q11. Should there be any other changes to the system of ASB Fixed Penalty Notices?**

Agree ☐ Partially agree ☒ Disagree ☐

Please provide reasons for your answer:

**We believe that consideration could be given to providing Local Authority Investigation Officers with the power to issue Fixed Penalty Notices under the terms of this legislation. These officers are dealing on a daily basis with issues that are antisocial but they are limited in what immediate action they can take.**

**The ability to address 'street' behaviour such as littering, fouling, etc., at the more 'minor' end of antisocial behaviour, may act to improve public perception regarding perceived lack of action on antisocial behaviour by authorities as well as improve the environment.**

Finally, if there are any other issues that you wish to raise regarding antisocial behaviour in Scotland, not covered by this consultation document, please use your Respondent Information Form to share these with us.

**Connected to question 2 regarding possible variations to ASBO's, we feel that it would be useful to have a quick method of taking an ASBO back to court to change an address, as in our experience a significant amount of individuals move when an ASBO is granted.**

**As noted above, we currently face significant difficulties in getting service effected on target individuals, compounded by the fact that many target individuals abandon their homes or 'disappear' under the radar following service of ASBO. While this can be said to resolve the problems of antisocial behaviour in the communities, not being able to serve the ASBO is not a desirable outcome.**

**On another point, we have had a number of situations whereby individuals subject to ASBO have moved to another part of the authority and continue to act in the same manner, in the full knowledge that their behaviour is a continuance of that which their ASBO prohibited. In these cases the investigation has to start again from scratch, which is a frustrating situation as we are unable to apply to have the ASBO moved to the new address.**





## **COUNCIL EXECUTIVE**

### **ST JOHN'S HOSPITAL STAKEHOLDER GROUP**

#### **REPORT BY DEPUTE CHIEF EXECUTIVE, COMMUNITY HEALTH AND CARE PARTNERSHIP**

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

To update members on the business and activities of St John's Hospital Stakeholder Group.

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

To note the terms of the minutes of meetings of St John's Hospital Stakeholder Group held on 30 July 2014 in the appendices to this report.

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

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.
<b>III Resources - (Financial, Staffing and Property)</b>	None.
<b>IV Consultations</b>	None required.

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

On 29 June 2010 the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision the business of St John's Hospital Stakeholder Group was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

#### **E. CONCLUSION**

This report ensures that members are kept apprised of the activities of St John's Hospital Stakeholder Group as part of the council's Code of Corporate Governance.

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

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

Minute of meeting of the St John's Hospital Stakeholder Group held on 30 July 2014

Contact Person: Jim Forrest, Depute Chief Executive, CHCP

01506 281977

Jim.Forrest@westlothian.gov.uk

Date: 16/09/14



MINUTE of MEETING of ST JOHN'S HOSPITAL STAKEHOLDER GROUP held within BOARDROOM 1, ST JOHN'S HOSPITAL on 30 JULY 2014.

Present – Councillors John McGinty, Anne McMillan and Frank Toner; Maureen Anderson (Patient Representative) and by video link from Waverley Gate, Edinburgh – Alison Mitchell and Alex Joyce (non-Executive Directors of NHS Lothian).

Apologies – Professor John Iredale (non-Executive Director of NHS Lothian), Jim Crombie (Director of Scheduled Care NHS Lothian) and Agnes Ritchie (St John's Hospital Site Chief Nurse).

In attendance

Professor Alison McCallum, NHS Lothian

Jim Forrest, Director of West Lothian CHCP

Chris Stirling, St John's Hospital Site Manager

Chris Graham, Committee Co-ordinator, NHS Lothian

1. ORDER OF BUSINESS

The Chair advised that the planned visit to view the work carried out at the MRI Scanner construction site was delayed till the next scheduled meeting of the group due to operational difficulties.

2. DECLARATIONS OF INTEREST

Councillor Frank Toner declared a non-financial interest as a non-Executive Director of Lothian Health Board and as Chair of the West Lothian Community Health and Care Partnership.

3. MINUTE

The Stakeholder Group confirmed the minute of its meeting held on 4 June 2014 as being a correct record.

Opening comments

The Chair, on behalf of the Stakeholder Group, commended NHS Lothian and partners on the opening of the new facility at the Macmillan Centre, St John's Hospital.

4. PAEDIATRIC SERVICES

The Stakeholder Group was advised that the August rota for the Paediatric Service was secured. The staffing situation would continue to be monitored and it was agreed that this would remain on the work plan for consideration on a monthly basis.

Chris Stirling then provided the group with an update regarding the proposals to upgrade the Special Care Baby Unit at St John's Hospital.

Work was due to commence in August 2014 until March 2015. It was agreed that a further update would be included on the work plan for subsequent meetings.

It was also noted that the posts of Consultant and Nurse Practitioner were being re-advertised.

#### Decision

Noted the update and agreed that the item would continue to be included on the work plan.

### 5. DEPARTMENT OF LABORATORY SERVICES

The Stakeholder Group agreed to continue the item of business to be considered at the next meeting of the group scheduled to be held on 27 August 2014.

#### Decision

Agreed to carry forward the item of business to the next meeting.

### 6. NUCLEAR MEDICINE

The Stakeholder Group was advised that things were progressing well within the Nuclear Medicine Service. The Stakeholder Group agreed that the item of business no longer required to be included on the work plan.

#### Decision

Noted the update on the service and agree to remove the item from the work plan.

### 7. HOSPITAL WORKING AT WEEKENDS

The Stakeholder Group noted an update from Chris Stirling regarding hospital working at weekends. He advised that proposals were in place to increase medical and nursing staff to provide a robust medical support within St John's Hospital at weekends.

In response to a question from the group regarding the impact of increased medical and nursing staff on hospital discharges at weekends Chris advised that when the new roles were filled it was anticipated that there would be an increase in hospital discharges at the weekends which would have an impact on support services. However, services were available to ensure that patient's needs were being met. Jim Forrest then advised that district nursing staff were working overnight and at weekends. Members of staff were also able to access equipment from the new joint equipment store and would continue to work closely with staff at St John's Hospital regarding integration and care pathways for patients.

Work would continue with existing services to ensure that Hospital at Weekend continues to enhance and support weekend working at St John's Hospital providing a safe and sustainable environment.

It was agreed that an update on the progress would be provided to the Stakeholder Group at a future meeting.

#### Decision

Noted the update on hospital working at weekends and agreed that a further update would be provided to a future meeting.

### 8. SITE MASTER PLANNING WORK

Chris Stirling advised the group that within the NHS Lothian Strategic Plan each of the hospital Site Managers was asked to carry out a review of the hospital's site plan. Work was then carried out to review the options available for possible development at St John's Hospital looking at the potential for additional theatre capacity. The preferred option and an indication of the costs involved would then be reported back to the NHS Board for consideration.

Chris advised that a working group looked at the options available and recommended a two or four storey block be built at the rear of St John's Hospital to accommodate additional theatre capacity and supporting services. Other options were also being considered with a number of areas being reviewed for consideration for further development. The review would also take into account the implications that further developments would have on the volume of traffic to the hospital and would ensure that the site remained safe.

In response to a question from the group regarding plans for improvement works to the hospital, Chris provided an overview of the items which would be considered which included improvements to the entrance to the hospital to ensure additional capacity for outpatients. Recruitment was also being carried out for volunteers to assist visitors arriving at the hospital and plans were in place to upgrade the coffee lounge.

It was agreed that an update would be provided to a future meeting of the group.

#### Decision

- Noted the update in relation to the site master planning work;
- Agreed that the item be included on the agenda for an update to be provided to a future meeting.

### 9. MRI SCANNER

The Stakeholder Group noted that due to some operational reasons within

the construction site of the MRI Scanner it was not possible to carry out the site visit that was scheduled to take place following the Stakeholder Group meeting.

It was proposed to reschedule the visit following the meeting of the Group on 27 August 2014 at which point the MRI Scanner was expected to be delivered and in place. It was also agreed that an invitation would be extended to members of the public in attendance at the next meeting.

Decision

Noted that the item be continued for consideration at the next meeting of the Group with a site visit to be carried out at the conclusion of the meeting to include members of the public in attendance at the meeting.

10. CHANGEOVER OF CHAIRING AND CLERKING OF MEETING FROM 27 AUGUST 2014

The Stakeholder Group noted that consideration would be given to appoint the Chair and third non-Executive member of the Stakeholder Group at the NHS Board meeting scheduled to take place on 6 August 2014. The changeover would take effect from the next meeting of the Stakeholder Group on 27 August 2014.

The Chair expressed a note of thanks to everyone involved in the Stakeholder Group for their help and support over the past two years while he was Chair.

Decision

Noted the update regarding the changeover of Chair of St John's Hospital Stakeholder Group to NHS Lothian from 27 August 2014.

11. WORK PLAN

The Stakeholder Group considered the work plan (copies of which had been circulated).

Decision

Noted the contents of the work plan.



**COUNCIL EXECUTIVE**

**COMMUNITY PLANNING PARTNERSHIP BOARD.**

**REPORT BY DEPUTE CHIEF EXECUTIVE (COMMUNITY HEALTH AND CARE PARTNERSHIP)**

**A. PURPOSE OF REPORT**

To inform the members of the West Lothian Community Planning Partnership Board meetings held on 3 February and 16 May 2014.

**B. RECOMMENDATION**

To note the minutes of the West Lothian Community Planning Partnership meetings held on 3 February and 16 May 2014.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Developing employees
	Making best use of our resources
	Working in partnership

<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
---	-------

<b>III Implications for Scheme of Delegations to Officers</b>	None.
---	-------

<b>IV Impact on performance and performance Indicators</b>	None
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<b>V Relevance to Single Outcome Agreement</b>	None
--	------

<b>VI Resources - (Financial, Staffing and Property)</b>	None
--	------

**VII Consideration at PDSP** N/A

**VIII Other consultations** Community Planning Partners.

**D. TERMS OF REPORT**

The West Lothian Community Planning Partnership Board meets on a quarterly basis and involves partners from across the public, private, voluntary and community sectors.

**E. CONCLUSION**

The minutes of the meetings of the Community Planning Partnership Board are attached to this report for the information of the members of Council Executive.

**F. BACKGROUND REFERENCES**

N/A

Appendices/Attachments: Appendix 1 - Minute of Meeting of West Lothian Community Planning Partnership Board – 3 February and 16 May 2014.

Contact Person: Lorraine Gillies, Community Planning Development Manager, Tel No.01506 281690

Date:- 16 September 2014

MINUTE of MEETING of the COMMUNITY PLANNING PARTNERSHIP BOARD of WEST Lothian Council held within COUNCIL CHAMBERS, LIVINGSTON, on MONDAY 3 FEBRUARY 2014

Present –

Councillor Cathy Muldoon	West Lothian Council
Councillor John McGinty	West Lothian Council
Councillor Harry Cartmill	West Lothian Council (substitute for Cllr Moohan)
Councillor Tom Conn	West Lothian Council
Councillor Peter Johnston	West Lothian Council
Graham Hope, Chief Executive	West Lothian Council
Jim Forrest	West Lothian Council
Graeme Struthers	West Lothian Council
Mhairi Laughlin	West Lothian College
Jeanette McDiarmid	Police Scotland
Gary Laing	Scottish Fire & Rescue Service
William Boyle	Voluntary Sector Gateway WL
Alan Wright	WL Assoc of Community Councils
Mike Neilson	Scottish Government
Linda Scott	WL Chamber of Commerce
Jim McGonigle	Department of Work & Pensions
Alex McMahon	NHS Lothian
David James	Scotland's Rural College
Donald Lumsden	Skills Development Scotland

In Attendance –

Janet Whitely	Public Service Collaborative Learning
Paul White	Public Service Collaborative Learning
Dot McLaughlin	Public Service Collaborative Learning
David Piggot	Public Service Collaborative Learning
Peter Worsdale	Audit Scotland
Miranda Alcock	Audit Scotland
Donald Forrest	West Lothian Council
Ian Hepburn	West Lothian Council
Rebecca Kelly	West Lothian Council
Craig McCorrison	West Lothian Council
Alan Cunningham	West Lothian Council
Jim Gallacher	Voluntary Sector Gateway WL

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair advised the Board that Audit Scotland would no longer be carrying out a presentation and had prepared a report instead.

This report had been circulated to the Partners prior to the meeting.

2. DECLARATIONS OF INTEREST

Agenda Item 11 (NHS Lothian Strategic Plan 2014-2024) – Councillor Peter Johnston declared a non-financial interest as a non-executive

member of NHS Lothian

3. MINUTE

The Board confirmed the Minute of its meeting held on 26 August 2013. The Minute was thereafter signed by the Chair.

4. MINUTE FROM COMMUNITY PLANNING STEERING GROUP MEETING HELD ON 20 JANUARY 2014

The Board noted the Minute of the Community Planning Steering Group held on 20 January 2014, a copy of which had been previously circulated to the Partners.

5. SOA PERFORMANCE REPORTS

- a) The Board noted the High Level Indicators performance report;
- b) The Board noted the Environment Performance Report; and
- c) The Board noted the Exception Report.

6. MINUTES FROM THEMATIC FORUMS

- a) The Board noted the Minute of the meeting of the Community Safety Board held on 23 September 2013;
- b) The Board noted the Minute of the meeting of the Economic Forum held on 4 December 2013;
- c) The Board noted the Minute of the meeting of the CHCP Sub-Committee held on 17 October 2013; and
- d) The Board noted the Action Note of the meetings of the Climate Change Working Group held on 27 November 2013 and 8 January 2014.

7. INCREASING SKILLS FOR THE ECONOMY - WEST LOTHIAN COLLEGE EXTENSION

Presentation

Mhairi Laughlin provided the Board with an overview of the plans to extend the facilities at West Lothian College and the growth in funded places available from August 2014.

Mhairi explained that planning permission had been granted for an extension to the college buildings and that the new space would be used to increase the practical workshop areas of the college enabling a broader



range of vocational skills to be delivered. There would also be a canopy extension to increase outdoor working space for motor vehicles and construction.

All the designs were environmentally friendly and were in keeping with the look and design of the existing area. Additionally the cycle locker area and sports hall equipment would also be subject to extension.

The planned changes had come about as a result of growth in funding capacity from the Scottish Funding Council, which had been confirmed from August 2014 onwards, and would contribute to the relevant Single Outcome Agreement *“We are better educated and had better access to increased and better quality learning and employment opportunities”* and *“Our economy was diverse and dynamic and West Lothian was an attractive place for doing business”*.

There then followed a questions and answers session by the Board members.

The Chair thanked Mhairi for a very informative presentation

### Report

The Board considered a report (copies of which had been circulated) by Mhairi Laughlin, Principal and Chief Executive, West Lothian College and which was a companion report to the presentation, previously heard by the Board.

The Board were advised that the new programmes planned for 2014-15 had been informed and identified as a result of good partnership working with the Economic Forum (Joint Supply and Demand Skills Study 2012), partnership with the Chamber of Commerce (Employer Information and Chamber input to Course Approvals), the on-going work with Opportunities for All (securing places for all post-16 young people) and with the College/Schools Partnership (Vocational Programmes for the Senior Phase students from all West Lothian Secondary Schools)

The report then summarised details of the relevant Single Outcome Agreement, resources that would be utilised and the links to the CPP Prevention plan/Community Engagement plan. Key risks were also identified.

The Board were asked to note the development and encourage their appropriate organisations to support the development and mitigate against the key risk

### Decision

To note the contents of the presentation and the report.

8. COLLABORATIVE CROSS PUBLIC SECTOR LEADERSHIP DEVELOPMENT - PRESENTATION BY THE PUBLIC SERVICE COLLABORATIVE LEARNING TEAM

Janet Whitley and Paul White provided the Board with an overview of the work being carried out by the Public Sector Collaborative Learning Team (PSCL) who was part of the Scottish Leaders Forum focus on Workforce Development.

The Board were advised that the Scottish Leaders Forum was a forum of Chief Executive level leaders from across Scotland's public services and who met to discuss and collaborate on the important issues facing public services in Scotland. Part of the Scottish Leaders Forum's focus was on Workforce Development which would lead to increased collaboration and joint workforce development across public service organisations.

The vision for Workforce Development was to provide access to high quality multi-disciplinary learning and development opportunities with the current offerings from the PSCL being :-

- Leadership Exchanges;
- Scottish Coaching Collaborative;
- Dialogue Community of Practice;
- Collaborative Organisational Development Capacity;
- Talent Management; and
- CPP Capacity Building.

The presentation continued to provide details of how the PSCL Team could assist CPP Boards to continue to develop and strengthen.

It was noted that much of the groundwork had been recently completed through the completion of a self-assessment but it was very much about what happened next and how collaboration amongst partners could be taken forward.

The Chair thanked Janet and Paul for their very informative presentation and sought nominations from partners with regards to becoming involved in taking the project forward.

Nominations were forthcoming from the Chamber of Commerce, West Lothian College and Department of Works and Pensions.

1. To note the contents of the presentation; and
2. Agreed that the Community Planning Development Manager would co-ordinate with those nominated partners the formation of a short life working group to take the project forward.

## 9. CPP AUDIT SCOPE

The Board considered a report (copies of which were tabled) by Audit

Scotland advising of the proposed scope of the Audit that would be carried out on West Lothian CPP.

The Board were advised that the scope had been developed from a detailed analysis of available data and interviews and discussions with the CPP Board, the CPP Manager, the Scottish Government location director and relevant scrutiny partners. In addition a group discussion with CPP partner representatives had been held to gain a collective view about where the audit could add most value.

The audit would follow the same overall approach as other CPP audits in that there would be an assessment of the CPP's vision and strategic direction, governance and accountability, collaboration and performance, impact and outcomes.

Details of the assessment of the specific areas that would be the focus of the audit were contained within a table in the report and included employability, reducing re-offending and the delivery of services in Fauldhouse and Linlithgow.

The Board were asked to note the contents of the report and to note that an interim report would be brought back to the Board in May with the final report to be published at the end of September 2014.

#### Decision

To note the contents of the report.

### 10. NHS Lothian Strategic Plan 2014-2024

The Board considered a report (copies of which had been circulated) by Associative Director of Strategic Planning, NHS Lothian, advising of the development of the Strategic Plan and the emerging themes and to provide an opportunity for partners to comment and contribute in advance of its consideration by NHS Lothian Health Board in April 2014.

The Board were advised that following the agreement of NHS Lothian's Strategic Clinical Framework "*Our Health Our Future*" in February 2013 it was agreed that a comprehensive strategic plan for the delivery of health and healthcare in Lothian should be developed setting out the challenges to be addressed and the plans and propositions which were needed to achieve the aims of the Strategic Clinical Framework.

The framework and the developing Strategic Plan were consistent with the Government's narrative and vision for achieving sustainable quality in the delivery of healthcare services across Scotland. Aligned to the development plan would be the development of four integration plans describing how NHS Lothian would work with its four Council partners. These integration plans would be consulted on during 2014-15.

The report continued to provide a commentary on the challenges ahead and NHS Lothian's vision for the future. Therefore it was proposed that as part of the plan there would be a radical shift away from the traditional

approach of planning around buildings or individual services to a more “patient-centred”, whole-centre approach, focusing more on the explicit needs of the people who used NHS Lothian services.

The emerging plan would set out the main strategic propositions which NHS Lothian intended to pursue in order to deliver the outcomes. Some propositions were reasonably clear and firm, while others were less clear and would require further investigation. Further development of the Strategic Plan would be undertaken alongside the development of the four Health and Social Care Partnership Integration Plans and Strategic Commissioning Plans throughout 2014.

The report continued to provide information on delivering the changes including site master planning as it had been recognised that NHS Lothian had too many buildings which were no longer fit for purpose and would be reviewed as part of the future use of all buildings. There was also a commitment from NHS Lothian that four acute sites would be maintained: the Royal Infirmary of Edinburgh, the West General Hospital, St John’s Hospital and the Royal Edinburgh Hospital. Changes to other hospital sites were also detailed in the report

A summary of implications and their relevant Single Outcome Agreement were also detailed in the report along with details of the consultation that would be undertaken.

The report concluded that the final version of the Strategic Plan would be presented to NHS Lothian Health Board for approval on 2 April 2014 and that further development of the components of the plan would continue to be developed throughout 2014, with the draft strategic commissioning plans of the Health and Social Care Partnerships expected to be established by statute in the Spring of 2015.

The Board were asked to consider the context, challenges and emerging proposition with NHS Lothian’s Strategic Plan and provide any comments on the strategic direction and specific propositions by 28 February 2014.

### Decision

1. To note the contents of the report;
2. Agreed that the Community Planning Development Manager in conjunction with NHS Lothian would organise a workshop so a response to the Strategic Plan could be developed on behalf of the CPP Board; and
3. Noted that NHS Lothian would undertake consultation on the Strategic Plan once the Board had approved it in April 2014.

## 11. WEST LOTHIAN REGENERATION FRAMEWORK

The Board considered a report (copies of which had been circulated) by the Community Regeneration Officer seeking approval of the Regeneration Framework 2012-2034, a copy of which was attached to the

report.

The development of a Regeneration Framework for the council and its partners had been progressed with support from officers in various organisations and services. The draft framework set out the principles underpinning a twenty year plan to reinvigorate and invest in West Lothian communities.

The overarching outcome in the West Lothian Single Outcome Agreement (SOA) of “Tackling Inequalities” was also a key aim of much regeneration activity and the outcomes in the framework were similar to many of those in the SOA.

Regeneration was a long-term process which attempted to bring about transformational change to improve the lives of individuals, families and communities. The framework highlighted key challenges to be tackled, actions that could be undertaken in the short to medium term and key indicators measuring change over the medium to long term.

The framework identified five key themes which had been mapped against the Community Planning Partnership’s SOA priorities and outcomes and West Lothian Council’s priorities and were in descending order of priority :-

- Employability and Employment;
- Early Years and Family Learning;
- Health and Wellbeing;
- Economic Development; and
- Community Capacity and Cohesion

The framework would be implemented and monitored at a local level through community owned Regeneration Plans and would also be reported to the Community Planning Partnership Board on an annual basis.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

The Board were asked to note and agree the Regeneration Framework.

#### Decision

To approve the contents of the report.

## 12. WEST LOTHIAN ANTI-POVERTY STRATEGY 2014-2017

The Board considered a report (copies of which had been circulated) by the Welfare Advice and Adult Basic Education Manager advising of the revision of “*Better Off – The West Lothian Anti Poverty Strategy 2014-*

2017”, a copy of which was attached to the report at Appendix 1. Also attached to the report at Appendix 2 were the proposed composition and governance arrangements for the Anti Strategy Board.

“*Better Off – The West Lothian Anti Poverty Strategy 2014-2017*” was approved by West Lothian Council in 2011. Implementation of the strategy had been facilitated by annual action plans related to the main themes of the strategy with the present action plan for 2013-14 attached to the report.

In 2012 West Lothian Council set up the welfare reform development group to consider the effects of the welfare reforms on the council itself and on those customers who relied on the benefits that the council was due to administer. The revised anti poverty strategy therefore :-

- Included the work outlined in the welfare reform action plan;
- Included measures that promoted financial inclusion for people affected by poverty, including measures to promote digital inclusion among these groups; and
- Included a commitment to tackle the growing issue of in-work poverty.

The revised strategy also included a revised governance structure details of which were contained in the report.

The revised strategy, if adopted by the Community Planning Partnership would reflect both the present partnership input into the anti-poverty actions and the recognition that all community planning partners had a role to play in helping alleviate and reduce poverty in West Lothian.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

It was recommended that the Community Planning Partnership Board adopt the revised “*Better Off – The West Lothian Anti Poverty Strategy 2014-2017*”, the governance arrangements related to the strategy and related action plans.

### Decision

To approve the terms of the report

## 13. COMMUNITY PLANNING PARTNERSHIP - RESOURCE ALIGNING GROUP

The Board considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update on progress towards the establishment of a Resource Aligning Group who would be responsible for gathering evidence and reporting on findings and recommendations on resource planning and management between community planning partners.

The Head of Finance and Estates advised that the recently published Agreement on Joint Working on Community Planning and Resourcing placed clear expectations on CPP's to work towards sharing a budget and resource planning assumptions at an earlier stage and to deploy resources towards jointly agreed SOA outcomes.

At the Community Planning Partnership Board meeting on 18 November 2013, the Board agreed to the formation of a West Lothian Community Planning Resource Aligning Group (RAG). This would be a lead group established to progress resource planning and management across the partnership and would be responsible for developing a framework to improve the CPP's capacity to target and align resources for better impact across SOA priorities.

The RAG was currently being formed and to date there had been keen interest across the CPP to participate in the group with several nominations having already been confirmed. It was planned to finalise the membership of the group by 5 February 2014.

Thereafter, a RAG planning workshop had been arranged for 12 February 2014. The workshop would present an opportunity for all group members to discuss options on how best to take forward the requirements of the Agreement on Joint Working.

Following feedback from the workshop, a work plan would be established that would allow the group to plan tasks throughout 2014. The final recommendation report would be presented to the Community Planning Partnership Board on 17 November 2014.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

It was recommended that the Board note the contents of the report.

#### Decision

1. To note the contents of the report; and
2. Agreed that the Resource Aligning Group be tasked with taking into consideration resources and people across the Partnership spectrum so work could progress throughout 2014-15.

#### 14. SCOTTISH FIRE AND RESCUE SERVICE LOCAL FIRE AND RESCUE PLAN FOR WEST Lothian 2014-2017

The Board considered a report (copies of which had been circulated) by the Local Senior Officer for Falkirk and West Lothian advising that the Scottish Fire and Rescue Service (SFRS) Local Fire and Rescue Plan for West Lothian 2014-2017 had been developed to a stage where it had been released for consultation with key stakeholders and members of the community in West Lothian.

The Board were advised that on 7 January 2014, CPP Board Members were emailed information related to the consultation process and afforded the opportunity to reply individually.

Under the Police and Fire Reform (Scotland) Act 2012 Section 41E, SFRS was required to have in place a Local Fire and Rescue Plan for each local authority area that outlined the local priorities and outcomes that the SFRS would deliver against in the coming years.

In accordance with the Police and Fire Reform (Scotland) Act 2012, the plan set out the following :-

- Priorities and objectives for SFRS in connection with the carrying out of duties in West Lothian of SFRS's functions;
- The reasons for selecting each of those priorities and objectives;
- How SFRS proposed to deliver those priorities and objectives;
- In so far as reasonably practicable, outcomes by reference to which delivery of those priorities and objectives could be measured;
- How those priorities and objectives were expected to contribute to the delivery of any other relevant local outcomes which were identified by community planning; and
- Such other matters related to the carrying out of SFRS's functions in West Lothian as SFRS saw fit.

There were also seven priorities identified in the local plan which were summarised in the report.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

The Board were asked to consider if they wished to submit a collective response to the SFRS Local Fire and Rescue Plan for West Lothian 2014-2017 by 14 February 2014.

#### Decision

1. To note the content of the report and the proposed Local Fire and Rescue Plan;
2. To note that West Lothian Council would be submitting its own response to the consultation; and
3. To note that given the tight timescales it would not be possible to submit a response on behalf of the CPP Board, but each individual partner could respond if they so wished.



15. COMMUNITY PLANNING PARTNERSHIP TERMS OF REFERENCE

The Board considered a report (copies of which had been circulated) by the Community Development Planning Manager seeking approval of a draft CPP Terms of Reference to the Community Planning Board, a copy of which was attached to the report at Appendix 1.

As part of the Community Planning Partnership Development Plan, the existing Partnership Agreement was to be revised and an up-to-date Terms of Reference produced. This was endorsed at a special meeting of the CPP Board in June 2013.

Since the Partnership Agreement was produced, the context in which the Partnership operated had changed, as had the structure and governance of the Partnership itself. Therefore it was necessary to ensure that the terms of reference accurately reflected current arrangements.

The Board were asked to review and agree the content of the Terms of Reference.

Decision

1. To approve the terms of the report; and
2. Agreed that the Chief Executive would consult with the Community Planning Steering Group with regards to expanding the membership of the Steering Group to include a representative of the Voluntary Sector Gateway West Lothian and the West Lothian Association of Community Councils and report back to the Board in due course.

16. WWF EARTH HOUR 2014

The Board considered a report (copies of which had been circulated) by the Climate Change Officer providing an update on what the council was doing in relation to WWF Earth Hour for 2014 and to request that the Community Planning Partners identify additional activities which could be undertaken.

The Board were advised that WWF's Earth Hour would take place on Saturday 29 March 2014 from 8.30pm to 9.30pm. Earth Hour was a reminder that together we could make change happen and think about the small things we could all do every day to help create a brighter future.

In 2011, Scotland became the first country in the world to have all its local authorities participating in Earth Hour, something that was applauded globally. Last year the council promoted Earth Hour through a range of media and partnered with Historic Scotland to switch off lights at Linlithgow Palace. The council planned to do the same in 2014 and wished to work alongside Community Planning Partners to extend both the promotion of and participation in Earth Hour across West Lothian.

As with previous years, WWF was asking local authorities and other organisations to engage by switching off properties, promote Earth Hour to staff and the public, carry out events and media work and connect Earth Hour with ongoing climate change commitments. Details were available from the Earth Hour web site to help with promotion of the event.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

The council would welcome engagement with partners to organise and promote additional activities and it was recommended that the CPP note the content of the report and agree to participate in Earth Hour 2014

### Decision

To approve the terms of the report.

## 17. SCOTTISH GOVERNMENT RESPONSE TO "REDESIGNING THE COMMUNITY JUSTICE SYSTEM - A CONSULTATION ON PROPOSALS"

The Board considered a report (copies of which had been circulated) by the Senior Manager for Young People and Public Protection advising of a Scottish Government consultation on "*Redesigning the Community Justice System – A Consultation on Proposals*".

In December 2012 the Scottish Government launched a consultation paper - "*Redesigning the Community Justice System – A Consultation on Proposals*". The consultation followed the publication of two reports – one by the Commission on Women Offenders and another by Audit Scotland on reducing re-offending.

A number of West Lothian staff had taken part in consultation events in the Spring of 2013, held both locally and at the Community Justice Authority level. The issue had also been shared with justice partners and at a range of other forums including the Council Executive and other meetings of the council.

The consultation assessed the merits of three different models, which were summarised in the report. West Lothian Council in common with most local authorities supported Option B which would see the abolition of Community Justice Authority's and local authorities assuming both the strategic and operational responsibility for the planning, designing and delivery of services for offenders in their area.

However none of the three options outlined in the paper attracted significant support from the consultation events. Elements of each option found favour with those consulted leading to the development of a fourth option (Option D) which again was summarised in the report.

There was a clear preference for a model with local delivery (Option D), with partnerships and collaboration at its heart while still incorporating

some form of national arrangements to provide the profile, leadership and strategic direction felt to be missing from the present set-up. The main features of the new model were as follows :-

- Local strategic planning and delivery of Community Justice services through Community Planning Partnerships (CPP's);
- The creation of a National Body to provide assurance and recommendations to Scottish Ministers and Local Government elected members as well as professional strategic leadership for the sector;
- A focus on collaboration, including the opportunity to commission, manage or deliver services nationally, where appropriate; and
- A mechanism reflecting the national and local democratic responsibilities to afford discussion and agreements as necessary, on aspects of mutual concern.

The report then provided details of the national body that was part of the proposals including the inclusion of the Risk Management Authority, workforce developments, involvement of the third sector and proposed funding. The next step for the policy development would be for the Scottish Government to consult on the detail of the proposed model throughout 2014.

The report concluded with details of the implications for the Single Outcome Agreement and the consultations undertaken.

It was recommended that the Board note the content of the report.

#### Decision

To note the content of the report.

#### 18. DATES OF NEXT MEETINGS

The Board noted dates for future meetings of the Community Planning Partnership Board :-

- Friday 16 May 2014;
- Monday 25 August 2014; and
- Monday 17 November 2014

MINUTE of MEETING of the COMMUNITY PLANNING PARTNERSHIP BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 16 MAY 2014.

Present –

Councillor John McGinty	West Lothian Council
Councillor Angela Moohan	West Lothian Council
Councillor Tom Conn	West Lothian Council
Councillor Carl John	West Lothian Council
Graham Hope, Chief Executive	West Lothian Council
Libby Tait	NHS Lothian
Janet Whitley	Public Service Collaborative Learning
Jim Gallacher	Voluntary Sector Gateway WL
Jim McGonigle	Department of Work & Pensions
Donald Lumsden	Skills Development Scotland
Jane Kellock	West Lothian Council
Gill Emery	Police Scotland
Paul McGirk	Hubco South East
Alan Wright	WL Assoc of Community Councils
Brian Williams	Scotland's Rural College
Mhairi Laughlin	West Lothian College
Gary Laing	Scottish Fire & Rescue Service

In Attendance -

Councillor Willie Boyle	Voluntary Sector Gateway WL
Donald Forrest	West Lothian Council
Lorraine Gillies	West Lothian Council
Craig McCorriston	West Lothian Council

Apologies -

Councillor Cathy Muldoon	West Lothian Council
Councillor Peter Johnston	West Lothian Council
Alex McMahon	NHS Lothian
Mike Neilson	Scottish Government
Ross Pitbladdo	Youth Congress
Rachel Sunderland	Scottish Government
David James	Oatridge College
Jim Forrest	West Lothian Council

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 3 February 2014. The Minute was thereafter signed by the Chair.

### 3. QUALITY OF LIFE 2013 RESULTS

#### Presentation & Report by Lorna Shaw of Research Resource

The Board were provided with an overview of the key findings of the Quality of Life survey carried out for 2013-14. The questionnaire used was based upon the Single Outcome Agreement needs and was sent to all Citizen Panel members. 1764 responses were received which was a response rate of 57% overall.

The Board were then presented with a number of slides that provided data on West Lothian as a place to live, satisfaction with neighbourhoods, resident priorities and satisfaction with public services. Further detailed analysis was also provided with regards to particular service provision including council housing, health & well-being and the community.

The Chair thanked Lorna for the very informative presentation.

It was also noted that there was a report to accompany the presentation, a copy of which was attached at Appendix 1.

There then followed a questions and answers session and in doing so Libby Tait, NHS Lothian requested further information in relation to the results for Health & Well-being particularly as the importance of this was rated highly by those responding.

It was recommended that the Board agree to the publication of the Quality of Life Survey results for 2013-14.

#### Decision

1. Noted the contents of the presentation and accompanying report;
2. Agreed that further details of those results pertaining to Health & Well-being be provided to Libby Tait, NHS Lothian; and
3. Agreed that the results of the Quality of Life Survey 2013-14 be published.

### 4. MINUTE OF COMMUNITY PLANNING STEERING GROUP, 14 APRIL 2014

The Board noted the Minute of the Community Planning Steering Group held on 14 April 2014, a copy of which had been circulated to partners.

### 5. MINUTES OF THEMATIC FORUMS

- a) The Board noted the Minute of the meeting of the Community Safety Board held on 9 December 2013;
- b) The Board notes the Minute of the meeting of the Economic Forum

held on 6 March 2014;

- c) The Board noted the Minute of the CHCP Sub Committee held on 6 February 2014; and
- d) The Board noted the Minute of the Climate Change Working Group Action Note held on 20 February 2014.

6. SOA PERFORMANCE REPORTS

- a) The Board noted the high level performance indicators;
- b) The Board noted the Environmental Performance Report; and
- c) The Board noted the Exception report.

7. OUR HEALTH, OUR CARE, OUR FUTURE : NHS Lothian DRAFT STRATEGIC PLAN 2014-2024

The Board considered a report (copies of which had been circulated) by Libby Tait, Associate Director Strategic Planning, NHS Lothian advising of the publication of the draft NHS Lothian Strategic Plan for consultation and engagement and to advise the Board of the consultation period.

The Board were advised that there had been many significant improvements in healthcare in NHS Lothian in recent times, including mental health services being transformed, a Lothian-wide service to support those with COPD and working with the Change Fund for older people. While acknowledging these and many other changes, NHS Lothian was committed to continuous improvement across all its services and it had been identified through the draft plan, key areas where further development was needed to achieve the 2020 vision.

The vision of NHS Lothian was that services would be safe, effective and patient centred and that this would only be achieved by thinking and working differently and being more willing to innovate.

The Strategic Plan described what NHS Lothian proposed to do over the coming decade to address these challenges and provide a high quality and sustainable healthcare system for the people of Lothian. The improvements and necessary changes would be delivered through new ways of working by NHS staff and independent contractors, as well as by working differently with key partners through the four local authorities, the third sector and with patients and carers.

A range of propositions had been developed and would be debated through consultation and engagement over the coming months and these were summarised in the report.

It was essential that the plan supported innovative and modern clinical practices in ways that made it easier for clinical and other staff to provide the best care to patients. It was equally important that all clinicians and

managers engaged positively with the planning process and commit to supporting the outcome.

In conclusion a definitive strategic plan which firmed up the propositions and detail around the actions, timelines and implications for patients, staff and funding would be presented to the Health Board for approval by the autumn of 2014, reflecting the outcome of the consultation and engagement process.

The Board were asked to support communication and awareness of the NHS Lothian Strategic Plan through partner organisations and communities and consider the content of the plan and provide any comments by 8 August 2014 for incorporation in the final plan to be presented to the Health Board.

### Decision

1. To note the contents of the report and the NHS Lothian Strategic Plan 2014-2024;
2. To note that the consultation period would run until 8 August 2014;
3. To note that a series of meetings were being organised within the community to consult on the draft plan; and
4. To agree that Libby Tait would provide the Community Development Planning Manager with further details of those patients being seen within the agreed target of 12 weeks and was to also include details of where this target was not being met.

## 8. SOA EXCEPTION REPORT

The Board considered a report (copies of which had been circulated) by the Community Planning Development Manager providing an exception report for performance issues in relation to the Single Outcome Agreement.

The exception report detailed all Performance Indicators with a red or amber status. Exception reporting would therefore help the partnership identify performance issues, provide a focus for where performance needed to be improved and encourage partners to look at how we could collectively act to improve performance.

The report was summarised into three sections; these being Community Safety, Economic and Health & Well-being.

The Board were therefore asked to discuss the detail of the exception report and any issues arising and consider how well the process worked as a robust way of scrutinising performance.

### Decision

1. To note the contents of the report; and

2. Agreed that similar reports would be produced for future meetings of the CPP Board.

9. ACHIEVING THE SCOTTISH FIRE AND RESCUE SERVICE LOCAL FIRE AND RESCUE PLAN FOR WEST LoTHIAN 2014-2017

The Board considered a report (copies of which had been circulated) by Gary Laing, Area Manager, Scottish Fire and Rescue Services providing a copy of the Scottish Fire and Rescue Service Local Fire and Rescue Plan (SFRS) for West Lothian 2014-2017 which had recently been agreed by West Lothian Council Executive following a period of consultation.

The Local Fire and Rescue Plan for West Lothian 2014-2017 had identified seven priorities. These being :-

- Local risk Management and preparedness;
- Reduction of dwelling fires
- Reduction of fire fatalities and casualties
- Reduction of deliberate fire setting;
- Reduction of fires in non-domestic property;
- Reduction in casualties from non-fire emergencies; and
- Reduction of unwanted fire alarm signals.

Due to the complex nature of incident causation and the involvement of human behaviour the Fire and Rescue Service had identified that on their own they may not achieve the outcomes set against the identified priorities. Whilst members and arrangements within the West Lothian Community Safety Partnership would assist in delivering against the outcomes it was proposed that the SFRS form a tasking group consisting of representatives from the Community Safety Board, Community Health Care Partnership Sub-Committee, Economic Forum and Climate Change Working Group to identify additional partnership working that would contribute towards achieving the local fire and rescue plan for West Lothian.

A summary of the implications and the relevant Single Outcome Agreement was detailed in the report.

Therefore the Board were asked to sanction the creation of a tasking group to identify opportunities for further partnership working across the Community Planning Partnership to assist delivery of the SFRS Local Fire and Rescue Plan for West Lothian 2014-2017.

Decision

1. To approve the terms of the report; and



2. Agreed that a further report would be brought back to a future meeting of the CPP Board providing an update on progress.

#### 10. AN INTRODUCTION TO HUB SOUTH EAST SCOTLAND LTD (HUBCO)

The Board considered a report (copies of which had been circulated) by Paul McGirk, Chief Executive of Hubco South East Scotland Ltd providing an overview of Hubco, offer examples of work, describe how Hubco linked with the CPP, the benefits of working together and what Hubco could offer the CPP.

The report explained that Hubco was a national initiative set up by the Scottish Government as a way to provide a more efficient, quicker, sustainable procurement methodology for public sector bodies. The initiative in South East Scotland was managed and operated by Hubco for a period of 20 years with the potential to extend for an additional 5 years. At a national level the initiative was managed by the Scottish Futures Trust and at a local level by the Territory Partnering Board (TPB) of which many of the WLCPP partners were key participants.

Hubco had been established in July 2010 and it was the first Hub company to be established in Scotland, following a successful OJEU based procurement process managed by the Scottish Futures Trust. The Hubco in the South East Territory consisted of WLC, Midlothian Council, East Lothian Council, City of Edinburgh Council, Scottish Borders Council, NHS Lothian, NHS Borders, Scottish Fire & Rescue Services, Police Scotland and the Scottish Ambulance Service.

The report went on to provide details of completed and developing projects and to date had successfully delivered 14 projects costing £44m, within budget. The report also continued to provide information on how Hubco linked to the CPP and of the benefits of working together. Further information was also contained within the report explaining the process that was followed for the procurement process.

In conclusion Hubco was working in partnership on various projects in the West Lothian area from developing the Blackburn Partnership Centre and Rosemount Court (Housing with Care), to providing a strategic support service on West Calder High School and the West Lothian Bundle (Partnership Centres) as Hubco was ideally placed to assist in future service and community based development and initiatives.

The Board was asked to note the content of the report.

#### Decision

To note the contents of the report.

#### 11. PUBLIC SERVICE COLLABORATIVE (PSCL) LEARNING UPDATE

The Board considered a report (copies of which had been circulated) by

Janet Whitley providing an update on the work that had taken place with CPP members and PSCL partners since the last meeting of the Board on 3 February 2014.

The Board were advised that PSCL was invited by the CPP Board to work with CPP members on development to improve the collaborative functioning of the CPP, drawing upon the evidence provided through the CPP self-evaluation, the SOA process and first hand participation in the CPP Board.

Since the meeting on 3 February 2014, a group of CPP members had been formed to scope out the most relevant and meaningful development priorities for the CPP to work on with PSCL. The report detailed those members of the CPP Board who were members of the group.

The group had met on two occasions; these being 21 March 2014 and 1 May 2014. From these discussions it was proposed that PSCL continue to work with the CPP on the following areas :-

- Support for the application of the learning from ABCD, GIRFEC and Third Sector, Resource Aligning and Economic Workshop activity to the wider functioning of the CPP and the Board;
- Sharing of knowledge on Total Neighbourhood approaches to working and support for collaborative enquiry to explore how this might apply in West Lothian and the implications from this for the operation of the CPP and the Board;
- Support in the design and delivery of specific development which may arise as a result of the current Audit of the CPP; and
- Support in the application and delivery of the current PSCL range of offerings in the West Lothian setting, e.g. Leadership, Exchanges, Coaching, Action-Learning facilitation, etc.

The CPP Board were therefore invited to reflect on these discussions and agree whether this proposal provided the right mix of development offerings for the CPP at this time.

### Decision

To approve the terms of the report.

## 12. RESOURCE ALIGNING GROUP

The Board considered a report (copies of which had been circulated) by the Head of Finance, West Lothian Council providing an update on the progress of the Resource Aligning Group (RAG) which had held its first meeting on 12 February 2014 and had been well represented by partner agencies.

At the meeting each organisation was asked to provide a brief update on the resources they could easily share with the group and identify areas

which may prove difficult. It was agreed that West Lothian Council would develop a template to be circulated to each organisation to gather initial information. The template asked for the following information :-

- The services each organisation provided to West Lothian;
- The geographical spread;
- Funding sources and the number of years funding was confirmed for;
- Revenue and capital budgets (whole organisation and West Lothian area);
- People resources; and
- Budget links to the Single Outcome Agreement.

The results were combined into a single document and presented and discussed at the next meeting of the RAG which was held on 25 April 2014. The report highlighted the difficulties national organisations had obtaining local level information, in particular around budgeting. Therefore the next steps would be to develop responses received through a series of individual meetings with partners.

In order for the RAG to deliver on its objectives however the group had identified the need for a Work Plan, a copy of which was attached to the report at Appendix 1. Therefore formal commitment from each partner to share planning information when available and to consult on local plans would be expected going forward.

A summary of the implications and the relevant Single Outcome Agreement was detailed in the report.

It was recommended that the Board note the report and agree that the following items be progressed under the RAG Work Plan :-

- The RAG Partners would share joint planning information;
- A scenario planning exercise would be developed;
- Areas of joint working would be identified and progressed; and
- A CPP Asset Plan covering property, IT & Information and Vehicles would be developed.

### Decision

To approve the terms of the report.

## 13. ENGLISH AS A SECOND OR OTHER LANGUAGE 2014-15 FUNDING APPLICATION

The Board considered the contents of an application that had been submitted to the Scottish Funding Council for funding for four projects relating to English for Speakers of Other Languages. The application provided a summary of the projects and the funding that was being sought and included details of the partnership working that would be involved.

The Board were asked to note the content of the application for funding.

Decision

Noted the contents of the application form.

14. DATE OF NEXT MEETINGS

Noted the dates of the remaining meetings for 2014, these being :-

- Monday 25 August 2014; and
- Monday 17 November 2014



**COUNCIL EXECUTIVE**

**WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP BOARD**

**REPORT BY DEPUTE CHIEF EXECUTIVE, COMMUNITY HEALTH AND CARE PARTNERSHIP**

**A. PURPOSE OF REPORT**

To update members on the business and activities of West Lothian Community Health and Care Partnership (CHCP) Board.

**B. RECOMMENDATION**

To note the terms of the minutes of meeting of West Lothian CHCP Board on 27 May 2014 in the Appendix to this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	None required.

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

On 29 June 2010 the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision the business of West Lothian CHCP Board was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

Please note that the appended minute was approved subject to noting that Alison Mitchell had tendered her apologies for the meeting.

#### **E. CONCLUSION**

This report ensures that members are kept apprised of the activities of West Lothian CHCP Board as part of the council's Code of Corporate Governance.

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

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

- 1 Minute of meeting of West Lothian CHCP Board held on 27 May 2014

Contact Person: Jim Forrest, Depute Chief Executive, CHCP

01506 281977

Jim.Forrest@westlothian.gov.uk

Date: XXXX

MINUTE of MEETING of the WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP BOARD of WEST LOTHIAN COUNCIL held within STRATHBROCK PARTNERSHIP CENTRE, 189(A) WEST MAIN STREET, BROXBURN, EH52 5LH, on 27 MAY 2014.

Present – Frank Toner (Chair), Janet Campbell, Brian Houston, John McGinty, Anne McMillan, Ed Russell-Smith

Apologies – Jane Houston

Absent – Alison Mitchell

In Attendance – Jim Forrest (CHCP Director), Jennifer Scott (Head of Council Services), Gill Cottrell (Chief Nurse, NHS Lothian), Carol Mitchell (Assistant Director of Finance, NHS Lothian), Alan Bell (Senior Manager, CHCP), Carol Bebbington (Primary Care Manager, NHS Lothian) Alan Colquhoun (Project Manager, Blackburn Partnership Centre); John Richardson (PPF).

## 12. FINANCIAL GOVERNANCE

### a) 2013/14 Revenue Budget - Monitoring Report as at 31<sup>st</sup> March 2014

The Board considered a report (copies of which had been circulated) by the Head of Social Policy and Head of Health Services providing a joint report on financial performance in respect of West Lothian Community Health and Care Partnership (WLCHCP) based on figures for the period 31<sup>st</sup> March 2014.

The report advised that the anticipated out-turn for the CHCP council services for the financial year had reported a £92,000 underspend and CHCP health services had report a breakeven position.

#### Decisions

1. To note the position in relation to the council services budget at 31<sup>st</sup> March 2014 and the forecast for an underspend of £92,000 at the end of the financial year.
2. To note the position in relation to the health services budget at 31<sup>st</sup> March 2014 and the forecast for it to break even at the end of the financial year.
3. To note that service managers were taking management action to address areas of financial pressure within their own service area to ensure spend was contained with the budget available.

## 1. DECLARATIONS OF INTEREST

Councillor Frank Toner declared a non-financial interest as he was the

council's appointment to the Board of NHS Lothian as Non-Executive Director.

2. MINUTE

The Board approved the minute of its meeting held on 25<sup>th</sup> March 2014 as a correct record.

3. CHCP RUNNING ACTION NOTE

The Board considered the Running Action Note (which had been circulated).

Decision

To note and agree the Running Action Note.

4. NOTE MINUTE OF MEETING OF THE PRIMARY CARE JOINT MANAGEMENT GROUP

The Board noted the minute of the Primary Care Joint Management Group meeting on 13<sup>th</sup> February 2014.

5. NOTE MINUTE OF MEETING OF THE PRIMARY CARE JOINT MANAGEMENT GROUP

The Board noted the minute of the Primary Care Joint Management Group meeting on 13<sup>th</sup> March 2014.

In relation to "GP Returners" (Paragraph 103), officers who attend the PCGMG meeting agreed to provide an update to Board members following the next consideration by the Group.

6. NOTE MINUTE OF MEETING OF THE CHCP SUB-COMMITTEE

The Board noted the minute of the CHCP Sub-Committee held on 6<sup>th</sup> February 2014.

7. BLACKBURN PARTNERSHIP CENTRE – OUTLINE BUSINESS CASE

The Board considered a report and presentation (copies of which had been circulated) by the CHCP Director on the progress with the Blackburn Partnership Centre project and advising of developments with the required Outline Business Case (OBC).

The report recalled the background to the development of the Blackburn Partnership Centre project and reminded the Board of the services which would be available in the new facility which would encourage joint



working, shared services, aligned resources and greater collaboration between agencies.

The report recalled the various development stages the project had progressed through to comply the Hubco process. In parallel with the Hubco development stages, NHS Lothian had to ensure that infrastructure projects were developed in accordance with the Scottish Government's Capital Investment Manual (SCIM). The SCIM provided that at this stage of the development, an Outline Business Case (OBC) had to be produced and approved through appropriate governance structures.

A single OBC covering the bundle of projects which included Blackburn Partnership Centre had been produced by NHS Lothian. The aims of the OBC were listed in the report, together with a list of the OBC proposals, which included a table demonstrating the milestones for delivery of the project. Information on the predicted capital and revenue costs of the development were provided as part of the presentation.

Formal approval of the OBC was being progressed through NHS Lothian's Capital Investment Group and Finance and Resources Committee. Thereafter, the OBC would be reported to the NHS Lothian Board and the Scottish Government's Capital Investment Group for final approval in June 2014.

#### Decision

1. To note the content of the informative presentation.
2. To note the contents of the report and support the way forward for the project, as proposed in the Outline Business Case.

### 8. RISK MANAGEMENT

The Board considered a report (copies of which had been circulated) by the CHCP Director providing an update on the review of the CHCP risk register.

The purpose of the register was to provide a record of the high level risks which, should they occur, could threaten the ability of the CHCP to achieve its objectives. The recording of the risk register ensured management had identified and considered risks and were satisfied that they were either appropriately controlled or had planned actions in place to mitigate the risks. The risks were recorded in the council's Covalent system and on NHS Lothian's Datix system.

The CHCP risk register had been reviewed by the CHCP Senior Management Team in May 2014, which involved reviewing risks identified by previous reviews, scores and associated risk actions. The findings of the May 2014 review were summarised in the report. The updated CHCP risk register, including the progress for each risk action, were detailed in the appendix to the report, which was supplemented by more detailed risk information and the risk matrix used to score the risks, which

were also provided as appendices to the report.

### Decision

To note the terms of the report and agree the updated CHCP risk register.

## 9. PERFORMANCE MANAGEMENT IN THE CHCP

The Board considered a report (which had been circulated) by the CHCP Director providing an update on performance management within the CHCP.

The Board was reminded that the CHCP had developed an integrated approach to performance management over the last two years based on a broad suite of key operational performance indicators across activity within the CHCP. Although the approach was a positive development, it had limitations in terms of the spread and the relevance of the current suite of indicators. In part, the limitations were related to the state of development of the supporting information systems, particularly the transition from the CIS information system to the TRAK system. An appendix to the report provided the Board with an overview of the current suite of indicators where data was available.

The Public Bodies (Joint Working) (Scotland) Act 2014 would require health and social care integration authorities to prepare a strategic plan which had regard to national health and wellbeing outcomes and integration delivery principles. It had therefore been an appropriate time to review the CHCP's approach to performance management. It was proposed that the CHCP would adopt a balanced scorecard approach to translate priority outcomes into a comprehensive set of performance measures that would provide a framework for a strategic measurement and management system. The balanced scorecard would retain an emphasis on achieving financial objectives, whilst measuring the performance drivers of the financial objections. The scorecard would measure organisational performance across four balanced domains; financial, customer, internal processes and learning and growth.

The report explained that the process of developing a balanced scorecard would see performance indicators established against each domain. It would also map indicators to the strategic outcomes expected to be improved through the integration of health and social care within the Public Bodies (Joiny Working) (Scotland) Act which were fully listed in the report. The Board noted that the West Lothian Single Outcome Agreement had recently been reviewed and updated and that two of the draft outcomes for health and social care integration fitted in well with the SOA.

### Decisions

1. To note the terms of the report and the continued commitment of the CHPC to an integrated approach to performance management.

2. To note the proposed development of a balanced scorecard approach using a suite of indicators at a strategic level.

## 10. CLINICAL GOVERNANCE

The Board considered a report (copies of which had been circulated) by the Head of Health Services providing information on (a) the arrangements in place for the transition of the Linlithgow Family Practice and (b) progress being made to reduce drug related deaths in West Lothian.

The report explained that the Linlithgow Family Practice was currently a single-handed practice based in Linlithgow Health Centre with around 2100 patients. The majority of patients were resident in West Lothian although around 300 resided in other health board areas, principally Forth Valley.

The single handed practitioner was due to retire from the practice in June 2014. Following advice, and in collaboration with the Primary Care Contractors Organisations, the availability of the practice would be advertised in whole and in parts to attempt to secure a replacement. In the interim, the CHPC would take over the practice on a temporary basis from 1<sup>st</sup> July 2014 and a locum would be sought to provide continuity of care for patients. The existing practitioner had agreed to continue on a locum basis for a period of time whilst temporary/permanent replacement was sought.

Officers recognised that it could be difficult to secure a suitable replacement as single handed worker required particular skills for GPs. In addition, a practice which relied solely on one doctor was more vulnerable to disruption of business continuity and was considered high risk by the CHCP, so preference would be given to any proposal which involved more than one doctor, for example two doctors each working part-time.

If no permanent replacement was found within an acceptable time frame, an option would be to dissolve the practice and reallocate patients to other practices in their geographic location.

The report then moved on to provide the Board with information on Lothians Take Home Naloxone Programme which aimed to reduce drug-related deaths by training family members and others to administer naloxone promptly to drug users to reverse the effects of opiates in the case of overdose.

The programme had been running for 3 years and in the last year alone, there had been 67 known cases across Lothian where naloxone had been successfully administered. In West Lothian, where Substance Misuse Directorate (SMD) nurses had delivered the naloxone programme most effectively to patients, there had been year on year growth in the training and supply of take-home kits and a 75% reduction in drug-related deaths as demonstrated in the appendix to the report. Those results had yet to

be replicated throughout the rest of Lothian.

The Board noted that in addition to naloxone being supplied through the Addictions Services, GPs could now prescribe naloxone. A pilot was planned for Craigmillar Medical Practice in Edinburgh which, if successful, would be rolled out to other areas.

### Decisions

1. To note the contents of the report.
2. To note that due process was being followed in the management of the transition of Linlithgow Family Practice and that appropriate clinical governance procedures were in place.
3. To agree to support progress being made to reduce drug-related deaths.

## 11. CARE GOVERNANCE

### UPDATE ON ADULT PROTECTION AND CHILD PROTECTION

The Board considered a report (copies of which had been circulated) by the Head of Social Policy providing updates in relation to two care homes in West Lothian; Heatherfield Nursing Home, Armadale and Livingston Nursing Home, Livingston.

The report explained the history and background to the adoption of the National Care Home Contract for Older People Care Homes and its implementation in West Lothian and across Scotland. The aim of the Contract was to provide a consistent approach to the quality of care and a national fee for the provision of Older People Care Home beds in the private sector. Later versions of the contract had incorporated a performance-related aspect, with a provision for a reduction in fees in the event of a final inspection QAF grade 2 or less in the “quality of care and support” category and an enhanced fee should a grade of 5 or 6 in “Quality of Care and Support” and a minimum of a 5 in any one other category. The contract also stipulated that as part of contract quality agenda, a reduction of £20 per resident per week would be deducted from the headline fee (for both nursing and residential care) where a grade 2 or less was awarded in the quality of care and support category.

In February 2014, Heatherfield Nursing Home was awarded grade 2 in the category Quality of Care and Support. Therefore, in line with the National Care Home Contract 2014/15, a reduction of £20 per resident per week had been applied.

The Board then noted that an improvement notice had been served on Livingston Nursing Home on 10<sup>th</sup> March 2014. The report advised that the terms of that notice had been complied with and that it was no longer

in force. The Inspection Report in support of the Improvement Notice being lifted was currently being drafted and once published, a further update would be provided to the Board.

### Decisions

1. To note the terms of the report.
2. To note the application of a 50% reduction in the quality element of the National Care Home Contract fee to Heatherfield Nursing Home which had been awarded a grade 2 by the Care Inspectorate in the category of Quality and Care Support.
3. To note compliance with the terms of the Improvement Notice which was served on Livingston Nursing Home on 10<sup>th</sup> Marchy 2014.

## 13. STAFF GOVERNANCE

The Board considered a report (copies of which had been circulated) by the Head of Social Policy and the Head of Health Services providing an update on staff issues within the CHCP.

The report provided information on the findings of the council's 2013 Employee Survey. The survey had been conducted annually since 2009 and was one of the most important ways of finding out what employees thought about their work. Strong results were received in the Teamwork, Workforce Planning and Reward and Recognition categories, with more than 75% of respondents agreeing or strongly agreeing. Satisfaction with Leadership and Management had shown the biggest overall improvement with results increasing by 7% to 69%. Results in all of the seven key areas surveyed were at 65% and above in the strongly agree/agree categories. The overall response rate for the survey was 49%. A table within the report demonstrated the 2013 results compared to the 2012 outcomes.

The report then advised that NHS Lothian had launched it's draft strategic plan – Our Health, Our Care, Our Future on 21<sup>st</sup> April 2014. Over the summer, the need for change and the propositions set out in the plan would be discussed with staff, patients, communities and other stakeholders. The feedback from consultation and engagement would be used to shape the final version of the plan which would be presented to the Board in October 2014.

The report concluded with information on the NHS Lothian's Gender Based Violence Policy and Procedure that had been developed to promote the welfare of staff affected by current or previous experience of Gender Based Violence. The policy further aimed to ensure that organisations responded effectively to staff members who may be perpetrators of such abuse and a list of the aims of the explicit policy were included in the report.

### Decisions

1. To note the terms of the report.
2. To note the findings of the council's annual Employee Survey.
3. To note the Our Health Our Care Our Future NHS Lothian Strategic Plan 2014-2024.
4. To note the introduction of the Gender Based Violence Policy and Procedure.

14. DIRECTOR'S REPORT

The Board heard a report by the CHCP Director providing an update on key areas of work in which the partnership had been involved in since the last meeting of the Board.

Decision

To note the information and work undertaken in relation to:-

- a) Draft Regulations relating to Public Bodies (Joint Working) (Scotland) Act 2014.
- b) Glasgow Commonwealth Games Baton Relay.
- c) Pathways Service – Healthy Living Award.

b) Resource Transfer Monitoring Report to 31<sup>st</sup> March 2014

The Board considered a report (copies of which had been circulated) by the Head of Social Policy providing details of phased expenditure incurred in the period to 31<sup>st</sup> March 2014.

The Board was advised that the CHCP had invested £6.52 million of the total £6.52 million resource transfer monies to the end of March 2014 and had maintained a zero delayed discharge position in the first nine months of the financial year. There had been a number of delayed discharges in recent months due to lack of capacity in the market.

Decisions

1. To note the terms of the report.
2. To note that the West Lothian CHCP had invested £6.52 million of the total £6.52 million resource transfer monies to the end of March 2014.
3. To note that while the CHCP had maintained a zero delayed discharge position in the first nine months of the financial year there had been a number of delayed discharges in recent months due to lack of capacity in the market.









West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **PROCUREMENT – MONTH 5 MONITORING REPORT 2014/15**

#### **REPORT BY HEAD OF FINANCE AND ESTATES**

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

To provide Council Executive with a monitoring report on procurement activities.

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

It is recommended that the Council Executive notes:

1. The contracts let since April 2014 and savings achieved to date in 2014/15.
2. The community benefits gained as part of the procurements since April 2014 to date.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	All contracts must be advertised in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2012.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Effective procurement can offer significant savings opportunities.
<b>V Relevance to Single Outcome Agreement</b>	None
<b>VI Resources - (Financial, Staffing and Property)</b>	Potential savings from collaborative procurement opportunities are investigated as part of the contract strategy creation process.
<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	The Corporate Finance Manager and appropriate Service Managers are consulted during contract strategy creation.

## **D. TERMS OF REPORT**

### **Introduction**

As part of the agreed governance arrangements quarterly monitoring reports on procurement activities are provided to the Council Executive. This report is first quarter update for 2014/15.

Council, on 29 January 2013, agreed that the council shall develop a medium term financial strategy incorporating nine work streams. One of the work streams was delivery of effective procurement. As outlined in the budget report, officers are now working on further improvements to the corporate approach to procurement. A five year Procurement Strategy was approved at Council Executive in June 13 and five year procurement delivery plans are being finalised which will cover all planned procurement activity over 2013/14 to 2017/18. Annual delivery plans for 2014/15 were agreed with all service areas and were reported to Partnership and Resource PDSP on 12 March 2014.

### **Activity Since Last Report**

Work has been carried out in provision of new contracts to assist in increasing the percentage of contracted spend. This work has resulted in 44 contracts being let or adopted in the last quarter. A list of the contracts is provided in Appendix 1.

Further work to identify and input contracts not included in the Corporate Contract Management System (CCMS) has taken place resulting in 86.5% of spend being captured, which exceeds the annual target of 85%

### **Savings Targets**

As a result of the contract management approach, closer working relationships are being developed with service areas to identify and deliver savings through better contracting practices. The estimated savings identified for 2014/15 are currently sitting at £626,000 compared to the full year target of £752,000. It is anticipated that further savings will be made towards the target level over the remainder of the year.

### **Progress Against Procurement Review and Strategy**

As part of the Delivering Effective Procurement workstream, a Procurement Improvement Plan is in place to deliver the six outcomes of the Procurement Strategy which was agreed in June 2013. There are 15 activities within the plan which have been identified. Progress against these activities will be reported in future quarterly updates.

The Procurement Capability Assessment was carried out in September 2013 with a score of 62% awarded. A delivery plan is being developed to target a score of at least 68% from the assessment due on 5 December 2014. Members of the Corporate Procurement team are leading on this plan with active involvement from other service areas.

### **Collaborative Arrangements**

As well as the collaborative contract opportunities at national, regional, and local level, there are a number of other opportunities for collaboration. The work by Corporate Procurement Unit in developing a medium term plan for each procurement category will allow discussions to take place with other local authorities to develop the possibility of collaboration in the future.

## **Improving Procurement Capabilities and Capacity**

Training on aspects of procurement including Standing Orders, spend thresholds, and the use of electronic procurement systems such as Quick Quote, the Scottish Government Tool for low value procurement, continues to be delivered to service areas who carry out low value procurement. More than 200 employees now use the Quick Quote system for carrying out low value procurement.

## **Community Benefits**

In June 2013, the Council Executive approved a Community Benefits Procedure. This has provided a method to successfully incorporate Community Benefits Clauses into appropriate contracts. A list of all the community benefits confirmed as part of completed procurement exercises from April 2014 is attached in Appendix 2. These community benefits are being monitored and will be shown as achieved once implemented.

## **Changes to Standing Orders for the Regulation of Contracts**

On 19 August 2014, the Council Executive approved amendments to the council's procurement financial thresholds and the business case exemption process within the Standing Orders for the Regulation of Contracts. These changes are with immediate effect. This process has been revised to simplify the purchase of non-contracted low value transactions and these amendments will ensure that the council continues to make best use of resources and efficient use of staff time. A table summarising the changes to Standing Orders for the Regulation of Contracts is attached in Appendix 3.

## **E. CONCLUSION**

It is the aim of the Corporate Procurement Unit to lead significant improvements in procurement performance over the coming years through the implementation plans that are in place. The quarterly report will provide regular updates on this progress and in future will focus on presenting new and updated information.

## **F. BACKGROUND REFERENCES**

A copy of the current Corporate Contract Management System (CCMS) output report is available from the Corporate Procurement Unit.

Appendices/Attachments: Two

Appendix 1 – List of contracts let since April 2014

Appendix 2 – List of Community Benefits planned & achieved since April 2014

Appendix 3 – Summary Table of Changes to Standing Orders for the Regulation of Contracts

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**Donald Forrest**

**Head of Finance and Estates**

16 September 2014

**Appendix 1 – List of contracts let since April 2014 solely for use by West Lothian Council**

<b><u>Contract Reference</u></b>	<b><u>CPU Category Area</u></b>	<b><u>Contract Name</u></b>	<b><u>Contract Start Date</u></b>
CC3111	Social Policy	Deaf Action Social Work Assessment and Group Support Sessions	01/04/2014
CC3134	Social Policy	ADP Children and Young People Affected by parental substance misuse	01/04/2014
CC3135	Social Policy	ADP Adult Offenders and Vulnerable Groups at Risk of Substance misuse	01/04/2014
CC3221	Corporate	Central Storage System	01/04/2014
PS2191	Housing, Const & Build Svs	Civic Centre Facilities Manage	01/04/2014
CC3084	Housing, Const & Build Svs	Portable Appliance Testing PAT Testing	01/04/2014
CC3706	Social Policy	West Lothian Women's Aid	01/04/2014
CC3394	Operational Services	Maintenance of Floor Cleaning Equipment	01/04/2014
CC3001	Operational Services	Vehicle Tyres	04/04/2014
CC3236	Corporate	Firewall Upgrade	08/04/2014
CC3237	Housing, Const & Build Svs	CCTV Systems Repair Maintain	09/04/2014
CC3532	Operational Services	DRT 17 Taxi bus Service	15/04/2014
CC3311	Operational Services	Maintenance painting footbridge resurfacing works	27/04/2014
CC3176	Corporate	Cash Collection Service	01/05/2014
PS1728	Operational Services	Confidential Waste Disposal	01/05/2014
CC3312	Operational Services	Refurbishment of three footbridges	05/05/2014
PS2153	Housing, Const & Build Svs	Lot 1 New Build Council House Project	07/05/2014
CC3280	Operational Services	Lighting Improvements Byburn / Main St, Ecclesmachan Knightsridge West Rd and Nellburn	19/05/2014
CC3313	Operational Services	Refurbishment of deans and Knightridge West Railway bridges	19/05/2014
CC3467	Housing, Const & Build Svs	Armada PS - Temporary Classrooms	19/05/2014
PS2153	Housing, Const & Build Svs	Lot 2 New Build Council House Project	20/05/2014
CC3464	Operational Services	Local Bus Services 2 Routes	26/05/2014
CC3350	Operational Services	Armco Structures: Painting and Refurbishment	26/05/2014
CC3708	Housing, Const & Build Svs	P1-P3 Free School meals 6 Kitchen upgrades	29/05/2014
CC3249	Education & Area Services	Citizens Panel 2014	01/06/2014
CC3621	Social Policy	Remote Scheduling System	01/06/2014

<b><u>Contract Reference</u></b>	<b><u>CPU Category Area</u></b>	<b><u>Contract Name</u></b>	<b><u>Contract Start Date</u></b>
CC3455	Housing, Const & Build Svs	Framework for West Lothian Housing Sites Intrusive Site Investigation	06/06/2014
CC3309	Housing, Const & Build Svs	Internal Refurb St David's House Bathgate retender	09/06/2014
CC3222	Operational Services	Drainage Improvement Works	16/06/2014
CC3471	Housing, Const & Build Svs	Connelly House Seafeld Mechanical Installation	24/06/2014
CC3585	Corporate	Financial Analysis Service	24/06/2014
CC3437	Operational Services	Underpass Refurbishment	30/06/2014
CC3451	Housing, Const & Build Svs	Re-Roofing at Pinewood School, Blackburn	30/06/2014
CC3828	Operational Services	Installation of Real Time Information System for Public Transport	01/07/2014
CC3687	Housing, Const & Build Svs	Energy Efficiency Surveys & Works 2014-2016	01/07/2014
CC3990	Operational Services	Salt for Winter Maintenance	01/07/2014
CC3381	Operational Services	Road Maintenance Materials	01/07/2014
CC3453	Housing, Const & Build Svs	Roofing Our Lady of Lourdes PS Blackburn	14/07/2014
CC3834	Corporate	Provision of Firewalls	28/07/2014
PS2089	Corporate	Central Banking Services	01/08/2014
CC3542	Corporate	Lone Worker Services	01/08/2014
CC3315	Housing, Const & Build Svs	PROPOSED WINCHBURGH FLATS DEMOLITION	04/08/2014
CC3569	Operational Services	Glendevon Footbridge Painting and Repairs	18/08/2014

## Appendix 2 – List of Community Benefits incorporated in contracts since April 2014

Contract Reference	Category Area	Contract Start Date	Contract Name	Supplier	Community Benefits
CC3084	Housing, Construction and Building Services	01/04/2014	Portable Appliance Testing PAT Testing	TT Testing	<ul style="list-style-type: none"> <li>One week Work Placement.</li> <li>Financial sponsorship of local primary schools, local Gala Days, local golf and football clubs.</li> </ul>
PS2153 – Lot 1	Housing, Construction and Building Services	07/05/2014	New Build Council Housing - Lot 1	Lovell	<p>These are the minimum Community Benefits targets agreed with the supplier for Lot 1 of the New Build Council Housing Programme:</p> <ul style="list-style-type: none"> <li>12 - Work Placement (16 plus years)</li> <li>5 - Work Placement (14-16 years)</li> <li>7 - Construction Curriculum Support</li> <li>4 - Graduates</li> <li>8 - Apprentice Starts</li> <li>8 - Existing apprentices</li> <li>6 - Apprentice Completions</li> <li>10 - Jobs created on construction projects</li> <li>8 - S/NVQ Starts for Subcontractors</li> <li>7 - S/NVQ Completions for Subcontractors</li> <li>5 - Training Plans for Subcontractors</li> <li>6 - Supervisor Training for Subcontractors</li> <li>4 - Leadership and Management Training for Subcontractors</li> <li>6 - Advanced Health and Safety Training for Subcontractors</li> </ul>
CC3467	Housing, Construction and Building Services	19/05/2014	Armadale PS - Temporary Classrooms	Portakabin Limited	<ul style="list-style-type: none"> <li>3 short presentations (20 mins) to the children showing them a video of the installation.</li> <li>Donation of a Portakabin to Armadale Primary.</li> </ul>
CC3126	Housing, Construction and Building Services	02/06/2014	Whitehill Depot Modernisation Consultancy	WSP UK Ltd	<ul style="list-style-type: none"> <li>Employ one Apprentice</li> <li>Employ one summer placement students</li> <li>Presentations on the environment, and sustainability to a local school.</li> <li>Site visits for university/college students to a number of our projects</li> </ul>

Contract Reference	Category Area	Contract Start Date	Contract Name	Supplier	Community Benefits
PS2153 – Lot 2	Housing, Construction and Building Services	20/05/2014	New Build Council Housing - Lot 2	Lovell	<p>These are the minimum Community Benefits targets agreed with the supplier for Lot 2 of the New Build Council Housing Programme:</p> <ul style="list-style-type: none"> <li>• 14 - Work Placement (16 plus years)</li> <li>• 6 - Work Placement (14-16 years)</li> <li>• 8 - Construction Curriculum Support</li> <li>• 2 - Graduates</li> <li>• 8 - Apprentice Starts</li> <li>• 8 - Existing apprentices</li> <li>• 6 - Apprentice Completions</li> <li>• 8 - Jobs created on construction projects</li> <li>• 10 - S/NVQ Starts for Subcontractors</li> <li>• 8 - S/NVQ Completions for Subcontractors</li> <li>• 8 - Training Plans for Subcontractors</li> <li>• 8 - Supervisor Training for Subcontractors</li> <li>• 4 - Leadership and Management Training for Subcontractors</li> <li>• 6 - Advanced Health and Safety Training for Subcontractors</li> </ul>
CC3309	Housing, Construction and Building Services	09/06/2014	Internal Refurb St Davids House Bathgate retender	Clark Contracts Ltd	<ul style="list-style-type: none"> <li>• Presentation to 3 schools on the various hazards at building sites/demolition projects</li> </ul>
CC3451	Housing, Construction and Building Services	30/06/2014	Reroofing at Pinewood School, Blackburn	HCS Roofing	<ul style="list-style-type: none"> <li>• Employment Opportunity</li> <li>• Financial sponsorship</li> </ul>
CC3687	Housing, Construction and Building Services	01/07/2014	Energy Efficiency Surveys & Works 2014-2016	Everwarm	<ul style="list-style-type: none"> <li>• 3 jobs to long term unemployed</li> <li>• 2 jobs to school leavers</li> <li>• 2 graduate jobs</li> <li>• 6 apprenticeships</li> </ul>
CC3283	Operational Services	14/07/2014	Lighting Improvements Cochrane St / Marmion Rd, Bathgate	Glen Maree Contracts Ltd	<ul style="list-style-type: none"> <li>• Use local quarries for stone and local recycling plants for waste</li> </ul>

Contract Reference	Category Area	Contract Start Date	Contract Name	Supplier	Community Benefits
PS2089	Corporate	01/08/2014	Central Banking Services	Bank of Scotland	<ul style="list-style-type: none"> <li>• Money Mentors courses</li> <li>• Money for Life financial capability programme</li> <li>• Money for Life Challenge for 16 to 24 year olds</li> <li>• Money for Life Volunteering Programme which delivers money management workshops to vulnerable families.</li> </ul>
CC3315	Housing, Construction and Building Services	04/08/2014	Proposed Winchburgh Flats Demolition	Dem-Master Demolition Ltd	<ul style="list-style-type: none"> <li>• Financial sponsorship</li> </ul>



### Appendix 3 – Summary Table of Changes to Standing Orders for the Regulation of Contracts

Previous Threshold Requirements *		
Aggregated Purchase Value	Min. No. of Quotes / Tenders	Business Case Exemption Authorisation
£0 to £999	Obtain Two quotes	Chief Executive
£1,000 to £49,999	Three quotes sought via Quick Quote	Chief Executive
£50,000 to OJEU Threshold	Three tenders sought via Public Contracts Scotland	Council Executive
Above OJEU Threshold	Five tenders sought via Public Contracts Scotland and OJEU	N/A

New Threshold Requirements *		
Aggregated Purchase Value	Min. No. of Quotes / Tenders	Business Case Exemption Authorisation
£0 to £999	Requirement to ensure Best Value**	Not Required
£1,000 to £4,999	Two quotes sought	Head of Service
£5,000 to £49,999	Three quotes sought via Quick Quote	Head of Finance and Estates
£50,000 to OJEU Threshold	Three tenders sought via Public Contracts Scotland	Council Executive
Above OJEU Threshold	Five tenders sought via Public Contracts Scotland and OJEU	N/A

\* The requirements in this table are applicable to all types of contracts: Supplies, Services and Works.

\*\* There is no minimum number of quotes to be sought. Council officers must satisfy themselves that Best Value has been achieved for the non-contracted low value purchase.