

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 28 OCTOBER 2014.

Present – Councillors John McGinty (Chair), Cathy Muldoon, Frank Anderson, Tony Boyle (substituting for Tom Conn), Harry Cartmill (substituting for Danny Logue), Jim Dixon, Lawrence Fitzpatrick, Peter Johnston, Frank Toner (substituting for Dave King), Anne McMillan, Angela Moohan and George Paul

Apologies – Councillors Tom Conn, Dave King and Danny Logue

1. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 (Urgent Business) that an additional item of business on Funding for West Calder High School and Toronto Primary School would be considered after Agenda Item 14.

2. DECLARATIONS OF INTEREST

- a) Agenda Items 17 & 18 – Councillor Frank Toner declared a non-financial interest arising from his position as Chair of the CHCP and as a Lothian Health Board Member for which a dispensation from the Standards Commission applied;
- b) Agenda Item 8 – Councillor Frank Toner declared a non-financial interest in that he was a council appointed member of the Addiewell Prison Visiting Committee but would participate in the item of business; and
- c) Agenda Item 17 & 18 – Councillor Peter Johnston declared a non-financial interest as a Non-Executive Director of NHS Lothian and as a Non-Executive Director of Healthcare Improvement Scotland for which a specific exclusion applied. He also declared an interest as COSLA's spokesperson for Health and Well-Being Strategic Group.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 30 September 2014. The Minute was thereafter signed by the Chair.

4. SCOTTISH POLICE AUTHORITY CALL FOR EVIDENCE ON ARMED POLICING

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services providing a proposed response to the Scottish Police Authority Call for Evidence on Armed Policing, as detailed in Appendix 1 attached to the report.

The Council Executive were advised that on 1 April 2013 a decision was taken by Police Scotland to allow its complement of trained Armed Response Vehicle (ARV) police officers to deploy to routine incidents with visible sidearms across Scotland. In response to the public debate around this decision, the Scottish Police Authority (SPA) and HM Inspectorate of Constabulary in Scotland (HMICS) had announced a complementary programme of review and inquiry.

HMICS therefore published the full terms of reference for its own assurance review to independently assess the current practices for the issue and carriage of firearms by ARV crews under a Standing Firearms Authority. In parallel the SPA had established a scrutiny enquiry to consider the public impact of Police Scotland's decision around firearms deployment and the level of engagement which had helped inform this decision.

The SPA inquiry would be informed by the findings of the HMICS assurance review and as part of their own enquiry were inviting stakeholders and interested parties to complete the accompanying evidence form, which was attached to the report at Appendix 1, in order to capture the views and opinions of others and report overall findings and recommendations to the full Authority at its public meeting on 17 December 2014.

The Head of Housing, Construction and Building Services also advised the Council Executive that since the call for evidence was initially launched there had been considerable discussion over the policy of police officers carrying weapons whilst on routine patrol and earlier this month Police Scotland confirmed that specialist armed force officers would only be deployed to firearm incidents or where there was a threat to life.

It was recommended that the Council Executive approve the response attached to the report to the Scottish Police Authority (SPA) call for evidence on Armed Policing, which was to be submitted by 29 October 2014.

Decision

To approve the terms of the report

5. COMMUNITY SPORT HUBS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the success of the Community Sport Hub at Armadale Academy and request that the Council Executive approve a proposal to establish further Community Sport Hubs (CSHs) in West Lothian in line with sportscotland investment and targets.

The report advised that the Scottish Government's 2014 Commonwealth Games Legacy Plan, published on 1 September 2009, identified the Community Sport Hub project as a key mechanism for supporting sports clubs, working groups and sporting organisations with the aim of

increasing provision of sport and physical activity in local communities.

Since 2011 sportscotland had provided financial investment to West Lothian Council to develop Community Sport Hubs. The current investment agreement between sportscotland and West Lothian council would cease on 31 March 2014.

The Head of Area Services explained that following recent information from sportscotland that funding would continue, the Sports Development and Facilities Team proposed to work with sportscotland and had identified schools to develop further Community Sports Hubs. Sportscotland indicated that funding post March 2015 would be of a similar level to the previous funding (up to £222,635 over five years). For the level of investment proposed sportscotland set a target to achieve an additional five Community Sports Hubs over the next funding period 2015/16 to 2019/20.

It was therefore proposed that the sportscotland funding allocation for 2015/16 to 2019/20 was utilised to fund a dedicated Community Sports Hub Lead Officer, based within the Sports Development and Facilities team, to develop five further Community Sports Hubs. The officer would provide support to schools and clubs to develop Community Sports Hub aims and objectives and utilise lessons learned from the successful Armadale Community Sports Hub.

The Community Sports Hub Lead Officer would work within and make best use of existing staffing and operational resources which were available such as existing posts which facilitated the opening of schools facilities outwith curricular time. The officer would also progress external funding applications to support any planned Community Sports Hub developments where appropriate.

The report went on to advise that the aspiration of the Sport and Outdoor Education team was that all secondary schools in West Lothian would adopt the principles of the Community Sports Hub model. It was proposed that Community Sport Hubs would benefit the following five facilities within the 2015-2020 funding agreement:-

- Bathgate Academy Sports Trust
- Linlithgow Academy
- St Margaret's Academy
- West Calder High School
- Whitburn Academy

Of the remaining four schools Deans and Inveralmond already had significant structure in place to facilitate community and club use. Broxburn Academy and St Kentigern's Academy both operated within localities in which well-developed Community Sports Hubs operated.

In conclusion the Head of Area Services explained that opening up

existing secondary schools through the Community Sports Hub model pioneered at Armadale Academy facilities provided clubs, working groups and organisations with the opportunity to increase sports provision and physical activity in local communities.

It was recommended that the Council Executive :-

1. Note the success of the Armadale CSH; and
2. Approve the development of further Community Sport Hubs in West Lothian from 2015-16 up to and including 2019-20, in accordance with the following schedule :-
 - Year 1 – Whitburn Academy
 - Year 2 – Bathgate Academy Sports Trust
 - Year 3 – Linlithgow Academy
 - Year 4 – St Margaret's Academy
 - Year 5 – West Calder High School

Decision

To approve the terms of the report.

6. PLACEMAKING IN WHITBURN

The Council Executive considered a report (copies of which had been scheduled) by the Head of Area Services advising of the success of an application made to the Scottish Government's Charrette Mainstreaming Programme 2014-15 and the proposed plans for supporting a Placemaking approach within Whitburn.

The Head of Area Services explained that an application had been made to the Scottish Government's Charrette Mainstreaming Programme 2014-15 which was to obtain match funding to undertake a town centre "charrette" which was an intensive planning and community engagement exercise in Whitburn.

The charrette exercise was intended to take place in March 2015 and from this a masterplan for Whitburn would be produced and which would look at a number of factors including determining a long-term vision for the town, integrate the Heartlands residential and business developments within the town and to provide a framework for planned and future community regeneration activity.

Given the scale of the project and the necessary specialist expertise there would be a significant amount of external support required and this is what the funding would be used for and was reflected in the amount of funding applied for. Details of how this would be progressed were set out in Appendix A attached to the report.

This was also seen as a suitable opportunity to pilot the “Sustainable Placemaking” Workshop. These workshops would be part of the *Good Places Better Health* (GPBH) programme which was the Scottish Government’s strategy on health and the environment. The workshop which would be delivered by Architecture and Design Scotland (ADS) would use a whole town approach to planning investment for communities and decision makers.

To take the work of GPBH forward it had been agreed to apply the principles of this programme in a real place where investments, public sector service change and dialogue with communities was planned. Therefore as the charrette placemaking exercise was planned for Whitburn this was considered the most appropriate place to carry out the Sustainable Placemaking exercise.

Two workshops would be held, firstly with senior staff and the relevant resource holders from across the Community Planning Partnerships and secondly with local practitioners, community and business representatives. It was proposed to hold the workshops in early December 2014 and would be facilitated by ADS. The outcome of both sessions would be brought together to shape a robust brief for the proposed charrette and ongoing project work for Whitburn.

The report concluded that the resources that had been committed to Whitburn as part of the council’s capital programme created an opportunity to employ a placemaking approach within the town to ensure that these resources were utilised most effectively. The placemaking initiative would also enable the council to assess the benefits of this approach and to develop capacity for work of this nature within the authority.

It was recommended that the Council Executive approve :-

1. The timescale set out in Appendix A, in particular, that the Sustainable Placemaking workshops would take place in early December 2014 and the charrette exercise would take place in March 2015; and
2. The reporting arrangements for the project, i.e. report progress to the Community Planning Partnership and Whitburn and Blackburn Local Area Committee and the provision of a report to the Development and Transport PDSP following the charrette.

Decision

To approve the terms of the report

7. APPOINTMENT OF LAY MEMBER TO THE ADDIEWELL PRISON VISITING COMMITTEE

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

appointment of a lay member to the Prison Visiting Committee for HMP Addiewell, West Lothian.

In terms of the Prisons and Young Offenders Institutions (Scotland) Rules 2006, the council was responsible for making appointments to the Visiting Committee for HMP Addiewell, West Lothian. West Lothian was responsible for appointing five members to the Addiewell Prison Visiting Committee.

The principal role of the Visiting Committee was to satisfy itself as to the state of and administration of the prison and, in particular, the treatment of prisoners. This involved members of the Prison Visiting Committee carrying out rota visits to the prison with a minimum of two members of the Visiting Committee visiting the premises every fortnight.

The Addiewell Prison Visiting Committee currently comprised of three lay members and one elected member. Councillor Frank Toner was appointed by the council in February 2013. The present lay members were appointed following a recruitment campaign conducted in August 2010.

As a result of a resignation, a recruitment campaign commenced in May 2014 in West Lothian to invite members of the public to apply to become a non-elected member of the Visiting Committee. An appointment sub-committee of the Visiting Committee was convened and interviews were conducted on 1 August 2014. Following the interview process, the sub-committee recommended the appointment of Allan Kidd. Appropriate clearance had been obtained through Disclosure Scotland.

It was recommended that the Council Executive approve the appointment of Allan Kidd as a non-elected member for West Lothian to the Prison Visiting Committee for HMP Addiewell, West Lothian.

Decision

To approve the terms of the report.

8. DRUMSHORELAND ROAD, PUMPHERSTON - PROPOSED STOPPING-UP ORDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop-up a section of public road on Drumshoreland Road, Pumpherston to facilitate the construction of a new distributor road and housing development.

The Head of Operational Services advised that on 17 September 2014 planning consent was granted for the construction of a new distributor road from the B8046 Pumpherston Road through Drumshoreland Bing to Drumshoreland Road. This road was required to provide access to housing sites identified in the local development plan.

In order to allow the implementation of this consent it was necessary to

stop-up a length of public road on Drumshoreland Road east of the vehicular exit from Pumpherston and Uphall Station Community Primary School. In doing so this section of road would become redundant and would be removed from the list of public roads upon completion of the new distributor road.

Residents and businesses along the length of Drumshoreland Road had been notified of the proposal and no comments had been received.

Additionally Police Scotland and local ward members had been consulted and no comments had been received.

The proposal to stop-up the section of road on Drumshoreland Road would be advertised and any unresolved objections would be reported back to the Council Executive for determination.

It was recommended that the Council Executive approve the initiation of the statutory procedures to stop-up the section of public road on Drumshoreland Road, Pumpherston.

Decision

To approve the terms of the report

9. WINDYKNOWE PRIMARY SCHOOL, BATHGATE - AMENDMENTS TO THE EXISTING SPEED LIMIT AND TRAFFIC CALMING MEASURES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to amend the existing speed limit on the A89 Glasgow Road, Bathgate at Windyknowe Primary School and to also amend the existing traffic calming measures.

The Head of Operational Services advised that on 21 October 2014 planning consent was granted for the construction of a new access road/drop-off facility off the A89 Glasgow Road for Windyknowe Primary School. In line with other schools and to maintain a consistent approach throughout West Lothian it was necessary to provide a part-time 20mph speed limit over a section of the A89 Glasgow Road.

The Head of Operational Services further advised that traffic calming measures already existed in the form of carriageway narrowings and traffic islands. However amendments would be required to these measures due to the location of the proposed access. The amendments would also ensure that the proposed part-time 20mph speed limit was self-enforcing.

Police Scotland and local ward members had been consulted on the proposals and comments had been received.

The proposed reduction in the speed limit and the traffic calming measures would be advertised and any unresolved objections would be reported back to the Council Executive for determination.

It was recommended that the Council Executive approve :-

1. The commencement of the statutory procedure to introduce a part-time 20mph speed limit on the A89 Glasgow Road, Bathgate on the approaches to the proposed access road to Windyknowe Primary School;
2. The commencement of the statutory consultation to the extension of the existing 30mph limit 180m west of its existing position; and
3. The amendment of the existing traffic calming measures in support of the part-time 20mph speed limit.

Decision

To approve the terms of the report

10. PLANNING ENFORCEMENT AND ROAD CONSTRUCTION CONSENT - HOUSING DEVELOPMENT LIMEFIELD, POLBETH

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the situation related to the outstanding remedial works associated with the road and bridge which provided access to a housing development in Polbeth undertaken by John G Sibbald & Son Ltd at Limefield Estate.

The Head of Operational Services explained that in 2003 the council issued a road construction consent (RCC) in respect of the development undertaken by John G Sibbald & Son Ltd (the developer) at Limefield Estate. In support of the RCC a Road Bond was provided by the developer. A road bond was a form insurance policy.

The bridge construction commenced in early 2004, without notification to the council, however around about July 2004 it was identified that the bridge, as constructed, differed significantly from the "approval in principal" as submitted by the developer and as agreed by the council in September 2003. In 2005 the council contacted the developer detailing the outstanding issues in relation to the bridge; the council also advised at this time that it would not adopt the bridge until such time all issues were satisfactorily addressed.

Since then there had been no remediation of the outstanding issues and the bridge remained in a condition which did not meet design requirements.

Following consideration by the council's Development & Transport Policy Development and Scrutiny Panel on 2 February 2012 and 13 December 2012 it was agreed to issue a Breach of Condition notice to the developer. A report was then considered by the Council Executive on 26 February 2013 and at this meeting it was agreed to refer the developer's non-compliance of the Breach of Condition notice to the Procurator Fiscal.

Over the entire period of time, discussions with the developer had indicated that they were willing to undertake the outstanding remedial works to the bridge particularly as the developer had other land interests in the south side of Harwood Water which would also use the bridge for access. Also the developer advised that they were actively pursuing an arbitration claim against the structural engineer. Therefore it was considered at that time, by the council, that no direct action was to be taken until such time all other options were exhausted.

However the developer had not undertaken works to repair the bridge and had not acted in response to the Breach of Condition notice. Additionally the claim the developer was pursuing against the structural engineer was disposed of by the Court meaning that the developer had been unsuccessful in their claim with no prospect of securing funding in damages from their engineer.

The Head of Operational Services continued to explain that an RCC generally lasted for a period of three years but could be extended. However where the RCC had expired and the road had not been constructed in accordance with the RCC, then the Council had an absolute obligation to construct in accordance with the RCC. The obligation existed whether or not there were funds available under the Road Bond.

The RCC relative to Limefield was not extended and had expired. The effect of this was to trigger the council's obligation in respect of the Roads (Scotland) Act 1984 and the Security for Private Road Works (Scotland) Regulations 1985.

Whilst the bridge was constructed and there was unrestricted access to all the residential properties on the south side of Harwood Water, it would be necessary to carry out remedial works to the bridge and this would involve the diversion of utility services.

The bridge repairs were estimated to cost £170,000 with a further expense of £170,000 to divert and reinstate utility services. With total costs of £340,000 and making use of the remaining security under the Road Bond of £100,800 the additional funding of £240,000 would require to be met from the Roads Contingency Budget within the Roads Asset category.

Neither the Regulations nor the legislation expressly permitted the adoption of the road prior to the works necessary to bring it to the standard required in the RCC.

It was recommended that the Council Executive :-

1. Note the failure of the developer to comply with the terms of the Breach of Condition notice which had been reported to the Procurator Fiscal
2. Note that the Procurator Fiscal had determined not to prosecute the developer in respect of the reported Breach of Conditions;

3. Note that the relevant roads legislation did not clarify who was currently responsible for maintaining the road;
4. Note that the council had a statutory obligation to complete the bridge works in accordance with the Roads Construction Consent, adopt them and include the road and bridge within the Road Construction Consent to the list of public roads;
5. Approve that works on the road and the bridge should be completed by the council in accordance with the Road Construction Consent;
6. Note that the funding balance to complete the works of £240,000 would be funded from contingency budgets and incorporated into the capital programme for 2015-16; and
7. Note that the outstanding bond value of £100,800 would be called down.

Decision

To approve the terms of the report

11. PROPOSALS TO PROMOTE FINANCIAL INCLUSION IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of findings of research undertaken on financial inclusion and to set out proposed actions to promote financial inclusion in West Lothian.

The report recalled that in Autumn 2013 the Council Executive had agreed to undertake work in relation to financial inclusion to:-

- Develop a draft financial inclusion plan.
- Identify and scope out possible financial services that could be developed to support those who were financially vulnerable.
- Identify possible ways to facilitate the provision of financial services that could be delivered to those who were financially excluded or at risk of financial exclusion.
- Consider the roles of Credit Unions as part of the financial inclusion plan.
- Incorporate financial inclusion within the Anti-Poverty Strategy.

A report had been presented to Council Executive in April 2014 which outlined the vision to support Credit Unions to enhance their role in financial inclusion.

The current report outlined the remaining actions which would be intended to mitigate the impact of financial exclusion. Through partnership working, the proposals within the report would assist communities to achieve better money management through access to suitable financial products and advice services.

The Council Executive was informed that an officer project group had been created to investigate financial inclusion and through discussions it had been agreed that financial inclusion could be split into four areas: - Banking, Credit, Advice and Ongoing Support.

The report examined each of the four areas and set out proposals for consideration. The proposals had been discussed with the Advice Shop and had been presented and discussed at the Anti-Poverty Development Group. It had been agreed that the proposals would assist in promoting financial inclusion and that through engaging with service users, would promote advice, skills and the availability of financial products.

It was recommended that the Council Executive :-

1. Note the approach taken to investigate the impacts of financial exclusion and low incomes on the ability to access financial services and products, financial advice and money management skills;
2. Agree the proposal to create a Community Financial Inclusion Partnership where there was an agreed process, monitoring and reporting of activities undertaken to promote financial inclusion;
3. Agree the proposal to work with Fife Council to investigate the options for an online referral system for the West Lothian Advice Network;
4. Agree the proposal to carry out a detailed Community Development Finance Initiative feasibility study in conjunction with Fife Council and Falkirk Council; and
5. Agree the proposal to develop a Financial Inclusion Plan, to be incorporated into the Anti-Poverty Action Plan.

Decision

To approve the terms of the report

12. POLICIES AND PRACTICES EMPLOYED IN THE MANAGEMENT OF THE COUNCIL'S NON-OPERATIONAL PROPERTY ASSETS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for proposed additional policies and practices to be employed by the Head of Finance and Estates in the management and letting of the council's non-operational property portfolio.

The report recalled that on 20 May 2008 the Council Executive approved a paper by the then Head of Property Services on the policies and practices employed in the management of the non-operational property portfolio.

In the intervening period a number of specific policies had also been subject to separate consideration by the Council Executive. For example the Strategy for the Non-Operational Portfolio and the policy for Community Asset Transfer both of which contributed to the policy framework for the use and disposal of non-operational property assets.

A review of these policies by officers had concluded that these largely remained fit for purpose and should remain in place. However it was apparent from the experience of the recession that, in some circumstances, there was a need for greater flexibility to sustain good performance. Therefore the report was seeking approval to the variation of some existing policies and the consideration of new ones.

The proposed changes to policy covered a variety of areas of activity and were presented in detail in a series of appendices attached to the report. However in summary the proposals fell into the following themes :-

- Uses of properties managed within the Tenanted Non-Residential Property (TNRP);
- Management of the TNRP and non-operational property assets;
- Surplus Property Procedures; and
- Disposal of Property.

Officers were currently reviewing existing policies and practices in respect of the council's operational properties with a view of a further paper being presented to the Council Executive in due course.

The report concluded that the efficient and effective management of the council's property assets would ensure that the strategic objective and outcomes for the retention of non-operational assets were achieved.

It was recommended that the Council Executive :-

1. Note the additional policies and practices outlined in the report;
2. Approve the updated approach for the use of properties managed within the Tenanted Non-Residential Property (TNRP) portfolio as per Appendix 1 attached to the report;
3. Approve the updated approach for the management of the TNRP and non-operational property assets as per Appendix 2 attached to the report;
4. Approve the surplus property procedures set out in Appendix 3 attached to the report; and

5. Approve the updated approach for the acquisition or disposal of property rights as set out in Appendix 4 attached to the report.

Decision

To approve the terms of the report.

13. SCOTTISH DRAFT BUDGET 2015/16

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update in relation to the Scottish Draft Budget 2015-16.

The Cabinet Secretary for Finance, Employment and Sustainable Growth, in a statement to the Scottish Parliament on 9 October 2014, announced the Scottish Draft Budget 2015-16. The Scottish Draft Budget was the first stage of consultation and debate within the Scottish Parliament regarding planned expenditure for 2015-16 and would be debated over the coming months.

The report provided a summary of the proposed budget for each of the government portfolios which totalled £37,539.2 million. The report then provided a narrative on newly announced tax rates for devolved taxes which included the Land and Buildings Transaction Tax and the Scottish Landfill Tax, Welfare Reform and the High Level Local Government Settlement. The report also included details of the Local Government commitments in the funding package and the implications for West Lothian Council.

The Head of Finance and Estates concluded that the draft published revenue and capital allocations for 2015-16 appeared to be broadly in line with the council's Scottish Government grant assumptions for 2015-16, with additional revenue funding for pre-school education and free school meals in line with additional expenditure requirements. Therefore at this stage the budget announcement confirmed that the council would face a budget gap of £30.4 over the three years 2015-16 to 2017-18, with further details being reported to a future meeting of the Council Executive.

It was recommended that the Council Executive :-

1. Note the issue of the Scottish Draft Budget 2015-16, which included planning departmental spending plans for 2015-16; and
2. Agree that the Head of Finance and Estates report the outcome of the detailed local government finance settlement, which would provide final grant funding for each council for 2015-16, to the Council Executive in December 2014.

Motion

"West Lothian Council Executive notes with concern that the 2015/16 draft budget announcement confirms at this stage that the council will face a

budget gap of £30.4m over the three years 2015/16 to 2017/18.

Council Executive condemns the SNP Government for their failure to properly fund West Lothian Council and acknowledges that further charges and cuts in services will be needed as a result of this failure.

Council Executive also notes the ongoing negative impact of the Con/Lib Dem welfare reforms on West Lothian in the 2015/16 year and beyond.

Council Executive therefore agrees to

Write to the Scottish Government Cabinet Secretary for Finance to highlight the impact of the SNP Scottish Governments failure to properly fund Local Government and to call for a fully funded settlement for West Lothian Council in 2015/16 and beyond.

In the light of the ongoing Welfare Reform programme and the impact of SNP Local Government budget cuts, to instruct the Council's Chief Executive to work with West Lothian food banks to establish a rolling programme of sustainable food collections and distribution for West Lothian food banks from appropriate West Lothian Council buildings."

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

To approve the terms of the report but add to the start of Recommendation 1 that the Council Executive "Welcomes the continued support of the Scottish Government to Local Government".

- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that a Roll Call Vote be taken and resulted as follows :-

Motion

Tony Boyle

Jim Dixon

Lawrence Fitzpatrick

Frank Toner

Harry Cartmill

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

Amendment

Frank Anderson

Peter Johnston

George Paul

Decision

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

14. WEST CALDER HIGH SCHOOL AND TORONTO PRIMARY SCHOOL INVESTMENT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Education, Planning and Area Services, advising of proposed changes to the planned investment at West Calder High School and Toronto Primary School which would deliver enhanced investment at both schools.

The Council Executive were advised that the council had an existing approved capital project to deliver £12m of investment at West Calder High School; this was being jointly funded with council resources of £4m and £8m from phase 3 of Scotland's Schools for the Future Programme. The project sought to address both school condition and suitability issues and involved the provision of new physical education facilities, dedicated pupil support accommodation, improvements in dining facilities, vocational facilities, indoor social space and was also being designed to facilitate community use of the school facilities.

However as the refurbishment/extension project had been developed, a senior officer review had identified constraints related to the present West Calder High School building and site which would impinge on the educational benefit and requirements that could be achieved. Therefore it was considered that the project did not represent full value for money, nor sufficient lifespan for the asset given the proposed level of investment and that a new build project would represent a more appropriate solution.

Following discussions with representatives of the Scottish Futures Trust, who facilitated the Schools for the Future Programme on behalf of the Scottish Government, the option of a new school solution was raised as a revised Phase 3 bid for additional funding.

Confirmation was then received from the Scottish Futures Trust that part funding would be provided to enable the new build solution for West Calder High School to be taken forward as a Non Profit Distributing (NPD) project under the Schools for the Future Programme. The Scottish Government funded secondary school projects on a two thirds basis with the council contributing the remaining third. The project was based on an 1100 school capacity requirement.

As it was not feasible to construct the new school on the current school due to constraints it would be necessary to identify a new school site and undertake formal consultation in terms of the Schools (Consultation) Act 2010. Work was also underway to test feasibility of a suitable site for the school in order that consultation could proceed.

With regards to Toronto Primary School the Scottish Government had announced that West Lothian was to receive an additional £1m of funding for refurbishment of the school as part of Phase 4 of Scotland's Schools of the Future Programme. The council currently had approved capital investment of £1.5m in the capital programme for 2015-16 to 2017-18 which was to improve the condition and suitability of the school. Officers were reviewing the scope of the project to deliver an enhanced £2.5m package which would take account of the requirements for delivery by 31 March 2017.

The Depute Chief Executive concluded that West Lothian Council had invested heavily in the school estate on an ongoing basis over many years and had a high quality school estate. Additional funding through Scotland's Schools for the Future Programme would add to existing planning council capital resources to ensure that the investment at West Calder High School and Toronto Primary School provided high quality education facilities for children and young people.

It was recommended that the Council Executive agree :-

1. To take forward a revised investment project for a new build West Calder High School, subject to formal approval of the costs and funding package;
2. That a report would be brought forward to the Education Executive in order to undertake formal consultation on the location of the new school in line with statutory requirements;
3. That a report setting out estimated costs and funding package for the West Calder High School investment would be forwarded to Council Executive after further discussion had taken place with the Scottish Futures Trust; and
4. To take forward an enhanced investment project at Toronto Primary School to provide a high quality education environment for the children and address school condition and suitability issues.

Decision

To approve the terms of the report.

15. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) advising of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2014 to 30 September 2014.

The guidelines for the operation of the Councillors' Local Disbursement Fund, which were approved in 1996, included a requirement for a summary report of expenditure from the Fund to be submitted to the Council Executive every six months.

Expenditure for the period from 1 April 2014 to 30 September 2014 was shown in the appendix attached to the report.

The budget for the Fund for 2014-15 was £92,358.00 with each member being allocated an equal share of the fund, amounting to £2,798.72 per elected member. Members received regular information about sums they had been allocated and balances remaining. Members were also reminded that for a disbursement to come within the guidelines there was to be some evidence that the application was of a benefit to the community rather than an individual.

It was recommended that the Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2014 to 30 September 2014.

Decision

To note the contents of the report.

16. COMMUNITY COUNCIL GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the administration and special project grants which had been paid to community councils from 1 April to 30 September 2014.

The Head of Corporate Service advised that Administration Grants were automatically paid to community councils upon submission of satisfactory audited account and that the level of administration grant was predetermined within the council's Scheme of Establishment. The current rate was £7.50 per 100 of the population, or £250 whichever was the greater. Appendix 1 attached to the report detailed the level of grant now available to each community council for the financial year 2014-15.

The Head of Corporate Services then advised that the special project grant scheme allowed community councils to carry out projects in their areas, such as production of newsletters and that community councils could apply for a maximum of £750 in each financial year. There was no minimum grant and applications were dealt with on a first come first served basis. Appendix 2 attached to the report detailed all the special project grants that had been awarded during the period 1 April to 30 September 2014. There remained £700 available for distribution.

It was recommended that the Council Executive note the payments from the community council administration and special project grant budgets from 1 April to 30 September 2014.

Decision

To note the contents of the report

17. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meetings held on 27 August 2014 and 24 September 2014, copies of which were attached to the report.

Decision

To note the terms of the report.

18. WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minutes of meetings of the Community Planning Partnership Board held on 3 February and 12 August 2014.

Decision

To note the terms of the report.

19. PRIVATE SESSION

The Council Executive resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of Schedule 7A of the Act.

20. SINGLE STATUS - EQUAL PAY CASES

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Corporate, Operational and Housing Services advising of the present position in relation to equal pay cases raised against the council and to seek authority to settle these cases through negotiation with claimants' representatives.

The Depute Chief Executive advised that before and after the council implemented its new pay and grading structure on 1 October 2007, a number of employees raised Employment Tribunal proceedings for equal pay compensation. Certain claims relating to the period prior to implementation were settled through Compromise Agreements and Tribunal claims had also been settled following agreement from the Council Executive over the last few years.

Discussions had taken place on a “without prejudice” basis to explore the possibility of bringing current cases to an end, limiting the council’s financial exposure to further claims and mitigating risks involved in continuing with contested litigation. The agreement would mean that sums would be paid to those with a current claim before the Tribunal in exchange for those cases being dismissed and so brought to an end.

The amounts to be paid in settlement would be calculated using an agreed formula, which had been used before in settling claims, the terms of which would reflect the current litigation risks and benefits to the council and claimants

In conclusion by delegating powers to the Depute Chief Executive to settle these cases the council would be able to achieve the most economic outcomes reasonably possible, avoid the risk on an increase in its potential liability and save valuable resources currently required to deal with these claims.

It was recommended that the Council Executive :-

1. To note the present position in relation to equal pay claims raised against the council;
2. To note that discussions were taking place with claimants’ representatives to explore the possibility of reaching an agreement to settle claims and to reduce and mitigate the risk to the council in relation to any further or future equal pay claims arising from the council’s implementation of the Single Status Agreement in October 2007 and terms and conditions of employment prevailing prior to that;
3. To agree that the council should proceed to negotiate settlement of all outstanding equal pay claims presently before the Employment Tribunal; and
4. To delegate to the Depute Chief Executive authority to negotiate and conclude a settlement in the best possible terms in relation to these cases.

Decision

To approve the terms of the report