



West Lothian  
Council

## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

6 November 2014

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 11 November 2014** at **11:15am**.

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.

### **Public Session**

4. Confirm Draft Minute of Meeting of Council Executive held on Tuesday 28 October 2014 (herewith).
5. Note Correspondence Arising From Previous Decisions (herewith).

### **Public Items for Decision**

6. Member Attendance at SLAED Conference - Report by Head of Planning and Economic Development (herewith).
7. Planning Controls Over Pay Day Lending Premises and Betting Offices - Consultation by Scottish Governmt - Report by Head of Planning and Economic Development (herewith).

8. Edinburgh Local Development Plan - Second Proposed Plan - Report by Head of Planning and Economic Development (herewith).
9. Consultation on a New Tenancy for the Private Sector - Report by Head of Housing, Construction and Building Services (herewith).
10. Consultation on Regulations on Private Rented Housing Enhanced Enforcement Areas - Report by Head of Housing, Construction and Building Services (herewith).
11. West Lothian Strategic Housing Investment Plan 2015-2020 - Report by Head of Housing, Construction and Building Services (herewith).
12. 2014/15 General Fund Revenue Budget - Month 6 Monitoring - Report by Head of Finance and Estates (herewith).
13. 2014/15 General Services Capital Budget - Month 6 Monitoring - Report by Head of Finance and Estates (herewith).
14. 2014/15 Housing Revenue Account - Month 6 Monitoring - Report by Depute Chief Executive (herewith).
15. 2014/15 Housing Capital Report - Month 6 Monitoring - Report by Depute Chief Executive (herewith).
16. Procurement Arrangements - Delivery of Home Energy Efficiency Programmes: Area Based Schemes in West Lothian - Report by Head of Finance and Estates (herewith).
17. Procurement of a Corporate Mobile Working Solution - Report by Head of Finance and Estates (herewith).

**Public Items for Information**

18. Early Retiral and Voluntary Severance - 1 April - 30 September 2014 - Report by Head of Corporate Services (herewith).

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NOTE      **For further information please contact Eileen Rollo on 01506 28621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**

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



Ministear airson Slàinte Coimhearsnachd agus Cùisean Lagha  
Minister for Community Safety and Legal Affairs  
Roseanna Chonaigean BPA  
Roseanna Cunningham MSP

F/T: 0300 244 4000  
E: scottish.ministers@scotland.gsi.gov.uk



30 OCT 2014

Mr Graham Hope  
West Lothian Council  
Civic Centre  
Howden South Road  
LIVINGSTON  
West Lothian  
EH54 6FF

In 2014 Scotland Welcomes the World



Ur faidhle/Your ref:  
Ar faidhle/Our ref: 2014/0031913  
28 October 2014

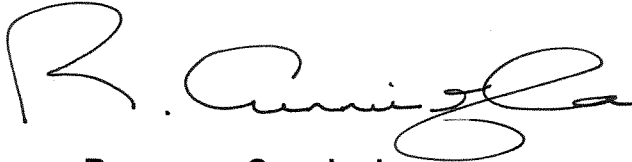
Dear Mr. Hope,

Thank you for your letter dated 30 September 2014 regarding resource based crewing in West Lothian.

The Scottish Fire and Rescue Service has made an operational decision to standardise fire appliance crewing arrangements across Scotland. Resource based crewing means that fire stations with the same fire appliance will have the same number of crew working on the same crewing pattern. As a result some stations will get extra firefighters and some will see a redeployment of firefighters, as has happened in West Lothian.

Decisions on the allocation of Scottish Fire and Rescue Service (SFRS) resources, including specialist rescue equipment and appropriate crewing levels, are a matter entirely for the SFRS.

There will be no reduction in frontline services as a result of these changes.

Yours  


Roseanna Cunningham







DATA LABEL: PUBLIC

**Corporate Services**

John Swinney MSP  
Cabinet Secretary for Finance, Employment and  
Sustainable Growth  
The Scottish Parliament  
Edinburgh  
EH99 1SP

**Committee Services  
Carol Johnston  
Chief Solicitor**

Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF  
e-mail: val.johnston@westlothian.gov.uk

Contact: Val Johnston  
Tel: 01506 281604

30 October 2014

Dear Mr Swinney

**SCOTTISH DRAFT BUDGET 2015/16**

At a meeting of the Council Executive held on 28 October 2014, the Council Executive agreed a motion in the following terms:-

*“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 Scottish 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 the 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 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”.*

I trust you will give consideration to these matters and I look forward to hearing from you.

Yours sincerely

for Graham Hope  
Chief Executive

Enc





## **COUNCIL EXECUTIVE**

### **MEMBER ATTENDANCE AT SLAED CONFERENCE**

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

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

To seek council Executive approval for elected member attendance at the annual SLAED (Scottish Local Authority of Economic Development) conference and dinner.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. agrees that one elected member should attendance the annual SLAED Conference, to be held in Dundee, on 27 and 28 November; and
2. confirms which elected member will attend.

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

<b>I</b>	<b>Council Values</b>	Working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Costs can be met from within existing revenue budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	The matter has not be considered by a PDSP.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

SLAED the Scottish Local Authorities Economic Development group comprises senior officials from economic development teams across all 32 local authorities. It is a joint local authority forum for discussing and sharing experience, expertise and best practice on a variety of economic development issues.

The SLAED 2014 conference will welcome officials and elected members from all of Scotland's 32 local authorities, as well as influencers from economic development organisations across the country. Discussions will focus around the conference theme of raising the profile of economic development in Scotland.

In addition to providing a key networking opportunity with delegates, the conference will focus on interactive dialogue and engagement of delegates on a variety of key topics including:-

- An economic Overview
- SLAED key indicators
- EU & Structural funding
- Cities, Regions and town centre regeneration
- Inward Investment
- Company growth

The elected member attending will be accompanied by the Council's Economic Development Manager.

## **E. CONCLUSION**

The SLAED Annual Conference provides an opportunity to share best practice and an opportunity for both elected members and officers to network and keep up to date with changes within Economic Development

## **F. BACKGROUND REFERENCES**

Appendices/Attachments: None

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

**Craig McCorriston**  
**Head of Planning & Economic Development**  
**11 November 2014**



## **COUNCIL EXECUTIVE**

### **PLANNING CONTROLS OVER PAY DAY LENDING PREMISES AND BETTING OFFICES – CONSULTATION BY SCOTTISH GOVERNMENT**

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

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

The purpose of this report is inform Council Executive of the proposed response to a consultation paper on the proposed introduction of new planning controls on pay day loan shops and betting offices.

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

It is recommended that the Executive:

1. notes the terms of the report; and
2. approves the recommended response for submission to the Scottish Government.

##### **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.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	No Strategic Environmental Assessment is required.
<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>	Outcome 3: Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  Outcome 4: We live in resilient, cohesive and safe communities.  Outcome 5: People most at risk are protected and supported to achieve improved life chances.

<b>VI Resources - (Financial, Staffing and Property)</b>	Requiring planning permission for a change of use to a betting shop or a pay day loans office will give rise to an increase in the numbers of planning applications, but it is not anticipated that the increase will be significant.
<b>VII Consideration at PDSP</b>	The report was considered at the Development and Transport PDSP. The panel supported the proposed response.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Betting shops and financial services are currently regulated by licensing laws at a UK level. The Scottish Government is committed, following a summit in April 2014, to taking whatever action it can to tackle the clustering of pay day lenders and gambling shops in Scotland's town centres and neighbourhoods. The clustering of betting shops and pay day loan premises are seen as being detrimental to the character and appearance of town centres in Scotland. Clustering also raises concerns about the economic wellbeing of communities.

The Scottish Government is seeking responses from local authorities to suggestions that planning legislation is changed to the effect that betting shops and premises offering pay day loans are brought under increased planning control.

The proposed changes seek to bring into greater planning control the clustering of betting shops and pay day loans premises in town centres in Scotland. Pay day loans are typically short term – over a month or less – and have high rates of interest. A payday loan in the UK can cost as much as £25 over a month for every £100 borrowed. It is a part of the financial sector which has grown rapidly in recent years, and is expected to continue to grow in the near future.

Currently, betting shops and financial services premises fall within class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) which reads:

#### **Financial and Other Services**

Use for the provision of–

- (a) financial services;
  - (b) professional services; or
  - (c) any other services (including use as a betting office);
- which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

The consultation paper suggests the following possible changes for betting shops and pay day loan premises.

## **D2 Proposed Changes**

### **Betting shops:**

It is proposed to remove betting shops from class 2 of the UCO, instead placing them within the list of uses which fall outwith any specified use class (article 3(5) of the UCO, also known as *sui generis* uses). This list also contains amusement arcades. Inclusion in the list of *sui generis* uses normally means that any change of use, to or from a use within the list, requires planning permission. However, the proposals include the provision that planning permission would not be required for a change of use from a betting shop to a use within class 1 (general retail) and a use within class 2.

### **Pay Day Loan Premises:**

Premises offering pay day loans are likely to be covered by the financial services of Class 2. The consultation paper recognises the difficulty of separating companies which specialise in pay day loans from other companies offering a range of financial services, such as banks or building societies.

Because of this difficulty, two options are proposed:

Option 1 – remove financial services from Class 2 of the UCO.

This would mean banks and building societies would be excluded from class 2, which would give rise to an increase in the number of such planning applications in town centres. It is likely, in addition, that most of the applications which would be submitted as a result of this change would be acceptable to the council in terms of the appearance and character of the town centre. Banks and building societies are uses which would normally be expected to be found in a traditional town centre.

Option 2 - Limit the “financial services” to be included in Class 2 of the UCO to a number of more specific uses, relating to financial services unlikely to raise the sorts of planning concerns with pay day loans.

The limited list of “financial services” to be included in Class 2 (i.e. financial service uses remaining in Class 2 along with professional and other services), under this option, would be:

- Accountancy services, insurance services and “deposit takers” (an entity with permission under Part 4A of the Financial Services and Markets Act that includes accepting deposits, including
  - (i) a bank;
  - (ii) a building society;
  - (iii) a credit union; or
  - (iv) a friendly society.

This would have the advantage of leaving banks and building societies which offer a range of banking services within class 2 while removing only those which offer purely pay day loans.

### **D3 Implementing the Proposed Changes**

The concern which the Government expresses over the effect the clustering of betting shops and pay day loans has on the wellbeing of communities is not a planning matter, but concerns over the effect they could have on the appearance and character of a town centre are legitimate planning concerns. The changes proposed would allow councils to regulate the proportion of betting shops and pay day loan premises within a defined town centre by means of the development plan. Supporting reasons for a policy which restricts the proportion of such changes of use would include the desire to safeguard the character and amenity of the town centre, as supported by SPP.

The proposed changes would allow councils to take a decision on whether they want to take such action. It is considered that, in order to allow the council to take such action, if it chooses, the council should respond favourably to the proposal to amend the UCO to remove betting shops from class 2 and include them instead within article 3(5), ensuring that planning permission is required for the use of a shop as a betting office.

For the same reason, it is recommended that the council supports the suggestion that premises that supply pay day loans are removed from class 2 of the UCO, and are made *sui generis* uses. Of the two options put forward in the consultation paper, the second option, which proposes allowing banks and building societies ('deposit takers') to remain in class 2 while removing pay day loan companies, would be preferable, in that the number of applications that would be generated would be minimised.

### **E. CONCLUSION**

Following the options recommended above would mean that a change of use from a shop or office, or any other use, to a betting shop or pay day loan premises would require planning permission. If backed up by development plan policy, the council would then be able to control the proliferation of such uses within West Lothian's town centres.

### **F. BACKGROUND REFERENCES**

Planning Controls, Pay Day Lending and Betting Offices - Consultation Paper on Changes to Planning Legislation, Scottish Government, August 2014

Appendices/Attachments: Government Consultation Paper; Proposed Response

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

**Craig McCorriston**

**Head of Planning & Economic Development**

**11 November 2014**



# PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on : <http://www.scotland.gov.uk/Consultations/Current>

## 1. Name/Organisation

Organisation Name

West Lothian Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Burton

Forename

Ross

## 2. Postal Address

County Buildings

High Street

Linlithgow

West Lothian

Postcode EH49 7EZ

Phone 01506 282405

Email ross.burton@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* ☐ 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 ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my 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

**Q1. Do you agree with this approach to dealing with betting offices? If not, please specify why not.**

Agree ☒ Disagree ☐

**Q2. Do you consider there to be a more effective approach to changes around betting offices? If so, please describe the approach.**

Yes ☐ No ☒

**Q3. Do you believe that a specific definition of PDL, similar to the FCA's definition in paragraph 23 above, should form part at least of the exclusion of uses from the UCO? If so what should the definition be?**

Yes ☒ No ☐

Financial practices, principally offering short term loans, which do not include deposit taking.

**Q4. Do you agree that Class 1: Shops should be excluded from any changes regarding PDL? If not, why not?**

Agree ☒ Disagree ☐

**Q5. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of pay day lenders? If not, why not?**

Yes ☐ No ☒

It would not address the concerns in itself, but would require development plan support and specific support from SPP.

**Q6. What other activities which might be involved in PDL should be added to the exclusions? Please explain why and provide any examples.**

None

**Q7. What other exceptions to the exclusion of financial lending should be included (i.e. alongside "deposit takers")? Please explain why and provide examples.**

None

**Q8. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of PDL? If not, why not?**

Yes ☐ No ☒

It would not represent an effective and proportionate approach on its own, but would require the additional support of an amendment to SPP, to support the actions of councils who seek to refuse planning permission for a change of use to a PDL premises on the grounds that a cluster of PDL premises in a town centre would harm the vitality, viability and character of the town centre, and would have a negative impact on the wellbeing of communities. Currently, concerns over the 'wellbeing of communities' is not a material planning consideration. An amendment to SPP is required to address this if councils are to be empowered to consider this in determining planning applications for a change of use to a betting shop or a PDL premises.

**Q9. Should the exclusions from the UCO be extended beyond those described in this option? If so please explain and provide examples.**

Yes ☐ No ☒

Comments

**Q10. What other exceptions to the exclusion of financial services should be included (i.e. alongside "deposit takers" etc.)? Please explain and provide examples.**

None

**Q11. Which approach would you prefer, Option 1 or Option 2? Please explain your answer.**

Option 1 ☐ Option 2 ☒

Option 2 would separate PDL companies from more traditional financial services, such as banks and building societies, which would be expected to be found in town centres, and which are generally seen to be uses which support communities.

**Q12. Do you have any other comments or suggestions? Please elaborate.**

Yes ☐ No ☒

Comments

**Q13. BRIA – Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?**

Councils will be faced with a limited number of planning applications for changes of use to betting offices and PDL premises, with consequent impact on staff resources. The planning fees for the applications will provide revenue which will compensate to some extent for this.

**Q14. EqIA – Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.**

None





**COUNCIL EXECUTIVE**

**EDINBURGH LOCAL DEVELOPMENT PLAN – SECOND PROPOSED PLAN**

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

**A. PURPOSE OF REPORT**

The City of Edinburgh Council (CEC) has undertaken consultation on its Edinburgh Local Development Plan (ELDP) second Proposed Plan. As a partner authority in SESplan the Strategic Development Planning Authority for South East Scotland, as well as a neighbouring planning authority, with shared strategic requirements, West Lothian Council has an interest in the preparation of the EDLP and was been invited to submit a response to this consultation. The consultation period for submission of comments ended on 3 October, 2014.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes that technical comments on the proposed plan have been submitted under delegated authority by the Head of Planning & Economic Development;
2. notes the terms of the submission made by the Head of Planning & Economic Development;
3. notes that initial discussions have taken place with officers from the City of Edinburgh Council at which it was intimated that the modifications requested by West Lothian Council are not likely to be agreed by City of Edinburgh Council; and
4. agrees and adopts the representations that have been submitted under delegated authority by the Head of Planning and Economic Development as the council's formal response.

**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> | This report relates to a statutory development plan document prepared by another local authority. However, the implementation of the Edinburgh Local Development Plan (ELDP) has consequences for neighbouring local authorities such as West Lothian, particularly in terms of cross-boundary traffic. By not taking the |

	<p>opportunity provided to respond to the second Proposed ELDP, West Lothian Council would have forfeited the opportunity to have its concerns considered by CEC or, if necessary, by the Reporter subsequently appointed to hold an Examination of unresolved issues.</p> <p>There are no SEA requirements, equality issues or requirements for health or risk assessment associated with this report. However, strategic development plans are, themselves, subject to these requirements.</p>
<b>III Implications for Scheme of Delegation to Officers</b>	None.
<b>IV Impact on performance and performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Outcome 8 - 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>	None.
<b>VII Consideration at PDSP</b>	A report on the Edinburgh Local Development Plan (ELDP) second Proposed Plan was considered by the Development & Transport PDSP on 30 October 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 Roads and Transportation Manager has been consulted in the preparation of this report.

## **D. TERMS OF REPORT**

### **D1 Background**

Since the publication of the first Proposed Edinburgh Local Development Plan (ELDP) in 2013, the Strategic Development Plan (SDP) for South East Scotland has been approved by Scottish Ministers. The SDP identifies a larger housing land requirement for Edinburgh than previously anticipated. To address this new requirement, City of Edinburgh Council (CEC) has prepared the second Proposed LDP which was approved for consultation on 19 June 2014. The period for representations ran from 22 August to 3 October 2014. The Plan is accompanied by a revised Environmental Report, a Proposed Action Programme and supporting documents. All documents are available on the CEC website at: [www.edinburgh.gov.uk/localdevelopmentplan](http://www.edinburgh.gov.uk/localdevelopmentplan)

When the first Proposed LDP was being considered in 2013, West Lothian Council took the opportunity to submit four representations in relation to matters which were specifically held to be of direct consequence to this authority. These representations were drafted and submitted under delegated authority.

The principal interest of the council related to the A89 and the Newbridge roundabout and associated developments which are likely to have an impact on the operation of this part of the road network. The council's representation set out the cross-boundary implications these developments may have on the road network when taken in conjunction with proposed developments in West Lothian and specifically the Broxburn Core Development Area (CDA). Representations were raised under different parts of the proposed LDP but they all related to the same issue. While explaining that it did not wish to object to the terms of the proposed LDP the council did, nevertheless, seek amendments to the plan. Since then, and as explained above, CEC has superseded the first version of its Proposed Plan and has latterly published a second version for consultation.

It is understood that over 2,200 submissions were received from individuals and organisations responding to the first Proposed Plan and CEC advised that these have been considered as it progressed with the Second Proposed Plan. A document detailing and commenting on the representations (the Schedule of Representations) has been produced to evidence this. Significantly, CEC advised that it would not automatically carry forward previous representations and intimated that it would be necessary to re-submit them if respondents wished to sustain them and for them to be considered and dealt with through the Examination process.

## **D2 Discussion**

The second Proposed Plan (and the accompanying second Action Programme) indicates that the specific matters which West Lothian Council previously raised have not given rise to any actual revisions. The text is wholly unchanged (save for policies DtS1 and DtS2 having been renamed and some inconsequential page re-numbering).

In the Schedule of Representations, CEC's response to the issues raised by the council is essentially that a mechanism for measuring and mitigating cross boundary transport impacts is currently being developed involving the SESplan authorities, SEStran and Transport Scotland, and that such matters cannot be addressed through the Edinburgh LDP in advance of this study reporting. Thereafter, actions arising from this study can be incorporated into future versions of the LDP Action programme.

In view of the nature of the representations being allied to transport and specifically cross-boundary issues, discussion has taken place with the council's Roads and Transportation Manager, and while recognising that the responses made by CEC are not unreasonable, it remains the view that the robustness of the second Proposed Plan could and should be further enhanced to protect West Lothian Council's position (as previously suggested) by introducing explicit references to the ongoing Newbridge Public Transport Study. This study embraces the A89 and the A8 corridor as well as Newbridge Roundabout. Between Broxburn and Newbridge there is a one mile section of the A89 in West Lothian and a 1.2 mile section within City of Edinburgh. The delivery of cross boundary public transport improvements on this corridor is crucial to maximising modal share accessibility by public transport.

Given that the period for submission of representations ended on 3 October, the Head of Planning and Economic Development made a submission to the City of Edinburgh Council under delegated authority outlining concerns and largely re-iterating the position set out in the council's previous submission to the first Proposed Plan. The submission is attached as Appendix One.

The submission sets out the council's concerns and identifies actions which it believes would resolve them. In situations where there are outstanding issues, the procedure is that they are referred to the Reporter for Examination.

Since lodging the submission in relation to the Second Proposed Plan, officers from Development Planning and Transportation have met with representatives of CEC to discuss the council's concerns allied to the issues of cross boundary traffic implications. While this meeting was constructive and has helped to better understand how CEC propose to address the requirement for transport mitigation works, it should be noted that it did not succeed in securing the desired changes to the text of the LDP, specifically the inclusion of references to the A8/A89 in the context of the Newbridge interchange and the Newbridge Public Transport Study. Instead, CEC remains of the view that the 'Action Programme' accompanying the ELDP can at some future date be augmented to address such matters and that this should suffice.

CEC continue to reference the ongoing Transport Scotland led study which is seeking to address cross boundary issues and it anticipates that the outcomes will in time feed into the aforementioned Action Programme together with the outcomes of the separate Newbridge Public Transport Strategy Study which is being jointly undertaken by the two authorities and Transport Scotland. While this is not an unreasonable expectation, it is, nevertheless, concluded that it falls short of what is deemed necessary to satisfactorily safeguard the interests of West Lothian Council with regard to helping it secure necessary developer contributions.

In the event that CEC reconsiders its position at a later date and agrees the revisions which have been sought the council's objection would be addressed and the representation would be deemed to have been withdrawn.

## **E. CONCLUSION**

The representations submitted in response to the consultation on the first Proposed Plan remain valid and have, therefore, been re-submitted under delegated authority, albeit with some minor adjustment.

Further discussion has taken place at officer level but has not secured the revisions West Lothian Council had been seeking. For this reason it is recommended that the council continues to sustain its representations on the Edinburgh Local Development Plan and that these are given weight through endorsement by the Council Executive.

## **F. BACKGROUND REFERENCES**

Edinburgh Local Development Plan, First and Second Proposed Plans

Appendices/Attachments: One – Representations to City of Edinburgh council in response to the Edinburgh Second Proposed Plan

Contact Person: Steve Lovell, Development Planning Officer, 01506 282430

Email: [steve.lovell@westlothian.gov.uk](mailto:steve.lovell@westlothian.gov.uk)

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

**11 November 2014**



## Edinburgh Local Development Plan – Second Proposed Plan Representation Form

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or by post to:

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Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

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WEST LOTHIAN COUNCIL

**Organisation Name (if applicable) :**

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PLANNING & ECONOMIC DEVELOPMENT, COUNTY BUILDINGS, HIGH STREET,  
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**Agent Email (if applicable) :**

<b>Section 2. Please tell us which part or parts of the Second Proposed Plan this representation relates to (not all boxes require to be completed):</b>					
Proposal/Site Reference	T12		Policy Reference		
Page No.	35	Part and Section		Paragraph No.	
Site name/Other					

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Seeking a change    Yes
<b>Section 4. Please indicate what changes you would like made to the Second Proposed Plan</b>
<p>West Lothian Council would wish to see amendments to the plan in relation to references to Newbridge roundabout and the associated road network in order to more fully address cross-boundary considerations. These changes will impact on the Action Programme as well as the proposed LDP.</p>

**Section 5. Representation**

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Whilst this council is supportive of the recognition given in the proposed LDP through Proposal T12 and in the Action Programme that improvements will be required to Newbridge to support development, there is a case for reviewing and updating the proposed LDP and Action Programme to more fully reflect cross boundary issues (as required by policy 8 of the SDP), ongoing dialogue on the Newbridge roundabout and emerging studies for the area, the strategic significance of Newbridge as part of the transport network and the possibility that supplementary guidance may be required for developer contributions to assist in delivery of enhancements to Newbridge and the surrounding road network.

Proposal T12 in Table 9 should be amended to include reference to the A89 and A8 and this amendment should also be reflected in the proposed Action Programme at section 2, policy T12.

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Proposal/Site Reference	HSG19,HSG20, 1BG/Emp6		Policy Reference		
Page No.	50-55	Part and Section		Paragraph No.	114-116
Site name/Other					

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Proposal/Site Reference			Policy Reference		
Page No.	76	Part and Section	Del1	Paragraph No.	
Site name/Other					

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Proposal/Site Reference			Policy Reference		
Page No.	77	Part and Section	Del2	Paragraph No.	
Site name/Other					

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## **COUNCIL EXECUTIVE**

### **CONSULTATION ON A NEW TENANCY FOR THE PRIVATE SECTOR**

#### **REPORT BY HEAD OF HOUSING CONSTRUCTION AND BUILDING SERVICES**

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

To report to Council Executive on the Scottish Government consultation on a new tenancy for the private rented sector. The consultation is due to end on 28<sup>th</sup> December 2014.

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

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

##### **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>	N/A
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	A report on the proposed new tenancy for the private rented sector was put to Services for the Community PDSP on 28 <sup>th</sup> October and comments are included in the response.

## **VIII Other consultations**

Consultation has taken place with the Advice Shop, Housing Associations operating in West Lothian, and Tenant Representatives. The Landlords Forum has been informed of the consultation.

## **D. TERMS OF REPORT**

### **Background**

The Scottish Government Private Rented Sector Strategy was published in May 2013. The strategy aims to improve the quality of property management, condition and service, to meet the needs of people living in the sector and to enable growth and investment to help increase overall housing supply.

Reform of the private rented sector tenancy is part of the Scottish Government's strategic aim of making the sector more professional.

A Private Rented Sector Tenancy Review Group was set up in September 2013 and made suggestions for simplifying the tenancy system including;

- Modernising and simplifying the right of possession.
- Removing outdated repossession grounds.
- Tackling confusion over tenancy end dates and the issuing of multiple notices.
- Any new tenancy to keep a minimum lease period of 6 months.
- Introducing new roll-over arrangements for tenancy agreements.
- Introducing a new model tenancy agreement

The new type of tenancy would replace the current assured tenancy system for all future lets.

The key changes to the tenancy system will be as follows:

- Removing the no fault ground for repossession
- Tenancies cannot roll over for a duration of less than the original tenancy agreement.
- Landlords must offer a minimum tenancy of six months. No maximum is proposed. Tenants can request a shorter tenancy.
- The notice to quit period will be linked to how long the tenant has lived in the property.
- Reduce the number of grounds for repossession from 17 to 8. All 8 will be mandatory. (See Appendix B
- Pre-tenancy notices will not be required.
- A standard 4 week notice period will be required before proceedings can be raised.
- Tenants will have to give landlords specified notice periods
- A model tenancy agreement will be introduced containing mandatory and discretionary ground. This will remove the need to issue a Tenant Information Pack.

A summary of the changes is noted at Appendix B

The changes to the tenancy system are designed to improve security of tenure for tenants in the private rented sector. This should contribute to improving tenancy sustainment in the private rented sector and assist in the prevention of homelessness.

The system also puts in place safeguards for landlords, lenders and investors by providing greater clarity on the grounds for repossession.

The private rented sector is a growth area in West Lothian and it is important that investment in the sector continues.

Under the Housing (Scotland) Act 2014, all civil private rented sector cases will now be considered by the First Tier Private Rented Sector Tribunal rather than a sheriff. The Tribunal offers a new more accessible route to justice for tenants and landlords in the sector.

## **E. CONCLUSION**

The new tenancy for the private sector sets out a number of changes designed to improve security of tenure for tenants and safeguards for landlords. This should provide improvements to the sector to enable it to function more effectively for both tenants and landlords.

## **F. BACKGROUND REFERENCES**

Services for the Community PDSP 28<sup>th</sup> October – Consultation on a New Tenancy for the Private Sector

Services for the Community PDSP February 2014 – WLC response to Scottish Government on the Proposed Housing Bill

Council Executive March 2014 – WLC response to Scottish Government on the Housing Bill

Housing (Scotland) Bill – 7 January 2014

Consultation on a New Tenancy for the Private Rented Sector – Scottish Government 6 October 2014

<http://www.scotland.gov.uk/Publications/2014/10/9702>

Appendices/Attachments: 2

Contact Person: Gillian Edwards 01506 281376 [gillian.edwards@westlothian.gov.uk](mailto:gillian.edwards@westlothian.gov.uk)

**Alistair Shaw**

**Head of Housing Construction and Building Services**

**Date of meeting: 11<sup>th</sup> November 2014**





## APPENDIX A

### Consultation on a new tenancy for the private rented sector



#### RESPONDENT INFORMATION FORM

**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

Gillian

##### Forename

Edwards

#### 2. Postal Address

West Lothian Council

Civic Centre

Howden South Road

Livingston

**Postcode** EH54 6FF

**Phone** 01506281376

##### Email

Gillian.edwards@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**

☐ 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**

- (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

Yes, make my response,  
name and address all  
available ☐

**or**

Yes, make my response  
available, but not my  
name and address ☐

**or**

Yes, make my response  
and name available, but  
not my address ☐

- (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 ANSWER FORM

**Question 1:** Do you agree that the no-fault ground for a landlord to repossess their property should be excluded from the new tenancy system?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

Yes, this will assist in making reasons for repossession clearer. Knowledge of the reason may assist in the provision of housing advice and homeless prevention.

**Question 2:** Do you agree that the ability to roll over tenancies on a monthly basis should be excluded from the new tenancy system?

Yes ☐ No ☒ Don't know ☐

Please explain your answer.

No, feedback from support services and landlords suggest this would discourage landlords from offering long term lets.

**Question 3a:** Do you agree that the new type of tenancy should have a minimum duration of six months?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This should be the standard but there should be flexibility too for tenants in certain circumstances to reduce the timescales as is proposed.

**Question 3b:** Do you agree that the tenancy should have no maximum period?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This will enable people to stay in the private rented sector for longer periods if they wish to do so. This will encourage stability in the sector and help tenants to view the private rented sector as a longer term solution.

**Question 3c:** Do you agree that a tenant should be able to request a shorter tenancy?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This may be appropriate in some circumstances.

**Question 4a:** Do you agree that the notice period should be linked to how long the tenant has lived in the property?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This will be useful ensuring greater stability in the sector. Landlords will still be able to use the mandatory grounds for repossession.

**Question 4b:** Do you agree with the four proposed notice periods?

Yes ☒ No ☐ Don't know ☐

If you do not agree with all four of the notice periods, please tell us which ones you disagree with and why.

Comments

**Question 5a:** Do you agree that all the proposed repossession grounds should be mandatory?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This makes it easier to understand for both landlords and tenants.

**Question 5b:** Do you agree with the proposed list of new repossession grounds?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

Yes, these are sufficient to cover most circumstances.

**Question 5c:** Are there other repossession grounds we should include in the list?

Yes ☐ No ☒ Don't know ☐

Please explain your answer.

The simplified 8 grounds are easy to understand and cover all eventualities.

**Question 6:** Do you agree that landlords should be able to recover possession of their property with a 28-day notice period in the circumstances proposed?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

The circumstances identified are those which should be taken into account for recovery of possession or property.

**Question 7:** Do you agree that landlords should no longer have to issue pre-tenancy notices to recover possession of their property?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

This will not be required as other procedures are in place.

**Question 8:** Do you agree that the notice period for all proceedings should be four weeks?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

Yes, this should be sufficient in most circumstances.

**Question 9:** Do you agree with the proposed timescales for a tenant giving notice to a landlord to leave the property?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

The timescales seem sufficient.

**Question 10:** Do you agree that a model tenancy agreement should be introduced?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

Yes, the creation of one all-encompassing document makes the process much simpler for landlords and agents to understand. It should be easier for tenants to understand and landlords to administer.

**Question 11a:** What are your views on rent levels in the private rented sector in Scotland?

There are large variations on rent levels in the private rented sector in Scotland. In West Lothian the rent levels are not particularly high and most are in line with the local housing allowance but for some tenants affordability in the sector will be an issue. There needs to be a range of housing options available that are affordable.

**Question 11b:** What action, if any, should the Scottish Government take on rent levels in the private rented sector in Scotland?

Please explain your answer

There is a balance to strike between ensuring affordability in the sector and encouraging investment. It would be difficult to have a single approach for the whole of Scotland when rent levels vary considerably between areas and within localities. Further information would need to be made available on the types of action that could be considered before we would comment further. Feedback from our support services suggest that a rent levels could be set in line with the condition of the tenancy, if a landlord meets all the obligations of the Scottish Core Standards the landlord could be permitted to charge a slightly higher rent.

**Question 11c:** What rent review conditions, if any, should the new tenancy system include?

Please explain your answer.

Consideration could be given to the provision of annual rent reviews between the landlords and the tenant.

**Question 12:** Overall, do you feel that the proposed new tenancy system strikes the right balance between the interests of landlords and tenants?

Yes ☒ No ☐ Don't know ☐

Please explain your answer.

The new tenancy system provides greater certainty for both tenants and landlords. This should contribute to growth in the sector.

**Question 13:** Do you have any (other) suggestions/comments on the new tenancy system for the private rented sector? If so, please tell us.

There should be the right to inspection of private tenancies by appropriate bodies.

## Appendix B – Scottish Government Summary of the Proposed New Tenancy System

### Improving Tenants' Security of Tenure

<i>Subject</i>	<i>Current Provisions</i>	<i>Proposed New Provisions</i>
No-fault ground for repossession	Under a short assured tenancy, landlords can reclaim their property simply because the fixed term has ended. This is called “no-fault ground for repossession.”	The no-fault ground for possession will be removed.
Tenancy roll-over arrangements	Tenancies can roll over on a monthly basis after the initial lease period expires.	Tenancies cannot roll over for a duration less than the original tenancy agreement.
Length of Tenancy	Under a short assured tenancy, the shortest tenancy duration is six months. There is no minimum for an assured tenancy.	Landlords must offer a minimum tenancy of six months. No maximum is proposed.  A tenant will be able to request a tenancy agreement shorter than six months to meet their personal circumstances, e.g. a seasonal or travelling worker.
Notice to Quit periods	Currently landlords and tenants must give each other Notice to Quit of between 28 and 40 days.	The Notice to Quit period will be linked to how long the tenant has lived in the property. Landlords will have to give the tenants the following notice: <ul style="list-style-type: none"> <li>• Six months or less in the property = four weeks' notice</li> <li>• Over six months up to two years in the property = eight weeks' notice</li> <li>• Over two years up to five years in the property = 12 weeks' notice</li> <li>• Over five years in the property = 16 weeks' notice</li> </ul>

## Safeguards for Landlords, Lenders and Investors

<i>Subject</i>	<i>Current Provisions</i>	<i>Proposed New Provisions</i>
Grounds for repossession	There are 17 grounds under which a landlord can repossess their property. About half of these are mandatory – in court must give a possession order if the ground is proved. The rest are all discretionary.	Reduce the number of grounds for possession to eight, all of which will be mandatory. The new proposed grounds are: <ol style="list-style-type: none"> <li>1. landlord wants to sell the home</li> <li>2. mortgage lender wants to sell the home.</li> <li>3. landlord wants to move into the home.</li> <li>4. refurbishment</li> <li>5. Change to use of the home.</li> <li>6. tenant failed to pay three full months' rent</li> <li>7. tenant is anti-social</li> <li>8. tenant has otherwise breached the tenancy agreement.</li> </ol> Under the Housing (Scotland) Act 2014, all civil PRS cases will now be considered by the First Tier PRS Tribunal rather than sheriff
Shorter Notice to Quit period in certain circumstances	No current provisions	If repossession grounds 6, 7 or 8 above apply, landlords will be able to give tenants 28 days' Notice to Quit
Pre – tenancy notices	Landlord must give advance notice to tenants if they intend to use some of the repossession grounds.	Pre-tenancy notices will not be required.
Notice of Proceedings	The length of notice required before a landlord can take legal proceedings is two weeks or two months depending on the ground being used.	A standard four-week notice period will be required before proceedings are raised.



Notice to Quit	Currently landlords and tenants must give each other Notice to Quit of 28-40 days.	<p>Tenants will have to give landlords the following notice:</p> <ul style="list-style-type: none"> <li>• Six months or less in the property = four weeks' notice.</li> <li>• Over six months in the property = eight weeks notice</li> </ul>
Model Tenancy Agreement	No prescribed tenancy agreement.	We will introduce a model tenancy agreement containing mandatory and discretionary clauses in plain language. This will remove the need to issue a Tenant Information Pack, so we propose to remove this requirement.





West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **CONSULTATION ON REGULATIONS ON PRIVATE RENTED HOUSING ENHANCED ENFORCEMENT AREAS**

#### **REPORT BY HEAD OF HOUSING CONSTRUCTION AND BUILDING SERVICES**

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

To report to Council Executive on the Scottish Government consultation on regulations in relation to Private Rented Housing Enhanced Enforcement Areas. The consultation deadline is 12<sup>th</sup> December 2014.

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

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

##### **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>	N/A
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.  We live longer, healthier lives and have reduced health inequalities.
<b>VI Resources - (Financial, Staffing and Property)</b>	Resources would be required if an Enhanced Enforcement Area (EEA) was to be designated.
<b>VII Consideration at PDSP</b>	A report on the consultation on Enhanced Enforcement Areas was put to Services for the Community PDSP on 28 <sup>th</sup> October 2014

## **VIII Other consultations**

Consultation has taken place with Environmental Health and Legal Services. The Landlords Forum has been informed of the consultation.

## **D. TERMS OF REPORT**

### **Background**

The Scottish Government wants to make private rented sector (PRS) housing in Scotland an attractive and affordable option for anyone who wishes to live in it. West Lothian Council also needs the PRS to perform effectively to meet the housing needs of our population. To ensure standards continue to rise, proposals for a more targeted and effective regulatory framework have been developed for areas where existing powers are inadequate to secure improvement.

The proposal for Enhanced Enforcement Areas has arisen from specific circumstances. The proposals are limited to areas where there is overprovision or a concentration of private rented housing that appears to the local authority to be of:

- a poor environmental standard; and
- overcrowded; and
- with a prevalence of anti-social behaviour.

It is viewed that no areas in West Lothian currently meet all these prerequisites. Should they arise in future, it is likely that these areas will be small and have had persistent problems with numerous previous or ongoing attempts to resolve them.

### **Evidence Required for Designating an Enhanced Enforcement Area**

Any application to the Scottish Ministers must be evidenced, demonstrating that problems are associated with PRS housing.

Evidence of poor environmental standard may include, but is not limited to:

- Numbers of houses that are below the tolerable standard,
- Numbers of rent penalty notices served,
- Owners repeatedly failing to pay their shares of repairs costs, or
- Statutory notices under Environmental Health Legislation

Evidence of overcrowding may include, but is not limited to:

- disproportionate demand on refuse collection and cleansing services
- service of Overcrowding Notices (currently being taken forward by the Scottish Government to come into force in 2015.)

Evidence of prevalence of antisocial behaviour

- Information showing the number of anti-social behaviour orders, reports of nuisance to the police and complaints under the Anti-social Behaviour (Scotland) Act 2004 are disproportionately large for the size of the area.
- Relatively large numbers of formal and verbal complaints about breaches or failures by individual property owners or tenants that have been received by the local authority or police.

It is proposed that where an EEA is designated, additional powers would be given to the local authority in relation to PRS homes. The types of discretionary powers might include:

- Providing an additional check to evidence that a landlord is a Fit and Proper Person. Local Authorities could submit an enhanced disclosure check as part of the statutory landlord registration process,
- A power to require existing registered landlords to produce documents for inspection (e.g. gas safety certificates and electrical safety certificates), or
- A power to enter properties in the EEA to ensure the accommodation is safe, well managed and of good quality.

These additional powers would require the authority to focus significant resources on the area to be effective. Therefore an EEA would only be used where there are severe issues that need to be addressed. The Scottish Government considers that very few areas will exhibit the exceptional combination of characteristics required for an EEA to be considered. Those that do will probably be small and be subject to persistent and severe problems that have resisted a number of attempts to be resolved through existing powers.

### **Process for Enhanced Enforcement Area Designation**

Local authorities would be required to make an application to Scottish Government for the range and type of powers it is seeking and details of how it intends to use these powers. They would be required to advertise that the designation has been granted. The designation would apply for five years. A further application for the area to be designated as an EEA before the expiry of its first designation. Local Authorities would require to submit an annual report to Scottish Government detailing use of powers and progress with tackling the problems it has identified in the EEA.

### **Consultation Response**

The new powers proposed for Enhanced Enforcement Areas will give local authorities a wider range of tools to tackle the poorest and most concentrated areas of private rented housing. Local Authorities will be able to request the powers they consider relevant to addressing the worst areas of private rented housing. Careful consideration to the resources required to make use of the powers would be required. In West Lothian there are no areas where this type of response would be required at present.

## **E. CONCLUSION**

The new optional powers for EEAs provide a wider range of potential tools to address the worst areas of private rented housing where the areas meet the statutory prerequisites. Local authorities will have to consider which powers will be relevant to the areas concerned and the resources required. In West Lothian, there are no concentrated areas of private rented housing which met the pre-requisites, but it is useful to have the powers available if required in the future.

## **F. BACKGROUND REFERENCES**

Services for the Community PDSP 28<sup>th</sup> October 2014 – Consultation on Regulation on Private Rented Housing Enhanced Enforcement Areas

Services for the Community PDSP February 2014 – WLC response to Scottish Government on the Proposed Housing Bill

Council Executive March 2014 – WLC response to Scottish Government on the Housing Bill

Housing (Scotland) Bill – 7 January 2014

Housing (Scotland) Act 2014

Section 28 Private Rented Housing: Enhanced Enforcement Areas Consultation Regulations

<http://www.scotland.gov.uk/Publications/2014/10/3067>

Appendices/Attachments: 1

Contact Person: Gillian Edwards 01506 281376 gillian.edwards@westlothian.gov.uk

**Alistair Shaw**

**Head of Housing Construction and Building Services**

**Date of meeting: 11<sup>th</sup> November 2014**

## APPENDIX A

### Housing (Scotland) Act 2014 – Section 28 Private Rented Housing: Enhanced Enforcement Areas

#### Consultation on Regulations

#### RESPONDENT INFORMATION FORM

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**

Edwards

**Forename**

Gillian

##### 2. Postal Address

West Lothian Council

Civic Centre

Howden South Road

Livingston

**Postcode** EH54 6FF

**Phone** 01506281376

**Email**

gillian.edwards@westlothian.gov.uk

##### 3. Permissions - I am responding as...

Individual

/

Group/Organisation



**Please tick as**



**(a)** Do you agree to your response being made available to the public (in Scottish Government library

**(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

☐

or

Yes, make my response available, but not my name and address

☐

or

Yes, make my response and name available, but not my address

☐

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library

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

### Question 1.

Do you agree that this is the right sort of evidence needed to support an application?

*'a poor environmental standard'* does not appear to be defined. The absence of a definition makes it difficult to know exactly what this encompasses and therefore what evidence is appropriate.

*'overcrowded'* is not defined within the Act. Whilst it is defined in section 135 of the Housing (Scotland) Act 1987, no link between the two is made. This creates unnecessary room for ambiguity. The absence of this link makes it difficult to comment fully on what evidence is appropriate.

The term in the consultation, 'Environmental Health legislation' is vague and creates unnecessary room for ambiguity. Legislation enforced by local authority Environmental Health functions will vary across local authorities and will depend on part on their structures and service names. This needs to be better defined. There appear to be no powers of entry associated with Overcrowding Statutory Notices under Part 3 of the Private Rented Housing (Scotland) Act 2011, although there is a power to require provision of information. In the absence of a power of entry, evidence gathering of overcrowding will be problematic.

### Question 2.

Are there any other types of evidence that you think should be required to support an application for designation of an area? What are those?

Once 'a poor environmental standard' is defined, it may be that additional matters fall within the definition and therefore additions sources or types of evidence would be appropriate.

Once 'overcrowded' is unambiguously defined, it may be that additional matters fall within the definition and therefore additions sources or types of evidence would be appropriate.

The following evidence should be included as examples, but not be prescriptive:

- Information on 'substandard' PRS homes, as defined by Section 69 of the Housing (Scotland) Act 2006;
- Defective Building activity by the local authority in relation to PRS homes under Section 28 of the Building (Scotland)

Act 2003

- Dangerous Building activity by the local authority in relation to PRS homes under Sections 29 and 30 of the Building (Scotland) Act 2003
- Numbers of valid applications to the PRHP
- Information on landlords who stubbornly or persistently fail to engage with communal maintenance and repair processes, including the Tenement Management Scheme
- Information on landlords who stubbornly or persistently fail to pay their share of communal maintenance and repair processes, including the Tenement Management Scheme or local authority statutory repairs
- Numbers of Abatement Notices served in relation to house condition, waste, pest control and other matters associated with health or living conditions.
- Information on action taken under the Public Health (Scotland) Act 2008 Parts 3 or 5

With regard to antisocial behaviour, consideration should be given to matters which could be considered antisocial behaviour, but are considered or addressed under other legislation such as Part III of the Environmental Protection Act, as amended and applicable in Scotland.

### Question 3.

Do you consider these are the right types of discretionary powers to secure positive outcomes for tenants and communities?

The powers are likely to result in positive outcomes.

### Question 4.

Are there other additional types of powers, or particular powers, that might be useful for targeting action within EEAs? What are those powers and how might they be used?

The '*authority to inspect dwellings let by a landlord who is entered on [the landlord register]*' should be extended to any property where there is evidence that it is rented. This will enable access to rented homes where the landlord has failed to register or reregister or had registration removed. The ability to apply for a warrant to gain access would be useful.

EEAs and the problems associated with them are likely to be a significant demand on local authority services. To allow local authorities to intervene effectively and recover associated expenditure, consideration should be given to provision of additional cost recovery mechanisms, potentially by extending the charging order mechanism to legislation for which it is not currently used. This could include pest control treatments, communal ground clearances and removal of refuse accumulations. Amendment of the landlord registration 'Fit and Proper Person' test would to permit unpaid debts to the local authority to be considered would strengthen the ability of local authorities to recover costs and / or discourage disreputable landlords from operating in the area.

**Question 5.**

Do you think the powers that are granted should be the same for each application, or should they reflect local circumstances?

Additional powers should be based on those requested by the local authority for which there is, on balance, sufficient demonstrated evidential support.

**Question 6.**

Do you consider it reasonable that a local authority should provide an annual report on the use of these powers to Ministers?

This is reasonable. However, the local authority must have in place from the outset suitable systems to enable effective reporting to occur.

**Question 7.**

Do you agree that an application for the designation to continue should be supported by a summary of how the local has used the additional powers and evidence of the impact?

This is reasonable. However, to prevent unnecessary

duplication, it should be possible to cross refer to the annual reports, with an overall summary and commentary being sufficient.

**Question 8.**

Do you have any other comments on what should be covered by the Enhanced Enforcement Area regulations or how these might operate?

For many local authorities, the problems for which the EEA is intended are not geographically based. Instead, they may relate to a particular landlord or agent. Long term, amending the definition of an EEA to include such situations would make the proposed powers more useful.

**Draft Equalities Impact Assessment**

**Question a)**

Do you consider that there are other groups that these regulations will affect? If so, which groups are they?

Where an area has a higher proportion of immigrant or ethnic minority landlords, the powers may seem to be disproportionately adversely affecting these groups. Conversely, where areas have a high immigrant / ethnic minority population, these groups may be seen to benefit disproportionately from EEAs.

**Question b)**

Do you consider that there are other factors that might prevent the desired outcomes being achieved? If so what are those?

Lack of resources could prevent the outcomes being achieved. Additional resources should be made available to local authorities who successfully designate EEAs.

**Question c)**

Do you have any other comments on any aspect of the Draft Equalities Impact Assessment?

No





## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2015-2020**

#### **REPORT BY HEAD OF HOUSING CONSTRUCTION AND BUILDING SERVICES**

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

To report to Council Executive on the main points of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2015- 2020.

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

Council Executive is requested to approve the Strategic Housing Investment Plan (SHIP) attached as Appendix 1 and note that this requires to be submitted to the Housing Supply Division of the Scottish Government by 28<sup>th</sup> November 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>	A Strategic Environmental Assessment pre-screening report and Equality Impact Assessment were carried out on the SHIP.
<b>III Implications for Scheme of Delegations to Officers</b>	N/A
<b>IV Impact on performance and performance Indicators</b>	Performance indicators have been included in the SHIP
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	Commitments will be met within existing Council resources and the government's grant allocation for the approved development programme.
<b>VII Consideration at PDSP</b>	A report on the SHIP was put before Services for the Community PDSP on 28 <sup>th</sup> October 2014.

## **VIII Other consultations**

Consultation has taken place with Housing Associations operating in West Lothian, with Scottish Government Housing Supply Division, and with Finance

## **D. TERMS OF REPORT**

### **Background**

The Scottish Government has requested that all Local Authorities submit a 5 year Strategic Housing Investment Plan (SHIP) which will augment their current Local Housing Strategies. Previously SHIPs were to be submitted annually but since 2014 SHIPs are to be prepared every two years.

The major objective of the SHIP is for Local Authorities, in conjunction with Registered Social Landlords (RSLs) to ascertain the viability of current and future social housing investment opportunities. The SHIP should relate to the Single Outcome Agreement (SOA) between the local authority and central government. It should be consistent with other strategies within the West Lothian Local Housing Strategy (LHS) on matters such as homelessness, housing support and private sector policy.

The Government's Housing Supply Division will monitor each SHIP submission and determine in conjunction with Local Authorities the best investment possibilities. This is based on analysis of the relevant merits and potential constraints for the development options provided by each Authority. The Council currently works closely with the Government's Housing Supply Division to support Housing Associations in West Lothian.

The SHIP also gives the latest progress on the Council's new build Council Housing Programme which involves the completion of the phase 2 programme for 545 houses. and complete development of a further 1000 houses during the SHIP period.

In this SHIP the Wheatley Group on behalf of West Lothian Housing Partnership have identified opportunities for unsubsidised housing. They have identified 8 opportunities for 350 houses across West Lothian. Further discussion will take place regarding the development of these sites.

### **Purpose and Engagement**

The SHIP demonstrates the manner in which West Lothian Council's affordable housing investment priorities will be developed in practice. Consultation has taken place with a number of organisations involved in the development of affordable housing in West Lothian, notably WLC Planning and the RSL community

The SHIP provides:

- An opportunity to set out key investment priorities for affordable housing and demonstrate how these will be delivered
- Identifies resources which help deliver these priorities
- Involvement of partners
- Further co-ordination between the LHS and the individual RSL's future development funding plans



## **Progress since SHIP 2012**

In 2013/14 76 new affordable homes were constructed by RSLs in West Lothian and 249 were built by West Lothian Council.

Scottish Government has confirmed funding of £4.758 million for 2014/15 and £5.923 million for 2015/16. They have advised that levels of funding that would be allocated between 2016/17 and 2019/20 would be between £9.83 million and £23.693 million.

The Local Housing Strategy 2012-2017 provides the policy context for the SHIP.

### **SHIP priorities**

The main priorities identified in the SHIP will be:

- Develop those projects that are already committed
- Continue the development of new build Council housing
- Progress development in the Core Development Areas
- Promote housing regeneration in specific locations

Specific housing investment projects both approved and speculative are submitted by RSLs and are principally categorised by timescale, locality, house tenure, number of units and cost.

West Lothian Development Alliance (WLDA) has identified 12 sites for development over the period that could accommodate up to 269 homes. A small number of sites capable of being developed over the short term are being recommended as having priority. Discussions will take place with WLDA in regard to development opportunities in the later years of the SHIP programme. One further development opportunity has been identified by Bield Housing Association in the longer term. The priority has been determined on the basis of location. The funding available to RSLs is subject to suitable sites becoming available.

As part of the new build Council housing programme, sites have been identified and approved by the Council Executive. The funding from second and empty homes Council tax can be used to support new build affordable housing. In 2013/14 this amounted to more than £185,000 and it is proposed that this funding is used to support the Council house building programme.

## **E. CONCLUSION**

RSL partners have identified a number of development opportunities and the Council also has an ambitious programme of new build Council housing. The provision of resource planning assumptions enables the Council and RSL partners to develop a more strategic approach to the development of sites in West Lothian. However, the funding available is limited and priorities for the funding have to be identified. It is reasonable to assume that the Council's demonstration of housing need and track-record of providing affordable housing through partnership working will be seen positively in the allocation of future resources.

## **F. BACKGROUND REFERENCES**

Services for the Community PDSP – West Lothian Strategic Housing Investment Plan 2015-2020

Council Executive 20<sup>th</sup> August 2013– West Lothian Strategic Housing Investment Plan 2013-2018

Services for the Community PDSP June 2013 - West Lothian Strategic Housing Investment Plan 2013 - 2018

Services for the Community PDSP 30<sup>TH</sup> April 2013. Strategic Local Programme for Affordable Housing Provision in West Lothian

Council Executive 13<sup>th</sup> November 2012. Strategic Local Programme for Affordable Housing in West Lothian

Services for the Community PDSP 30 October 2012 Strategic Local Programme for Affordable Housing in West Lothian

Services for the Community PDSP 7 August 2012. Development of a Strategic Local Programme for Affordable Housing Provision in West Lothian.

Services for the Community Policy Development and Scrutiny Panel June 2012 Affordable Housing Completions by RSLs and the Council in West Lothian

Council Executive West Lothian Strategic Housing Investment Plan 2012-2017  
Services for the Community PDSP 20 March 2012

Council Executive February 2012: West Lothian Local Housing Strategy 2012 - 2017

Appendices/Attachments: 1

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**Alistair Shaw**

**Head of Housing Construction and Building Services**

**Date of meeting: 11<sup>th</sup> November 2014**



## **WEST LOTHIAN COUNCIL**

### **Strategic Housing Investment Plan (SHIP) 2015-2020 DRAFT**

**November 2014**

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2. Background
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9. Collaboration across the Housing Market Area
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19. Conclusion
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## **1. Executive Summary**

West Lothian Council's Strategic Housing Investment Plan (SHIP) identifies priorities for investment over a 5-year period from 2015 - 2020.

The core funding is already in place to deliver the following:-

- The Scottish Government funding will deliver significant numbers of new homes over the period.
- West Lothian Council New build Phase 2 (545 units) started on site in February 2011 and will be completed in 2014/15. At 31<sup>st</sup> March 2014 395 houses in this project have been completed. Seven sites have been fully completed and work is well underway on the last site.
- The council has given a commitment to build a further 1000 houses between 2012-2017. A developer has been selected for the first 611 homes and tenders have been issued for a further 363 homes. A further 26 homes are to be developed as individual projects taken forward by the council. The first 6 homes of the 1000 houses were completed in September 2014.
- RSLs in West Lothian continue to develop and deliver new build housing with 76 homes completed in 2013/14

In addition to the current programmes, a number of potential development opportunities have been identified should additional funding from the Scottish Government be made available over the next 5 years.

## **2. Background**

Local Authorities are required to produce a Strategic Housing Investment Plan (SHIP) to supplement their Local Housing Strategy. The purpose of the SHIP is to set out how the investment in affordable housing will be directed over a five year period 2015–2020. This is the eighth SHIP that West Lothian Council has produced and it has been developed in line with revised guidance issued by the Scottish Government in July 2014.

West Lothian Council's SHIP sets out the affordable housing investment priorities for the area as identified in the Local Housing Strategy 2012-2017. It demonstrates how these investment priorities will be delivered and the resources required. The SHIP sets out the national and local context by identifying West Lothian Council's investment priorities; the approach being taken to the delivery of these priorities; outlines potential risks and constraints; and how these can be mitigated.

### **Strategic Context**

West Lothian Local Housing Strategy 2012-2017 was approved by Council Executive in February 2012. A key recommendation of the LHS was that 1000 affordable homes be built between 2012-2017.

## **The Need for Affordable Housing in West Lothian**

There is an identified need for quality affordable housing in West Lothian.

- As at April 2014 there were 8070 applicants on the Common Housing Register for social rented housing. Some RSLs operating in West Lothian also hold their own waiting lists. This shows there is additional need for affordable housing for older people and disabled people.
- In April 2012, the Council abolished the priority need test in relation to homelessness applications and revised operational processes accordingly.
- The proportion of those provided with permanent accommodation in council stock who maintained their tenancy for at least 12 months in 2013/14 was over 90%
- The council's allocation policy is currently being reviewed.

A new Housing Need and Demand Assessment has been drafted with Councils in the SESPLAN area (City of Edinburgh, Midlothian, East, South Fife and Scottish Borders). The draft report for SESplan HNDA 2 has been prepared.

The report estimates that from 2012-32, between 127,841 and 184,229 additional new units of housing are required across the SESplan area for households that currently need housing and future households. West Lothian's share of this is between 17,150 and 21,501 new homes.

There is a tenure breakdown based on the likely growth scenarios. This indicates that the largest amount of growth is likely to be in the rental sector (both social and private) with growth in owner occupation being modest. The estimate for West Lothian is for 'modest increases' with a 3.6% average annual growth rate in rental prices compared with a 3.5% average annual growth rate in house prices.

A new Local Development Plan is also being developed with the Main Issues Report currently out for consultation. The scale of housing required over the period of the plan is 18,010 housing units across all tenures. To deliver this the main spatial strategy set out in the MIR continues with the current development strategy of supporting development in the core development areas and other strategic sites such as Heartlands (Whitburn). The MIR recommends a growth scenario that will provide an opportunity to allocate long term housing allocations in support of the preferred development strategy. The strategy would allow sites for a total of 26,347 houses (of all tenures) over the period of the LDP. The affordable housing policy forms part of the current West Lothian Local Plan and is beginning to deliver a number of sites that will be included in the council's new build housing programme. The Main Issues Report suggests that in some areas, the requirement for affordable housing may increase from 15%.

## **Housing Supply Targets**

New housing supply targets will be developed through Strategic Development Plan 2 following approval of the HNDA2.

### 3 Progress since the last SHIP

#### a) New Build Council Housing

Since the 2012 SHIP, there has been significant progress in the delivery of affordable housing with 249 new build council houses completed. Seven of the eight sites in phase 2 are complete. Sites for a further 1000 new build council houses have been identified.

#### b) WLC Programme Phase 2

Site (phase 2)	Complete 13/14	Completions 2014/15	Completions 2015/16
Alderstone Rd, Livingston	45		
Eliburn, Livingston	90		
Inveralmond, Livingston	33		
Dixon Terr, Whitburn	81		
Little Boghead, Bathgate		120	30
Total	249	120	30

c) WLC Programme 1000 houses

Site (1000 houses)	Completions 2015/16	Completions 16/17	Completions 17/18
Broxburn Primary School	18		
Rosemount Court	30		
Wester Inch, Bathgate	30	50	
Redhouse West, Blackburn	30	70	
Pumpherstoun Institute site	15		
Kirkhill, Broxburn	30	180	20
Lammermuir House, Livingston		50	20
Eastfield, Fauldhouse		36	
Nelson Park, Armadale		26	
Glasgow Road, Bathgate		10	
Almond Link, Livingston		20	
Winchburgh CDA		41	
Drumshoreland, Pumpherstoun		70	20
Mill Road, Linlithgow		15	
Auldhill, Bridgend		5	
Almondell, East Calder		36	
Raw Holdings, East Calder		17	
Almondvale Stadium Livingston		40	
Appleton Parkway, Livingston		10	
Trim Track, Livingston		40	
Mayfield, Armadale		22	
Philipstoun Site, Philipstoun		5	
Bathville Cross, Armadale		18	
Winchburgh former Day Centre, Winchburgh		8	
<b>Totals</b>	153	769	60

(Sites at Adelaide Street and Deans South are not included as they will not receive funding through the Affordable Housing Supply programme although the completion of these units contribute to the 1000 houses).



**d) Other WLC Programmes**

<b>Site</b>	<b>Completions 2015/16</b>
Rosemount Court	30

d) RSL Programme

	13/14	13/14	14/15	14/15	15/16	16/17	16/17	17/18	17/18	18/19	18/19	19/20
Site	Social Rent	Other	Social Rent	Other	Social Rent	Social Rent	Other	Social Rent	Other	Social Rent	Other	Social Rent
Burngrange, West Calder	39											
North Bridge Street		12										
Station Road	19	6										
Whitdale School					49							
Westgate Towers			17	18								
Kaim Park			8	16								
Former Deans House, Deans, Livingston					12							
Foulshiels Road, Stoneyburn						12						
Forth Drive, Livingston						9						
North Street, Armadale										22		
Jarvey Street, Bathgate								22	10			
Former premises Jarvey St										4	4	
Moore House, Bathgate								20				
Site in West Calder								25				
Bloomfield Road, Bathgate						6	6					
Dixon Terrace, Whitburn										24		
Polbeth Farm, Polbeth												30
Hardhill Road, Bathgate												14
Stewart Court, West Calder												32
<b>Total</b>	58	18	25	34	61	27	6	67	10	50	4	76

**e) Wheatley Group Proposed Sites and Completions**

<b>Site</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Winchburgh	55		
Blackridge	50	30	
Broxburn		23	
Bathgate		53	
Armadale	50		
Polbeth		27	
Bathgate			31
Livingston			31
<b>Total</b>	<b>155</b>	<b>133</b>	<b>62</b>

#### **f) RSLs that develop in West Lothian**

- West Lothian Development Alliance (comprising Almond Housing Association, Horizon Housing Association and Weslo Housing Management)
- Wheatley Group
- Places for People (comprising Castle Rock Edinvar Housing Association and Lothian Homes)
- Dunedin Canmore Housing Association and Margaret Blackwood Housing Association
- Bield Housing Association

#### **g) Shared Equity Programmes**

Many people have been assisted through the Open Market Shared Equity Programme (OMSE). In 2013/14 in West Lothian, there were 131 purchases and Scottish Government loan support of £5.800m. Demand for this programme remains high. This programme has recently assisted a number of homeowners in Deans South to purchase new property.

The Scottish Government's Help to Buy (Scotland) scheme has assisted 40 purchasers with loans amounting to £1.486m.

### **4 Prioritising the SHIP programme**

There are three strands of future social housing provision:

- The Council's new build programme,
- RSL programme funded by the Scottish Government
- The Council's Affordable Housing Policy.

#### **Priorities for Funding**

The Local Housing Strategy identified priorities for affordable housing investment. These are noted below.

Area Priority for Investment
Priority1 Broxburn, East Livingston & East Calder, Linlithgow, Livingston North, Livingston South, Uphall and Winchburgh
Priority 2 Armadale & Blackridge, Bathgate, Whitburn & Blackburn,
Priority 3 Fauldhouse & Breich Valley,

This priority for investment will be reflected in the ongoing review of the Council's affordable housing policy.

The priority for the SHIP programme is to develop those sites that already have a funding commitment. Research for the Homelessness Strategy identified that the two areas of highest demand for housing are Livingston and Bathgate. These areas are being prioritised for affordable housing. Broxburn is also an area of high demand that has had relatively few social rented developments in recent years. It is proposed that 248 homes in the current council new build programme will be located in Broxburn.

Work to Rosemount Court, Bathgate started on site in August 2014 and involves the provision of 30 new homes for older people with care and support needs and extensive refurbishment of the existing sheltered housing at the site involving conversion of bedsits to self-contained 1 bedroom flats. The work is being procured through the Scottish Government's Hub Initiative.

#### **a) West Lothian Council's new build programme**

The Council has agreed to develop a further 1000 Council houses between 2012 and 2017. The anticipated investment by the Council is likely to be in the region of £102million for the new homes. As part of the new build Council housing programme, the Council has identified 25 sites for 1000 new build council houses. The first 6 homes of the programme have been completed 18 are under construction, design work is underway on a further 425 homes and tenders have been issued for 525 homes with the balance of 26 properties being taken forward as Council led projects.

#### **b) RSL Programme -**

West Lothian Development Alliance has identified 12 sites for development over the period that could accommodate up to 269 homes. Of these sites, it is proposed that four sites will have priority for development during 2014/15. The priority has been determined on the basis of location and the sites being capable of development over the short term. Further consideration will be given to development of other sites identified beyond 2014/15

Wheatley Group have identified 8 locations for 350 homes that will not require subsidy as they can raise funding through a bond.

The majority of RSL sites are in either Priority 1 or Priority 2 areas. The SHIP has been developed to allow flexibility and ensures that sites can come forward should additional resources become available.

#### **c) Further Joint Working**

Preliminary discussions have taken place on projects which would involve the Council and RSL partners in master planning and regeneration of areas. The following projects have been identified as a priority;

- Deans South, Livingston. Good progress has been made in relation to the buy back of the owners properties, the majority of the owners have moved and many of them have benefited from the Scottish Government's Open Market Shared Equity Scheme. A planning application has been approved for new build council housing on a site in Deans South.
- Core Development Areas. Progress is being made on the Core Development Areas in particular at Winchburgh, Calderwood and Armadale. Developers have approached RSLs to discuss opportunities for development in the CDAs and discussions are ongoing. One site at Winchburgh will be included as a new build council housing project. Two further sites at the Calderwood CDA in East Calder have also been made available.
- There are five sites that are to come forward through the affordable housing policy that are included in the new build council housing programme.

## **5 The Economic Climate**

There is evidence that the housing market is beginning to show signs of improvement. Many of the sites that were stalled are now starting to pick up with development continuing on a number of sites, particularly in the Core Development Areas. Private sector completions increased from 279 in 2012/13 to 387 in 2013/14

According to the Centre for Housing Market Analysis, the average house price in West Lothian in June 2014 was £147,048; this was 10.7% higher than in June 2013. The average house price for Scotland is

£168,164 at June 2014. The number of transactions had also risen by 4.3% from 176 in June 2013 to 231 in June 2014. (Source CHMA Local Authority Housing Market Bulletin July 2014)

## 6 Welfare Reform

West Lothian Council has developed an anti-poverty strategy that sets out a series of actions to support people affected by welfare reform and those at risk of poverty. The Scottish Government's Discretionary Housing Payment is being used in West Lothian to assist with housing costs and in particular to mitigate the effects of the removal of the spare room subsidy. In 2013/14 West Lothian Council's limit was fully spent and in 2014/15 we have already committed in excess of the interim limit on the basis that the Scottish Government has given a commitment to continue the support. We are working with tenants and other social landlords to enable them to receive the assistance that is available.

Already, there is a significant impact on the waiting list for housing with a large increase in the number of people seeking housing, especially smaller housing. There has already been a significant increase in the number of transfer applications with many people wishing to downsize. A key challenge for the Council and other providers is to provide smaller houses for people to move to while ensuring that there is a sufficient range of house types and sizes available for applicants and tenants not affected by welfare reform.

## 7 Investment in Affordable Housing

The table below shows Scottish Government historic investment levels in West Lothian between 2009/10 and 2012/13.

Year	Actual Expenditure (£M)
2009/10	10.378
2010/11	7.128
2011/12	12.875
2012/13	8.336
2013/14	To be confirmed December 2014

### Future Resource Planning Assumptions

Year	(£m)
2014/15	4.758
2015/16	5.923
2016/17 – 2019/20	9.83 - 23.693

The funding for 2014/15 and 2015/16 has been confirmed by Scottish Government. The minimum levels of funding for 16/17, 17/18 and 18/19 have also been confirmed as follows:

Year	(£m)
2016/17	4.50
2017/18	3.197
2018/19	2.132

## **West Lothian Council's Investment in new build Council housing**

West Lothian Council is highly committed to partnership in the delivery of LHS outcomes. This is demonstrated through the provision of council new build housing and direct assistance to RSLs to enable their development proposals to proceed. Scottish Government direct funding remains important across the range of projects.

Two phases of Council housing have been funded by prudential borrowing commitment in excess of £68 million. The first 255 units of new build Council housing was completed in less than 2 years. A second phase of 545 homes started on site in February 2011 and 395 were complete by 31<sup>st</sup> March 2014. Scottish Government has awarded more than £14 million to support phase 1 and phase 2 of new build council housing in West Lothian.

The second phase of new build Council housing has created over 90 job opportunities providing employment for local people and training opportunities for apprentices. It is estimated that 200 jobs can be created as a result of the 1000 new build council housing programme.

### **Mid Market Rent**

Registered Social Landlords in West Lothian have completed projects for mid market rent Bathgate and Armadale. These developments have proved popular with tenants and there is high demand for the properties. A further two developments will be completed for mid market rent in Bathgate in 2014/15. Wheatley Group has also identified a number of development opportunities for mid market rent.

## **8. Development Constraints and Council Assistance**

The key development constraints centre on the provision of funding for infrastructure such as primary and secondary schools.

The Council has examined the level of developers' contributions and has abolished some contributions that are no longer essential. In addition, the Council has identified additional resources through the Local Infrastructure Fund which has enabled the extension of two primary schools in Armadale.

The Local Infrastructure Fund (LIF) has been successful in front funding a number of projects that have enabled housing development to proceed. The fund will be used to support the construction of a distributor road in Drumshoreland, Pumpherston enabling sites to be released for both council and private housing. A number of education infrastructure projects are to be funded by the LIF to remove development constraints.

The Planning Service within the Council makes regular contact with RSLs and developers through the Housing Recovery Conference and issues newsletters on housing development in West Lothian. One of the key outputs of the Housing Recovery Conference held in November 2012 was the preparation of an Action Plan which identified fifty actions the council aimed to take forward to facilitate an accelerated rate of house building in West Lothian

While there continues to be funding constraints, it is clear that RSLs are having some success identifying projects. Challenges remain in regard to the availability of private finance for RSLs but some larger RSLs have managed to secure bond funding. In addition, there is opportunity for front funding the purchase of development sites should this be required. The majority of RSL projects coming forward in this SHIP are likely to be for social rent rather than shared equity. RSLs report that there are still challenging conditions in relation to shared equity projects but there is some willingness to undertake mid market rent projects due to the funding mechanisms available.

Constraints identified by RSLs include abnormal costs, demolition and site clearance and developer contributions. To assist in trying to overcome these constraints, the Council will continue to work in partnership with relevant stakeholders in relation to the provision of infrastructure.

## **9. Collaboration across the Housing Market Area**

West Lothian is a member of the South East Scotland Housing Forum and is currently chair of the forum. This group includes representation from housing and planning from the six SESPLAN councils and Scottish Government. The activity of the group has recently been reviewed with a focus on the production of the next Housing Need and Demand Assessment that will inform the new Strategic Development Plan. Consultation on HNDA 2 concluded on 1<sup>st</sup> August. The aim is to submit it to CHMA in October to enable the relevant approvals to be granted.

## **10. Partnership Process for producing the SHIP**

West Lothian Council continue to consult with key partners to develop and deliver quality affordable housing. There are regular updates on progress towards meeting the Local Housing Strategy objectives with stakeholders. Noted below is a breakdown of the partners involved in the delivery of affordable housing in West Lothian

- **RSLs**

West Lothian Council and RSL development partners have an ongoing dialogue in relation to the delivery of affordable housing. In regard to the development of the SHIP, the RSL partners were invited to meetings to discuss their input. Meetings were held with the West Lothian Development Alliance and the Wheatley Group and discussions were held with Dunedin Canmore Housing Association, Places for People and Bield Housing Association. The key points discussed were in relation to identifying potential development opportunities and overcoming constraints to development including funding requirements and infrastructure.

- **Private Developers**

West Lothian Council maintains regular dialogue with private developers in determining the most appropriate affordable housing contribution whilst taking significant factors into account for each individual development site. Lovell Partnerships are continuing to develop the second phase of new build Council housing and have been appointed to build 605 homes of the 1000 new build council housing programme.

- **West Lothian Council Service Areas**

West Lothian Council Departments including, Planning, Legal Services, Finance and Estates and Housing maintain a close working relationship to deliver affordable housing and to develop a strategic approach to provision. This assists in the speed of delivery of development and the quality of housing provided.

The development of Rosemount Court has been a joint project with Social Policy ensuring that the design meets the needs of older people to maximise independent living.

We have worked closely with Social Policy in relation to the design of the new build houses to ensure that they are future proofed and limit the need for adaptations in the longer term.

- **Government Assistance**

The council welcomes the government funding to assist the provision of housing either through its own new build programme or to fund RSLs for site acquisition/off the shelf purchase. This funding has enabled significant numbers of affordable housing to be completed in 2013/14 both by RSLs and the council. In 2013/14 West Lothian Council had the highest number of completions of new



build council houses of any council in Scotland. The number of RSL homes completed in 2013/14 has also increased in comparison with 2012/13. The Council has endeavoured to make best use of the sites identified to develop Council housing that will optimise the use of the sites to meet a variety of housing needs.

## **11 Scottish Housing Quality Standard Delivery Plan**

It is currently estimated that all of the social rented housing stock in West Lothian will meet SHQS by 2015. 97.4% of Council stock currently meets SHQS. A ten-year plan to comply with the Scottish Housing Quality Standard by 2015 is in place. Our understanding is that RSLs will meet the SHQS standard in the majority of their stock.

In 2009, a feasibility study was commissioned to look at areas of high density housing. It was agreed that some properties in Bents were in poor condition and could not be refurbished to meet modern standards. Two of the three blocks at Bents have been demolished, with the third scheduled for demolition later this year.

In Winchburgh there are two blocks of flats that are in a similar condition to those in Bents and demolition is due to commence in September 2014.

Flats at Bathville Cross in Armadale were also included in the study and it was identified that these can be refurbished. There is an opportunity for 18 new build flats as part of this project. This development is included in the council's new build programme but the infill development in 3 blocks is subject to obtaining the homeowners' consent to proceed. Refurbishment of the first block will commence in 2015.

The West Lothian Development Alliance acquired a site at Station Road, Armadale. The site is close to the flats to be refurbished by the council at Bathville Cross and the development is now complete. Both these developments will make the area more attractive and sustainable in the longer term.

The conversion of buildings in council ownership will also contribute to new housing supply. This includes developments at the former Winchburgh Day Centre (8 units) and Adelaide Street, Livingston (6 units). Conversion of these properties will provide much needed housing in these areas, contribute to the amenity of the area and ensure the sustainability of existing buildings.

## **12. Housing for People with Particular Needs**

The council is in the process of undertaking two developments for people with particular needs.

Development of housing for older people and people with disabilities in West Main St, Broxburn started on site in April 2014 and is due to complete in June 2015. The homes will be purpose built amenity housing for older people. The Housing is aimed at enabling individuals and couples to live as independently as possible in their own tenancy. The works comprise partial demolition and refurbishment/ remodelling of two existing stone built buildings and the erection of two new buildings to create 18 new residential flats (7 one bed and 11 two bed). All ground floor flats will be fully adaptable for people with varying needs.

Development of Housing with Care development at Rosemount Court, Bathgate started on site in August 2014. There will also be refurbishment of adjacent properties. There are 30 1 bedroom 2 person flats and each flat allows for independent living. The communal facilities are a restaurant, a café, a hairdresser, a launderette, 2 multi purpose rooms and 3 offices. There are 13 bedsits that are being refurbished at Rosemount Sheltered Housing to self-contained one bed roomed flats.

As part of the new build council housing programme there has been engagement with Social Policy over the design of the mainstream new build houses. Opportunities have been identified for Core & Cluster properties for people with disabilities and work is ongoing to progress this. The new build

council housing programme will provide a high number of bungalows including 1 bedroom bungalows so that there is a wider range of house types available for people with disabilities. Occupational Therapy staff have been involved in developing the housing design and mix and there has also been input from staff from NHS Lothian.

### **13. Investment Outcomes**

There are several key outcomes to be achieved in the course of the 5 year period of this SHIP

- Completion of an agreed number of RSL homes through the Strategic Local Programme (SLP)
- Completion of phase 2 of 545 units of new build council housing
- Complete the development of a further 1000 new build council homes
- Maximise employment and training opportunities through the provision of new build housing.
- To assist with the provision of new infrastructure by making appropriate developer contributions through new build programmes.

### **14. Fuel Poverty and Climate Change**

The Local Housing Strategy outlines the council's approach to reducing fuel poverty and tackling emissions that contribute to climate change. The council provides advice and information on fuel poverty via the Advice shop and signposts individuals to agencies such as the Energy Savings Trust and Changeworks.

West Lothian Council with its partner, Changeworks has secured £2.846 million from 2013/14 to 2014/15 from the Home Energy Efficiency Programme for Scotland and funding will also be sought from the Energy Company Obligation. The funding will be used to improve the energy efficiency of housing stock in West Lothian and help tackle fuel poverty. Particular focus will be on targeting areas of high levels of deprivation.

The council seeks to ensure that all new build housing is energy efficient. In regard to council housing, progress on the SHQS has improved the energy efficiency of the majority of council homes with approximately 97.4% of the stock now achieving SHQS at 1<sup>st</sup> September 2014.

### **15. Private Sector House Condition**

The condition of houses in the private sector in West Lothian is generally good. The Council's Scheme of Assistance has been set up to provide information, advice and access to practical assistance to enable homeowners to fulfil their responsibility of maintenance and repair of their property and to provide grant support to home owners whose homes need adapted to suit the needs of a disabled person.

The Scheme of Assistance was introduced in April 2010. The Council has given a commitment to develop its approach to private sector housing over the coming years in order to improve house condition and this will include enforcement activity where necessary. Environmental Health has recently developed a Trusted Traders scheme.

West Lothian Council has worked in partnership with Shelter, Scottish Government, East Lothian Council, Dumfries & Galloway Council, Scottish Borders Council and Fife Council to develop the Homes Again Project. This is a shared service project with two officers working between the five Councils. The aim of the project is to bring empty homes back into use in the private sector. To date, 16 homes have brought back into use in West Lothian. West Lothian Council was also successful in its bid for funding for an empty homes loans fund and this is currently being developed. A new empty homes officer is now in post and an action plan is being developed to target specific empty homes for interventions and to develop the loans fund.

## **16. Strategic Environmental Assessment**

A Strategic Environmental Assessment pre-screening report was undertaken and has determined that a full assessment is not required for the SHIP because it is unlikely to have significant environmental effect.

## **17. Equalities**

West Lothian Council is committed to promoting equality and diversity and eliminating discrimination and the Authority follows strict corporate guidelines which governs the manner in which these areas are approached. An equalities relevance assessment has been carried out for the SHIP and this will be made available. Both the Council and RSLs specify that all new build housing will be constructed to housing varying needs standards.

## **18. Conclusion**

This SHIP illustrates a range of approaches to the provision of affordable housing. The Council's new build programme is delivering a large number of new homes in a relatively short timescale with low levels of subsidy to meet the housing needs of people in West Lothian.

Partner RSLs continue to provide much needed affordable housing in settlements across West Lothian helping to sustain investment in communities in difficult economic times. RSLs are identifying development opportunities and making use of the funding available in a variety of ways to include a mix of both social rented and intermediate tenures. The Council continues to work closely with housing association partners in a variety of areas including the common housing register, homelessness, support provision as well as housing development.

## **18. Appendices to the SHIP Submission (not attached)**

1. SHIP Templates
2. Equalities Impact Assessment
3. Strategic Environmental Assessment pre screening report

## **19. References**

### **Guidance on Preparing Strategic Housing Investment Plans**

<http://www.scotland.gov.uk/Topics/Built-Environment/Housing/investment/guidancenotes/GuidanceNotes2014/HSGN201407-Strategic-Housing-Investment-Plans-SHIP>

West Lothian Council Draft Housing Land Audit 2014

West Lothian Local Housing Strategy 2012-17

West Lothian Council – Homelessness Abolition of Priority Need

<http://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%8Fm%80%90>

October 2014



## **COUNCIL EXECUTIVE**

### **2014/15 GENERAL FUND REVENUE BUDGET – MONTH 6 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 6 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 Delegation 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>	<p>A breakeven position against the core recurring budget is forecast in 2014/15.</p> <p>An underspend of £88,000 is forecast against ringfenced time limited investment.</p> <p>Various pressures have been identified. These are being managed through savings elsewhere in the budget.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable.
<b>VIII</b>	<b>Other 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 30 September 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.

### 2. Month 6 Summary Financial Information for 2014/15

The table below summarises the position in relation to service expenditure and provides a forecast outturn.

<b>Service Area</b>	<b>Commitment to 30 Sept</b>	<b>2014/15 Budget</b>	<b>Forecast Outturn</b>	<b>Projected Variation Over/(Under)</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Ed, Planning &amp; Econ Dev</b>				
Schools, Education Support	129,984	131,443	131,443	0
Area Services	13,930	14,887	14,887	0
Planning & Econ Development	2,854	3,008	3,008	0
<b>Corp, Ops &amp; Housing</b>				
Operational Services	41,926	55,377	55,377	0
Housing, Construction & Building Services	3,605	3,956	3,956	0
Corporate Services	11,444	11,301	11,301	0
<b>WLCHCP &amp; Social Policy</b>	69,106	86,856	86,856	0
Chief Executive, Finance & Estates	24,472	23,545	23,545	0
Joint Valuation Board	1,215	1,215	1,215	0
<b>Service Expenditure - Total</b>	<b>298,536</b>	<b>331,588</b>	<b>331,588</b>	<b>0</b>
<b>Non Service Expenditure</b>	<b>38,686</b>	<b>38,686</b>	<b>38,686</b>	<b>0</b>
<b>Time Limited Spend</b>				
Employment	2,328	2,363	2,328	(35)
Preventative spend	2,695	2,748	2,695	(53)
<b>Time Limited Spend - Total</b>	<b>5,023</b>	<b>5,111</b>	<b>5,023</b>	<b>(88)</b>
<b>TOTAL EXPENDITURE</b>	<b>342,245</b>	<b>375,385</b>	<b>375,297</b>	<b>(88)</b>
<b>Overall Underspend</b>				<b>(88)</b>
<b><u>Less</u></b>				
<b>Earmarked Time Limited Underspend</b>				<b><u>88</u></b>
<b>Uncommitted Balance</b>				<b><u>NIL</u></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. The key demand led and reactive services, including supply cover, maternity costs, wraparound and school milk will continue to be closely monitored during the remainder of the financial year.

The annual schools census was undertaken in September 2014 which indicates a small increase in school rolls within a number of secondary schools. This will result in an increase to the devolved schools management budgets of approximately £38,000. The local government settlement commitment for 2014/15 requires councils to maintain teacher numbers in line with pupil numbers. The census figures have been submitted to the Scottish Government and are in line with the required ratio. The Scottish Government has provided notification of draft probationer funding which is consistent with assumptions made.

##### Area Services

The budget for Area Services is forecast to breakeven. An overspend of approximately £170,000 is forecast in Libraries staffing costs, mainly due to some budgeted staffing savings not yet being achieved. In the current year, staff savings elsewhere in the service are available to meet this pressure and options have been identified to balance this pressure on a recurring basis. 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. Planning application and building warrant income levels continue to show an increase on previous years 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. A significant increase in care costs is forecast this year, particularly in relation to elderly care at home costs (£1 million) Staffing cost pressures have been identified in the council's Reablement, Crisis Care and Domiciliary Care teams as a result of increasing care demands. Other key risks include adult complex care, increasing fostering care costs 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 currently forecast for Corporate Services.

## Operational Services

The forecast position remains breakeven. Pressures of £460,000 within Public Transport continue and 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. A review of Public Transport contracts is required to bring expenditure in line with budget.

Other risk areas such as Countryside income and Roads and Transportation allocations to capital and winter maintenance will be monitored closely for the remainder of the year.

## 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 currently forecast. The main risk in Finance and Estates is the impact of welfare reforms. This risk will be closely monitored during the year.

### **3.5 Joint Valuation Board**

The requisition to the Joint Valuation Board is expected to breakeven.

### **3.6 Time Limited Expenditure**

Based on the review undertaken as part of the month 6 monitoring, there is a forecast underspend of £88,000 against the 2014/15 budget of £5.111 million. In line with previous years, this underspend will be ringfenced to fund project spend planned for future years. Appendix 1 provides further information on time limited investment

## **4. Non Service Expenditure**

The budgets for non service expenditure are currently forecast to breakeven. Housing benefit subsidy is a risk area which will be closely monitored 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 2014/15 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 good progress is being made. In 2014/15, against the total budget reductions of £7.176 million approved, £6.944 million (97%) are categorised as green.

There are £232,000 million of budget reductions assessed as amber. These measures, shown below, are still assessed as being achievable, however further work is required.



<b>2014/15 Budget Reductions categorised as Amber</b>		
<b>Description of Measure</b>	<b>Service</b>	<b>£'000</b>
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)	Area Services	24
Integrate school crossing patrol and facilities management	Operational Services	38
Introduction of seasonal night security in country parks	Operational Services	10
Internal transport savings (Total saving of £300,000 of which £276,000 has been categorised as Green, with balance Amber)	Operational Services	24
Revised fishery opening dates	Operational Services	9
Corporate Procurement contract savings (Total saving of £752,000 of which £625,000 has now been categorised as Green, with balance Amber)	Finance and Estates	127
<b>Total</b>		<b>232</b>

A further update on progress on budget reductions will be provided to Council Executive at period nine.

## **7. Summarised Budget Position for 2014/15**

The month 6 monitoring indicates a breakeven position is forecast against the 2014/15 recurring budget, with a small underspend of £88,000 in time limited investment.

## **E. CONCLUSION**

The projected outturn at month 6 indicates a breakeven position in the core recurring budget for 2014/15. Monitoring of delivery of the 2014/15 budget reductions has demonstrated that good progress is being made although further work is required to progress the measures identified as amber. The delivery of time limited investment is progressing across the approved projects and it is anticipated that revenue expenditure of £5.023 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 is managed within available resources.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: One

Appendix 1 – Update on Delivery of Time Limited Investment

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**Donald Forrest**

**Head of Finance and Estates**

Date: 11 November 2014



**UPDATE ON DELIVERY OF TIME LIMITED INVESTMENT**

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b><u>Employment</u></b> <b>Additional Training &amp; Employment</b>	3,426	1,250	524	1,250	<p>The programme has four elements: the small / medium size enterprises (SME) wage subsidy, the voluntary organisations wage subsidy, the West Lothian Jobs Fund and the Modern Apprenticeship programme</p> <p>The SME wage subsidy has created 509 wage subsidy opportunities for young people to date. 192 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 September was 22.</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 10 new opportunities to begin in March 2015.</p> <p>The West Lothian Jobs Fund training placements have created 99 six month paid places within WLC. 65 participants have now completed the wage subsidy period with 49 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</b>	75	29	7	29	The veterans wage subsidy programme is part of the West Lothian Community Covalent action plan. To date seven employers have had an opportunity approved, with two having identified suitable candidates. Officers are continuing to engage with support services working with veterans to promote programme to the client group.	Improved employment opportunities for West Lothian Veterans linking into the West Lothian Armed forces community Covenant.
<b>Skills Training Programme (STP)</b>	125	40	0	40	An additional 50 places on the Skills Training programme will be created over the five year period – 10 per year. During 2013/2014, STP supported 51 trainees and 15 Link It Trainees (Stage 2 Employability Fund) of whom four progressed on to STP.	Improving the skills and employability of young people requiring More choices, More chances.
<b>Graduate Training Programme</b>	134	134	2	134	In 2014/15 six places were created in the summer with five out of the six places starting in August / September. A further seven opportunities in areas such as Human Resources, Community Facilities and Children and Families are due to start in November.	Improving the skills and employability of young people.

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Schools Attainment</b>	754	584	246	584	The project provides four numeracy posts in primary schools and 18 development posts for individual subjects in the secondary sector for two years. A co-ordinator is also in place until July 2015.	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.
<b>Employability Secondary Schools</b>	76	76	41	76	Two key workers are employed in secondary schools focusing on positive destinations for vulnerable students.  Further support is provided by 11 co-ordinators, one in each secondary school to focus on vocational qualifications and transition to work.	Improved positive destinations in all secondary schools. Improved attitudes and awareness of employability skills.  Accreditation of skills.
<b>Reading Literacy and English as additional language [EAL]</b>	140	140	87	140	Training has been provided to schools to deliver EAL support in all sectors. In addition 2 teachers are in post to focus on improving attainment and 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</b>	100	60	0	25	Funding is being used to provide a range of services including Youth Enterprise, Retail Skills Academy, college courses and retail opportunities.	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</b>	50	50	50	50	A Network Co-ordinator at the West Lothian Social Enterprise Network (WLSN) is supporting the development of an Enterprising Third Sector Framework and implementation of a related action plan.	Supports 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>957</b>	<b>2,328</b>		

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 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</b>	680	680	405	680	<p>Thirty five 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 are 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 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</b>	500	300	183	360	<p>The Families Included team are working with up to 24 families. New referrals continue to come in via a Whole Family Screening Group process.</p>	<p>The outcomes 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 care resources</li> </ul> <p>Further detail on outcomes will be available at the conclusion of the evaluation in December 2014.</p>
<b>Netopian / Advocacy Project</b>	24	24	0	24	<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>The remaining budget 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</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>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
					<p>service areas.</p> <ul style="list-style-type: none"> <li>An Internet Safety group 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> </ul> <p>Three year Children's Participation Project to build capacity across Council and CPP services</p>	<p>Increased feeling of connection with the Looked after Community. Increased feelings of self- worth.</p> <p>Increased awareness of opportunities for participation / achievement for Looked after Children.</p>
<b>Befriending Service for Older People</b>	190	120	67	120	This service is being provided by Cyrenians. A quarterly report of activity is made to the Reshaping Care for Older People Programme Board.	<p>Reduced feelings of isolation and loneliness. 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</b>	274	91	63	91	Project fully operational and will run for three years subject to annual review.	<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>
<b>Home from Hospital Support</b>	240	120	160	160	<p>The Home From Hospital support is being provided by British Red Cross.</p> <p>Reports of activity are made to the Reshaping Care for Older People Programme Board.</p>	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</b>	47	25	13	25	<p>In academic year 2014/15, three blocks of eight week lessons are being delivered:</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>	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.

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
					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.	Intended outcome is that the % of LTS Plus non-swimmers will reduce in future years, especially within Scottish Index of Multiple Deprivation (SIMD) areas.
<b>Targeted Intervention programme - First Steps - Extension into Breich Valley</b>	54	54	27	54	<p>Funding is being used to part fund two GP referral instructors based within West Lothian Leisure's Health and Well Being Team.</p> <p>The number of referrals from targeted areas of Fauldhouse, Blackburn, Blackridge, Breich Valley, and Stoneyburn continues to increase. Referral numbers in 2014 are as follows:</p> <p>Fauldhouse - 53 Blackburn - 111 Blackridge - 42 Breich Valley Practice - 5 Stoneyburn - 13</p> <p>Provision of Referral Services at West Calder Community Gym – 35 Referrals. Provision of Referral Services at Pit Stop, Addiewell – 10 Referrals</p>	<p>We live longer, healthier lives and have reduced Health Inequalities</p> <p>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>
<b>Anti-Poverty Strategy</b>	529	233	97	183	<p>Different strands are incorporated into the anti-poverty strategy action plan and all are on target.</p> <p>Food Poverty Working Group – feasibility study on social supermarkets. Awaiting information on partner who will undertake this work.</p> <p>CAB-additional money advice sessions. Budget provided to CAB.</p> <p>WL Advice Network – development worker one year fixed term post. Work will start in November.</p> <p>Two year fixed term post for development worker – digital inclusion.</p> <p>Investment also used for:</p> <ul style="list-style-type: none"> <li>- support analysis/research of in-work poverty.</li> <li>- support alternative/green/affordable transport</li> <li>- support activity which mitigates effects of welfare reform.</li> </ul>	<p>Vulnerable claimants will have benefits maximised.</p> <p>Families on lower incomes will protect themselves financially by having savings.</p> <p>People 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>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Provision of Advice to People Affected by Welfare Reform</b>	61	61	39	61	Staff are in place and advising people affected by welfare reform.	Vulnerable claimants will have benefits income maximised.
<b>Credit Union Development Fund – Welfare Reform</b>	70	70	46	70	Spend and associated actions agreed with West Lothian Credit Union.  Remainder of funding to be allocated to Blackburn, Seafield and District Credit Union.	Increase in number of adults who have a credit union account and increased number of primary school children who save with a credit union.
<b>Support For Financial Inclusion – Welfare Reform</b>	70	70	20	70	One off funding given to WL Credit Union for support for Choices Loan Project.  Council Executive has agreed that the council will undertake a detailed Community Development Finance Initiative feasibility study with Falkirk Council and Fife Council.	Adults make informed choices about lending and debt management.  Affordable alternatives to pay-day lenders are available locally.
<b>Temporary Call Centre / CIS Staffing – Welfare Reform</b>	160	160	48	160	Five staff are employed in Customer Information Services (CIS) to deal with Welfare Fund payments and additional enquiries as a result of Welfare Reform. Four staff employed in Customer Service Centre (CSC) 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</b>	43	30	15	30	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</b>	152	152	76	152	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.
<b>Families Included expansion - Women offenders Initiative -Almond Project</b>	104	74	14	28	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, 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 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Families Included expansion - Domestic Abuse Perpetrators Project</b>	57	57	24	48	<p>The 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</b>	213	160	96	160	<p>Delivery of evidenced-based parenting programmes, targeted at parents/carers of three and four year olds with elevated levels of behaviour, commenced in September 2013.</p> <p>Over 30 practitioners from different disciplines and a variety of services/service areas have been trained and 25 evidenced-based parenting programmes delivered during this period.</p>	<p>Our young people are successful learners, confident and independent, effective contributors and responsible citizens.</p> <p>We have tackled the significant inequalities in West Lothian society.</p>
<b>Supporting Mental Wellbeing - Young People's Mental Wellbeing</b>	88	88	20	40	<p>The project has 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. 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>Our young people are successful learners, confident and independent, effective contributors and responsible citizens.</p> <p>We have tackled the significant inequalities in West Lothian society.</p>
<b>Alcohol Diversionary Activities</b>	150	150	43	150	<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.</p>	<p>Reduction in Anti-Social Behaviour</p> <p>Delivery of 1:1 Interventions</p> <p>Changing individual and group attitudes to drinking</p>

Theme / Project/ Responsible Officer	Total Budget Remaining £'000	2014/15 Budget £'000	2014/15 Month 6 Spend £'000	2014/15 Forecast Spend £'000	Update on Project Delivery	Impact of Project on Council Outcomes
<b>Support For Local Food Banks</b>	29	29	29	29	<p>Funding has been allocated 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>	This contributes to increased partnership working linked to the Anti-Poverty Strategy.
<b>Preventative / Anti-Poverty Projects - Total</b>	<b>3,735</b>	<b>2,748</b>	<b>1,485</b>	<b>2,695</b>		
<b>TOTAL TIME LIMITED EXPENDITURE</b>	<b>8,615</b>	<b>5,111</b>	<b>2,442</b>	<b>5,023</b>		



## **COUNCIL EXECUTIVE**

### **2014/15 GENERAL SERVICES CAPITAL BUDGET – MONTH 6 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 6 monitoring exercise.

##### **B. RECOMMENDATIONS**

It is recommended that the Council Executive:

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that asset lead officers and the Head of Finance and Estates continue to take necessary action to deliver the overall programme.
3. Approves prudential investment for West Lothian Leisure (WLL) of £100,000 for the Linlithgow third generation pitch project and £197,500 to resurface all fourteen West Lothian Leisure synthetic turf pitches.

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

<b>I</b>	<b>Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's General Services Capital Programme is managed within the stringent requirements set out in the Prudential Code.
<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 capital implementation 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>	Capital expenditure of £43.524 million is projected in 2014/15, assuming over programming of £4 million.
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable.
<b>VIII</b>	<b>Other consultations</b>	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 £43.583 million which assumes £4 million of overprogramming.

### 2. Summary of Month 6 Financial Information

The summarised actual and projected asset expenditure at month 6 is shown in the table below:

Asset Type	2014/15 Approved Budget £'000	Committed Expenditure at Month 6 £'000	2014/15 Projected Outturn £'000	2014/15 Projected Variance £'000
Property	23,833	16,219	23,414	(419)
Roads	11,964	3,868	10,113	(1,851)
Open Space	6,236	1,858	4,430	(1,806)
ICT	5,550	1,804	5,567	17
	47,583	23,749	43,524	(4,059)
Remaining Overprogramming	(4,000)	N/A	0	4000
TOTAL	43,583	23,479	43,524	(59)

Reasonable progress is being made on the capital programme with the committed expenditure as a percentage of projected outturn at 54%. In overall terms, the monitoring exercise indicates that the projected outturn is £43.524 million, which represents a significant investment in a wide range of assets that bring considerable benefits for the community.

### 3. Summary of Forecasts and Pressures

The monitoring exercise indicates that projected expenditure in 2014/15 is £43.524 million resulting in additional slippage of £59,000. Asset lead officers and project managers will work to ensure the programme continues to be delivered as forecast and any areas which can be accelerated will be identified and prioritised accordingly. Below is a summary of the forecast for each asset type, including details of material movements and pressures that have been identified:

### 4. Property

In overall terms, the monitoring exercise indicates that projected outturn expenditure in 2014/15 is £23.833 million, with £16.219 million of expenditure incurred to date, representing 69% of the 2014/15 projected outturn.

#### Schools Planned Improvements

The schools planned improvement programme has highlighted £439,000 of net slippage; this is as a result of rescheduling of some asbestos testing and statutory compliance to Spring 2015 when weather conditions will be more suitable.

#### Statutory Compliance

There is slippage of £100,000 in asbestos management work to allow intrusive surveys to be completed. A detailed advanced programme of surveys along with appropriate works is being developed to deliver the required actions.

### Schools General Investment

The project to ensure that facilities are in place for new two year old provision has highlighted £265,000 of slippage. However a number of activities are currently being undertaken that will prioritise the works and may result in recovery of the outturn position.

### **Roads and Other Related Assets**

Projected outturn expenditure in 2014/15 is £10.113 million, resulting in net slippage of £1.851 million. In terms of actual spending, £3.868 million of expenditure, representing 38% of the 2014/15 projected outturn, has been incurred at period 6. The asset lead officer and project managers are prioritising work on the projects to ensure delivery of the programme.

#### Roads and Footways

Commitment to date currently sits at 25% of the forecast outturn, which is less than expected at month 6. The asset lead officer and project managers are taking actions to ensure the forecast outturn is achieved.

#### Flood Prevention and Drainage

There is £180,000 of slippage on three projects, the Broxburn Flood Prevention Scheme, Flood Risk Management and Risk Management (Scotland) Act projects. Project managers are proactively monitoring the projects to prioritise areas of expenditure where possible.

#### Structures and Transportation

Net slippage of £1.537 million has been identified which is mainly attributable to three projects within the structures and transportation programme.

At Drumshoreland Distributer Road there is slippage of £796,000 as a result of the time required to complete comprehensive ground investigations. Planning approval has now been granted and work is now underway to initiate statutory procedures. The project will commence in April 2015.

Windyknowe Multi-Games Use Area (MUGA) – an objection to the planning application to install the MUGA has resulted in slippage of £259,000. Actions to resolve the objection are being progressed.

Kinnenhill Bridge Strengthening - detailed design and land agreements have taken longer than anticipated meaning that works on site will now commence in May 2015. This has resulted in slippage of £195,000.

#### Road Lighting

Road Lighting committed expenditure to date is currently 54% of the forecast outturn. The project manager is confident that the programme will be on budget for the year as many projects are already substantially complete.

#### Traditional Town Centres and Villages Improvements

Spend to date is 33% of the forecasted outturn. Marketing of the shop front and village improvement funds is being developed to increase awareness to generate additional interest.

### **Open Space**

The monitoring exercise indicates that projected outturn expenditure in 2014/15 is £4.430 million with £1.858 million of expenditure incurred to date, representing 42% of the 2014/15 projected outturn. Some investment has been rescheduled resulting in net slippage of £1.806 million.

#### Open Space and Sport Facility Projects

There is net slippage of £203,000 for the open space and sport facility projects. Which is mainly attributable to three projects. At Bridgend Park, Linlithgow slippage of £170,000 is forecast as the significant earthworks would be better undertaken in spring 2015. At Kettilstoun Mains in Linlithgow there is slippage of £279,000 as the community led master plan for the area is still being developed. Linlithgow all weather pitch has slippage of £172,000 as SportScotland, who provide funding to the project, required the procurement of further specialist design and project management service.

### Open Space and Sport Facility Planned Improvements

The majority of the planned improvement programme is running to schedule, with forecast slippage being attributable to three projects:

The East Calder Park Upgrade has been rescheduled pending the scope and location of the partnership centre being determined, providing slippage of £90,000.

At King George V, Whitburn Park Upgrade there is likely to be slippage of £69,000 due to rescheduling landscaping works around the pavilion until property works are completed.

Murrayfield Park Sports Facility, Blackburn – Slippage of £148,000 is forecast as SportScotland required further specialist design work.

### Synthetic Turf Pitches

Due to a longer than anticipated consultation process, the projects at Broxburn and Fauldhouse have been rescheduled, resulting in slippage of £641,000.

### ICT

Projected outturn expenditure in 2014/15 remains slightly over budget at £5.567 million. In terms of actual spending to date, £1.804 million of expenditure, representing 32% of the 2014/15 projected outturn, has been incurred at month 6. The reported accelerated spend will be accommodated as part of the budget roll-forward process at the year-end.

## **5. 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.

### Roads and Other Related Assets

There are five areas of the roads programme with risks identified, which are A Class and U Class Roads, Flood Prevention and Drainage, Traffic Management, Structures and Town Centres and Villages. There are actions in place to mitigate and reduce the risks.

### Open Space Assets

Risks have been identified within Open Space and Sports Facility Projects, Open Space and Sports Facility Planned Improvements, Synthetic Turf Pitches and Cemeteries. There are actions in place to mitigate and reduce the risks.

### ICT

IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

## **6. 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	14,843
Capital Grants	16,933
Other Contributions (Developer Contributions & Capital Fund)	8,567
Capital Receipts	3,240
<b>Total Resources</b>	<b>43,583</b>

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

## **7. Developer Contributions Update**

During the first six months of 2014/15, developer contribution income of £2.161 million was received. Further details can be found in appendix 2. The outstanding balance in the developer contribution accounts at the end of month 6 is £11.054 million.

## **8. Other Capital Issues**

### West Lothian Leisure

The council has the ability to undertake prudential investment provided there is a robust business case and the investment can be fully funded by WLL. Such investment must be approved by the Council Executive before proceeding.

The WLL Audit and Finance Sub Committee has agreed to make a contribution of £100,000, funded through prudential borrowing, towards the approved project which will deliver an 11-a-side synthetic turf pitch in Linlithgow. In line with previous practice, a Strategic Outline Business Case (SOBC) has been submitted by WLL. Officers have reviewed the content of the SOBC and are satisfied that it is a robust case.

The WLL Audit and Finance Sub Committee has also agreed an option to resurface all 14 synthetic 5-a-side pitches at WLL Sites (Bathgate Leisure Centre, Craigswood Sports Centre, East Calder Sports Centre, Broxburn Sports Centre and Linlithgow Leisure Centre) at a cost of £197,500. An SOBC has been submitted and officers have reviewed the content and are satisfied that there is a robust business case.

Prudential investments are self-financing and, because of this, can be considered as and when proposals are developed.

## **9. 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. An updated capital programme will be reported to Council for 2015/16 to 2017/18 early in 2015.

### **Value for Money and Best Value**

All aspects of the programme are geared towards securing Best Value and are undertaken in accordance with the council's Best Value Framework.

## **E. CONCLUSION**

Following the month 6 monitoring process, the 2014/15 outturn forecast is £43.524 million. Reasonable progress is being made on delivery of the programme and, at the end of month 6, expenditure to date accounts for 55% 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 proactively managed.

## **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**  
**11 November 2014**



**APPENDIX 1****2014/15 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6 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	72	174	(37)	Slippage
Primary Schools	2,838	1,505	2,442	(396)	Slippage
Secondary Schools	864	580	848	(16)	Slippage
Special Schools	455	204	415	(40)	Savings
School Estate Wide Improvements (Kitchens)	100	117	150	50	Accelerated
Arts Venues	80	1	5	(75)	Slippage
Care Homes	9	42	46	37	Accelerated
Cemeteries	10	5	10	0	On Budget
Community Centre and Halls	781	217	750	(31)	Slippage
Country Parks	105	9	60	(45)	Slippage
Disability Day Centres	48	0	48	0	On Budget
Family Centres	100	28	30	(70)	Slippage
Civic Amenity Sites	0	20	0	0	On Budget
Libraries	30	10	30	0	On Budget
Partnership Centres	50	11	52	2	Accelerated
Youth Residential Units	5	1	6	1	Overspend
Sport Pavilions	50	1	50	0	On Budget
Miscellaneous	176	(90)	187	11	Accelerated
Operational Offices	180	17	109	(71)	Savings
Tenanted Non Residential Properties	200	119	200	0	On Budget
General Statutory Compliance	1,694	1,748	1,903	209	Accelerated / Overspend
<b>Total Planned Improvements</b>	<b>7,986</b>	<b>4,618</b>	<b>7,515</b>	<b>(471)</b>	

**Property Projects****Schools General Projects**

Additional School Estate Capacity	0	20	1,000	1,000	Accelerated
Additional Support Needs Review	0	5	10	10	Accelerated
Burnhouse School, Whitburn	100	84	100	0	On Budget
Children and Young People Bill - Two Year Olds Provision	415	121	150	(265)	Slippage
Free School Meals - Production Kitchens	1,550	0	1,450	(100)	Savings
New School, Breich	210	95	210	0	On Budget
Renewables (School Estate)	257	145	257	0	On Budget
Other School Projects	360	151	371	11	Accelerated
	<b>2,892</b>	<b>621</b>	<b>3,548</b>	<b>656</b>	

**Schools Projects - Developer Funded**

Various Projects	2,435	1,720	2,392	(43)	Slippage
	<b>2,435</b>	<b>1,720</b>	<b>2,392</b>	<b>(43)</b>	

**Operational Buildings**

Community Property Integration and Modernisation	300	29	100	(200)	Slippage
Rosemount Court, Bathgate	2,650	6,100	2,650	0	On Budget
Other Operational Buildings	1,148	358	687	(461)	Slippage
	<b>4,098</b>	<b>6,487</b>	<b>3,437</b>	<b>(661)</b>	

Office and Depot Modernisation Projects	6,060	2,551	6,065	5	Accelerated
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Energy Savings and Spend to Save	235	9	235	0	On Budget
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Miscellaneous Projects	127	213	222	95	Accelerated / Overspend
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<b>Total Property Projects</b>	<b>15,847</b>	<b>11,601</b>	<b>15,899</b>	<b>52</b>	
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<b>TOTAL PROPERTY ASSETS</b>	<b>23,833</b>	<b>16,219</b>	<b>23,414</b>	<b>(419)</b>	
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**ROADS AND RELATED ASSETS****Roads and Footways**

A Class Roads	593	407	689	96	Overspend
B Class Roads	348	17	341	(7)	Saving
C Class Roads	540	10	540	0	On Budget
U Class Roads	1,032	499	1,194	162	Overspend
Non Adopted Roads & Footways	566	52	584	18	Accelerated
Adopted Footways	512	41	512	0	On Budget
General Roads Projects	339	5	344	5	Saving
	<b>3,930</b>	<b>1,031</b>	<b>4,204</b>	<b>274</b>	

**Flood Prevention and Drainage**

Flood Prevention and Drainage	339	123	242	(97)	Slippage
Broxburn Flood Prevention Scheme	203	56	120	(83)	Slippage
	<b>542</b>	<b>179</b>	<b>362</b>	<b>(180)</b>	

# 2014/15 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6 MONITORING

## Road Lighting

## Structures and Transportation

### Road Safety

	Annual Budget 2014/15 £'000	Total known commitment to year end £'000	P12 forecast 2014/15 £'000	P12 variance 2014/15 £'000	Variance Analysis
Cycling, Walking and Safer Streets	437	100	437	0	On Budget
Inveralmond Community High - Footpath	28	0	28	0	On Budget
Road Casualty Reduction Schemes	215	11	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
	721	111	721	0	

### Traffic Management

Disabled Parking Act Implementation	50	16	50	0	On Budget
Drumshoreland Distributor Road	896	20	100	(796)	Slippage
Linlithgow Parking Strategy	30	81	81	51	Overspend
Pumphreston and Uphall Station Primary School - Road Works	91	2	91	0	On Budget
St Nicholas Primary School, Broxburn, Extension	195	6	195	0	On Budget
Other	926	231	633	(293)	Slippage
	2,188	356	1,150	(1,038)	

### Structures

Adopted Bridges - Assessment and Strengthening of Weak Bridges	435	170	260	(175)	Slippage
Adopted and Non Adopted Bridges - Backlog and Lifecycle Investment	1,512	900	1,273	(239)	Savings
	1,947	1,070	1,533	(414)	

### Total Structures and Transportation

### Town Centres and Villages Improvement Fund

### TOTAL ROADS ASSET

### Open Space Assets

Open Space and Sports Facility Projects	2,161	946	1,958	(203)	Slippage
Open Space and Sports Facility Planned Improvements	1,318	378	1,055	(263)	Slippage
Open Space Parks Drainage	65	15	69	4	Overspend
Children's Play Areas	514	364	457	(57)	Slippage
Synthetic Turf Pitches	1,219	51	578	(641)	Slippage
Cemeteries	835	104	189	(646)	Slippage
Land Decontamination	124	0	124	0	On Budget
	6,236	1,858	4,430	(1,806)	

### ICT Assets

Corporate and Modernisation	3,789	1,579	3,806	17	Overspend
School Specific Spend	1,761	225	1,761	0	On Budget
	5,550	1,804	5,567	17	

<b>TOTAL</b>	<b>47,583</b>	<b>23,748</b>	<b>43,524</b>	<b>(4,059)</b>	
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<b>Overprogramming</b>	<b>(4,000)</b>	<b>0</b>	<b>0</b>	<b>4,000</b>	
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<b>TOTAL - ALL ASSETS</b>	<b>43,583</b>	<b>23,748</b>	<b>43,524</b>	<b>(59)</b>	
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**2014/15 DEVELOPER CONTRIBUTIONS - MONTH 6 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 30/09/14	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	80,385	0	2,839,511	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	1,456	0	14,550	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	7,363	0	24,753	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	5,388	0	108,598	Fund for extension of Linlithgow Academy
Bathgate Academy	328,735	2,437	0	331,172	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	2,020,000	0	3,448,682	Will be used to fund education infrastructure in Armadale
Non-denominational Primary, Bathgate	2,708	1,080	0	3,788	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>2,160,869</b>	<b>0</b>	<b>11,054,430</b>	





**COUNCIL EXECUTIVE**

**2014/15 HOUSING REVENUE ACCOUNT – MONTH 6 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 following the month 6 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that the Council Executive notes the outcome of the month 6 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 30 September 2014 and provides a projection to the year end.

### D.2 Summary of Month 6 Financial Information

The table below summarises the position for the main expenditure heads and provides a projected out-turn:

	<b>2014/15 Budget £'000</b>	<b>Committed Expenditure to 30 September £'000</b>	<b>2014/15 Projected Out-turn £'000</b>	<b>2014/15 Projected Variance £'000</b>
Employee Costs	4,121	4,148	4,208	87
Premises Costs	14,374	8,546	14,374	0
Transport Costs	152	141	152	0
Supplies & Services	3,579	3,167	3,492	(87)
Third Party Payments	79	79	79	0
Transfer Payments	765	382	765	0
Support Services	2,365	1,182	2,365	0
Capital Financing	10,623	5,312	10,623	0
CFCR	7,224	3,612	7,224	0
<b>Total Expenditure</b>	<b>43,282</b>	<b>26,569</b>	<b>43,282</b>	<b>0</b>
Income	(43,282)	(26,400)	(43,282)	0
<b>Net Expenditure</b>	<b>0</b>	<b>169</b>	<b>0</b>	<b>0</b>

#### Employee Costs

Employee costs are forecast to overspend by £87,000 as a result of the temporary additional resource employed to assist with welfare reform and rent arrears issues. This will be offset by the monies set aside for the costs of welfare reform. If any of these posts are to continue beyond 31 March 2015 this will create a pressure in the base budget going forward.

#### Premises Costs

As reported at month 4, premises costs look likely to break even. However, expenditure on repairs is a key risk area. Expenditure is demand led and reactive to customer requirements, which when combined with restrictions on the capital planned reactive repair budget, will require this budget to be closely monitored during 2014/15 and appropriate action to be taken to control expenditure within available resources.

#### Supplies & Services

Supplies and services are forecast to underspend by £87,000 due to savings across a range of budget headings, including external legal fees and other provisions.

#### Transfer Payments

Transfer payments are forecast to breakeven, although further work is required on

analysis and accounting treatment of voids in 2014/15. However it is assumed, at this stage, that the total budget for void loss and bad debt provision is adequate to meet potential commitments in 2014/15.

#### 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. Therefore the final charges to the HRA will be subject to confirmation at 31 March 2015.

Following the latest assessment of capital financing charges, it is proposed that the budget for CFCR be maintained at £7.224 million, as reported at month 4, in line with current capital financing projections. 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 arrears at the end of September stood at £1.791 million (5,572 cases) compared to £1.319 million (4,201 cases) at 31 March 2014.

The rent strategy for 2014/15 has a year-end target of £1 million and current indications are that the service is on track to achieve the target. 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.

### **F BACKGROUND REFERENCES**

West Lothian Council - 2014/15 Housing Revenue Account Budget and Rent Level  
– 19 December 2013

Appendices/Attachments: None

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**Graeme Struthers**  
**Depute Chief Executive**  
**11 November 2014**







## **COUNCIL EXECUTIVE**

### **2014/15 HOUSING CAPITAL REPORT – MONTH 6 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 6 monitoring exercise.

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

It is recommended that Council Executive note the outcome of the month 6 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 6 Financial Information**

The summarised position for actual and projected expenditure is shown below. The table shows investment of £8.538 million in our housing stock as at 30 September 2014. The forecast expenditure for the year is £29.225 million.

It should be noted that the investment programme can be split into two broad categories: new build housing where any 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>Actual Expenditure at Month 6 £'000</b>	<b>2014/15 Projected Out-turn £'000</b>	<b>2014/15 Projected Variance £'000</b>
New Build Phase 2	3,610	1,797	3,257	(353)
New Build 1,000 Houses	12,350	1,375	8,950	(3,400)
SHQS Work	225	5	115	(110)
Major Refurbishment	3,767	506	1,308	(2,459)
Roofs and Roughcasting	4,420	846	2,984	(1,436)
Planned Programmes	6,190	1,778	6,100	(90)
Environmental / External	895	362	895	0
Miscellaneous	5,376	1,869	5,616	240
<b>Total</b>	<b>36,833</b>	<b>8,538</b>	<b>29,225</b>	<b>(7,608)</b>

#### **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. The HRA will be making a contribution of £40,000 to traffic calming works at Dixon Terrace.

#### **New Build 1,000 Houses**

Work is complete at Adelaide Street in Craigshill, and progressing at Broxburn Old School, where existing properties are being converted to housing, although there are some delays with regard to the refurbishment element with the contractor at Broxburn.

Contracts are awarded for Lots 1, 2 and 3 and planning submissions have now been received for Lot 1, with sites at Wester Inch, Redhouse West and Pumpherston, and at Lot 2, Kirkhill, survey work is progressing. The tendering process is ongoing with Lots 4 and 5.

Overall the project remains on programme to deliver 1,000 new build properties by April 2018, however the programme will now not achieve the budgeted spend in 2014/15, and budgets will be carried forward to 2015/16.

### **Scottish Housing Quality Standard**

The 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, due to the relatively high standard of the council housing, than was originally anticipated when budget levels were approved.

### **Major Refurbishments**

Work at Main St, Fauldhouse, has been delayed as no tenders were received, and a revised tender process is now being undertaken, with consequent slippage of £1.1 million in this financial year. Further works at Mayfield in Armadale will be informed by the results of a pilot study, and a £600,000 underspend is expected this year. Relevant budgets for any project slippage will be carried forward into 2015/16.

### **Roof and Roughcasting**

As previously reported the start date for a number of roof and roughcasting projects have been delayed until Building Services complete the 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 in line with 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. Drainage projects are expected to overspend in this financial year, and this budget will be reviewed for 2015/16. Works in Dick Gardens and North Reeves Place are scheduled to take place November to February and should be completed in this financial year.

### **Miscellaneous**

This category includes other expenditure on council housing infrastructure, including refurbishment of the Blackburn Homelessness Unit, which is expected to complete in March 2015 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 for £240,000, 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, and 6 have been purchased in the 6 months to 30 September 2014.

### 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.

	<b>2014/15 Revised Budget £'000</b>	<b>Income to Month 6 £'000</b>	<b>2014/15 Projected Out-turn £'000</b>	<b>2014/15 Projected Variance £'000</b>
House Sales	2,000	797	2,000	0
Borrowing	25,676	3,644	18,068	(7,608)
CFCR	7,224	3,612	7,224	0
Government Grants	1,748	300	1,748	0
Council Tax 2nd Homes	185	185	185	0
Total Income	36,833	8,538	29,225	(7,608)

#### House Sales

As at 30 September 2014, receipts from house sales totalled £0.797 million from the sale of 23 properties. Sales projections are estimated at £2 million for the year.

#### Borrowing

The programme approved in June 2014 required borrowing of £25.676 million. At this stage it is anticipated that £18.068 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 and are part of the Best Value Framework

## **E. CONCLUSION**

Good progress is being made in the tendering process for the New Build 1,000 houses, although considerable slippage is now forecast budgeted expenditure for the current year, and budgets will be carried forward into 2015/16.

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.

Much of the focus of this work in 2014/15 is on work being undertaken internally, where possible and within the terms of the Best Value framework, by Building Services. Consequently, although there has been significant progress, an overall underspend of £7.608 million is anticipated.

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.

## **F. BACKGROUND REFERENCES**

Council Executive - Housing Capital - 2013/14 Outturn and 2014/15 Revised Budget, 19 June 2014

West Lothian Council - Housing Capital Programme 2014/15, 19 December 2013

Appendices/Attachments: 1 - Council Executive Month 6 Housing Capital Monitoring

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**Graeme Struthers**  
**Depute Chief Executive**  
**11 November 2014**



## 2014/15 HOUSING CAPITAL PROGRAMME - PERIOD 6 MONITORING

	Annual Budget 2014/15	Total known commitment to year end	P12 Forecast 2014/15	P12 Forecast Variance 2014/15
<b>Expenditure</b>				
<b>New Build</b>				
New Build Houses Phase 2	3,610	4,304	3,257	(353)
New Build 1,000 Council Houses Programme	12,350	3,545	8,950	(3,400)
<b>TOTAL NEW BUILD</b>	<b>15,960</b>	<b>7,849</b>	<b>12,207</b>	<b>(3,753)</b>
<b>SHQS</b>				
External lighting	100	1	50	(50)
Handrails	125	4	65	(60)
<b>TOTAL SHQS</b>	<b>225</b>	<b>5</b>	<b>115</b>	<b>(110)</b>
<b>MAJOR REFURBISHMENT</b>				
Mayfield Area, Armadale, Roof and render repair. Multiple year	1,200	232	600	(600)
Harrison Houses - Loch Scheme, Whitburn. Roof, stair and l	100		100	0
Main Street, Fauldhouse. Major upgrades. Multiple year pro	1,191	30	50	(1,141)
Park Road Flats, Blackridge, structural repairs with open spa	411	231	411	0
Bathville Flats, Armadale. Roof and render repairs.	750	18	50	(700)
Moorelands, Addiewell. Roof and render repairs.	115	0	97	(18)
<b>TOTAL MAJOR REFURBISHMENT</b>	<b>3,767</b>	<b>510</b>	<b>1,308</b>	<b>(2,459)</b>
<b>Roofs and Roughcast</b>				
Lanrigg Area, Fauldhouse	530	1	400	(130)
Felt & Rosemary Tiled Roofs: inc. Empire St	500	91	500	0
Riddochill Area, Blackburn	820	29	300	(520)
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitbu	1,000	285	800	(200)
Cuthill, Stoneyburn	600		100	(500)
Crossgreen Drive, Wyndford & Kirkflat Uphall& Holygate Pla	565	305	565	0
Mid Street Deans, Livingston	0	7	7	7
Bank Street, Whitburn	0	(5)	5	5
Broomyknow Drive Deans, Livingston Roof and render repai	0	(1)	1	1
Strathlogie, Westfield	110	5	5	(105)
Beech Place / Dean Place, Seafield	110	3	90	(20)
Mossie Drive Blackburn	120	79	100	(20)
46 to 52 Auldhill Ave Bridgend	65	0	65	0
St Helen's Place Armadale	0	3	3	3
Barbaucław Armadale	0	39	39	39
Loganlea Addiewell	0	4	4	4
<b>ROOFS AND ROUGHCAST TOTAL</b>	<b>4,420</b>	<b>846</b>	<b>2,984</b>	<b>(1,436)</b>
<b>Planned Programmes</b>				
Periodic testing and repairs / Electric Wiring	800	229	710	(90)
Kitchens and Bathrooms Renewals.	250	45	250	0
Window Replacement	200	23	200	0
Hard wired smoke detectors upgrade programme.	150	27	150	0
Painting of timber and render.	600	34	600	0
Common Stair Upgrades Floor, stair and wall repair.	265	26	265	0
Rhone Cleaning and Repair	400	53	400	0
New and Replacement Fencing	200	72	200	0
Central Heating -upgrade and replacement of boilers and dis	2,300	1,009	2,300	0
Insulation and Energy Efficiency - upgrade and replacement	325	(23)	325	0
Insulation and Energy Efficiency - external wall insulation.	200		200	0
Planned Reactive / HIO Investment - High value urgent upgr	500	296	500	0
<b>PLANNED PROGRAMMES TOTAL</b>	<b>6,190</b>	<b>1,791</b>	<b>6,100</b>	<b>(90)</b>
<b>Environmental / External Upgrading</b>				
Tenant Led Projects -Small Environmentals	175	2	100	(75)
Street Improvements - Area Improvements	100	7	175	75
Programmed Drainage -join Housing and Roads Service pr	50	99	50	0
Play Areas in Council Housing Areas.	120	241	120	0

## 2014/15 HOUSING CAPITAL PROGRAMME - PERIOD 6 MONITORING

	Annual Budget 2014/15	Total known commitment to year end	P12 Forecast 2014/15	P12 Forecast Variance 2014/15
<b>Expenditure</b>				
Dick Gardens - Landscaping.	0	8	0	0
North Reeves - Landscaping.	250	0	250	0
Bin Store - Access, condition and suitability Improvements -	200	7	200	0
<b>ENVIRONMENTAL / EXTERNAL UPGRADING TOTAL</b>	<b>895</b>	<b>364</b>	<b>895</b>	<b>0</b>
<b>Miscellaneous</b>				
Upgrade of Blackburn Homeless Unit	2,030	1,691	2,030	0
Deans South - site maintenance, including services.	860	697	1,100	240
Aids and Adaptations to assist active living.	800	357	800	0
Asbestos removal - survey, removal and reinstatement costs	350	188	350	0
Legionella Upgrades - survey and removal of risk in common	20	0	20	0
Feasibility Surveys	50	(3)	50	0
Home Safety Service - supporting independent living.	170	170	170	0
Home Security for Senior People	35	10	35	0
Demolitions - Bents, Stonbeyburn, Glen Devon (whitburn).	211	123	211	0
Capita Housing System	250	4	250	0
Mortgage to Rent, supporting government private house purchase	600	338	600	0
<b>MISCELLANEOUS TOTAL</b>	<b>5,376</b>	<b>3,576</b>	<b>5,616</b>	<b>240</b>
<b>TOTAL EXPENDITURE</b>	<b>36,833</b>	<b>14,940</b>	<b>29,225</b>	<b>(7,608)</b>
<b>RESOURCES</b>				
CFCR - Core	7,224	3,612	7,224	0
Capital Receipts	2,000	797	2,000	0
Borrowing	25,676	10,046	18,068	(7,608)
Government Grant	1,748	300	1,748	0
Council Tax on second homes	185	185	185	0
<b>TOTAL RESOURCES</b>	<b>36,833</b>	<b>14,940</b>	<b>29,225</b>	<b>(7,608)</b>





**COUNCIL EXECUTIVE**

**PROCUREMENT ARRANGEMENTS –DELIVERY OF HOME ENERGY EFFICIENCY PROGRAMMES: AREA BASED SCHEMES IN WEST Lothian**

**REPORT BY HEAD OF FINANCE AND ESTATES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval to commence tendering procedures for the procurement of a one year contract with the potential to extend for 12 months for a Managing Agent for delivery of Home Energy Efficiency Programmes (HEEPS) programme, and to seek approval to develop in-house capacity for future delivery:

**B. RECOMMENDATION**

It is recommended that the Council Executive approves:

1. The use of the Open Procedure for procurement of a managing agent for a one year contract with the potential to extend for 12 months.
2. The award criteria as set out in Section D of the report of 30% price, 70% quality.
3. The development by officers of in-house capacity, including necessary staff recruitment, to manage delivery of the programme from 2016/17 onwards.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making the best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	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</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>Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>We live in resilient, cohesive and safe communities.</p> <p>People most at risk are protected and supported to achieve improved life chances.</p> <p>Older people are able to live independently in the community with an improved quality of life.</p> <p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p>Government grant, for funding relevant schemes and incorporating an element for project management, has been awarded of £1.18 million for 2013/14 and £1.723 million for 2014/15. Bids will be submitted for future years funding. It is anticipated that the cost of managing the programme will not exceed 10% of the available grant funding.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	<p>April 2013 and April 2014</p>
<b>VIII</b>	<b>Other consultations</b>	<p>The specification and for the award of the services will be provided by Housing Construction and Building Services, who will also participate in the evaluation. The Community Benefits Lead Officer has also been consulted on Community Benefits. Finance and Estates, Scottish Government, local housing providers and Legal Services have also been consulted.</p>

## **D. TERMS OF REPORT**

### **Background**

In June 2014 Council Executive noted the allocation of funding to West Lothian Council under HEEPs and agreed the approach to identifying projects for investment in 2014/15. Council Executive also agreed to review the approach to energy efficiency projects given that substantial resources are likely to be available for investment in private sector housing over the medium term. This paper covers arrangements for identifying and delivering future projects in the years ahead.

## **Management Requirements**

The estimated grant funding available is likely to be in region of £1.5 million per annum for the next seven or eight years. This report seeks approval to use an element of the HEEPS grant funding to appoint managing agents in 2015/16 via procurement in line with council standing orders. It is anticipated that the cost of managing agents will not exceed 10% of the available annual grant funding. The report also outlines proposals for developing in-house capacity for future years.

## **Key Deliverables**

Key deliverables that would be required from the management of the HEEPS: Area Based Scheme programmes in West Lothian are as follows:

- Prepare bid to obtain the grant funding.
- Procurement of HEEPS delivery contractors on the council's behalf.
- Marketing of the HEEPS Area Based Scheme to the local community.
- Engagement with the local community.
- Operational delivery of the HEEPS Area Based Scheme.
- Complaints handling with the local community.
- Reporting to Scottish Government.

## **In House Capability**

Provision has been made within the grant funding for councils to deploy appropriate management resources to develop and deliver the approach to energy efficiency and sustainable housing in the private sector. This requirement is a specialist task and requires specific expertise. The managing agent service for the programme is currently delivered by an external company and this procurement requirement is to ensure a new contract is in place for 2015/16. Following a review, officers have identified that this is an area that in-house expertise can be developed for future years and it is accordingly proposed that the necessary steps are taken to enable the management element of the programme to be delivered in-house from 2016/17. This would allow recruitment of appropriate staff to undertake this work.

## **Procurement**

As a result of the market research and consultation with Housing Construction and Building Services an option appraisal has been carried out to determine the most suitable procurement route for 2015/16 which would deliver best value and within the required timescales. At this stage the open procedure is the preferred route as it delivers the requirement within the required timescale.

This requirement will be advertised in accordance with the European Union Directives. The following award criteria will be applied at the tender stage:

The price element of award criteria detailed below is below the minimum required under the council's standing orders of 50%. The context of this project is about requiring a high level of innovation and project management on the part of the managing agent therefore the further focus on quality is required.

Price	- 30%
Quality	- 70%

The evaluation criteria are proposed following consultation with the service areas concerned. The contract will be awarded to one supplier to deliver the services element.

### **Sustainability Considerations**

Following the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013 and consultation with the community benefits officer, bidders will be required to submit non evaluated community benefits.

### **Budget Resources**

At the present time government funding for this project is announced, and bid for, on an annual basis. The first task of the successful managing agent will be to prepare a bid for funding for 2015/16 and, in conjunction with council officers, to develop a strategy for future investment in private sector housing stock in West Lothian over the longer term. The budget resources will be dependent on available funding and also on the response to further bids submitted by West Lothian Council.

## **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 a managing agent for 2015/16 for delivery of HEEPS: ABS programmes in West Lothian, and also approves the necessary action to deliver this service in-house from 2016/17.

## **F. BACKGROUND REFERENCES**

A copy of the specification for this contract is available on request from Corporate Procurement.

Appendices / Attachments: None

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Tel: 01506 283259

**Donald Forrest**

**Head of Finance and Estates**

Date: 11 November 2014



**COUNCIL EXECUTIVE**

**PROCUREMENT OF A CORPORATE MOBILE WORKING SOLUTION**

**REPORT BY HEAD OF FINANCE AND ESTATES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval to commence tendering procedures for the procurement of a replacement mobile working system to facilitate and support efficient mobile working practices.

**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 - 50%
  - Quality - 50%

**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>	<p>Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need.</p> <p>Outcome 11 – We have strong, resilient and supportive communities, where people take responsibilities for their actions and how they affect others.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	General Services capital resources of £270,000 are available within the capital plan. Revenue costs of £72,000 per annum will be met through operational efficiencies.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VII</b>	<b>Other consultations</b>	Consultation has taken place with relevant service managers and users to determine system requirements. Consultation has also taken place with IT Services to ensure that infrastructure requirements are aligned to IT Policy. The Corporate Finance Manager has also been consulted with regard to budgetary implications.

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

At present numerous frontline council services, which are of a key importance to residents and businesses within West Lothian, are delivered by mobile workers. Delivery of these services is currently supported by several standalone IT systems.

This contract involves the procurement of a council wide mobile working solution with functionality in excess of that provided by current systems, which will deliver both efficiency and cashable savings.

Initially the system will be implemented in Housing, Construction and Building Services where there is currently a limited mobile working solution within the housing repairs function. This has restricted functionality and operatives are still required to complete paper records. The supplier of the current solution has intimated that the current platform is approaching the end of its useful life and will not be developed further.

The replacement system will have additional functionality such as: electronic recording and publishing of both gas and electrical compliance certificates; requesting and issuing of materials; pre and post inspection reports; remote completion of timesheets; recording of customer satisfaction scores and customer signatures.

In addition the initial implementation of the system will also generate the following non cashable benefits to the council:

- Increased productivity through reduced need to return to work places.
- Reduced instances of double data input.
- Reduced response times to reports from the public.
- Increased resident satisfaction resulting from enhanced service provision.

It is anticipated that these efficiencies and benefits will be replicated across the council.

### **In House Capability**

There are no available in house resources.

### **Procurement Issues**

A Prior Information Notice relating to this requirement was published 24 July 2014. The Prior Information Notice has generated a limited amount of interest, indicating that the supply base is relatively limited so there will be no requirement for a two stage procedure. Therefore it is proposed that the Open Procedure is used whereby all suppliers expressing an interest in the contract will be invited to tender.

The following award criteria will be applied at the tender stage:

Price	- 50%
Quality	- 50%

The evaluation criteria are proposed following consultation with the service areas concerned. The criteria above are weighted in this manner to reflect the importance of overall cost of provision of the services whilst still placing significant importance on quality.

The anticipated start date for the contract is 2 February 2015.

### **Sustainability Considerations**

Following the community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to detail any social, economic and environmental benefits which they will provide as part of their offer over the contract period.

For this contract it is proposed to incorporate a generic, non-evaluated Community Benefits clause into the contract documentation. While this element does not form part of the Quality Scoring criteria, the Council will expect the successful Contractor to deliver such benefits as part of the Contract, and will be monitored as such, although having completed market research and following consultation with the Community Benefits Lead Officer, initial investigations indicate that there is no scope for a definitive Community Benefits clause directly related to the 'core purpose' of this contract.

### **Budget Implications**

Capital resources of £270,000 are available within the capital plan. Revenue costs

of £72,000 per annum will be met through operational efficiencies.

**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 Supply, Support and Maintenance of a Mobile Working System.

**F. BACKGROUND REFERENCES**

A copy of the specification for this contract is available on request from Corporate Procurement.

Appendices/Attachments: None

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**Donald Forrest**

**Head of Finance and Estates**

Date: 11 November 2014





## **COUNCIL EXECUTIVE**

### **EARLY RETIRAL AND VOLUNTARY SEVERANCE – 1 APRIL – 30 SEPTEMBER 2014**

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

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

To advise the Council Executive of the number of employees who were granted early retiral / voluntary severance from the council during the 6 month period from 1 April to 30 September 2014.

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

The Council Executive is asked to note the content of the report which has been prepared in accordance with the reporting requirements of the council's policy on Early Retiral and Voluntary Severance.

##### **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>	The council's policy on Early Retiral and Voluntary Severance requires early retiral and severance cases to be reported to Council Executive on a regular basis.
<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,</b>	Each early retiral / voluntary severance reported

<b>Staffing and Property)</b>	has been approved on the basis of a robust business case and has been approved in accordance with council policy.
<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	Consultation has taken place with the Head of Finance & Estates and Lothian Pension Fund.

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

The council's policy on Early Retiral and Voluntary Severance requires that reports on the application of the policy are submitted regularly to Council Executive. This report records cases of early retiral / voluntary severance approved during the period 1 April to 30 September 2014.

In accordance with the Policy, all cases approved during this period were dependant on the establishment of a business case which ensured that costs of releasing the employee were recovered within the stipulated timescales. Of the 23 cases approved all fell within a 3 year payback period.

Details of these approved cases are provided in Appendix 1.

#### **E. CONCLUSION**

All instances of early retiral / voluntary severance recorded in the Appendix to the report have been approved in accordance with council policy.

The Council Executive is asked to note the content of the report which has been prepared in accordance with the reporting requirements of the Council's Policy on Early Retiral and Voluntary Severance.

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

Policy on the Application of Early Retiral and Voluntary Severance.

Appendices/Attachments: 1

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 Tel: (01506) 281459

**Julie Whitelaw**  
**Head of Corporate Services**

**Date: 11 November 2014**

**Early Retiral / Voluntary Severance Summary April 2014 to September 2014**

**Early Retiral/Voluntary Severance Summary 1 April - 30 September 2014**

	Area Services	CHCP - Social Policy	Chief Executive Support, Finance & Estates	Corporate Services	Education Services		Housing, Construction & Building Services	Operational Services	Planning & Economic Development	Total
					Non Teaching	Teaching				
<b>No of Employees</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>23</b>
<b>Category</b>										
Early Retiral										<b>0</b>
Flexible Retirement		4		1	2		6	4	1	<b>18</b>
Reduced Severance										<b>0</b>
Voluntary Severance	1		1		1	1		1		<b>5</b>
<b>Total</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>23</b>
<b>Estimated Payback Period</b>										
Less than 1 year	1					1		1	1	<b>4</b>
1-2 years					1		1	2		<b>4</b>
2 -3 years			1							<b>1</b>
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>9</b>
<b>Added Years Granted</b>										
Nil (Enhanced Lump Sum)										<b>0</b>
1 year										<b>0</b>
2 years										<b>0</b>
3 years										<b>0</b>
4 years										<b>0</b>
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Cost Summary**

<b>Service Area</b>	<b>Number of Employees</b>	<b>Total Exit Costs</b>
Area Services	1	16,450
CHCP - Social Policy	4	-
Chief Exec, Fin & Estates	1	103,336
Corporate Services	1	-
Education Services Non Teaching	3	71,019
Education Services Teaching	1	-
Housing-Constr & Building	6	48,909
Operational Services	5	91,752
Planning & Economic Development	1	13,092
<b>Total</b>	<b>23</b>	<b>344,558</b>