

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 11 NOVEMBER 2014.

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

Apologies – Councillor Peter Johnston

1. DECLARATIONS OF INTEREST

Agenda Item 11 – West Lothian Strategic Housing Investment Plan 2015-2020 – Councillor Lawrence Fitzpatrick declared a non-financial interest arising from his position as a Director with West Lothian Housing Partnership. Councillor Fitzpatrick advised that he would not take part in the deliberation or decision of this item of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 28 October 2014 as a correct record. The Minute was there after signed by the Chair.

3. CORRESPONDENCE ARISING FROM PREVIOUS DECISIONS

The Council Executive noted the correspondence which had arisen from previous decisions.

4. MEMBER ATTENDANCE AT SLAED CONFERENCE 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval for elected member attendance at the annual SLAED (Scottish Local Authority of Economic Development) conference and dinner taking place in Dundee on 27 and 28 November 2014.

The SLAED Group comprised senior officials from economic development teams from across all 32 local authorities. It was 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 would 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 would 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 would focus on interactive dialogue and engagement of delegates on a variety of key topics including inward investment, company growth and cities, regions & town centre regeneration.

The elected member attending would be accompanied by the council's Economic Development Manager.

Motion

To approve attendance by the Executive Councillor for Economic Development.

5. PLANNING CONTROLS OVER PAY DAY LENDING PREMISES AND BETTING OFFICES – CONSULTATION BY SCOTTISH GOVERNMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of a proposed response to a consultation paper on the proposed introduction of new planning controls on pay day loan shops and betting offices.

Betting shops and financial services were currently regulated by licensing laws at a UK level. However the Scottish Government was committed, following a summit in April 2014, to take whatever action it could to tackle the clustering of pay day lenders and gambling shops in Scotland's town centres and neighbourhoods.

Therefore the Scottish Government was seeking responses from local authorities to suggestions that planning legislation was changed to the effect that betting shops and premises offering pay day loans were brought under increased planning control. The report provided a summary of the current legislation and the proposed changes.

A copy of the consultation document along with the proposed response was attached to the report as a series of appendices.

It was recommended that the Council Executive :-

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

Decision

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

6. EDINBURGH LOCAL DEVELOPMENT PLAN – SECOND PROPOSED PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising

that the City of Edinburgh Council had undertaken consultation on its second proposed Edinburgh Local Development Plan.

The Head of Planning and Economic Development explained that since the publication of the first proposed Edinburgh Local Development Plan in 2013, the Strategic Development Plan (SDP) for South East Scotland had been approved by Scottish Ministers. As the SDP identified a larger housing land requirement for Edinburgh than previously anticipated, the City of Edinburgh Council had prepared a second proposed Local Development Plan, which was now out for consultation.

When the first proposed Local Development Plan was considered by West Lothian Council back in 2013 four representations were submitted in relation to matters which were specifically held to be of a direct consequence to the authority; these mostly related to the A89 and the Newbridge roundabout and associated developments which were likely to have a direct impact on the operation of the road network.

It was understood that over 2,200 submissions were received from individuals and organisations responding to the first proposed plan and the City of Edinburgh have advised that these submissions would be considered as it progressed with the second proposed plan.

The Head of Planning and Economic further advised that the second proposed plan indicated that the specific matters which West Lothian Council had previously raised had not given rise to any revisions, with the plan remaining wholly unchanged. The City of Edinburgh's response to the issues raised by the council were essentially that a mechanism for measuring and mitigating cross boundary transport impacts was currently being developed which would involve the SESPlan authorities, SEStran and Transport Scotland and that such matters could not be addressed through the Edinburgh Local Development Plan in advance of the study reporting.

Given that the period for the submission of representations ended on 3 October 2014, the Head of Planning and Economic Development had 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. A copy of the submission was attached to the report at Appendix 1.

Since lodging the submission in relation to the second proposed plan, officers from Development Planning and Transportation had met with representatives of the City of Edinburgh to discuss the council's concerns allied to the issues of cross boundary traffic implications. While the meeting was constructive and had helped better understand matters, it should be noted that it did not succeed in securing the desired changes to the text of the Local Development Plan. In situations where the outstanding issues remained the procedure would be that the matter would be referred to the Reporter for Examination.

It was recommended that the Council Executive :-

1. Note the technical comments on the proposed plan had been submitted under delegated authority by the Head of Planning and Economic Development;
2. Note the terms of the submission made by the Head of Planning and Economic Development; and
3. Noted that initial discussions had taken place with officers from the City of Edinburgh Council at which it was intimated that the modifications requested by West Lothian Council were not likely to be agreed by the City of Edinburgh Council and notes that the Head of Planning and Economic Development was recommending that the council's initial response should be treated as an objection.

Decision

To approve the terms of the report

7. CONSULTATION ON A NEW TENANCY FOR THE PRIVATE SECTOR

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of a consultation on a new tenancy for the private rented sector.

The Head of Housing, Construction and Building Services explained that reform of the private rented sector tenancy was part of the Scottish Government strategic aim of making the sector more professional

Following the establishment of a Private Rented Sector Tenancy Review Group, suggestions were made for simplifying the tenancy system, and these included

- 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 were outlined in the report. A summary of the changes was noted at Appendix B to the report.

The Head of Housing, Construction and Building Services concluded that the new tenancy for the private sector outlined a number of changes

designed to improve security of tenure for tenants and safeguards for landlords. This would provide improvements to the sector to enable it to function more effectively for both tenants and landlords.

It was recommended that the Council Executive approve the response to the consultation set out in Appendix A attached to the report.

Motion

“Council Executive calls on the Scottish Government to introduce regulation to the private rented charges requiring private sector landlords to consult with their tenants for a suitable period of time prior to any rent increase and to regulate on a rental structure for the private sector”.

- Moved by Councillor George Paul and seconded by Councillor Lawrence Fitzpatrick

Decision

To approve the terms of the report and the motion in relation to Question 11b.

8. CONSULTATION ON REGULATIONS ON PRIVATE RENTED HOUSING ENHANCED ENFORCEMENT AREAS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of a consultation on regulations in relation to private housing enhanced enforcement areas.

The report explained that the proposal for Enhanced Enforcement Areas (EEA) had arisen from specific circumstances. The proposals were limited to areas where there was overprovision or a concentration of private rented housing (PRS) that appeared to the local authority to be of :-

- A poor environmental standard;
- Overcrowded; and
- With a prevalence of anti-social behaviour

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

The report went on to examine the evidence required for designating an Enhanced Enforcement Area. The Scottish Government was proposing that where an EEA was designated, additional powers would be given to the local authority in relation to PRS homes. The types of discretionary powers that might be included were listed in the report.

The Head of Housing, Construction and Building Services concluded that

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

It was recommended that the Council Executive approve the response to the consultation set out in Appendix A attached to the report.

Decision

To approve the terms of the report.

9. WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2015-2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of the main points of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2015-2020.

The report summarised progress since SHIP 2012 as undernoted:-

- In 2013/14 76 new affordable homes had been constructed by RSLs in West Lothian and 249 had been built by West Lothian Council.
- Scottish Government had confirmed funding of £4.758 million for 2014/15 and £5.923 million for 2015/16. They had 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 provided the policy context for the SHIP.

The main priorities identified in the SHIP were listed in the report.

The Head of Housing, Construction and Building Services concluded that RSL partners had identified a number of development opportunities and the Council also had an ambitious programme of new Council house build. The provision of resource planning assumptions enabled the Council and RSL partners to develop a more strategic approach to the development of sites in West Lothian. However, the funding available was limited and priorities for the funding had to be identified. It was reasonable to assume that the Council's demonstration of housing need and track-record of providing affordable housing through partnership working would be seen positively in the allocation of future resources.

It was recommended that the Council Executive approve the Strategic Housing Investment Plan (SHIP) attached to the report at Appendix 1 and note that this required to be submitted to the Housing Supply Division of the Scottish Government by 28 November 2014.

Decision

To approve the terms of the report

10. 2014-15 GENERAL FUND REVENUE BUDGET – MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing the financial position in relation to the General Fund Revenue Budget, following completion of the 6 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 30 September 2014 and provided a year-end financial forecast which took account of relevant issues identified in individual service budgetary control returns. The report also considered the position regarding the delivery of approved 2014-15 and 2015-16 budget reduction measures and the implementation of time limited revenue investment projects.

The report also provided a table summarising the position in relation to service expenditure and provided a forecast outturn. A summary of the main issues in Service Expenditure Budgets was also provided in the report.

It was recommended that the Council Executive agree that Heads of Service take all management action necessary to ensure 2014-15 budgets were managed within budget and approved budget reductions were achieved

Decision

To approve the terms of the report.

11. 2014-15 GENERAL SERVICES CAPITAL BUDGET – MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing information on the financial position in relation to the General Services Capital Programme following completion of the month 6 monitoring exercise.

The report provided 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 was £43.583 million which assumed £4 million of over programming.

Reasonable progress was being made on the capital programme with committed expenditure as a percentage of projected outturn at 38%. In overall terms the monitoring exercise indicated that the projected outturn was £43.524 million which represented a significant investment in a wide

range of assets that brought considerable benefit to the community.

The report then went on to provide a forecast for each asset type and included details of material movements and pressures that had been identified. The report also identified Risks, Resources, Developer Contributions Update and other Strategic Issues.

It was recommended that the Council Executive :-

1. Note the outcome of the month 6 monitoring exercise and projected outturn; and
2. Agree that asset lead officers and the Head of Finance and Estates continued to take necessary action to deliver the overall programme.

Decision

To approve the terms of the report

12. 2014-15 HOUSING REVENUE ACCOUNT – MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Corporate, Operational and Housing providing the financial performance in relation to the month 6 monitoring exercise as of 30 September 2014.

The report provided a summary of the position for the main expenditure heads and provided a projected out-turn.

It was noted that employee costs were forecast to overspend by £87,000 as a result of the temporary additional resources employed to assist with welfare reform and rent arrears issues. However Supplies & Services were set to underspend by £87,000.

A breakeven position was forecast on the basis of the information available

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To note the contents of the report.

13. 2014-15 HOUSING CAPITAL REPORT – MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Corporate, Operational and Housing providing the financial performance in relation to the month 6 monitoring exercise as of 30 September 2014.

A table contained within the report demonstrated that there had been

investment of £8.538m in housing stock as at 30 September 2014. The forecast expenditure for the year was £29.225m. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

Also contained in the report were details of the capital resources available to fund the housing capital programme in 2014-15. It was to be noted that the investment programme was 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.

With regards to house sales, this totalled £0.797m as at the end of September 2014 with sales projected to reach £2m for the whole year.

The report concluded that good progress was being made in the Housing Capital investment programme and particularly with the New Build, although expenditure would be largely incurred in the latter part of the financial year. Significant investment was 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.

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and projected out-turn.

Decision

To approve the terms of the report.

14. PROCUREMENT ARRANGEMENTS – MANAGING AGENT FOR DELIVERY OF HOME ENERGY EFFICIENCY PROGRAMMES : AREA BASED SCHEMES IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence tendering procedures for the procurement of a four year contract, with the potential to extend for 12 months, for a Managing Agent for delivery of the Home Energy Efficiency Programmes (HEEPs) programme.

The report recalled that in June 2014 Council Executive noted the allocation of funding to West Lothian Council under HEEP's and agreed the approach to start identifying projects for investment in 2014/15. Council Executive also agreed to review the approach to energy efficiency projects given that substantial resources were likely to be available for investment in the private sector housing over the medium term.

The estimated overall grant funding available was likely to be in the region of £1.5m per annum for the next seven or eight years. This was based on the Scottish Government previously awarding funding to the council of £1.18m in 2013-14 and £1.723m in 2014-15. Therefore it was proposed that an element of the HEEP's grant funding be utilised to appoint managing agents via procurement in line with council's standing orders. It

was anticipated that the cost of managing agents would not exceed 10% of the available annual grant funding.

A list of the key deliverables for the Managing Agent for delivery of HEEPs were summarised in the report.

It had been identified that there was presently insufficient staff resources and expertise within the council to carry out all of the work directly. Therefore it was proposed to appoint a Managing Agent. Following consultation with Housing Construction and Building Services it was proposed that the open procedure would be the preferred route as it would deliver the requirement within the required timescale. Therefore the requirement would be advertised in accordance with the European Union Directives. The criteria to be applied would be 30% price and 70% cost which was in recognition of the high level of innovation and project management that would be required by the Managing Agent.

The report concluded by reporting on sustainability requirements and budget resources.

It was recommended that the Council Executive approve :-

1. The use of the Open Procedure for procurement of a Managing Agent for a four year contract with the potential to extend for 12 months, using the evaluation weighting of 30% price and 70% quality;
2. The use of the Managing Agent to conduct the procurement of HEEPs delivery contractors on the council's behalf; and
3. The award criteria as set out in Section D of the report with 30% price and 70% quality.

Decision

To approve the terms of the report

15. PROCUREMENT OF HOUSING, CONSTRUCTION AND BUILDING SERVICES MOBILE WORKING SOLUTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence tendering procedures for the procurement of replacement mobile working system to support the delivery of Housing, Construction and Building Services' Housing and General Services Capital/Revenue programmes.

The Head of Housing, Construction and Building Service advised that Building Services had a limited mobile working solution within the housing repair function. This had limited functionality and operatives were still required to complete paper records. Additionally the supplier of the existing solution had intimated that the current platform was approaching end of life and would not be developed further.

It was proposed that the replacement system would be available to the whole of Housing, Construction and Building Services and would 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 new system would be scalable and could be extended to other services across the council requiring mobile working solutions.

As there were no in-house resources a Prior Information Notice (PIN) related to the requirement was published on 24 July 2014. The PIN had only generated a limited amount of interest, indicating that the supply base was quite small and therefore there would no requirement for a stage two procedure. Therefore it was proposed that the Open Procedure would be used whereby all suppliers expressing an interest in the contract would be invited to tender. The criteria to be applied would be 50% for Price and 50% for Quality.

The report concluded by reporting on sustainability requirements and budget resources.

It was recommended that the Council Executive approve :-

1. The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender; and
2. The following award criteria of 50% for Price and 50% for Quality would be applied at the tender stage.

Decision

To approve the terms of the report

16. EARLY RETIRAL AND VOLUNTARY SEVERANCE – 1 APRIL TO 30 SEPTEMBER 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the number of employees who were granted early retiral/voluntary severance from the council during the six month period from 1 April to 30 September 2014.

The Head of Corporate Services advised that the council's policy on Early Retiral and Voluntary Severance required that reports on the application of the policy were submitted to the Council Executive.

In accordance with the policy, all cases approved during the period of 1 April to 30 September 2014 were dependent on the establishment of a business case which ensured that costs of releasing the employee were recovered within the stipulated timescales. Of the twenty-three cases approved all fell with a three year payback period.

Details of the approved cases were provided in Appendix 1 attached to the report.

It was recommended that the Council Executive note the content of the report which had been prepared in accordance with the reporting requirements of the council's policy on Early Retiral and Voluntary Severance.

Decision

To note the contents of the report.