

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 2 DECEMBER 2014.

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

Apologies – Councillor George Paul

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Estates concerning the proposed sale of 0.364ha at Camps Junction Site, Kirknewton to Kirknewton Community Development Trust.

The committee then heard the Head of Finance and Estates recommend that the report be withdrawn from the agenda to allow for further discussions to take place with Kirknewton Community Development Trust with regards to the proposal contained within the report, with a view to bringing the report back to a future meeting of Council Executive following the conclusion of those discussions.

Motion

To withdraw the report from the agenda to allow for council officers to undertake further discussions with Kirknewton Community Development Trust on the proposal.

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

To consider the report so that Council Executive could have a clearer understanding of what the further discussions were likely to include and for the Head of Finance and Estates to provide a timetable for when the report would be brought back to Council Executive.

- Moved by Councillor Johnston and seconded by Councillor Anderson

Decision

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

2. DECLARATIONS OF INTEREST

Agenda Item 8 (Alcohol Diversionary Activities) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed board member of West Lothian Youth Action and Chair of Armadale Youth

Issues Group and therefore would not participate in the item of business.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 11 November 2014. The Minute was thereafter signed by the Chair.

4. NOTE CORRESPONDENCE ARISING FROM PREVIOUS DECISIONS

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

5. CONSULTATION ON DRAFT GUIDANCE RELATING TO EQUALITY AND HUMAN RIGHTS IMPLICATIONS FOR THE CIVIL PARTNERSHIP ACT 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing a draft response to a consultation on the draft guidance published by the Equality and Human Rights Commission with regard to the equality and human rights implications of the Marriage and Civil Partnership Act 2014.

The Head of Corporate Services explained that the draft guidance was to help explain the equality and human rights implications of the Marriage and Civil Partnership Act 2014 to employers, religion and belief bodies and public authorities as well as individuals more broadly and to make the law in this area more accessible to a wider audience.

In broad terms the guidance was considered to be reasonable and likely to be of use to organisations or individuals affected by the implication of the Act. It was also important to note that on the basis of the draft guidance officers considered that the practical implications of the Act for the council were likely to be very low.

A proposed response was attached to the report at Appendix 1 and the Council Executive was invited to approve submission of the response to the Equality and Human Rights Commission.

Decision

To approve the terms of the report.

6. APPLICATION TO CHALLENGE FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of an application to the Challenge Fund and which had been recommended for approval by the Social Policy Policy Development and Scrutiny Panel and by the Senior People's Forum.

The application, a copy of which was attached to the report at Appendix 1, had been submitted by HcL's Operations Manager seeking funding of £69,289 with which they would purchase a replacement vehicle for the Dial-A-Bus Service.

In considering the application the Senior People's Forum noted that the replacement vehicle would only operate in West Lothian and would have to be purchased, rather than leased, as it would need to be purpose built to meet user's specific needs.

HcL's intentions were to purchase an eco-friendly bus that would provide value for money.

It was recommended that the Council Executive approve the release of Challenge Fund monies to support an application received from HcL for £69,289.

#### Decision

1. To approve the terms of the report; and
2. Agreed that the Head of Social Policy would provide all the Council Executive members with further details on whether or not the service would be a registered bus service.

### 7. ALCOHOL DIVERSIONARY ACTIVITIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of applications submitted to the Alcohol Diversionary Fund and to seek agreement that funds be released to undertake the activities detailed within the applications.

Attached to the report as a series of appendices were three applications that had been submitted to the Alcohol Diversionary Fund. It was noted that the applications had proceeded through their relevant Local Area Committee and had met the West Lothian Alcohol Drug Partnership Joint Commissioning Plan outcomes. The three applications were summarised in the report.

It was recommended that the Council Executive approve the release of £35,818 from the Alcohol Diversionary Fund to support the applications made by West Lothian Youth Action Partnership

#### Decision

To approve the terms of the report

### 8. OBJECTIONS TO DISABLED PERSONS' PARKING PLACES ORDER (PTO-14-07) AND UPDATE

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

circulated) by the Head of Operational Services advising of objections that had been received in respect of two of the 79 proposed new enforceable parking places, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2009.

The Head of Operational Services explained that in accordance with previous decisions of the Council Executive, 79 new enforceable disabled persons' parking bays in residential areas were advertised between 7 August 2014 and 28 August 2014. During the statutory advertisement period three written objections were received, related to two of the parking bays.

As there were no objections to any of the other 77 advertised new bays, the orders for these were made in part on 25 September 2014.

One objection was received in relation to the parking bay proposed for near to 9 Almond Road and two objections were received in relation to the parking bay proposed for near to 11 Lomond Crescent, Whitburn. Copies of all the objections were attached to the report and were also summarised in the report along with a proposed officer response.

Local ward members, Disability West and Police Scotland had all been consulted on the proposals and had made no adverse comments.

Therefore it was recommended that the Council Executive :-

1. Overrules the objections submitted during the statutory objection period and approve the making of the traffic regulation order to provide a disabled persons' parking bay in the vicinity of 9 Almond Road, Blackburn (1 parking bay);
2. Upholds the objections submitted during the statutory objection period to the making of the traffic regulation order to provide a disabled persons' parking bay in the vicinity of 11 Lomond Crescent, Whitburn ( 1 parking bay); and
3. Note that the traffic regulation order (PTO-14-07) had been made in part to designate the remaining 77 parking bays, amend 4 existing bays and remove 25 bays.

#### Decision

To approve the terms of the report

9. 191-193 WEST MAIN STREET, WHITBURN - PROPOSED EXTENSION OF EXISTING LEASE BY TEN YEARS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for a ten year extension to the existing lease at 191-193 West Main Street, Whitburn as requested by the current tenant.

The Head of Finance and Estates advised that the shop property at 191-

193 West Main Street, Whitburn formed part of the Tenanted Non-Residential Portfolio managed by the council. It had been let to Mr Abdul Rauf since 2001 and he had run it as a general store.

During his time in the property Mr Rauf had discharged his obligations under the lease and had been a good tenant in estate management terms. The store was well known and popular within the Murraysgate area of Whitburn. Mr Rauf had entered into a new lease in 2011 for ten years however he would now like to extend his current lease by a further ten years from 2021 under the terms and conditions summarised in the report.

It was therefore recommended that the Council Executive :-

1. Approve the extension of the lease at 191-193 West Main Street, Whitburn, for a further ten years subject to the terms and conditions set out in the report; and
2. Grant delegated powers to the Head of Finance and Estates to agree to any changes required to the current terms in order to conclude the transaction on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report

#### 10. ACCESS ROAD TO BURGHMUIR DEPOT, LINLITHGOW - COMPULSORY PURCHASE AND COMPENSATION PAYMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the compulsory purchase of the access road to Burghmuir Depot, Linlithgow by the Scottish Government.

The Head of Finance and Estates explained that the access road in question was previously owned by West Lothian Council but had been used by the Scottish Government for the purposes of maintaining the M9 motorway together with the M876, M80, A80 and the M8. The access road had been leased by the council to the Scottish Government since 2002. A request for permanent right of access was requested in 2005 with the advice that compulsory purchase procedures would be used to secure the necessary rights should mutual agreement not be reached.

The lease continued until January 2013 when the council were formally notified that the compulsory purchase procedure was in place. Therefore ownership transferred to the Scottish Government in February 2013.

The level of statutory compensation originally offered on behalf of the Scottish Government was £30,000 but following negotiation with the District Valuer this figure was increased to £87,500 together with professional fees of £1,226.

Therefore it was recommended that the Council Executive approves the negotiated statutory compensation sum of £87,500 plus fees of £1,226 for the compulsory purchase of the access road to Burghmuir Depot, Linlithgow.

Decision

To approve the terms of the report.

11. 286 HIGH STREET, LINLITHGOW - PROPOSED RENEWAL OF LEASE TO LLOYDS PHARMACY LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to the granting of a new nine year lease of 286 High Street, Linlithgow to Lloyds Pharmacy Ltd.

The Head of Finance and Estates explained that 286 High Street, Linlithgow was a traditional shop unit located towards the western periphery of Linlithgow town centre.

The shop was owned by the council and had been leased to Lloyds Pharmacy Ltd as a retail pharmacy and dispensary since 2002. That lease expired on 8 November 2012 but Lloyds had continued to occupy the property and pay a rental whilst negotiations took place between the parties on the terms of the renewed lease agreement.

Those negotiations had been protracted primarily due to the tenant's reluctance to accept any increase in the passing rent of £10,750 per annum. However new terms have now been agreed in principle between the parties and these were summarised in the report. This included a new rent of £15,000 per annum and which would be backdated to 9 November 2012.

The report concluded that it was considered to be in the council's best interest to grant a new lease to Lloyds Pharmacy Ltd in accordance with the terms and conditions as set out in the report.

It was recommended that the Council Executive approve the granting of a new nine year lease of 286 High Street, Linlithgow to Lloyds Pharmacy Ltd as a commencing rent of £15,000 per annum.

Decision

To approve the terms of the report

12. 4 THE VENNEL, LINLITHGOW - PROPOSED LEASE TO PAUL ROLFE ESTATES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to the

granting of a five year lease of 4 The Vennel, Linlithgow to Paul Rolfe Estates.

4 The Vennel, Linlithgow was a traditional shop unit located in Linlithgow Town Centre.

The property was owned by the council and had been leased to Kapital Kilts for use as a kilt hire shop since 2009. That lease expired in November 2014, at which time the tenant relocated to larger, privately owned premises elsewhere in the town.

Paul Rolfe Estates was a local firm of independent estates agents who had traded from council owned premises at 222 High Street, Linlithgow since 2011. As the business had continued to grow these premises had become inadequate and the company was now seeking to relocate to larger premises. They considered that the premises at 4 The Vennel, Linlithgow would satisfy their needs going forward and would allow them to retain their business in the town.

They have since approached the council with a request to lease the premises and terms of lease had been agreed in principle between the parties. These were summarised in the report.

The Head of Finance and Estates further advised that whilst it was normal practice for the availability of vacant premises to be advertised on the open market, there were however instances when it was preferable for officers to enter into negotiations on a one-to-one basis and approved council policy allowed for this to happen. In this instance it had been considered appropriate that the property at 4 The Vennel, Linlithgow should be leased to Paul Rolfe Estates without the premises being advertised.

It was recommended that the Council Executive approve the granting of a five year lease of 4 The Vennel, Linlithgow to Paul Rolfe Estates.

#### Decision

To approve the terms of the report

### 13. PROCUREMENT ARRANGEMENTS - SCOTLAND EXCEL SECURITY SOLUTIONS FRAMEWORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to use the Scotland Excel Framework for Security Solutions which was currently being tendered with six lots, four of which required approval under Standing Orders Procurement Procedures 11.2 on Price/Quality ratios.

The Head of Finance and Estates advised that Scotland Excel had a Security Solutions Framework which West Lothian Council used for manned and security events. As part of the retendering of this framework Scotland Excel had decided to include four new lots. These being: - CCTV, Security Alarms, Fire Alarms and Combined Systems.

The council had in place a contract for CCTV and had extended the Fire Alarm Contract to cover the period until the Scotland Excel framework was in place. Once these contracts expired it was proposed that the council would start using the Scotland Excel Framework in accordance with Standing Orders.

The requirements had been advertised in accordance with European Union Directives and it was being conducted using the restricted procedure whereby a number of suitability qualified and experienced companies had been selected from a pre-qualification process and had been invited to tender.

The following criteria would be applied at the tender stage :-

- Price – 40% four new lots (60% two existing lots)
- Quality – 60% four new lots (40% two existing lots)

The evaluation criteria being proposed by Scotland Excel was following consultation with all Scottish local authorities.

The anticipated start date was 1 April 2015

Sustainability and budget considerations were also addressed in the report and it was noted that by issuing a single tender divided into specific lots via Scotland Excel would achieve efficiency savings by reducing the time and resources expended in preparation of tender documents and reduce supplier costs by avoiding repetitive tendering activities.

It was recommended that the Council Executive approve the use of the Scotland Excel framework for Security Solutions in line with Standing Orders for the Regulation of Contractors to use frameworks where they were available.

#### Decision

To approve the terms of the report.

#### 14. PROCUREMENT - MONTH 7 MONITORING REPORT 2014-15

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a monitoring report on procurement activities.

Since the last report activity had been carried out on the provision of new contracts to assist in increasing the percentage of contracted work. This work had resulted in 28 contracts being let or adopted in the last quarter, a list of which was attached to the report.

The report also provided information on savings targets, collaborative arrangements, improving procurement capabilities, community benefits and changes to the Standing Order for the Regulation of Contracts.



It was recommended that the Council Executive note :-

1. The contracts let since August 2014 and savings achieved to date in 2014-15; and
2. The community benefits gained as part of the procurements since July 2014 to date.

Decision

To note the terms of the report

15. 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 meeting held on 22 October 2014, a copy of which was attached to the report.

Decision

To note the terms of the report.