



West Lothian  
Council

## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

11 December 2014

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 16 December 2014** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minutes of Meeting of Council Executive held on 02 December 2014 (herewith)

#### **Public Items for Decision**

5. Civic Government (Scotland) Act 1982 - Review of Street Trader's Licence - Report by Head of Corporate Services (herewith)
6. An Enterprising Third Sector Framework - Report by Head of Area Services (herewith)
7. Scottish Fire and Rescue Service - Special Appliance Review - Report by Head of Housing, Construction and Building Services (herewith)

8. Deans South, Livingston - Report by Head of Housing, Construction and Building Services (herewith)
9. School Estate - Free School Meals Accommodation Update - Report by Head of Finance and Estates (herewith)
10. Chancellor's Autumn Statement 2014 - Report by Head of Finance and Estates (herewith)
11. The Report of the Smith Commission - Report by Head of Finance and Estates (herewith)
12. Blackburn Partnership Centre - Hubco Stage 2 submission and Pre-Construction Approvals - Report by Head of Finance and Estates (herewith)
13. Consultation on Proposals to Introduce a Statutory Duty of Candour for Health and Social Care Services - Joint Report by Head of Social Policy and Head of Health Services (herewith)
14. Consultation on Proposals for an Offence of Wilful Neglect or Ill-Treatment in Health and Social Care Settings - Joint Report by Head of Social Policy and Head of Health Services (herewith)
15. Consultation on Electronic Cigarettes and Strengthening Tobacco Control in Scotland - Joint Report by Head of Social Policy and Head of Health Services (herewith)
16. Scottish Government's Consultation on Public Engagement for Wind Turbine Proposals : Good Practice Guide - Report by Head of Planning and Economic Development (herewith)
17. Planning Services Review - Report by Head of Planning and Economic Development (herewith)
18. Scotland's Digital Future - Superfast Broadband Investment - Report by Planning and Economic Development (herewith)
19. Public Body Reporting on the Scottish Biodiversity Duty 2011-2014 - Report by Planning and Economic Development (herewith)

**Public Items for Information**

20. Scottish Public Services Ombudsman - Annual Report 2013-14 - Reword by Chief Executive (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

DATA LABEL: Public





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.





## **COUNCIL EXECUTIVE**

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982** **REVIEW OF STREET TRADER'S LICENCE CONDITIONS**

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

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

To inform the Council Executive of the outcome of the consultation on the proposed amended and consolidated standard conditions for street trader's licences ("the proposed standard conditions") and to invite the Council Executive to consider and approve the terms of the proposed standard conditions.

### **B. RECOMMENDATION**

That the Council Executive:

1. notes that a period of consultation has been undertaken regarding the proposed standard conditions which has generated the responses summarised in Appendices 2 and 4 to this report;
2. makes a decision as to what proposed standard condition 3 is to contain in relation to street trading outside schools while being used as such;
3. approves the proposed standard conditions with effect from 1 January 2015 for all new street trader's licences;
4. approves the commencement of the statutory process of variation of all existing street trader's licences to include the revised standard conditions; and
5. approves the delegation of authority to the Licensing Committee to vary all existing street trader's licences to include the revised standard conditions.

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

#### **I Council Values**

- Focusing on our customers' needs
- Being honest, open and accountable
- Working in partnership

#### **II Policy and Legal (including** Sections 3B, 9 and 39 and paragraphs 5 and 10

	<b>Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	of Schedule 1 of the Civic Government (Scotland) Act 1982.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	A report on the proposed standard conditions was considered by the Environment PDSP at its meeting on 4 November 2014. The report invited the Panel to consider whether, in its view, 100 metres or 200 metres in condition 3 relating to schools was appropriate. The Panel requested that the Council Executive consider extending the distance from between 100 metres to 200 metres outside educational establishments as circumstances dictate. The Panel agreed to recommend to the Council Executive that the proposed standard conditions apply from the date of the Council Executive's approval for all new street trader's licences, and that the statutory process for variation of all existing street trader's licences to include the revised standard conditions is commenced.
<b>VIII</b>	<b>Other consultations</b>	Listed in Appendix 2 to this report

## **D. TERMS OF REPORT**

### **D1 Background**

In terms of section 39 of the Civic Government (Scotland) Act 1982 ("the 1982 Act"), a licence, to be known as a street trader's licence, is required for street trading by a person, whether on their own account or as an employee. In practice street trading involves the sale of food and non-food by a wide variety of different traders and commercial operators or the carrying out of a service for reward in a public place.

In terms of section 3B of the 1982 Act, the council as licensing authority may determine the standard conditions to which street trader's licences issued in West Lothian are to be subject. These can include different standard conditions for different types of licence. In terms of paragraph 5 of Schedule 1 of the 1982 Act, any such conditions are required to be reasonable.

The council's current standard conditions for street trader's licences were introduced in or around the same time as a resolution was passed stating that, from 5 June 1989, all classes of street trading in West Lothian required to be licensed. The standard conditions have not been subject to formal review since they were introduced.

In January 2013 the council undertook a period of initial consultation regarding its Street Trader Licensing Scheme, following complaints received from members of the public relating to street trading in West Lothian. Appendix 1 to this report contains details of those who responded to the initial consultation and a summary of their responses. These persons and parties have been contacted and consulted in relation to the current review. It was clear from this initial consultation that the standard conditions required to be reviewed.

Following this period of initial consultation, the proposed standard conditions have been prepared. Other aspects of the council's Street Trader Licensing Scheme have not been reviewed. Specifically, this review has not included consideration of fees payable in respect of licence applications, which will form part of a general review of licence fees.

## **D2 The council's current standard conditions for street trader's licences**

Currently the council has four different sets of standard conditions for street trader's licences. These are:

- Employee's licence conditions
- Operator's licence conditions
- Non-food operator's conditions
- Conditions for wheeled bin cleansing

In order to simplify the conditions it is proposed that the proposed standard conditions be introduced as a single set of conditions and that they will apply as appropriate to all street trader's licences. The proposed standard conditions include (1) general conditions for all street trader's licences and (2) specific conditions for different activities undertaken as part of street trading.

## **D3 Conditions proposed following consultation**

Consultation regarding the proposed standard conditions was undertaken between Tuesday 8 July and Tuesday 5 August 2014. Each of the parties detailed in Appendix 2 to this report was contacted in writing regarding the proposed standard conditions. Notice of the consultation together with a copy of the proposed standard conditions was also sent to Heads of Service and all elected members. Separately, details of the consultation and the proposed standard conditions were published on the council's website, social media and the council's e-bulletin.

A copy of the proposed standard conditions containing changes made following that consultation is attached as Appendix 3 to this report.

#### **D4 Key changes to the council's existing standard conditions for street trader's licences**

The key changes contained in the proposed standard conditions are:

Condition 1 (licensed street trading times) is a new condition which will regulate the days and times when licence holders are licensed to operate.

This will allow for greater control over licence holders who have been granted a licence on the basis that they intend to trade during particular times and on particular days and later trade in a way which gives rise to any complaint regarding their trading times. As the council has no policy on street trader's licensed hours, this will not prevent a licence holder from being licensed to trade Monday to Sunday or for any particular hours during any 24 hour cycle. Each case will be determined on its own merits.

With regard to condition 2, the proposed amendment sets a minimum age of 16 years in relation to all street traders' licences in West Lothian. This is consistent with:

(1) section 30 of the Children and Young Persons Act 1937, which states that no child shall engage or be employed in street trading. A "child" for the purposes of this Act is a person who is not over 16 years; and

(2) a consultation undertaken by the Government in November 2012, in consultation with the Scottish Government, regarding (i) repeal of the UK-wide Pedlars Acts and (ii) legislation governing licensing of street traders in England and Wales, in terms of compliance with the EU Services Directive, including that a minimum age of 17 for a licence holder is not consistent with the terms of the EU Services Directive.

With regard to condition 3, at the request of the Environment PDSP the views of Secondary School Parent Councils have been sought as to whether the current restriction on licensed street trading within 100 metres of schools while being used as such or whether this should be increased to 200 metres. A copy of the responses received is attached at Appendix 4 to this report. The Parent Council of St Kentigern's Academy has recommended that this part of condition 3 should be changed to 200 metres or more. Deans Community High School Parent Council has advised that 200 metres is their preference, for the reasons stated in their email. As confirmed by the Head Teacher of West Calder High School by telephone on 15 October 2014, the School and Parent Council support 200 metres over 100 metres.

The proposed standard conditions refer to 100 metres and the Council Executive is invited to decide whether 100 metres or 200 metres is appropriate.

Condition 26 currently only requires licence holders to obtain consent of the landowner if trading from a fixed location on the carriageway. The amended Condition 26 will require all licence holders engaged in street trading from a particular location, for more than 20 minutes at any one time, to hold the written consent of (i) the owner of that location or (ii) the council in the case of a public road or footpath, and to produce such written consent on demand.

In relation to street trading on council land or a public road or footpath, this will mean that the written consent of the council is required. For council land such consent is given by the council's Property Management & Development Service in the form of a standard licence to occupy. For public roads and footpaths such consent is given by the council's Roads Team.

Litter can be a particular problem in relation to street trading and has been a feature of complaints regarding street trading received by the council. Condition 19(a) provides for the regulation of litter control.

## **D5 Consideration at Environment PDSP**

A report on the proposed standard conditions was considered by the Environment PDSP at its meeting on 28 August 2014. The council's current standard conditions prevent street traders from trading within 100 metres outside schools. The proposed standard conditions provided with the report contained a distance of 100 metres in condition 3 in relation to schools (i.e. no change) and a copy of the responses to consultation provided with this report. At the meeting the Panel requested that the views of the secondary school parent councils be sought as to whether, in their view, 100 metres or 200 metres in condition 3 in relation to schools was appropriate.

A copy of the responses received from the parent councils is attached at Appendix 4 to this report. The Parent Council of St Kentigern's Academy has recommended that this part of condition 3 should be changed to 200 metres or more. Deans Community High School Parent Council has advised that 200 metres is their preference, for the reasons stated in their email. As confirmed by the Head Teacher of West Calder High School by telephone on 15 October 2014, the School and Parent Council support 200 metres over 100 metres.

An updated report on the proposed standard conditions was provided to the Environment PDSP at its meeting on 4 November 2014. The report invited the Panel to consider whether, in its view, 100 metres or 200 metres in condition 3 relating to schools was appropriate. The Panel agreed to recommend to the Council Executive that the proposed standard conditions be introduced and implemented, subject to a request that the Council Executive consider extending the distance from between 100 metres to 200 metres outside educational establishments as circumstances dictate.

## **D6 The Environment PDSP's request to the Council Executive in relation to condition 3**

Following the Environment PDSP meeting the issue of whether the change suggested to condition 3 has been considered by Legal Services. If the change was made, condition 3 could not be a standard condition and there would have to be a policy in place that all applications for street trader's licences would require to be considered by the Licensing Committee, to allow the Committee to determine in each case where the trader could operate from if trading near to a school. In the opinion of officers, this would be unworkable.

It is therefore recommended that there should be a decision regarding the wording of a standard condition in relation to street traders operating near to schools. In the event that the distance by which street traders are prevented from trading outside schools is to be increased from 100 metres to 200 metres, it is recommended that this is based on the consultation findings referred to above and on grounds of public safety.

If a trader suggests that any of the standard conditions should not apply to his licence the Licensing Committee has power to vary the licence after considering the particular circumstances of the case.

If there was a complaint that the location of a trader is unsafe, the council would have the power through proposed standard condition 23 to serve written notice on a licence holder that their location is unsuitable thus preventing the trader from operating at that location no matter what distance it is from a school.

#### **D7 Effective date of proposed standard conditions for new street trader's licences**

It is proposed that the proposed standard conditions will apply from 1 January 2015 to all new street trader's licences.

#### **D8 Statutory process for varying existing street trader's licences to contain the proposed standard conditions**

Paragraph 10 of Schedule 1 of the 1982 Act contains the statutory process through which the council as licensing authority can vary the terms of existing street trader's licences. This includes altering the standard conditions to which existing street trader's licences are subject. The Council Executive is invited to delegate authority to the Licensing Committee to vary street trader's licences following the statutory process.

In terms of paragraph 10(2) of Schedule 1 of the 1982 Act, the council must give each licence holder 7 days' notice of the meeting at which variation of the conditions of their licence will be considered by the Licensing Committee.

It is proposed that each holder of an existing street trader's licence will be given written notice that:

1. the council intends to vary the conditions to which their licence is subject by applying the proposed standard conditions to their licence in place of the current standard conditions which apply to their licence; and
2. the said variations will be considered at a meeting of the Licensing Committee.

Each licence holder will be given the opportunity to intimate in writing in advance of the said Committee meeting if they wish the Licensing Committee not to impose any of the proposed standard conditions on their licence and to submit reasons why any of the conditions should not apply to them. In each case the Committee will have the discretion to decide whether to apply the proposed standard conditions to the relevant licence.

### **E. CONCLUSION**

The council as licensing authority is responsible for determining the standard conditions applicable to street trader's licences issued in West Lothian. The proposed standard conditions will modernise the existing scheme and allow for greater control and regulation of street trader activity within West Lothian.

The Council Executive is invited to consider the responses received to the consultation and approve revised standard conditions and the procedure for varying existing licences.



## **F. BACKGROUND REFERENCES**

Civic Government (Scotland) 1982

Appendices/Attachments:

Appendix 1: list of respondents to initial consultation and summary responses

Appendix 2: list of consultees and summary responses to consultation

Appendix 3: copy proposed standard conditions with proposed changes following consultation

Appendix 4: copy responses received from Parent Councils regarding condition 3 of the proposed standard conditions

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Julie Whitelaw  
Head of Corporate Services

Date: 16 December 2014



**Parties who responded to initial consultation and summary response**

Name	Summary response
Lothian and Borders Fire and Rescue	No comment at that time
Oyster Oyster	Council retention of street trader licensing scheme
Owners of Soft Spot Cafe	Same as Oyster Oyster
Senior Peoples Forum	If the Pedlars Act is repealed, and the Council have to consider including door to door sales within street trading – the definition of “public place” should exclude certain places inc residential premises. Concern is re door to door sales.
Property Management and Development Service Unit	<ol style="list-style-type: none"> <li>1. Cross-engagement between different Council services vis a vis street trader licensing scheme</li> <li>2. Council policy on leasing Council sites to street traders</li> </ol>
Mr Brian Herron	<ol style="list-style-type: none"> <li>1. 100m rule contained in street trader’s licence conditions in relation to schools</li> <li>2. Unhealthy eating habits among schoolchildren/ obesity in the UK</li> <li>3. Localised issues regarding street traders</li> <li>4. Absence of definition of “fixed” v “mobile” in street trader’s licence conditions</li> <li>5. “whilst not at a fixed location”/ “while not being used for trade”</li> <li>6. Comparison with operation of pedlars</li> </ol>
Planning Services	Interest in scheme with regard to planning applications
Panning and Economic Development	Food hygiene interest
Mr John McHale	<ol style="list-style-type: none"> <li>1. Concerns specific traders at specific location</li> <li>2. Suggest maximum stop time</li> </ol>
Environmental Health	<ol style="list-style-type: none"> <li>1. Food safety considerations</li> <li>2. Monitoring and compliance</li> </ol>
Ice Cream Alliance	Information and support from Vince Cable MP re traditional ice cream trading
Mr S G Lewis	<ol style="list-style-type: none"> <li>1. Specific issues regarding street trading around West Calder High School</li> <li>2. Comments regarding administration of Council’s street trader licensing scheme</li> <li>3. Clarify what constitutes a fixed v mobile stall. Suggest mobile should</li> </ol>

	<p>not include long stop at same location over same time period on regular basis</p> <ol style="list-style-type: none"> <li>Clarify landowner permission/ planning permission requirements</li> <li>Healthy eating considerations</li> <li>Proposals minimum of 500m for street traders in relation to schools</li> </ol>
Business Improvement District Managers	<ol style="list-style-type: none"> <li>Application form and process</li> <li>Landowner permission</li> <li>Planning permission</li> <li>Standard conditions</li> <li>Town Centre events</li> </ol>
David Stein, Chairperson, Enterprising Bathgate	<ol style="list-style-type: none"> <li>Benefit and control</li> <li>Definition of trading location</li> <li>Need for enhance local/ town centre consultation</li> <li>Application of standard licence conditions</li> <li>Procedures around town centre events held in civic spaces</li> </ol>
Polbeth Community Council	<ol style="list-style-type: none"> <li>Support of local residents with concerns regarding street trading in Polbeth</li> <li>Sharing of information</li> </ol>

**LIST OF CONSULTEES FOR PROPOSED AMENDED STREET TRADERS' LICENCE CONDITIONS, SUMMARY RESPONSES AND COMMENTS**

	Consultees	Summary response	Comments
1.	Community Councils	<p>Broxburn Community Council:</p> <ol style="list-style-type: none"> <li>1. asked what would happen under condition 3(a) if a trader was in a location where a shop later opened up within 100m. Regarding condition 3(b) they commented that this was reasonable and asked whether it would include a food outlet vendor.</li> <li>2. asked if condition 6 would include all licensed street traders including employees and whether this covered "cold calling"</li> <li>3. commented regarding condition 26 that it is good that landowners written permission is obtained prior to the licence being granted.</li> <li>4. Comment regarding condition 41 being unrealistic regarding real life practice.</li> </ol>	<p>With regard to condition 3(a) a street trader in this position could ask for their licence to be varied to remove this condition. With regard to condition 3(b) this would include food outlet vendors.</p> <p>With regard to condition 6 this would include all licensed street traders including employees. The practice of cold calling for sale of goods falls under the legal definition of peddling.</p> <p>With regard to condition 26, landowners written permission is required if trading from a fixed location or locations in order to comply with the condition. Currently applicants are asked in their applications to say whether they intend to trade from a fixed location or locations and to evidence landowners consent.</p> <p>With regard to condition 41 it is proposed to remove this condition from the proposed standard conditions</p>
2.	West Lothian Association of Community Councils		
3.	Gala Day Committees		
4.	Holders of Street Traders' Licences		
5.	Town Centre Managers		
6.	Showman's Guild		
7.	Federation of Small Businesses		
8.	West Lothian Chamber of Commerce		
9.	Scottish Federation of Meat Traders' Association		
10.	Scottish Association of Master Bakers		
11.	The Ice-Cream Alliance	Condition 3 – ice cream trader who has various ice cream	Condition 3 – the condition has been changed so that for

	Consultees	Summary response	Comments
		related products for sale would find it impossible to avoid condition 3 Condition 13 – operation of condition regarding ice cream businesses	street traders who never trade from a fixed location the 100 m rule does not apply Condition 13 – clarification will be provided to the respondent however no changes to condition
12.	The National Federation of Fish Friers		
13.	Linlithgow Business Association		
14.	Spook Erection		
15.	Scottish Fire & Rescue Service		
16.	Police Scotland	No comments	
17.	Enterprising Bathgate Limited	Comments regarding 100m rule in relation to shops selling similar items and impact of street trading on Business Improvement Districts (BIDs).	The operation of condition 26 in practice potentially may be relevant to BIDs.
18.	Armadale Traders Association		
19.	Whitburn Traders Association		
20.	Broxburn and Uphall Traders Association		
21.	Access Committee		
22.	Environmental Health	Specific comments relating to waste disposal and management and planning	Comments reflected in changes to proposed amended conditions
23.	Trading Standards		
24.	British Independent Retailers Association		
25.	The Nationwide Caterers Association		
26.	Planning Services	Condition 1 – reference to relevant planning permission	Condition 26 contains proposed change to refer to planning permission
27.	Roads Services		
28.	Development Planning (Transportation and Transportation Management)	Condition 3 – question regarding 100 metre rule as to whether Education consulted and comments regarding Planning considerations. Condition 10 – suggestion to expand to include council officers Condition 26 – comments regarding ownership of public roads and landowner's consent, and Planning regulations in relation to trading from a fixed location (for Planning purposes 28 days) Condition 27 – comments	Condition 3 – Heads of Services including Education contacted as part of consultation. Planning considerations will be addressed in guidance for applicants and licence holders. Condition 10 – amended to include council officers Condition 26 – amended to include reference to trading on a public road or footpath. Planning regulations to be referred to in guidance for applicants and licence holders.

	Consultees	Summary response	Comments
		<p>regarding wording referring to Food (Hygiene) Scotland Regulations and removal of requirements in relation to fire safety</p> <p>Additional comments – to include conditions 24 and 25 of the proposed amended and consolidated standard conditions. Comments regarding Planning requirements.</p>	<p>Condition 27 – wording which refers to Food (Hygiene) Scotland Regulations has been amended. Requirements in relation to fire safety have been removed as, in terms of the Civic Government (Scotland) Act 1982, conditions imposed by the council on a licence shall not relate to any matter in relation to which requirements are or could be imposed by Part 3 of the Fire (Scotland) Act 2005, which includes fire safety duties in relation to premises</p> <p>Additional comments – conditions 24 and 25 of the proposed amended standard conditions are contained in the council's existing standard conditions. Comments regarding Planning requirements to be referred to in guidance for applicants and licence holders.</p>
29.	Estates (Property Management and Development Service Unit)	Detailed comments in comparison with council's standard licence to occupy	To be discussed further between Licensing Team and Estates
30.	Scottish Environmental Protection Agency		
31.	Scottish Water		
32.	Mr B Herron (who also responded to initial consultation)	<p>Condition 3 – 100m rule regarding schools falls short of what other councils have imposed. Suggest that distance should be increased and times included.</p> <p>Condition 26 – if traders are granted permission they could occupy land which they were previously not permitted to occupy</p>	<p>Condition 3 – it is a matter for the council to determine what distance is appropriate and whether any trading times should be included in this condition in addition to condition 1</p> <p>Condition 26 – the proposed condition allows for permission to be granted or refused</p>
33.	Senior Peoples Forum (who also responded to initial consultation)	If the Pedlars Act is repealed, and the Council have to consider including door to door sales within street trading – the definition of “public place” should exclude certain places inc residential premises. Concern is re door to door sales.	The Pedlars Act has not yet been repealed. Unless and until it is (and Pedlars are brought within the framework of licensed street trading), it is not feasible to include conditions relating to peddling in the street trader's licence conditions.
34.	Health Improvement Team	1. Suggest condition that any mobile food trader situated within 200 metres of a school should hold the	Beyond limits of legally permissible street trader licence conditions.

	Consultees	Summary response	Comments
		<p>national healthy living award and actively promote healthier food choices.</p> <p>2. Recognise that a blanket condition on non-trading within 100m of schools could exclude traders who are meeting the council's health outcomes such as mobile fruit traders.</p> <p>3. Recommend that any licensed street trader for a public event should hold healthy living award or at minimum have conditions imposed that healthier food choices must be available and actively promoted.</p>	
35.	Council Licensing Standards Officers	Various comments	Changes to the proposed amended conditions have been made in light of the comments from the LSOs.
36.	Mrs Rowland, Head Teacher, West Calder High School	The School and Parent Council would support 200 metres over 100 metres	
37.	The Parent Council of St Kentigern's Academy	Recommend that "condition 3 should be changed to 200 metres or more"	The distance in metres contained in condition 3 has to be fixed for the condition to be a standard condition. Please refer to section D6 of the report for Council Executive for more information in this regard.
38.	Deans Community High School Parent Council	Appreciate that children will use food vans but want to encourage them to eat healthy options available within school. Prefer 200 metres.	Please refer to section D6 of the report for the Council Executive for recommendation that if distance is increased from 100 metres to 200 metres this should be based on responses to consultation and on public safety.
39.	Mrs A Wardlaw		
40.	Mr J Stewart		



**DRAFT**

**Section 39 of the Civic Government (Scotland) Act 1982**

**West Lothian Council**

**Street trader's licence conditions**

**Index**

**General conditions which apply to all street trader's licences**

1. Licensed street trading times.
2. Age.
3. Street trading in the vicinity of certain establishments or premises including school premises.
4. Noise and sound.
5. Prohibition on the selling of specific items.
6. Identity card.
7. Cleanliness, clothing and manner.
8. Keeping and maintaining of vehicles and receptacles.
9. Inspection of vehicles and receptacles.
10. Compliance with instructions from police or council officers for certain purposes.
11. Prohibition on lending of licence and other items.
12. Prohibition on altering, erasing or defacing of licence and other items.
13. Employment or appointment of persons.
14. Notification of change of permanent place of residence.
15. Notification of convictions.
16. Notification of loss of licence and other items and obtaining of replacement.
17. Delivery of licence and other items following revocation or suspension.
18. Notice of cessation of activity of street trading and return of licence and other items.

**Conditions which apply to street trader's licence holders engaged in street trading from a vehicle, kiosk or moveable stall**

19. Litter.
20. Display of licence.
21. Display of identification plate.
22. Presentation for inspection.
23. Prohibition on trading from unsuitable location.
24. Removal of licensed vehicle, kiosk or moveable stall and condition of same.
25. Prohibition on parking of trailer or kiosk on public road overnight.

**Conditions which apply to street trader's licence holders engaged in street trading including trade from a fixed location or locations**

26. Trading from a fixed location or locations, landowner or council consent.

**Conditions which apply to licensed street trading including food business**

27. Provision and maintenance of certain equipment, storage and preparation of goods, provision of fire-fighting equipment and removal and disposal of foodstuffs.

**Conditions which apply to licensed street trading including food business from a vehicle, kiosk or moveable stall**

28. Certificate of compliance.

**Conditions which apply to street traders holding a street trader's licence for the activity of wheeled bin cleansing**

29. Activity licensed.  
30. Additional provisions relating to general conditions 6, 15 and 16.  
31. Screening and disposal of waste and discharge of liquid water.  
32. Approval and use of chemicals and cleaning products.  
33. Prohibition on discharge of waste into certain places.  
34. Requirement for formal consent in relation to waste water.  
35. Requirement to comply with certain conditions and guidance.  
36. Requirement to provide certain documents prior to the grant of a licence on each anniversary of such grant.  
37. Requirement to indemnify certain parties in certain respects.  
38. Requirement to treat certain areas to prevent the formation of ice.  
39. Requirements relating to carrying on of activity of wheeled bin cleaning.  
40. Requirement to comply with certain directions from certain parties.

### **General conditions applicable to all street traders' licences**

1. The licence holder is licensed to trade as a street trader during the hours [ ] on the following days [ ] and at no other times.
2. The licence holder shall be a minimum of 16 years of age.
3. The licence holder, unless otherwise directed by the council as hereinafter provided, shall not engage in street trading within 100 metres of any establishment or premises in which are sold or offered for sale any article or service of the same or similar class and description as those to be sold or offered for sale by the licence holder. The licence holder shall not trade within 100 metres of school premises while they are being used as such. The council may, in their sole discretion and on application, direct that the terms of this condition shall not apply to a particular licence holder in a particular street or location, and such a direction shall not be effective until it is endorsed upon the licence by the council.
4. The licence holder shall:  
  
(a) comply with all legislation governing the control of noise and noise nuisance;  
  
and shall not:  
  
(b) at any time use for the purpose of advertising their presence, trade or business any loudspeaker, horn, whistle, amplified music or other device as to give reasonable cause for annoyance to persons in the vicinity;  
  
(c) between the hours of seven in the evening and nine in the morning of the next day use for the purposes of advertising his or her presence, trade or business any loudspeaker, horn, whistle, amplified music or other device.
5. The licence holder shall not sell or offer for sale goods which are contrary to the terms of consumer protection legislation or any other legislation regarding the sale of dangerous or hazardous goods.
6. The licence holder shall at all times while engaged in street trading have with them their licence and identity card, shall wear the said identity card displayed conspicuously on their outer garment so that it shall be clearly visible and shall exhibit the said identity card on demand to any customer, police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised officer of the council.
7. The licence holder shall keep their person and their clothing in a clean condition, shall conduct themselves in a professional, considerate and orderly manner and shall not do anything in the course of acting as a street trader which is a breach of any legislation.
8. The licence holder shall keep and maintain any vehicle or receptacle used for the purpose of street trading in a clean and proper condition to the satisfaction of the council's Environmental Health and Trading Standards Service.

9. The licence holder shall at all times while engaged in street trading and at any other reasonable time permit any authorised officer of the council, police officer, council Licensing Standards Officer or officer of the council's Environmental Health and Trading Standards Service to inspect any vehicle or receptacle used by the licence holder for the purposes of street trading.
10. The licence holder shall comply with any order or instruction given by any police officer or council officer for the prevention of obstruction or annoyance to the public or in connection with any emergency or disturbance or on any occasion when such a police officer or council officer in his or her discretion may consider it necessary in the public interest to give such order or instruction.
11. The licence holder shall not lend or allow any other person to use the (a) licence, (b) identity card or (c) vehicle identification plate, if applicable.
12. The licence holder shall not in any way alter, erase or deface the (a) licence, (b) identity card or (c) vehicle identification plate, if applicable. Vehicle identification plates remain the property of the council at all times and must be returned to the council as and when required by these conditions.
13. The licence holder shall not employ or appoint any person engaged in the activity of street trading on their behalf within the council's local authority area unless that person holds a street trader's licence.
14. The licence holder:
  - (a) on changing his or her name or address; or
  - (b) in the event of any other change to the information set out in the application form for his or her licence;shall (i) notify such change to the council's Chief Solicitor and (ii) make an application for a new licence and identity badge if required within 7 days of the change.
15. Where a holder of a licence is:
  - (a) charged with any offence relating to misuse of drugs, violence or sexual impropriety; or
  - (b) convicted of any crime or offence by any court;the licence holder shall notify the council's Chief Solicitor within 14 days of the above being intimated to them.
16. If the licence holder loses their licence, identity card or any other document issued to them by the council in connection with their street trader's licence, the licence holder shall notify such loss immediately to the council's Chief Solicitor and shall obtain a replacement of the relevant item from the Chief Solicitor on payment of the appropriate fee.
17. In the event of either (a) the revocation or (b) the suspension of the licence held by the licence holder, the licence holder shall deliver his or her identity card and licence to the

council's Chief Solicitor within 7 days of the date of the coming into effect of the decision to revoke or suspend the licence.

18. In the event of the licence holder ceasing to engage in street trading or to be employed as a street trader, he or she shall forthwith give notice of that in writing to the council's Chief Solicitor and return his or her licence and identity card to the Chief Solicitor.

**Conditions which apply to street trader's licence holders engaged in street trading from a vehicle, kiosk or moveable stall**

19. The licence holder shall:
  - (a) collect and remove any paper, litter or other refuse which may be produced by them or their customers during the course of their street trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any public place or adjoining property; and
  - (b) in the event of the licence holder trading at a particular location for a period exceeding five minutes, shall place in close proximity to their vehicle, kiosk or moveable stall a litter bin or other receptacle for the deposit of paper, litter or other refuse by customers produced through their custom with the licence holder and shall make reasonable efforts to ensure that the said litter bin or other receptacle is used by customers for this purpose.
20. The licence holder shall display their licence on their vehicle, kiosk or moveable stall in a location that is clearly externally visible.
21. The licence holder shall at all times when engaged in street trading display the identification plate issued with their licence affixed to their licensed vehicle, kiosk or moveable stall in a location that is clearly externally visible.
22. The licence holder shall on receiving notice in writing from the council present the vehicle, kiosk or moveable stall annually for inspection and at any such other time and place as may reasonably be required by the council. The licence holder shall comply with the requirements of any council officer who inspects their vehicle, kiosk or moveable stall to ensure that at all times while it is in use for street trading waste is transported and disposed of in a manner to their satisfaction.
23. The licence holder shall not trade at any location considered unsuitable by the council, provided that prior written notice has been served by the council upon the licence holder.
24. The licence holder shall ensure that their licensed vehicle, kiosk or moveable stall can be speedily and easily removed and that it all times it is in a clean, safe and serviceable condition.
25. The licence holder shall not leave any trailer or kiosk parked on a public road overnight.

**Conditions which apply to street trader's licence holders engaged in street trading including trade from a fixed location or locations**

26. The licence holder shall at all times while trading from a fixed location or locations hold the written consent of the landowner or the council where trading on a public road or footpath entitling them to do so and shall produce said written consent on demand to any police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised officer of the council, if required. For the purposes of this condition the council considers that licence holders are trading from a fixed location if they trade from a particular location for more than 20 minutes at any one time. A licence holder who trades from a fixed location or locations shall also comply with Planning legislation, as required. A licence holder who trades at a location for less than 20 minutes shall not return to that location or within 100 metres of it for a period of 4 hours from the time when they vacated it.

**Street trading including food business**

27. The licence holder shall:
- (a) provide and maintain in proper working order equipment necessary for the proper cleaning and sterilising of all utensils and vessels in connection therewith and comply at all times with the requirements of the Food Hygiene (Scotland) Regulations and/ or any national hygiene conditions which are in force at any given time;
  - (b) store and prepare, as appropriate, goods to be used in connection with the food business only in premises approved by the Council's Environmental Health and Trading Standards Service; and
  - (c) remove and dispose effectively any waste foodstuffs produced by them in the course of their street trading.

**Street trading including food business from a vehicle, kiosk or moveable stall**

28. The licence holder shall at all times hold a current certificate of compliance in terms of the Food Hygiene (Scotland) Regulations 2006 as amended, replaced or updated from time to time, shall provide a copy of any new and updated certificate to the council within 7 days of obtaining it and shall produce said certificate on demand to any police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised officer of the council, if required. No food waste shall be discharged into a road gully or watercourse, either directly or indirectly.

**Street traders holding a street trader's licence for the activity of wheeled bin cleansing**

29. The licence holder is licensed to trade in wheeled bin cleansing and no other activity or commodities.
30. In addition to the officers referred to in conditions 6, 9 and 10 above and 40 below, the licence holder shall also comply with those conditions in respect of any officer of Scottish Water and the Scottish Environmental Protection Agency.

31. The waste generated from the wheeled bin cleansing process shall be screened to separate and remove solid material and grease from liquid water. Thereafter any liquid water must be discharged directly into a nominated discharge point as approved in writing and subject to any conditions which may be imposed by Scottish Water. Any solid waste must be disposed of at a site which is licensed by the Scottish Environmental Protection Agency for the disposal of such material.
32. Any chemicals and cleaning products involved or used in the cleaning process must be approved of in advance by the council, as Environmental Health Authority and by Scottish Water. Such chemicals and cleaning products must be used in accordance with the product manufacturer's recommended dilution and other instructions.
33. No waste shall be discharged into a road gully, either directly or indirectly. The licence holder shall segregate waste for recycling in accordance with the council's Waste Strategy.
34. The occupier of the premises where disposal of waste water is taking place will be required to apply for formal consent from Scottish Water under the Sewerage (Scotland) Act 1968 (as amended).
35. The licence holder shall comply with all conditions or guidance issued by Scottish Water or by the council in respect of wheeled bin cleansing and associated waste water discharges to sewers.
36. The licence holder is required to furnish the council's Chief Solicitor, prior to the grant of a licence and on each anniversary of such grant, during the currency of the licence, the following documents:
  - (a) a certified copy of a valid and current certificate of registration issued by the Scottish Environment Protection Agency authorising the carrying of waste;
  - (b) copies of any agreement with Scottish Water to dispose of waste and details of agreed locations for disposal of liquid waste.
37. The licence holder shall indemnify the council and all householders, tenants, businesses and the like affected by the licence holder's operations for any damage or destruction, howsoever caused to all property owned by the council, householders, tenants, businesses and the like as a result of the licence holder's operations.
38. During any spell of cold weather any damp or wet patches on the ground, footway, footpath or roadway remaining after the completion of any wheeled bin cleaning operation shall be immediately treated in order to prevent the formation of ice.
39. The licence holder shall carry out all operations in relation to wheeled bin cleaning in such a way as to cause no inconvenience, interference or general nuisance to the public. Without prejudice to the foregoing generality, the licence holder shall not obstruct or otherwise interfere with the free and unfettered use of footways, footpaths or roadways.

40. The licence holder shall at all times comply with directions, instructions or requests made by officers of the council in relation to the cleaning of wheeled bins and any practices carried on by the licence holder.



**Wylie, Duncan**

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**From:** Moore, Jonathan  
**Sent:** 08 October 2014 11:24  
**To:** Wylie, Duncan  
**Subject:** FW: Proposed amended standard conditions for street trader's licences in West Lothian - condition 3 regarding street trading outside schools - [PROTECT: PRIVATE/CONFIDENTIAL]  
**Attachments:** 524822.docx; 523347 - Appx 3 - proposed conditions with changes following consultatio....docx  
**Importance:** High

Hello Duncan

The Parent Council of St Kentigern's Academy have been consulted on the proposed amended standard conditions for street traders.

They recommend to West Lothian Council that "condition 3 should be changed to 200 meters or more".

I hope this information helps.

Kind Regards

Jonathan Moore  
 Clerk to the Parent Council, St Kentigern's Academy

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**From:** Wylie, Duncan [<mailto:Duncan.Wylie@westlothian.gov.uk>]  
**Sent:** 02 September 2014 12:36  
**To:** Education ALL Head Teachers  
**Subject:** Proposed amended standard conditions for street trader's licences in West Lothian - condition 3 regarding street trading outside schools - [PROTECT: PRIVATE/CONFIDENTIAL]  
**Importance:** High

**DATA LABEL: PROTECT: PRIVATE/CONFIDENTIAL**

Dear Head Teacher,

**Street trader's licences**  
**Standard conditions**

The council is currently considering proposed amended standard conditions for street trader's licences in West Lothian.

The proposed amended standard conditions were considered by the council's Environment Policy and Development Scrutiny Panel at a meeting on 28 August 2014. I attach a copy of the report presented to the Panel. The report includes three appendices. Appendix 3 (copy attached) is a copy of the proposed amended standard conditions which changes following consultation. I draw your attention to condition 3 in particular which includes the following sentence:

"...The licence holder shall not trade within 100 metres of school premises while they are being used as such."

**Wylie, Duncan**

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**From:** [REDACTED]  
**Sent:** 30 September 2014 20:20  
**To:** Wylie, Duncan  
**Subject:** street traders licences standard conditions

Hi Duncan,

Deans Community High School Parent Council considered your email tonight at our PC meeting. We appreciate that children will use food vans but want to encourage them to eating healthy options (available within the school) and therefore came to a consensus that the 200 metre option was our preference. Any questions and I can be contacted on

[REDACTED]  
Sue Mackie  
(Chair, Deans CHS Parent Council)



## **COUNCIL EXECUTIVE**

### **AN ENTERPRISING THIRD SECTOR FRAMEWORK**

#### **REPORT BY HEAD OF AREA SERVICES**

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

The purpose of the report is to update the Council Executive on the development of an Enterprising Third Sector Framework (ETSF), which meets the council administration's commitment to "develop and fund a comprehensive Social Enterprise Strategy for West Lothian".

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

It is recommended that the Council Executive approves the Enterprising Third Sector Framework.

##### **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; and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The ETSF is one of a number of action plans which support the Economic Strategy.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	The ETSF is designed to increased activity by social enterprises in West Lothian creating volunteering, training and employment opportunities and addressing inequalities.
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	£50,000 time limited investment in West Lothian Social Enterprise Network (WLSN) in 2014-15.
<b>VII Consideration at PDSP</b>	The final draft of the ETSF was considered by the Voluntary Organisations PDSP on 27 November 2014 and recommended to Council Executive for approval.

## **VIII Other consultations**

The final draft ETSF was considered by the Economic Partnership Forum on 3 December 2014 and the forum welcomed the framework and recommended it to Council Executive for consideration.

## **D. TERMS OF REPORT**

### **D1 Introduction**

Social enterprise is under-developed in West Lothian in relation to some areas in Scotland, yet it has a key role to play in providing new jobs and training opportunities. The Enterprising Third Sector Framework (ETSF) will support the development of new and existing social enterprise businesses.

### **D2 ETSF for West Lothian**

The Voluntary Organisations PDSP agreed on 14 March 2013 to the establishment of an officer working group with the remit to produce a draft social economy strategy, in consultation with appropriate stakeholders, including the West Lothian Social Enterprise Network, Social Enterprise Scotland, Social Accounting Network and Voluntary Sector Gateway West Lothian, for consideration by the PDSP by the end of the financial year.

An initial meeting of this group was held on 11 April 2013 and included representatives from all the above organisations. The group subsequently met on 10 May, 7 June, and 10 July, receiving and discussing a number of papers and ideas that led to agreement of a draft strategy. Early in the above process it was agreed that the group should work towards developing “An Enterprising Third Sector Framework” as this best reflected the broad aims of both West Lothian Council and the Scottish Government.

The ETSF is one of a number of frameworks aligned to the partners Economic Strategy which is a multi-agency strategy reporting through the Economic Forum. Other frameworks aligned to the Economic Strategy include those relating to Business Development; Jobs; Regeneration; Skills and Lifelong Learning; Tourism; Town Centres; and Villages.

The Economic Strategy has been refreshed recently. The strategy focuses on economic development, and increasing the number of jobs in line with the Economic Growth Plan in particular, but with high level outcomes and associated performance indicators from each of the aligned frameworks.

Progress on implementation of the ETSF will be reported to the Voluntary Organisations PDSP and the Economic Partnership Forum.

### **D3 Vision, aims and objectives**

The framework proposes a vision “To create a fairer and more cohesive community in West Lothian by developing an effective working alliance between the third, public and private sectors in order to reduce social inequality and poverty, build community leadership and cohesion and protect the natural environment.

Consequently the council will support a sustainable, independent and enterprising third sector where organisations work and thrive together.”

The framework also identifies a number of key aims:

- Raise entrepreneurial capacity of the third sector in West Lothian.
- Address skills shortages of staff, volunteers and trustees.
- Integrate enterprising third sector organisations into council planning and policy documents.
- Improve awareness of council staff and elected members.

The framework suggests the following objectives:

- Provide business skills support to enterprising third sector organisations.
- Retrieve and collate data on skills shortages within enterprising third sector organisations.
- Develop a working collaboration with West Lothian Social Enterprise Network (WLSN) to explore opportunities.
- Deliver awareness training to council officers and elected members.

The framework also identifies a number of barriers and constraints and indicates how these can potentially be overcome.

#### **D4 Key Themes.**

The framework has four key themes:

- Enhancing the business capacity of enterprising third sector organisations.
- Addressing skills shortage in organisations and trustees/directors.
- Involving WLSN.
- Improving awareness of council staff and elected members.

There are sections on each of the above containing the purpose, approach, activities and performance indicators. There is an action plan linked to these key themes.

#### **D5 Consideration at PDSP**

The draft framework was considered by the Voluntary Organisations PDSP on 27 November 2014. The PDSP agreed to pass the ETSF to the Council Executive recommending their approval.

#### **E. CONCLUSION**

It is recommended that the Council Executive welcomes and approves the Enterprising Third Sector Framework.

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

Enterprising Third Sector Action Plan 2008 -11  
Guide to Social Enterprise Planning

Appendices/Attachments: One  
Appendix 1 - An Enterprising Third Sector Framework

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16 December 2014



# **West Lothian Council**

## **Innovation, Potential and Fresh Thinking: A Framework to Support and Develop More Enterprising Third Sector Organisations 2014/17**

**DRAFT**

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# 1 Overview

## 1.1 Foreward

### Local Context

An Enterprising Third Sector Framework has been developed as a key part of the council's Economic Strategy that focuses on economic development with high level outcomes and associated performance indicators from a number of aligned frameworks including An Enterprising Third Sector. The council recognises that a thriving and enterprising third sector is essential for the delivery of West Lothian's Single Outcome Agreement overarching theme of tackling inequality and a key element in increasing support to those who most need it.

The council believes that the future of the third sector in West Lothian must be one of innovation and fresh ideas. The development of enterprising activity and of social and community enterprise should be a key driver for change. The potential to improve the lives of local people and the local environment is significant as we move towards the establishment of more sustainable, independent and dynamic enterprising third sector organisations (ETOs).

West Lothian Council can empower and assist local people in developing their own communities by working in partnership with the third sector to protect the natural environment, reduce social inequality and poverty, strengthen social cohesion and build community leadership to the benefit of residents.

In order to meet the challenges and opportunities emerging from changes to the public sector, mechanisms need to be in place to deliver effective services, reduce local inequalities and achieve improved outcomes for residents in areas of highest need.

The council recognises the pivotal role the Third Sector plays in supporting communities. Consequently the purpose of An Enterprising Third Sector Framework is to kick start the process of assisting the development of ETOs that can increase community leadership and cohesion, build the network of social connections that exist between people, and their shared values and norms of behaviour, which enable and encourage mutually advantageous social cooperation (social capital). The framework will also promote the benefits of co-planning and encourage improved collaboration, partnership working and support mergers where they are appropriate between third sector organisations.

The council has three key target audiences for An Enterprising Third Sector Framework.

Principally, the council is keen to encourage and support all third sector organisations currently receiving council funding through contracts or other funding

agreements to embrace the need for change and grasp the opportunity to learn new skills that will enhance their capacity to become more enterprising and sustainable.

In addition to this, Community Regeneration and Community Planning has been working with an informal group of “key community organisations” who were based, or working, in the seven target areas identified in the Regeneration Framework. The council wants to work with them in order to concentrate efforts in building social capital and cohesion in these target areas

Furthermore, the council has invested in West Lothian Social Enterprise Network (WLSSEN) and wishes to work with them and their members to support existing and newly established social enterprises to grow and develop their leadership, service provision and/or trading position within communities.

Finally, following on from the ‘Partners for Change’ process, joint work on council’s commissioning and procurement strategy and asset transfer policy the council recognises the need to bring together senior management from the council with leaders from the third sector to facilitate learning and dialogue on how, together, they collectively help to develop ETOs.

**Councillor Jim Dixon**

Executive Councillor for Voluntary Organisations

**Graham Hope**

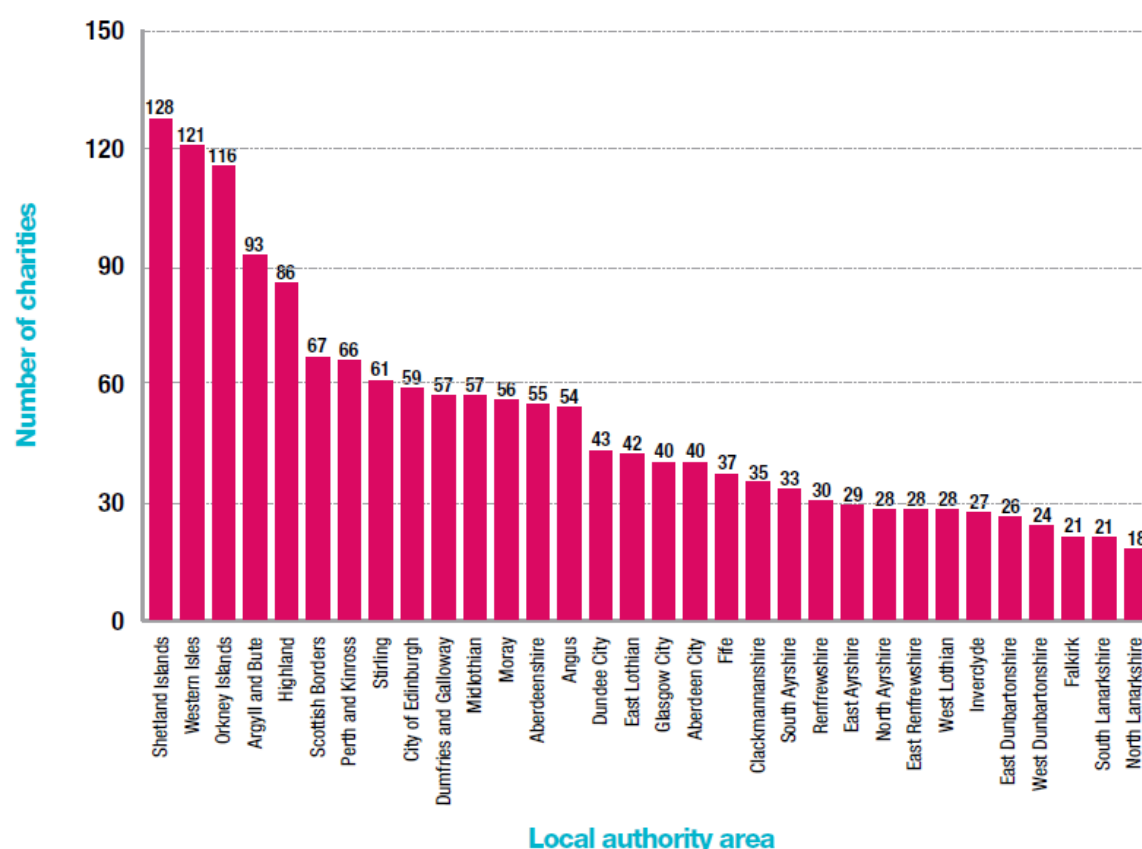
Chief Executive

## 1.2 Local Third Sector Profile

There are 468 West Lothian based organisations registered as charities with the Office of the Charity Regulator in Scotland (OSCR 2014). Of the 32 local authorities, West Lothian has the 19<sup>th</sup> highest number of registered charities with the 10<sup>th</sup> largest population.

The table below shows the number of OSCR registered charities per 10,000 population. Rural areas including the highlands and islands have significantly higher numbers of organisations, and West Lothian is near the lower end of the chart (7<sup>th</sup> lowest of 32 with 28 registered charities per 10,000 population, an improvement from the 5<sup>th</sup> lowest of 32 with 24 registered charities per 10,000 population in 2008). However, most of the other local authorities with less than 30 charities per 10,000 population are councils with similar characteristics to West Lothian e.g. Falkirk, Renfrewshire, South Lanarkshire and South Ayrshire, therefore this may not be as negative as first appears.

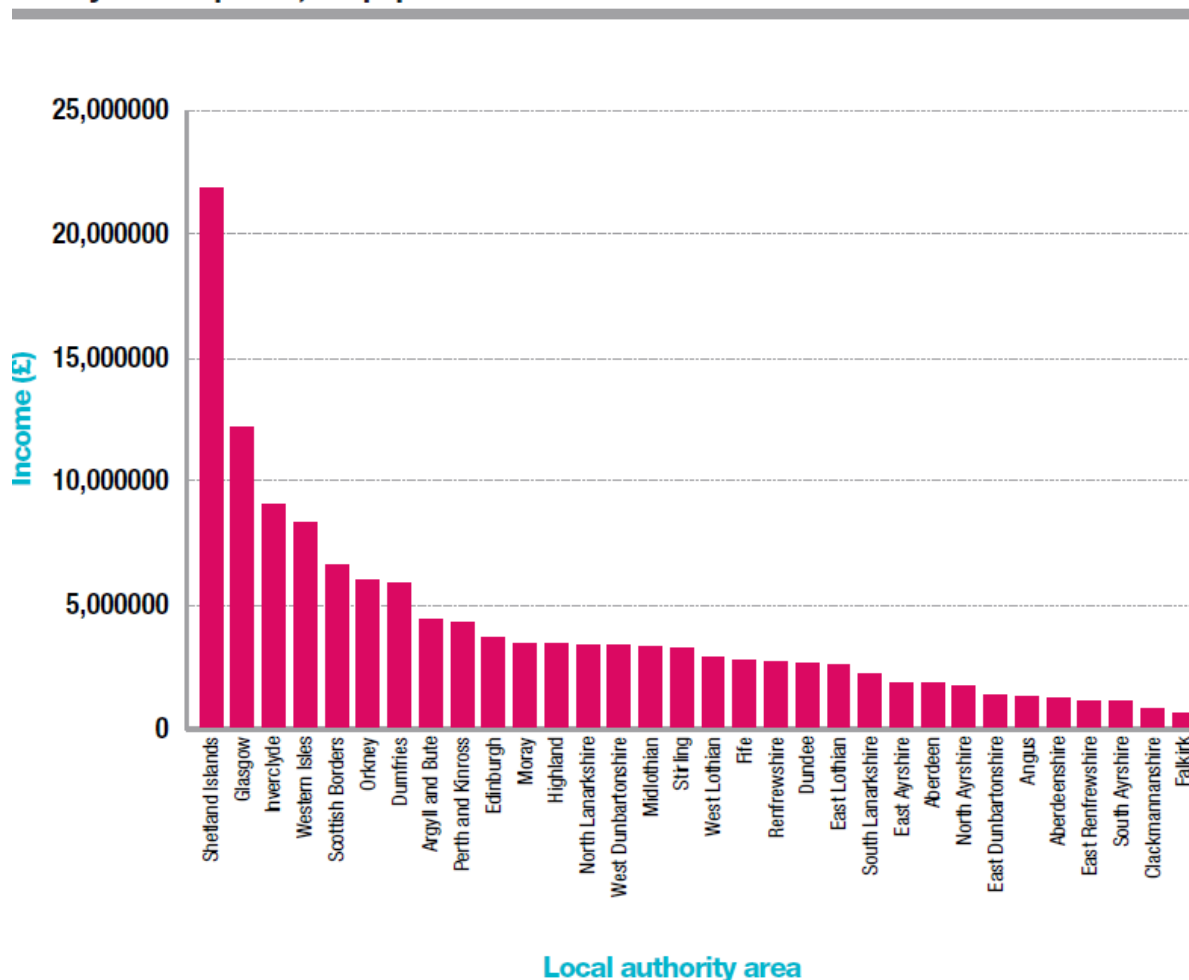
**Charities per 10,000 population**



## Charity income in local authority area

The following chart illustrates the total level of charity income reported per 10,000 people resident in each local authority area. In order to address this issue, the analysis only considers income reported by charities which indicated that their services and activities were delivered in one local authority area. This is not, therefore, a complete picture of charity incomes across Scotland. It does not include large national organisations or cross border charities. It is best reviewed as a picture of local and community activity. Shetland Islands, Glasgow City and Inverclyde had the highest charity income per 10,000 population.

Charity income per 10,000 population



The majority of council areas in the top 12 are rural. West Lothian is just in the lower half at seventeenth but outperforms comparator local authorities such as Falkirk, Renfrewshire, South Lanarkshire and South Ayrshire. This indicates that West Lothian has an average number of “developed” organisations and also suggests that additional support may be required, in addition to improving awareness and uptake of existing support programmes, to develop a more enterprising and sustainable sector able to deliver or contribute to community planning and council outcomes.

## Social Economy organisations in West Lothian

The most recent survey by Voluntary Sector Gateway West Lothian (VSGWL), *State of the Sector Report 2013*, estimates 1,020 third sector organisations in the county, significantly down on the previously accepted figure of 1,800 from an SCVO report *The Voluntary Sector in West Lothian* published in 2000.

West Lothian Council invested £50,000 during 2013/14 in West Lothian Social Enterprise Network (WLEN) for co-ordination and administration of the current embryonic network, to fund promotional and information materials including a dedicated website and obtain specific business development training for members and local enterprising third sector organisations during 2013/14. The council also invested £50,000 in the “Partnering for Success Programme” in support of the framework. Investment of £50,000 covering 2014/15 has also been confirmed for WLEN.

WLEN are currently profiling the social enterprise sector within the county with results expected in March 2015. WLEN currently has 32 members and is compiling figures on numbers employed, volunteers, turnover and business aims. Their research follows the same methodology utilised by other Social Enterprise networks across Scotland.

## West Lothian Council's investment in the social economy

West Lothian Council's current spend in the voluntary sector is approximately £26M per year, although a large part of this relates to organisations based out with West Lothian. The breakdown for 2013-14 by high level categories is given in the table below.

### Payments To Voluntary Organisations 2013-14

	£'000
Adults	£9,592
Children	£9,888
Communities	£2,447
Older People	£2,239
Vulnerable Youth	£1,209
Other	£562
<b>TOTAL</b>	<b>£25,937</b>

## Volunteering

Over half (53%) of respondents to the 2013 West Lothian Quality of Life Survey indicated that they “have volunteered (given unpaid help) in the last 12 months”. This level is consistent with previous surveys. The most popular activities involved children’s education or volunteering in schools (18%), followed by hobbies, recreation or arts groups (16%) and local community or neighbourhood groups (15%).

The 2013 Scottish Household survey reported that 28% of adults in Scotland “have provided unpaid help to organisations or groups in the last 12 months”. This level is consistent with previous surveys, and fairly uniform across Scotland. The most common type was volunteering with youths/children (23%). This was followed by health, disability and social welfare organisations (21%) and children’s activities in association with school (20%).

VSGWL is the main support intermediary body for the third sector in West Lothian primarily funded by the Scottish Government. Their annual monitoring report to Scottish Government covering 2013/14 highlights 5,486 registered volunteers with 592 registered during the year. They have 718 opportunities for volunteering with 81 being created during the year.

A common feature in regard to the nature of many volunteering opportunities is that volunteers have a direct connection with the organisation and would be recruited face-to-face. The general statistics indicate that income level is a factor, and significantly less people in the most disadvantaged areas volunteer.

The framework will link to and support the Commissioning Improvement Plan prepared as an outcome from the ‘Partners For Change’ process which sets out core principles on how the council will support and work with the third sector, including funding and commissioning services in the future. Also, the framework will highlight the contribution third sector organisations make in delivering our single outcome agreement and priorities for our communities and will be informed by the following guiding principles:

**Transparency:** there will be fair processes with clear decision making criteria.

**Efficiency:** the council will work with enterprising third sector organisations in a consistent way which aims to be fair and equitable, and ensure value for money is achieved.

**Localised:** communities will be involved in decision-making through the community planning partnership to ensure council investment reflects local aspirations where possible.

**Partnership:** the “National Standards for Community Engagement” and “The Partnership Agreement” (formerly Compact) with the third sector

will be adhered to in order to ensure local people have their say, are listened to, and are involved in decision-making.

### 1.3 Development of the Framework

The Voluntary Organisations Policy Development and Scrutiny Panel (PDSP) agreed on 14 March 2013 to the establishment of an officer working group with the remit to produce a draft Social Economy Strategy, in consultation with appropriate stakeholders including the West Lothian Social Enterprise Network (WLSSEN), Social Enterprise Scotland, Social Accounting Network, local social enterprises and VSGWL.

An initial meeting of this group was held on 11 April 2013 and included representatives from all the above organisations. The group subsequently met on four occasions, receiving and discussing a number of papers and ideas that led to agreement of a draft strategy. Early in this process it was agreed that the group should work towards developing “An Enterprising Third Sector Framework” as this best reflected the broad aims of both West Lothian Council and the Community Planning Partnership.

### 1.4 Ownership and Scope of the Framework

The Enterprising Third Sector Framework is deemed to be a service framework “owned” by Area Services. It is currently identified as one of a number of frameworks which are aligned to the Economic Strategy, a multi-agency strategy reporting through the Economic Forum. Other frameworks aligned to the Economic Strategy include Business Development; Jobs; Regeneration; Skills and Education; Tourism; and Town Centres and Villages.

The Economic Strategy has recently been refreshed, with a focus on economic development (and increasing the number of jobs in line with the Economic Growth Plan in particular) with high level outcomes and associated performance indicators from each of the aligned frameworks included. It is “owned” by Planning and Economic Development (PED) and, whilst PED will seek updates from officers on the aligned frameworks, normal practice would be that they present the composite report to the Economic Partnership Forum. Similarly, any reports to PDSP, Council Executive, etc. would be made by the Head of Planning and Economic Development.

The aligned frameworks will be presented separately to PDSPs by the service which owns them. Accordingly the Enterprising Third Sector Framework will be owned by Area Services and the most appropriate PDSP for reporting progress is the Voluntary Organisations PDSP, where it originated.

Governance		
Group	Governance/Scrutiny Role	Reporting Frequency
An Enterprising Third Sector working group	To receive feedback from social enterprises through WSLEN that will inform reports to the Voluntary Organisations PDSP. To arrange joint events to raise awareness, publicise good practice and encourage collaboration/partnership working between enterprising third sector organisations.	Six monthly
Partnering for Success steering group	To plan and oversee delivery of the Partnering for Success Support Programme. To develop and implement an evaluation process and report outputs.	One off
Voluntary Organisation PDSP	To receive update reports on progress of Framework Implementation including recommendations	Quarterly
Economic Partnership Forum	To receive composite report on progress of all aligned frameworks.	Six Monthly



## 2 Council Priorities

The council has identified eight priorities in the current Corporate Plan (2013/17) in consultation with the local community, partners, stakeholders and our staff. These priorities, along with the three enabler themes, represent all the vital activities that the council will undertake in order to achieve better outcomes for West Lothian.

Figure 1 illustrates where An Enterprising Third Framework will contribute directly to a council priority or enabler.

Council Priorities	Name Strategy
1. Improving the employment position in West Lothian	✓
2. Improving attainment and positive destinations for school children	✓
3. Delivering positive outcomes and early intervention for early years	✓
4. Improving the quality of life for older people	✓
5. Minimising poverty, the cycle of deprivation and promoting equality	✓
6. Reducing crime and improving community safety	✓
7. Protecting the built and natural environment	✓
8. Delivering positive outcomes on health	✓
<b>Enablers</b>	
Financial planning	
Corporate governance and risk	
Modernisation and improvement	✓

*Figure 1: Council priorities and the Enterprising Third Sector Framework*

## 2.1 Council Vision

The vision is to create a fairer and more cohesive community in West Lothian by developing an effective working alliance between the third, public and private sectors in order to reduce social inequality and poverty, build community leadership and cohesion and protect the natural environment. Consequently, the council will support development of sustainable, independent and enterprising third sector organisations that work and thrive together.

## 2.2 Delivering the Vision

The framework sets out the council's ambition for enterprising third sector organisations to exist and thrive within the communities of West Lothian and sets out key aims, objectives and outcomes to bring about effective services, reduce local inequalities and achieve improved outcomes, specifically for residents in areas of highest need.

## 2.3 Key Aims

- Raise entrepreneurial capacity, leadership and change management skills of ETOs in West Lothian
- Address skills shortage of staff, volunteers and trustees/directors
- Integrate social enterprises and enterprising third sector organisations into council and community planning partnership (CPP) planning and policy documents
- Improve awareness in relation to social enterprises and ETOs of council staff and elected members

## 2.4 Objectives

- Ensure existing business skills support programmes are accessed by enterprising third sector organisations
- Retrieve and collate data on any skills shortage within enterprising third sector organisations
- Develop a working collaboration with WLSSEN to explore opportunities for co-commissioning.
- Deliver awareness training to council officers and elected members

## 2.5 Identifying Areas for Support and Development

It is recognised that for ETOs to achieve their ambitions, opportunities for support and development to facilitate growth and sustainability have to be identified. Dialogue with WLSN, Social Enterprise Scotland, Social Accounting Network in Scotland and local ETOs identified the following support and development opportunities that will improve enterprising ethos and culture in third sector organisations:-

- Improved awareness and understanding in the statutory and private sectors of what enterprising third sector organisations are and how they contribute to and benefit the local economy and communities they serve.
- Develop a detailed database on the size/scale of social enterprises, including the range of services/products supplied, their contribution, value and strength across social, environmental and economic indicators to facilitate assessment and quality of their overall impact.
- Continue to offer support to ETOs about procurement processes to ensure they are equipped with the specialised knowledge and resources required to successfully complete tender documents.
- Raise awareness of council's asset transfer policy with ETOs, as the ownership and control of physical assets can be critical to the sustainability (financial security) and related development opportunities of enterprising third sector organisations.
- Ensure ETOs have access to specialised business development support to reach a scale and capability where they are investment ready.
- Address skills shortages in ETOs generally and Trustees/Directors specifically to increase the capacity of enterprises to grow more rapidly, achieve scale and become investment ready.
- Identify innovative methods of encouraging new talent with relevant experience and expertise to become involved as Trustees/Directors and adopt processes whereby existing incumbents understand and embrace the need for change and actively participate in learning programmes to achieve this.

## 3 Thematic Outcomes

Four key themes have been identified as the core of the Enterprising Third Sector Framework. The suggested actions to achieve the framework have been themed under the headings below with key actions contained within the Action Plan:

- Enhancing the business capacity of enterprising third sector organisations
- Addressing skills shortage in organisations and trustees/directors
- Involving WLSEN
- Improving awareness of council staff and elected members

### 3.1 Enhancing the Business Capacity of Enterprising Third Sector Organisations

#### **Purpose:**

West Lothian Council recognises the pivotal role the Third Sector plays in supporting communities, therefore the purpose of this framework is to develop and support enterprising third sector organisations that can increase community leadership and cohesion, build social capital and promote the benefits of co-planning.

#### **Approach:**

The key focus will be to improve uptake of existing mainstream business support services (Business Gateway/Scottish Enterprise), review current support structures and seek to align these with specialised social enterprise and other third sector support services to provide prestart, start-up and more focused business planning support targeted at enterprising third sector organisations evidencing greater potential for growth and sustainability.

Current social enterprise provision should concentrate on developing the business strength of existing enterprising third sector organisations to target support at key stages of development and growth.

#### **Activities:**

The main activities to be undertaken in 2014/17 to achieve this priority theme are:

- Business support needs to be accessible, specific and responsive to needs and would benefit from a more formal relationship between local Business Gateway support, national social enterprise support and local support

provided by WLSN and VSGWL. This could specifically benefit enterprises with more local and national growth ambitions.

- In order to support and enable the delivery of enterprising third sector organisations, the council will strengthen its links with WLSN to ensure that it is consulted and has a genuine voice in council decision making.
- Similarly, the CPP will strengthen its links to WLSN to facilitate full participation in community planning to ensure greater partnership cooperation and good practice.
- Consultation with WLSN members will take place to identify resource intensive processes such as payroll, personnel and other administrative functions that could be outsourced and perhaps provide opportunities for new 'business to business support services' for ETOs.
- Co-commission work to further develop, put online and market the Enterprising Third Sector Support Map, put together as part of the preparation for this framework process and link with current work being undertaken by Senscot.
- Further develop quality systems in ETOs by working with Quality Scotland to improve quality of delivery by ensuring compatibility with Public Service Improvement Framework (PSIF) to ensure alignment of quality systems where possible.

**Performance Indicators:**

- 25 ETOs receiving support from Business Gateway/Scottish Enterprise.
- WLSN invited to be a CPP member
- 6 ETOs inter-trading
- Number of requests for support to investigate potential for mergers.
- 7 ETOs review their organisational structure
- Completion of and 50 hits on the ETOs Support Map Website.
- 10 ETOs aligning quality standard/frameworks to Public Service Improvement Framework

## 3.2 Addressing Skills Shortages in Organisations and Trustees/ Directors

### **Purpose:**

There is evidence that skills shortages in enterprising third sector organisations exist which limits the capacity of enterprises to grow more rapidly, achieve scale and become investment ready.

### **Approach:**

There is a requirement to identify innovative methods of encouraging new talent with relevant experience and expertise to become involved as trustees/directors and to identify processes whereby existing incumbents understand and embrace the need for change and actively participate in learning programmes to achieve this.

Private sector support through corporate social responsibility has played a significant role in funding and mentoring enterprising third sector organisations. The mentoring element is providing key personnel to work alongside enterprises to provide business support. This support is mostly targeted towards established enterprising third sector organisations with growth ambitions and serves as a good example of mainstream corporate businesses and enterprising third sector organisations working effectively to deliver mutual value. Pilotlight Scotland is a good example of this kind of private sector support.

There are opportunities to replicate and build on the effective way that private sector organisations have engaged with and supported ETOs. Preliminary discussions to identify how to engage the West Lothian private sector have taken place with School for Social Entrepreneurs Scotland who currently work with a range of private sector providers around this topic.

The council also has a number of employees with relevant skills and experience that could be utilised in providing input as an extra resource to support established ETOs with their development plans and sustainability ambitions. Indeed many council employees already play a significant role in a voluntary capacity within third sector organisations. In taking this framework forward, the numbers participating could be researched and used to encourage other council employees to take up the opportunity to support ETO organisations in a mentoring capacity.

### **Activities:**

The main activities to be undertaken in 2014/17 to achieve this priority theme are:

- Propose an extension to the Employer Supported Volunteering Programme to include provision of mentoring support by five council employees for up to 15

hours each per year to support enterprising third sector organisations through mentoring for managers and/or trustees/directors.

- Maximise support from private and third sector mentoring support programmes building on existing foundations, including utilising support available from Scottish Government's Governance Support Initiative, Chamber of Commerce and current investment in Scottish Business in the Community to develop additional support if a need is identified.
- Work with Quality Scotland to create a programme bringing together the key people involved in Partnering for Success to carry out appropriate levels of self-assessment and effect continuous improvement. This programme will train people as necessary on what 'excellent' organisations look like.

The programme will also act as a vehicle to share best practice and ultimately reduce the effort required to move everyone forward in the same direction. This will all be done in the context of the Public Service Improvement Service (PSIF), the Partnering for Success programme and alignment to the key Single Outcome Agreements appropriate to enterprising third sector organisations.

- Provide support to fully develop a 'Key Community Organisations Network' including specific work around the opportunities for new organisational structures and other identified support need taking forward evidence and or experience gained from the Partnering for Success programme.
- Encourage five recently retired employees to apportion time to support enterprising third sector organisations as a volunteer or trustee.

#### **Performance Indicators:**

- 5 Employees trained as mentors offering support to enterprising third sector organisations.
- ESV policy reviewed and policy amended/updated by October 2014
- 5 recently retired employees offering assistance to enterprising third sector organisations.
- 15 mentors provided through private and/or third sector mentor support programmes.
- 10 participants from Partnering for Success undertaking Quality Scotland self-assessment training and implementing within their organisation.

### 3.3 Involving West Lothian Social Enterprise Network

#### **Purpose:**

WLSSEN is a member network forum set up to connect, support and represent the views of new and existing social enterprises throughout West Lothian. West Lothian Council has invested in the organisation and a formal funding agreement outlines the outcomes and performance indicators to be met. WLSSEN reports on this directly to the Voluntary Organisations PDSP and is also working with the council in implementing a number of co-commissioned projects linked to the delivery of this framework.

#### **Approach:**

In order to support and enable the development of enterprising third sector organisations, the council will strengthen its links with WLSSEN to ensure that it is consulted and has a voice in council decision making. Similarly, the CPP will strengthen its links to WLSSEN to facilitate full participation in community planning to ensure greater partnership cooperation and good practice. The approach will also ensure jointly identified local needs can be tackled through co-commissioned work utilising resources provided by the Scottish Government. The council will also work in partnership with WLSSEN in delivering Partnering for Success the support programme aligned to this framework.

#### **Activities:**

The main activities to be undertaken in 2014/17 to achieve this priority theme are:

- Develop the entrepreneurial capacity of enterprising third sector organisations ETOs through a co-commissioning arrangement with WLSSEN to deliver a programme of support to ETOs.
- WLSSEN to produce a detailed database on the size/scale of social enterprises, including the range of services/products provided, their contribution, value and strength across social, environmental and economic indicators.
- Co-hosting a major biennial event with VSG and WLSSEN for social enterprises and enterprising third sector organisations, including presentations, exhibitions, workshops and forums drawing on experiences in West Lothian, Scotland and beyond.
- Research and develop a set of benchmarks with WLSSEN, other Social Enterprise Networks (SEN) and Social Enterprise Local Authority Group (SELAG) members in relation to provision of social economy support. Develop an information sharing resource through SELAG.



- Develop and implement an effective monitoring and evaluation process to ensure outcomes from co-commissioning are achieved.
- Work with VSGWL to develop a clear protocol outlining how the support WLSen will provide compliments VSGWL inputs.
- Work with VSG, WLSen and council in delivering and evaluating the Partnering for Success support programme.

**Performance Indicators:**

- 20 ETOs participate in the partnering for success support programme.
- Data base of Social Enterprises produced by WLSen.
- Two events organised and delivered by 2016.
- Joint support protocol agreed by council, VSGWL and WLSen
- Partnering for Success programme evaluation.

### 3.4 Improved Awareness of Council Staff and Elected Members

**Purpose:**

There is evidence from Social Enterprise Scotland that limited awareness and understanding from both council staff and elected members exists in relation to what enterprising third sector organisations are and how they contribute to and benefit the local economy and communities they serve.

**Approach:**

Raising the profile and demonstrating the value of enterprising third sector organisations can be achieved by increasing awareness and understanding of council employees and elected members in order to embrace and support fully the council's framework for developing an enterprising third sector.

**Activities:**

The main activities undertaken in 2014/17 to achieve this priority theme are:

- Developing a policy for council staff to support ETOs through volunteering/mentoring.
- Develop and implement a Volunteer Mentors Programme for council staff to qualify as volunteer mentors.

- Set up a short-life working group comprising senior council officers including procurement specialists, elected members, WLSEN and VSGWL to take forward recommendations from Partners for Change.
- Encourage and engage council staff to raise awareness across all council services by developing a promotional strategy which will include site visits, case study examples and awareness sessions with heads of service and senior management.
- Schedule briefing sessions with elected members to improve understanding and also be notified of key community organisations and social enterprises in their wards. It would be particularly informative for new councillors to meet with ETO leaders for an informal briefing and also undertake a tour of local social enterprises aimed at highlighting the profile social enterprises as part of, and integral to, the local economy.

### **Performance Indicators**

- 5 briefing sessions with council officers
- 2 briefing sessions with elected members
- 10 visits to ETOs and social enterprises by Corporate Management Team
- 1 tour of ETOs and social enterprises by elected members

## **4 Implementing the Framework**

Priorities for the framework and the resulting action plan have been driven by the need to address the issues identified to engage effectively in the development of ETOs and build their capacity so the sector is a vibrant, independent entity where organisations work and thrive together.

However, desk research and evaluations of previous and current public sector strategies and frameworks relating to the social economy and social enterprise has identified that in order for optimum outcomes to be reached, local support and infrastructure services should be in place and fully utilised where appropriate. The Ready for Business programme has been developed to ensure access to these services is available throughout the country.

To improve the local infrastructure and address capacity issues, the implementation of the Action Plan will support ETOs by developing skills, developing appropriate organisational structures, encouraging enterprising third sector organisations to operate more efficiently by adopting an entrepreneurial approach and developing and resourcing social capital for an enterprising third sector. This will be resourced by the Partnering for Success Programme.

To maximise effectiveness of the framework we will further develop initial work already undertaken as part of preparing the framework to put in place an online map of support detailing provision available from both a local and national perspective.

## 5 Conclusions

The framework highlights key challenges to be tackled and actions that can be undertaken within the timeframe 2014-17.

In order to meet the challenges and opportunities emerging from changes to the public sector, mechanisms need to be in place to deliver effective services, reduce local inequalities and achieve improved outcomes for residents in areas of highest need.

The Enterprising Third Sector Working Group recognises the pivotal role the third sector plays in supporting communities, therefore the purpose of this framework is to:- i) provide support for social enterprises, ii) develop more ETOs and iii) raise awareness and understanding of social enterprise and ETOs among council officers and elected members in order to increase community leadership and cohesion, build social capital and promote the benefits of co-planning.

The framework will link to and support the Commissioning Improvement Plan being prepared as an outcome from the 'Partners for Change' process which will set out core principles on how the council will support and work with the third sector, including funding and commissioning services in the future. The framework will also highlight the contribution ETOs can make in delivering the outcomes and priorities for our communities.

## ACTION PLAN

### An Enterprising Third Sector Strategy Action Plan Year 1

Action Plan – Outcome 1. Enhancing the Business Capacity of ETS Organisations Year 1						
Action	Description	Planned Outcome	Owner	Start	End	Status (Planned, Active, Complete)
Review mainstream business support services (Business Gateway/Scottish Enterprise) and align with specialised social enterprise and other third sector support services	Map all business support services.	Improved knowledge of business support services in West Lothian.	West Lothian Council/Martin Thomson	April 2014	March 2015	Planned
Develop an online database of social enterprises including what service/s they deliver	Map all existing social enterprise organisations.  Develop database.  Put on website.	Improved knowledge of social enterprises that exist in West Lothian.	WSLEN/Fiona Pearson	April 2014	March 2015	Planned
Provide appropriate business skills support for enterprising third sector organisations (ETOs) covering:	Map out the range of business support.  Co-commission complete and put online the business	Improve the capacity and skills of the third sector.	West Lothian Council/WLSEN/VSGWL/Martin Thomson, Ross Paterson, Fiona Pearson, Jim Gallagher	April 2014	March 2015	Planned

1. Marketing, publicity and promotion 2. Business and strategic planning 3. Preparation of contracting 4. Staff management 5. Relevant quality assurance systems 6. Leadership	support map.  Source business support from Business Gateway and others.  Use the WLSN and VSGWL websites to promote the importance of business support.					
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### Action Plan - Outcome 2. Addressing Skills Shortage in ETS Organisations Year 1

Action	Description	Planned Outcome	Owner	Start	End	Status (Planned, Active, Complete)
Retrieve and collate data on skills shortages within social enterprises and ETOs	Map skills shortage	Increased knowledge and understanding of skills profile.	WLSN/VSGWL/Fiona Pearson, Jim Gallagher	April 2014	March 2015	Planned
Increase new talent with relevant experience and expertise to become involved as trustees/directors	Marketing and recruitment campaign	Increased skills level of Trustees/ Directors.	West Lothian Council/VSGWL/Ross Paterson/Jim Gallagher	May 2014	March 2015	Planned
Extend the Council's Employers Supported Volunteering	Develop links and work with social enterprises and	Increased capacity of social enterprises and ETOs	West Lothian Council/Graham Whitelaw	September 2014	March 2015	Planned

Programme to social enterprises and ETOs.	ETOs.					
Review and build on support from private sector mentoring support programmes	Develop links with private sector organisations  Directory of mentors	Increase number of mentors.	West Lothian Council/Scottish Business in the Community/Ross Paterson	June 2014	March 2015	Planned

### Action Plan – Outcome 3. Increased involvement with West Lothian Social Enterprise Network Year 1

Action	Description	Planned Outcome	Owner	Start	End	Status (Planned, Active, Complete)
Work with WLSSEN to explore opportunities to integrate social enterprise into council and Community Planning Partnership (CPP) planning and policy documents	Identify good practice from council services that already engage WLSSEN and social enterprises in service plan development  Develop a standard approach for all council services	Improved consultation and communication between council, WLSSEN and social enterprises	West Lothian Council/CPP/WLSSEN Ian Hepburn/Lorraine Gillies/ Fiona Pearson	October 2014	March 2015	Planned
Implement a co-commissioning arrangement with WLSSEN	Deliver a programme of support to social enterprises and ETOs	Improved partnership working.	West Lothian Council/WLSSEN Ross Paterson/Fiona Pearson	April 2014	March 2015	Active
Hold a major biennial event	Link with WLSSEN and VSGWL to co-host	Increase awareness of social enterprises	West Lothian Council/WLSSEN/VSGWL	June 2014	June 2015	Planned

	event	and ETOs and the services they provide.	Ross Paterson/Fiona Pearson/Jim Gallagher			
<b>Action Plan – Outcome 4. Improved awareness of Council Staff and Elected Members Year 1</b>						
Action	Description	Planned Outcome	Owner	Start	End	Status (Planned, Active, Complete)
Deliver awareness training to council officers on issues affecting social enterprises and ETOs.	Twice yearly training/information sessions	Council officers knowledge and understanding of social enterprises and ETOs. Improve skills of council officers.	West Lothian Council/WLSEN Ross Paterson/Fiona Pearson	October 2014	March 2015	Planned
Deliver awareness training to elected members on issues affecting social enterprises and ETOs.	Twice yearly training/information sessions	Elected members knowledge and understanding of social enterprises and ETOs. Improve skills of elected members.	West Lothian Council/WLSEN Ross Paterson/Fiona Pearson	October 2014	March 2015	Planned
Develop an induction programme for existing and new council officers who will work with social enterprises and ETOs.	Develop an overview of the third sector to be given to relevant staff	Improve council officers knowledge and understanding of social enterprises and ETOs.  Improve skills of council officers.	West Lothian Council Ross Paterson	September 2014	March 2015	Planned

## Glossary of key terms

### 1. Enterprising Third Sector Organisations

The last 15 years have seen the rise of a distinctive new form of third sector organisations in the form of the social enterprise business model (businesses which trade for a social or environmental purpose) and of the social entrepreneur (innovative individuals who start businesses that meet social or environmental needs).

Some existing third sector organisations have reacted to the opportunities social enterprise offers while other new organisations have been established and many – in the field of community care for example - are now major providers of high quality public services.

In describing this trend those involved have been branded as **enterprising third sector organisations**. A main thrust of this framework is to encourage, put in place support systems and generally develop the number of such organisations in West Lothian.

### 2. Social Enterprise

This framework has adopted the **Code** prepared by Senscot and generally accepted throughout Scotland for use in the framework.

In 2002, the UK Government published an 'official' definition of social enterprise (SE) which was also adopted in Scotland. The ensuing 10 years has seen a dramatic rise in the popularity of SE - but the government definition was never invested with sufficient authority to be effective. Its meaning became increasingly diluted.

In response the Scottish SE community set down the values and behaviours through which social enterprises can be recognised. The document is in effect a voluntary code of practice - or simply the Code. The Code recognises five Basic Criteria for social enterprise - and in a short Appendix identifies some less 'defined' Values/Behaviours/Influences familiar to the social enterprise sector.

#### The Criteria

There are five essential elements of a social enterprise.

1. A Social Enterprise (SE) is a business trading in the marketplace – selling goods and services – but whose primary objective is to achieve social and/or environmental benefit.
2. Regardless of its legal form, the constitution of a SE will include the requirement that profits are reinvested in the business or in the beneficiary community – and not distributed to owners/shareholders/investors. \*(see footnote)



3. The constitution will always require that on dissolution, the assets of the SE are reinvested in another organisation with similar aims and objectives.

Taken together Criteria 2 and 3 are referred to as the 'asset lock' – the defining characteristic of a SE – which distinguishes it from the private sector.

4. SEs are different from those charities and voluntary organisations which do not aspire to financial independence through trading.

5. SEs are distinct from the public sector and cannot be the subsidiary of a public body.

\* This Code does not exclude that certain types of social enterprise could be 'honourable exemptions' to the zero dividend norm. But this number is very small.

## West Lothian Council

# Innovation, Potential and Fresh Thinking: A Framework to Support and Develop More Enterprising Third Sector Organisations 2014/17

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**COUNCIL EXECUTIVE**

**SCOTTISH FIRE AND RESCUE SERVICES: SPECIAL APPLIANCE REVIEW**

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

**A. PURPOSE OF REPORT**

To allow Committee to consider the outcome of the Scottish Fire and Rescue Service (SFRS) review of special appliances and its impact on West Lothian. Responses to the review require to be submitted to the SFRS by the 19<sup>th</sup> Dec.

**B. RECOMMENDATION**

It is recommended that Council Executive:

- 1) Notes the review outcomes
- 2) Welcomes the location of specialist appliances at Bathgate and Livingston Fire Stations
- 3) Seeks consultation from the SFRS on the detailed implementation plans with any implications for SFRS staff resources in West Lothian..

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	
<b>III Implications for Scheme of Delegations to Officers</b>	N/A
<b>IV Impact on performance and performance Indicators</b>	It is not anticipated that this will have a negative impact of the SFRS performance
<b>V Relevance to Single Outcome Agreement</b>	The review has no impact on the SOA
<b>VI Resources - (Financial, Staffing and Property)</b>	SFRS equipment will be relocated as a result of the review
<b>VII Consideration at PDSP</b>	Timescales for responses did not allow consideration at PDSP, although all elected members have been contacted by the SFRS.

## **VIII Other consultations**

The SFRS have engaged all elected members, community planning partners, all community councils and the assoc of community councils

## **D. TERMS OF REPORT**

The Scottish Fire and Rescue Service (SFRS) have recently published their review of Specialist Appliances for consideration by stakeholders. (attached)

The review follows the establishment of a single service for Scotland and the efficiencies to be achieved through this process.

SFRS delivers an emergency service within a complex framework of law, regulation and operational guidance. As the role of the fire service has developed over the years, beyond just firefighting, the range of activities undertaken has continued to expand and widen. Correspondingly, the range of equipment and skills training required to meet this developing role has increased greatly.

This historical deployment of specialist resources (appliances and equipment) required to be reviewed to ensure it conforms to the needs of community and firefighter safety across Scotland now that the historical geographical boundaries have been removed. This review commenced in May 2013, with the aims of delivering on the SFRS' key objectives of delivering operational services efficiently and equitably across the communities of Scotland.

In undertaking the review a number of key principles were acknowledged, notably:

- The underlying expectation was of delivering improved outcomes for Scotland's communities, with greater equity of access to a standardised range of resources.
- Recognition of the fact that 'Resilience' assets (Urban Search and Rescue USAR, High Volume Pump HVP, Mass Decontamination MD, Detection Identification and Monitoring DIM) are not devolved matters to Scottish Government, therefore cognisance was required to be taken of our contribution to UK security.
- An imperative to assure competency in SFRS crews by reducing the present overburdening of certain specialist resources at fire stations.
- In this regard, wherever possible only whole time crews will be utilised due to the availability of sufficient training time.
- In addition to the restrictions encountered through training requirements, stations were selected based on their strategic locations and the surrounding risk profile.
- Where services are or can be delivered by partner agencies, this is reflected in future approaches.

- Capital costs for appliance and equipment replacement will be factors in the final delivery timeline of these changes.

Recognising the wide range of specialist resources involved, this review was divided into 16 separate strands, namely:

- Water Rescue
- Offshore Firefighting and Support
- Line Rescue
- High Reach
- Rescue Pump
- Heavy Rescue
- Urban Search and Rescue (USAR)
- High Volume Pump (HVP)
- Mass Decontamination (MD)
- Detection, Identification and Monitoring (DIM)
- Hazardous Materials
- Prime Mover Strategy
- Command and Control
- 4x4 Vehicle
- Wildfire
- Incident Logistical Support

The Special Appliances Review report is currently in draft format and awaiting approval by the Scottish Fire and Rescue Service Board (SFRB).

On approval of the SFRB a detailed 3 year implementation plan will be developed to implement the recommendations contained within the report.

SFRS LSO's (Local Support Officers) have been tasked with engaging with LA stakeholders until the 19th Dec. For clarity LSOs have been tasked to "engage, communicate and seek feedback from local authority stakeholders on the strategic intent of the Special Equipment Review".

"The rationale for this approach is to ensure that this is correctly viewed as SFRS communicating and engaging locally on issues of operational matters; and is not incorrectly interpreted as a formal consultation process, which is not considered appropriate in this instance".

The SFRS LSO has engaged with the Council Executive spokesperson, Head of Service and has engaged all elected members, community planning partners, all community councils and the assoc of community councils

## **Implications for West Lothian**

In recognising that the 'end state' of the Review of Specialist Equipment may take up to 3 years to implement, and that there may be changes in the final status of some of the recommendations due to the dynamic nature of the environment the SFRS works in, the implications for West Lothian are;

- The Incident Support Unit (ISU) at Bathgate fire station would be decommissioned. The equipment currently stored on the ISU will form part of equipment termed as 'Logistical Support' equipment and stored at Dunfermline fire station in Fife. A prime mover will be used to transport the equipment to incident when required.
- The Water Rescue/flood equipment held on the ISU at Bathgate fire station will be retained at that location and upgraded. The upgrade will take the format of a dedicated vehicle and boat permanently mounted on a trailer.
- Livingston fire station will receive a high reach appliance. (currently the nearest high reach appliance are based at Sighthill and Falkirk Fire Stations)

## **E. CONCLUSION**

The review of Special Appliances by the SFRS reflects the move to a national service and the proposals reflects their assessment of the best use of resources and the implementation of efficient and effective work patterns. At this stage there are no known implications for staff resources within the local fire stations as a result of the review, and it is anticipated that this will be part of the detailed 3 year implementation plan, which will follow subject to SFRS Board approval of the review.

## **F. BACKGROUND REFERENCES**

None

## **Appendices/Attachments: SFRS Review of Special Appliances**

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**Alistair Shaw**

**Date of meeting: 16<sup>th</sup> December 2014**



# RESPONSE & RESILIENCE

## REVIEW OF SPECIALIST EQUIPMENT

### FINAL REPORT



**SCOTTISH**  
**FIRE AND RESCUE SERVICE**

Working together for a safer Scotland

Draft

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Draft

# 1. Executive Summary

The Scottish Fire and Rescue Service inherited a wide array of specialist equipment from the eight legacy fire and rescue services in Scotland. As the demands on services progressively increased over the years, the deployment of additional equipment was undertaken on a local basis, using existing geographical boundaries without any real attempts at mutual aid or cross-border cooperation. A clear imperative to review this position has resulted in the publication of this report, which recommends a range of changes designed to enhance service delivery from a more strategic viewpoint.

From an initial mandate of improving equity of access to fire and rescue resources and delivering efficiencies, this review makes a number of recommendations which will ensure a more balanced disposition of specialist resources across Scotland, based on risk and activity. These improvements will see some resources increased in number where gaps have been identified; or decreased in number where clear overlap and unnecessary over-provision exists.

It is worthy of note that the existing position overstates the actual capabilities across Scotland. Many examples have been identified where the resources do not meet the desired or necessary standard, either in terms of equipment or skills training. A key objective of this review is to produce a standardised approach to each specialist attribute, ensuring that the declared ability is in fact accurate and reliable; and more importantly, safe and effective.

In the vital areas of water rescue and line rescue, additional teams will be created to provide the necessary balance and geographical spread of these resources. Equally important as the simple increase in numbers, a standard delivery model for each resource will see great improvements in training, standard of equipment, stowage of equipment and deployment of resources.

Some current practices, such as the stowage of rescue boats deflated and carried on a range of vehicles not specifically designed for the purpose, will cease. The loss of vital minutes in a rescue environment to inflate and equip boats is unacceptable and must be stopped as quickly as possible.

In areas where some rationalisation is recommended such as Urban Search and Rescue, Mass Decontamination or Command and Control vehicles, reassurances are given that, not only is this a safe and efficient way forward, but that it will result in an improved service with dedicated resources being delivered competently and by better trained and better prepared crews. These recommendations have been made following close consultation with appropriate stakeholders such as the Scottish Government, local authorities and representative bodies. Our ability to declare assets available for UK-wide support at major incidents will actually be enhanced by these measures, as many of our existing resources do not currently meet the required standard.

Unnecessary overburdening of some stations will be removed, with an improved standard of training delivered in all instances. This welcome approach will reduce risk to communities and firefighters alike, by allowing crews to concentrate on a manageable range of equipment and procedures, ensuring confidence and competence in the use of complex equipment.

Acceptance and implementation of these recommendations is key to delivering an efficient and effective model of specialist rescue resources across Scotland; identifying and addressing the substantial risks which exist, and providing an appropriate level of cover for each of our major cities where the perceived risk is greatest. This forms a fundamental step in the creation of a single fire and rescue service for Scotland, the safety of communities being addressed without historical boundaries restricting service delivery.





## 2. Introduction

The Scottish Fire and Rescue Service (SFRS) delivers an emergency service within a complex framework of law, regulation and operational guidance. As the role of the fire service has extended over the years beyond firefighting, the range of activities undertaken has continued to expand and widen. Correspondingly, the range of equipment and skills training required has increased greatly.

Prior to the creation of the single national service, all 8 legacy Scottish fire and rescue services had deployed a range of specialist resources based on their individual assessment of risk as described within their Integrated Risk Management Plans. This historical deployment requires to be reviewed to ensure it conforms to the needs of community and firefighter safety across Scotland now that the historical geographical boundaries have been removed.

This review commenced in May 2013, with the aims of delivering on the SFRS' key objectives of delivering operational services efficiently and equitably across the communities of Scotland. Recognising the wide range of specialist resources involved, this review was divided into 16 separate strands, namely:

- Water Rescue
- Offshore Firefighting and Support
- Line Rescue
- High Reach
- Rescue Pump
- Heavy Rescue
- Urban Search and Rescue (USAR)
- High Volume Pump (HVP)
- Mass Decontamination (MD)
- Detection, Identification and Monitoring (DIM)
- Hazardous Materials
- Prime Mover Strategy
- Command and Control
- 4x4 Vehicle
- Wildfire
- Incident Logistical Support

All individual reports were collated at the end of 2013, with a 2 day workshop involving staff from the Response and Resilience Directorate of SFRS and the Fire Brigades Union. This final report presents the outcome of this work, and sets the strategy for implementation of the final delivery of specialist fire and rescue equipment and resources across Scotland. Final timelines for delivery of this project are discussed in a later section, based on a range of limitations including the requirement to procure and deploy equipment, and train staff accordingly.

A number of key principles were acknowledged in the development of the review, notably:

- The underlying expectation was of delivering improved outcomes for Scotland's communities, with greater equity of access to a standardised range of resources
- This review, however, is limited only to the Scottish mainland. Requirements for the range of inhabited islands will be reviewed independently.
- Recognition of the fact that 'Resilience' assets (USAR, HVP, MD, DIM) are not devolved matters to Scottish Government, therefore cognisance taken of our contribution to UK security. Ongoing national reviews of Resilience assets are acknowledged and considered in this report where changes are known
- An imperative to assure competency in our crews by reducing the present overburdening of certain stations. In this regard, wherever possible only wholetime crews will be utilised due to the availability of sufficient training time
- In addition to the restrictions encountered through training requirements, stations will be selected based on their strategic locations and the surrounding risk profile
- Where services can be delivered by partner agencies, this is reflected in the future approach recommended. SFRS is developing a register of such assets which will greatly assist in mitigating risk
- Cost, whilst considered within the individual resource reviews, cannot be fully developed within this report as the full implications of training and crewing arrangements will become apparent as the project to implement these changes progresses. Capital costs for appliance and equipment replacement will be factors in the final delivery timeline of these changes



### 3. Objectives

This review will assist in achieving the ultimate aims and objectives of the SFRS. Ultimately these aims are to work towards the Scottish Government's Performance Management Framework and principally those National Outcomes to which we are most closely aligned.

The Fire and Rescue Framework 2013 outlines more clearly how we as a service should address these ultimate goals, by setting out 58 priorities under the headings of partnership working, prevention, protection and response. This report aims to address a number of the priorities set against our response service.

In reviewing the disposition and deployment of specialist resources, SFRS recognises a statutory duty to reduce the risks to our communities whilst delivering Best Value; making certain that the communities we serve receive the best possible service, and at the same time providing the greatest possible value for money. The risk management approach to ensuring this, under the heading of Integrated Risk Management Planning, requires us to identify the risks to the community, undertake a process to prioritise these risks, and ensure an appropriate blend and distribution of capabilities to address them.





A specific priority in this regard is set out in Chapter 3 of the Fire and Rescue Framework, which requires more equal access to specialist resources and national capacity. Within this requirement, we have been given a mandate to clarify and communicate the parameters of our operational functions with local community partners, whilst explicitly recognising the need to adapt and improvise in unusual and difficult to define circumstances. A clear expectation is stated that areas with similar risk profiles should normally have similar provision, and that SFRS should develop a leading role in specialist rescue, engaging with the other emergency services and relevant voluntary groups to understand and manage the risk across Scotland.

In attempting to achieve all of these objectives, the twin principles of ensuring both community and firefighter safety will also be at the forefront of our concerns. Improving equality of access has a clear impact on community safety, whilst also affecting firefighter safety. Existing arrangements see specialist resources deployed on historical legacy service grounds. These were predicated on a positive desire to ensure all services were available to all areas, but restricted by geographical boundaries. This had the result of some stations across Scotland requiring to be resourced with several specialist functions simultaneously, potentially compromising the ability of crews to devote the necessary training time to be entirely competent in the necessary procedures and use of the full range of equipment associated with these disciplines. Removal of these boundaries and ensuring a better distribution of these resources will enhance the safety of the firefighters undertaking these specialist rescues, and the communities who require them.



## 4. Special Rescue Activity in Scotland

Scotland has a land mass of approximately 31,510 square miles, and a population of more than 5.2 million people. Our population is as diverse in its distribution as it is in its culture, with the Central Belt of Scotland being very densely populated, whilst some Highland communities are amongst the most remote in Europe. There are 96 inhabited islands, 34,000 miles of road network, 1520 miles of railway, 3 major international airports and an incalculable number of lochs and other inland waterways.

This varied profile means that the fire and rescue service must prepare for and respond to a significant number of different types of emergency. Recent changes to legislation have given the SFRS additional statutory duties to deal with certain types of emergency other than those that are fire related.

Any incident that is not specifically fire related is known as a 'special service', and these include water rescue, line rescue and confined space rescue, as well as all types of transport incidents, responding to terrorist threats and many more specialist rescue types of incident. In a typical year, the SFRS will attend more than 90,000 incidents in total, with at least 10% of these incidents being recorded as special services. Ensuring equitable access to specialist rescue resources for the communities of Scotland is challenging, and this review of specialist equipment seeks to achieve this goal as far as possible.

### Partner Agencies

In making recommendations regarding changes to the scale or distribution of resources in Scotland, cognisance is taken of partner agencies and voluntary organisations that also provide some rescue capability.

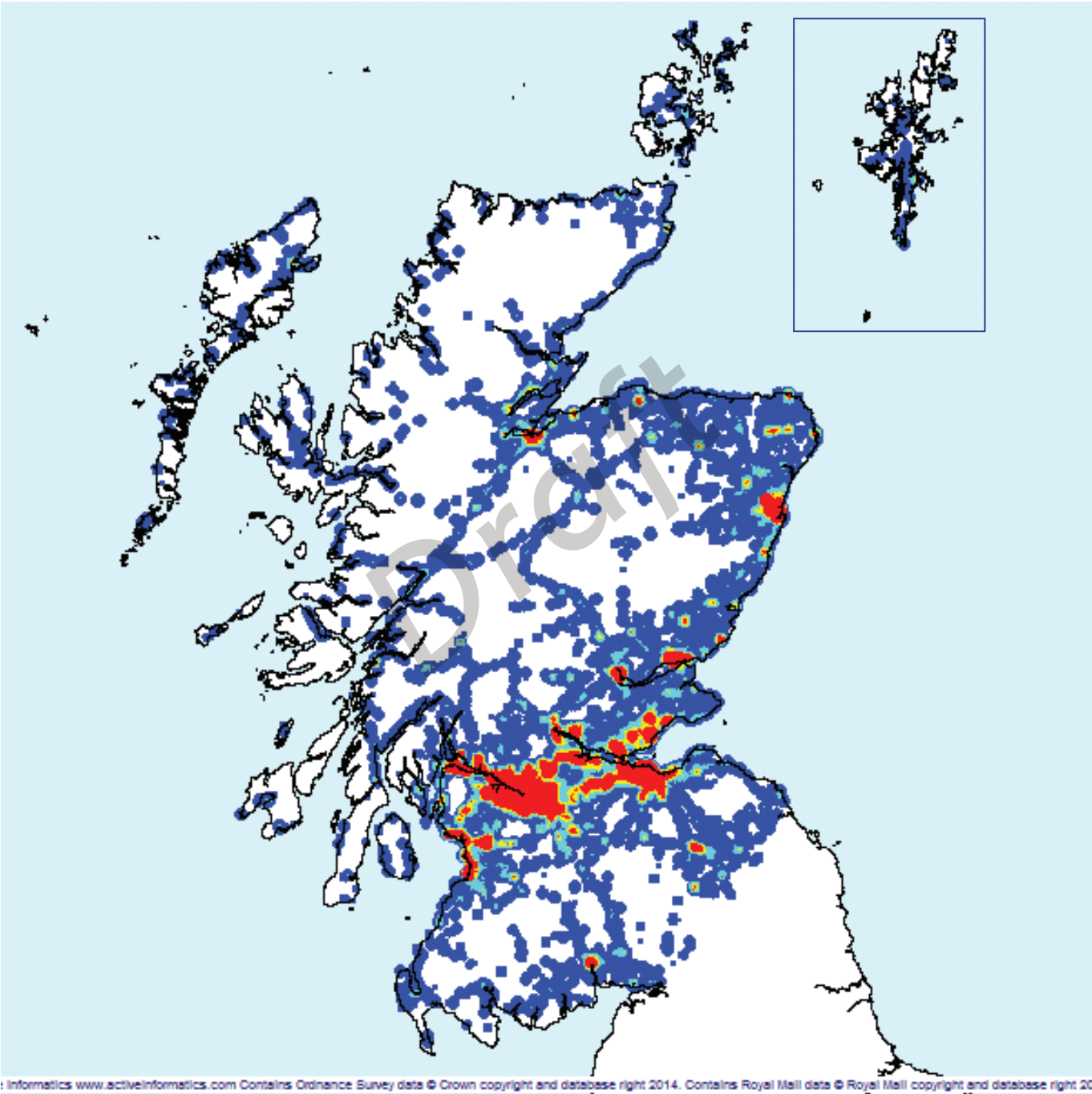
Legacy arrangements demonstrate a wide range of partnership working between SFRS and major partner agencies such as Police Scotland, the Scottish Ambulance Service, the Maritime and Coastguard Agency and Local Authorities Emergency Planning. A number of formal agreements and arrangements are already in place to share premises such as at Greenock and Kinloch Rannoch, and work is currently ongoing elsewhere across the SFRS

to investigate opportunities to progress and extend these arrangements.

Complementing these arrangements, a number of formal agreements made under 'Memoranda of Understanding' or 'Service Level Agreements'; as well as a large number of less formal and local agreements currently exist to engage the services of voluntary or private sector partners where there are recognised attributes and abilities available to provide additional or specific expertise and support. Examples of these include arrangements with Lochaber Mountain Rescue, Trossachs Search and Rescue, the Salvation Army and Rescue Three (water rescue on the River Tay).

In order to secure a consistent and transparent approach to the provision of additional and expert support, the SFRS is creating a comprehensive register of accredited specialist services across Scotland. This register, once fully operational by early 2015, will give a central database of willing and suitable providers of specialist rescue, welfare, communications, transport and supporting services; detailing the organisations' names, locations, capabilities and limitations. The database will be designed to provide a searchable register of assets without creating an administrative burden which outweighs its benefits.

This register will assist us to deliver the best and most efficient rescue capability possible, utilising local knowledge and skills whilst helping to avoid unnecessary duplication. Given the significant challenges posed by the geographical diversity of the Scottish mainland and inhabited islands, this development will assist in meeting the objectives of the SFRS, the Scottish Government and Her Majesty's Inspectorate of Fire and Rescue; by ensuring the most equitable access possible to fire and rescue and specialist resources for all communities across Scotland.



Key	Incidents per 1km square
Dark Blue	0 - 19.9
Light Blue	20 - 29.9
Yellow	40 - 59.9
Red	60 and over

This diagram details special service incident activity across Scotland over a period of three years (2010/11 – 2012/13) As can be seen from the key, the colour of the shaded areas are coded to represent the number of special service incidents per 1km square over the three year period.



## 5. Existing Provision of Special Rescue Resources

The provision of special rescue resources in Scotland has evolved in an abstract manner over several decades. Up until the introduction of the Fire (Scotland) Act in 2005, there was not even a statutory duty for fire services to attend road traffic collisions, let alone perform water rescues or deal with chemical incidents or building collapses. Where there is no statutory requirement, there is no funding, and the initial introduction of rescue equipment was achieved from within existing fire service budgets and with minimal guidance available in terms of the standardisation of equipment or capabilities to be achieved.

In addition, prior to the launch of the Scottish Fire and Rescue Service (SFRS) in 2013, individual Chief Officers had a specific responsibility to address risk within their own areas of responsibility, and had understandable reluctance to rely on resources from neighbouring services to provide an emergency response that was not within their direct control.

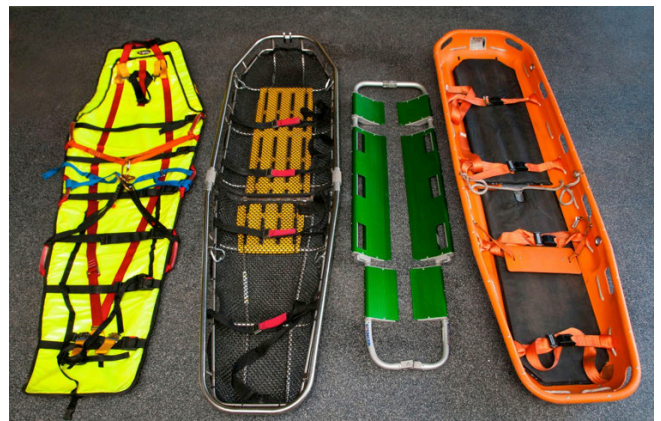
The result of these legacy arrangements is a collection of special resources across Scotland that differ greatly in terms of the type and standard of equipment provided, the crewing arrangements, training requirements and mobilising arrangements. The strategic location of these

resources is also flawed and inconsistent when looked at in a Scotland-wide context, with similar resources often located in relatively close proximity to one another, making other areas of Scotland appear under-resourced by comparison. The lack of standardisation also means that supposedly similar resources from different legacy services are often completely incompatible with one another if required to operate jointly at a single incident.

The desire for legacy fire services to be fully self-contained in terms of special rescue operations has placed a very heavy burden on certain stations, particularly those that are the only wholetime station within a legacy area. Inverness for instance, has water rescue, USAR, foam, mass decontamination, heavy rescue, hazardous materials and command & control resources as well as a high reach appliance within one station. With only a finite number of training hours available per person per year, it is impossible to maintain genuine competency in all of these areas. Put in perspective, there are approximately 300 dedicated training hours available per annum to a wholetime firefighter. It takes 222 hours of training to maintain basic competency in the role of a firefighter, and a further 80 hours just to maintain competence in water rescue, before going on to look at the other attributes that each firefighter must train for.



Line rescue equipment



Using the example of Inverness, it is impossible to maintain competency in such a wide range of skills, and any gaps in training or competency have potential serious implications for firefighter and community safety. There are additional challenges to maintaining a very high number of special resources within a single station. Inverness fire station has 16 different vehicles operating from this one central point, in an attempt to provide a complete fire and rescue response for the Highland region, an area of more than 11,000 square miles. In addition to the training burden associated with each resource, there is a significant testing and maintenance regime that accompanies each vehicle, each item of clothing and every item of equipment.

Another legacy issue associated with special resources is the great variety of equipment that has been procured by each of the legacy services. Budget limitations, and in some cases limited capacity for research and development, have resulted in some equipment being below an acceptable standard for a national fire and rescue service. One example of this is the various types of boat provided for water rescue, and indeed the methods used to mobilise and deploy such resources. In the legacy Dumfries and Galloway area, rigid inflatable boats are stored in a deflated state, and mobilised within plastic containers attached to a gantry system on top of a rescue pump. The outboard motor is located within a separate locker on the appliance, and this arrangement precludes carriage of a 13.5 metre ladder, a standard item of life saving equipment.





On arrival at an incident, the boat requires to be removed from its transit location, carried to the launch site, inflated by use of compressed air cylinders and have the motor attached before any rescue can be attempted.

In direct comparison, water rescue boats in many other areas are stored fully inflated, on a road-going trailer, with the outboard motor and all other equipment permanently attached, ready to be transported by a dedicated 4-wheel drive vehicle to allow ready access at a launch site.

Other resources have equally disparate methods of stowage and transportation. A number of heavy rescue resources around the country are combined with a USAR

resource and carried in pods that are transported by a prime mover chassis. This method of transportation is reliable enough, but very slow. The pod requires to be mounted onto the chassis before leaving the station, and always requires to be dismounted at the incident before any equipment can be accessed. The prime mover also needs a very large area of hard standing to accommodate the process of dismounting the pod. Whilst this arrangement allows many areas to claim the availability of a heavy rescue resource, in reality the resource is a much diluted version, with a far slower response time than that provided by a dedicated heavy rescue vehicle such as the vehicle currently located in Easterhouse.



The current USAR provision across Scotland falls far short of the UK national standard. It would appear on the surface that Scotland is very well provided for in terms of USAR teams and equipment, with resources that appear to greatly exceed Government recommendations. However, on closer inspection, none of the teams operating in Scotland has the correct range of equipment, standardised tools or stowage arrangements that would allow us to declare the SFRS with a UK national USAR resource. Apart from the obvious shortcomings in capability that this means for the SFRS, not being a UK standard resource also precludes the SFRS from entering into reciprocal arrangements with fire and rescue services in England, potentially leaving Scotland vulnerable.

Concentrating the existing SFRS USAR assets into key sites around Scotland would serve as the first step towards developing a fully competent USAR response that would stand up to scrutiny and match those resources currently established elsewhere in the UK.

The removal of borders between legacy fire and rescue services, the requirement for more efficient and effective working practices, and the wealth of knowledge that exists across the SFRS must all be factors that are used to ensure a better, more robust and resilient special rescue provision for the communities of Scotland.



## 6. Water Rescue



### Description

This term refers to incidents involving rescue of persons from inland waterways, floodwater and unstable ground. There are a range of water rescue levels within this incident type: shore-based rescue where crews operate from a safe area; wading techniques in flood waters; specially qualified crews entering swift-water or flood environments to affect rescues using tethered swimming techniques; or use of powered boats and associated equipment. The expectation within SFRS is to have the vast majority of crews trained and equipped to carry out shore based rescue, however this report is aimed at the more specialist attributes of rescue from swift water by swimming or powered boat.

### Current Position

Water rescue incidents have become more common in recent years, although it is hard to establish whether this is an overall increase in the number people finding themselves in distress in a water environment, or simply an increased awareness by the public and partner agencies of the fire and rescue services' capabilities in this area.

A great disparity currently exists between the training, equipment, storage and deployment methods, and the naming conventions used across Scotland. Powered boats are often carried deflated to incidents, by vehicles designated for a range of uses such as prime movers or standard fire appliances, without any crew welfare provision and with a built-in time delay.

As a result of this, it would be inaccurate to describe all of our existing resources as truly providing a water rescue capability. Of the 16 declared resources, only around 50% are to the standard we would hope and expect; able to provide a rapid response in a range of water-based environments, utilising the full range of approved equipment.

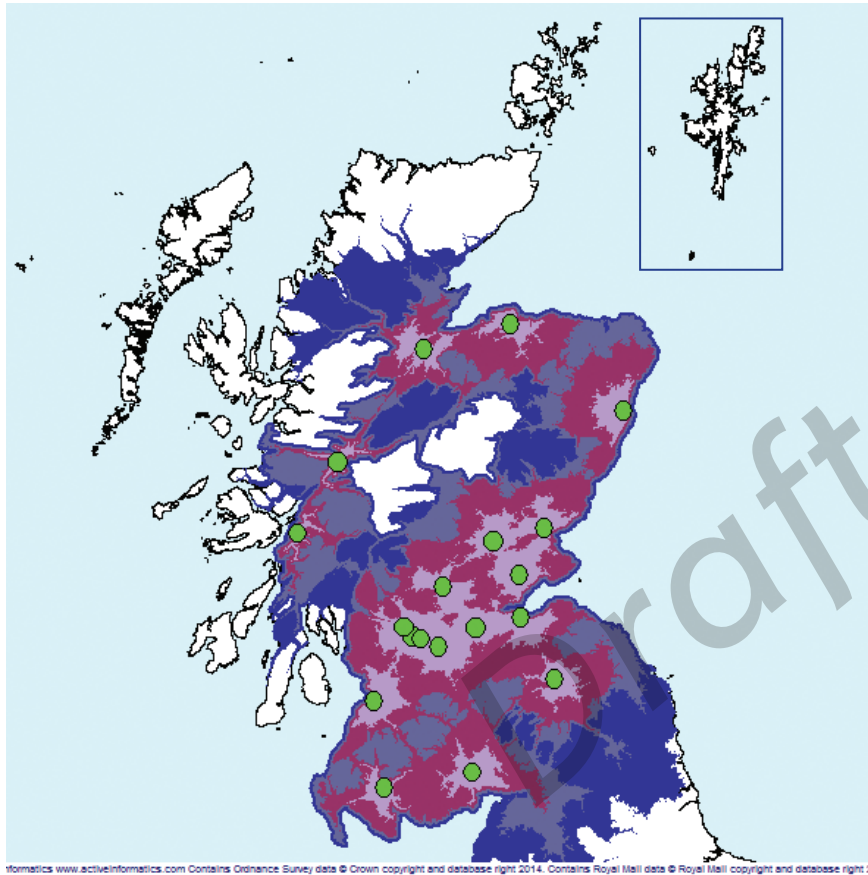
### What we plan to do

We recognise an increasing demand for water rescue resources across Scotland, highlighted by some of the tragic events that have occurred on our inland waterways, particularly during summer months; and the likelihood of increased rainfall with associated flood potential during wetter winters. Our objective of ensuring equity of access to our resources across the communities of Scotland is a challenging and demanding target in this area. To achieve our targets and to improve our strategic coverage in this field we will deliver the following:

- All resources will have dedicated vehicles with crew welfare facilities, towing permanently inflated boats ready for immediate deployment.
- We will increase the number of fully equipped water rescue stations to 20.
- New resources introduced to Aberdeen, Oban, Fort William and the Scottish Borders to address existing gaps in coverage.
- The existing resource crewed by RDS staff at Annan will be moved to Dumfries to improve strategic deployment and training competence utilising wholetime crews.
- Ensure all crews trained to nationally recognised "team-typing" standards.



## Water Rescue - Proposed End State



The adjacent diagram shows the coverage for Scotland following the introduction of new water rescue capabilities in Aberdeen, Fort William and Oban.

\*There will also be one further water rescue resource located in the Scottish Borders area.

### Key - Travel Time

20 minutes
40 minutes
60 minutes
90 minutes

WATER RESCUE
Elgin
Central (Aberdeen)
Glenrothes
Perth
Kingsway East (Dundee)
Inverness
Oban
Motherwell
Ayr
Polmadie (Glasgow)
Knightswood (Glasgow)
Clydesmill (Cambuslang)
Dumfries
Stirling
Bathgate
Galashiels
Marionville (Edinburgh)
Fort William
Newton Stewart
*Hawick

## 7. Offshore Firefighting and Support



### Description

Our duties and responsibilities on the mainland of Scotland are relatively clear, either statutorily or through custom, practice and community expectation. Our duties in the marine environment are less distinct, but nevertheless require consideration due to the number of inhabited islands and the volume of water-borne traffic around our shores. There are a number of approaches to delivering a response within the marine environment.

The Marine Operations Group (MOG) is the term used to describe trained fire crews that fulfil the SFRS statutory responsibility to deal with incidents on vessels 'alongside' in harbours, ports and terminals. These crews receive enhanced training and some additional equipment to assist them in this task.

Fire and Rescue Maritime Response (FRMR) involves teams with advanced training and specialist equipment responding to fires on ships and vessels at sea, being transported by helicopter or watercraft as appropriate.

Only one remaining FRMR group (previously MIRG) currently operates, from Greenock, and responds to fires on ships at sea, with personnel trained in air and sea transport techniques. Whilst initially funded by Government through the Maritime Coastguard Agency (MCA), if continued, this provision now requires to be supported fully from within the SFRS budget.

### What we plan to do

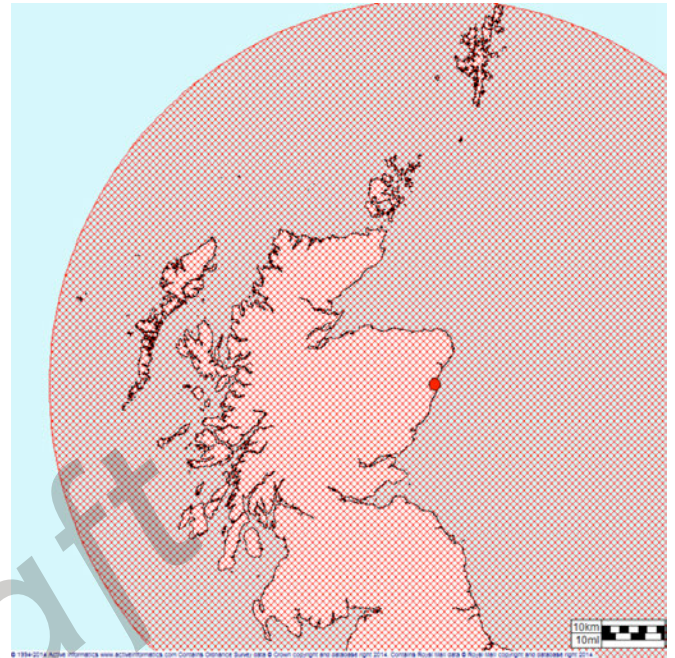
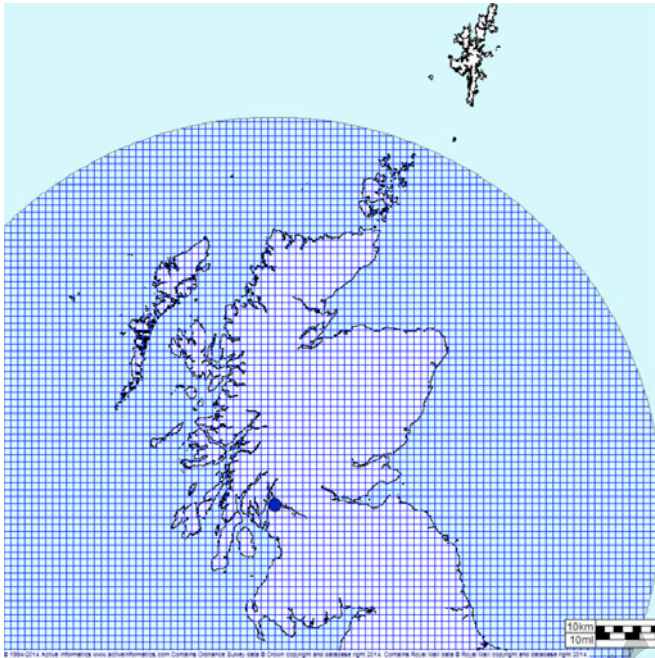
12 stations around Scotland will be selected to carry out the MOG role. A MOG station may be expected to attend incidents outwith its own area of responsibility and will require only limited additional equipment in addition to that carried on a standard rescue pump. MOG teams will only attend incidents in ships that are:

- moored alongside.
- in dry dock.
- under repair.
- under construction.

A separate project team consisting of representatives from the Response and Resilience Directorate and Service Delivery Areas will determine the locations of the 12 MOG stations.

The FRMR team will also be used in the delivery of operational support for remote, rural and island communities, by providing senior officers for incident command and additional firefighting crews for larger or more complex incidents in locations where this is otherwise difficult or impossible to achieve. This will include gaining water or airborne access to remote and island communities, and is part of a wide ranging policy addressing such issues.

A feasibility study is currently ongoing looking into creating a second team, based in the North East of Scotland, to provide the same level of cover for the North and North East coasts, Orkney and Shetland Islands.



The diagrams above show the coverage afforded by Coastguard Helicopter from bases in Greenock and Aberdeen. All Coastguard helicopters have ranges in excess of 200 miles (400 round trip with 30 minutes operating time on site) which allows for marine firefighting teams or support teams for remote incidents to be transported anywhere on the Scottish mainland and to any of our inhabited islands.

## 8. Line Rescue



### Description

Line or Rope Rescue is a form of technical rescue from height or below ground level, which involves the use of ropes, harnesses, anchoring and hauling devices. For SFRS purposes this is principally limited to urban and structural locations as the other categories of wilderness, mountain and cave rescue are largely the domain of other agencies.

Expectation within the SFRS is that the majority of our crews will be trained and equipped to Safe Working at Height (SWAH) standard, which equips crews to operate safely in such environments, including gaining access to casualties, but provides limited scope for the rescue and retrieval element. This report considers the need for an enhanced level of strategically placed resources, trained and equipped to handle the more complex rescues where height is a factor.

### Current Position

SFRS inherited a position whereby seven of the eight legacy services provided some form of rope rescue facility. However, the levels of training, the terminology and the equipment used differ significantly across the country.

The upper end of the capability includes teams trained and equipped to deal with complex technical rescues including from open structures such as tower cranes; or involving horizontal and vertical stretcher lowers and raises. An enhanced SWAH capacity forms the lower end of the capability, which allows simple top-down access in order to stabilise the casualty until a full technical rope rescue team arrives, or if the situation dictates the possibility may exist to carry out a simple snatch rescue.

At present only teams in Edinburgh, East Kilbride and Lochgelly could be formally considered to be technical rope rescue teams available at all times. Additionally, Perth and Kingsway East (Dundee) are trained to a standard somewhere between the higher and lower ends of this capability, specifically to augment and enhance their water rescue provision. Other teams are either at the lower ends of the range, or operate the retained duty system (RDS) which severely compromises the ability to maintain competency under existing training and attendance regimes for RDS crews.

Large parts of Scotland, therefore, presently have limited or no access to technical rope rescue teams, other than through a disparate range of contracts and memoranda of understanding with external companies or agencies.

### What we plan to do

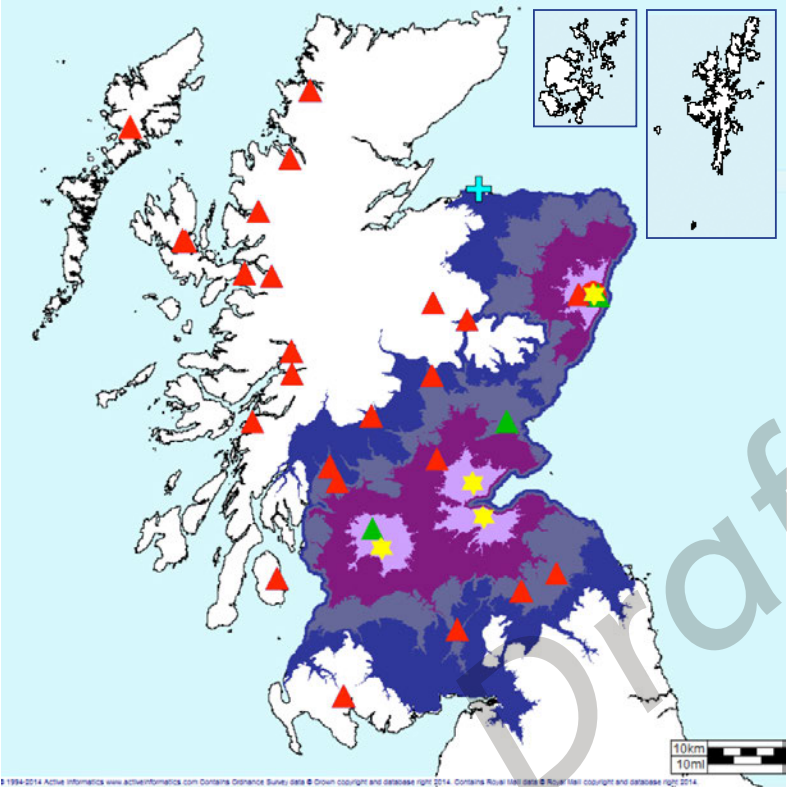
The key objective for this attribute is to ensure we have competent crews, suitably trained and supported to carry out these complex tasks safely and successfully. This requires the implementation of a number of basic principles:

- Line rescue will be deployed from wholetime, multi-appliance stations to ensure the best use of resources in maintaining the onerous training requirements and thereby improving resilience.
- Where possible, with the exception of high-reach appliances, no competing specialist attribute will be deployed from a line rescue station.

The resultant recommendation is that 4 dedicated line rescue stations will be created. Teams will be maintained at East Kilbride, Lochgelly and Tollcross (Edinburgh), whilst a new team will be introduced at Altens (Aberdeen), giving a more strategic distribution of line rescue resources with much improved coverage for the whole of Scotland. In addition Perth and Kingsway East (Dundee) will continue with their limited line rescue resource, principally aimed at supporting their key water rescue capability. Newcraighall (single pump) and Falkirk (Recall To Duty staff) will be removed once Altens is fully operational.



Line Rescue - Proposed End State



Resource Key	
★	SFRS dedicated line rescue teams
▲	Scottish Mountain Rescue Teams and Search and Rescue Teams
▲	Police Mountain Rescue Teams
+	RAF Mountain Rescue Team

This map shows the coverage for line rescue in Scotland that is achieved by introducing a new SFRS team in Aberdeen. A register of external rescue agencies including Scottish Mountain Rescue will be kept and will assist in providing a resilient line rescue response in more remote areas.

LINE RESCUE
East Kilbride
Lochgelly
Tollcross (Edinburgh)
Altens (Aberdeen)

Key - Travel Time	
20 minutes	
40 minutes	
60 minutes	
90 minutes	

## 9. High Reach



### Description

A standard fire appliance carries a number of ladders with a maximum reach to the 4th floor of most buildings. Dedicated 'high reach' appliances are used to address the need for firefighting and rescue in the taller buildings that are common in urban environments

A diverse range of high reach appliances are available; including turntable ladders (TL), hydraulic platforms (HP) and aerial ladder platforms (ALP). In recent years combination appliances known as aerial rescue pumps (ARP) or combined aerial rescue pumps (CARP) have become a viable alternative, offering the capability of performing conventional pumping appliance tasks whilst also having a high reach capability.

### Current Position

There are currently 27 'high reach' appliances available across Scotland, a combination of ALPs, ARPs, HPs and TLs. Data Analysis and risk modelling have shown that the ideal spread of high reach appliances is broadly in line with the actual current distribution, although there are small gaps worthy of further consideration, and some appliances that are no longer considered fit for purpose.

The existing spread of appliance types, however, is based on historical preference and taste, and includes little acknowledgement of the most suitable type for individual risks or concentration of risk. In some areas, Edinburgh, for example, the existing fleet is predominantly turntable ladders and all elderly and at risk of becoming obsolete. ARPs are mostly clustered in the West at the moment, and those located at Dumfries and Stranraer are deemed unfit for purpose due to design issues.

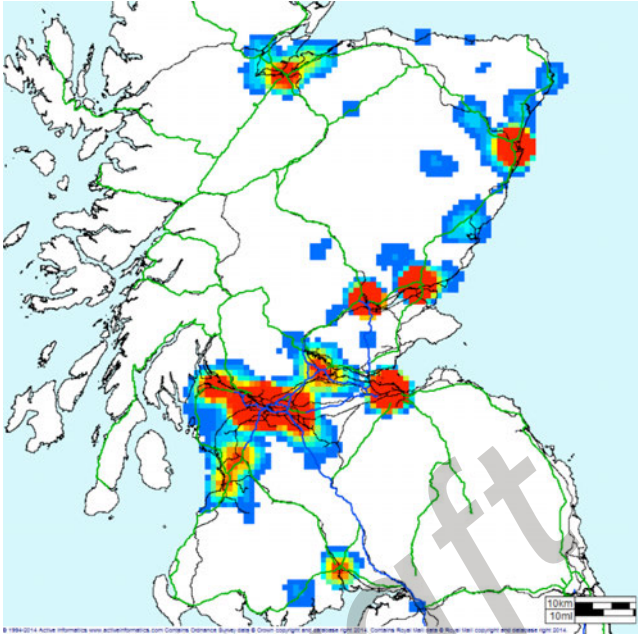
### What we plan to do

A replacement strategy has commenced with the procurement of 6 new chassis to be built as high reach appliances. These will be distributed as necessary to replace older appliances as they reach 'end of life'. The overall number of high reach appliances available across Scotland will not change initially, although there will be an overall increase of one additional height appliance once the new build vehicles become available. Nationally, there will be changes to locations in some cases, and an improved distribution of vehicle types.

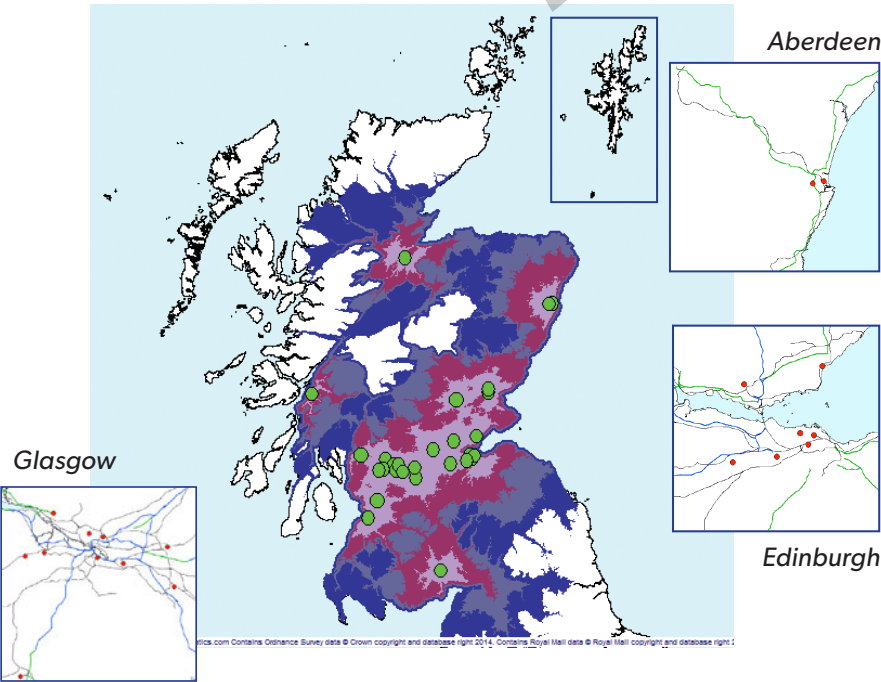
Specific changes at present will be:

- The existing ARPs in Dumfries and Stranraer will be removed, with a replacement vehicle reintroduced immediately to Dumfries only. Risk profiling and historical activity demonstrates limited added value in siting a high reach appliance in Stranraer.
- Replacement of the existing Turntable Ladder at Sighthill with an Aerial Rescue Pump, allowing disposal of one vehicle which is close to 'end of life'.
- Potential allocation of a high reach appliance to Livingston when one becomes available following delivery of the new build appliances.
- Redistribution of some appliance types to meet longer term distribution model (plan includes having at least one ARP and one ALP in each of Scotland's 4 largest cities).

The adjacent diagram shows incident activity over a 4 year period (2009/10 – 2012/13) where high reach appliances were mobilised.



Height Appliance - Proposed End State



HEIGHT APPLIANCES
Central (Aberdeen)
North Anderson Drive (Aberdeen)
Blackness Road (Dundee)
Macalpine Road (Dundee)
Inverness
Perth
Oban
Kilmarnock
Ayr
Dumfries
Clydebank
Maryhill (Glasgow)
Polmadie (Glasgow)
Springburn (Glasgow)
Greenock
Motherwell
Coatbridge
Clydesmill (Cambuslang)
Johnstone
Paisley
Tollcross (Edinburgh)
McDonald Road (Edinburgh)
Crewe Toll (Edinburgh)
Sighthill (Edinburgh)
Falkirk
Dunfermline
Kirkcaldy
Livingston

Key - Travel Time

20 minutes
40 minutes
60 minutes
90 minutes

The above diagram shows the coverage across Scotland achieved with the proposed distribution of height appliances.

## 10. Rescue Pump



### Description

This is now considered the standard fire appliance in Scotland, carrying a full crew of firefighters providing the first response to all emergency incidents. The term “rescue pump” is used to indicate that these appliances carry an enhanced range of equipment to deal with the wider array of activity now expected of the service.

A traditional firefighting appliance was equipped with breathing apparatus, hose, water, ladders and incorporated a firefighting pump to allow rapid intervention in the event of fire. Over recent years this has been gradually developed to now also include a range of rescue equipment such as airbags, hydraulic cutters, spreaders and rams to provide a capability to effect rescue from road traffic collisions and other emergency incidents.

### Current Position

The majority of appliances in the SFRS fleet are already fully equipped rescue pumps. This carries the distinct advantage of ensuring at least one rescue pump is mobilised in the first stages of the vast majority of incidents across Scotland; and further negates the requirement to routinely send specialist vehicles unless requested by on-scene incident commanders.

Having said this, some significant gaps exist in the distribution of these appliances, notably in the Highlands and Islands areas. Although these areas historically experience very low activity, they are also often very remote and difficult to support with additional crews or specialist equipment. Priority requires to be given to upgrading the fleet in these areas to ensure a better spread of available rescue pumps.

Efforts to deliver these improvements however, are not assisted by the incredible range of configurations and specifications inherited in the existing arrangements. Differences in equipment, stowage, vehicle charging and radio installation etc, make the task of standardising and rotating the fleet, to plug these gaps, very time consuming and expensive.

### What we plan to do

The SFRS has developed a rescue pump programme which will deliver on a number of key objectives:

- To ensure that fully equipped rescue pumps are allocated to those stations that do not have such a provision at present, with priority going to achieving at least one rescue pump in all multi appliance stations.
- To standardise the wide range of appliance configurations and specifications inherited across Scotland.
- To deliver a rolling programme of vehicle replacement to maximise the use of all of our fleet and ensure an efficient and effective servicing and maintenance regime. This involves rotating the fleet around different stations, rather than permanently assigning a vehicle to a single station which often results in massive discrepancies between appliance workloads and mileages and is not an efficient use of our resources.

In order to achieve this, a total of 48 new appliances are currently under construction, with 16 already delivered as of March 2014. A target of 30 new appliances per year has been set, which although challenging, will deliver a first class fleet of emergency vehicles across Scotland.



As can be seen in the image below, a standard SFRS rescue pump carries a considerable amount of dedicated rescue equipment. Whilst full standardisation of this equipment will take some time to achieve, the list of equipment that follows is typical of rescue pumps across all areas of Scotland:

- Hydraulic cutters, spreaders, rams and pedal cutter
- Portable 1.6 tonne wire rope winch
- 2 x high pressure air bags (20 and 40 tonne capacity)
- Vehicle stabilisation equipment (blocks and chocks)
- Casualty protection and sharps protection
- Rescue board (stretcher)
- Trauma kit (first aid and oxygen therapy equipment)
- Defibrillator
- Lifejackets (crew safety)
- Throw lines and hose inflation kit (shore based water rescue)

This equipment provides a comprehensive rescue capability for shore based water rescue, road traffic collisions, incidents where persons are trapped and all incidents where casualties require immediate trauma care.









## 11. Heavy Rescue/Urban Search and Rescue

### Description

Although the standard equipment carried on a rescue pump allows us to successfully deal with the vast majority of incidents, there remains a small number of occasions which require the use of a wider range of heavy duty rescue equipment. Such incidents include multiple vehicle road traffic collisions; large transport incidents involving commercial vehicles, trains, trams or aircraft; and industrial work place entrapments. Traditionally these types of incidents were categorised as 'Heavy Rescue'. In response to the threat of terrorist attack in the UK, principally following the 09/11 bombings in the USA, a New Dimensions programme was set up to equip emergency services to conduct Urban Search and Rescue (USAR) operations in collapsed buildings, and to respond to major non-road traffic transportation incidents such as rail or air incidents.

The UK Government's National Security Strategy identifies and categorises areas of greatest risk, typically declaring major cities as model response sites with agreed minimum response levels. These sites require dedicated resources, including USAR, to be available and ready for use in the event of a relevant incident and within specific time limits. Glasgow, Edinburgh, and to a lesser extent Aberdeen, feature within the planning assumptions for USAR response at the present time. However there is a review of UK-wide USAR resources which may have an impact on equipment and location requirements in the future.

The two categories of Heavy Rescue and USAR are not identical, but can have significant similarities in the skills and equipment required. In this regard this report will consider both within a single section which, when taken together with the previous section on Rescue Pumps, will present an overall package of rescue capability.

### Current Position

Most legacy fire and rescue services in Scotland, prior to the establishment of the SFRS, were supplied with vehicles, equipment and training by the Scottish Government to undertake USAR activities. The existing position inherited by SFRS is a confusing mixture of these resources together with dedicated heavy rescue vehicles or demountable pods which can be uplifted to scene by a prime mover vehicle.

Activity levels for these types of incidents are thankfully low, commonly following the major road networks where RTCs involving commercial vehicles account for the majority of activity, as shown in the map overleaf. Genuine USAR related incidents are rare, with only approximately 15 partial building collapses over the period of 2010-2013, of which the Clutha Bar incident was most notable.

The current position reflects the individual deployment and risk profiling of each of the 8 legacy services in Scotland, set against the constraints of the local geographical boundaries. It does not currently satisfy the UK model response sites planning assumptions; nor the strategic, risk-based requirements of Scotland as a whole. It also does not adequately consider the training requirements and capacity of the crews currently providing these resources

The relatively random nature of resource disposition at present gives an impression of an over-provision for this type of high impact but low occurrence activity. The disparity of procedures, equipment, training and qualifications of USAR personnel in Scotland, however, has prevented the declaration of full resource availability in support of UK-wide planning assumptions. For example, SFRS inherited a position whereby we have over 500 personnel trained to "tool operator" standard, with only 100 trained to the higher level of "technician". A requirement exists to redress this balance of skills, to provide a smaller cadre of better qualified personnel to fully meet interoperability expectations. Furthermore, a structured approach is required to provide, in a strategic and efficient manner, the wide range of equipment necessary and available to deal with USAR and Heavy Rescue incidents.

### What we plan to do

The future strategy for SFRS sees a “package” of rescue capability, encompassing rescue pumps, heavy rescue vehicles and USAR resources. Including increasing our footprint of rescue pumps, as already outlined, we believe that altogether this package will ensure an optimum coverage to meet the inherent risk and anticipated demand.

Dedicated heavy rescue vehicles will be stationed in the following areas, to give cover to specific risks and also to provide a strategic footprint across Scotland:

- Inverness – in recognition of the A9 trunk road corridor and the relative remoteness from supporting resources.
- Stirling – due to its strategic central location and good access to major trunk roads heading north.
- Glasgow (Easterhouse) – recognising the major transport links of the Central Belt and the particular risk presented by the Underground system.
- Edinburgh (Sighthill) – again in recognition of the greater demands and activity levels of the Central Belt, and specifically the new Edinburgh tram system.
- Dumfries - addressing the relatively high level of RTC activity on the A75 trunk road and the relative remoteness of the southern parts of Scotland.

In addition, USAR resources will be deployed from:

- Clydebank, Kilmarnock and Cumbernauld to satisfy model response planning for Glasgow and Central Belt.
- Newcraighall/Dalkeith to satisfy model response planning requirements for Edinburgh and Central Belt.
- Aberdeen and Dundee to provide suitable equity of access balanced against our capacity of stations and crews to maintain competency.

These USAR resources will also be mobilised as heavy rescue attributes should the incident location dictate, resulting in an overall picture of heavy rescue cover which satisfies all anticipated risks and demand levels.

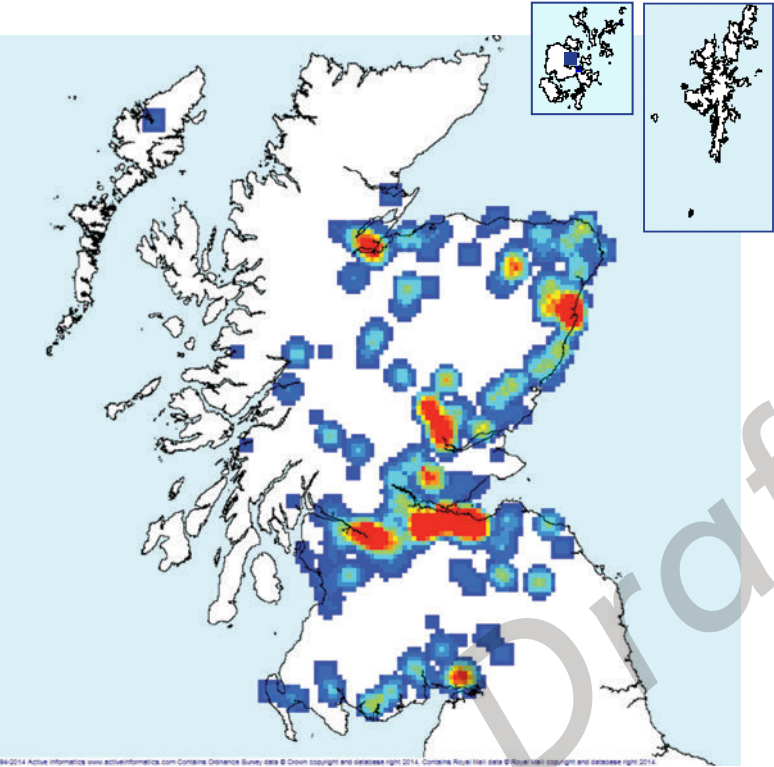
These heavy rescue resources and USAR resources are sent as a supplement to well-equipped Rescue Pumps already in attendance. Taken together with the full package of rescue pumps, this represents a significant improvement in current arrangements, with a proportionate distribution of these assets across all areas of need in Scotland.

This will ensure a balance of the provision of national coverage in line with Scottish Government expectations in relation to the communities of Scotland having equity of access to specialist resources, and also allows Scotland the capacity to respond to a USAR event within and outwith Scotland whilst ensuring resilience.

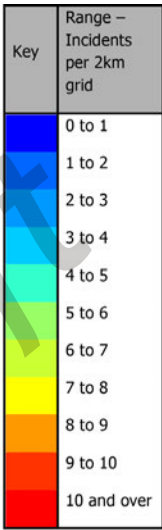
This recommended level of resilience ensures capacity for major events such as the Commonwealth Games, whilst also allowing these units to provide support for the rescue pump and heavy rescue package previously outlined, without compromising the USAR resource declaration.

These units will all be deployed using a dedicated vehicle, as opposed to the current range of deployment methods such as demountable pods. Crews will be trained to technician level as demanded by UK national resilience policy, and the resources will be deployed from stations which are not overburdened with a number of specialist resources, as at present, and can therefore devote the necessary time for training to ensure competency in this complex arena.

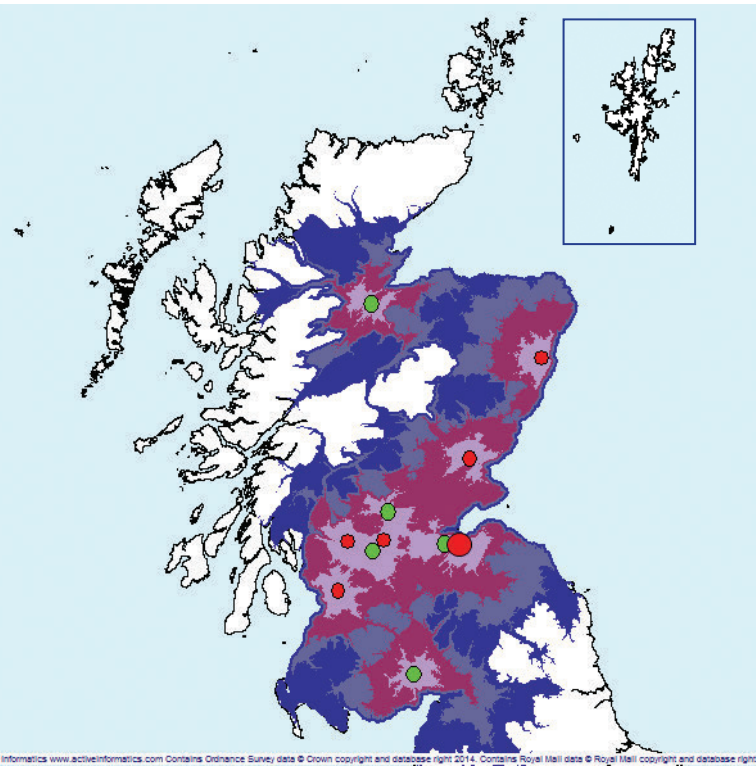
Combined Urban Search and Rescue and Heavy Rescue incident activity



The adjacent diagram shows the incident activity for large vehicle RTCs and partial building collapses across Scotland in the period 2010-2013. As the key below demonstrates this is a map of very low activity levels.



Combined Urban Search and Rescue and Heavy Rescue resource coverage



The adjacent diagram shows the coverage across Scotland that is achieved when heavy rescue resources and USAR resources are both made available for such incident types.

HEAVY RESCUE VEHICLE	
Inverness	
Sighthill (Edinburgh)	
Easterhouse (Glasgow)	
Stirling	
Dumfries	
USAR	
North Anderson Drive (Aberdeen)	
Kilmarnock	
Clydebank	
Cumbernauld	
Newcraighall and Dalkeith combined	
Macalpine Road (Dundee)	

**Key - Travel Time**

Light Purple	20 minutes	Grey	60 minutes
Dark Purple	40 minutes	Blue	90 minutes

## 12. High Volume Pumps



### Description

High Volume Pumps (HVP) and their associated equipment are capable of pumping vast quantities of water over large distances. These highly specialist resources, provided under the New Dimensions programme like Mass Decontamination, DIM and USAR, were to deal primarily with mass flooding which has shown itself to be an increasing problem in recent years, but are also effective at delivering very large quantities of water for firefighting purposes when required. The HVP and hose carrying/ laying equipment that complements it, is carried on a Prime Mover chassis to the incident ground where the crew will generally remain at the incident to operate the equipment and ensure continued reliable pumping operations for the duration.

### Current Position

There are four HVPs in Scotland, located at Elgin, Clydesmill (Cambuslang), Falkirk and Hawick. Elgin is already a prime mover station, and is also in an extremely good strategic location to cover the oil industry risk in Aberdeen as well as flooding risks in the Speyside and Inverness area. Clydesmill (Cambuslang) and Falkirk provide cover for the majority of Scotland's heavy industry including major sea ports, ship building yards and oil and chemical production. Both of these stations are also located near to the motorway network that allows rapid access to all of Scotland's trunk roads heading across the Central Belt and to the North, Ayrshire and the Borders. Hawick is a rural and relatively remote location to the South of Scotland, located only 15 miles from the border with England. Whilst there is a recognised flood risk in the Borders area as with most other areas, the siting of an HVP in Hawick, one of only 4 in Scotland, is closer to Carlisle, Penrith and Newcastle than it is to Glasgow, Stirling or Dunfermline.

### What we plan to do

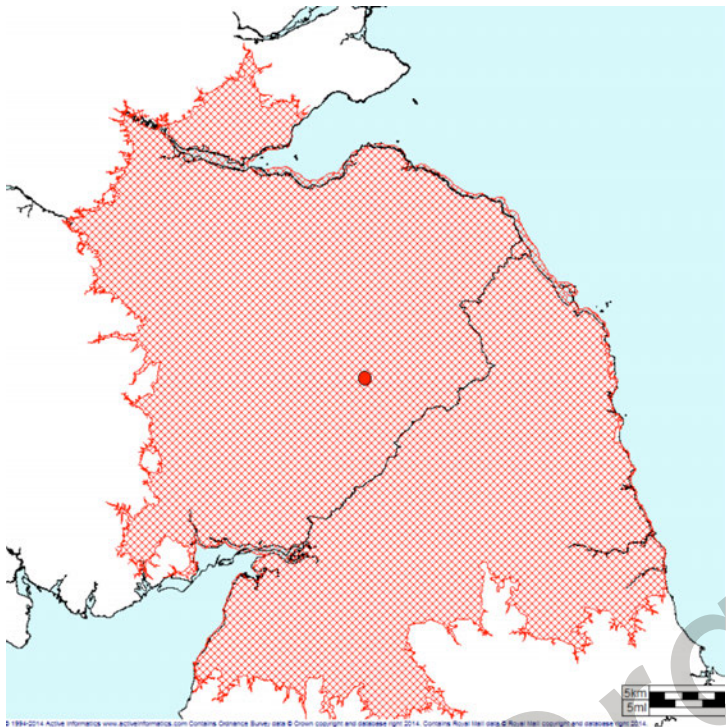
Similar to all resilience assets provided under the New Dimensions programme, the anticipated use of HVPs is classed as being low frequency but high impact. Originally provided to respond to major flooding events, their abilities to add considerable value to certain firefighting operations has widened their expected use, and are now considered a vital resource for controlling fires and to allow the cooling of large oil storage tanks such as those found at the Grangemouth oil refinery, Finnart oil terminal and Dalmeny tank farm.

The requirement to provide an HVP in response to major flooding can generally be expected as part of a long term solution to a protracted event, whereas the use of HVPs at a tank fire would require as swift a response as possible to ensure rapid intervention and reduce the risk of the incident escalating. At Grangemouth in particular, the 'domino' effect is recognised in emergency planning scenarios due to the close proximity of several large plants and high risk processes in a single site. A fire in one plant can quickly spread to neighbouring plants if rapid intervention cannot be achieved.

To reflect this, the following plans are considered to provide the best utilisation of these resources across Scotland:

- All HVPs will be located in wholtime stations, and where possible, stations without additional special resources.
- In recognition that a large tank fire at any of the above locations would require more than one HVP to successfully mount a firefighting attack and prevent a major explosion or boil over scenario from occurring, strategic locations will be used.
- The existing HVP at Hawick will be relocated to Alloa to ensure its availability to address the significant industrial risk within this area, whilst maintaining the capability to respond to flooding incidents in the Borders as required and within reasonable timescales for this type of incident.
- The remaining HVPs will be maintained in their current locations which are considered suitably placed to address the anticipated risks and with good access links to all areas.

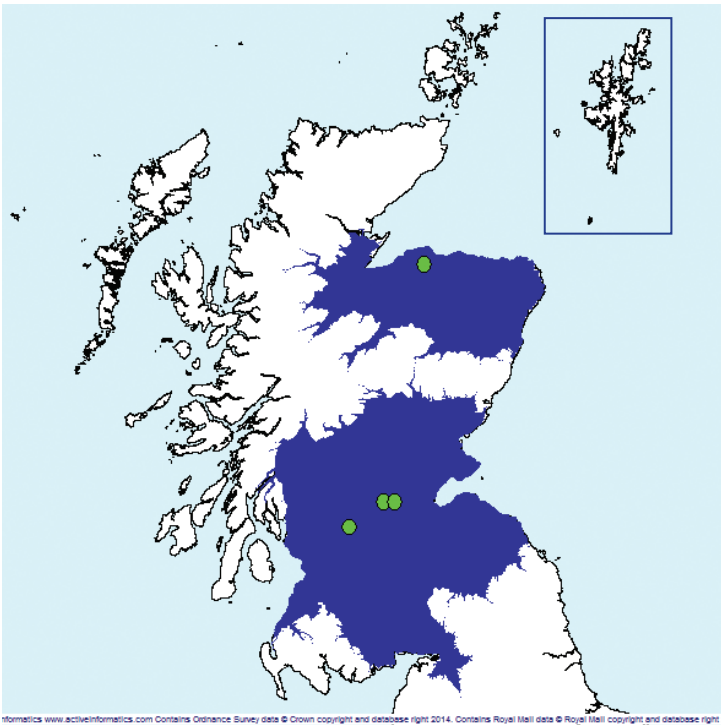




The diagram on the left shows the coverage currently achieved by a High Volume Pump located in Hawick with a 90 minute mobilising time. It can be seen that a significant part of this area is outside of the SFRS service area.

The adjacent diagram shows the coverage that can be achieved for Scotland with HVPs located at Elgin, Clydesmill (Cambuslang), Falkirk and Alloa. This distribution gives very good coverage to address Scotland's flood risk, whilst ensuring the availability of HVPs close to our major industrial fire hazards.

HIGH VOLUME PUMPS
Elgin
Clydesmill (Cambuslang)
Falkirk
Alloa



## 13. Mass Decontamination



### Description

Mass Decontamination (MD) is the procedure used to remove contaminants from very large numbers of people in the event of industrial, accidental, or intentional contamination; by chemicals, biological, radiological material, or other substances potentially damaging to health. As with USAR and others, this equipment was supplied under the New Dimensions programme. These resources, again like USAR, form part of a UK-wide response capability which is focused on our major cities as being the greatest risk.

### Current Position

As previously discussed for USAR, the position inherited by SFRS is the legacy desire and requirement of each previous service to provide these resources within their geographical boundaries. This position takes little account of risk or overall planning. In addition, the current situation presents additional risks in terms of community and firefighter safety as crews in some areas are overburdened with complex specialist equipment which compromises their ability to train adequately for each attribute. Once again, these resources are stowed and deployed using a range of methods which lack any consistency and gives cause for concern regarding actual availability and competency.

Further, the inherited position was based on a set of planning assumptions contained within a UK Government concept of operations which have recently been updated to include "interim decontamination" which places a lower expectation on the numbers of affected casualties and subsequently eases the necessary response arrangements. Interim decontamination involves the use of standard fire service equipment, including hoses and ladders, to provide a simple but effective method of decontamination for smaller numbers in the early stages of an incident. Every fire appliance and crew in Scotland already has the means to provide this form of decontamination prior to the arrival and set-up of full Mass Decontamination equipment. As already stated within the section on USAR, an ongoing review of UK-wide planning assumptions could have an impact on future resourcing and location requirements.

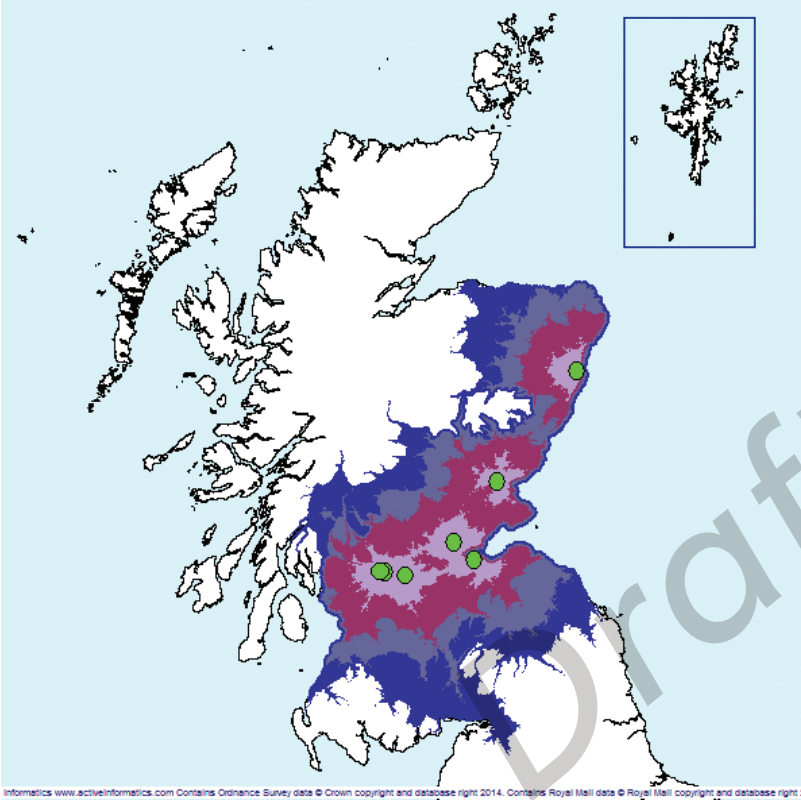
### What we plan to do

In line with the recommendations in the previous section under USAR, this report identifies a requirement for 7 stations to be fully trained and declared Mass Decontamination units in Scotland, in line with requirements to contribute to UK-wide planning and support. Basic principles will be adopted:

- All MD assets will be deployed using dedicated vehicles as opposed to the range of deployment options currently provided.
- Recognition is given to the implications of interim decontamination.
- Once again, training for competency is a fundamental criterion upon which the following recommendations are based, with a clear desire to avoid the existing position where stations across Scotland are expected to operate a range of specialist attributes, such as USAR and MD, together. Alternative stations have been identified to ensure an appropriate distribution model can be achieved which will provide the necessary, risk-based cover delivered by competent crews:
  - ◆ Glasgow and the Central Belt will be covered by Coatbridge, Springburn (Glasgow) and Maryhill (Glasgow).
  - ◆ Edinburgh and the Central Belt will be covered by Dunfermline and Crewe Toll (Edinburgh).
  - ◆ Central (Aberdeen) and Blackness Road (Dundee) will have units to complement and support the USAR resources strategically placed to cover the risks within Scotland's remaining cities.

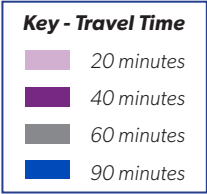


Mass Decontamination - Proposed End State



The adjacent diagram shows the proposed distribution of Mass Decontamination resources across Scotland and the coverage that will be achieved.

MASS DECONTAMINATION
Central (Aberdeen)
Crewe Toll (Edinburgh)
Coatbridge
Dunfermline
Blackness Road (Dundee)
Springburn (Glasgow)
Maryhill (Glasgow)



## 14. Detection, Identification and Monitoring Vehicles (DIM)



### Description

In conjunction with USAR and MD above, the purpose of a DIM capability is to provide enhanced detection support, via mobile laboratory, in the event of serious chemical, biological, nuclear and radiological incidents. It also has a significant part to play in any mass decontamination incident and can support USAR, Hazmat and flooding incidents.

### Current Position

There are 4 DIM vehicles in the SFRS, all provided by Scottish Government resilience. They are currently located at North Anderson Drive (Aberdeen), Blackness Road (Dundee), McDonald Road (Edinburgh) and Springburn (Glasgow). These resources are currently deployed in a range of methods, most often by utilising flexi-duty officers to provide the vehicle and to act as Hazardous Material advisers. This commonly requires officers to travel considerable distances to uplift the vehicle and proceed to the incident, with resultant delays in deployment.

### What we plan to do

The plan is to maintain the same number of DIM vehicles, but to increase and formalise the role they play within the wider hazardous materials context, as will be discussed in the next section. The plan will follow the basic principles of:

- Retain a good geographic spread across Scotland, but follow the overarching principle of this report to ensure the vehicles are not located at stations which are potentially overburdened.
- Operate from stations with wholetime crews who will be responsible for weekly testing and maintenance of the DIM vehicle and its associated equipment. They will also be tasked with transporting the vehicle to the incident ground and providing necessary assistance in setting up equipment.
- In fulfilling the criteria above and to fit in with the national model of specialist resource distribution, DIM vehicles will be located at the following stations:

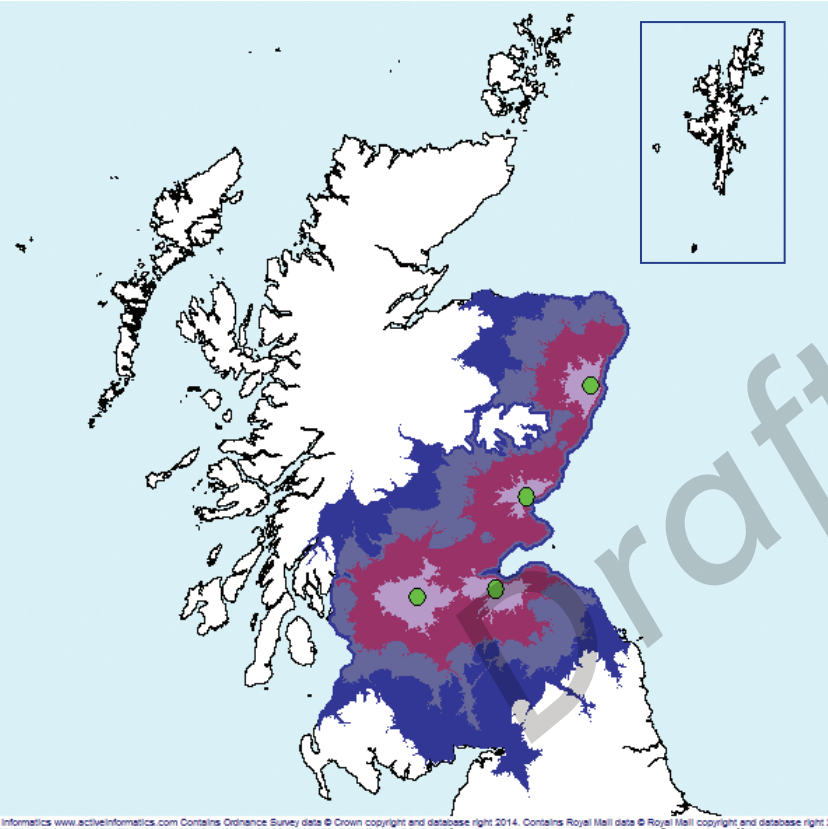
North Anderson Drive (Aberdeen)

Balmossie

McDonald Road (Edinburgh)





Bishopbriggs

Detection, Identification and Monitoring Vehicles  
- Proposed End State



DETECTION, IDENTIFICATION AND MONITORING
North Anderson Drive (Aberdeen)
Balmossie
McDonald Road (Edinburgh)
Bishopbriggs

The adjacent diagram shows the coverage that will be achieved with the proposed distribution of DIM resources.

Key - Travel Time	
	20 minutes
	40 minutes
	60 minutes
	90 minutes

## 15. Hazardous Materials and Environmental Protection



### Description

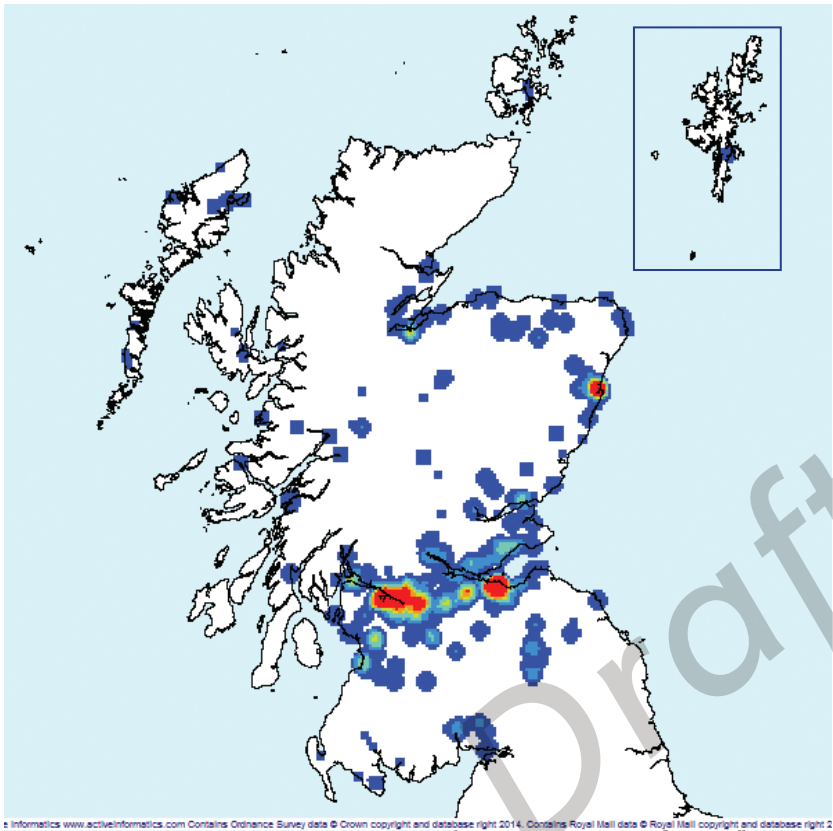
The term Hazardous Materials (Hazmats) refers to incidents involving any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors. Fire services have for many years adopted plans and systems to manage such incidents through identifying the substance where possible, neutralising the hazard and protecting the environment as far as possible. This approach now overlaps substantially with the DIM arrangements detailed above, particularly where the hazardous material involved is unknown or has not been identified.

### Current Position

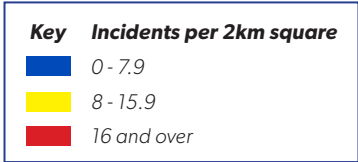
Again the inherited position is widely varied across Scotland, ranging from formal arrangements with external scientific advisers to provide 24/7 support on the incident ground; to less formal supporting arrangements or total reliance on service personnel with Hazmats training. The existing 4 DIM vehicles are currently supported by a total of 11 Hazmat/Environmental resources across the SFRS. Of these, 8 are demountable pod systems.

### What we plan to do

The recommendation is to formally merge the DIM and Hazmat attributes, providing an attendance which includes suitably trained officers supported by external advice where deemed necessary, to all relevant incidents. In addition to the 4 DIM vehicles already discussed, we plan to retain the 3 dedicated vehicles at Forfar, Kilsyth and Hamilton. The remaining 8 demountable pods will be rationalised to 4, strategically sited at Elgin, Perth, Dunfermline and Renfrew fire stations, to be transported as required by Prime Movers which will be fully detailed in the following section. We believe this approach will provide more than adequate cover for the risk profile and expected activity, standardising and improving our ability to manage these incidents.



This diagram shows the levels of ‘Hazmat’ incident activity in Scotland over 4 fiscal years (2009/10 – 2012/13).



HAZMAT
Elgin
Perth
Dunfermline
Renfrew

## 16. Prime Movers



### Description

A 'Prime Mover' is a vehicle which is able to transport a range of demountable pod units, dependent on the requirements of a particular incident. This arrangement allows us to accommodate and mobilise a number of different attributes from a single location.

### Current Position

A wide array of resources across Scotland has been configured in this manner, including: High Volume Pumps, environmental support units, welfare units and incident support equipment. Additionally, a number of the previously detailed resources such as USAR, MD, Command and Control and Heavy Rescue equipment have been mobilised using this arrangement in some areas.

In some situations this has been borne out of necessity given the range and number of activities within the remit of the fire and rescue service; and the capacity, resources and geographical boundaries of the legacy services. Compatibility issues also prevail between the differing types of chassis and pod equipment. A key benefit of the creation of the SFRS is the removal of many of these constraints, and the opportunity to review the deployment of all specialist resources. As outlined in previous and subsequent sections, this report recommends a number of resources such as USAR, MD, Water Rescue and Command vehicles are no longer deployed in this manner.

### What we plan to do

This report recommends strategically locating a number of sites which will adopt the prime mover and pod arrangement, with a consistent methodology applied to the type of resources to be included. There should be 4 key prime mover sites in Scotland located at:

- Elgin
- Perth
- Renfrew
- Dunfermline

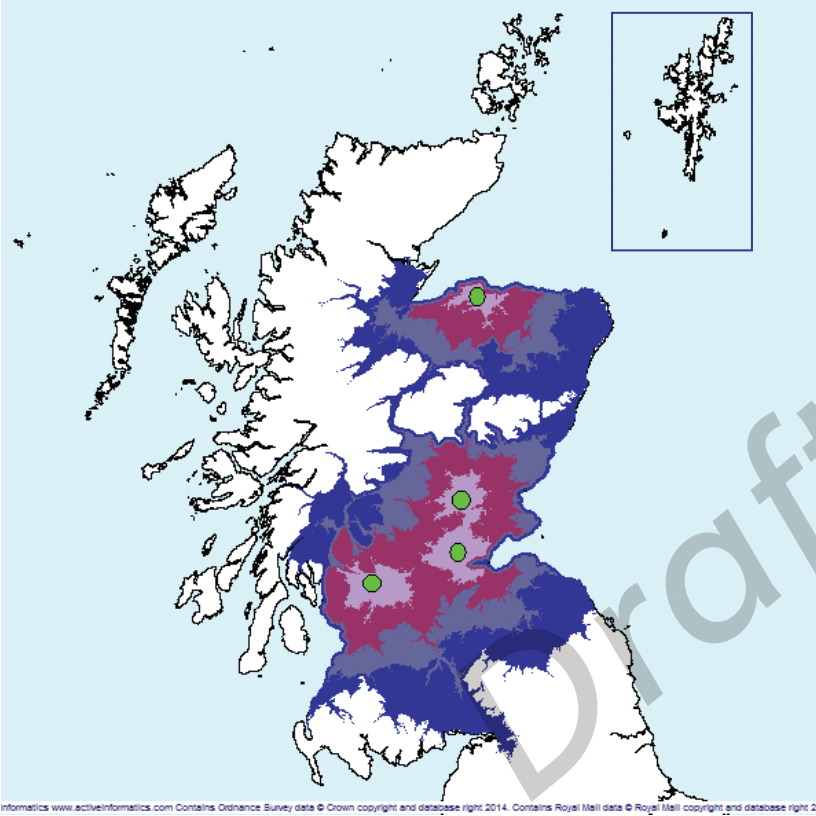
Each of these stations should be allocated prime mover chassis that are compatible with the New Dimensions pods. Each of these stations will also be allocated the following pods:

- Foam
- Welfare
- Environmental Protection
- Flood Response
- Incident Response





This arrangement will create a standard model across Scotland which will enhance the services available in all areas, and improve the safety of communities across the country.



Prime Movers - Proposed End State



PRIME MOVERS	
Elgin	
Perth	
Renfrew	
Dunfermline	

Key - Travel Time	
	20 minutes
	40 minutes
	60 minutes
	90 minutes

The diagram adjacent shows coverage across the SFRS area that can be achieved with prime movers within 90 minutes.

## 17. Command and Control



### Description

The provision of enhanced command and control support on the incident ground is essential to securing community and firefighter safety at incidents which are large, protracted or complex. Incident Command ensures that effective spans of control are maintained and that effective communications are in place between individuals and teams from the SFRS and from partner agencies. Command Units are a method of providing this enhanced command and control support on the incident ground, by transporting communications equipment and trained personnel to the incident location, and creating a hub for command activities. This assists the incident commander to gather information and create plans, to document necessary information, and to record key decisions and actions throughout the incident.

### Current Position

There are currently 11 operational command and control units in Scotland, with a further vehicle build recently completed, but not yet allocated to a station. Of the 11 operational units, some are pods, some are dedicated vehicles, and one is based on a trailer which is towed by a tractor unit and requires a class 1 licence to drive.

Command and Control vehicles enhance our management of incidents but are not themselves considered to be first line, vital elements of ensuring community safety. As such, there is a wider scope for future deployment arrangements and appliance positioning.

### What we plan to do

The total number of command and control units will be reduced, with the use of conventional vehicle chassis models being preferred and pod based units and trailers being removed from service.

The distribution of command and control vehicles across the Service Delivery Areas will be as follows:

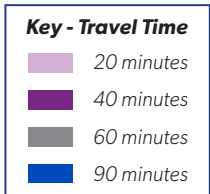
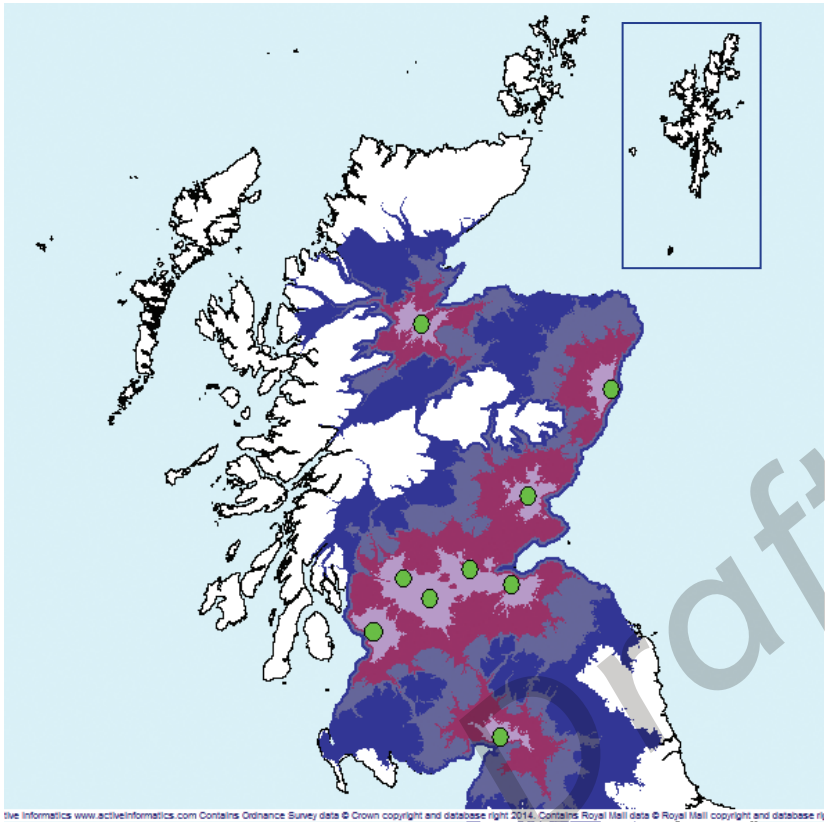
North SDA: Inverness, Altens (Aberdeen) and Blackness Road (Dundee)

West SDA: Annan, Milngavie, Bellshill and Dreghorn

East SDA: Bo'ness and Liberton (Edinburgh)

Due to the comparatively compact geography of East SDA and the readily available support from command units in the North (Dundee) and West (Bellshill), it is deemed sufficient to have 2 command units covering this area.





COMMAND AND CONTROL
Inverness
Altens (Aberdeen)
Blackness Road (Dundee)
Bo'ness
Liberton (Edinburgh)
Annan
Milngavie
Bellshill
Dreghorn

The adjacent diagram shows the coverage that can be achieved with the proposed distribution of command and control vehicles.

## 18. 4 X 4 Vehicles



Severe weather conditions including flooding and heavy snowfall can hamper emergency response in Scotland as has been witnessed in recent years. Although mention is made of this within the scope of the overall review, this final report does not propose to detail a precise deployment plan for these resources. A strategic overview of 4x4 availability will ensure that an appropriate, risk-based distribution of the limited vehicle numbers will be achieved, which will then be managed locally by Service Delivery Areas. This approach will allow vehicles to be moved to areas of greatest need on a short term basis as part of severe weather planning and preparation.

## 19. Wildfire



Wildfire is a generic term used to describe incidents that cover a large area and that may involve any or all of the major vegetation types found in Scotland i.e. moorland, heather, gorse, grass, forestry, farmland and natural woodland.

Wildfire was initially considered as part of the special resources project. However the way in which wildfire resources are distributed, stored, crewed and operated is entirely different to the other key special resources incorporated within the project, and for this reason it was decided that Wildfire resources would form part of a separate policy and procedure regarding the general approach by the SFRS to such incidents. The Fire and Rescue Wildfire Operational Guidance document was issued in 2013, having been commissioned by Scottish Government, and a new project has been initiated in the North SDA to look at the future SFRS approach to wildfire incidents. The Scottish Wildfire Forum (SWFF) will be looking into all aspects of wildfire management in order to raise awareness, encourage public responsibility, improve firefighter safety and reduce the demand on SFRS resources during wildfire season.

## 20. Incident Logistical Support



Large or protracted incidents require additional logistical support to be brought onto the incident ground to allow operations to be maintained over an extended period. Such support can involve welfare provision for crews including food, water, shelter and toilet facilities. In terms of the maintenance of firefighting operations, BA set servicing facilities and spare BA cylinder packs are required, along with enhanced command and control provision.

For large incidents, these resources will be supplied by our prime mover stations in Elgin, Perth, Renfrew and Dunfermline through delivery of an incident support pod and/or a welfare pod as required. Additional support can be provided through the provision of a Command and Control vehicle or through the attendance of a Salvation Army catering vehicle. However, there may be times where the attendance of such resources cannot be justified due to the limited scale of the incident, or where these resources are stretched as a result of simultaneous incidents.

To ensure the availability of basic logistical support, all SFRS Mass Decontamination vehicles and Urban Search and Rescue vehicles will have a logistical support 'cage' provided on them. This cage will contain spare BA cylinders, BA servicing packs, food and water to ensure that basic support can be provided to maintain operations and allow crew welfare considerations to be met.

## 21. Delivery timescale

Complete implementation of the recommendations contained within this report will potentially take up to 3 years, and is dependent on a number of factors; notably including capital funding planning to improve and standardise the emergency vehicle fleet, and the delivery of the extensive training programme necessary to fully declare the desired competencies in the wide range of specialist attributes concerned.

Having said that however, it is important to commence implementation immediately in order to realise the desired benefits; of improving safety, improving services and improving efficiency. Some elements of the plans can be achieved relatively quickly, within a matter of weeks. These include altering the water rescue storage and deployment configurations at Elgin and Newton Stewart; and the redeployment of command and control vehicles.

Some areas will take a little longer, for example the redeployment of high reach appliances or prime movers with their associated pods will require alterations to stations for storage and charging systems, in addition to the training requirements. Understandably, the introduction of new line and water rescue teams will take the longest, due to the extensive and complex training requirements for these disciplines.

In addition to these requirements, some personnel issues are likely to arise which may affect the availability of suitable staff at each designated station. These are not anticipated to be insurmountable but need to be factored into the overall delivery timescale. Specific arrangements for crewing specialist vehicles are outwith the scope of this report and are being addressed within other work packages.

Detailed implementation plans will be produced for each Service Delivery Area. These plans will be routinely available for scrutiny through the Service Transformation programme.

## 22. Engagement and Consultation

Engagement and consultation have been ongoing throughout this review process. Officers and colleagues from all legacy services were involved in compiling individual reports on each aspect of specialist rescue, identifying the existing picture and the recommendations for future delivery. Representatives from the Fire Brigades' Union and Fire Officers Association have been fully engaged with during compilation of this final report.

Discussions have also taken place with Scottish Government colleagues who showed a keen interest in all areas of this report, but specifically wanted reassurances around National Resilience assets (Urban Search and Rescue, Mass Decontamination, High Volume Pumps and Detection, Identification and Monitoring vehicles).

The draft final report was circulated amongst all relevant partner agencies, including Police Scotland, Scottish Ambulance Service, Maritime Coastguard Agency, Ministry of Defence, Convention of Scottish Local Authorities, Regional Resilience Partnerships, Business Engagement Forum and Her Majesty's Chief Inspector of Fire (Scotland). Views and responses have been considered and acted upon where appropriate.

Whilst local effects have been considered throughout this process, it has always been the main focus to concentrate on the overall strategic impact of these recommendations. Specialist resources by their very nature are limited in number and availability, and have to be deployed in a manner which fits the overall risk profile within Scotland. Historical arrangements within legacy services must be recognised as such, with the creation of the SFRS bringing an opportunity to develop a more appropriate and risk-based approach which will result in the most favourable footprint of these valuable resources across the communities of Scotland.

## Appendix 1 - Table of stations with special resources

### Proposed end state

Multi (Wholetime) Pump Station	Special Resource			
Clydebank	USAR	High Reach		
Motherwell	Water Rescue	High Reach		
Coatbridge	High Reach	Mass Decon		
Cumbernauld	USAR			
Hamilton	Hazmat			
East Kilbride	Line Rescue			
Clydesmill (Cambuslang)	Water Rescue	High Reach	High Volume Pump	
Kilmarnock	USAR	High Reach		
Ayr	Water Rescue	High Reach		
Paisley	High Reach			
Greenock	High Reach	MIRG		
<b>GLASGOW</b>				
Maryhill	Mass Decon	High Reach		
Knightswood	Water Rescue			
Easterhouse	Heavy Rescue			
Springburn	Mass Decon	High Reach		
Polmadie	Water Rescue	High Reach		
Dumfries	Water Rescue	High Reach	Heavy Rescue	
<b>ABERDEEN</b>				
N.Anderson Drive	USAR	High Reach	DIM	
Central	Water Rescue	Mass Decon	High Reach	
Altens	Line Rescue	Command and Control		
Inverness	Water Rescue	High Reach	Heavy Rescue	Command and Control
<b>DUNDEE</b>				
Blackness Road	Mass Decon	High Reach		Command and Control
MacAlpine Road	USAR	High Reach		
Kingsway East	Water Rescue			
Perth	Water Rescue	High Reach	Prime Mover	
Stirling	Water Rescue	Heavy Rescue Unit		
<b>EDINBURGH</b>				
McDonald Road	High Reach	DIM		
Tollcross	Line Rescue	High Reach		
Sighthill	Heavy Rescue	High Reach		
Crewe Toll	Mass Decon	High Reach		
Dunfermline	Mass Decon	High Reach	Prime Mover	
Glenrothes	Water Rescue			
Lochgelly	Line Rescue			
Kirkcaldy	High Reach			

## Appendix 1 continued

Single (Wholetime) Pump Station	Special Resource		
Oban	Water Rescue	High Reach	
Milngavie	Command and Control		
Bellshill	Command and Control		
Johnstone	High Reach		
Renfrew	Prime Mover		
Dreghorn	Command and Control		
Balmossie	DIM		
Elgin	Water Rescue	High Volume Pump	Prime Mover
Livingston	High Reach		
Bo'ness	Command and Control		
Falkirk	High Reach	High Volume Pump	
<b>EDINBURGH</b>			
Liberton	Command and Control		
Newcraighall	USAR		
Marionville	Water Rescue		
Dalkeith	USAR		
Galashiels	Water Rescue		
*Hawick	Water Rescue		
Bathgate	Water Rescue		
Bishopbriggs	DIM		
Alloa	High Volume Pump		

RDS Station	Special Resource
Fort William	Water Rescue
Newton Stewart	Water Rescue
Annan	Command and Control
Forfar	Hazmat
Kilsyth	Hazmat

\* Water Rescue resource for the Scottish Borders area. Exact location to be confirmed.

Draft

Draft





## Specialist Equipment Review

Dear Sir/Madam

The creation of the Scottish Fire and Rescue Service (SFRS), has provided an opportunity for the new service to review legacy service delivery arrangements, working practices and all aspects of how an efficient emergency service is delivered to the whole of Scotland.

Whilst there are many drivers for change the Police and Fire Reform (Scotland) Act 2012 and the Scottish Government's Fire and Rescue Framework for Scotland 2013, provide a legislative framework around how the SFRS designs and delivers its services.

Whilst the current distribution of front-line fire-fighting appliances is well established, access to specialist resources including water rescue, rope rescue and urban search and rescue are less evenly distributed across the country.

The Fire and Rescue Framework for Scotland 2013, makes it a priority for the SFRS to create more equal access to specialist resources and national capacity and is to ensure that all communities in Scotland have access to the same standard of emergency response wherever they live.

To meet the priorities of the Framework the historical deployment of specialist resources (appliances and equipment) required to be reviewed. The SFRS commenced a review of specialist resources across Scotland in May 2013 and has completed a report indicating the outcomes of the review. A copy of the report is enclosed with this correspondence.

The report sets out the background to the review along with the findings and recommendations. The Service believes that these changes achieve an appropriate balance of all specialist resources across Scotland. The use of risk modelling during the review puts the specialist resources in the places they are most likely to be needed.

In undertaking the review and developing the report a number of key principles were acknowledged, notably;

- The first principle is that specialist resources be sited based on risk, operational activity, population and geography as appropriate, but providing equity of access as far as reasonably possible.
- The review forms part of a long term plan to ensure standardisation and simplification of vehicles and equipment across Scotland.

- Wherever possible, specialist resources will be sited in whole-time fire stations to allow the necessary training time to ensure crews are confident and competent.
- The underlying expectation was of delivering improved outcomes for Scotland's communities, with greater equity of access to a standardised range of resources.
- Recognition of the fact that 'Resilience' assets (Urban Search & Rescue, High Volume Pump, Mass Decontamination and Detection, Identification & Monitoring) are not devolved matters to Scottish Government, therefore cognisance was required to be taken of our contribution to UK security.
- Where services are or can be delivered by partner agencies, this is reflected in future approaches.
- Capital costs for appliance and equipment replacement will be factors in the final delivery timeline of these changes.

With specific reference to the West Lothian area, the implications of the review can be narrowed down to the following recommendations;

- The addition of a height appliance based at Livingston fire station.
- Enhancement to the water rescue resources at Bathgate fire station in the form of a dedicated water rescue vehicle, replacing the Incident Support Unit currently based there.

I would be grateful if you could take the time to read through the report and provide me with some feedback on the proposals. If you require any further information, or would like to discuss the report in more detail, please contact myself on the contact details below.

I would be grateful if you could respond to this communication by Friday 19<sup>th</sup> December, following which, an analysis of any comments will be undertaken before the final Specialist Equipment Review report is published for implementation.

*Gary Laing*

Local Senior Officer

Falkirk and West Lothian

Tel 07917267506

e-mail [gary.laing@firescotland.gov.uk](mailto:gary.laing@firescotland.gov.uk)







West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **DEANS SOUTH, LIVINGSTON**

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

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

To provide an update on the position in Deans South, Livingston, following Council Executive decisions in June 2014.

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

It is recommended that the Council Executive;

1. Notes the position in relation to the offer made to Deans South owners in November 2013 and the uptake of that offer.
2. Notes the outcome of the most recent consultation exercise undertaken with Deans South owners
3. Notes that 14 properties on the Deans South estate remain in private ownership
4. Agree that the availability of the Open Market Shared Equity Scheme (OMSE) on preferential terms should continue to be available to eligible Deans South homeowners to 31<sup>st</sup> August 2015, subject to agreement with Scottish Government.
5. Agree that a further report be submitted in due course on long term options for the Deans South estate.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Offers the opportunity to move forward with some redevelopment proposals on the Deans South estate
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	N/A
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities

People most at risk are protected and supported to achieve improved life chances.

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

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> | The Council has approved resources of £400,000 per annum from 2014/15 to 2017/18 for Deans South within the 5 year Housing (HRA) Capital Programme.                      |
| <b>VII Consideration at PDSP</b>                         | Services for the Community PDSP, June 2013, September 2013, and February 2014.   |
| <b>VIII Other consultations</b>                          | Individual Deans South homeowners, The Deans South Homeowners Association, Scottish Government, Tenant Representatives, Legal and Financial Services within the Council. |

## **D TERMS OF REPORT**

### **D.1 Background**

On 12 November 2013, the Council Executive approved a report setting out a revised offer for the remaining 47 privately owned houses at Deans South with a view to achieving a long term solution to the difficult situation on the estate. The offer was available until 1 May 2014.

In January 2014 the Council Executive agreed minor revisions to the offer being made to home owners on the Deans South estate. It was agreed that the council would work with eligible homeowners who wished to take up the Government's Open Market Shared Equity Scheme (OMSE) and move to another house.

The offer was based on professional valuations (carried out by the Valuation Office Agency) of the individual property together with a £15,000 additional payment plus a disturbance allowance of £1,500 where a house was occupied.

In June 2014 Council Executive noted the position at that time and agreed to extend availability of the OMSE Scheme to 31<sup>st</sup> December 2014. Council Executive also agreed to proceed with some new build council housing on part of the site. This now forms part of Lot 4 of the new build programme for 42 units and has formal planning approval. This is currently at tender stage. A second site (at the eastern end of Deans South) has been identified as a reserve site for the current programme and a planning application has been submitted for 25 units.

Council Executive requested an update report by the end of the calendar year.

## **D.2 Current Position**

Since November 2013 the council has acquired a further 33 properties on the estate. A total of 19 homeowners have moved using the OMSE scheme and 14 properties have been cash sales. This leaves 14 privately owned houses on the estate. In October 2014 all remaining owners on the estate were contacted in writing and invited to meet with council officials to explore options on possible ways forward. Five owners met with officials and their comments are given in appendix 1. Only two people expressed an interest in being involved in future planning of the estate.

## **D.3 Scottish Government Open Market Shared Equity (OMSE) Scheme**

Significant progress has been made in the last year through the scheme but at this stage there is no new interest from Deans South residents in taking up the OMSE offer. However subject to Scottish Government agreement it is proposed that the Scheme should continue to be available to eligible owners while the future of the estate remains uncertain. It is therefore proposed that the availability of the OMSE Scheme on preferential terms should continue to 31<sup>st</sup> August 2015.

## **D.4 Estate Development**

Castle Rock Edinvar Housing Association officials, while supporting Council proposals for the estate generally has agreed to transfer their 56 properties/plots to the Council. This has been agreed by the Board of Castle Rock Edinvar Housing Association and has also been approved by the Scottish Housing Regulator. This should make long term planning for the estate more straight forward.

The number of blocks on the Deans South estate now completely empty and can therefore be demolished has increased from 7 in June to 12. This work is in hand with a view to appointing a demolition contractor in January 2015.

## **D.5 Future Development**

In June 2014 Council Executive approved the Main Issues Report (MIR) for the Local Development Plan for public consultation. The preferred approach for the Deans South Estate as set out in the MIR is for the estate to be comprehensively redeveloped. The consultation period for the MIR has ended and the Head of Planning and Economic Development will bring forward a report in due course. It should be noted that complete redevelopment of the estate will have infrastructure implications which will require to be addressed. At this stage it is clearly not possible to redevelop the whole estate because no agreement has been reached with the remaining private owners. As reported to the Services for the Community Policy Development and Scrutiny Panel in December 2008, the broad options for the estate remain;

- Take no further action meantime
- Meet the remaining owners aspirations
- Apply for another Compulsory Purchase Order (CPO)

## **D.6 Structural Condition of Houses on the Estate**

As reported in June 2014, Arup (Scotland) have advised the Council that the properties remain affected by the inherent defects and structural problems outlined in their initial report back in 2004. While efforts are made to manage and maintain the estate as well as possible, the large numbers of empty houses continue to make conditions difficult. Home owners have complained about the fact that empty houses next door to their

property are having a detrimental effect on their homes. Whilst demolition of empty blocks and the proposed new build council housing will improve the general appearance and amenity of the estate overall, it will not help in the remaining blocks where there are still privately owned houses. The technical advice remains that it would not be advisable for the Council to seek to partially demolish such blocks.

## **E. CONCLUSION**

Overall, the situation in Deans South remains unresolved. The Arup Report was first made public in September 2004 and since that time all public sector tenants on the estate have been rehoused and a number of home owners have moved on. However it has not been possible to reach agreement with a number of home owners on the future of the Deans South estate.

Recently the Scottish Government Open Market Shared Equity Scheme has been positive and a significant number of owners have moved on through this route. However there is now little likelihood that this option will be taken up by any of the remaining owners on the estate.

In the meantime there is an opportunity to start a first phase of redevelopment on the western part of the estate using the new build council housing to build 42 properties for rent.

## **F. BACKGROUND REFERENCES**

Council Executive Deans South; June 2014, January 2014 and November 2013.

Council Executive West Lothian Local Development Plan Main Issues June 2014

Council Executive, 1,000 houses New Build Sites Council Housing Programme April 2014

Services for the Community PDSP Deans South – February 14, September 2013, June 2013, August 2009 December 2008, and May 2008

Council Executive Deans South - February 2010, August 2009, February 2009, November 2007.

PP&R Committee Deans South, July 2007

Health & Care Committee, Deans South - September 2006, August 2005, January 2005, November 2004, September 2004, August 2003

Appendices/Attachments: one

Contact Person: John Reid, / Colin Miller

Tel: 01506 281380 e-mail: [john.reid@westlothian.gov.uk](mailto:john.reid@westlothian.gov.uk)

**Alistair Shaw**

**Head of Housing Construction and Building Services.**

**16<sup>th</sup> December 2014**



**Deans South Remaining Owners December 2014**

Comments received at consultation held in October and November 2014

- No interest in any future involvement in the redevelopment of the estate but wishes the situation to be solved as quickly as possible by means of a greater financial payment for the Deans South property.
- The family have been unable to participate in the OMSE scheme as their mortgage provider will not move their existing account to another potential property. They would consider moving back to Deans South long-term if Council housing is developed on the estate.
- The family have insisted they would like their situation resolved as soon as possible and would like to be located in the same area to accommodate family support.
- Investor/Private landlord who purchased property at auction in 2012. Currently property is empty with no sitting tenants. Raised several questions on Council's plans & insisted that solutions had been offered to WLC on which there had been no feedback. The main suggestion was a title swap (i.e. WLC would give an equivalent property from our portfolio in exchange for the Deans South house).
- Would like to see the Council offer a house for a house. Takes the view that there is nothing structurally wrong with the house, however says that the house is now suffering dampness problems because of the empty houses on either side of the property.
- The only solution acceptable to myself and others is a replacement house on any future proposed development of the estate and only at a value that was defect free. It's clear that from WLC's published letters and information to owners that this has still not been recognised as a solution. That is unfortunate and not in the least surprising to me or other owners. However, if this is not even a consideration in finding a way forward then I suggest that WLC seek CPO authority to resolve the situation. It may be the only way to resolve the situation unless WLC are prepared to negotiate a way forward.
- It seems that WLC can find alternative ways that include homeowners in other developments planned in the district but seem determined to make residents' life a misery in Deans South. It's now heading for 11 yrs since this fiasco began and over 4 yrs since the local public inquiry report and a very poor attempt at making residents homeless. It must be the only piece of real estate in West Lothian that loses value YOY. Surely WLC have intentions to build on the remaining land at some point, the money being wasted on alleged maintenance every year would solve the issue immediately. When is someone going to stand up and take responsibility and get this sorted out, as I said earlier even a CPO would be better than doing nothing. Given that there is an overwhelming demand for homes in West Lothian I am staggered at how little WLC seem to want to find a solution.





## **COUNCIL EXECUTIVE**

### **SCHOOL ESTATE – FREE SCHOOL MEALS ACCOMMODATION UPDATE**

#### **REPORT BY HEAD FINANCE AND ESTATES AND HEAD OF SCHOOLS WITH EDUCATION SUPPORT**

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

To consider proposals to undertake hall extensions at Peel, Carmondean and Broxburn Primary Schools that will facilitate the delivery of free school meals and two hours effective physical education.

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

It is recommended that Council Executive:

1. Notes the award of £4.35m to support the delivery of the additional free school meal requirements for P1 to P3 pupils;
2. Approves the extension of Peel primary school, Livingston by constructing a new hall with an estimated cost of approximately £1m;
3. Approves the extension of Carmondean primary school, Livingston by constructing a new hall with estimated cost of approximately £1m; and
4. Approves the extension of Broxburn Primary school hall with an estimated cost of approximately £0.8m; and
5. Notes that the council has already commenced implementation of a programme of school kitchen upgrades at six schools to facilitate the delivery of the additional free school meal provision, at a cost of £1.55m.

##### **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>	None.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Suitability of accommodation to support the delivery of higher demand for free school meals

whilst continuing to sustain two hours effective physical education will be delivered.

<b>V Relevance to Single Outcome Agreement</b>	<p>Feasibility studies highlighted the accommodation id required to deliver additional free school meal requirements whilst continuing to deliver two hours effective physical education both of which help support the delivery of the following outcomes;</p> <p>Our children have the best start in life and are ready to succeed;</p> <p>We are better educated and have access to increased and better quality learning and employment opportunities;</p> <p>We live longer, healthier lives and have reduced health inequalities; and</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built environment.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	<p>Capital budget resources are in place to deliver the necessary investment to meet free school meal infrastructure requirements.</p>
<b>VII Consideration at PDSP</b>	<p>The Education PDSP at its meeting on 27 October 14 noted feasibilities undertaken for schools.</p>
<b>VIII Other consultations</b>	<p>Housing, Building and Construction Services</p>

## **D. TERMS OF REPORT**

### **D1 Background**

The Scottish Government announced on 7 January 2014 that all Scottish Primary 1 to Primary 3 pupils will be entitled to receive a free school meal from January 2015. This is included within the Children and Young People (Scotland) Act, making the provision of P1 to P3 meals a statutory requirement. In addition, Ministers will have the power to impose a duty on councils to deliver this policy change.

The Education Policy Development and Scrutiny Panel at its meeting on 27 October 2014 noted that feasibility studies had been undertaken on Peel, Carmondean and Broxburn Primary Schools to consider the suitability of the existing accommodation to deliver the increased demand for free school meals, provision of physical education (PE) and the potential for improved community utilisation. The Panel also noted that officers had submitted proposals for funding to the Scottish Government to deliver the additional capacity for free schools. The Scottish Government has now confirmed that the council has been awarded £4.35m to implement the extensions considered in the feasibilities and to reimburse the costs of the programme being implemented to increase capacity of existing school kitchens.

The following can be reported in relation to each of the proposed extensions.

## **D2 Peel Primary School, Livingston – New Hall (Appendix 1)**

It is proposed that a new hall is constructed at the south side of the existing school as illustrated in Appendix 1. This will allow the school to have a designated space for PE, and retain the existing hall which can then be utilised for dining to accommodate the higher volumes of free school meals. When not in use for dining, the hall will provide general purpose space for school activities. This proposal will also facilitate improved community facilities which will be independently accessible from the south west corner of the grounds. The estimated cost of the proposal is £1m.

## **D3 Carmondean Primary School, Livingston – New Hall (Appendix 2)**

It is proposed that a new hall is constructed between the school and nursery existing entrances, as illustrated in Appendix 2. The provision of a new externally accessible hall whilst facilitating the delivery of the free school meals requirements will also enable community use and allow the retention of the existing dining hall. The dining hall will also be utilised as additional general purpose accommodation whilst the PE hall will also be available for nursery use. The estimate cost of the proposal is £1.0m

## **D4 Broxburn Primary School, Broxburn – Hall Extension (Appendix 3)**

It is proposed that the existing hall is extended to increase the floor area from 190 sq.m to 247 sq.m. The space will continue to be shared for PE and dining and will exceed the minimum assembly hall size of 231sqm and accommodate the additional dining space requirements. It will also provide additional storage. The provision of the extension will facilitate the potential for increased community utilisation. The estimated cost of the proposal is £0.8m

## **D5 School Kitchen Upgrade Programme**

The council has implemented a programme of works to existing school kitchens to facilitate the delivery of the higher volumes of free school meals. These works have included returning six dining / server kitchens back to full production kitchens. These new kitchens are undergoing complete refurbishments, including new catering equipment, new floors, walls and ceiling finishes together with full electrical re-wires and the installation of new mechanical ventilation systems.

In addition to these new production kitchens, twenty schools have been subject to equipment upgrades (ovens and dishwashers etc) to ensure that we can deliver the additional demands of free school meals and continue to deliver quality food for our pupils.

## **E. CONCLUSION**

The provision of the new halls and extension together with the kitchen upgrade programme as outlined in this report will facilitate the delivery of increased free school meal requirements and ensure we continue to provide quality food to our pupils.

## **F. BACKGROUND REFERENCES**

Education Policy and Scrutiny Panel Report titled School Estate accommodation feasibility studies update dated 27 October 2014

Council Executive Report titled Delivery of Free School Meals Primary 1 to Primary 3 dated 10 June 2014

Appendices/Attachments:

Appendix 1 – Peel Primary, Livingston – New Hall Proposals

Appendix 2 – Carmondean Primary, Livingston – New Hall Proposals

Appendix 3 – Broxburn Primary, Broxburn – Hall Extension Proposals

Contact Person:

Paul Kettrick, Asset Manager, Finance and Estates

Tel: 01506 281826

Email: [paul.kettrick@westlothian.gov.uk](mailto:paul.kettrick@westlothian.gov.uk),

**James Cameron**  
**Head of Schools with Education Support**

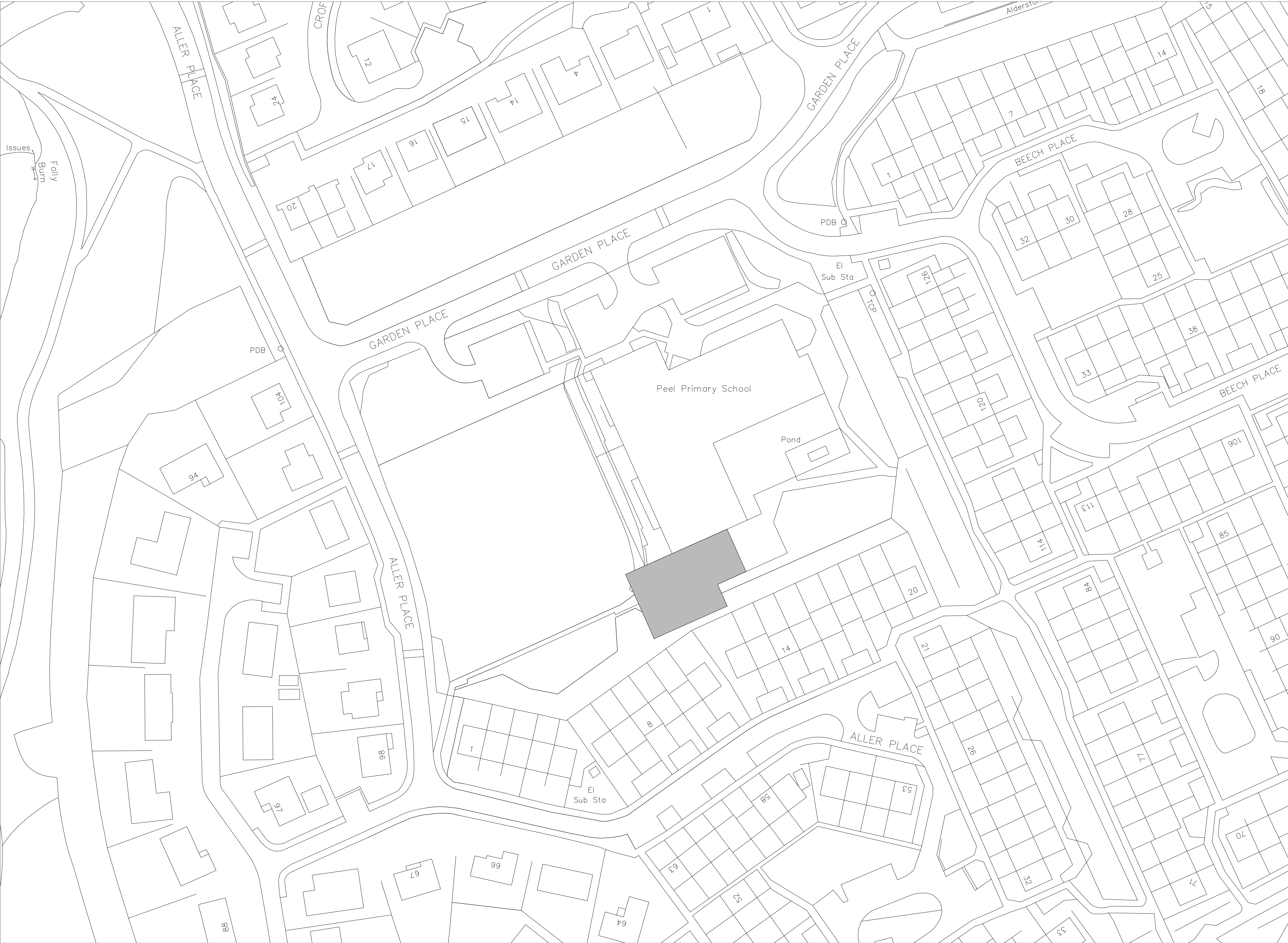
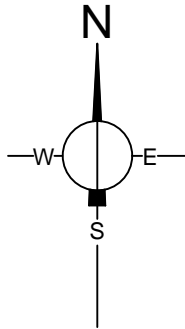
**Donald Forrest**  
**Head of Finance and Estates**

Date: 16 December 2014



# Appendix 1- Peel Primary Hall Extension

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***	**
***	**
Date	August 2013
Drawn	DG

• all dimensions to be checked on site  
• do not scale from drawings



**Construction Services**  
Housing Construction & Building Services  
West Lothian Civic Centre  
Howden South Road, Livingston EH54 6FF  
Tel: (01506) 282043

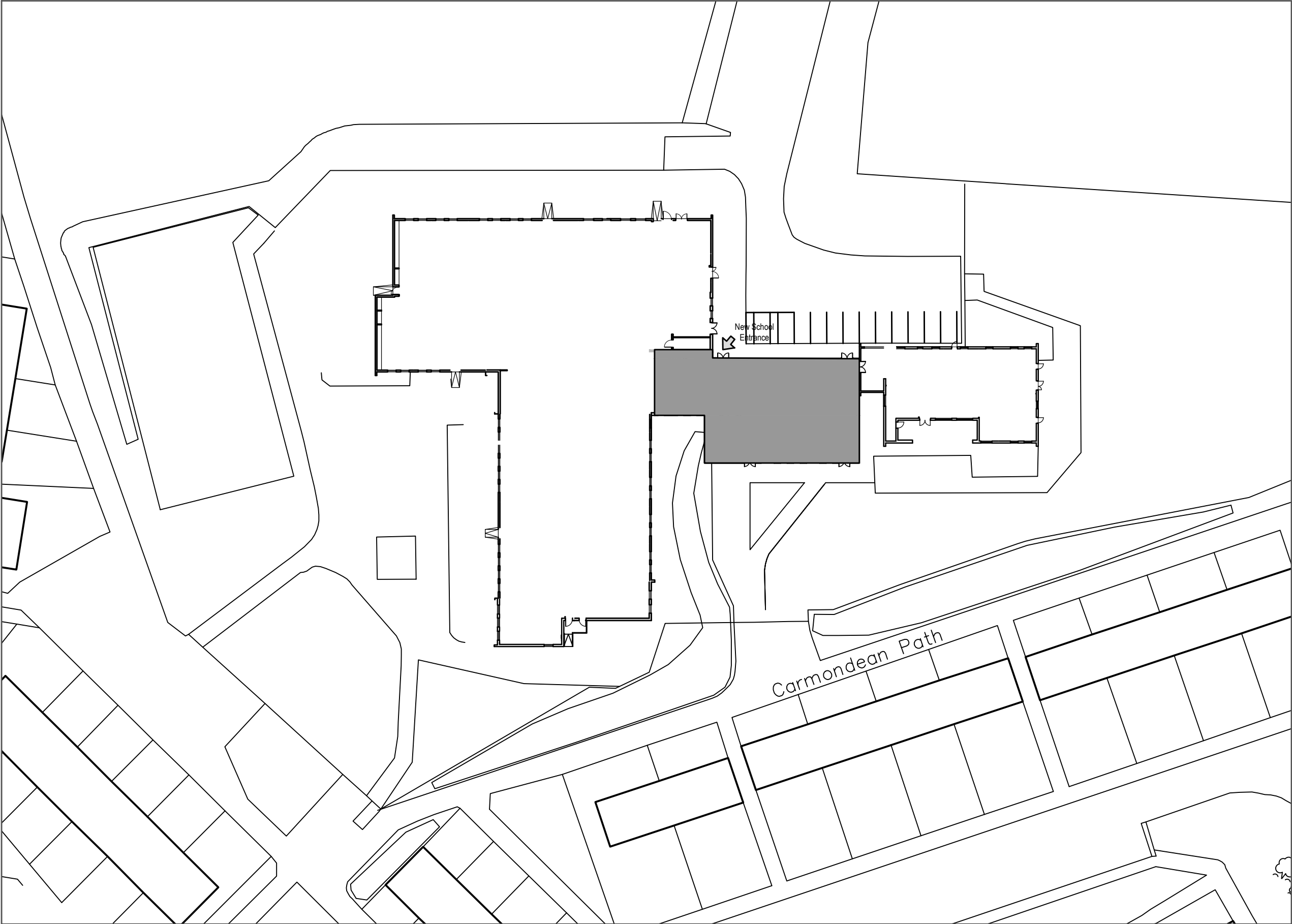
**Property**

Peel Primary School Garden Place, Elburn East Livingston	
Post Code	EH54 6RA
Property Number	97304





# Appendix 2- Carmondean Primary Hall Extension



issue	date	details
•		all dimensions to be checked on site
•		do not scale from drawings
AS BUILT		
CONTRACT		
TENDER		
BILLING		
PRJTY No.		***

**Construction Services**  
Construction Design  
West Lothian Civic Centre  
Howden Road South, Livingston EH54 6FF  
Tel: (01506) 280043 Fax: (01506) 281883

**PROJECT**  
Carmondean  
Primary School

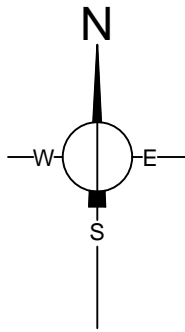
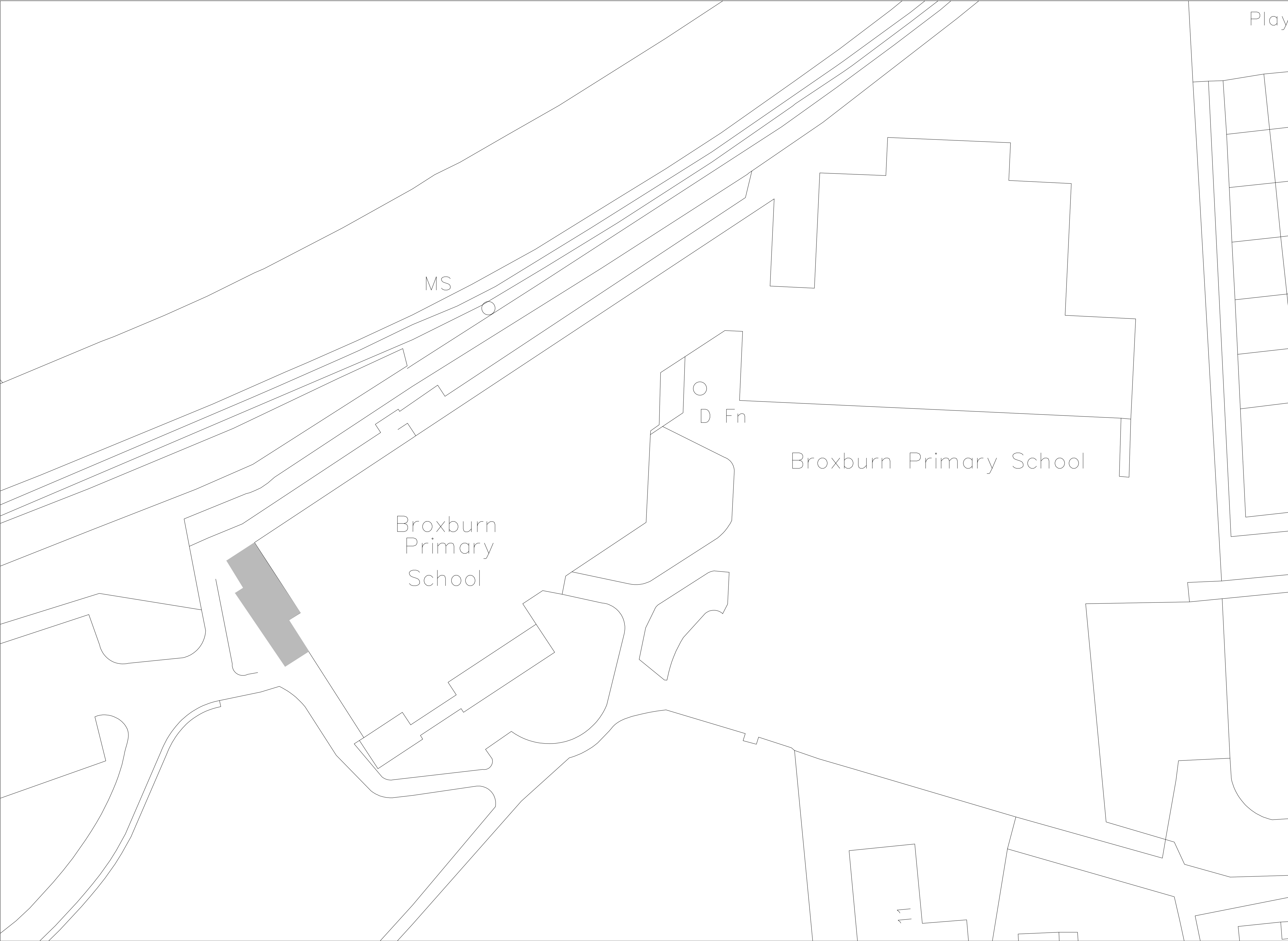
**DRAWING**  
Proposed Ground Floor Plan  
Option 1

date	scale(s)	drawn
Oct 2014		
project no.	drawing no.	issue
		-



# Appendix 3- Broxburn Primary Hall Extension

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***	**
***	**
***	**
Date	***
Drawn	**

all dimensions to be checked on site

do not scale from drawings



**Construction Services**  
Housing, Construction & Building Services  
West Lothian Civic Centre  
Howden South Road, Livingston EH54 6FF  
Tel: 01506 282043

**Property**  
BROXBURN PRIMARY SCHOOL  
School Lane, Off West Main Street, Broxburn

Post Code	EH52 5RP
Property Number	098104





**COUNCIL EXECUTIVE**

**CHANCELLOR'S AUTUMN STATEMENT 2014**

**REPORT BY HEAD OF FINANCE AND ESTATES**

**A. PURPOSE OF REPORT**

To provide the Council Executive with an update in relation to the announcements contained in the Chancellor of the Exchequer's Autumn Statement 2014, and to provide an indication of the measures that may have financial implications for the council.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

- 1) Notes the latest economic position outlined in the 2014 Autumn Statement.
- 2) Agrees that the Head of Finance and Estates should continue to monitor the measures which impact the council.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	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>	None.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	Spending decisions made by the UK Government impact on the Scottish Government's budget via the Barnett formula. This in turn has implications for available resources for the council via the finance settlement received from the Scottish

Government. The financial position outlined in the announcement emphasises the importance of proactive financial planning which is linked to outcomes to address the public spending challenges.

**VII Consideration at PDSP**

None

**VIII Other consultations**

This report is part of the process of briefing elected members on issues relating to future year funding and the council's financial strategy.

**D. TERMS OF REPORT**

**1 Introduction**

The Chancellor delivered his 2014 Autumn Statement to the House of Commons on 3 December 2014. The statement built on the measures previously set out in the Chancellor's 2014 Budget. The Autumn Statement also included the Office for Budget Responsibility (OBR) assessment and forecast on borrowing, growth and employment.

The Autumn Statement 2014 intended to build on the UK Government's long-term economic plan for economic stability and ensure a stable recovery of the economy. The announcement provides detail on the UK Government's progress in reducing the deficit and how the Government will strive to improve the UK's productivity with further measures to drive efficiency and reform in the public sector, support for business and enterprise and investment in infrastructure.

The Government through the Autumn Statement is delivering fiscal tightening and reaffirming its commitment to fiscal consolidation. The Government stated that it is:

- Revising the Charter for Budget Responsibility which will be laid before Parliament the week after the 2014 Autumn Statement with a motion for approval.
- Prioritising investment in the future of the NHS through a multi-year £3.1 billion UK-wide investment, including funding for frontline patient care, advanced care in GP led services, and mental health services.
- Strengthening the Scottish Government's existing powers to deliver jobs, growth and fairness by devolving further powers over tax and welfare as set out by Lord Smith.

The Smith Commission has recommended that the Barnett formula will continue to be used to determine changes in the Scottish Government's block grant in relation to public services. A deduction will be applied to the block grant to reflect the Scottish Government's tax powers. As a result of this, the importance of the Barnett formula will effectively be reduced by around two thirds with changes in the Scottish Government's budget increasingly determined by changes in Scottish tax receipts.

**2 Overall Economic Position**

**OBR Projections**

The Chancellor's Autumn Statement included the OBR's updated projections for the economy, growth and government borrowing. The revised projections compared to the Budget 2014 are summarised as follows:



<b>Budget 2014</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Growth (GDP)	2.7%	2.3%	2.6%	2.6%	2.5%
Public Sector Net Borrowing	£84bn	£68bn	£42bn	£18bn	-£1bn
Government Debt (% GDP)	77.3%	78.7%	78.3%	76.5%	74.2%
Inflation (CPI)	1.9%	2.0%	2.0%	2.0%	2.0%

<b>Autumn Statement 2014</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Growth (GDP)	3.0%	2.4%	2.2%	2.4%	2.3%
Public Sector Net Borrowing	£91bn	£76bn	£41bn	£15bn	-£4bn
Government Debt (% GDP)	80.4%	81.1%	80.7%	78.8%	76.2%
Inflation (CPI)	1.5%	1.2%	1.7%	2.0%	2.0%

### **General Economic Outlook**

The UK currently has the fastest growth among the G7 economies. The UK economy has grown more strongly than previously forecast with the OBR revising upwards the GDP growth forecast for 2014 from 2.7 per cent to 3 per cent. However, the OBR states that wage and productivity growth have once again disappointed this year and they expect the quarterly pace of growth to slow into next year.

The impact of the Eurozone is an identified risk to economic recovery due to the influence on UK exports and the Chancellor acknowledges that this is a continuing challenge for the UK economy.

The Fraser of Allander Institute stated in their November 2014 report that the Scottish forecasts for 2014 has been revised upward from 2.5 per cent to 2.7 per cent, the forecast for 2015 has remained unchanged at 2.2 per cent and they have revised down their forecast for 2016 from 2.4 per cent to 2.1 per cent.

### **Unemployment**

The OBR have revised their forecast for unemployment for the period to 2016 to steadily fall from 6.2 per cent in 2014 to 5.2 per cent in 2016 and to increase slightly to 5.3 per cent by the end of 2018. This reflects the Office for National Statistics Labour Market Statistics release in November 2014, which reported an increase in the employment rate to 73 per cent for the period July to September 2014.

The forecast for unemployment in the Scottish economy by the Fraser of Allander Institute in their November 2014 report is 5.3 per cent in 2014, a downward revision from 6.6 per cent in March 2014. The downward revision in the unemployment forecast is attributed to the growth of part-time and self-employment. Full-time employment still remains considerably below its pre-recession peak, although there has been some pick-up in recent quarters.

## **3 Public Services**

The following tables set out the changes to UK public spending in 2014/15 to 2018/19 compared to the 2014 Budget.

## **Revenue Expenditure**

<b>Cash Figures</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
	£ billion	£ billion	£ billion	£ billion	£ billion
Public Sector Current Expenditure – Budget 2014	679.9	691.5	698.8	706.4	719.3
Public Sector Current Expenditure – Autumn Statement 2014	671.7	680.4	680.6	684.1	695.3
Difference	-8.2	-11.1	-18.2	-22.3	-24

The Public Sector Current Expenditure (PSCE) is the total of the Revenue Annually Managed Expenditure (for example non-domestic rates and tax credits), Revenue Departmental Expenditure Limits (for example the Scottish Government Block Budget) and ring-fenced depreciation.

## **Capital Expenditure**

<b>Cash Figures</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
	£ billion	£ billion	£ billion	£ billion	£ billion
Public Sector Gross Investment – Budget 2014	52.1	51.9	53.8	53.0	53.5
Public Sector Gross Investment – Autumn Statement 2014	65.4	65.8	66.0	67.2	70.0
Difference	13.3	13.9	12.2	14.2	16.5

## **4 Other Announcements**

### **Fuel Duty**

The duty on fuel has been frozen.

### **Tax and Allowances**

The Autumn Statement confirmed that the income tax personal allowance will increase to £10,600 from April 2015.

### **Devolution**

The Smith Commission report announced that the Scottish parliament will be given the power to set rates of Income Tax and the thresholds at which these are paid for the non-savings and non-dividend income of Scottish taxpayers. The Scottish parliament will be responsible for more than 50 per cent of its funding.

The Scottish Government will be responsible for a number of benefits including the majority of those for disabled people and carers. Universal credit will remain reserved but the Scottish Government will be assigned certain flexibilities including the power to vary the housing cost element.

Aggregates levy, air passenger duty and the first 10 percentage points of the standard rate of VAT will be assigned to the Scottish Government.

### **Stamp Duty Land Tax**

The new structure of Stamp Duty Land Tax (SDLT) will apply to people buying homes in Scotland until 31 March 2015. After this date, the Scottish Government's Land and Buildings Transaction tax will replace SDLT in Scotland. The associated reduction in the Scottish Government's block grant will be around £80 smaller in 2015/16 as a result.

## **Savings**

Individual Savings Accounts (ISAs) to be transferrable to civil partners/ spouses tax free on the death of the ISA holder.

### **5 Main Implications for West Lothian Council**

The Scottish budget will receive an additional £227 million as a result of the workings of the Barnett Formula. However, £127 million of this stems from extra funds for the NHS in England and the Scottish government has already promised to pass this sum on, in full, to the NHS in Scotland. The Scottish Government are required to determine the distribution of the departmental spending figures for 2015/16 and 2016/17. I will report to Council Executive on any subsequent announcements by the Scottish Government on the allocation of the Scottish Block for 2015/16 and 2016/17.

### **E. CONCLUSION**

The Chancellor's Autumn Statement 2014 was intended to build on measures previously announced in the 2014 Budget. The economic projections in the Autumn Statement 2014 continue to provide a very challenging financial outlook with public finances remaining constrained and a continuing risk that the weak growth in the Eurozone could lead to further pressure on the UK economy. With UK public service budgets potentially facing another five years of constraint, possibly of a greater magnitude than those already experienced, the period ahead remains very challenging for the public sector.

In this context, it is imperative that the council continues with its strategic and integrated approach to corporate and financial planning so that outcomes are achieved and balanced budgets delivered.

### **F. BACKGROUND REFERENCES**

Chancellor's Budget 2014 – report by Head of Finance and Estates to the Council Executive on 15 April 2014

Appendices/Attachments: None.

Contact Person: Gillian Simpson, Accountant – Financial Management Unit  
[gillian.simpson@westlothian.gov.uk](mailto:gillian.simpson@westlothian.gov.uk) Tel No: 01506 283237

**Donald Forrest**  
**Head of Finance and Estates**  
**16 December 2014**





## **COUNCIL EXECUTIVE**

### **THE REPORT OF THE SMITH COMMISSION**

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

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

To inform the Council Executive of the Smith Commission Agreement of 26 November 2014 and the main terms of that agreement as outlined in the Smith Commission Report published on 27 November 2014.

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

It is recommended that the Council Executive:

1. Notes the contents of this report.
2. Agrees that the Head of Finance and Estates and other officers should present further reports, as required, on the implementation of the Smith Commission Agreement.

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

<b>I</b>	<b>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</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Legislation, following the Smith Agreement, is likely to substantially enhance the power of the Scottish Parliament to address the issues raised in the report. Draft clauses will be brought forward by the UK Government by 25 January 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Corporate and service performance indicators are being reviewed as implications of the reforms become clear.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 1 - Our children have the best start in life and are ready to succeed  Outcome 2 - We are better educated and have access to increased and better quality learning

and employment opportunities

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

Outcome 7 - We live longer, healthier lives and have reduced health inequalities

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

The Head of Finance and Estates will monitor the potential impact of any changes arising from the Smith report. The Anti-Poverty Strategy Development Group will continue to assess the financial implications for the council of welfare changes.

**VII Consideration at PDSP**

Regular quarterly updates on welfare changes have been reported since May 2012 to the Partnership and Resources PDSP, the work of the Smith Commission being reported in the 28 November 2014 quarterly update.

**VIII Other consultations**

With services, consultations with the voluntary sector and other partners.

**D. TERMS OF REPORT**

**D.1 Background**

Following the 18 September 2014 referendum, Lord Smith of Kelvin was asked to: "...convene cross-party talks and facilitate an inclusive engagement process across Scotland to produce, by 30 November 2014, Heads of Agreement with recommendations for further devolution of powers to the Scottish Parliament."

Following nine plenary sessions of cross-party talks, involving all five of the political parties represented in the Scottish Parliament and a series of events where the Commission Secretariat and Lord Smith engaged with civic Scotland, the political parties reached a final agreement on the package of new powers on 26 November. The Smith Commission report was published on 27 November 2014.

The UK Government has undertaken to produce draft legislative clauses implementing the proposals set out in the report. It has stated that it will publish those clauses by 25 January 2015.

The Smith Commission Heads of Agreement comprises of three "pillars". The three pillars aim to:

1. Provide a durable but responsive constitutional settlement for the governance of Scotland.
2. Deliver prosperity, a healthy economy, jobs, and social justice.

### 3. Strengthen the financial responsibility of the Scottish Parliament

Information on the content of each pillar is provided in sections D2, D3, and D4 of this report.

## **D.2 Pillar One: Providing a durable but responsive constitutional settlement**

### **Scottish Parliament**

The Scottish Parliament will be made permanent in UK legislation and given powers over how it is elected and run. This will include powers in relation to campaign spending limits and the power to allow 16 and 17 year olds to vote.

UK legislation will give the Scottish Parliament powers to make decisions about all matters relating to the arrangements and operations of the Scottish Parliament and Scottish Government, including: powers over the overall number of MSPs or the number of constituency and list MSPs, powers over the the disqualification of MSPs from membership, and the circumstances in which a sitting MSP can be removed.

### **Inter-governmental machinery**

The parties to the Smith Commission Agreement believe that the current inter-governmental machinery between the Scottish and UK Governments, including the Joint Ministerial Committee (JMC) structures, must be reformed as a matter of urgency and scaled up significantly to reflect the scope of the agreement arrived at by the parties. The views of the other devolved administrations will need to be taken fully into account in the design of the quadrilateral elements of that revised machinery.

The reformed inter-governmental arrangements will include a new, overarching Memorandum of Understanding which will lay out details of the new bilateral governance arrangements which will be required to oversee the implementation and operation of the tax and welfare powers to be devolved.

### **Crown Estate**

Responsibility for the management of the Crown Estate's economic assets in Scotland, and the revenue generated from these assets, will be transferred to the Scottish Parliament. This will include the Crown Estate's seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible.

Following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Na h-Eilean Siar or other areas who seek such responsibilities.

### **Broadcasting, telecommunications and postal services**

There will be a formal consultative role for the Scottish Government and the Scottish Parliament in the process of reviewing the BBC's Charter. The BBC will lay its annual report and accounts before the Scottish Parliament and submit reports to, and appear before, committees of the Scottish Parliament in relation to matters relating to Scotland.

There will be a formal consultative role for the Scottish Government and the Scottish Parliament in setting the strategic priorities for OFCOM with respect to its activities in Scotland. Scottish Ministers will have the power to appoint a Scottish member to the



OFCOM Board who is capable of representing the interests of Scotland. OFCOM will lay its annual report and accounts before the Scottish Parliament and submit reports to, and appear before, committees of the Scottish Parliament.

## **Transport**

There will be a formal consultative role for the Scottish Government and the Scottish Parliament in setting the strategic priorities for the Maritime and Coastguard Agency (MCA) with respect to its activities in Scotland. Scottish Ministers will have the power to appoint a Scottish member to the MCA's Advisory Board who is capable of representing the interests of Scotland. The MCA will lay its annual report and accounts before the Scottish Parliament and submit reports to, and appear before, committees of the Scottish Parliament.

Similar arrangements will be put in place in relation to the Northern Lighthouse Board.

### **D.3 Pillar Two: Deliver prosperity and social justice**

The Scottish Parliament will be given powers to create new benefits in devolved areas and make discretionary payments in any area of welfare. Also a range of other benefits that support older people, carers, disabled people and those who are ill will be fully devolved.

#### **State Pension**

All aspects of the state pension will remain shared across the United Kingdom and reserved to the UK Parliament, including: the setting of the state pension age, the introduction of the new state pension for those who reach state pension age on or after 6 April 2016, and the setting of the amount of state pension and its uprating.

#### **National Minimum Wage**

The national minimum wage will remain reserved. The rates are usually updated every October. The current rate of £6.50 per hour applies from October 2014. This rate is for those aged 21 and over. There are different rates for younger people and for apprentices.

#### **Benefits outwith the Universal Credit Scheme**

Responsibility for the following benefits will remain reserved: Bereavement Allowance, Bereavement Payment, Child Benefit, Guardian's Allowance, Maternity Allowance, Statutory Maternity Pay, Statutory Sick Pay and Widowed Parent's Allowance

### **D.3 .1 Universal Credit**

#### **Overview**

Universal Credit (UC) involves the integration of six core benefits and tax credits into a single payment. This Universal Credit payment will bring together: income-based (means-tested) Job Seekers' Allowance; income-based Employment Support Allowance; Income Support; Housing Benefit; Child Tax Credit and Working Tax Credit.

The Department for Work and Pensions (DWP) plan was to make one single payment to the household, paid on a monthly basis.

The housing support element of Universal Credit, replacing Housing Benefit, is included in this single payment and, under the DWP plans, was to be paid to the claimant not to the landlord.

The claimant would then be responsible for paying their rent and managing their monthly budget in the same way as those in receipt of a salary. The DWP believe that this will help to ease the transition into work.

However a number of submissions to the Smith Commission, not least from social landlords in Scotland, highlighted concerns over this approach to housing support. The Commission has sought to address these concerns.

### **The Smith Commission plans for Universal Credit**

Universal Credit (UC) will remain a reserved benefit administered and delivered by the Department for Work and Pensions (DWP).

However, within this framework the Scottish Government will be given the administrative power to change the frequency of UC payments, vary the existing plans for single household payments, and pay landlords direct for housing costs.

The Scottish Parliament will also have the power to vary the housing cost elements of UC, including varying the under-occupancy charge (the so-called “bedroom tax”), the local housing allowance rates for those renting in the private sector, the eligible rent, and the deductions from housing support for non-dependants in the household.

Any additional administration and programme costs directly associated with the exercise of the devolved powers over UC will be met by the Scottish Government.

Other elements of UC, including the conditionality and sanctions regime for jobseekers, will remain reserved.

### **D.3.2 Other devolved benefits outwith the Universal Credit scheme**

Many of the benefits for carers, disabled people, and those who are ill, will be devolved to the Scottish Parliament. These include: Attendance Allowance, Carer’s Allowance, Disability Living Allowance (DLA), Personal Independence Payment (PIP), Industrial Injuries Disablement Allowance and Severe Disablement Allowance.

Full powers over the Discretionary Housing Payments (DHP) scheme, not just the current powers over the spending cap, will be devolved.

Benefits which currently comprise the DWP *Regulated* Social Fund will also be devolved. These include: Cold Weather Payments, Funeral Payments, Sure Start Maternity Grants and Winter Fuel Payments.

The DWP *Discretionary* Social Fund, which comprised Community Care Grants and Crisis Loans, had already been incorporated into the new Scottish Welfare Fund (SWF), administered by local authorities in Scotland, since April 2013. Whether the administration of the devolved *Regulated* Social Fund will also fall on local authorities to administer, in the same way as the SWF, is yet to be determined.

### **D.3.3 Powers to create new benefits and to top-up reserved benefits**

The Scottish Parliament will have new powers to create new benefits in areas of devolved responsibility.

The Scottish Parliament will also have new powers to make discretionary payments in any area of welfare without the need to obtain prior permission from DWP.

In addition it may seek agreement from DWP for the Department to deliver those discretionary payments on behalf of the Scottish Government. All administration and programme costs directly associated with the exercise of this power will be met by the Scottish Government.

The UK Government's Benefit Cap will also be adjusted to accommodate any additional benefit payments that the Scottish Parliament provides.

#### **D.3.4. Employability**

The Scottish Parliament will have all powers over support for unemployed people through the employment programmes currently contracted by DWP (presently delivered mainly through the Work Programme) on expiry of the current commercial arrangements.

The Scottish Parliament will have the power to decide how it operates these core employment support services.

Funding for these services will be transferred from the UK Parliament.

#### **D.3.5 Delivery and Administration**

As the single face-to-face channel for citizens to access all benefits delivered by DWP, Jobcentre Plus will remain reserved. However, the UK and Scottish Government will identify ways to further link services through methods such as co-location wherever possible and establish more formal mechanisms to govern the Jobcentre Plus network in Scotland.

#### **D.4 Pillar Three: Strengthen the financial responsibility of the Scottish Parliament.**

The Scottish Parliament will be given the power to set income tax rates and bands on earned income and will retain all of the income tax raised in Scotland. A share of VAT will be assigned to the Scottish Parliament and Air Passenger Duty will be fully devolved.

##### **Taxation**

Income Tax will remain a shared tax and both the UK and Scottish Parliaments will share control of Income Tax. MPs representing constituencies across the whole of the UK will continue to decide the UK's Budget, including Income Tax.

Within this framework, the Scottish Parliament will have the power to set the rates of Income Tax and the thresholds at which these are paid. There will be no restrictions on the thresholds or rates the Scottish Parliament can set.

All other aspects of Income Tax will remain reserved to the UK Parliament, including the imposition of the annual charge to Income Tax, the personal allowance, the taxation of savings and dividend income, the ability to introduce and amend tax reliefs, and the definition of income.

The Scottish Government will receive all Income Tax paid by Scottish taxpayers on their non-savings and non-dividend income with a corresponding adjustment in the block grant received from the UK Government.

All aspects of: National Insurance Contributions; Inheritance Tax and Capital Gains Tax; Corporation Tax; and the taxation of oil and gas receipts; will remain reserved.

### **Value Added Tax**

The receipts raised in Scotland by the first 10 percentage points of the standard rate of Value Added Tax (VAT) will be assigned to the Scottish Government's budget, with a corresponding adjustment to the block grant received from the UK Government.

All other aspects of VAT will remain reserved.

### **Air Passenger Duty**

The power to charge tax on air passengers leaving Scottish airports will be devolved to the Scottish Parliament. The Scottish Government will be free to make its own arrangements with regard to the design and collection of any replacement tax, including consideration of the environmental impact.

The Scottish Government's block grant will be adjusted to accommodate the devolution of air passenger duty.

### **Barnett Formula**

The Smith Agreement states that the Barnett Formula should continue, but the revised funding framework should result in the devolved Scottish budget benefitting in full from policy decisions by the Scottish Government that increase revenues or reduce expenditure, with the devolved Scottish budget bearing the full costs of policy decisions that reduce revenues or increase expenditure.

The devolution of responsibility for taxation and public spending, including elements of the welfare system, should be accompanied by an updated fiscal framework for Scotland.

## **D.5 Further issues outwith the Smith Agreement**

Although the remit of the Smith Commission was to agree on further devolution of powers to strengthen the Scottish Parliament within the UK, a number of other issues were discussed.

### **Devolution to local communities**

In the Foreword to the report Lord Smith states that there is a strong desire to see the principle of devolution extended, with the transfer of powers from Holyrood to local communities.

Lord Smith states that, "This is an issue that will require significant further thought and discussion and I welcome the enthusiasm of all parties for greater empowerment of our communities. The Scottish Government should work with the Parliament, civic Scotland and local authorities to set out ways in which local areas can benefit from the powers of the Scottish Parliament".

### **Additional issues for consideration**

The parties in the Commission also raised a number of additional policy matters which do not involve the devolution of power to the Scottish Parliament.

They have agreed that the Scottish and UK Governments should work together to:

Seek, with respect to food labelling, to agree changes to the European country of origin rules so that a 'made in Scotland' brand is recognised under EU law.

Explore the possibility of introducing formal schemes to allow international higher education students graduating from Scottish further and higher education institutions to remain in Scotland and contribute to economic activity for a defined period of time.

Explore the possibility of extending the temporary right to remain in Scotland for someone who is identified as a victim of human trafficking.

Explore, with respect to asylum seekers, the possibility of different powers being in place in Scotland for asylum seekers to access accommodation and financial support and advice.

Ensure that fines, forfeitures, fixed penalties imposed by courts and tribunals in Scotland as well as sums recovered under Proceeds of Crime legislation are retained by the Scottish Government.

Review the functions and operations of the Health and Safety Executive in Scotland.

#### **D.6 Timetable**

Following the Smith Commission Agreement, reached by all five political parties on 26 November 2014, and the publication of the Smith Commission Report on 27 November, the UK Government has undertaken to produce draft legislative clauses devolving the powers outlined in the report. The UK Government has stated that it will publish these clauses by 25 January 2015.

The three main UK political parties have agreed that, following the UK General Election of May 2015, the legislative process will begin, with a Bill being introduced in Parliament.

When the powers are devolved, the Scottish Government will then have to legislate for the various different measures and schemes to be implemented.

The timetable for this is, as yet, uncertain, as is the extent and timing of the consultations required regarding the details of the proposed new measures and their methods of implementation.

#### **E. CONCLUSION**

The implementation of the Smith Commission Agreement and its impact upon civic Scotland will be a significant issue in the months and years ahead.

Council officers will seek to assist in all relevant consultations in order to achieve the best possible outcomes for the communities we serve.

The results of this work will be reported to elected members via the PDSP and Council Executive process and relevant action will be proposed by the council and partners to address issues arising.

## **F. BACKGROUND REFERENCES**

Report of the Smith Commission for further devolution of powers to the Scottish Parliament.

[http://www.smith-commission.scot/wp-content/uploads/2014/11/The\\_Smith\\_Commission\\_Report-1.pdf](http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf)

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**Donald Forrest**

**Head of Finance and Estates**

**16 December 2014**





**COUNCIL EXECUTIVE**

**BLACKBURN PARTNERSHIP CENTRE – HUBCO STAGE 2 SUBMISSION AND PRE-CONSTRUCTION APPROVALS**

**JOINT REPORT BY HEAD OF FINANCE AND ESTATES AND HEAD OF AREA SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive approval for the Hubco Stage 2 submission for Blackburn Partnership Centre and the main terms of the ground lease, occupancy lease and development agreement between the council and NHS Lothian to deliver the development.

**B. RECOMMENDATIONS**

It is recommended that the Council Executive:

1. Notes the summary of the main components of Hubco's Stage 2 submission outlined in section D.2 and the commentary relating to each - in particular that:
  - a) The estimated maximum cost to the council for design and construction of its share of the facility is £3.968m and that Hubco has assessed the proposal as representing value for money.
  - b) A Sub-Hubco will provide hard facilities management and lifecycle maintenance services for the whole building, including the council's accommodation.
2. Approves the proposals in Hubco's Stage 2 submission which are relevant to the council;
3. Notes that the council and NHS Lothian must enter into a separate ground lease, occupancy lease and development agreement, to manage the councils occupancy and delivery of the accommodation;
4. Approves the main terms of the proposed ground lease, occupancy lease and development agreement, and delegates powers to the Head of Finance and Estates to agree to any changes required and to conclude these agreements, on the basis that any revised terms and conditions continue to represent best value for the council; and
5. Approves the declaration of Blackburn Community Education Centre and Blackburn Connected as no longer required for service delivery and surplus to requirements, from when the new partnership centre building becomes fully operational.



## C. SUMMARY OF IMPLICATIONS

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable. Focusing on our customers' needs. 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>	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>	Relevant to all outcomes.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The total capital budget for the delivery of the partnership centre is £4.6m.  £4.053m of which is allocated to design and construction with the remaining £547,000 to cover non-construction items.  Recurring revenue costs for the new centre will be met from existing revenue budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	See Section F of this report gives details of previous reports.
<b>VII</b>	<b>Consultations</b>	There is ongoing consultation and dialogue with a range of services, partners and other stakeholders including: <ul style="list-style-type: none"> <li>- Local Members</li> <li>- Council services</li> <li>- West Lothian Community Health and Care Partnership</li> <li>- NHS Lothian</li> <li>- Police Scotland</li> <li>- Ashgrove Medical Practice</li> <li>- Community Partners</li> </ul>

## **D TERMS OF REPORT**

### **D1 Introduction**

The council, West Lothian CHCP and NHS Lothian (the Partners) are working in partnership with Hub South East Scotland Limited (Hubco) to develop and deliver Blackburn Partnership Centre.

As reported previously, the development is part of a wider 'bundle' of projects which NHS Lothian will procure under a single contract in order to achieve better value for money. NHS Lothian is hence the identified lead organisation for this development.

The Partners approved Hubco's stage 1 proposals for Blackburn Partnership Centre in Spring 2014. Since that time, further development work has been undertaken by the partners, Hubco and GRAHAM Construction to progress the project through the second and final development stage. Planning consent for the development was granted in August 2014.

### **D2 Hubco stage 2 submission**

Hubco has now formally presented its Stage 2 submission to the Partners. The Stage 2 submission represents a further refinement and development of the Stage 1 submission, the appropriate parts of which were approved by the Council Executive in January 2014. The aim of the stage 2 submission is to further demonstrate deliverability and value for money within the agreed brief, programme and affordability cap (estimated maximum cost).

Stage 2 is a key stage for any project being delivered through Hubco as approval of the Stage 2 proposals ultimately represents agreement to proceed with the appointment of the contractor, undertake construction of the facility and receive the services defined in the project agreement.

The Stage 2 submission itself includes hundreds of different documents, drawings and schematics. As such, it is considered prohibitively large to append to this report. The full submission is available for members to inspect on request. It should be noted that not all of the Stage 2 submission is relevant to the council, with significant parts relating to the other developments in the bundle or to the financing of the bundled projects from an NHS Lothian perspective.

The following is a summary of the proposals in the Stage 2 submission which are relevant to the council's interest in Blackburn Partnership Centre:

#### *a. Building designs and technical proposals*

The building designs and technical proposals since Stage 1 have been refined by the project's design team working closely with the partners, services, teams and other stakeholders with an interest in the building.

The site plan and architectural designs from the Stage 2 submission feature as appendices 1, 2 and 3 to this report. The project manager will also present a selection of the 1:50 scale and design intent drawings at the meeting.

Following a review of the design and technical proposals, officers from Housing, Building and Construction Services have confirmed that the designs are suitable and efficient for this type of development, and that they are in line with the council's requirements and expectations. Appropriate managers from the council services and community facilities which will be accommodated in the building, have also confirmed that the designs are fit for purpose and will

meet the operational requirements of their respective areas.

Officers do not anticipate any significant changes to the design proposals from this point forward.

b. *Pricing report*

During the Stage 2 development period a market testing tendering exercise was undertaken and a total of 83.94% of the bundle's package value was competitively tendered. The outcome of the market testing exercise and benchmarking information from comparator projects were then used to inform commercial discussions with the tier one contractor and refine the Stage 1 pricing report.

The pricing report confirms that the estimated maximum cost for the entire development is £7.640m, with the estimated maximum cost to the council for design and construction of £3.968m. It also provides a detailed breakdown of these costs and their apportionment between the Partners.

It should be noted that approximately £70,000 of additional costs have emerged during Stage 2. These costs are associated with a requirement from Scottish Water for the Partners to fund certain off-site drainage infrastructure works. These costs will be managed within existing project resources.

Officers from the CHCP, Finance and Estates Services and Housing, Building and Construction Services are satisfied with Hubco's value for money assessment. Furthermore, officers consider the apportionment of costs between the Partners to be acceptable.

c. *Land matters*

The Stage 2 submission acknowledges that the ownership of the development site will continue to be held by the council. NHS Lothian will enter into a long term ground lease agreement with the council for the construction and operation of the partnership centre. The main terms of ground lease, which requires Council Executive approval before the project can progress to construction, are shown in Appendix 4. This approach ensures that the council retains security for its investment through continued ownership of the land.

d. *Key project milestones*

Following is a summary of the delivery timetable for the development going forward:

- Stage 2 Participant Approval - November/December 2014
- Advanced Works - November/December 2014
- Main Works Mobilisation - February 2015
- Main Works Start - March 2015
- Main Works Completion - Summer 2016

As can be seen above, the next key project milestone is approval of Hubco's Stage 2 submission. Until the council formally approves the relevant parts of the submission, the project contract and related agreements cannot be

finalised and the project cannot progress to construction. Such approval will also confirm that the council would not be seeking to modify the scheme substantially after this point. Any such modifications going forward would require to be taken through an established change control process and would likely result in additional costs.

e. *Hard facilities management (FM) and lifecycle maintenance services*

The council, as joint partner in the Blackburn development, will be required to pay a proportionate share of hard FM and lifecycle maintenance services costs. As with the capital construction costs, the revenue costs for these services have been benchmarked against comparator developments and are within the caps agreed at Stage 1.

In summary, lifecycle maintenance will include the planned replacement of assets which are life expired i.e. mechanical, electrical, building fabric components and external hard landscaping. Effectively the whole facility with the exception of decoration, soft floor coverings, non-permanent ceiling finishes and specialist fixtures, fittings and equipment.

A lifecycle model has been produced which considers, on an item/component basis, the expected life and the costs associated with the replacement of the item/component, including any applicable on-costs. The model will ensure that works are only undertaken at an appropriate time to ensure that the facility condition remains as specified in the project agreement.

In summary, hard FM services will include all planned and reactive mechanical maintenance, electrical maintenance and building fabric maintenance. PAT testing and costs associated with malicious damage and vandalism being excluded. Hard FM does not include cleaning, caretaking or janitorial services.

### **D3 Delivery model - proposed contractual route to deliver the new project**

In line with the Scottish Government's NHS funding requirements, an agreement with a Sub-Hubco for the design, build, financing and maintenance of the bundle of the partnership centres (the DBFM agreement) will be entered into. The Sub-Hubco will be a wholly owned subsidiary of Hubco set up specifically for this delivery of this contract. The DBFM agreement is based on standard contract documentation which was developed by the Scottish Futures Trust and which forms part of the Territory Partnering Agreement which the council is a party to through its shareholding.

There will not be a direct contractual relationship between the council and the Sub-Hubco. As such, it will be necessary for the Partners to enter into appropriate agreements which regulate participation in the project and define the arrangements for shared occupation of the facilities. Officers from the Project Team have developed proposed main terms of the required agreements, as outlined in Appendix 4. In summary, these outline the following:

a. *Development agreement*

The proposal is for the council to enter into an agreement with NHS Lothian to ensure that it procures, via Hubco, the partnership centre construction on time and within budget. This approach insulates the council from the risk of overspend and failure to deliver on time.

b. *Ground lease agreement*

The proposal is for the council to grant a ground lease to NHS Lothian to facilitate the construction of the partnership centre. This ensures the council retains ownership of the land throughout the lease period. Upon expiry, the council will continue to own the land with NHS Lothian having the option to acquire a proportionate share.

c. *Occupancy lease agreement*

To ensure clarity on the management of the facility and so that legal responsibilities are firmly established, the proposal is for the council to enter into an occupancy lease agreement at a nominal rent. This will also allow the council, in turn, to grant appropriate agreements to a management committee and Blackburn, Seafield and District Credit Union for the community facilities and credit union space respectively.

Some of the detail which supports the main terms in Appendix 4 will require further refinement through negotiation between appropriate council and NHS Lothian officers. As such, this report not only seeks approval of the main terms of the agreements, but also approval to delegate powers to the Head of Finance and Estates to agree any changes required to these terms in order to conclude the transactions, on the basis that any revised terms and conditions still represent best value for the council and are legally consistent with existing council good estate management practices.

It should be noted that at the end of the all the lease agreements and the DBFM agreement period, the council will retain the ownership of the land and building, with NHS Lothian having a right to acquire their apportioned share. The proposed lease hierarchy outlined in this report ensures that the council retains ownership of the development site, is insulated from risks associated with the construction of the building, by procuring via NHS Lothian, and has a significant and recognised ongoing management interest in the building.

#### **D4 Blackburn Community Education Centre**

Given that the community facilities to be accommodated in the new partnership centre are intended to replace Blackburn Community Education Centre, it is appropriate at this stage to seek formal approval for the existing community centre building to be declared surplus to requirements, from the point that the new building becomes fully operational. Essentially, at that point, the existing building will cease to be required for service delivery.

Seeking this declaration at this stage will help ensure that the surplus property does not become a burden in terms of financial and management resources. It will also allow sufficient time for an evaluation of the property, in accordance with the council's surplus property procedures.

### **E CONCLUSION**

This report provides an update on progress with the Blackburn Partnership Centre project and seeks Council Executive approval on a number of matters which, if obtained, will allow the project to progress towards construction in Spring 2015.

Given the significant capital investment from the council in Blackburn Partnership Centre and given it will occupy a large percentage of the accommodation, it will be necessary to continue to report through the council's governance and decision-making structures at key stages of the project.

## **F BACKGROUND REFERENCES**

Reports to Council Executive - 15 November 2011, 7 February 2012, 12 March 2013 and 21 January 2014.

Reports to West Lothian Community Health and Care Partnership Board - 10 April 2012, 2 October 2012 and 27 May 2014

Reports to Whitburn and Blackburn Local Area Committee - 4 June 2012, 27 August 2012, 17 December 2012, 11 February 2013, 27 May 2013, 23 September 2013, 10 March 2014 and 18 August 2014

Reports to Culture and Leisure Policy Development and Scrutiny Panel - 8 June 2010 and 20 December 2012

Appendices:           Appendix 1 - Architectural Designs - Site Plan  
                              Appendix 2 - Architectural Designs - Ground Floor Plan  
                              Appendix 3 - Architectural Designs - First Floor Plan  
                              Appendix 4 - Main Terms of Development Agreement, Ground Lease and Occupancy Lease

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**Donald Forrest**  
**Head of Finance and Estates**

**Steve Field**  
**Head of Area Services**

Date of meeting:       16 December 2014

Main Terms of proposed development agreement, ground lease and occupancy lease between the council and NHS Lothian in respect of Blackburn Partnership Centre:

a. *Development agreement*

The council agrees to grant a ground lease for the site of the partnership centre (main terms detailed below)

NHS Lothian contract to procure the design, build and maintenance of the partnership centre in consideration for:

- The council paying £3.968m to NHS Lothian towards the design and construction costs for its share of the partnership centre.
- The council entering into an occupancy lease with NHS Lothian for its share of the partnership centre (main terms detailed below).

The terms of the development agreement will ensure that the delivery of the partnership centre occurs within budget and timescales advised. The risks associated with these will under the agreement transfer to NHS Lothian and Hubco.

b. *Ground lease agreement*

Tenant - Scottish Ministers per NHS Lothian.

Subjects - 4,389 m2 land at Rowan Terrace Blackburn.

Date of Entry - December 2014 (provisional).

Rent - £13,200 per annum (excluding VAT).

Lease Duration - Approximately 26 years to be co terminus with the DBFM agreement.

Rent Review - five yearly RPI index linked reviews with a ceiling cap of 5%.

Use - Not to use the premises other than as a partnership centre, including council offices, health centre, dental surgery, library, sports hall and community hall. Not to use the premises for other uses without the prior written consent of the Landlord such consent not to be unreasonably withheld or delayed.

Tenant Option - Tenant to be granted an option to acquire in the last year of the term on expiry of the ground lease a pro and divisio share of the land at market rates upon which the Partnership Centre is built together with a pro and divisio share of the structure.

Legal Expenses - Each party to meet their own legal costs.

General - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this

type of property.

c. *Occupancy lease agreement*

Tenant - West Lothian Council.

Subjects - 1,671m<sup>2</sup> of Blackburn Partnership Centre (areas of responsibility will be specifically outlined and noted in the agreement)

Date of Entry - June 2016 (provisional), triggered by practical completion of construction.

Rent - £1 per annum (Excluding VAT).

Lease Duration - Approximately 25 years to be co-terminus with the DBFM agreement.

Service Charge - The council will pay to NHS Lothian a share of the annual service costs incurred by NHS Lothian which will be based on the proportion of the net internal floor area leased to the council relative to the total net internal floor area of the Partnership Centre. Initially this will be 55%. These service costs will cover the costs that NHS Lothian will incur for hard FM services, lifecycle maintenance services and the operational costs of the Sub-Hubco. These will be subject to demonstration of continued value for money and professionally administered as required by the Royal Institution of Chartered Surveyors service charge code.

Use - Not to use the premises other than as a partnership centre, including council offices, library, sports hall and community hall. Not to use for other uses without the prior written consent of the Landlord such consent not to be unreasonably withheld or delayed.

Legal Expenses - Each party to meet their own legal costs.

General - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this type of property. These will include arrangements for responsible person, maintenance works notification and service provider contract arrangements.







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TO BE READ IN CONJUNCTION WITH ALL OTHER GHA DRAWINGS, SCHEDULES AND SPECIFICATIONS.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS.

REFER TO CONSULTANTS' DRAWINGS FOR STRUCTURAL AND SERVICES INFORMATION.

REV - (25.11.14) UPDATED AS PARKING ALTERATIONS. (RT)

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PROJECT  
BLACKBURN PARTNERSHIP CENTRE

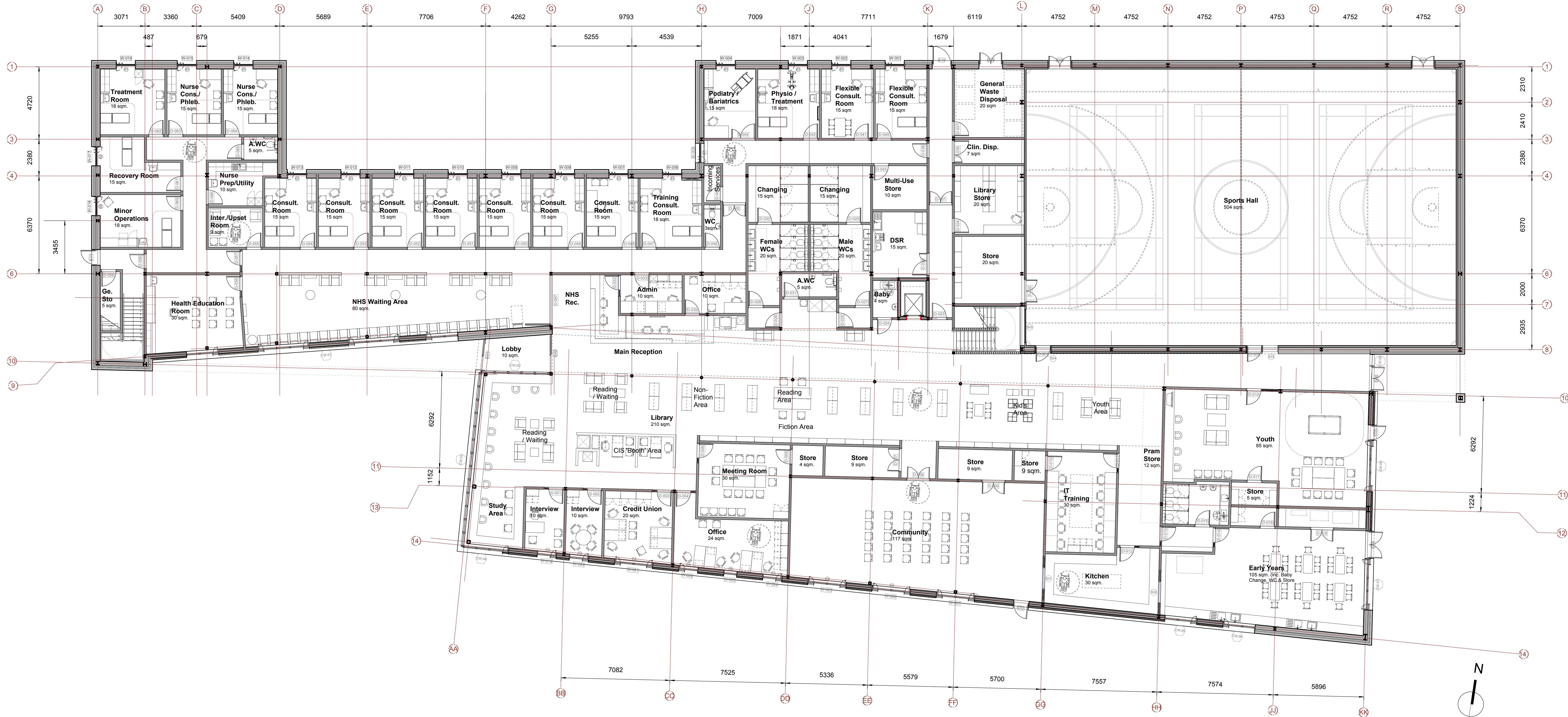
CLIENT  
HUB SOUTH EAST SCOTLAND

DWG. NO. <b>SK_RT_141125</b>	<b>SITE PLAN WITH DEVELOPMENT BOUNDARY DIMENSIONS</b>	REVISION -	DRAWN BY RT
DATE APR 2014	ISSUE FOR INFORMATION ONLY	SCALE 1:500 at A3	

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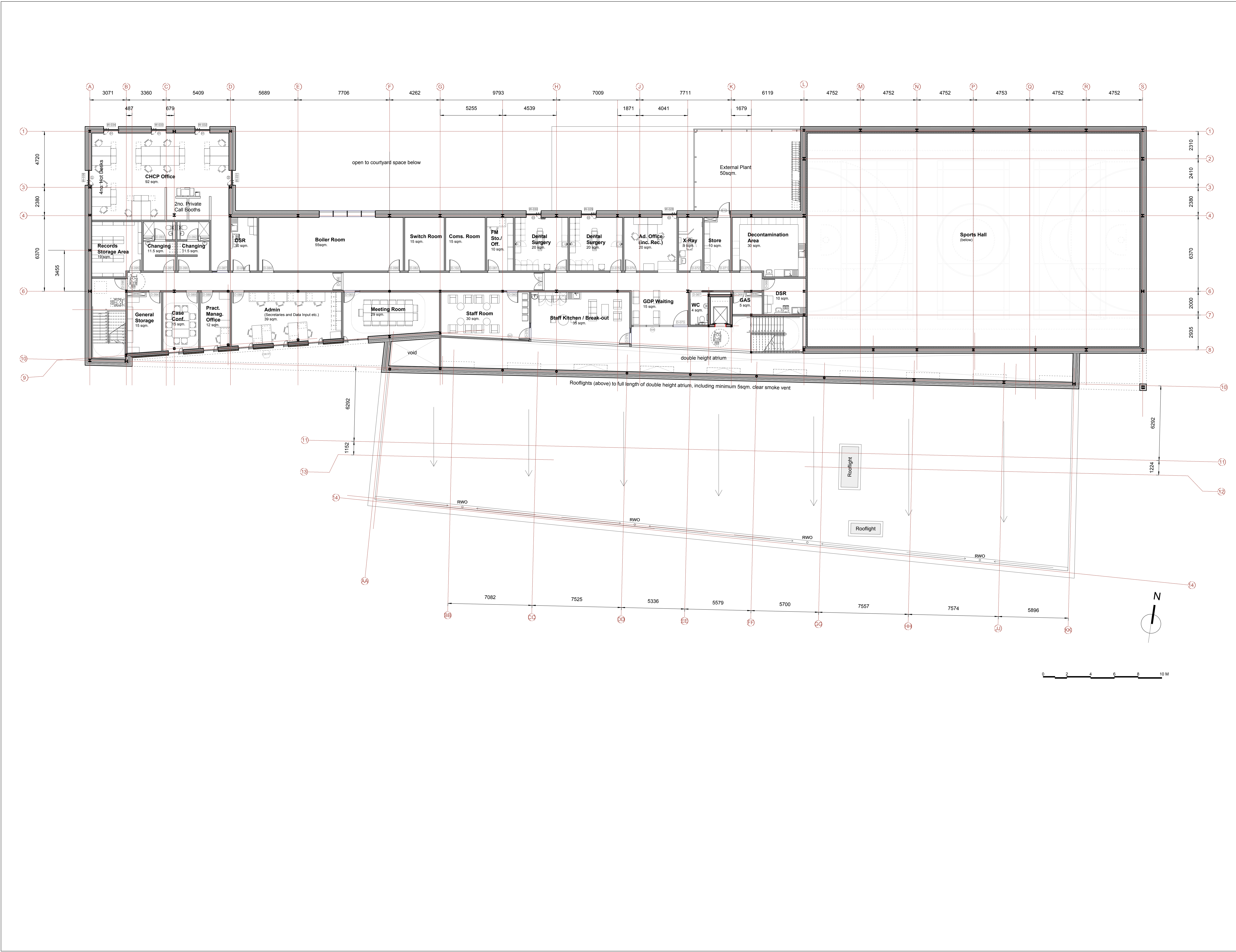
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEERS' DRAWINGS.

REFER TO CONSULTANTS' DRAWINGS FOR STRUCTURAL AND SERVICES INFORMATION.

Ground Floor Level 0000mm  
First Floor Level + 3750mm  
GIA TOTAL = 3037 sqm.







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REFER TO CONSULTANTS' DRAWINGS FOR STRUCTURAL AND SERVICES INFORMATION.

Ground Floor Level 0000mm  
First Floor Level + 3750mm  
GIA TOTAL = 3037 sqm.

REV B (23.09.14) UPDATED AS 'VALUE ENGINEERING'. (RT)  
REV A (21.05.14) UPDATED FOR BUILDING WARRANT. (RT)

**garethhoskinsarchitects**

PROJECT: PARTNERSHIP CENTRE BLACKBURN

CLIENT: HUB SOUTH EAST SCOTLAND

DATE: 21.05.14  
DRAWN: AL(00)/111  
CHECKED: B  
DATE: APR 2014

REVISION: 0  
BY: MB  
DATE: 11.04.14

STAGE: STAGE 2 WARRANT  
SCALE: 1:100 at A0

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## **COUNCIL EXECUTIVE**

### **CONSULTATION ON PROPOSALS TO INTRODUCE A STATUTORY DUTY OF CANDOUR FOR HEALTH AND SOCIAL CARE SERVICES**

#### **REPORT BY HEAD OF SOCIAL POLICY**

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

The purpose of this report is to note the draft response to the consultation on the proposals to introduce a statutory duty of candour for health and social care services and recommend its submission.

---

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

The Council Executive is asked to consider the draft response to the consultation on the proposals to introduce a statutory duty of candour for health and social care services and recommend its submission.

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

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• developing employees;</li><li>• making best use of our resources;</li><li>• working in partnership</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Adult Support and Protection (Scotland) Act 2007.
<b>III Implications for Scheme of Delegations to Officers</b>	None known at present.
<b>IV Impact on performance and performance Indicators</b>	Working in partnership
<b>V Relevance to Single Outcome Agreement</b>	People most at risk are protected and supported to achieve improved life chances  We live longer, healthier lives and have reduced health inequalities
<b>VI Resources - (Financial, Staffing and Property)</b>	There are anticipated budgetary and resource costs for all health and social services providers.
<b>VII Consideration at PDSP</b>	Health & Care PDSP, 11 <sup>th</sup> Dec 2014



## **VIII Other consultations**

None.

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

The Scottish Government is proposing to introduce legislation that will require organisations providing health and child and adult social care services to tell people if there has been an event involving them where the organisation has recognised that there has been physical or psychological harm caused as a result of their care and treatment.

The Scottish Government wants to introduce an organisational duty of candour in Scotland. This will require services to make sure that they are open and honest with people when something has gone wrong with their care and treatment resulting in harm. It will also require training and support to be provided for staff involved with disclosures and support to be available to people (patient, service user, families) who have been affected by an instance of harm.

The introduction of a statutory duty of candour is considered as a way to improve organisational arrangements to support the disclosure of harm and ensure that there is a clear commitment to ensure that a culture of candour is built as part of a broader culture of safety, learning and improvement. This will place associated responsibilities on organisations to implement suitable structures, processes and reporting arrangements to identify when an adverse event has happened, how to disclose and record it and publish information about disclosures.

The draft consultation response provides a view that health and both child and adult services should work within a duty of candour, but that the response for each adverse event should be responded to proportionately by services rather than in the proposed prescriptive way suggested.

The general tenor of the draft consultation response is that implementing a duty of candour across all health and both child and adult services is consistent and helpful. However, this will have both an administrative and resource burden with an associated financial implication for organisations. Additionally, the response asks for further detail and guidance on how an organisation's duty of candour will be monitored; further clarity on some of the listed proposed disclosable events and guidance on suitable disclosable events for children.

This proposed report and consultation were discussed at the Health and Care PDSP on 11<sup>th</sup> December 2014 where the possible resource implications were noted. It was noted that any resource implications arising from any legislation in this area should be absorbed by the Scottish Government as opposed to the Local Authority. It was further noted that it did not appear clear who would be responsible for the duty of candour, particularly in relation to commissioned resources and where liability then would rest. Consequently, a view has been sought from Legal Services and Finance regarding any legal and insurance implications. It is anticipated that a verbal update will be provided to the Council Executive regarding this.

### **E. CONCLUSION**

This report informs the Council Executive of the consultation on the proposals to introduce a statutory duty of candour for health and social care services. The Council Executive is asked to consider the draft response and recommend its submission.

### **F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: 1

Draft Consultation Response

Contact Person: Wendy Ramsay, Lead Officer – Adult Protection.

01506 281847

wendy.ramsay@westlothian.gcsx.gov.uk

Responsible CMT Member: Jennifer Scott, Head of Social Policy

Date of meeting: *16 December 2014*



# CONSULTATION ON PROPOSALS TO INTRODUCE A STATUTORY DUTY OF CANDOUR FOR HEALTH AND SOCIAL CARE SERVICES



## 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 x☐ Miss ☐ Dr ☐ **Please tick as appropriate**

#### Surname

Ramsay

#### Forename

Wendy

### 2. Postal Address

West Lothian Civic Centre

Howden South Road

Livingston

West Lothian

**Postcode** EH54  
6FF

**Phone** 01506  
281847

**Email**  
wendy.ramsay@westlothian.gcsx.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**

**(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).

**(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 ☐

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

## Annex B

### CONSULTATION QUESTIONNAIRE

Question 1 :

Do you agree that the arrangements that should be in place to support an organisational duty of candour should be outlined in legislation ?

Yes x☒ No ☐

Staff providing care to people should fulfill a duty of candour at work. The proposed legislative arrangements would be more workable if they were less prescriptive and there was an option to determine the most proportionate response to take on a case by case basis.

Question 2:

Do you agree that the organisational duty of candour encompass the requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required ?

Yes x☐ No ☐

The requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required to report matters is useful. However, there will be associated resource issues and financial burdens for agencies to release staff from their core duties to be trained to learn their duty of candour role and responsibilities.

Question 3a: Do you agree with the requirement for organisations to publically report on disclosures that have taken place ?

Yes x☐ No ☐

Publically reporting on disclosures that have taken place seems reasonable, but further work may be needed to determine what level of harm types should be reported. Further detail in the associated duty of candour guidance and resources to support the process of notification, staff support and public recording will be of benefit to organisations. Introducing the process of publically reporting will introduce a new system and resources will need to be deployed to establish, sustain and operate the same systems.

Question 3b: Do you agree with the proposed requirements to ensure that people harmed are informed ?

Yesx ☐ No ☐

Yes, people should be informed when adverse incidents happen to them.

Question 3c: Do you agree with the proposed requirements to ensure that people are appropriately supported ?

Yes x ☒ No ☐

The proposed requirements will have both a practical and financial impact for organisations. Organisations will need to have suitable support arrangements in place to offer assistance to patients, service users, families and staff. If existing staff are used to support others or to attend support sessions themselves this will extract them from their core duties to provide a care service. Consequently, backfill arrangements for key service delivery staff will need to be considered, identified and made known to organisations.

Question 4:

What do you think is an appropriate frequency for such reporting ?

Quarterly ☐ Bi-Annually ☐ Annually x ☒ Other ☐ (outline below)

This would be a manageable and proportionate reporting time – scale for the harm categories noted.

Question 5:

What staffing and resources that would be required to support effective arrangements for the disclosure of instances of harm ?

Each disclosure of harm dependent on its severity, context and each person's response will vary as will the associated time it takes to conclude. This expected variable from one case to another has implications for organisations' resources and how these will be deployed.

The anticipated staffing and resource implications are:

- Delivery duty of candour training would include a facilitator(s) and venue hire;
- Backfill of staff for staff attending duty of candour training;
- Employing / contracting counselling services to offer support to patients; service users; families and staff;
- Administrative staff regarding administrative processes;
- Required software for recording and reporting on the frequency and number of disclosures;

Question 6a:

Do you agree with the disclosable events that are proposed ?

Yes ☐ No x ☒

The disclosable events numbered 9.9, 9.10 and 9.11 are clear.  
The other disclosable events 9.12, 9.13, 9.14 and 9.15 are less clear and open to being interpreted differently from one individual to another. This makes them more difficult to work with and be applied consistently across and between agencies.

Question 6b: Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings ?

Yesx ☒ No ☐

With the assistance of further guidance and training this should be achievable within organisations.

Question 6c:

What definition should be used for 'disclosable events' in the context of children's social care?

All work with children focuses on ensuring their needs are met and balancing the risk of intervention against the risks of not intervening. It is therefore difficult to think of a definition of a disclosable event.

Question 7

What are the main issues that need to be addressed to support effective mechanisms to determine if an instance of disclosable harm has occurred ?

Implementing systems and clear thresholds for staff to identify harm and to promptly report it.

Question 8:

How do you think the organisational duty of candour should be monitored ?

Without guidance to provide further definition about this it is difficult to provide a response.

Question 9:

What should the consequences be if it is discovered that a disclosable event has not been disclosed to the relevant person ?

Support and refresher training to staff. The implementation of a continual improvement action plan by organisations.

**End of Questionnaire**







## **COUNCIL EXECUTIVE**

### **CONSULTATION ON PROPOSALS FOR AN OFFENCE OF WILFUL NEGLECT OR ILL-TREATMENT IN HEALTH AND SOCIAL CARE SETTINGS**

#### **REPORT BY HEAD OF SOCIAL POLICY**

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

The purpose of this report is to seek approval for the draft response to the consultation on the proposals for an offence of wilful neglect or ill-treatment in Health and Social Care settings and recommend its submission.

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

The Council Executive is asked to consider and approve the draft response to the consultation on the proposals for an offence of wilful neglect or ill-treatment in Health and Social Care settings and recommend its submission.

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

- |   |  |
|---|--|
| <b>I Council Values</b>   | <ul style="list-style-type: none"><li>• Focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• developing employees;</li><li>• making best use of our resources;</li><li>• working in partnership</li></ul> |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <ul style="list-style-type: none"><li>• The Mental Health (Care and Treatment) (Scotland) Act 2003.</li><li>• The Adults with Incapacity (Scotland) Act 2000.</li><li>• The Adult Support and Protection (Scotland) Act 2007.</li></ul>        |
| <b>III Implications for Scheme of Delegations to Officers</b>   | None at present.   |
| <b>IV Impact on performance and performance Indicators</b>  | Working in partnership.  |
| <b>V Relevance to Single Outcome Agreement</b>  | We live longer, healthier lives.<br><br>We live in resilient, cohesive and safe communities.   |

	People most at risk are protected and supported to achieve improved life chances.
	Older People are able to live independently in the community with an improved quality of life.
	We live longer, healthier lives and have reduced health inequalities.
<b>VI Resources - (Financial, Staffing and Property)</b>	Within existing resources.
<b>VII Consideration at PDSP</b>	Health & Care PDSP, 11 <sup>th</sup> Dec 2014.
<b>VIII Other consultations</b>	None.

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

The Scottish Government is proposing to create an offence which is similar to those that presently exist in relation to mental health patients and adults with incapacity. The proposed offence would cover the wilful neglect or ill-treatment of anyone receiving care or treatment in a range of care services.

Whilst there is general confidence that staff employed in these settings work in a manner that respects and protects the dignity and rights of individuals and their families, we know from events elsewhere, for example, at Mid-Staffordshire NHS Foundation Trust, and at Winterbourne View, there can be instances where people receiving care are deliberately mistreated or neglected by those who have been trusted to look after them.

There are existing offences of wilful neglect or ill-treatment in respect of mental health patients (S.315 of the Mental Health (Care and Treatment) (Scotland) Act 2003) and in respect of adults with incapacity (S.83 of the Adults with Incapacity (Scotland) Act 2000). However, both of these offences cover distinct groups of people and the purpose of this consultation is to explore extending the scope of the offence of wilful neglect beyond those groups.

The proposal will not cover instances of genuine error or accident and other remedies and means of redress, for example, under the Human Rights Act 1998, or through formal complaints procedures, will remain in place.

The consultation outlines five areas that views are being sought on:

1. The type of care settings which the offence should cover;
2. Whether the offence should be based on conduct or outcomes;
3. How the offence should apply to organisations as well as individuals;
4. Penalties;
5. Equality issues.

The draft response provides a view that the proposal should cover all formal health and social care settings, both in the private and public sectors. It also agrees that the proposal should not include informal arrangements, particularly as there is already existing legislation covering harm in such settings. It is suggested that further information is required before an opinion can be given regarding whether or not the proposals should cover social care settings for children.

The general tenor of the response is that the proposals should be consistent with what is already in place for mental health patients and adults with incapacity, particularly in relation to penalties for offences. It is suggested that the volunteers working for voluntary organisations should be covered by the proposal and that the proposal covers organisations as well as individuals.

This report and consultation were discussed at the Health and Care PDSP held on 11<sup>th</sup> December where a number of comments were made by members. There was significant discussion regarding why the West Lothian Council response sought to exclude informal caring arrangements from the proposals. There were two views in relation in this – one, that the proposals should cover all wilful neglect and ill-treatment wherever occurring and two, that the proposals should only cover formal settings where contractual arrangements were in place and that the approach regarding informal carers should be still be referenced through existing legislative arrangements such as the Adult Support and Protection (Scotland) Act 2007. It was acknowledged that this issue required further exploration. It was further noted at the PDSP that a view has been sought from Legal Services regarding any legal implications. It is anticipated that a verbal update will be provided to the Council Executive regarding this.

## **E. CONCLUSION**

This report informs the Council Executive of the consultation on the proposals for an offence of wilful neglect or ill-treatment in health and social care settings. The Council Executive is asked to consider and approve the draft response and recommend its submission.

## **F. BACKGROUND REFERENCES**

<http://www.scotland.gov.uk/Publications/2014/10/6637>

Appendices/Attachments: 1

Respondent Information Form – Consultation on Proposals for an offence of wilful neglect or ill-treatment in health and social care settings.

Contact Person: Nick Clater, Group Manager – Protection and Emergency Services  
01506 281851  
nick.clater@westlothian.gcsx.gov.uk

CMT Member: Jennifer Scott, Head of Social Policy

Date of meeting: 16 December 2014



# Consultation on Proposals for an Offence of Wilful Neglect or Ill-treatment in Health and Social Care Settings



## 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

Clater

#### Forename

Nicholas

### 2. Postal Address

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Livingston

West Lothian

**Postcode** EH54 6FF

**Phone** 01506-281851

**Email**  
nick.clater@westlothian.gcsx.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

- (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 ONE of the following boxes**

**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

**Do you agree with our proposal that the new offence should cover all formal health and adult social care settings, both in the private and public sectors? Please explain your views.**

Yes ☒ No ☐

It makes sense that all formal health and adult social care settings are covered. There should be no distinction between the private and public sector – people should be treated the same regardless of the sector within which they are receiving care.

**Do you agree with our proposal that the offence should not cover informal arrangements, for example, one family member caring for another?**

Yes ☒ No ☐

We agree with the Scottish Government that the nature of unpaid caring (not least

the lack of contractual arrangements) make it distinct from formal health and social care settings. We would therefore not agree that it should be covered in the proposal. However, we would note that wilful neglect can take place in such informal settings and, consequently, this should be dealt with under existing legislation.

**Should the new offence cover social care services for children, and if so which services should it cover? Please list any children's services that you think should be excluded from the scope the offence and explain your view.**

Yes ☐ No ☐

We would require further information before being able to reach a considered view but we can, initially, see no impediment to the new offence covering social care services for children.

**Should the offence apply to people who are providing care or treatment on a voluntary basis on behalf of a voluntary organisation?**

Yes x☒ No ☐

We do believe that the offence should apply to people who are providing care or treatment on a voluntary basis on behalf of a voluntary organisation because many of these voluntary organisations receive statutory funding on the basis that they are set up to provide appropriate services to people who are both vulnerable and, potentially, at risk of harm. These agencies are responsible for how they recruit, train and supervise their volunteers.

**Do you agree with our proposal that the new offence should concentrate on the act of wilfully neglecting, or ill-treating an individual rather than any harm suffered as a result of that behaviour?**

Yes x☒ No ☐

We believe that the harm caused should not be defined within the proposal as that leads to subjective judgements and discussions regarding thresholds. The issue should be the act of commission or omission not the effect of that act. We also agree that consistency is required with what is already in place in relation to the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.

**Do you agree with our proposal that the offence should apply to organisations as well as individuals?**

Yes x☒ No ☐



We believe it important that organisations take corporate responsibility for the actions of their individual employees/volunteers. It is also noted that issues of organisational culture can develop and that, by focusing on individuals only, patterns of behaviour across organisations can be missed or not given sufficient attention.

**How, and in what circumstances, do you think the offence should apply to organisations?**

Yes ☒ No ☐

We have set out above the issues that may arise in relation to a culture of an organisation but there may also be issues in relation to people operating under management guidance or instruction or issues in relation to lack of training that leads to an offence. In such cases, it may be more appropriate for any offence to be applied to the organisation rather than the individual.

**Do you agree that the penalties for this offence should be the same as those for the offences in section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 83 of the Adults with Incapacity (Scotland) Act 2000?**

Yes ☒ No ☐

We believe there should be consistency with existing legislation and, broadly, the current penalties appear to be proportionate.

**Should the courts have any additional penalty options in respect of organisations? If so, please provide details of any other penalty options that you think would be appropriate.**

Yes ☒ No ☐

We would require more information regarding any proposals before reaching any view.

**What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation) and what action could be taken to mitigate the impact of any negative issues?**

The proposal presents an opportunity to, in theory, ensure people with protected characteristics receive enhanced protection and are therefore less at risk of hate crime or other form of crime.







## **COUNCIL EXECUTIVE**

### **CONSULTATION ON ELECTRONIC CIGARETTES AND STRENGTHENING TOBACCO CONTROL IN SCOTLAND**

#### **REPORT BY HEAD OF HEALTH SERVICES**

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

The purpose of this report is to seek approval for the draft response to the consultation on Electronic Cigarettes and Strengthening Tobacco Control in Scotland and recommend its submission to the Council Executive.

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

The Panel is asked to consider and approve the draft response to the consultation on the use of e-cigarettes and implementation of tighter tobacco controls in Scotland and recommend its submission to the Council Executive.

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

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs</li><li>• Making best use of our resources</li><li>• Working in partnership</li><li>• Being honest open and accountable</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Creating a Tobacco Free Generation ( 2013)
<b>III Implications for Scheme of Delegations to Officers</b>	None at present.
<b>IV Impact on performance and performance Indicators</b>	Working in Partnership
<b>V Relevance to Single Outcome Agreement</b>	Linked to SOA;  We live longer healthier lives.  We live longer healthier lives and have reduced health inequalities
<b>VI Resources - (Financial, Staffing and Property)</b>	Within existing resources.

<b>VII Consideration at PDSP</b>	Considered at the meeting of the Health & Care PDSP on 11 Dec 2014
<b>VIII Other consultations</b>	None.

## **D.**

### **TERMS OF REPORT**

The Scottish Government proposes to continue to build a robust statutory and policy framework which supports the public health policy objectives on tobacco control. These are to reduce the harm caused by tobacco smoking through

- Preventing the uptake of smoking, particularly among young people
- Protecting adults and children from exposure to second-hand smoke
- Supporting those who do smoke to quit and not to relapse back to smoking.

Tobacco use is the primary preventable cause of ill-health and premature death. Each year in Scotland it is associated with 13,000 preventable deaths (around a quarter of all deaths in Scotland each year) and 56,000 hospital admissions. The annual costs to Scotland's health service associated with tobacco related illness are estimated to exceed £300m and may be higher than £ 500m.

Measures put in place included the complete ban on advertising in 2002 and smoke free public places legislation in 2005, an increase in the age for tobacco sales from 16 to 18 in 2007. More recently the ban on display of tobacco and smoking related products in shops.

The consultation outlines 3 main areas that views are being sought on

- Electronic Cigarettes ( e-cigarettes)
- Tobacco control
- Tobacco control and E-cigarettes

The draft response provides a view that the proposal should be supported to designate e-cigarettes as an age-related product for purchase by adults aged 18 and over.

Restrict the advertising and promotion of e-cigarettes

Continue and enhance the existing tobacco control measure by banning smoking in cars in the presence of children up to the age of 18 years.

Introduce Smoke Free NHS grounds

Smoke free children and family areas

Create a mandatory age verification policy for tobacco products and e-cigarettes.

## **E. CONCLUSION**

This report informs the Panel of the consultation on the proposal on Electronic Cigarettes and the Strengthening of Tobacco Control in Scotland. The Panel is asked

to consider and approve the draft response and recommend its submission to the Council Executive.

## **F. BACKGROUND REFERENCES**

A consultation on Electronic Cigarettes and Strengthening Tobacco Control in Scotland

Appendices/Attachments: Consultation response

Contact Person: Gill Cottrell, Chief Nurse WLCHCP  
01506 281003  
gill.cottrell@nhslothian.scot.nhs.uk

CMT Member: Marion Christie, Head of Health Services

Date of meeting: *16 December 2014*



# Electronic Cigarettes and Strengthening Tobacco Control in Scotland



## RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response to ensure that we handle your response appropriately. If your response is longer than the answer space provided please use additional sheets and number each response accordingly. Please do not submit responses which are longer than 25 pages.

### 1. Name/Organisation

#### Organisation Name

West Lothian Council

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

#### Surname

#### Forename

### 2. Postal Address

West Lothian Civic Centre

Howden South Road

Livingston

West Lothian

Postcode EH54 6FF

Phone 01506-280000

Email

### 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 ☐

Yes, make my response ☒

(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



available, but not my  
name and address

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*

☐ No

☒ Yes

## **CONSULTATION QUESTIONS**

### **Age restriction for e-cigarettes**

**1. Should the minimum age of sale for e-cigarette devices, refills (e-liquids) be set at 18?**

Yes ☒ No ☐

**2. Should age of sale regulations apply to:**

**a. only e-cigarette devices and refills (e-liquids) that contain nicotine or are capable of containing nicotine, or**

**b. all devices / refills (e-liquids) regardless of whether they contain or are capable of containing nicotine?**

a ☐ b ☒

**3. Whom should the offence apply to:**

**a. the retailer selling the e-cigarette**

a ☐

**b. the young person attempting to purchase the e-cigarette**

b ☐

**c. both**

c ☒

**4. Should sales of e-cigarettes devices and refills (e-liquids) from self-service vending machines be banned?**

Yes ☒ No ☐

**5. Should a restriction be in place for other e-cigarette accessories?**

Yes ☒ No ☐

6. If you answered “yes” to question 5, which products should have restrictions applied to them?

Comments All e-cigarette accessories We support the proposed changes which means that in general, they will be treated in the same way as tobacco products

**Proxy purchase for e-cigarettes**

7. Should the Scottish Government introduce legislation to make it an offence to proxy purchase e-cigarettes?

Yes ☒ No ☐

**Domestic advertising and promotion of e-cigarettes**

8. Should young people and adult non-smokers be protected from any form of advertising and promotion of e-cigarettes?

Yes ☒ No ☐

9. In addition to the regulations that will be introduced by the Tobacco Products Directive do you believe that the Scottish Government should take further steps to regulate domestic advertising and promotion of e-cigarettes?

Yes ☒ No ☐

10. If you believe that regulations are required, what types of domestic advertising and promotion should be regulated?

- |  |                                       |
|--|---------------------------------------|
| a. Bill boards   | a <input checked="" type="checkbox"/> |
| b. Leafleting  | b <input checked="" type="checkbox"/> |
| c. Brand-stretching (the process of using an existing brand name for new products or services that may not seem related) | c <input checked="" type="checkbox"/> |
| d. Free distribution (marketing a product by giving it away free)  | d <input checked="" type="checkbox"/> |
| e. Nominal pricing (marketing a product by selling at a low price)   | e <input type="checkbox"/> x          |
| f. Point of sale advertising (advertising for products and services at the places where they were bought)                | f <input checked="" type="checkbox"/> |
| g. Events sponsorship with a domestic setting  | g <input checked="" type="checkbox"/> |

11. If you believe that domestic advertising and promotion should be regulated, what, if any, exemptions should apply?

Comments Products approved as a medicine only if evidence becomes available that they are an effective treatment for cessation

**12. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on children and adults (including smokers and non-smokers)?**

Comments The difficulty in distinguishing between advertising aimed at young people and adults and smokers and non smokers if advertising is permitted

**13. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on business, including retailers, distributors and manufacturers?**

Comments

**Inclusion of electronic cigarettes on the Scottish Tobacco Retailer Register**

**14. Do you agree that retailers selling e-cigarettes and refills should be required to register on the Scottish Tobacco Retailers Register?**

Yes ☒ No ☐

**15. Do you agree that the offences and penalties should reflect those already in place for the Scottish Tobacco Retailers Register?**

Yes ☒ No ☐

**16. If you answered 'no', to question 15, what offences and penalties should be applied?**

Comments

**E-cigarettes – use in enclosed public spaces**

**17. Do you believe that the Scottish Government should take action on the use of e-cigarettes in enclosed public spaces?**

Yes ☒ No ☐

**18. If you answered 'yes' to Question 17, what action do you think the Scottish Government should take and what are your reasons for this?**

Comments Prohibit the use of e-cigarettes in enclosed public spaces. We don't know the what the effects of inhaling the vapour are and there would be confusion over whether people are smoking or using an e-cigarette. It will also normalise a new habit-forming past-time, as well as making enforcement more straightforward. We think there is still research to be done to assess the potential risk to others from the vapour, and we would not wish to sanction an activity now which later turns out to be harmful. We also think this would be a reasonable step in avavoiding the normalisation of what is an addictive past-time

**19. If you answered, 'no' to Question 17, please give reasons for your answer.**

Comments

**20. Are you aware of any evidence, relevant to the used of e-cigarettes in enclosed spaces, that you think the Scottish Government should consider?**

Comments the messages re the normalisation of e cigarettes should not be reinforced

**Smoking in cars carrying children aged under 18**

**21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18?**

Yes x ☐ No ☐

**22. Do you agree that the offence should only apply to adults aged 18 and over?**

Yes x ☐ No ☐

**23. If you answered 'no' to Question 22, to whom should the offence apply?**

Comments

**24. Do you agree that Police Scotland should enforce this measure?**

Yes ☒ No ☐

**25. If you answered 'no' to Question 24, who should be responsible for enforcing this measure?**

Comments

**26. Do you agree that there should be an exemption for vehicles which are also people's homes?**

Yes x ☒ No ☐

**27. If you think there are other categories of vehicle which should be exempted, please specify these?**

Comments caravans and or motor caravans

**28. If you believe that a defence should be permitted, what would a reasonable defence be?**

Comments

### **Smoke-free (tobacco) NHS grounds**

**29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?**

Yes x ☒ No ☐

**30. If you support national legislation to make it an offence to smoke on NHS grounds, where should this apply?**

- a. All NHS grounds (including NHS offices, dentists, GP practices) a x ☒  
b. Only hospital grounds b ☐  
c. Only within a designated perimeter around NHS buildings c ☐  
d Other suggestions, including reasons, in the box below

Comments

**31. If you support national legislation, what exemptions, if any, should apply (for example, grounds of mental health facilities and / or facilities where there are long-stay patients)?**

Comments no exemptions should be considered for cigarettes/ e-cigarettes although Health Scotland are considering recommending that second and third generation e-devices ( those that do not look like cigarettes ) be allowed within hospital perimeter areas

**32. If you support national legislation, who should enforce it?**

Comments Health Boards in conjunction with Police Scotland

**33. If you support national legislation, what should the penalty be for non-compliance?**

Comments small monetary fine

**34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?**

Comments

**Smoke-free (tobacco) children and family areas**

**35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?**

Yes x ☐ No ☐

**36. If you answered 'yes' to Question 25, what action do you think is required:**

**a. Further voluntary measures at a local level to increase the number of smoke-free areas** a ☐

**b. Introducing national legislation that defines smoke-free areas across Scotland** b x ☐

**c. That the Scottish Government ensures sufficient local powers to allow decisions at a local level as to what grounds should be smoke-free** c ☐

**d. Other actions. Please specify in the box below**

Our approach to the questions in the consultation are based on supporting the aim of Scotland being tobacco free by 2034. We believe that all reasonable steps to change cultural attitudes to smoking should be supported unless there is a strong argument to the contrary.

**37. If you think action is required to make children's outdoor areas tobacco-free, what outdoor areas should that apply to?**

Comments all play and public recreational grounds , beaches and sport and leisure facilities

**Age verification policy 'Challenge 25' for the sale of tobacco and electronic cigarettes**

**38. Do you agree that retailers selling e-cigarettes, refills and tobacco should be required by law to challenge the age of anyone they believe to be under the age of 25?**

Yes ☒ No ☐

**39. Do you agree that the penalties should be the same as those which are already in place for selling tobacco to someone under the age of 18?**

Yes ☒ No ☐

**Unauthorised sales by under 18 year olds for tobacco and electronic cigarettes**

**40. Do you agree that young people under the age of 18 should be prohibited from selling tobacco and non-medicinal e-cigarettes and refills unless authorised by an adult?**

Yes ☒ No ☐

**41. Who should be able to authorise an under 18 year old to make the sale, for example, the person who has registered the premises, manager or another adult working in the store?**

Comments A manager or the person on the register, it would ensure that any test purchasing would be subject to the same regulations as tobacco. We also support sellers being on the Scottish Tobacco retailers register. This means we would know, and be able , to monitor, which shops sell these

**42. Do you agree with the anticipated offence, in regard to:**

**a. the penalty**

a ☒

**b. the enforcement arrangements**

b ☒

**Equality Considerations**

**43. What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation)?**

Comments none

**44. If the proposed measures are likely to have a substantial negative implication for equality, how might this be minimised or avoided?**

CommentsWe do not believe this will have substantial negative implication for equality, tobacco already contributes significantly to inequalities

**45. Do you have any other comments on or suggestions relevant to the proposals in regard to equality considerations?**

Comments

### **Business and Regulatory Impacts Considerations**

**46. What is your assessment of the likely financial implications, or other impacts (if any), of the introduction of each of these proposals on you or your organisation?**

As a CHCP organisation ( including NHS premises) introducing legislation for smoke free grounds will enable us to implement smokefree grounds with less financial cost to the organisation i.e. cost avoidance for clearing smoking related litter.

**47. What (if any) other significant financial implications are likely to arise?**

We anticipate this will help lower smoking prevalence and reduce smoking related harms thus helping to decrease costs to the NHS/ CHCP and improve the health of our populations

**48. What lead-in time should be allowed prior to implementation of these measures and how should the public be informed?**

12 months with national and local campaigns

**49. Do you have any other comments on or suggestions relevant to the proposals in regard to business and regulatory impacts?**



## Comments

As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), Scotland has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

Comments not applicable WLCHCP does not receive direct or indirect funding from the tobacco industry



## **COUNCIL EXECUTIVE**

### **SCOTTISH GOVERNMENT CONSULTATION ON 'PUBLIC ENGAGEMENT FOR WIND TURBINE PROPOSALS: GOOD PRACTICE GUIDE (CONSULTATION DRAFT)**

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

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

The purpose of this report is to advise the Council Executive of recent Scottish Government consultation entitled 'Public Engagement for Wind Turbine Proposals: Good Practice Guidance (Consultation Draft)' and to agree the council's response.

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

It is recommended that the Council Executive:

1. notes the content of the recent Scottish Government guidance; and
2. agrees the proposed response to the consultation as set out in Appendix One.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; and making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>SEA – not applicable.</p> <p>An Equality Impact Assessment was undertaken as a background paper to the West Lothian Local Development Plan which concluded that there were no negative impacts identified in the Main Issues Report. This conclusion applies to good practice approaches for public engagement on wind turbine/s applications.</p> <p>Health and risk assessment issues – where required any potential risks from wind farm/turbine development are addressed at planning application stage through consultation with the Health and Safety Executive and through Environmental Impact Assessment (EIA).</p>
<b>III Implications for scheme of delegation</b>	None.
<b>IV Impact on performance and</b>	None.

## **performance indicators**

<b>V</b>	<b>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</b>	<b>Resources - (Financial, Staffing and Property)</b>	There may be additional costs associated with improved publicity for single turbine and small wind energy applications. However, these are not expected to be significant.
<b>VII</b>	<b>Consultations at PDSP</b>	There has been insufficient time to report this matter to a PDSP. Members of the Development and Transport PDSP have been invited to comment on the proposed response and any comments received will be reported verbally to Council Executive.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Introduction**

Scottish Government has issued for consultation the document entitled 'Public Engagement for Wind Turbine Proposals: Good Practice Guidance'. Written responses to the consultation are invited by 15 December 2014. The council has sought an extension to the consultation to allow reporting to the Council Executive.

### **D2 Background**

A public petition, based on concerns that the current publicity requirements for raising awareness of planning applications for wind turbines amongst the wider community were insufficient, was submitted to the Scottish Parliament in March 2013 and considered by the Local Government and Regeneration Committee on 10 December 2013. The petitioners were especially concerned about proposals for single wind turbines, or a small number of turbines, mainly in more sparsely populated rural areas.

The petitioners sought legislative change. However, Scottish Government took the view that improving practice on planning consultations and neighbour notification on applications for wind turbine proposals would be more appropriate. While no changes to statutory requirements are proposed, the Scottish Government has recognised that good practice guidance could provide practical help on this matter.

### **D3 The Consultation Draft**

The consultation document provides a survey of existing arrangements for public engagement on wind energy policy and proposals through existing channels at development plan and supplementary guidance stages; on Environmental Impact Assessment (EIA) procedures, and, for publicity of applications for planning permission.

The critical issue identified by the proposed guidance is the limitations of the standard 20m neighbour notification zone for planning applications. This zone is effective for, as an example, a house extension but inappropriate for most wind turbine proposals which have much wider potential impacts due to the nature of their height and consequent greater visibility and will generally be more than 20m away from the nearest property.

Currently, local non-EIA applications require neighbour notification to premises on land which, or part of which, is within 20 metres of the boundary of the land to be developed. For most wind energy applications planning authorities must make a formal determination of whether EIA is required based on the size, location and potential impacts of the proposed development. If EIA is required then a longer pre-application time-frame is presented and there is greater consultation required over a number of stages in the development process.

Planning application consultation procedures for local non-EIA wind turbine applications require their inclusion in a weekly list which is sent to all community councils; placed in an on-line list; as well as being made available at planning offices and public libraries. Some applications may require that adverts are placed in local newspapers but, in general, there is less publicity and consultation for non-EIA wind turbine applications.

Even where existing consultation practices are fully executed it is possible that rural residents' outwith the 20m neighbour notification zone may miss being consulted on – or being made aware of - wind turbine proposals with potentially significant impacts on their home and/or local area.

The consultation paper sets out proposals to remedy this situation by recommending that local authorities consult more widely using a greater variety of methods to tailor public engagement to suit the application as appropriate and proportionate. The aim is to support meaningful public engagement and lower barriers to public participation.

#### **D4 Specific Recommendations**

Specific recommendations within the new guidance for better public engagement on small wind energy applications include that:

- local authorities adopt a protocol on best practice for public engagement;
- developers and landowners engage more widely and earlier on in the process particularly with community councils; and that
- community councils and equivalent local groups are encouraged to be pro-active in informing the public about applications for wind energy.

The council is aware of current shortcomings in standard consultation procedures for single wind turbines and small wind energy applications, especially when EIA is not required. There are examples in West Lothian where the council has sought to address this by issuing additional publicity on particular applications for wind turbines where it was thought to be in the public interest to do so. For example, this was carried out for planning application 0292/FUL/11 *Erection of a 77m high “to blade tip” wind turbine with associated infrastructure at land at Bridgend Farm, Linlithgow* where, due to the semi-rural location of the proposal, no neighbour notification was possible. The council issued a press release in the local newspaper which attracted over 70 representations demonstrating effective community engagement and improving the quality of decision making for the application.

In practice, the Scottish Government's draft guidance endorses approaches already carried out by the council and offers support for continuing this practice and extending it as required. The financial implications of the draft guidance are considered to be negligible and would be absorbed in standard procedures for the receipt of applications.

The proposed guidance is, therefore, welcomed as it supports and extends much of the practice the council currently carries out for small wind energy applications. However, it is suggested that neighbour notification be further improved by notifying at least the five nearest properties in West Lothian to an application and/or use of a press release in the local newspaper to provide for wider notification of proposals given the visual impact that such proposals can have. No significant additional costs are foreseen from this approach.

The draft Scottish Government guidance 'Public Engagement for Wind Turbine Proposals: Good Practice Guidance' offers an enhanced level of public engagement and is commended to the Council Executive. The proposed response to the consultation is set out in Appendix One.

## **E. CONCLUSION**

The proposed guidance on public engagement for single turbines and small wind energy developments is helpful and recognises the need for greater consultation on such applications.

## **F. BACKGROUND REFERENCES**

The consultation document can be viewed in full at:  
<http://www.scotland.gov.uk/Publications/2014/11/7727>

Scottish Planning Policy 2014

National Planning Framework (NPF) 3

Appendices/Attachments: One – Proposed Response to Consultation Draft "Public Engagement for Wind Turbine proposals: Good Practice Guidance"

Contact Person: Sarah Collings, Planning Officer - Development Planning, 01506 282429  
Email: [sarah.collings@westlothian.gov.uk](mailto:sarah.collings@westlothian.gov.uk)

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

**16 December 2014**

## Public Engagement for Wind Turbine Proposals – Good Practice Guidance – Consultation Draft



### 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

Collings

Forename

Sarah

#### 2. Postal Address

Planning and Economic Development

West Lothian Civic Centre

Howden South Road

Livingston

Postcode EH54 6FF

Phone 01506 282 429

Email

sarah.collings@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) Can you identify any further relevant sources of good consultation practices that could be considered?**

No, the consultation on public engagement in this area appears satisfactory.

### **Q2) Can you offer opinions on how such an approach might be shaped to offer further transparency whilst remaining proportionate?**

If on average an urban, or suburban, application raises some five properties to be neighbour notified then this could be translated into notification of at least the five closest properties within a local authority area for rural wind turbine applications.

### **Q3) Can you quantify the potential cost and benefit of these recommendations to your organisation?**

Such an approach would not require any greater cost than what is usually borne by the council for a typical domestic planning application.

### **Q4) Can you identify similar or complementary systems which achieve the objectives of this good practice guidance?**

The council has also made press releases in the local newspaper regarding proposed single turbine applications particularly when these are quite large in scale and have the potential to be highly visible.

### **Q5) Can you quantify the potential cost and benefit of providing more information electronically to your organisation?**

Such an approach would not require any greater cost than what is usually borne by a typical domestic application.

### **Q6) Can you identify any further good examples of how similar consultation practices by developers have or should have been undertaken?**

Most extensive public consultation exercises are carried out for wind farms rather than for single or small wind energy applications which is understandable due to potential cost. However, a lack of consultation by developers especially for speculative applications can lead to ineffective public engagement at pre-application stage.

### **Q7) Can you quantify the potential cost and benefit of these recommendations to your organisation?**

It is beneficial for public engagement and decision making if developers undertake public consultation work.

**Q8) Can you identify any examples of successful public engagement on wind farms which would be of benefit to this guidance as a template for reaching audiences more widely?**

It is assumed that this question relates to single wind turbine or small wind energy applications and not wind farms.

It is generally beneficial to the consultation process and determination of small wind energy application where community councils and local groups undertake further publicity of such applications.

**Q9) Can you quantify the potential cost and benefit of these recommendations to your community group?**

Not applicable.

**Q10) In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on any particular groups of people.**

An Equality Impact Assessment was undertaken as a background paper to the West Lothian Local Development Plan which concluded that there were no negative impacts identified in the Main Issues Report. This conclusion also applies to any potential impacts related to good practice approaches to public engagement on wind turbine/s applications suggested in this consultation response.

**Q11) In relation to the Equality Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.**

As in Question 10 it is concluded that there are no negative impacts identified. Equality issues will continue to be addressed through development frameworks for windfarms progressed via the Local Development Plan and, where appropriate, through the consideration of individual planning applications.







## **COUNCIL EXECUTIVE**

### **PROPOSAL FOR A REVIEW OF THE PLANNING FUNCTION OF THE COUNCIL**

#### **REPORT BY DEPUTE CHIEF EXECUTIVE**

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

The purpose of this report is to seek the Council's Executives approval to commence a review of the council's planning service and to agree the scope of the review.

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

It is recommended that Council Executive:

1. agrees that an independent review of the council's planning services should be commenced in early 2015;
2. agrees to the scope of the review as set out in the appendix to this report;
3. delegates the Chief Executive to appoint an appropriate person to carry out the review; and
4. agrees that the findings of the review, together with an action plan to address any findings should be reported back to Council Executive for further consideration, as soon as possible following the conclusion of the review.

##### **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>	The review will not require to be the subject of a strategic environmental assessment. Matters of equality health and risk assessments will be a consideration of the review.
<b>III Implications for scheme of delegation</b>	It is possible that the review will recommend changes to the scheme of delegation.
<b>IV Impact on performance and performance indicators</b>	It is possible that the review will recommend changes to performance targets and the way performance is measured.

<b>V</b>	<b>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</b>	<b>Resources - (Financial, Staffing and Property)</b>	The cost of the review will be met from within the existing revenue budget.
<b>VII</b>	<b>Consultations at PDSP</b>	The scope of the report has not been considered by a PDSP.
<b>VIII</b>	<b>Other consultations</b>	Legal Services has been consulted in preparing the scope for the review.

## **D. TERMS OF REPORT**

### **D1 Background**

The Labour Group Manifesto from 2012 set out that Labour will start the process of modernising the Council by carrying out an independent review of the planning function of the council, and will use the findings to modernise the planning process and planning committee.

At the meeting of West Lothian Council on 2 September 2014, in responding to a written question, the Executive Councillor for Development and Transportation confirmed that a proposal for the review would be presented to Council Executive before the end of 2014. This report discharges that commitment.

For the purposes of the review the council's planning service is taken as being the development management team, including the enforcement service, and the development planning team.

The original commitment set out that the findings would be used to review the planning process and planning committee. To facilitate this, it is proposed that the review will consider the operation of the council's Development Management Committee, the West Lothian Planning Committee, West Lothian Council (Planning) and the Local Review Body. The operation of the Development & Transport Policy Development and Scrutiny Panel, and Council Executive is not considered appropriate for inclusion within the scope of the review.

### **D2 The Proposed Remit for the Review**

The planning function of the council comprises three main elements and it is proposed that these elements form the basis of the review. The elements are:

- The staff and processes employed to discharge the statutory and non statutory functions of the council in its role as planning authority.
- The committees which make planning decisions.
- The interaction between the two, via the Scheme of Delegations.

The matters to be reviewed under each of these headings are set out in Appendix 1 which is appended to this report.

### **D3 Commissioning the Review**

The report recommends that the Chief Executive be delegated to commission a reviewer to undertake the task. Quotes for the work will be obtained from senior figures who have experience of undertaking reviews of operational parts of a local authority. It is expected that the appointed person, or persons, will have significant experience of working for a local authority at Head of Service level, or above, and will have a comprehensive knowledge of the operation of a council as the planning authority as defined in the relevant Acts.

The appointed person will be expected to back up their review findings with benchmarking details from comparative planning authorities.

The appointment of the person, or persons, to carry out the review will be undertaken in accordance with council's standing orders.

### **E. CONCLUSION**

The council has committed to carrying out a review of the planning service. This report set a proposed remit for that review.

### **F. BACKGROUND REFERENCES**

None.

Contact Person: Craig McCorriston, Head of Planning and Economic Development. Telephone 01506 282443; email [craig.mccorriston@westlothian.gov.uk](mailto:craig.mccorriston@westlothian.gov.uk)

**Moir Niven**  
**Depute Chief Executive**

**16 December 2014**

## APPENDIX 1

### SCOPE FOR A REVIEW OF THE PLANNING FUNCTION OF THE COUNCIL

**Part 1:** The staff and processes employed to discharge the statutory and non statutory functions of the council in its role as planning authority. The review should consider the appropriateness and / or effectiveness of, and make recommendations on:

1. The organisational structure and management arrangements.
2. The prioritisation of activities carried out by the service and the processes employed to achieve the activities and outcomes.
3. Staffing levels, including administrative and technical support.
4. The level of performance achieved and the effectiveness of performance reporting.
5. Engagement with customers, communities, partners and other external stakeholders.
6. Engagement with other services of the council.
7. Interaction with elected members including support for the democratic process, briefing of members, training and awareness raising
8. Quality of decision-making at first instance, on review, or on appeal (including conduct of appeals) and the implementation of these decisions.

**Part 2:** The Committees and Other Decision Making Bodies. The review should consider the appropriateness and/or effectiveness of, and make recommendations on:

1. The format, remit, frequency and operation of Development Management Committee.
2. The format, remit, frequency and operation of West Lothian Planning Committee and West Lothian Council (Planning) when considering decisions on planning applications judged to be significantly contrary to the development plan.
3. The format, remit, frequency and operation of West Lothian Local Review Body.

**Part 3:** The Scheme of Delegation sets out the powers delegated in relation to planning matters. The review should consider the appropriateness and/or effectiveness of, and make recommendations on:

1. The Scheme of Delegations (in relation to development management matters), including triggers for automatic referral of applications to committee.
2. Other delegations covering other matters such as the development planning process.
3. Communications with ward members on new applications and applications which the Development Management Manager intends to deal with as delegated decisions.
4. Member referral to committee on planning applications and in particular the members who can refer, types of application covered by the referral process, grounds for referral, restriction of ability to refer.
5. Procedures for handling planning appeals.



## **COUNCIL EXECUTIVE**

### **SCOTLAND'S DIGITAL FUTURE – SUPERFAST BROADBAND INVESTMENT**

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

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

The purpose of this report is to advise Council Executive on the progress to secure improved Superfast Broadband for West Lothian as part of the Council's Capital Programme via the Scottish Government's *Step Change* broadband initiative.

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

It is recommended that Council Executive:

1. Notes the new schedule for the delivery of Superfast Broadband to 99% of premises in West Lothian, as well as Basic Broadband for all premises in West Lothian.
2. Notes that the information is now within the public domain via the Digital Scotland web site.

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

<b>I Council Values</b>	Focusing on our customers' needs. Making best use of our resources. Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	There are no strategic environmental assessment or health issues. The roll out of superfast broadband should have a positive impact on equality.
<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 2: We are better educated and have access to increased and better quality learning and employment opportunities  Outcome 3 – Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business

<b>VI Resources - (Financial, Staffing and Property)</b>	The council has an approved contribution of £2.5 million for the delivery of Superfast Broadband.
<b>VII Consideration at PDSP</b>	It has not been possible to report this matter via a PDSP due to the short timescales of the recent announcement of accelerated timescales.
<b>VIII Other consultations</b>	Legal Services, Finance, Planning and Economic Development, IT Services.

## **D. TERMS OF REPORT**

### **D.1 Context**

In Autumn 2012, the Scottish Government set out funding to ensure all local authorities in Scotland achieved at least 75% availability of Superfast Broadband.

West Lothian Council agreed a £2.5M contribution for Additional Local Subsidy (ALS) as part of the General Services Capital Programme 2013/14 to 2017/18 at full Council on 29 January 2013. This will be funded via a reduction in capital grant from the Scottish Government. As part of the ongoing management of the investment it was agreed that regular updates on progress would be delivered to Council Executive.

This funding was confirmed at Council Executive on 25 June 2013 where the proposed Superfast Broadband coverage level for West Lothian of 99.3% was published.

### **D.2 West Lothian Coverage levels**

With an anticipated 99.3% Superfast Broadband availability it is expected that West Lothian will have the highest level of Superfast Broadband coverage in Scotland and one of the highest in the UK.

The details provided are still provisional and subject to detailed on the ground surveys by BT Openreach and can change between now and the contract completion date in 2017.

Although the infrastructure upgrade is delivered by BT Openreach, it will be subject to the same commercial agreements and OFCOM supervision as existing BT Openreach infrastructure, so high speed broadband will be available from multiple suppliers in most locations in West Lothian.

### **D.3 Updated delivery schedule**

The Scottish Government has published detailed mapping of proposed coverage in West Lothian at <http://www.digitalscotland.org/whereandwhen>.

The timescales for delivery have changed significantly since the last mapping was published and it is now likely that work will start six months sooner than planned, to deliver Superfast Broadband in West Lothian from mid 2015, especially in the west of the county.

The first rollout in West Lothian will be from July 2015 – December 2015. This is expected to include premises covered by the following exchanges: Bathgate,

Armadale, Harthill, Fauldhouse, Stoneyburn, Kirkliston, West Calder, Philpstoun, Livingston Station, Livingston Bridge, Broxburn, Winchburgh and South Queensferry.

The next phase will be from January 2016 to June 2016 and is expected to include premises covered by the following exchanges: Mid Calder, Linlithgow, Auchengray and Avonbridge.

The next phase will be from July 2016 to December 2016 and is expected to include premises covered by Dechmont exchange.

The final phase in early 2017 will be to provide upgraded basic broadband to premises not covered by the Superfast rollout.

These dates are for the commencement of upgrades in each exchange area and it is not guaranteed that every settlement or area covered by an exchange will be upgraded in the first phase of upgrades at each exchange. Some may be upgraded in the subsequent phases listed.

It is anticipated that the areas not covered by the Superfast rollout will primarily be in remote rural areas of West Lothian, although where these areas currently have extremely poor or no Broadband coverage, the rollout should deliver at least an improvement to 2Mbps basic broadband.

## **E. CONCLUSION**

West Lothian Council, working in partnership with Scottish Government and BT Openreach, will ensure that Superfast Broadband is delivered to more than 95% of premises in West Lothian by 2017.

## **F. BACKGROUND REFERENCES**

Asset Management and General Services Capital Programme 2013 – 2018  
2013-11-14 Superfast Broadband PDSP Report.

Appendices/Attachments: none

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**Craig McCorriston**  
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Date: 16 December 2014







## **COUNCIL EXECUTIVE**

### **PUBLIC BODY REPORTING ON THE SCOTTISH BIODIVERSITY DUTY: 2011-14**

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

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

The purpose of this report is to agree the council's response to the requirement for public body reporting on the Scottish Biodiversity Duty over the period 2011- 2014.

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

It is recommended that the Executive:

1. notes the contents of the general review of West Lothian's commitment to biodiversity (as detailed in Appendix 1);
2. agrees to forward this report and appendix, which sets out the actions the council has taken, as a public body, to meet its reporting duty on biodiversity over the 3 year period (2011 to 2014) to the Scottish Government; and
3. agrees to publicise this report on the council's website as suggested by the Scottish Government.

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

<b>I Council Values</b>	Working in partnership, focusing on our customers' needs and making best use of our resources.
<b>II Policy and Legal (including SEA, Equality Issues, Health or Risk Assessment)</b>	<p>Legal: The Nature Conservation (Scotland) Act (2004) requires all public bodies in Scotland to further the conservation of biodiversity when carrying out their responsibilities. The Wildlife and Natural Environment (Scotland) Act (2011) requires public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty.</p> <p>Policies: West Lothian Local Plan (2009) ENV 1-5 support biodiversity, nature conservation and enhancement.</p>
<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>	Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - Financial Staffing and Property</b>	The Wildlife Information Centre (TWIC) Service Level Agreement is met from within existing revenue budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	The matter has not been considered at a PDSP, but members of the Environment PDSP have been invited to comment on the report. Any comments received will be reported verbally to the Council Executive.
<b>VIII</b>	<b>Other Consultations</b>	NETs, Land & Countryside Services.

## **D. TERMS OF REPORT**

### **D1 Background**

Under the Nature Conservation (Scotland) Act (2004), all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their duties. The Wildlife and Natural Environment (Scotland) Act (2011) requires public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty. The first report is due to be published by 1 January 2015 covering the period 2011-2014.

The Scottish Executive published Scotland's Biodiversity: It's in Your Hands in 2004 which aims to "*conserve biodiversity for the health, enjoyment and well-being of the people of Scotland, now and in the future*". This Scottish Biodiversity Strategy was updated in June 2013 with the "2020 Challenge for Scotland's Biodiversity". This update to the strategy reflects international commitments and the European Union's Biodiversity Strategy for 2020. It focuses on the desired outcomes for 2020 to halt the loss of biodiversity in Scotland and to restore the essential services and benefits to society that a healthy natural environment provides.

The West Lothian Biodiversity Duty Report which is appended to this report sets out actions taken by the council for the period 2011- 2014. The report demonstrates the great variety and range of the work being carried out. Further details are provided in Appendix 1.

There is no prescribed format or content for public body reporting of the biodiversity duty, but the attached report follows a layout suggested by the Scottish Government and covers the following key areas:

- a) **governance** – leadership and management of biodiversity matters;
- b) **action** – actions an organisation has taken to protect and enhance biodiversity and contribute to the Scottish Biodiversity Strategies "2020 Challenge";
- c) **mainstreaming** – examples of how biodiversity has been incorporated into corporate policy, plans and projects;

- d) **partnership** – working with other stakeholders; and
- e) **communication** – raising awareness, building capacity and working with communities.

The main activities under these headings are as follows:

## **D2 Governance**

The council has a service level agreement with The Wildlife Information Centre (TWIC) to provide screening of planning applications and a GIS layer of notifiable species. TWIC also co-ordinates and informs the West Lothian Local Biodiversity Sites working group.

Over a 3 year period, between 2011-14, TWIC have checked 2,714 planning applications, of which 799 had a biodiversity issue identified. Of the 130 potential Local Biodiversity Sites (pLBS) across West Lothian, approximately 30, that have ecological surveys available, have been assessed and confirmed. The remaining pLBS will be assessed as information becomes available, for inclusion within the forthcoming local development plan.

## **D3 Action: West Lothian biodiversity projects**

There are various biodiversity projects that have occurred in West Lothian over the last three years. Several examples include:

- securing grant aid from Scottish Natural Heritage (SNH) for peat restoration projects at Easter Inch Moss (£61k over 2 phases) , between Blackburn and Seafield and Black Moss at Armadale (£20k);
- preparing Harperigg Reservoir Local Nature Reserve Management Plan and re-instating a wildfowl island, erecting a bird hide and undertaking amenity woodland planting around the reservoir.
- revising 3 geodiversity leaflets and confirming 50 geodiversity sites that represent the best in West Lothian's geological heritage.

## **D4 Mainstreaming**

In preparation for the forthcoming West Lothian Local Development Plan, numerous reports were undertaken that involved considering biodiversity issues; such as the Strategic Environmental Assessment (SEA), a Habitats Regulation Appraisal (HRA), and a Green Network technical report.

Supplementary Planning Guidance (SPG) has been adopted as the council's "Residential Design Guidance" (2012), that addresses biodiversity issues and consultation is also underway on a draft SPG on "Planning for Nature – Development Management & Wildlife". The SPG aims to help developers fully consider the wildlife and habitat implications of proposals which need planning permission. When adopted, the guidance will be a material consideration when local authority development management officers consider planning applications.

## **D5 Partnership**

The council is a signatory of a concordat with the Central Scotland Green Network Trust (CSGNT) in December 2012.

CSGNT have undertaken a wide range of projects across West Lothian including creating new woodlands, managing existing woodlands and establishing paths. In summary, for 2012/13 with a council investment of c£68k, approximately £340k was levered out by CSGNT from grants and other sources.

Similarly, in 2013/14, for a WLC investment of £59k, funds derived for West Lothian were in the order of £270k, involving 0.75ha of new woodland; 1700m paths (new or upgraded); 1.5ha of greenspace; and 3,450m paths maintained.

Lothian & Fife Green Network Partnership (L&FGNP) & CSGNT have been involved with WLC Planning Services in piloting use of SNH Integrated Habitat Network maps in an area north of Bangour General Hospital in the Bathgate Hills, as a prelude to potential future work should a Landscape Partnership be established. This is also related to L&FGNP work with the council on implementing the Lothians & Fife Forest & Woodland Strategy (2012-17).

Extensive partnership working continues to try and resolve the complex biodiversity issues associated with the Linlithgow Loch catchment.

## **D6 Communication**

The rangers within the council's NETs, Land & Countryside Services have been active over the last 3 years with a wide range of projects that raise the awareness of biodiversity. Among the numerous examples are:

- environmental education with pre-school, school age and tertiary education;
- species monitoring of badgers, bats, orchids and butterflies and their recording in Beecraigs Country Park;
- the "Wild Day Out" held in 2014 was a joint working partnership project which encouraged approximately 7,000 people to visit Howden Park, Livingston and get involved in a wide range of environment related activities; and
- an "Open Day" at Easter Inch Moss, Blackburn attracted 200 people following an award of funding through the SNH Peatland Restoration Fund and many got involved in volunteering opportunities on conservation projects.

## **E. CONCLUSION**

The report appended to this report sets out in detail the action, activities and outcomes of the council with respect to the council's statutory duty to further the conservation of biodiversity. It sets out a range of positive interventions to both protect and enhance the varied biodiversity of West Lothian.

## **F. BACKGROUND REFERENCES –**

The Scottish Government publications:

[Scotland's Biodiversity: It's in Your Hands](#) 2004

[2020 Challenge for Scotland's Biodiversity](#) 2013

Appendices / Attachments: one

Appendix 1 - West Lothian report on the Scottish Biodiversity Duty 2011-14

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**Craig McCorriston**  
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**16 December 2014**



West Lothian  
Council

Development Planning – Planning Services

## **WEST Lothian REPORT ON THE SCOTTISH BIODIVERSITY DUTY: 2011-14**

### **1.0 Introduction**

Under the Nature Conservation (Scotland) Act (2004), all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their responsibilities. The Wildlife and Natural Environment (Scotland) Act (2011) requires public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty. The first report is due to be published by 1 January 2015 covering the period 2011-2014.

The Scottish Government published [Scotland's Biodiversity: It's in Your Hands](#) in 2004 which aims to "*conserve biodiversity for the health, enjoyment and well-being of the people of Scotland, now and in the future*". This Scottish Biodiversity Strategy was updated in June 2013 with the [2020 Challenge for Scotland's Biodiversity](#). This update to the Strategy reflects international commitments and the European Union's Biodiversity Strategy for 2020. It focuses on the desired outcomes for 2020 to halt the loss of biodiversity in Scotland and to restore the essential services and benefits to society that a healthy natural environment provides.

The following is West Lothian Council's report on how, as an organisation, it has addressed its biodiversity duty over the period 2011-14. It follows a layout suggested by the Scottish Government.

### **2.0 Governance – leadership and management of biodiversity matters**

West Lothian Council: Environment Policy Development and Scrutiny Panel

West Lothian's main source of governance on biodiversity matters is the Environment Policy Development and Scrutiny Panel (PDSP) that comprises elected members who develop new policies for the council, or review existing policies to see if changes are needed. While they do not have the power to make decisions, they can make recommendations to the Council Executive. The Environment PDSP has responsibility for consideration of a wide range of environmental reports, including biodiversity, as well as the emerging Climate Change Strategy and associated Action Plans, including the annual Scottish Climate Change Declaration report.

The Chair of the Environment PDSP, currently Cllr Tom Conn, is the executive member with portfolio responsibility for environmental matters.

West Lothian Council has entered into a Service Level Agreement (SLA) with The Wildlife Information Centre (TWIC) since 2006 to provide support ecology and biodiversity support. There are three components to the SLA:

#### **a) Planning Screening**

This system involves checking the boundaries of planning applications within West Lothian against a range of potential biodiversity constraints and providing reports to Development Management listing all constraints per application. The systematic checking of all planning applications for impacts on biodiversity contributes to the fulfilment of a local authority's biodiversity duty as required in the Scottish Biodiversity Strategy. The checking system involves cooperation between local authority and TWIC staff as follows. On a weekly basis:

- a) Council's nominated officer will extract new applications for that period and e-mails the data (site boundaries and application details in GIS format) to TWIC;
- b) TWIC checks all applications for biodiversity constraints and e-mails a report listing constraints to the Council's nominated officer.

The statistics for the previous 3 years are as follows:

Year	TWIC screened planning applications	Potential biodiversity constraint identified
2011/12	915	222
2012/13	610	187
2013/14	650	179
2014/15	539	211

During the second quarter of 2014-15, TWIC screened 281 planning applications, with 117 of these (41.6%) resulting in a potential biodiversity constraint being identified.

#### **b) Notable / protected species (Geographic Information System) GIS data**

This is a licensed product supplied by TWIC to the council as a GIS layer and associated database. The licence includes an up-to-date dataset at the beginning of financial year (first quarter), a minimum of one further update during the year (normally the third quarter) and the ability for West Lothian Council to request an update once during the year to ensure the most current data available at a specified point in time.

#### **c) Local Biodiversity Sites system management**

TWIC co-ordinate and manage the Local Biodiversity Sites system in West Lothian on behalf of the council. Specifically, TWIC undertake, within the agreed time, the following work:

1. Co-ordination of the LBS Steering Group to develop work programmes, site selection and review and to provide the secretariat for one meeting in the year.
2. Management of LBS data – maintaining list of LBS sites, updating records as new information becomes available.
3. Maintenance and provision of GIS layer of LBS sites.
4. Assessing sites (target 6 sites) as required and notifying owners when required.
5. Once sites are confirmed as LBS producing sites statements and notifying landowners.

The existing West Lothian Local Plan was adopted in 2009 with the commitment to review the 29 "Local Wildlife Sites" (now termed potential "Local Biodiversity Sites") listed in the local plan. The pLBS Working Group is chaired by the council and administered by TWIC and consists of the council's Planning Services & Countryside Services, Scottish Natural Heritage, Scottish Wildlife Trust and several local biodiversity experts.

Regionally Important Geological & Geomorphological sites (RIGS) now called “Geodiversity Sites” are reviewed separately with the help of British Geological Survey, Lothian & Borders Geo-conservation Group and Almond Valley Heritage Trust.

It is estimated there are approximately 130 potential Local Biodiversity Sites (pLBS) across West Lothian, but not all have had an ecological survey that would allow assessment under the LBS criteria. These pLBS will be shown in the forthcoming local development plan and discussed with landowners. Site Management Briefs will be prepared, potentially with the assistance of Scottish Natural Heritage, which will identify key management actions and potential sources of grant funding.

### **3.0 Action – actions the organisation has taken to protect and enhance biodiversity and contribute to the 2020 Challenge**

#### **Easter Inch Moss & Seafield Law Local Nature Reserve (LNR)**

West Lothian’s first LNR was designated in 2006. The local management group made up of interested locals, councils officials from Planning Services and Countryside Services and the Police continue to meet twice a year, albeit this is a reduction in the original quarterly meeting that have proved hard to resource.

Central Scotland Green Network Trust (CSGNT) in 2011 funded the revision of the original Management Plan. This involved a hydrological survey and a Phase 1 habitat survey.

The council was successful in obtaining an initial £35k grant from the SNH Green Stimulus: Peatland Restoration Fund in 2013 for phase 1 damming works on the Moss and a further £26k in 2014 from the same fund for further damming and scrub clearance works. Data loggers relating to water depth have been installed.

The Countryside Service Rangers Team organised a “Moss Fun Day” in September 2014 that attracted over 200 local people.

#### **Black Moss, Armadale**

Similar to Easter Inch, the council was successful in obtaining a £20k grant from SNH Green Stimulus: Peatland Restoration Fund for the council owned Black Moss. This will allow a hydrological survey and Management Plan to be prepared. In tandem, SNH will act as Agent and oversee the initial damming works on the Moss via a contractor.

There have been discussions with the adjacent landowner about managing the part of the Moss in private ownership. Central Scotland Green Network Trust carried out a Phase 1 habitat survey on both private and public parts of the moss in September due to the need to carry out the survey at an appropriate time in the survey season.

The Draft Management Plan will be discussed with representatives of Armadale Community Council and have an associated Action Plan that will allow various interested parties to lead on biodiversity conservation works related to enhancing the bog over the next 5 years.

#### **Harperrig Reservoir Local Nature Reserve (LNR)**

While the Local Nature Reserve has been through the committee designation process, it has not formally been implemented as the LNR Management Group have yet to agree the status of the car park at the west end of the Reservoir. A successful application to West Lothian Land Trust for car park improvements has been obtained and negotiations are proceeding.



A Management Plan (2009-14) was prepared after public consultation. This contained a number of biodiversity elements e.g.; the reinstatement of “Gull Island” after drainage works on the Reservoir that has been achieved. The management plan is under review.

The residents, land owners and land managers continue to meet on an annual basis.

### **Geodiversity**

An important strand of biodiversity is geodiversity. In December 2012, the council signed the Scottish Geodiversity Charter. The Charter encourages determined and collective action from all sectors – public bodies, commercial businesses, land owners and managers, academics, teachers, voluntary organisations and individuals – to fulfil the vision and so ensure that Scotland’s geodiversity is adequately considered and conserved.

The Charter takes each of these sectors and suggests actions that these groups should undertake.

For “**Individuals and Communities**” it highlights a couple of case studies, one of which is the Witch Craig Wall Local Geodiversity Site. This was established in the Bathgate Hills near Beecraigs Country Park in the early 2000’s with the agreement and help of a local landowner. A viewing point over the Firth of Forth and surrounding hills is made up from rocks from across Scotland. A leaflet to explain the view point and its rocks is available.

With “**Landowners and managers and Non-Governmental organisations**”, a case study refers to Scottish Wildlife Trust (SWT) Geodiversity Policy (2002) where the Trust will promote the conservation of geodiversity through its work on its reserves and in its support for the Local Geodiversity Site system.

In West Lothian, SWT own the Petershill Wildlife Reserve in a former Reservoir on the outskirts of Bathgate that contains an interesting fossil section. SWT manage the site for local people that take access from the adjacent Bughtknowes Estate. A leaflet explaining the site and its geology has been updated and placed on the council’s web site.

In relation to “**Developers, industry and the business sector**” there is a case study covering Ravelrig Quarry, Kirknewton. Here, just outwith West Lothian, Tarmac’s Quarry is a major source of aggregate for Central Scotland. Discussions have taken place with Lothian & Borders GeoConservation about restoration of the site when the quarry operation ceases, and the prospect of leaving an accessible rock exposure to show the contact of the dolerite sill with underlying sedimentary rocks.

For “**Local authorities, public agencies and government departments**” the charter advocates they “ensure that due consideration, management, enhancement and promotion of geodiversity and Local Geodiversity Sites are an integral part of decision making, and support action by local communities to achieve this”.

In West Lothian, a grant was obtained from the Scottish Government in 2006 that allowed the British Geological Survey (BGS) to carry out a comprehensive field survey of over 200 potential sites representing a wide range of geological eras across the district. The various volumes just require some updating before publication. However, the accompanying Action Plan originally drawn up needs to be updated and refreshed in the light of reduced national and local budget resources.

In addition, a West Lothian Geodiversity Working Group has been formed. It consists of BGS, SNH, Almond Valley Heritage Trust and Lothian and Borders GeoConservation and has met to review and prioritise the potential geodiversity sites that will be shown in the

forthcoming local development plan. The citations relating to these individual sites that covers their scientific economic and environmental characteristics will be provided as a background technical note and the basis of consultation with various landowners. Approximately half the sites are in public ownership.

Three interpretation leaflets relating to Kirkton Quarry, Petershill by Bathgate and Binny Craig in the Bathgate Hills have all been updated and placed on the council's website. The Working Group are considering another 6 new leaflets of publically accessible geodiversity sites. There could also be scope for permanent on site interpretation if external grants can be found.

#### **4.0 Mainstreaming – examples of how biodiversity has been incorporated into corporate policy, plans and projects**

##### **West Lothian Local Development Plan: Main Issue Report (MIR) -**

The council consulted on the Main Issues Report (MIR) for the West Lothian Local Development Plan (LDP) between August and October 2014, together with associated documents comprising the Monitoring Statement and interim Strategic Environmental Assessment (SEA). An overall aim of West Lothian's LDP will be ensuring that new development is in the most sustainable locations.

[www.westlothian.gov.uk/MIR](http://www.westlothian.gov.uk/MIR)

As part of the MIR process, a Habitat Regulation Appraisal was also undertaken where the implications from preferred options on nature conservation sites protected by European legislation were considered.

<http://www.westlothian.gov.uk/media/4836/Habitats-Regulations-Appraisal-Statement-background-paper/pdf/HabitatsRegulationsAppraisalStatementAugust2014.pdf>

In addition, a Strategic Environmental Assessment was carried out. As the previous adopted West Lothian Local Plan (2009) had been exempt from the SEA process, a baseline SEA had to be created.

<http://www.westlothian.gov.uk/media/4643/Strategic-Environmental-Assessment-Environmental-Report-August-2014/pdf/SEA-ENVIRONMENTAL-REPORT-August2014.pdf>

##### **Green Networks**

Within the MIR, a background Technical Paper was produced relating to green networks. Among the various types on green networks, there are various networks identified that can contribute to improved biodiversity.

<http://www.westlothian.gov.uk/media/4790/West-Lothian-Placed-Green-Networks-background-paper/pdf/WestLothianPlaced-basedGreenNetworksAugust2014.pdf>

##### **Supplementary Planning Guidance: Residential Development Guide (RDG)**

The Residential Development Guide Supplementary Planning Guidance (SPG) 2013 addresses, among a wide array of development issues related to house building, biodiversity issues that need considered (see page 60).

[www.westlothian.gov.uk/CHttpHandler.ashx?id=3072&p=0](http://www.westlothian.gov.uk/CHttpHandler.ashx?id=3072&p=0)

Developers will be required to assess the biodiversity status of sites by undertaking an ecological survey, and the outcomes, which can sometimes have a profound effect on developability and the development programme, should be used to influence the design of the residential development in order to conserve, enhance and create further opportunities for biodiversity.

The RDG makes links to detailed biodiversity guidance that is also available from the council in a separate document entitled [\*Planning for biodiversity action in West Lothian\*](#). The aim of this Local Biodiversity Action Plan (LBAP) is “*to enhance and increase the mosaic of habitats and the key species of which they are composed to address their importance in the environmental, social and economic values of West Lothian*”. However, this detailed second LBAP for West Lothian from 2005-09 is now out of date, but the priority species and habitats it identified remain relevant.

Due to staff and budget resource issues, there are no plans to currently update this LBAP.

**Draft Supplementary Planning Guidance:  
“Planning for Nature – Development Management & Wildlife”**

In autumn 2013, Scottish Natural Heritage (SNH) approached West Lothian Council about being the case study for the production of a best practice example of supplementary planning guidance (SPG) for developers relating to natural heritage issues and the planning process.

SNH wished to use this guidance to show other Scottish local authorities a simple, up-to-date template of how they could produce their own authority specific supplementary planning guidance.

Consultants Natural Capital, were appointed and managed by SNH to produce this draft SPG over winter 2013 / spring 2014 with detailed input from West Lothian Council Planning Services Development Planning and Development Management sections. The consultant assessed existing relevant information across the UK.

This resulting draft guidance (see link below) sets out how the biodiversity (wildlife and habitats) and geodiversity (rocks, soils and fossils) of the West Lothian area will be taken into account when considering all development proposals.

[http://www.westlothian.gov.uk/media/4876/Draft-Planning-for-Planning-for-Nature-Development-management-and-wildlife-SPG/pdf/SNH\\_Supp\\_Guidance\\_11.02.14\\_small\\_file.pdf](http://www.westlothian.gov.uk/media/4876/Draft-Planning-for-Planning-for-Nature-Development-management-and-wildlife-SPG/pdf/SNH_Supp_Guidance_11.02.14_small_file.pdf)

It aims to help developers fully consider the wildlife and habitat implications of proposals which need planning permission. When adopted, the guidance will be a material consideration when local authority development management officers consider planning applications.

The finalised guidance will be incorporated into the forthcoming West Lothian Local Development Plan.

**Edinburgh and Lothians Forestry & Woodland Strategy**

The purpose of the Edinburgh and Lothians Forestry & Woodland Strategy 2012-17 (ELFWS) is to guide woodland expansion and management across the Lothians in a way that optimises its contribution to the region’s people, economy and environment. It aims include expansion of the region’s woodland resource and securing resilience to climate change as well as addressing biodiversity in the range and types of woodland planted and managed.

The ELFWS was developed by the Lothians and Fife Green Network Partnership (in which West Lothian Council is a partner) and covers the four Lothian local authorities' areas. The council uses the Strategy and its associated spatial data in responding to consultations on woodland creation proposals and in assessing development proposals that could affect woodland (e.g. wind farms).

[www.elfhnp.org.uk/uploads/downloads/elws\\_final\\_strategy\\_sept12.pdf](http://www.elfhnp.org.uk/uploads/downloads/elws_final_strategy_sept12.pdf)

In relation to the council's management of parks, open space and cemeteries, NETs & Land Services have, over the last few years, implemented the following regimes that benefit biodiversity:

- reduced maintenance frequencies including spraying herbicide in channels, on roads / pavements and around shrubberies (frequency reduced from 3 to 2 sprays per annum);
- reduced hedge cutting (from 2 cuts to 1 cut per annum - unless there's a specific health and safety concern);
- reduced grass cutting (from 14 cuts to 12 cuts per annum); and
- in churchyards and cemeteries wood / bark mulch is recycled from the West Lothian Council arboriculture/ forestry team activities and is being used, instead of weed killer around headstones and other structures.

NETs & Land Services run an annual garden competition across the county. They have a "Wildlife Friendly" category which encourages the public to garden in a more environmentally friendly way.

Through NETs & Land Services updating and open space improvement programmes, the council are improving the quality, condition and accessibility of West Lothian parks and play areas, including raising awareness of these facilities and encouraging community engagement through 'Place-making.' Improved parks, new signage and community involvement will encourage people to make better use of their 'local' (within 500m) and 'neighbourhood' (within 1km) parks. In addition, having these parks so close to people's houses will encourage people to walk/cycle to their local facility, with the associated health and environmental benefits, rather than travelling by car to facilities further afield."

## **5.0 Partnership – working with other stakeholders**

### **Central Scotland Green Network Trust**

The council was a signatory of a concordat with the Central Scotland Green Network Trust in December 2012. Green Networks promoted through the Main Issues Report and emerging Local Development Plan (LDP) will increase resilience to climate change of the natural and built environment, including the expansion of woodland planting which will also enhance biodiversity and create more attractive, healthier places to live.

SITE		PHYSICAL OUTPUTS								FUNDING			
		new woodland planted (ha)	Woodland brought under management (ha)	New Paths / Paths up-graded (m)	Greenspace created (ha)	Greenspace upgraded (ha)	Woodland Maintained (ha)	Greenspace maintained (ha)	Path routes maintained (m)	WLC funding (£)	Other funding (£)	Total funding (£)	
	Ownership												
	Knowes Colliery Woodland Management		17.5	1175	17.5					6000	136000	142000	
	Loganlea Bing Woodland Management		12.3	1120						13500	39198	52698	
	Torphichen Gorge Bridge			100						45000	0	45000	
	Polbeth & Parkhead Woodland Access Works						6	6	1750	0	33156	33156	
	Harperrig Access Works								2600	0	1960	1960	
	Chapelton Woodland Planting					0.66				0	549	549	
	Parkhead Community Woodland Planting						7.8	7.8		0	2700	2700	
	Greenrigg Community Greenspace						1.7	1.7	425	0	2379	2379	
	Burngrange Wetland and Access Improvements						0.14	0.14	450	2000	0	2000	
	Uphall Community Woodland						13	13	1250	0	2808	2808	
	Broxburn Community Woodland Phase 1-4						30.1	30.1	6000	0	9396	9396	
	Heartlands (Fauldhouse to Longridge Road)	7.3									53270	53270	
	Cemex (Linitgow site)	7.9									57000	57000	
	River Avon Heritage Trail								3000	2000	2000	4000	
	Dalmahoy Farms						5.64				5700	5700	
	Cairns Farm						5.22				8670	8670	
	Harperrig Reservoir Woodland						5.1				3200	3200	
	Easter Breich	CSFT					33.6		3250		1700	1700	
	Hardhill	CSFT					6.6	9.4	1500		1500	1500	
	Bathville	CSFT					6.6	8.5	1300		1300	1300	
	Total	15.2	29.8	2395	17.5	0.66	122.16	76.64	21525	68500	362486	430986	

West Lothian sites - physical outputs and funding in 2012/13

SITE	Ownership	PHYSICAL OUTPUTS								FUNDING		
		new woodland planted (ha)	Woodland brought under management (ha)	New Paths / Paths up-graded (m)	Greenspace created (ha)	Greenspace upgraded (ha)	Woodland Maintained (ha)	Greenspace maintained (ha)	Path routes maintained (m)	WLC funding (£)	Other funding (£)	Total funding (£)
Breich Park	WLC	0.75		700	1.5					50000	49163	99163
Knowes Colliery Woodland Management	WLC						17.5	17.5	1175	0	37741	37741
Loganlea Bing Woodland Management	WLC						12.3		1120	0	1800	1800
Polbeth & Parkhead Woodland Access Works	WLC			200			0.1	6	1750	0	41419.75	41419.75
Chapelton Woodland Planting	WLC							0.66		0	520	520
Parkhead Community Woodland Planting	WLC						7.8	7.8		0	2300	2300
Greenrigg Community Greenspace	WLC						1.7	1.7	425	0	2000	2000
Burngrange Wetland and Access Improvements	WLC						0.14	0.14	450	1200	0	1200
Uphall Community Woodland	WLC						13	13	1250	0	1622	1622
Broxburn Community Woodland Phase 1-4	WLC						30.1	30.1	6000	0	1392	1392
Heartlands (Fauldhouse to Longridge Road)	Private						7.3				4500	4500
Cemex (Linnithgow site)	Private						7.9				6410	6410
River Avon Heritage Trail	Private			1000					3000	8000	46000	54000
Dalmahoy Farms	Private						5.64				5560	5560
Cairns Farm	Private						5.22				1430	1430
Harperig Reservoir Woodland	Private						5.1				3460	3460
Easter Breich	CSFT						33.6		3250		1700	1700
Hardhill	CSFT						6.6	9.4	1500		1500	1500
Bathville	CSFT						6.6	8.5	1300		1300	1300
<b>Total</b>		<b>0.75</b>	<b>0</b>	<b>1900</b>	<b>1.5</b>	<b>0.1</b>	<b>167.16</b>	<b>94.8</b>	<b>21220</b>	<b>59200</b>	<b>209817.75</b>	<b>269017.75</b>

West Lothian sites - physical outputs and funding in 2013/14

The tables above indicate the outline figures for West Lothian woodlands created and managed, as well as paths established, along with grants secured by CSFT / CSGNT in 2012/13 and 2013/14. This indicates that in 2012/13 for an investment of c£68k, approximately £340k was levered out from grants and other sources. Similarly, in 2013/14, for an investment of £59k, funds derived for West Lothian were in the order of £270k, involving 0.75ha of new woodland; 1,900m paths (new or upgraded); 1.5ha of greenspace; and, 3450m paths maintained.

**Lothian & Fife Green Network Partnership & Central Scotland Green Network Trust** have been involved with Planning Services in piloting use of SNH Integrated Habitat Network maps in an area north of Bangour General Hospital in the Bathgate Hills.

A mapping exercise of potential habitat connections was undertaken in summer / autumn 2013, while a pilot Phase 1 habitat survey was carried out in May 2014 to “ground truth” some of the assumptions identified by the earlier mapping exercise. Further work is underway to consider a catchment management study to instigate work on riparian corridors and establish woodland planting to help alleviate flood risk run-off for the Brox Burn, as well as other green network improvements such as hedge and shelter belt woodland planting.

This pilot scheme would help with the possible establishment of a Bathgate Hills Heritage Landscape Partnership that is currently under consideration, subject to staff resources and identifying match funding.

### **Linlithgow Loch – catchment management plan**

It is one of only two remaining natural lowland lochs in the Lothians and provides the setting for Linlithgow Palace and is part of the tourist destination experience and is well used by local residents for recreation. It supports water sports and a fishing club.

It is designated a Site of Special Scientific Interest (SSSI) by Scottish Natural Heritage for its botanical interests that are characteristic of a naturally eutrophic loch and is owned and administered by Historic Scotland.

However, in recent years the appearance of a seasonal blue / green algal bloom on the surface of the Loch had led to concerns about potential public health issues and about the serious deterioration in water quality that has led to the formation of the blooms.

The Linlithgow Loch Catchment Management Group (LLCMG) of stakeholders was established c2002 to initially tackle the algal bloom issue and to provide a forum to allow environmental issues related to the Loch to be explored. The group was based on a similar organisation covering Loch Leven, which also experienced water quality issues, albeit on a larger scale.

The group meets bi-annually and consists of the following stakeholder organisations:

- West Lothian Council (Flood Risk, Planning, Environmental Health Services);
- Scottish Environment Protection Agency (Ecologist / Area Officer);
- Historic Scotland (Area Manager / Rangers);
- Scottish Natural Heritage;
- Scottish Water;
- Forth Area Federation of Anglers;
- The Natural Environment Research Council Centre (NERC) for Ecology & Hydrology; and
- Scottish Agricultural College.

While the group was previously chaired by SEPA, it is now chaired and administered by council officers.

### **Two academic studies on Linlithgow Loch**

The LLCMG commissioned two wide ranging studies to look at water quality and catchment management issues, as well as the wider catchment and potential for nutrients that cause the algal bloom, to enter the water body. They both reported in March 2011.

**“An assessment of water quality and management requirements at Linlithgow Loch”** was undertaken by the NERC Centre for Ecology & Hydrology.

The aim of this study was to:

- 1) compile and review available data and reports on the loch;
- 2) summarise or propose water quality targets for the loch;
- 3) assess long term water quality data against targets;
- 4) investigate nutrient (especially Phosphorous that encourages algal bloom) transformation processes within the loch; and
- 5) suggest future management solutions.

While the scientific report goes into detail on the complex chemistry of the loch, the main findings were:

- a) the status of the macrophyte community has improved;
- b) nitrogen availability limits algal bloom biomass in the summer;
- c) chlorophyll concentrations are increasing;
- d) internal phosphorous release is significant in the summer months; and
- e) routine monitoring of the loch's wider catchment loading is required.

An associated study on **“Linlithgow Loch external nutrient loading”** was undertaken by Scottish Agricultural College (SAC). As it had been assumed that phosphorous pollution is the main cause of elevated algal biomass in the loch, alongside nitrogen and that these nutrients enter the loch from a variety of sources in the surrounding catchment, SAC was commissioned to assess the potential recent external nutrient loading and compile a risk analysis against the sources identified.

The study also assessed the:

- available data from Scottish Water and WLC on nitrogen and phosphorous loadings entering the loch, including assessing the town drainage plan;
- effects of agricultural practices - through interviews with farmers;
- potential for soil erosion depending on soil type, cropping and cultivation techniques;
- effects of the amenity sector from run-off from non-agricultural sources;
- effects of light industry in the catchment; and
- impacts of various other factors on the Loch such as the canal, motorway and railway drainage.

The report demonstrates the variety of sources of nutrients in what is a very complex catchment. A list of actions were identified that could be undertaken to reduce the risks of nutrients entering Linlithgow Loch.

The importance of awareness-raising amongst farmers, householders and the general public is considered a main priority. Reduction of external nutrient loading will only be achievable if all the community acts together.



### **“Yellow Fish” Campaign**

Alongside the on-going research work, Historic Scotland's Ranger Service has led on an environmental awareness-raising campaign with local school children called “Yellow Fish”. Springfield Primary were the pilot school and among the various tasks the Rangers undertook with the school children was painting “yellow fish” identification logos beside drains in the Springfield Estate to warn against inappropriate disposals down road drains and to highlight the correlation between what goes down the drain and the impact on the loch.

There is scope to roll out the campaign to other primary schools in Linlithgow and involve the Academy in future years when the Historic Scotland Rangers based at the Peel are back to full strength.

### **6.0 Communication – raising awareness, building capacity and working with communities.**

The Rangers within the council's Countryside Services have been active over the last 3 years with a wide range of projects that raise the awareness of biodiversity. Among the examples are:

- environmental education with pre-school, school age and tertiary education; and
- badgers, bats, orchids and butterflies species monitoring and recording in Beecraigs Country Park.

The council's Ranger Events programme encourages participation, responsible access and better use of the local area.

<http://visitwestlothian.co.uk/whats-on/nature-outdoors/ranger-events-programme-2014/>

“Wild Day Out” in 2014 was a joint working partnership project which encouraged approximately 7,000 people to visit Howden Park, Livingston and get involved in a wide range of environment related activities. The event had various sessions within Howden Park Centre including drop in Art and Recycle Sessions, The Scottish Owl Centre and Glasgow Science Centre giving all the opportunity to take part in activities like screen printing, turn old newspapers into hats, meet and learn about owls make rockets and learn about how the body works.

An Open Day at Easter Inch Moss, Blackburn attracted 200 people following an award of funding through the SNH Peatland Restoration Fund, and many got involved in volunteering opportunities on conservation projects.

[www.westlothian.gov.uk/article/4546/Have-a-Wild-Day-Out-this-summer](http://www.westlothian.gov.uk/article/4546/Have-a-Wild-Day-Out-this-summer)

The “Wild Wednesday's” partnership venture with West Lothian “Rural Connect” over 2012-14 has involved council rangers attending events across the county encouraging local communities to take part in activities in their local area and parks.

The 2014 Countryside Rangers Events programmes included Activity Weeks in each Park which were all fully booked.

In addition, Countryside Services have progressed a Meadow Management project at Balvormie Meadow, Beecraigs Country Park, funded through West Lothian Land Trust to encourage floral biodiversity, including the introduction of low intensity cattle grazing with their Highland Cattle.

Similarly, forestry management for Beecraigs has involved the development of a 20 year Long Term Forest Plan which will ensure planned sustainable felling and replanting and using continuous cover forestry techniques where applicable on the 234ha of forest, with riparian plantings that will improve biodiversity.

While no specific or set targets are in place, there are a number of projects being progressed including access improvements as well as pond habitat work with the local community at Little Boghead Nature Park, Bathgate, which is a haven for urban wildlife.

## **7.0 Future Works**

### **WL Open Spaces Strategy review**

The original West Lothian Open Space Strategy ran from 2005-2015. This has been reviewed in 2014 and relates to the capital programme for further improvements over the next 3 years. Numerous local and districts parks have been identified as requiring enhancement. Within the place-making exercises carried out by NETs & Land Services, improvements to the biodiversity of open spaces are key.

One such scheme involves **Wildflower meadow creation** in 2016/17 as there is a budget of £15k. Several sites have been identified and are being assessed. Research is underway by NETs & Land Services to identify opportunities for wildflower planting which would increase biodiversity and reduce maintenance requirements.

Further projects under consideration by Countryside Services include:

- progression of improvements to the Fen area at Calderwood Country Park will be reviewed;
- ongoing meadow management in all three West Lothian Country Parks;
- ongoing wildlife and habitat recording in Beecraigs Country Park;
- with the Heritage Lottery Fund, there is a major "Parks for People" bid at Polkemmet Country Park under preparation, as well as a potential extensive Heritage Landscape Partnership covering the Bathgate Hills; and
- more pond creation at Easter Inch Moss LNR to help habitat diversification.

## **8.0 Conclusion**

Biodiversity continues to be an important part of West Lothian planning process.

It provides us with the essentials of life - food, clothing, health and shelter. Yet no plant or animal survives in isolation - each contributes to the balance of nature and humans are part of this complex system. Thus, a high quality natural environment not only supports habitats for wildlife, but contributes to our wellbeing and quality of life.

Biodiversity is about nature conservation but not just for its own sake. It is about how it contributes to the social and economic values of West Lothian. It is the quality and distinctiveness of its landscape, the setting for industry, tourism, the education of our children and of ourselves, the enjoyment of our surroundings and our heritage. It is part of the West Lothian culture; it provides relaxation and significantly contributes to the quality of our lives. However, it must be regarded against a background of rapid urban growth and development. This makes it increasingly important to sustain and enhance the biodiversity of the council area.





## **COUNCIL EXECUTIVE**

### **SCOTTISH PUBLIC SERVICES OMBUDSMAN: ANNUAL REPORT 2013 - 2014**

#### **REPORT BY CHIEF EXECUTIVE**

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

To update the Council Executive on the Scottish Public Services Ombudsman's annual report 2013-2014

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

1. Council Executive is asked to note the Scottish Public Services Ombudsman's (SPSO) annual report 2013-2014, and
2. Council Executive is asked to note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome.

##### **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;
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	The council is required to report against a set of performance indicators developed by the SPSO.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	The report was considered by the Partnership and Resources PDSP at its meeting of 28 November 2014.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

The Scottish Public Services Ombudsman (SPSO) handles complaints at the final stage for public services in Scotland, including local authorities, the National Health Service (NHS), housing associations, prisons, most water and sewage providers, the Scottish Government and its agencies and departments, universities and colleges and most Scottish Public Authorities. The SPSO investigates complaints when the complainer has exhausted the formal complaints procedure of the relevant authority.

### **D2 Local Government – Annual Review of Complaints and Issues**

The SPSO report that for 2013-14 the number of complaints received regarding local government has increased by 16% compared with the previous year. The SPSO Complaints Report 2013-14 notes that this is the first full year in which councils operated the new two-stage model Complaints Handling Procedure (CHP) and therefore suggests that this increase may be attributed to people moving more quickly through councils' complaints processes before bringing their complaint to the SPSO, as well as reflecting a greater awareness of complaints as an avenue for dissatisfaction.

The percentage of premature complaints about local government has fallen from 50% to 40%, yet the rate of premature complaints about local government remains higher than other sectors.

This year, the number of upheld complaints for local government rose from 47% in 2012-13 to 49%. The SPSO highlights that the top areas complained about remain the same as previous years, with the greatest number of complaints being received about Housing, Social Work and Planning, which account for 51% of all local government complaints. Within the broad areas of local government complaints, the top subjects of complaints were policy/administration, housing repairs and maintenance, and planning – handling of application.

### **D3 West Lothian Council – Statistics and Update**

The SPSO provides each council with information specific to that local authority to consider. The SPSO's Annual Letter is attached as Appendix A. Appendix B provides tables of statistics about complaints to the SPSO regarding West Lothian Council in the past two years. The tables illustrate complaints received by subject area and complaints determined by outcome for 2012-13 and 2013-14.

Appendix B highlights that the total number of complaints received about West Lothian Council is 70, which is the same figure as 2012-13. As detailed in Appendix B, the greatest number of complaints about West Lothian Council were regarding Education, which differs from the sector as a whole where more complaints were regarding Housing than any other subject.

48 of the complaints about West Lothian Council were dealt with at the advice stage as they were not suitable for the SPSO, whilst a further 17 were considered to have an early resolution. The percentage of premature complaints has decreased to 43% from 57% the previous year. Out of the total number of complaints received by the SPSO relating to West Lothian Council, two complaints were partly upheld. No complaints were fully upheld.

## **D4 Improving Complaints Standards**

As highlighted, 2013-14 was the first full year of operation of the new model CHP. The SPSO report notes that compliance with CHPs should be built into the existing regulatory framework where possible. Arrangements have been set up with Audit Scotland to ensure that compliance with the model CHP is monitored in line with the Shared Risk Assessment and annual audit arrangements. Local authorities are also expected to have appropriate self-assessment arrangements in place to ensure that their CHP is operating in accordance with the model CHP.

The council has put in place clear governance arrangements for complaints. The Corporate Complaint Steering Board is an officer group that monitors the implementation of the corporate complaint procedure and the corresponding performance and reporting activity. The board ensures that the council is compliant with the complaint procedure requirements. The board is chaired by the Deputy Chief Executive for Housing, Construction and Building Services and the membership consists of council Heads of Service. Complaint performance is reported on a quarterly basis to both the council's Corporate Management Team and the council's Performance Committee. All complaint performance statistics are reported to the public and are available on the council's website.

The SPSO's report notes that 2013-14 will be the first year for which all councils issue clear, transparent and consistent complaints information. The CHP requires councils to publish annual complaints statistics and learning against performance indicators. There is also a requirement for councils to report internally and to publish information on complaints trends, outcomes and actions taken.

A local authority complaints handlers network was established in 2012-13 and has over 60 members including the SPSO. In 2013-14 the network met four times and representatives from all local authorities have been involved in its work including consideration of feedback on the operation of the model CHP, performance reporting and indicators. In September 2013, the network produced a 'Performance Management Framework for Complaints Handling' which sets out the network's approach to managing complaints handling performance by outlining the various components of the CHP and how each contributes to the overall process and ultimate aim of improving service delivery.

## **E. CONCLUSION**

The SPSO has published its annual report along with its annual letters to local authorities.

The SPSO reports that complaints about West Lothian Council have decreased in 2012-13 and that the number of upheld complaints remains low as the majority of complaints are made prematurely, not duly made or withdrawn, or are considered to be out of their jurisdiction.

The model CHP has now been in operation across all local authorities for a full year. Performance indicators have been established by the complaints handlers network, and local authorities are required to report against these indicators on a yearly basis.

## **F. BACKGROUND REFERENCES**

- Scottish Public Services Ombudsman: Annual Report 2012-2013
- Partnership and Resources PDSP, 28 November 2014

**Appendices/Attachments:**

**Appendix A: Letter to West Lothian Council from Scottish Public Services Ombudsman**

**Appendix B: Tables of statistics to illustrate West Lothian Council complaints received by subject area and complaints determined by outcome for 2012-13 and 2013-14**

**Contact Person:** Morgan Callachan, Project Officer, 01506 281080  
Morgan.callachan@westlothian.gov.uk

**Graham Hope**  
**Chief Executive**

Date of meeting: 16 December 2014

Mr Graham Hope  
Chief Executive  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
WEST LOTHIAN  
EH54 6FF

8 October 2014

Dear Mr Hope

**Complaints report and statistics for 2013-14**

I am pleased to send you our annual local government complaints report, along with statistics about complaints to SPSO about your authority in 2013-14.

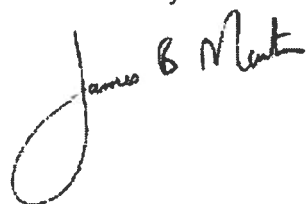
This was the first full year of operation of the standardised model complaints handling procedure that was introduced for the local government sector in 2012-13. As you will know, each authority is now required to report and publicise complaints information on a quarterly and annual basis, including annual reporting on how they perform against the agreed performance indicators. The enclosed complaints statistics are part of the detailed complaints picture that your authority is responsible for gathering and publishing and using to benchmark through the local authority complaints handlers network.

As my report shows, 2013-14 saw a 16% rise in complaints about local government compared with the previous year. The issues people brought us were similar to those for previous years, with housing, social work and planning topping the list. One of these areas – social work – is of particular concern to me, because of the length of time it is taking to bring about change. Related to this is the lack of clarity about complaints processes under the integrated health and social care programme. One further policy matter that I would draw to your attention is the Scottish Government's proposal that SPSO may take on a future role as the review body for Scottish Welfare Fund decisions.

I have been pleased to strengthen our engagement with local authorities over the past year through our complaints standards work and also through a new sounding board. The local authority sounding board was set up by joint invitation from the chair of SOLACE and myself. Current members include representatives of SOLAR, ADES, ADSW, Heads of Planning, CIPFA, the Improvement Service and the chair of the local authority complaints handlers' network. It has allowed for frank, two-way discussions about the challenges in local government, and about our role and effectiveness.

This report outlines this and other initiatives we are undertaking as we continue to support the local government sector to improve the quality of their complaints handling, and ensure that the learning from complaints leads to improvements in the delivery of services.

Yours sincerely



Jim Martin  
Ombudsman





**Table 1**  
**Complaints Received by Subject 2013-14**

Subject Group	West Lothian Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Education	18	1	25.7%	171	5	9.8%
Housing	14	2	20.0%	446	1	25.5%
Social Work	12	3	17.1%	229	2	13.1%
Planning	7	4	10.0%	223	3	12.7%
Finance	5	5=	7.1%	173	4	9.9%
Environmental Health & Cleansing	5	5=	7.1%	98	7	5.6%
Legal & Admin	4	7	5.7%	75	8	4.3%
Roads & Transport	2	8=	2.9%	119	6	6.8%
Land & Property	2	8=	2.9%	28	11	1.6%
Building Control	0	-	0.0%	62	9	3.5%
Recreation & Leisure	0	-	0.0%	30	10	1.7%
Welfare Fund - Community Care Grants	0	-	0.0%	10	12=	0.6%
Valuation Joint Boards	0	-	0.0%	10	12=	0.6%
Other	0	-	0.0%	9	14	0.5%
Consumer Protection	0	-	0.0%	8	15	0.5%
Personnel	0	-	0.0%	7	16	0.4%
Welfare Fund - Crisis Grants	0	-	0.0%	6	17	0.3%
Economic Development	0	-	0.0%	3	18=	0.2%
Fire & Police Boards	0	-	0.0%	3	18=	0.2%
National Park Authorities	0	-	0.0%	2	20	0.1%
Subject Unknown or Out Of Jurisdiction	1	-	1.4%	38	-	2.2%
<b>Total</b>	<b>70</b>	<b>-</b>	<b>100.0%</b>	<b>1,750</b>	<b>-</b>	<b>100.0%</b>
Complaints as % of Sector						
	4.0%			100.0%		

**Complaints Received by Subject 2012-13**

Subject Group	West Lothian Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	27	1	39%	361	1	24%
Education	8	2	11%	76	5	5%
Planning	4	3=	6%	197	2	13%
Social Work	4	3=	6%	183	3	12%
Finance	4	3=	6%	85	4	6%
Roads & Transport	3	6=	4%	73	6	5%
Legal & Admin	3	6=	4%	48	8	3%
Environmental Health & Cleansing	2	8	3%	60	7	4%
Land & Property	1	9=	1%	28	9	2%
Recreation & Leisure	1	9=	1%	20	11	1%
Building Control	0	-	0%	26	10	2%
Other	0	-	0%	10	12	1%
Consumer Protection	0	-	0%	9	13	1%
Personnel	0	-	0%	7	14	0%
Valuation Joint Boards	0	-	0%	6	15	0%
Fire & Police Boards	0	-	0%	2	16	0%
Economic Development	0	-	0%	1	17	0%
Out Of Jurisdiction	1	-	1%	20	-	1%
Subject Unknown	12	-	17%	293	-	19%
<b>Total</b>	<b>70</b>		<b>100%</b>	<b>1,505</b>		<b>100%</b>
Complaints as % of Sector						
	4.7%			100%		

**TABLE 2**  
**Complaints Determined by Outcome 2013-14**

Stage	Outcome Group	West Lothian Council	Sector Total
Advice	Not duly made or withdrawn	8	328
	Out of jurisdiction (discretionary)	4	56
	Out of jurisdiction (non-discretionary)	2	42
	Outcome not achievable	6	129
	Premature	28	659
	Resolved	0	6
	<b>Total</b>	<b>48</b>	<b>1,220</b>
Early Resolution 1	Not duly made or withdrawn	2	36
	Out of jurisdiction (discretionary)	3	57
	Out of jurisdiction (non-discretionary)	2	110
	Outcome not achievable	1	40
	Premature	1	33
	Resolved	0	18
	<b>Total</b>	<b>9</b>	<b>294</b>
Early Resolution 2	Fully upheld	3	31
	Some upheld	3	25
	Not upheld	2	50
	Not duly made or withdrawn	0	1
	Resolved	0	4
	<b>Total</b>	<b>8</b>	<b>111</b>
Investigation 1	Fully upheld	0	20
	Some upheld	2	39
	Not upheld	1	60
	Not duly made or withdrawn	0	2
	Resolved	0	1
	<b>Total</b>	<b>3</b>	<b>122</b>
Investigation 2	Fully upheld	0	0
	Some upheld	0	0
	Not upheld	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>
<b>1. Total Complaints</b>		<b>68</b>	<b>1,747</b>
Total Premature Complaints		29	692
Premature Rate		42.6%	39.6%
Fit for SPSO Total (ER2, Inv1 & Inv2)		11	233
Total Cases Upheld / Some Upheld		8	115
Uphold Rate (total upheld / total fit for SPSO)		72.7%	49.4%

**Complaints Determined by Outcome 2012-13**

Stage	Outcome Group	West Lothian Council	Sector Total
Advice	Matter out of jurisdiction (discretionary)	0	19
	Matter out of jurisdiction (non-discretionary)	2	40
	No decision reached	6	239
	Outcome not achievable	2	13
	Premature	41	704
	<b>Total</b>	<b>51</b>	<b>1,015</b>
Early Resolution 1	Matter out of jurisdiction (discretionary)	3	40
	Matter out of jurisdiction (non-discretionary)	8	99
	No decision reached	0	38
	Outcome not achievable	0	26
	Premature	1	46
	<b>Total</b>	<b>12</b>	<b>249</b>
Early Resolution 2	Fully upheld	0	10
	Partly upheld	1	19
	Not upheld	3	48
	No decision reached	0	4
	<b>Total</b>	<b>4</b>	<b>81</b>
Investigation 1	Fully upheld	0	16
	Partly upheld	3	63
	Not upheld	4	75
	No decision reached	0	2
	<b>Total</b>	<b>7</b>	<b>156</b>
Investigation 2	Fully upheld	0	3
	Partly upheld	0	3
	<b>Total</b>	<b>0</b>	<b>6</b>
<b>Total Complaints</b>		<b>74</b>	<b>1,507</b>
Total Premature Complaints		42	750
Premature Rate		56.8%	49.8%
Fit for SPSO Total (ER2, Inv1 & Inv2)		11	243
Total Cases Upheld / Partly Upheld		4	114
Uphold Rate (total upheld / total fit for SPSO)		36.4%	46.9%

NOTE : 'No decision reached' includes complaints not duly made, withdrawn and resolved