



West Lothian  
Council

## ***West Lothian Council***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

8 January 2015

A meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Tuesday 13 January 2015** at **10:00am**.

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. Minutes
  - (a) Confirm Minute of Meeting of West Lothian Council held on Tuesday 25 November 2014 (herewith)
  - (b) Correspondence Arising From Previous Decisions (herewith)
  - (c) Note Minute of Meeting of Performance Committee held on Monday 18 August 2014 (herewith)
  - (d) Note Minute of Meeting of Audit and Governance Committee held on Monday 29 September 2014 (herewith)

- (e) Note Minute of Meeting of Education (Quality Assurance) Committee held on Thursday 02 October 2014 (herewith)
- (f) Note Minute of Meeting of Employee Appeals Committee (Private) held on Friday 03 October 2014 (herewith)

**Public Items for Decision**

- 5. Election Business
- 6. Appointment of Secondary/Special Appointed Member - Report by Chief Executive (herewith)
- 7. Councillor Isabel Hutton - Failure to Attend Meetings - Report by Chief Executive (herewith)
- 8. Notice of Motion - Fracking - Submitted by Councillor Day (herewith)
- 9. Notice of Motion - Direct Delivery of Council Services - Submitted by Councillor Johnston (herewith)
- 10. Notice of Motion - Living Wage - Submitted by Councillor Anderson (herewith)
- 11. Notice of Motion - Condemn UK Government Austerity Cuts to Women - Submitted by Councillor Calder (herewith)
- 12. Notice of Motion - Nuclear Deterrent - Submitted by Councillor Boyle (herewith)
- 13. Notice of Motion - Access To Care Services - Levels to be Changed - Submitted by Councillor Campbell (herewith)
- 14. Notice of Motion - Protection of Sole Women in Taxi/Private Hire Situations - Submitted by Councillor Fitzpatrick (herewith)
- 15. Notice of Motion - East Coast Rail Franchise and the Introduction of New IEP Trains - Submitted by Councillor Moohan (herewith)
- 16. Notice of Motion - SNP Government Record on Education - Must Do Better - Submitted by Councillor Dodds (herewith)
- 17. Notice of Motion - Scotland's Economy and Social Inequality - Submitted by Councillor McGinty (herewith)
- 18. Notice of Motion - Fracking - Submitted by Councillor Fitzpatrick (herewith)
- 19. Documents for Execution

**Public Items for Information**

DATA LABEL: Public

20. Voluntary Sector Funding - Question to the Executive Member for the Voluntary Sector Submitted by Councillor Boyle (herewith)
21. Instrumental Music Service - Question to the Executive Councillor for Education Submitted by Councillor Walker (herewith)
22. Culture and Leisure Services - Question to the Executive Councillor for Culture and Leisure Submitted by Councillor Walker (herewith)
23. Public Transport Strategy - Question to Executive Councillor for Development and Transport Submitted by Councillor Day (herewith)
24. Scheduled Bus Services - Question to Executive Councillor for Development and Transport Submitted by Councillor Day (herewith)
25. Environmental Health and Trading Standards - Question to Executive Member for the Environment Submitted by Councillor De Bold (herewith)
26. Fracking - Question to the Executive Councillor Submitted by Councillor Borrowman (herewith)

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NOTE      **For further information contact Anne Higgins, Tel: 01506 281601 or email: [anne.higgins@westlothian.gov.uk](mailto:anne.higgins@westlothian.gov.uk)**



MINUTE of MEETING of the WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 25 November 2014.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King, Leader of the Council John McGinty, Councillors Frank Anderson, Stuart Borrowman, Tony Boyle, William Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Tom Conn, Alexander Davidson, Martyn Day, Robert De Bold, Jim Dickson, Mary Dickson, Jim Dixon, David Dodds, Lawrence Fitzpatrick, Carl John, Peter Johnston, Danny Logue, Greg McCarra, Anne McMillan, Andrew Miller, Angela Moohan, John Muir, Cathy Muldoon, George Paul, Barry Robertson, Frank Toner, Jim Walker

Absent – Isabel Hutton

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 11 that the order of business be changed to allow Agenda Item 5, The Heather Gems, to be taken immediately following Agenda Item 3, Declarations of Interest.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. THE HEATHER GEMS - PERFORMANCE FOLLOWED BY PRESENTATION ON VISIT TO GRAPEVINE, TEXAS

The Council heard a performance from the Heather Gems who had recently visited Grapevine Texas as part of the council's twinning arrangements.

Following the conclusion of the performance the Heather Gems answered a number of questions and explained how much they had enjoyed the experience.

Decision

1. To Thank the Heather Gems for their performance and to note the discussion with them about their experiences.
2. It was also agreed that the Provost would write to the West Lothian Schools Brass Band to congratulate them on their recent success at Perth Town Hall.

4. MINUTES

- (a) The Council approved the minute of the meeting of West Lothian Council held on 14 October 2014.

- (b) The Council noted the minute of meeting of the Audit and Governance Committee held on Tuesday 3 June 2014.
- (c) The Council noted the minute of meeting of the Performance Committee held on Thursday 12 June 2014.
- (d) The Council noted the minute of meeting of Education (Quality Assurance) Committee held on Tuesday 26 August 2014.
- (e) The Council noted the minute of meeting of the Joint Consultative Group held on Monday 24 September 2012.
- (f) The Council noted the minute of meeting of the Joint Consultative Group held on Monday 17 December 2012.

5. ELECTION BUSINESS

The Council was informed of Councillor Fitzpatrick's resignation from the West Lothian Development Trust.

The Council was asked to consider the appointment of Councillor King to the West Lothian Development Trust as Councillor Fitzpatrick's replacement.

Decision

To agree that Councillor King be appointed to the West Lothian Development Trust.

6. AUDIT OF COMMUNITY PLANNING IN WEST LOTHIAN – FINDINGS

The Council considered a report by the Chief Executive updating members on the findings of a recent Accounts Commission audit report on West Lothian Community Planning Partnership and plans for responding to recommendations.

The report explained that the Accounts Commission had published their audit report on 23 October 2013. It contained several key findings, and these were listed in Appendix 1 to the report.

The report also contained several recommendations that the Community Planning Partnership would consider. These were listed in Appendix 2 to the report.

The Council was informed that the Community Planning Partnership Board had met on 17 November to agree a course of action for responding to key findings and recommendations.

The Chief Executive concluded that the Accounts Commission had found West Lothian Community Planning Partnership to be a strong, mature partnership which was making good progress in delivering outcomes for West Lothian. The Partnership was recognised as being particularly strong in terms of its approach to co-locating services and was supported effectively by a dedicated staff resource. The Accounts Commission recognised that West Lothian Community Planning Partnership had some areas for improvement included, strengthening its focus on scrutiny of contribution of individual parts; making best use of performance information and reporting locally and ensuring partners were progressing towards better and clearer alignment of their priorities.

The Chief Executive recommended that the Council:-

1. Note the findings of the Accounts Commission.
2. Note the recommendations made by the Accounts Commission.
3. Note the Community Planning Partnership's plans for responding to the findings and recommendations and further developing the partnership.
4. Agree that than Accounts Commission approved record of any decision made by the Council regarding the report be published after the meeting.

#### Decision

To approve the terms of the report.

7. NOTICE OF MOTION - PREVENTING NEGATIVE OUTCOMES - SUBMITTED BY COUNCILLOR CAMPBELL

The Provost ruled under Standing Order 28 that the Motion submitted by Councillor Campbell would not be considered. The Provost explained that a decision to follow a procedure for budget engagement had been taken by the Council Executive on 19 June 2014 and that, under Standing Order 28, a decision could not be changed within six months and he considered that there had not been a material change of circumstances.

8. NOTICE OF MOTION – WEST LOTHIAN COUNCIL 2015/16 BUDGET CONSULTATION – SUBMITTED BY COUNCILLOR PETER JOHNSTON

The Council considered a motion submitted by Councillor Johnston in the following terms:-

West Lothian Council welcomes the continuing commitment by the SNP Scottish Government to protect Scottish Local Government and our communities from the austerity measures and severe budget cuts imposed by the Westminster Conservative/Liberal coalition and notes;

1. That the Westminster Conservative/Liberal Government continues to decide the financial resources to be made available for the Scottish Government's budget.
2. The 2015/16 Scottish Government Budget proposes an increase for the Scottish Local Government budget from £10.587 billion to £10.858 billion.
3. That local government in Scotland continues to receive a larger share of the Scottish Government Budget than provided by previous Labour Holyrood administrations.
4. That local government in Scotland receives funding, the equivalent of a 3% rise in the annual Council Tax, to support the continuing Council Tax Freeze.
5. That only the NHS, with a budget of £12.177 billion, receives a larger share of the Scottish Government Budget than Scottish Local Government.
6. That the ring fencing of £2 billion of Scottish local government funding imposed by Labour has been completely removed by the SNP Government.
7. That Scottish Local Government receives a substantially higher level of financial support than that provided to local government in England and Wales.

West Lothian Council further welcomes the SNP Scottish Government provision of £73 million in 2015/16 to compensate Scottish Councils for the imposition of the "Bedroom Tax" and to provide support for the Scottish Welfare fund to mitigate Westminster's welfare cuts.

West Lothian Council further welcomes the SNP Scottish Government's provision of an additional £79 million to fully fund free school meals, an additional £44 million to fund expansion of pre-school care and an additional £57 million funding for Children and Young people.

West Lothian Council notes that to meet the increasing budget pressures, due to inflation and growing demands on services, the council, with an annual budget of £375 million (2014/15) is facing an estimated funding gap of £30.4 million over the 3 year period from 2015/16 to 2017/18.

Council notes the assertion (page 1 Delivering Better Outcomes) that,

**"We have identified measures that could balance the budget. These measures were developed using the detailed feedback received in the Delivering Better Outcomes Consultation in 2012. The measures are the basis for this consultation exercise and broadly equal the total gap faced. If any measure is to be removed, alternative measures would have to be put forward to balance the budget."**

Council further notes however that within the "Delivering Better



Outcomes” consultation document the Labour / Conservative Administration have refused to provide the detail of how these £30.4 million “savings” are actually to be achieved.

For example we are told, at section 5a, that the council is planning to raise additional income of £2.2 million by increasing charges for services and access to council facilities such as school pools and sports halls. **We are not told what charges are to be increased or by how much.**

Similarly at section 1m we are told that the council plan to cut support for local bus routes by £1.49 million. **We are not told which routes are to be cut to make this saving.** Or again at section 3c we are told that the council plans to save £890,000 by cutting support for care for the elderly and introducing new charges for aids and adaptations which are currently provided free. **We are not told how many elderly people will be affected and how much they will be made to pay.**

Council further notes that in response to requests for this level of information to be provided SNP councillors are being advised, in direct contradiction to the assertion on page 1 of the “Delivering Better Outcomes”, that

**“We have identified measures that could balance the budget”**

that

**“there is no specific information on how the savings will be achieved and on the timescales for deliver”**

Council notes that the exact same information deficit exposed in the examples above is repeated for every single saving/cut option within this “consultation” We are told the total to be saved or cut, but crucially, not how the identified saving is to be achieved, or under what timescale, how many, if any, jobs will require to be lost, or what changes to the level of service provided will be need to deliver the planned savings / cuts.

Council therefore notes that all the detail, genuinely needed to be able to understand and comment appropriately on the Labour/Conservative Administration’s planned council cuts, is actually being withheld, even from elected councillors out with their ruling cabal.

Council asserts that it is essential for our community to be fully involved in the decision making of their council and to be empowered, through the provision of full information, to help shape the services this council provides. Council therefore deplores the lack of openness, honesty and transparency evidenced throughout the budget “consultation” and accepts that given the complete absence of required information and therefore the inability of our community to properly respond, that the “Delivering Better Outcomes” consultation is a complete sham.

Council therefore instructs officers to;

1. Ensure that full details of every option provided in the Delivering Better Outcomes document from 1a to 8b be provided to

appropriate Policy Development and Scrutiny panels prior to council considering its 2015/16 budget.

2. That for each option the details provided includes
  - Exactly how the identified financial saving will be made.
  - The timescale under which the saving will be achieved.
  - The jobs impact of the proposed measure.
  - The impact of the proposal on the quality of the services to be provided.
3. Ensure that invitations are provided to community councils, community groups, the voluntary sector and Trades Unions to fully participate in all of the Policy Development Scrutiny Panels' discussions of the Delivering Better Outcomes proposals.

Council accepts that full implementation of the 3 points above is essential to ensuring that genuine open, honest and transparent consultation does take place and that our community and our workforce are fully engaged and empowered to shape the future direction of this council.

Moved by Councillor Peter Johnston, seconded by Councillor Robert De Bold

#### Amendment

West Lothian Council condemns the SNP Scottish Government for failing to properly fund Local Government in Scotland and for forcing a further £30m worth of service cuts on West Lothian and its people over the next three financial years.

Council notes that the Delivering Better Outcomes (DBO) consultation 2014 provides at a summary level the areas where officers believe savings can be made to balance the council's budget in the three years 2015/16 to 2017/18. The consultation is intended to stimulate debate regarding whether these are the correct areas to deliver potential savings and will be used to develop more detailed savings proposal thereafter.

Council further notes that the consultation is focused on setting a medium term financial strategy for the development of proposals to balance the council's budget in 2015/16 to 2017/18 and this consistent with the approach agreed by Council Executive in June and October 2014.

The consultation has been shared with every household and business in West Lothian through Bulletin, it is available online and officers are working closely with hard to reach groups to ensure everyone is involved in the process of shaping the council's medium term financial strategy through the consultation process.

Full details of proposed measures will be included in the budget report to be reported in early 2015, including timescales and estimated impact on

council jobs. Following council approval of a budget, officers will have delegated authority to deliver the changes operationally.

Council notes that Community Council, the voluntary sector and trade unions are currently part of the membership of the council's Policy Development and Scrutiny Panels. The representatives from these groups will be invited to the PDSP's considering the responses to the DBO consultation, and that every comment received will be published online as was the case with the 2012 DBO consultation.

Council contrasts the steps taken by the Minority Labour Administration to the Tough Choices consultation carried out by the last SNP administration which featured fewer than 500 copies of the full consultation document being printed, a secretive "public" meeting from which members of the then opposition parties were debarred and a poor response level.

Council commends Council Officers for the Delivering Better Outcomes 2014 Consultation and thanks the Council staff and unions, citizens, communities and local organisations for their participation.

Moved by Councillor John McGinty, seconded by Councillor Cathy Muldoon.

It was agreed that a roll call vote be taken which resulted as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tony Boyle	Stuart Borrowman
Willie Boyle	Harry Cartmill	Tom Kerr
Diane Calder	Tom Conn	
Janet Campbell	Alexander Davison	
Martyn Day	Jim Dixon	
Robert De Bold	David Dodds	
Jim Dickson	Lawrence Fitzpatrick	
Mary Dickson	Dave King	
Carl John	Danny Logue	
Peter Johnston	John McGinty	
Greg McCarra	Anne McMillan	
Andrew Miller	Angela Moohan	
John Muir	Cathy Muldoon	
Jim Walker	George Paul	

Barry Robertson

Frank Toner

### Decision

The amendment was successful by 16 votes to 14 votes, with 1 member absent and 2 abstentions. The amendment was agreed accordingly.

9. NOTICE OF MOTION – WELFARE POWERS FOR HOLYROOD –  
SUBMITTED BY COUNCILLOR JOHNSTON

The Council considered a motion submitted by Councillor Johnston in the following terms:-

West Lothian Council notes that Scotland's social landlords have become the latest voice to back the devolution of welfare powers to Scotland and welcomes the clear recognition in the charity sector that Scotland needs substantial powers over welfare and taxation if we are to address the major problems that affect too many people in Scotland

Council notes that submissions to the Smith Commission from the Scottish Federation of Housing Associations (SFHA) and the Glasgow and West of Scotland Forum of Housing Associations (GWSF) have called for all aspects of the welfare system to be devolve, along with the **“full fiscal and tax powers need to fund the system.”**

Council further notes that Mary Taylor, Chief Executive of the SFHA called for the increased responsibilities, stating **“if the Scottish Parliament is going to be able to fully tackle issues of poverty – ranging from long-term unemployment and child poverty to disability and fuel poverty – then the Smith Commission members must be bold and recognise that this can only be done by devolving powers over the welfare system with the financial levers to run it properly.”**

Council further notes that the call by Scotland's social landlords to devolve welfare powers has seen them join the list of organisations including the SCVO, Children 1<sup>st</sup>, the Poverty Alliance and Engender, who have all made similar calls. West Lothian Council welcomes these submissions as an important contribution that sets out the clear case for Scotland gaining full responsibility for welfare powers. Council accepts that Scotland's social landlords have seen first-hand just how devastating Westminster policies like the Bedroom Tax have been, and that it is no surprise that they recognise the need for Scotland to be able to act. Council asserts that Holyrood having the responsibility for welfare powers will allow us to create a welfare system that reflects the need and priorities of people in Scotland – rather than the Treasury in Westminster.

Moved by Councillor Peter Johnston, seconded by Councillor Janet Campbell.

### Amendment

West Lothian Council notes the wide range of submissions to the Smith Commission, including those from the Scottish Federation Housing Associations, the West of Scotland Forum of Housing Associations and the Scottish Labour Party which states: We are in favour of devolving Housing Benefit. This is the largest single benefit paid in Scotland after the state pension amounting to £1.7 billion a year. We will use this power to abolish the bedroom tax, ensure secure funding for the provision of social housing and reduce abuse by unscrupulous private landlords.

Council recognises that housing benefit is closely linked to an already devolved function and is administered by local authorities so that devolving responsibility makes sense.

Council notes that the majority of Scottish people voted to remain part of the United Kingdom, recognising the benefits of pooling resources and risks. One of the areas where this applies is that of cash benefits thereby assuring they are based on need rather than Geography. Council does not therefore support the devolution of all welfare benefits.

Moved by Councillor David Dodds, seconded by Councillor Harry Cartmill.

It was agreed that a roll call vote be taken which resulted as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tony Boyle	Tom Kerr
Willie Boyle	Stuart Borrowman	
Diane Calder	Harry Cartmill	
Janet Campbell	Tom Conn	
Martin Day	Alexander Davison	
Robert De Bold	Jim Dixon	
Jim Dickson	David Dodds	
Mary Dickson	Lawrence Fitzpatrick	
Carl John	Dave King	
Peter Johnston	Danny Logue	
Greg McCarra	John McGinty	
Andrew Miller	Anne McMillan	
John Muir	Angela Moohan	
Jim Walker	Cathy Muldoon	
	George Paul	

Barry Robertson

Frank Toner

### Decision

The amendment was successful by 17 votes to 14 votes, with 1 member absent and 1 abstention. The amendment was agreed accordingly.

#### 10. NOTICE OF MOTION - UNIVERSALISM - SUBMITTED BY COUNCILLOR ANDERSON

The Council considered a motion submitted by Councillor Anderson in the following terms:-

“West Lothian Council agrees that universalism is progressive, redistributive taxation and seamless provision of social welfare for all in a linked social system. It is a social system based on the dual principles of ‘from each according to ability to each according to need’ and ‘from the cradle to the grave’. It has produced the most effective society civilisation has yet achieved. We undermine that system at our peril.

Council also notes that

Moving from universalism to selectivity increases social and economic inequality and diminishes rather than enhances the status of the poor

Selectivity requires process and procedures that separate benefit recipients from the rest of society, increasing stigmatisation and reducing take-up

Universalism is incredibly efficient – the selective element of pension entitlement is more than 50 times more inefficient than the universal element measured in terms of fraud and error alone and without even taking into account the cost of administration.

Council agrees that selectivity and universalism are elements of two entirely different political philosophies, universalism inextricably linked to the European Social Model, selectivity inextricably linked to US neoliberalism. Also wherever we find a move from universalism to selectivity we find privatisation and corporate profiteering, often at the expense of those least able to bear the impact.

Council resolves to support the continuation of Universalism and notes the principles of this in any decisions it takes regarding its Budget.”

Moved by Councillor Frank Anderson, seconded by Councillor Greg McCarra.

### Amendment

Council notes that UNIVERSALISM is that of a system of religious beliefs

which maintains that all men and women are predetermined for salvation. It has not to be confused with egalitarianism which upholds the doctrine of the equality of humankind and the desirability of political, social and economic equality.

Council also notes that UNIVERSALISM divorces itself from national and other allegiances and agrees that no salvation would be achieved by way of independence. Under an SNP government social justice has been struck in reverse gear which wasted 2 years on the independence referendum.

Council agrees that the £30.4 m budget shortfall is a direct consequence of SNP government policies whose broad economic sweep adversely affect those in need greatest.

Moved by Councillor Lawrence Fitzpatrick, seconded by Barry Robertson.

It was agreed that a roll call vote be taken which resulted as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tony Boyle	Stuart Borrowman
Willie Boyle	Harry Cartmill	Tom Kerr
Diane Calder	Tom Conn	
Janet Campbell	Alexander Davison	
Martyn Day	Jim Dixon	
Robert De Bold	David Dodds	
Jim Dickson	Lawrence Fitzpatrick	
Mary Dickson	Dave King	
Carl John	Danny Logue	
Peter Johnston	John McGinty	
Greg McCarra	Anne McMillan	
Andrew Miller	Angela Moohan	
John Muir	Cathy Muldoon	
Jim Walker	George Paul	
	Barry Robertson	
	Frank Toner	

Decision

The amendment was successful by 16 votes to 14 votes, with 1 member absent and 2 abstentions. The amendment was agreed accordingly.

11. NOTICE OF MOTION - NEW DEVOLVED POWERS - SUBMITTED BY COUNCILLOR MUIR

The Council considered a motion submitted by Councillor Muir in the following terms:-

“This Council shall write to the Prime Minister, the Deputy Prime Minister and the leader of the Westminster opposition, Ed Miliband to call on them to honour their vow to deliver substantial new devolved powers to Scotland which have been variously described as, ‘Devo Max, Full Fiscal Autonomy, Home Rule and as ‘Near as possible Federalism’.”

Also, to commend and support the initiative to strengthen democracy in Parliament by the introduction of ‘EVEL’, English votes for English laws”.

Moved by Councillor John Muir, seconded by Councillor Carl John

Amendment

West Lothian council believes that the Scottish parliament has enhanced democratic accountability in Scotland and has provided flexibility in meeting the needs and aspirations of the people of Scotland since its inception in 1999.

Council also recognises that the people of West Lothian and Scotland voted decisively in favour of remaining part of the UK. Furthermore council is pleased that the timetable set out to agree what additional powers will be devolved to the Scottish parliament is on schedule with the Smith Commission expected to report the Head of Agreement, as agreed on 30 November 2014.

Finally, West Lothian Council acknowledges that future decisions on constitutional matters, relating to other parts of the UK should be decided after discussion and consultation with those areas, their elected representatives and the UK Government.

Moved by Councillor Angela Moohan, seconded by Alex Davidson.

It was agreed that a roll call vote be taken which resulted as follows:-

Motion

Frank Anderson

Willie Boyle

Diane Calder

Janet Campbell

Amendment

Tony Boyle

Stuart Borrowman

Harry Cartmill

Tom Conn



Martyn Day	Alexander Davison
Robert De Bold	Jim Dixon
Jim Dickson	David Dodds
Mary Dickson	Lawrence Fitzpatrick
Carl John	Tom Kerr
Peter Johnston	Dave King
Greg McCarra	Danny Logue
Andrew Millar	John McGinty
John Muir	Anne McMillan
Jim Walker	Angela Moohan
	Cathy Muldoon
	George Paul
	Barry Robertson
	Frank Toner

### Decision

The amendment was successful by 18 votes to 14 votes, with 1 member absent. The amendment was agreed accordingly.

## 12. NOTICE OF MOTION - POLL TAX ARREARS - SUBMITTED BY COUNCILLOR ANDERSON

The Council considered a motion submitted by Councillor Anderson in the following terms:-

“The poll tax is a stain on our history, and until September’s referendum, its effects were still with us in a lack of engagement and with political process by a significant section of the population.

This Council therefore welcomes the Scottish Government’s plans to legislate against the collection of historic Poll Tax (community charge) debt and agrees that it is right and proper to finally lay to rest the spectre of this immoral charge.”

Moved by Councillor Frank Anderson, seconded by Councillor Willie Boyle

### Amendment

West Lothian Council notes the announcement of the Scottish Government of the intention to legislate against the collection of historic Community Charge / Poll Tax arrears.

Council further notes that during the last SNP administration, during which Cllr Anderson served as an Executive Councillor, the SNP oversaw the collection of £569,604 worth of this “stain on our history” and recognises the double standards now evident.

Council notes the position adopted by COSLA on this issue and that this does not provide Local Government with full compensation for arrears outstanding.

Moved by Councillor George Paul, seconded by Councillor Tony Boyle.

It was agreed that a roll call vote be taken which resulted as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tony Boyle	Stuart Borrowman
Willie Boyle	Harry Cartmill	Tom Kerr
Diane Calder	Tom Conn	
Janet Campbell	Alexander Davison	
Martyn Day	Jim Dixon	
Robert De Bold	David Dodds	
Jim Dickson	Lawrence Fitzpatrick	
Mary Dickson	Dave King	
Carl John	Danny Logue	
Peter Johnston	John McGinty	
Greg McCarra	Anne McMillan	
Andrew Miller	Angela Moohan	
John Muir	Cathy Muldoon	
Jim Walker	George Paul	
	Barry Robertson	
	Frank Toner	

#### Decision

The amendment was successful by 16 votes to 14 votes, with 1 member

absent and 2 abstentions. The amendment was agreed accordingly.

13. NOTICE OF MOTION - DELIVERING BETTER OUTCOMES - SUBMITTED BY COUNCILLOR BOYLE

The Provost ruled under Standing Order 28 that the Motion submitted by Councillor Willie Boyle would not be considered. The Provost explained that earlier in the meeting, paragraph 6 of Agenda Item 9 – Notice of Motion – “West Lothian Council 2015/16 Budget Consultation” dealt with this issue and that a decision had been taken. Therefore, under Standing Order 28, a decision could not be changed within six months and he considered that there had not been a material change of circumstances.

14. NOTICE OF MOTION - BROXBURN/UPHALL IS BEST OF BRITISH - SUBMITTED BY COUNCILLOR DAVIDSON

The Council considered a motion submitted by Councillor Davidson in the following terms:-

“West Lothian Council notes that Broxburn/Uphall has been selected as the winner of the Village Category in the prestigious Great British High Street Awards 2014.

Council congratulates the Broxburn/Uphall traders and businesses, local community organisations and council staff on this outstanding achievement.”

Moved by Councillor Alex Davidson, seconded by Councillor Tony Boyle.

Decision

To unanimously approve the terms of the motion.

15. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 79 deeds for execution.

Decision

That the deeds be executed.

16. CARE AT HOME SERVICES – QUESTIONS TO THE EXECUTIVE COUNCILLOR FOR HEALTH & CARE – SUBMITTED BY COUNCILLOR CAMPBELL

A written question to the Executive Councillor for Health and Care had been submitted by Councillor Janet Campbell in the following terms:-

You are proposing to change the level for access to care at home

services, a decision which will have a severe impact on the daily lives of some of the most vulnerable people in our communities.

1. Can the Executive Councillor for Health and Care inform this Council at what level she is proposing the access for care services be set?
2. Can the Executive Councillor for Health and Care inform this Council how many vulnerable people will be affected by the measures she is proposing?
3. Can the Executive Councillor for Health and Care inform this Council what criteria will underpin decisions to begin to charge for services previously provided for all clients free of charge?

The Executive Councillor for Health and Care provided a verbal answer to the written questions.

Councillor Janet Campbell indicated that she wished to put supplementary questions as provided for in Standing Orders. She did so and the Executive Councillor for Health and Care provided verbal answers.

#### Decision

To note the written questions put and verbal answers given and to note the answers given to three supplementary questions.

#### 17. VACANT COUNCIL POSTS – QUESTION TO THE LEADER OF THE COUNCIL SUBMITTED BY COUNCILLOR MUIR

A written question to the Leader of the Council had been submitted by Councillor John Muir in the following terms:-

1. On the 1<sup>st</sup> January 2014, across the Council, how many, (FTE), people were employed? The current number, (FTE) employed by this Council?
2. Since 1<sup>st</sup> January 2014 to this date, (when this question was lodged), across the Council how many employment vacancies have not been filled and the consequent savings to the wage bill?
3. What process, if any, has been implemented to assess the service consequences of those unfilled posts and who takes those decisions?
4. What political scrutiny of this process has/is taking place?
5. What consultation with the “Unions” has taken place?

The Leader of the Council provided a verbal answer to the written questions.

Councillor Muir indicated that he wished to put a supplementary question as provided for in Standing Orders. He did so and the Leader of the Council provided a verbal answer.

#### Decision

To note the written questions put and verbal answers given and to note the answer given to the supplementary question.

18. EDUCATION BUDGET CHANGES – QUESTIONS TO THE EXECUTIVE COUNCILLOR FOR EDUCATION – SUBMITTED BY COUNCILLOR MILLER

A written question to the Executive Councillor for Education had been submitted by Councillor Andrew Miller in the following terms:-

1. Can the Executive Cllr for Education confirm that it is his administration's intention to increase class sizes in our schools?
2. Given that our private partner nurseries are only currently used where council is unable to meet demand in specific geographical areas can the Executive Cllr for Education confirm that the proposed cuts to the nursery budget will result in children not being able to go to nurseries in their own communities?
3. Can the Executive Cllr for Education assure council that the proposed cut to the out of school care sector budget has been fully discussed with those providing the service and that this will not force any of these valued provisions out of business.

The Executive Councillor for Education provided verbal answers to the written questions.

Councillor Andrew Miller indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and the Executive Councillor for Education provided verbal answers.

#### Decision

To note the written questions put and verbal answers given and to note the answers given to four supplementary questions.

19. REMAINING QUESTIONS

The Provost ruled in terms of Standing Order 18(9) that the time had expired to answer questions. The Provost also advised that the remaining questions would be carried forward to the next meeting of the Council, as follows:-

- Voluntary Sector Funding – Question to the Executive Member for the Voluntary Sector – Submitted by Councillor Willie Boyle.

- Instrumental Music Service – Question to the Executive Councillor for Education – Submitted by Councillor Jim Walker.
- Culture and Leisure Services – Question to the Executive Councillor for Culture and Leisure – Submitted by Councillor Jim Walker.
- Public Transport Strategy – Question to Executive Councillor for Development and Transport – Submitted by Councillor Martyn Day.
- Scheduled Bus Services – Question to Executive Councillor for Development and Transport – Submitted by Councillor Martyn Day.
- Environmental Health and Trading Standards – Question to Executive Member for the Environment – Submitted by Councillor Robert De Bold

#### Decision

1. To note that the Provost ruled in terms of Standing Order 18(9) that the time had expired to answer questions.
2. To note the Provost's undertaking that the remaining questions would be carried forward to the next meeting of the Council.

Monday, 05 January 2015

Ms Juliet Hosie  
Principal Officer of Instrumental Music  
West Lothian Civic Centre  
Livingston  
EH54 6FF

Dear Juliet

It gives me great pleasure to congratulate the West Lothian Schools Brass Band with their success at Perth Town Hall. It seems that we are always congratulating our wonderful musicians from West Lothian Schools, unfortunately I do not often get the opportunity to hear them but when I do it never ceases to amaze me, the talent, and the hard work put in by our staff and also the great support from our parents.

Please pass on my congratulations on behalf of West Lothian Council and all Councillors to the Schools Brass Band and wish them and their successors every success for the future.

Yours sincerely

Tom Kerr  
Provost of West Lothian  
Councillor for Linlithgow





MINUTE of MEETING of the PERFORMANCE COMMITTEE of WEST Lothian COUNCIL held within COUNCIL CHAMBERS, WEST Lothian CIVIC CENTRE, LIVINGSTON, on 18 AUGUST 2014.

Present – Councillors Stuart Borrowman (Chair), Tony Boyle, Greg McCarra, Carl John, John McGinty

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 12 June 2014 as a correct record. The Minute was thereafter signed by the Chair.

3 COMMUNITY REGENERATION PRESENTATION AND REPORT

The committee considered a presentation and report (copies of which had been circulated) by the Head of Area Services providing information on current and planned activity in relation to Community Regeneration within West Lothian.

It was advised that the Communities WLAM grouping comprised of four teams from Community Regeneration unit within Area Services. The current Community Regeneration unit was created in June 2011 as part of a wider restructuring of Area Services.

The focus of the unit was to engage with individuals and communities to improve life chances, based on evidence that those living in the worst 20% of area would experience worse outcomes across a range of indicators.

The report advised that increasingly, the focus of Community Regeneration engagement activity would be aligned to key life stage groups within defined communities suffering from the effects of multiple deprivations, where solutions were complex and multi-faceted.

The Head of Area Services advised that engagement delivery was proactive and tailored to individual and community needs, including a range of services ranging from universal as a means of initial engagement to being highly targeted at specific groups.

In practice, engagement and activity was planned and delivered with partners involving locally based staff, residents and groups wherever possible in relation to issues identified by the community. These were planned and reported through Local Area Committees and Policy Development and Scrutiny Panels.

The report went on to advise that a Regeneration Framework was agreed

by West Lothian Council and the Community Planning Partnership and that five themes had been identified as core for the West Lothian Regeneration Framework.

The report advised that the management team regularly discussed and reviewed common PI's to confirm fitness for purpose and in the past year mainly focussed on customer satisfaction, piloting longitudinal studies and measuring "distance travel". A specific current focus was on how to measure impact rather than activity and was in the early stages of developing and piloting systems and processes to measure "distance travelled".

The Regeneration Framework contained targets based on halving the gap between those in the worst 20% of datazones and the West Lothian average.

In conclusion the report advised that the Community Regeneration continued to deliver and develop planned activity targeted at the most disadvantaged areas in West Lothian.

There then followed a number of questions particularly in relation to staff satisfaction and the challenge of measuring the impact of each activity on individuals and the wider community.

#### Decision

To note the terms of the report.

#### 4. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive advising that West Lothian Council participated in the Local Government Benchmarking Framework (LGBF) to compare a number of key performance indicators.

The report advised that the Local Government Benchmarking Framework (LGBF) was focused on providing a consistent approach to benchmarking across Scottish local authorities with the aim to improve council's performance and establish a standard data set of performance indicators.

The Improvement Service published the comparative performance of the 32 Scottish local authorities in an annual National Benchmarking Report as detailed in Appendix 1.

The information contained in the report should be read and understood in the context that Scottish councils represent very diverse communities in terms of geography, population, deprivation levels and community needs.

Additional geographical ranking by category was provided was provided in Appendix 2 to show the average ranking against all other local authorities including comparator benchmarking (family) groups.

In conclusion the report advised that the LGBF National Benchmarking

Report 2014 provided the public with comparative analysis of Scottish local authorities' performance for 2012/13. This was the second report published and it was intended that the LGBF data set would expand and diversify each year to present a more detailed and representative view of councils' performance.

The report recommended that the committee note the findings of the report and the supplementary analysis of West Lothian Council's performance and rankings in each category.

There then followed a number of questions and discussions during which the committee requested comparative figures from previous years to show any changes in performance and clarification in relation to rankings of A, B, C and unclassified roads that were considered for maintenance treatment.

#### Decision

1. To note the terms of the report.
2. To provide comparative figures from previous year to show any changes in performance.
3. To provide clarification in relation to maintenance of A, B, C and unclassified roads.

#### 5. WORKPLAN

To note the workplan and consider additional item in relation to grass cutting and general maintenance of landscaped areas.



MINUTE of MEETING of the AUDIT AND GOVERNANCE COMMITTEE of WEST Lothian Council held within Council Chambers, West Lothian Civic Centre, on 29 September 2014.

Present – Councillors Harry Cartmill (Chair), Willie Boyle, Jim Dixon, Carl John and John McGinty

Apologies - Elaine McAtemney

In attendance – Graham Hope (Chief Executive); Donald Forrest (Head of Finance and Estates); Julie Whitelaw (Head of Corporate Services); Kenneth Ribbons (Audit & Risk Manager); Pamela Main (Senior Manager – Management and Support, Social Policy); James Cameron (Head of Schools with Education Support); James Millar (Committee Services Manager); Graham Templeton (Falkirk Council); David McConnell, Inire Evong, Graeme Greenhill and Kirsty Whyte (Audit Scotland).

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Audit and Governance Committee approved the minute of its meeting held on 3<sup>rd</sup> June 2014 as a correct record. The minute was thereafter signed by the Chair.

3. AUDIT SCOTLAND REPORT ON SCHOOL EDUCATION

The committee considered and noted the terms of an informative presentation by Audit Scotland (copies of which had been circulated) providing an overview of the audit they had carried to assess how efficiently and effectively councils were using their resources to maximise pupil achievement in schools.

The committee went on to consider a report (copies of which had also been circulated) by the Head of Schools with Education Support explaining that the assessment of attainment had looked at the last decade and had identified how effectively councils had made improvements during this time. The audit had examined how much councils spent on school education and what they spent it on, how effectively councils were driving forward improvements in pupil achievement and how efficiently councils were using their resources to maximise pupil achievement. The audit had focused on primary and secondary school education in Scotland.

A full overview was provided of the key messages in the Account Commission's report; the recommendations contained in the report; West Lothian's position in relation to the key messages in the report; and a summary of current actions relevant to the recommendations in the report.

The report concluded that the council had a very good record in the efficient use of resources and improving attainment and positive destinations for young people. The corporate plan and education service management plan prioritised improved educational outcomes. The Raising Attainment Strategy committed the council to reduce the attainment gap in performance between and within schools. Improved governance and scrutiny arrangements were in place so that elected members were more effective in their role of holding education services and schools accountable for securing improvements in performance.

In response to questions from members of the committee, information was provided about the stage at which investment in attainment was most effective; the impact of class sizes on attainment; and the effect of a well-maintained school estate.

#### Decision

1. To note the terms of the presentation.
2. To agree that the report recommendations and the elected members' self-assessment checklist supplementary to the report be considered by the Education Policy Development and Scrutiny Panel.

#### 4. AUDIT SCOTLAND REPORT ON SELF-DIRECTED SUPPORT

The committee considered a report (copies of which had been circulated) by the Head of Social Policy providing a summary of the Self-directed Support Report published by Audit Scotland in June 2014

Self-directed Support (SDS) was a term used to describe ways in which individuals and families could have informed choice about the way support was provided to them. The aim was to achieve better quality care and support and an improvement in the outcomes people achieved by giving them greater choice and control over how their support needs were met and by whom.

SDS would impact on the local delivery of social care services as our provision of care and support would need to adapt to the greater range of choices that people would now have the opportunity to make.

Audit Scotland had examined what progress councils and the Scottish Government had made in implementing SDS and had looked at how well councils had planned to deliver the SDS strategy and legislation. The report explained that Audit Scotland had chosen to report on progress at this relatively early stage in order to highlight examples of good practice, identify significant financial and organisational risks and make recommendations that would help future implementation of the ten year strategy. They noted that their report was also relevant to councils and NHS Boards as they established new partnership arrangements for health and social care.

The report summarise the key recommendations for councils arising from

the audit and a list of key recommendations for councils to implement.

The report included an SDS self-assessment checklist for council officers. Preliminary examination had indicated that West Lothian is making progress in implementing SDS and had effectively identified the areas to be addressed as part of Phase 2 planning as it moved into year 5 of its 10 year strategy. A detailed report would be presented to the Social Policy PDSP in November 2014.

In response to a question from a member of the committee, information was provided on the process used to identify, assess and monitor risks in relation to SDS.

#### Decision

1. To note the terms of the report and the key messages and recommendations contained in the Audit Scotland report; and
2. To agree that officers should prepare a report on the self-assessment checklists to be presented to the Social Policy Policy Development and Scrutiny Panel in November 2014 to enable full considered as part of the planning for Phase 2 of Self-Directed Support (SDS) implementation.

#### 5. AUDIT SCOTLAND REPORT: THE NATIONAL FRAUD INITIATIVE IN SCOTLAND

The committee considered a report (copies of which had been circulated) by the Head of Finance and Estates summarising the outcomes arising from Audit Scotland's report on the 2012/13 National Fraud Initiative (NFI) data matching exercise.

The NFI in Scotland was administered by Audit Scotland and worked by using data matching to compare a range of information held on bodies' systems to identify potential inconsistencies or circumstances that could indicate fraud or error which were then investigated and recorded on a secure web application based on their investigations. Examples of data matches were set out in the Audit Scotland report.

The report identified that outcomes valued at £16 million had been recorded in Scotland through NFI. The report acknowledged that some was represented by overpayments that would never be recovered and estimated values that had been attached, for example to cancelling a blue badge. Although these amounts did not translate to cash savings they still represented valuable outcomes. The report emphasised the value of the deterrent effect that the planned biennial NFI data matching had on potential fraudsters and its significance was a key benefit to the Scottish public and taxpayers.

The committee recalled the revised counter fraud arrangements that had been introduced on a temporary basis for 2014/15. The Audit Scotland report noted that the introduction of the Single Fraud Investigation Service (SFIS) would have major implications for the resourcing of non housing

benefits counter-fraud work. It stated councils should review their counter-fraud resources in light of the change and recommended that councils take steps to retain or invest in sufficient capability to investigate corporate fraud, including relevant NFI matches, after SFIS was introduced. Consideration was being given to ensuring that effective counter fraud arrangements were in place within the council after the SFIS transfer, and a further report would be submitted to the Audit and Governance Committee in due course.

Finally, the Audit Scotland report had contained a self-appraisal checklist for those charged with governance and a completed checklist was provided as an appendix to the report.

### Decision

To note the terms of the report.

## 6. SCOTLAND'S PUBLIC FINANCES – A FOLLOW UP AUDIT: PROGRESS IN MEETING THE CHALLENGES

The committee considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a summary of the report; *Scotland's Public Finances – A follow up audit: Progress in meeting the challenges*, published by the Accounts Commission on 5 June 2014. The report was a follow up to 'Scotland's public finances - Addressing the challenges' which was published in August 2011

The report was aimed at public bodies and raised a range of important issues for those involved in scrutinising public finances. Officers had reviewed the report and given careful consideration to key messages set out therein. The report raised a number of important issues in relation to financial strategy and budget setting, including providing a checklist for elected members to use when undertaking their important role in budget setting and overseeing financial plans and financial performance.

Officers had provided responses to the key points in the checklist demonstrating the council's approach to financial planning. These responses were intended to assist elected members in undertaking their scrutiny role and were provided in Appendix 1 for information and future reference.

The report concluded that it would be important for the council to consider the points within the report to ensure that it continued to be well placed to meet the challenges financial ahead.

### Decision

1. To note the key messages and recommendations included in Scotland's Public Finances report.
2. To note the Audit Scotland checklist intended to support elected members scrutiny of public finances.



3. To consider the checklist and officer response in Appendix 1, which were available for elected members to access when undertaking their important role in budget setting and overseeing financial plans and financial performance.

## 7. CODE OF CORPORATE GOVERNANCE – ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Chief Legal Officer inviting consideration of the annual report on the council's Code of Corporate Governance which had been referred by the Council Executive for consideration.

The annual report considered by the Council Executive on 10<sup>th</sup> June 2014 was provided as an appendix to the report. The Council Executive had agreed the recommendations in the annual report.

### Decision

To note the contents of the annual report on the council's Code of Corporate Governance for 2013/14.

## 8. ANNUAL GOVERNANCE STATEMENT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Estates detailing the contents of the Annual Governance Statement to be included in the audited statement of accounts for the year to 31 March 2014. The annual statement was attached as an appendix.

The report explained the reason for the annual statement being prepared and signed for inclusion in the audited accounts and summarised the contents of the statement.

The report concluded by advising that governance arrangements were operating satisfactorily in the council.

### Decision

1. To note the contents of the Annual Governance Statement to be included in the audited statement of accounts for the year to 31 March 2014.
2. To note that governance arrangements were operating satisfactorily within the council.

## 9. AUDIT SCOTLAND 2013/14 AUDIT: MATTERS TO BE REPORTED TO THOSE CHARGED WITH GOVERNANCE

The committee considered a report (copies of which had been circulated) by the Audit and Risk Manager advising of Audit Scotland's report on

matters relating to their audit of the 2013/14 financial statements. The report by Audit Scotland had been provided as an appendix.

The report explained that International Standard on Auditing 260 (ISA 260) required auditors to communicate matters relating to the audit of the financial statements to those charged with governance of a body in time to enable appropriate action to be considered.

The report summarised the content of Audit Scotland's report and that the auditor anticipated being able to issue an unqualified audit report.

In response to a question from a member of the committee, it was explained that the notes in the accounts in relation to a trading deficit for the council's only Significant Trading Operation arose simply as a result of an accounting exercise to revalue the property portfolio.

#### Decision

1. To note Audit Scotland's report on matters relating to their audit of the council's 2013/14 financial statement.
2. To note that the auditor anticipated being able to issue an unqualified audit report.

#### 10. AUDIT SCOTLAND 2013/14 REVIEW OF INTERNAL AUDIT CONTROLS

The committee considered a report (copies of which had been circulated) by the Audit and Risk Manager detailing the outcome of Audit Scotland's review of internal controls.

The report advised that as part of their 2013/14 audit work, Audit Scotland had conducted a review of the internal controls within the council's main financial systems. The purpose of the review was to evaluate whether the internal controls operating within the main financial systems were adequate so as to enable Audit Scotland to place reliance on them when forming an opinion on the 2013/14 financial statements.

A letter from Audit Scotland's on their findings was provided as an appendix which summarised their testing and their reliance on prior year audit work. It also set out their reliance on internal audit work and for the 2013/14 audit, they had placed reliance of the team's work on accounts payable and council tax billing and collection.

An action plan, which had also been provided as an appendix to the report, set out the issues and risks identified by the audit work and the planned management action.

Audit Scotland had concluded that overall, the key controls within the council's financial systems were operating satisfactorily. Based on their audit work, they had not identified any areas exposed to significant risk.

In response to questions from members of the committee, it was confirmed that implementation of the actions identified was up-to-date.

Decision

To note the review findings and the management action to be taken.

11. AUDIT SCOTLAND REVIEW OF BUSINESS CONTINUITY MANAGEMENT

The committee considered a report (copies of which had been circulated) by the Audit and Risk Manager advising of the outcome of Audit Scotland's review of the council's business continuity management arrangements.

The committee noted that as part of their 2013/14, Audit Scotland had conducted a review to evaluate whether business continuity management arrangements were adequate. They also examined how the council had handles disruption to the power supply at the Civic Centre in February 2014.

A letter from Audit Scotland which had been provided as an appendix to the report confirmed there were no recommendations arising from their review and therefore no action plan was required. They also concluded that overall, the process of developing and maintaining the council's business continuity plan was operating satisfactorily.

In response to questions from a member of the committee, it was explained that the work required to be carried out in replacing the Civic Centre UPS was expected to be completed for the end of October.

Decision

To note the findings of the Audit Scotland Review.

12. FALKIRK COUNCIL INTERNAL AUDIT – REVIEW OF CORPORATE E-MAIL AND INTERNET SECURITY

The committee considered a report (copies of which had been circulated) by the Audit and Risk Manager advising of the outcome Falkirk Council's internal audit of the corporate e-mail and internet security arrangements.

As part of the joint working arrangements with Falkirk Council, the Audit and Risk Manager had agreed that Falkirk council's internal audit team would review the council's corporate e-mail and internet security arrangements. The resultant report was provided as an appendix and contained an action plan with recommendations for improvement.

Falkirk Council had concluded that substantial assurance could be provided on the adequacy of corporate e-mail and internet security arrangements. An appendix to the Falkirk report had provided the committee with definitions of the audit assurance categories.

Decision

To note the findings of the audit conducted by Falkirk Council.

13. SCOTTISH LOCAL AUTHORITIES CHIEF INTERNAL AUDITORS GROUP (SLACIAG) ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit and Risk Manager on the Scottish Local Authorities Chief Internal Auditors Group (SLACIAG) annual report for 2013/14.

The report explained the purposes of the group and highlighted significant activities from the annual report.

Decision

To note the Scottish Local Authorities Chief Internal Auditors Group annual report for 2013/14.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 2 OCTOBER 2014.

Present – Councillors Stuart Borrowman (Chair), Tony Boyle, Diane Calder (substitute for Jim Walker), Alexander Davidson, Lawrence Fitzpatrick, Carl John, Dave King, John McGinty, Anne McMillan, Angela Moohan (substitute for David Dodds), George Paul, Appointed Representatives John Hendrie, Lynne McEwen and Myra MacPherson.

Apologies – Councillors David Dodds, Danny Logue, Andrew Miller, Jim Walker; Appointed Member Eric Lumsden.

1. DECLARATIONS OF INTEREST

VSE: Winchburgh Primary School (Agenda Item 7) – Councillor Calder declared a non-financial interest in that a member of her family attended Winchburgh Primary School as a pupil.

2. MINUTE

The Education (Quality Assurance) Committee approved the minute of its meeting held on Tuesday 26 August 2014. The minute was then signed by the Chair.

3. EDUCATION SCOTLAND: BOGHALL PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of Boghall Primary School's action plan to address the areas for improvement which had been identified in the Education Scotland report published on 26 August 2014.

The report provided the following appendices:-

Appendix 1 – Education Scotland Inspection Report

Appendix 2 – Education Scotland Quality Indicators

Appendix 3 - School Improvement Plan Following Inspection Report

The Head of Schools with Education Support presented the report, advising that Inspectors were satisfied with the overall quality of provision and were confident that the school's self-evaluation processes were leading to improvements. The headteacher was then invited to amplify aspects of the report.

Ann Duncan, headteacher, informed the Committee that the school played a central role in developing a strong sense of community. Children took part in a range of visits, visitors, clubs and participation in events in

the local community. The headteacher also advised that children's success outwith the school was celebrated in the school.

The headteacher considered that members of staff were highly motivated. Teachers worked together regularly to discuss their work and develop new ideas together.

The Committee heard that transition arrangements were in place for children moving from nursery to P1 and for those in P7 moving to Bathgate Academy.

Finally, the Committee noted that improvements to be taken forward in session 2014-15 were:-

- Continue to develop effective arrangements to track and monitor children's progress so they attained as highly as possible.
- Continue to improve attainment in literacy and numeracy.

The headteacher was accompanied by Kirsty McAlpine, Parent Council Chair. Kirsty informed the Committee that the Parent Council was delighted that the Inspectors were satisfied with the overall quality of provision and were confident that the school's self-evaluation processes were leading to improvements.

The headteacher then responded to questions raised by members of the Committee.

On behalf of the Committee, the Chair acknowledged the positive findings of the ES Inspection and recorded the Committee's appreciation of the contribution by the headteacher.

The Committee was asked to note the contents of the report and endorse the school's plan for improvement.

#### Decision

To note the contents of the report and to endorse the school's plan for improvement.

#### 4. EDUCATION SCOTLAND: OUR LADY OF LOURDES PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of Our Lady of Lourdes Primary School's action plan to address the areas for improvement identified in the Education Scotland report which had been published on 9<sup>th</sup> September 2014.

The Head of Schools with Education Support presented the report, advising that Inspectors were satisfied with the overall quality of provision and were confident that the school's self-evaluation processes were leading to improvements. The headteacher was then invited to amplify

aspects of the report.

Patricia Paterson (headteacher) spoke of new approaches to Self-Evaluation through peer evaluation and learning. She informed the Committee that the school would continue to improve its approaches so that the impact of the work of the school on children's learning and achievements was clear.

The Committee heard that the school had a close partnership with Community Action Blackburn. This included an annual conference where actions to improve Blackburn and promote healthy lifestyles were planned and agreed with children from schools across the community.

The headteacher spoke of the positive impact of nurturing activities and explained that the school was currently looking at innovative ways of sustaining its approach.

The headteacher then responded to questions raised by Committee members.

The Committee noted that the improvements to be taken forward in session 2014-15 were:-

- Continue to develop the curriculum to ensure progression in children's skills and knowledge across all curricular areas.
- Continue to develop the school's approaches to evaluating and improving its work.

On behalf of the Committee, the Chair acknowledged the positive findings of the ES Inspection and recorded the Committee's appreciation of the contribution by the headteacher.

The Committee was asked to note the contents of the report and endorse the school's plan for improvement.

### Decision

To note the contents of the report and to endorse the school's plan for improvement.

## 5. VALIDATED SELF EVALUATION: WINCHBURGH PRIMARY SCHOOL

Prior to consideration of this item of business, the Head of Schools with Education informed the Committee that minor amendments had been made to the report which had been issued to the Committee. An updated report was then tabled.

The tabled report by the Head of Education (Quality Assurance) provided details of the outcomes of the Validated Self Evaluation (VSE) carried out at Winchburgh Primary School. The focus of the VSE was as undernoted:-

- The school arrangements for transition for children from nursery to primary 1
- The impact of recent improvements in the teaching of writing.
- Systems in place for self-evaluation leading to improvement.

It was noted that, in all areas, the VSE team had not validated the school's judgements about its performance in the nursery class. Significant areas for development in the nursery had been identified in relation to organisation, provision and practice and all areas were re-evaluated as indicated in the table within the report.

Frances Rosevear, Headteacher, informed the Committee of significant changes that had been implemented in the nursery school. The headteacher would continue to carefully monitor and evaluate the work of the nursery and ensure improvement was taking place in line with the agreed action plan.

In response to a question raised concerning absence levels, the headteacher confirmed that both authorised and unauthorised absences were above the West Lothian average, and that this did impact on the children's experience.

It was recommended that the Committee note the contents of the report and that a further report on the results of the action plan for the school and the nursery would be provided in June 2015.

The Committee then heard a suggestion by the Chair that, rather than waiting until June 2015, the Committee be provided with a note on progress at its meeting scheduled for 20<sup>th</sup> January 2015.

#### Decision

1. To note the contents of the amended report.
2. To note comments by Committee members that the findings of the VSE were disappointing, but that the Head Teacher would be supported by Education Officers to effect improvement.
3. To agree that the Committee be provided with a brief progress report at its meeting on 20<sup>th</sup> January 2015, rather than waiting until June 2015.

#### 6. WORKPLAN - 2014/2015

The Committee considered the contents of the Workplan for 2014/15.

#### Decision

To note the Workplan.







MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, LIVINGSTON, on 3 OCTOBER 2014.

Present – Councillors George Paul (Chair), Tony Boyle, Harry Cartmill, Tom Conn, Anne McMillan, John Muir

Apologies – Councillors Frank Anderson, John McGinty

1. DECLARATIONS OF INTEREST

There were no declarations of interest made

2. MINUTES

- a) The committee confirmed the Minute of its meeting held on 15 August 2014 at 9.00am as a correct record, subject to a correction to show that Councillor Conn had not been present.
- b) The committee confirmed the Minute of its meeting held on 15 August 2014 at 11.00am as a correct record, subject to a correction to show that Councillor Conn had not been present.

3 PRIVATE SESSION

The committee resolved in terms of Paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, that the remaining items of business be taken in private.

4. APPEAL AGAINST DISMISSAL

The committee was invited to consider an appeal against dismissal by a former employee of Planning and Economic Development under the council's Sickness Absence Management Policy and Procedure.

The management was represented by Craig McCorriston, Head of Planning and Economic Development and Vera Muir, HR Advisor. Dr Ahmed, of the council's occupational health service and Alice Sinnet, Economic Development Manager attended as witnesses.

The appellant was present and was accompanied by her Solicitor Douglas Strang. The appellant's Solicitor did not call any witnesses.

The committee heard the management and their witnesses speak in relation to the appeal.

The appellant and her Solicitor were given the opportunity to question the management and their witnesses.

The committee members were given the opportunity to question the management and their witnesses.

The committee heard the appellant and her Solicitor speak in relation to the appeal.

The management were given the opportunity to question the appellant and her Solicitor.

The committee members were given the opportunity to question the appellant and her Solicitor.

Finally, each side summed up their case.

All parties then left the room to allow the committee to consider its decision in private.

After reaching its decision, the parties returned to hear the decision from the Chair.

### Decision

1. After a vote was taken the committee agreed that:-
  - a) The grounds of the appeal had been substantiated and the appeal was upheld.
  - b) The appellant was to be reinstated to her former post with no interruption to continuous service or loss of benefits.
  - c) On reinstatement the appellant was to continue to be managed under the Sickness Absence Management Policy and Procedure.
2.
  - a) The appellant was to be allowed a reasonable period of time to provide further medical evidence which would then be provided to an occupational health practitioner for an opinion on permanent ill-health retirement.
  - b) The appellant and officers should co-operate to ensure that this process was completed as soon as possible.



## **WEST LoTHIAN COUNCIL**

### **APPOINTMENT OF SECONDARY/SPECIAL EDUCATION APPOINTED MEMBER**

#### **REPORT BY CHIEF EXECUTIVE**

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

To inform council that following the resignation of the Secondary/Special Education Appointed Member to the Education Executive, steps were taken to re-elect a representative from the council's secondary/special education teaching staff and to confirm his appointment.

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

1. To note the resignation of the Secondary/Special Education Appointed Member to the Education Executive;
2. To note the legislative requirements for the appointment of non-councillor members to any committee dealing with education business for the council;
3. To note the steps taken to re-elect a member from the secondary/special education schools in West Lothian from nominations requested from all primary, secondary and special education teachers eligible to nominate;
4. To agree the appointment of Mr John MacKinnon as the Secondary/Special Education Appointed Member to deal with the education business; and
5. To note that the appointed representative shall be asked to acknowledge their acceptance of the principles of the Councillors' Code of Conduct and to abide by its terms.

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

<b>I Council Values</b>	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>	Local Government (Scotland) Act 1973
<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>	None
<b>VII Consideration at PDSP</b>	N/A
<b>VIII Other consultations</b>	Education Executive 30 September 2014; all eligible primary and secondary school teachers in West Lothian.

## **D. TERMS OF REPORT**

### **Legislative context**

The council has a statutory duty to appoint three religious representatives to any committee dealing with its education function. That currently is the Education Executive. The council also has the statutory power to appoint other non-elected members to the committee, as it sees fit. Appointed members have the right to sit on the Education Executive, and to have full rights of participation, including voting.

### **Current council policy**

The existing council policy is to appoint two teachers and one representative of parents who is nominated by the West Lothian Parent Councils Forum. Current arrangements allow appointed members to participate in certain meetings of other council bodies, such as the Education PDSP, Joint Consultative Group (Teaching Staff), Education (Quality Assurance) Committee and Employee Appeals Committee.

### **Proposed change**

On 30 September 2014, the Education Executive noted the resignation of the Secondary/Special Education Appointed Member and agreed that Committee Services would commence the process to re-appoint a Secondary/Special School Representative. Nominations were requested from all primary, secondary and special schools within West Lothian. Only one nomination was received for Mr John MacKinnon, therefore there was no requirement to carry out an election process.

Mr MacKinnon should therefore be appointed. He will be asked to acknowledge the principles in the Councillors' Code of Conduct and agree to abide by its terms.

## **E. CONCLUSION**

Consideration of the request to re-appoint the Secondary/Special Education representative on the Education Executive would comply with the existing council policy to appoint two teacher representatives.

## **F. BACKGROUND REFERENCES**

Minute of meeting of Education Executive held on 30 September 2014.

Appendices/Attachments: None

Contact Person: James Millar, Solicitor/Committee Services Manager, 01506 281613,  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Graham Hope, Chief Executive

Date of meeting: 13 January 2015



**WEST LOTHIAN COUNCIL**

**COUNCILLOR ISABEL HUTTON – FAILURE TO ATTEND MEETINGS**

**REPORT BY CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

In terms of Standing Order 30, to inform council of the failure by Councillor Isabel Hutton to attend meetings since 23 May 2014, and as a consequence to invite council to consider her position as a member of the council.

**B. RECOMMENDATIONS**

1. To note that a member of a local authority who fails to attend any meeting of the authority throughout a period of six consecutive months shall cease to be a member of the authority, unless that failure was due to some reason approved by the authority.
2. To note that Councillor Isabel Hutton has not attended any relevant meeting of the council since 23 May 2014, and that the period of six consecutive months expired on 25 November 2014.
3. To note that Councillor Hutton was informed on 17 December 2014 of her position and was requested on that date and on 5 and 8 January 2015 to provide any information she wished which would be relevant and which would assist the council in considering her circumstances, but that no response had been received from her at the time of this report being issued..
4. To consider whether any reason known for her failure to attend meetings should be approved, and so whether she should or should not cease to be a member of the council.
5. In the event that the reason for her failure to attend meetings should not be approved, to agree that the date on which the resulting vacancy shall be deemed to have occurred shall be the date of that decision being made.
6. In the event that a vacancy does arise as a result, to note that a by-election will require to be held within a period of three months from that date on a date to be determined by the Returning Officer.

**C. SUMMARY OF IMPLICATIONS**

		Being honest, open and accountable
<b>I</b>	<b>Council Values</b>	
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973 Standing Orders for the Regulation of Meetings
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Not applicable
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Not applicable
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable
<b>VIII</b>	<b>Other consultations</b>	Chief Legal Officer, Legal Services

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

Legislation provides that a councillor who fails to attend any meeting of his or her council throughout a period of six consecutive months shall cease to be a member of that council, unless the failure was due to some reason approved by the council.

The council's Standing Orders require the Chief Executive, as Clerk to the Council, to bring any such circumstances to the attention of the council. The council then requires to consider the matter and decide if there is an acceptable reason for the failure to attend. If the reason is approved then the councillor remains in office. If the reason is not approved then the councillor ceases to be a member of the council, and a casual vacancy arises.

The meetings to which these statutory provisions apply are meetings of full council, committees, sub-committees, joint committees, joint boards and any other body as a representative of the council. The meetings which are relevant to Councillor Hutton are of full council, for ordinary and planning business; West Lothian Planning Committee; Placing in Schools (Appeals) Committee; Armadale & Blackridge Local Area Committee; and the Community Councils of Armadale, Blackridge, Torphichen, and Westfield & Bridgehouse.

Carrying out other council business during the relevant six month period, such as carrying out correspondence for constituents or holding surgeries, has no bearing.

Councillor Hutton last attended a relevant meeting, of full council, on 13 May 2014. The first relevant meeting she failed to attend after that was the meeting of Armadale & Blackridge Local Area Committee on 23 May 2014. That date is the start of the statutory six month period.



She has not attended any relevant meetings since then. The last meeting she could have attended which would have interrupted the period of six months continuous service was the meeting of full council on 25 November 2014. She did not attend that meeting and so the six month period expired on that date. Councillor Hutton has therefore failed to attend any meeting of the council throughout a period of six consecutive months. Unless the council approves the reason for her failure to attend, she ceases to be a councillor, by operation of law.

Letters were sent to her by ordinary and recorded delivery post on 17 December 2014, and reminders were hand-delivered to her address on 5 and 8 January 2015. The letters informed her of her position; of the statutory rules; that her circumstances would be considered at this meeting; and asked her to provide any information she thought relevant. She was also informed that she was still entitled to attend and take part in this meeting, including providing information orally. No response was received before the agenda for this meeting was issued.

Should any known reason for her failure to attend be approved by the council then she will remain in office. Should the reason not be approved then she shall cease to be a councillor, and a casual vacancy will arise. If there is no reason made known to the council for it to consider then a casual vacancy will arise. In that event, it is for the council to determine the date upon which the vacancy is deemed to have arisen. A by-election requires to be held within three months of that date on a date to be fixed by the Returning Officer. It is recommended that the date of the vacancy arising is deemed to be the date of the meeting when council makes its decision about her failure to attend.

## **E. CONCLUSION**

The council requires to consider Councillor Hutton's failure to attend meetings, and to determine if she should cease to be a councillor.

## **F. BACKGROUND REFERENCES**

Standing Order 30

Local Government (Scotland) Act 1973, sections 35-37

Appendices/Attachments: None

Contact Person: James Millar, Solicitor/Committee Services Manager,  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), 01506 281613

Graham Hope, Chief Executive

Date of meeting: 13 January 2014



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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Nunquam Servíli!*



## West Lothian Council

13<sup>th</sup> January 2015

### Fracking

West Lothian Council recognises the genuine public concern about hydraulic fracturing, or “fracking” and believes that environmental concerns and the views of our local communities must remain a top priority.

Council recognises that the Scottish Government has power over planning legislation.

Council further recognises that currently power over licencing of companies to frack lies with Westminster. However, it is proposed in the Smith Commission report that this power is devolved to Scotland.

West Lothian Council welcomes that the SNP Scottish Government has introduced the toughest planning controls in any part of the UK regarding “Fracking”.

These include toughened planning guidance - including introducing buffer zones for the first time. This includes using planning powers to strengthen the planning rules relating to unconventional oil and gas, and in the new Scottish Planning Policy, which was brought in in June 2014, five further measures to strengthen planning powers in this area were brought in. These were:

1. Confirmation that the concept of buffer zones should be applied to all proposals for the first time;
2. Putting in place an additional requirement for risk assessments to be prepared, using a source-pathway-receptor model, to ensure a transparent and evidence-based approach to assessing whether proposed buffer zones are acceptable;
3. Making explicit that buffer zones will be assessed by the planning authority and statutory consultees, with a strong expectation that planning permission should be refused if they are unacceptable;
4. Ensuring that operators are upfront about their plans and that communities are consulted on all unconventional gas developments, including close involvement in the risk assessment process;

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Nunquam Servili!*



5. Requiring a fresh planning application (and public consultation) if permission was not sought for hydraulic fracturing but developers subsequently intend to undertake this process.

Council further recognises that the UK Government is pressing ahead with plans to allow drilling under people's houses without any right of objection. The UK Government announced in September that they are proceeding with proposals outlined in the underground drilling access consultation document, and on 8 December at the second reading of the damaging Infrastructure Bill this was voted through – in spite of over 99% of all respondents opposing the proposal to legislate to provide automatic underground access to gas, oil and geothermal below 300 metres.

Council Therefore resolves to:-

- Write to the West Lothian members of the UK Parliament requesting them to oppose the fracking provisions during the Report stage and Third Reading of the Infrastructure Bill.
- Write to the UK Government calling on the Fracking powers to be devolved before the issuing of any further licences.
- As a landowner West Lothian Council will not provide any permissions or consents sought from any company/agents applying for permission to carry out exploratory or full Fracking operations on any council owned land in West Lothian.
- Instructs officers to prepare a report for the Development and Transport PDSP which looks at the options available to West Lothian Council in terms of possible local planning policies for inclusion within the proposed West Lothian Local Development Plan.

Proposed by:-

*Martyn Day*

Councillor Martyn Day  
Linlithgow Ward (SNP)



*11.45 am  
A Higgins*



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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**West Lothian Council  
13<sup>th</sup> January 2015**

## **Direct Delivery of Council Services**

**Council notes that consultation materials issued under the Delivering Better Outcomes "sham" refers to "measures ... which would enable the council to deliver more effective, flexible and affordable services."**

**Council accepts that this is clearly misleading as services delivered by trusts are not delivered by 'us' as trusts must be independent of the Council.**

**Council accepts that the consultation document should have made it clear that the trust model means services would be taken out of the Council's control and placed outside the reach of the democratic structures of the Council.**

**Council agrees that as citizens the public have a stake in the democratic control of services and resources involved. Council therefore accepts that the democratic consequences of proposals to weaken this aspect of local democratic accountability and public ownership should have been made explicit in consultation materials and that It should also have been made clear that the sort of transfer proposed would be practically irreversible.**

**Council therefore agrees to include an apology for this misinformation and omission in the next edition of "Bulletin."**

**Council accepts that to propose the transfer of services to trusts without being open and clear about which services would be affected is inappropriate, ill-judged and disingenuous. Council accepts that any process which withholds vital information including how the figure of £1.4m savings has been arrived at, how staff will be affected and whether their employment within the Council is threatened by this proposal, is completely flawed and worthless.**

**Council notes that insofar as savings from transferring services to trusts come almost exclusively from reduced bills for rates and VAT, that transferring services to trusts is effectively a tax avoidance measure and that although this may save the Council money, it provides no net gain to the public purse.**

**Council accepts that this is crucial as the savings are driven by the need to reduce public expenditure and reduce the level of public debt and agrees that in terms of joined up government and in respect of the overall interests of the public as a whole this sort of measure is therefore nonsense.**

**Council therefore agrees to urge COSLA to work with the Scottish and UK governments to close the tax avoidance loopholes which incentivise some in local government to weaken public accountability and local democracy, while reducing the overall tax take and therefore the resources available to meet future needs in our communities, and further agrees that for the Council to seek to take**

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further advantage of this tax avoidance loophole, and do nothing to challenge it, will reflect poorly on the Council's commitment to defend local democracy and promote the public interest.

Council notes that the introduction to the section 2 proposals says that the proposals would enable more effective and flexible services but that this claim is not supported by evidence and agrees that there is no justification for this assertion as the direct delivery of services by council staff can, at the very at least, match the effectiveness and flexibility of a trust.

Council accepts that sport, leisure and cultural services contribute to multiple outcomes and are most effective when operating in a joined up and integrated way. Council asserts that transferring more of these services from the Council will seriously weaken the connections with early years, environmental services, schools, adult learning, community development, social care, health and well-being, countryside, recreational, economic development and other service areas, as well as increasing the barriers to effective integration which invariably arise when staff work in different sectors, organisations, cultures, accountability systems and locations.

Council accepts that Government research shows that children living in the wealthiest areas are significantly more likely to participate in leisure activities than those in deprived areas and that young people from better off households are nearly four times more likely to be a member of a football club or a dance club than the poorest.

Council accepts that transferring services from the Council to trusts will therefore further increase inequalities in this area and seriously weaken the Council's capacity to ensure that the public subsidy for sport, leisure and culture is invested in accordance with democratically endorsed policy priorities and that the benefits of the subsidy will tend to be even more effectively consumed by those who need it least at the expense of those who depend on it most.

Council notes that the risks in transferring services to trusts have failed to be properly assessed and that such a failure has significantly undermined the decision making process associated with this proposal.

Council therefore, in light of all of the above, agrees to remove from consideration any proposals to transfer any council services to trusts and further asserts that the direct delivery of council services remains the best option available to ensure quality public services, value for public money and full democratic accountability.

Proposed

Cllr. Peter Johnston  
Leader of the SNP Group



*Adiggins  
11.45 am*



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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## Motion to West Lothian Council

January 2015  
Living Wage

West Lothian Council recognises that since 2009 there has been an increasing recognition that paying the living wage is good for employers, employees, communities and the economy more generally. Increasing numbers of employers are paying the living wage in Scotland, predominantly in the public sector. If a man or woman puts in a decent week's graft and still doesn't have enough money to pay for a decent, basic standard of living, then the country that person lives in needs to look long and hard at itself. What argument can there possibly be against paying people who are prepared to pull their weight, to put in the hours, for not paying them enough to live on? The answer is - there isn't one, but there's a lot of sound reasons why people should get a fair and decent wage, and they are all economic.

West Lothian Council resolves to

Pay all West Lothian Council apprentices the Living Wage

Ensure that all employees working for the Council, or carrying out functions for the Council, are paid a minimum of the Living Wage.

Calls for a report from officers on how we can ensure that all future Council procurement insists that all employers pay as a minimum the Living Wage.

Frank Anderson



*A Higgins*

*11.45 am*





# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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## West Lothian Council - Notice of Motion

### Condemn UK Government Austerity Cuts to Women

Whilst Labour is promising to make some changes if it wins the UK election next year –taking as yet unspecified action to close the gender pay gap – it is not offering to reverse these changes in tax and benefits regime which have hurt women the most.

Since 2010 an astonishing £22 billion of the £26 billion of Revenue raised for the UK Government through changes to benefits and taxes comes from women.


The coalition Government has hammered women's entitlement to maternity related benefits, removing entirely things like the maternity grant. They have also attacked child tax credits and frozen child benefit for three years. Other measures taken over the last four years to reform social security and welfare entitlements are also hitting women hard.

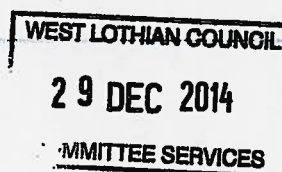
Older women do not escape either. Simply because they live longer, women pensioners are more likely to be affected by measures such as capping housing benefit and freezing the higher award of pension credit.

The numbers involved are staggering. The cuts in tax credits took over £8 billion from women's incomes and the three-year freeze on child benefit over £3 billion.

Labour to date, and in seeking election at the UK General election in 2015, are unfortunately not offering any coherent alternative to the current and future struggle for Scotland's women facing a decade of financial struggle. Many children – one in four – will grow up never knowing plenty, where being poor lasts a lifetime. This then is the Union divided for Scotland's women and children.

Council accepts that all such decisions on benefits and welfare are best taken by the Scottish Government at Holyrood and agrees to write to the new Leader of the Labour Party in Scotland seeking his support for the transfer of all resources and powers in respect of welfare and benefits to Holyrood.

  
Councillor Diane Calder  
Broxburn, Uphall and Winchburgh Ward SNP





# West Lothian Council SNP Group

Leader: Cllr Peter Johnston  
Depute Leader: Cllr Frank Anderson  
Secretary: Cllr Jim Walker

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## West Lothian Council Meeting

### Nuclear Deterrent

West Lothian Council supports the Scottish Labour Party in their contradiction of their Head Office diktat to support a continued nuclear deterrent.

West Lothian Council agrees to write to Jim Murphy seeking his own confirmation to oppose renewal of trident.

West Lothian Council agrees to ask Jim Murphy to write to Ed Milliband at Head office to state his opinion.

Proposed

Cllr. Wm. H. Boyle.

SNP Group





# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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## West Lothian Council Notice of Motion January 2015

### Access to Care Services - Levels to be Changed

Between 2007 and 2012, West Lothian Council was defined as one which sought to put the needs of the vulnerable, the disadvantaged, the elderly and the disabled first. Significant steps were taken to create the conditions in which marginalised groups of people had confidence the care and support, which they require to live independent lives, would always be available to them at the time they needed it – and crucially, that they would not be charged for the services. This “Common Weal” or “All of Us” first approach – is the mark of a truly caring and socially just society.

Now however, this Better Together administration, not content with applying charges for telecare last year, are now intent on changing the levels for those West Lothian residents who require to access Care Services. When the Administration were asked how many vulnerable people they are projecting will be affected by their desire to raise the levels for access to care in West Lothian no-one was able to provide an answer.

Care should always be available at the point at which it is required if we are to truly seek to support the vulnerable people who live in our communities. In addition, to many people, the threat of means testing the care they require will be abhorrent to them.

West Lothian Council resolves therefore to unreservedly reject any proposals to raise the threshold levels for access to care services. This Council further undertakes to ensure that the humiliating prospect of a needs assessment – or means testing – to decide which of West Lothian’s residents would be permitted access to care services will not be adopted.

**Councillor Janet Campbell**  
**Broxburn, Uphall & Winchburgh Ward (SNP)**



*11.45 am  
A Higgins*





## **WEST LOTHIAN COUNCIL LABOUR GROUP**

**Notice of Motion from Councillor Lawrence Fitzpatrick  
For the Council Meeting on 13 January 2015**

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### **Protection of Sole Women in Taxi/Private Hire Situations**

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Council instructs its officers to consult with the taxi and private hire trade in West Lothian with a view to obtaining their agreement on the adoption of a robust policy and practice of giving priority to vulnerable women travellers who pre-book a taxi or private hire vehicle, and for officers to bring back a report to Council Executive within three months.

In this regard Council notes that some taxi firms in Edinburgh and Glasgow will prioritise pick up for a woman if she has pre-booked and advises that she is travelling alone.



**Councillor Lawrence Fitzpatrick  
West Lothian Council Labour Group**



*11.50 am  
A Higgins*





## **WEST LOTHIAN COUNCIL LABOUR GROUP**

Notice of Motion from Councillor Angela Moohan  
For the Council Meeting on 13 January 2015

### **East Coast Rail Franchise and the introduction of new IEP trains**

West Lothian Council is concerned about the proposals for the East Coast rail franchises with the introduction of the new InterCity Express Programme (IEP) trains.

We believe that government and train operating company plans for implementing the multibillion pound Intercity Express rolling stock programme, which will ultimately be funded by the taxpayer and fare-payer, could see significant staffing and service cuts on East Coast services.

We understand that the new rolling stock being introduced from 2018 could have the buffet car removed, meaning that hot food and meals will only be available in first class whilst other passengers will be forced to rely on a trolley-only service for long, often crowded, journeys so more seats can be crammed onto inter-city services. We are perturbed that this upstairs-downstairs catering service is under consideration when passengers already pay the highest rail fares in Europe.

This council is further alarmed that driver only operation is also proposed for this rolling stock which would downgrade the train guard's safety operational role and increase risks to passengers by restricting responsibility for safe operation of the train to the driver.

We also note that passenger safety and service will be further jeopardised if the new rolling stock is used as cover for de-staffing stations, particularly train dispatch staff.

Threats to skilled maintenance workers' jobs in these proposals would further impact on passenger safety and service and exacerbate the rail industry and regions skills crisis.

These cuts are a false economy and we believe that an expanding, affordable, accessible and properly staffed railway in the North is vital for economic growth, tackling social inequality, improving social mobility and protecting our environment.

West Lothian Council agrees to write to the UK Transport Minister and the new East Coast operator urging them to enter into full and open negotiations with all relevant trade unions to ensure that all contracts are set up to deliver properly funded, properly staffed and affordable railways in the North with due consideration to the needs of all passengers and the safe operation of the service.



Councillor Angela Moohan  
West Lothian Council Labour Group



*11.50am  
SHiggins*



## **WEST LOTHIAN COUNCIL LABOUR GROUP**

**Notice of Motion from Councillor David Dodds  
For the Council Meeting on 13 January 2015**

### ***SNP Government Record on Education – Must do Better***

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Council congratulates Angela Constance MSP, a former elected member in this authority, on her appointment to the post of Cabinet Secretary for Education and Lifelong Learning.

Council notes her predecessor's track record on education.

- The number of teachers in Scotland's schools has fallen and the finance minister has now abandoned his election pledge on teacher numbers
- The number of students going to college has fallen
- The number of students from the poorest areas attending university has fallen

Council believes that the SNP Scottish Government has failed the people of Scotland and calls on the new cabinet secretary to make dealing with these failures her first priority in office.



**Councillor David Dodds  
West Lothian Council Labour Group**



*11.50am  
A Higgins*



## **WEST LOTHIAN COUNCIL LABOUR GROUP**

**Notice of Motion from Councillor John McGinty  
For the Council Meeting on 13 January 2015**

### ***Scotland's Economy and Social Inequality***

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West Lothian Council recalls the SNP Government Finance Secretary John Swinney describing an oil price of \$113 a barrel as a 'cautious estimate' even although this oil price had only been obtained for a few months in the entire history of North Sea oil production.

Council further recalls that at the end of 2014 the oil price per barrel was approaching a halving in value from the 'cautious estimate' given by the SNP Finance Secretary.

Council further notes the recent Office for Budget Responsibility projections which estimate that an independent Scotland would have generated £1.25bn of oil revenues in 2016/17 rather than £6.9bn.

Council agrees that this would have had a severe impact upon Scotland's ability to pay for services and would have further damaged the ability of Scotland to deliver improved social equality.

Council states its concern about the failure of the SNP Scottish Government to tackle social inequality in Scotland and agrees to write to the First Minister to urge her to take action to improve her Government's performance in delivering greater social equality and to give top priority to ending the blight of social inequality on the lives of Scotland's citizens.



**Councillor John McGinty  
West Lothian Council Labour Group**



*11.50am  
A Higgins*



## **WEST LOTHIAN COUNCIL LABOUR GROUP**

**Notice of Motion from Councillor Lawrence Fitzpatrick  
For the Council Meeting on 13 January 2015**

### **Fracking**

Council recognises increasing public concern over proposals for shale gas exploration by method of 'fracking', particularly in view of the known workable substantial deposits of torbanite in West Lothian.

It notes that in his annual report, Chief Scientific Adviser to the UK Government Professor Sir Mark Walport warned that government had not given proper consideration to fracking's health risks. It further notes that several European countries have either banned or imposed a moratorium on the hydraulic fracking technique of extracting oil or gas.

Council notes that no guidance has been issued to planning authorities in Scotland as regards the relationship between fracking and public health.

However, with sole regard to Professor Walport's report and with consideration to the wellbeing of West Lothian residents Council agrees to write to Scottish Government requesting that it impose a moratorium on 'fracking' inter alia fullest health impact studies.



**Councillor Lawrence Fitzpatrick  
West Lothian Council Labour Group**



11.50 am  
A Higgins





# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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**West Lothian Council  
25<sup>th</sup> November 2014**

**Question to the Executive Member for the Voluntary Sector, Cllr. Jim Dixon**

**Given the threat to remove funding from Voluntary Sector Groups within the Delivering Better Outcomes - Your Say on Council Services:**

**What notice will the Council give to organisations before any funding is withdrawn?**

**Please provide a list of priority organisations and non-priority organisation?**

**Please provide a list of organisations that are contributing to Council outcomes at present?**

Cllr. Wm. H. Boyle



*A Higgins  
11.10 am*



# West Lothian Council SNP Group

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## Question to the Executive Councillor for Education

Under the Council,s Delivering Better Outcomes section 1e Redesign of Instrumental Music Service what reductions are envisaged in the Instrumental Music Service to achieve the estimated £280,000 savings.

Councillor Jim Walker



*A Higgins  
11.10am*



# West Lothian Council SNP Group

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**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

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## Question to the Executive Councillor for Culture & Leisure

Under the Council Delivering Better Outcomes section 2b, Review of Cultural and Leisure Services which Council facilities are being considered for transfer to a trust.

Councillor Jim Walker



*A Higgins  
11.10am*



# West Lothian Council SNP Group

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Depute Leader: Cllr Frank Anderson  
Secretary: Cllr Jim Walker

*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## Question to Executive Councillor for Development and Transport

What is your definition of a Public Transport Strategy, and what will be your priorities when developing a new one?

Councillor Martyn Day



*A Higgins  
11.10 am*





# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

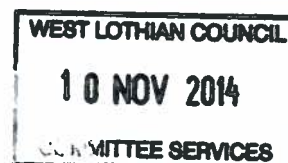
*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## Question to Executive Councillor for Development and Transport

Can you please advise the level of Council spending to support scheduled bus services with the West Lothian area?

**Councillor Martyn Day**



*A Higgins  
11.10 am*



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Jim Walker

*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## West Lothian Council

### Question to Executive Member for the Environment

1. Could the Executive Councillor for the Environment confirm that the number of recycling centres is to remain the same and have no reduction in opening hours.
2. Given that the changes due to "1i - Changes to Land Environmental Services" will result in an 8.6% reduction in Council budget allocation in street cleaning, environmental enforcement, and countryside spending, could the Executive Councillor for the Environment confirm that the anticipated reduction in standards, the number of job losses that will result, and the number of vacant posts that have already not been filled in preparation.
3. Given that the changes due to "1i - Environmental Health and Trading standards" will result in a 7.6% reduction in Council budget allocation in environmental health, trading standards, and economic development, could the Executive Councillor for the Environment confirm that the anticipated reduction in health inspections, the number of job losses that will result, and the number of vacant posts that have already not been filled in preparation.

*R. P. De Bold*

**Councillor Robert De Bold**



*A Higgins  
11 10 am*



WEST LoTHIAN COUNCIL

13 JANUARY 2015

QUESTION TO THE EXECUTIVE COUNCILLOR

**FRACKING**

What is the Council's position on fracking?



Councillor Stuart Borrowman  
Independent  
Armadale and Blackridge Ward



*Ally Jones*  
*10.10 am*