

MINUTE of MEETING of the WEST LoTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 13 January 2015.

Present – Provost Tom Kerr (Chair); Depute Provost Dave King; Council Leader 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 – Councillor Isabel Hutton

1. DECLARATIONS OF INTEREST

Members declared an interest as undernoted:-

Motion – East Coast Rail Franchise and the Introduction of New IEP Trains (Agenda Item 15)

Councillor Muldoon declared a financial interest as an employee of East Coast Trains. She informed the Council that she would take no part in consideration of this item of business.

Motion – Access to Care Services – Levels to be Changed (Agenda Item 13)

Councillor Toner declared an interest as a Non-Executive member of NHS Lothian and as Chair of West Lothian CHCP.

Motion - Access to Care Services – Levels to be Changed (Agenda Item 13)

Councillor Logue declared an interest as an employee of NHS Lothian.

2. MINUTES

- (a) The Council approved the minute of the meeting of West Lothian Council held on 25 November 2014.
- (b) The Council noted correspondence arising from previous decisions.
- (c) The Council noted the minute of meeting of the Performance Committee held on 18 August 2014.
- (d) The Council noted the minute of meeting of the Audit and Governance Committee held on Monday 29 September 2014.

- (e) The Council noted the minute of meeting of the Education (Quality Assurance) Committee held on 2 October 2014.
- (f) The Council noted the minute of meeting of the Employee Appeals Committee held on 3 October 2014.

3. APPOINTMENT OF SECONDARY/SPECIAL APPOINTED MEMBER

The Council considered a report (copies of which had been circulated by the Chief Executive informing the council that steps had been taken to re-elect a representative from the council's secondary/special education teaching staff and to confirm his appointment.

The Council was informed that the council had a statutory duty to appoint three religious representatives to any committee dealing with its education function. The Council also had the statutory power to appoint other non-elected members to the committee, as it saw fit. Currently, the Council's policy was to appoint two teachers and one representative of parents nominated by the West Lothian Parent Councils Forum.

The Chief Executive recalled that, in September 2014, the Education Executive had noted the resignation of the Secondary/Special Education Appointed Member and had agreed that Committee Services would commence the process to re-appoint a Secondary/Special School Representative.

Following a request for nominations from all primary, secondary and special schools within West Lothian, one nomination had been received, therefore there had been no requirement to carry out an election process. The nomination was for Mr John MacKinnon.

It was therefore recommended that the Council:-

1. Note the resignation of the Secondary/Special Education Appointed Member to the Education Executive;
2. Note the legislative requirements for the appointment of non-councillor members to any committee dealing with education business for the council;
3. 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. Agree the appointment of Mr John MacKinnon as the Secondary/Special Education Appointed Member to deal with the education business; and
5. Note that the appointed representative would be asked to

acknowledge their acceptance of the principles of the Councillors' Code of Conduct and to abide by its terms.

Decision

To note the terms of the report and to agree the appointment of Mr John MacKinnon as the Secondary/Special Education Appointed Member to deal with the education business.

4. COUNCILLOR ISABEL HUTTON - FAILURE TO ATTEND MEETINGS

The council considered a report (copies of which had been circulated) by the Chief Executive informing the council of the failure by Councillor Isabel Hutton to attend meetings since 23 May 2014, and inviting council to consider her position as a member of the Council.

The Chief Executive explained that legislation provided that a councillor who failed to attend any meeting of his or her council throughout a period of six consecutive months should cease to be a member of that council, unless the failure was due to some reason approved by the council. The Chief Executive was required, under the council's Standing Orders, to bring any such circumstances to the attention of the council. The council was then required to consider the matter and decide if there was an acceptable reason for the failure to attend. If the reason was approved, then the councillor remained in office. If the reason was not approved, then the councillor ceased to be a member of the council.

The Council was informed that Councillor Hutton last attended a relevant meeting, of full council, on 13 May 2014. The first relevant meeting she had failed to attend after that was the meeting of Armadale & Blackridge Local Area Committee on 23 May 2014. That date was the start of the statutory six month period. Councillor Hutton had 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 had therefore failed to attend any meeting of the council throughout a period of six consecutive months. Unless the council approved the reason for her failure to attend, she ceased to be a councillor, by operation of law.

The report provided details of letters sent by West Lothian Council to Councillor Hutton informing her of her position and of the statutory rules.

The Chief Executive recommended that the Council:-

1. note that a member of a local authority who failed to attend any meeting of the authority throughout a period of six consecutive months would cease to be a member of the authority, unless that failure was due to some reason approved by the authority.
2. note that Councillor Isabel Hutton had 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. note that Councillor Hutton had been 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. 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, agree that the date on which the resulting vacancy should be deemed to have occurred should be the date of that decision being made.
6. in the event that a vacancy did arise as a result, note that a by-election would require to be held within a period of three months from that date on a date to be determined by the Returning Officer.

Motion

“West Lothian Council notes the circumstances detailed in the report from the Council Executive and agrees:

1. To approve recommendations 1, 2, 3 and 6 of the report.
2. In relation to recommendations 4 and 5:-
 - a) To note that despite several requests having been made by the Chief Executive no information about the reason for Councillor Hutton’s failure to attend meetings has been provided by her or anyone on her behalf.
 - b) To note therefore, since there is no such reason available for the council to consider approving, that Councillor Hutton ceases to be a councillor.
 - c) To agree that the date of the resulting casual vacancy is deemed to be today’s date, 13 January 2014.”

Decision

To unanimously approve the terms of the motion submitted by Councillor McGinty, but subject to correcting the date in the final paragraph to read “13 January 2015.”

5. NOTICE OF MOTION - FRACKING - SUBMITTED BY COUNCILLOR DAY

The Council considered a motion submitted by Councillor Day in the

following terms:-

“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;
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 call 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/agenda 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 term of possible local planning policies for inclusion within the proposed West Lothian Local Development Plan.”

Moved by Councillor Day, seconded by Councillor McCarra.

Amendment

The Council noted that a Notice of Motion had been lodged by Councillor Fitzpatrick on the subject of Fracking. Councillor Fitzpatrick indicated that he wished his motion to be considered at this point in the meeting as an amendment to the motion lodged by Councillor Day.

“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.”

Moved by Councillor Fitzpatrick, seconded by Councillor 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	Tom Kerr

Stuart Borrowman	Harry Cartmill
Willie Boyle	Tom Conn
Diane Calder	Alex Davidson
Janet Campbell	Jim Dixon
Martyn Day	David Dodds
Robert De Bold	Lawrence Fitzpatrick
Jim Dickson	Dave King
Mary Dickson	Danny Logue
Carl John	John McGinty
Peter Johnston	Anne McMillan
Greg McCarra	Angela Moohan
Andrew Miller	Cathy Muldoon
John Muir	George Paul
Jim Walker	Barry Robertson
	Frank Toner

Decision

The amendment was successful by 16 votes to 15 votes, with 1 abstention, and it was agreed accordingly.

6. NOTICE OF MOTION - DIRECT DELIVERY OF COUNCIL SERVICES - SUBMITTED BY COUNCILLOR JOHNSTON

The Provost ruled under Standing Order 28 that the motion would not be considered. The Provost explained that a decision about the subject matter of the motion had been taken at a special meeting of the Council Executive held on 7th January 2015 and that the decision taken could not be changed within 6 months. In addition, the matter was already being dealt with in terms of Standing Order 20(2).

7. NOTICE OF MOTION - LIVING WAGE - SUBMITTED BY COUNCILLOR ANDERSON

The Provost ruled that the motion would not be considered under SO15(4) as the financial implications had not been verified by the Head of Finance and Estates. In addition, the motion would not be considered under SO20(2) since a decision had been taken at the special meeting of the Council Executive held on 7th January 2015 and the matter was now being dealt with.

8. NOTICE OF MOTION - CONDEMN UK GOVERNMENT AUSTERITY CUTS TO WOMEN - SUBMITTED BY COUNCILLOR CALDER

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

“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 is 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."

Moved by Councillor Calder, seconded by Councillor Campbell.

Amendment

"West Lothian Council welcomes the House of Commons Library research commissioned by the Labour Party which highlighted the impact of welfare reforms on women across the United Kingdom.

West Lothian Council condemns the impact of unfair welfare reforms on all citizens in West Lothian, and in particular the impact upon women and children.

Council recalls the failure of the West Lothian SNP Council Group to take action to protect local families against austerity cuts by voting against calls to mitigate the effect of bedroom tax on local families, voting against the Living Wage for West Lothian Council workers and, most recently, not bothering to turn up at all to a meeting which agreed to establish a fund to help hard pressed West Lothian families affected by legacy Bedroom Tax arrears following the refusal of the SNP Scottish Government to assist.

Council further recalls the decision of the Scottish people to remain part of

the United Kingdom, to continue to share risks and opportunities, and welcomes the progress made by the Smith Commission in enhancing the powers of the Scottish Parliament to create a better, fairer Scotland.

Finally, Council notes that the SNP Scottish Government have consistently failed to take the initiative to use their powers to improve social equality in Scotland, and have failed to spend all of their budget resulting in an £444m underspend in 2013-14.

Council therefore agrees to write to Cabinet Secretary for Finance and Deputy First Minister John Swinney to ask that the Scottish Government utilise this underspend to prioritise mitigating the impact of welfare reform cuts on women and children in Scotland.”

Moved by Councillor Muldoon, seconded by Councillor Fitzpatrick.

Decision

On a vote being taken, the amendment was successful by 16 votes to 14 votes, with 2 abstentions.

9. NOTICE OF MOTION - NUCLEAR DETERRENT - SUBMITTED BY COUNCILLOR BOYLE

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

“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.”

Moved by Councillor Willie Boyle, seconded by Councillor McCarra.

Amendment

“West Lothian Council notes the position the Council adopted in 2006 that West Lothian Council agreed not to support the continuation of trident, nor the replacement of trident by any other nuclear missile system, and the position adopted by Council in 2010 applauding the ‘Scotland’s for Peace’ initiative and the 2020 vision campaign calling for global nuclear disarmament within 10 years.

Council further notes that West Lothian is regarded as a nuclear free authority and that the then SNP led administration, voted to terminate the Council’s membership of Nuclear Free Local Authorities (Scotland) on the grounds of cost; and that in October 2012 the Scottish National Party altered its policy position to allow membership of NATO, a pro nuclear

alliance with over 5000 nuclear weapons.

West Lothian Council agrees to write to the UK Government Secretary of State for Defence restating West Lothian Council's position on the issue of nuclear weapons."

Moved by Councillor King, seconded by Councillor Tony Boyle

It was agreed that a roll vote call 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	Alex Davidson	
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 2 abstentions, and it was agreed accordingly.

10. NOTICE OF MOTION - ACCESS TO CARE SERVICES - LEVELS TO BE CHANGED - SUBMITTED BY COUNCILLOR CAMPBELL

The Provost ruled under Standing Order 28 that the motion would not be considered. The Provost explained that a decision about the subject matter of the motion had been taken at a special meeting of the Council Executive held on 7th January 2015 and that the decision taken could not be changed within 6 months. In addition, the matter was already being dealt with in terms of Standing Order 20(2).

11. NOTICE OF MOTION - PROTECTION OF SOLE WOMEN IN TAXI/PRIVATE HIRE SITUATIONS - SUBMITTED BY COUNCILLOR FITZPATRICK

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

"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.”

Moved by Councillor Fitzpatrick, seconded by Councillor Conn.

Councillor Anderson suggested that the motion should include provision for such a policy to cover vulnerable females hailing a taxi.

Decision

To unanimously agree the terms of the motion with the inclusion that such a policy should also cover vulnerable females hailing a taxi.

12. NOTICE OF MOTION - EAST COAST RAIL FRANCHISE AND THE INTRODUCTION OF NEW IEP TRAINS - SUBMITTED BY COUNCILLOR MOOHAN

Having declared an interest earlier in the meeting, Councillor Muldoon left the meeting and took no part in consideration of this item of business.

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

“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 the 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."

Moved by Councillor Moohan, seconded by Councillor Logue.

Decision

To unanimously agree the terms of the motion.

13. NOTICE OF MOTION - SNP GOVERNMENT RECORD ON EDUCATION - MUST DO BETTER - SUBMITTED BY COUNCILLOR DODDS

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

"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 had now abandoned his election pledge of 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 call on the new cabinet secretary to make dealing with these failures her first priority in office."

Moved by Councillor Dodds, seconded by Councillor Fitzpatrick.

Amendment

“Council congratulates Angela Constance MSP on her appointment to the post of Cabinet secretary for Education and lifelong learning.

Council further recognises the SNP governments long standing and highly successful commitments to

- Free tuition fees – saving students an estimated £940 million in 2013/14
- Smaller class sizes in the early years of education – bringing in a legal limit for primary one classes
- Funded increases to nursery and childcare – investing upstream in the future of our children and their families
- Building modern schools – this council and the people of West Lothian have benefitted greatly from the governments commitment to better schools. We already have new schools at Meldrum, Pumpherston and Uphall Station and Breich with the government financially backing a new West Calder High school as well as vital improvements at Peel, Carmondean and Broxburn primaries.
- Free school meals – despite Labour’s shameful opposition the SNP have delivered on free school meals for all of our P1-3 children.

Council notes the excellent working relationship between government, council and our own West Lothian College.

In specific response to the accusations levied in the Labour motion council notes:-

- The SNP Government are committed to maintaining teacher numbers in line with pupil numbers and have a shared commitment with CoSLA to do just that. Meanwhile Labour run West Lothian Council progress plans to cut teacher numbers in our schools through its better outcomes budget process.
- The SNP Government has maintained its manifesto pledge to keep the total number of college places at 116,000 fte. Labours spurious headcount figures count 5 hour courses as the equal of a full time HND. If ever there was a case of massaging the figures to fit a narrow political agenda then this is certainly it.
- Figures from the Scottish funding council published on 4th November 2014 show that more people from deprived areas started university, a rise from 12.3% to 13.3%. The UCAS End of Cycle Report 2014 show the number of 18 year olds from the most disadvantaged areas in Scotland accepted to university has increased.

Council dismisses Labours poor attempt at turning a congratulatory message into a petty political snipe. Council makes it clear that we wish Angela well in her new role and will work with her to further the educational needs of West Lothian’s Children.”

Moved by Councillor Miller, seconded by Councillor McCarra.

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Stuart Borrowman	Frank Anderson	Tom Kerr
Tony Boyle	Willie Boyle	
Harry Cartmill	Diane Calder	
Tom Conn	Janet Campbell	
Alex Davidson	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 motion was successful by 17 votes to 14 votes, with 1 abstention, and it was agreed accordingly.

14. NOTICE OF MOTION - SCOTLAND'S ECONOMY AND SOCIAL INEQUALITY - SUBMITTED BY COUNCILLOR MCGINTY

The Council considered a motion submitted by Council Leader John McGinty in the following terms:-

“West Lothian Council recalls the SNP Government Finance Secretary John Swinney describing an oil price of \$113 a barrel as ‘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 all 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."

Moved by Council Leader John McGinty, seconded by Councillor Muldoon.

Amendment

"Council accepts that the price of oil is set by world level economic factors and that wise governments, who are fortunate enough to have substantial oil resources to exploit, recognise this by establishing an oil fund to mitigate against times when the price of oil falls.

Council condemns successive Westminster Government's for their abject failure to establish such an oil fund.

Council further condemns the Westminster Government's continuing austerity programme which is having a seriously damaging impact upon the most vulnerable in our society and will have reduced incomes in Scotland by £6 billion by 2016.

Council notes with dismay that women in Scotland are suffering 68% of all Westminster welfare cuts which, over a five year period of 2010-11 to 2015-16, amounts to a cut of £4.1 billion.

Council notes with dismay that the Labour Party has signed up to the Tories "Welfare Cap" and is committed to continuing the Westminster austerity policies and agrees with the overwhelming majority of Scots that social justice in Scotland will be best delivered when our Holyrood Parliament has full control over the resources we need to create jobs, grow our economy and build a better, fairer and more equal Scotland.

Council applauds the SNP Government's actions to mitigate against the Better Together parties sustained attacks upon the poor, weak and vulnerable in our society and notes;

- The SNP Government's Council Tax freeze.
- The SNP Government's Council Tax Reduction scheme is helping to support 530,000 low income households that are paying the price of Westminster's welfare cuts
- The SNP Government's Bedroom Tax mitigation
- The SNP Government's introduction of free school meals for infants (opposed by Labour)
- The SNP Government's additional funding for childcare
- The SNP Government's further £127m of investment in frontline

health care

Council agrees with the Poverty Alliance's assessment of the SNP Government's 2015/16 budget proposals and their welcome for measures;

- To make Scotland more prosperous
- To tackle inequality
- To protect and improve public services

Council welcomes the comments from Peter Kelly, Director of the Poverty Alliance, who said

"The Poverty Alliance was pleased to see tackling inequality highlighted as one of the key themes in today's budget announcement.

"Scotland is a vastly unequal country, with the three richest families owning the same wealth as the bottom twenty per cent.

"Across Glasgow alone, there is a life expectancy gap of eleven years between those in the most deprived areas and those in the most affluent communities.

"We welcome measures to tackle this inequality, and particularly increased funding to tackle child poverty and to mitigate against the impact of welfare reform.

Council further welcomes the support from Civic Scotland for the suspension of the rollout of Universal Credit in Scotland.

Council accept that, to ensure our most vulnerable people do not suffer, that the roll out of Universal Credit in Scotland should be immediately suspended and agrees to write to Ian Duncan Smith strongly expressing this view.

Council further accepts that the Scottish Parliament is best placed to make all decisions affecting our society and calls upon the Better Together parties to honour the commitment made by Gordon Brown that Scotland would have "Home Rule as Keir Hardie campaign for" and agrees to write to the UK Prime Minister and the Leader of the Labour Party demanding their commitment to honouring their "vow" by transferring control of all Scottish financial resources to the Scottish Parliament."

Moved by Councillor Johnston, seconded by Councillor Anderson.

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Stuart Borrowman Tony Boyle	Frank Anderson Willie Boyle	

Harry Cartmill	Diane Calder
Tom Conn	Janet Campbell
Alex Davidson	Martyn Day
Jim Dixon	Robert De Bold
David Dodds	Jim Dickson
Lawrence Fitzpatrick	Mary Dickson
Tom Kerr	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 motion was successful by 18 votes to 14 votes and it was agreed accordingly.

15. NOTICE OF MOTION - FRACKING - SUBMITTED BY COUNCILLOR FITZPATRICK

A motion submitted by Councillor Fitzpatrick had been considered earlier in the meeting and, therefore, no further action was required in relation to this item of business.

16. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 60 deeds for execution.

Decision

That the deeds be executed.

17. VOLUNTARY SECTOR FUNDING - QUESTION TO THE EXECUTIVE MEMBER FOR THE VOLUNTARY SECTOR SUBMITTED BY COUNCILLOR BOYLE

A question to the Executive Member for the Voluntary Sector had been submitted by Councillor Boyle in the following terms:-

“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 organisations?

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

The Executive Councillor for Voluntary Organisations provided a verbal answer to the written question.

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

Decision

1. To note the written questions put and verbal answers given; and
2. To note the supplementary question put and verbal answer given, and that information relating to priorities would be provided by officers.

18. INSTRUMENTAL MUSIC SERVICE - QUESTION TO THE EXECUTIVE COUNCILLOR FOR EDUCATION SUBMITTED BY COUNCILLOR WALKER

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

"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."

The Executive Councillor for Education provided a verbal answer to the written question.

Councillor Walker indicated that he wished to put a supplementary question as provided for in Standing Orders. He did so and the Executive Councillor for Education provided a verbal answer to the supplementary question.

Decision

1. To note the written question put and verbal answer given; and
2. To note the supplementary question put and the verbal answer given.

19. CULTURE AND LEISURE SERVICES - QUESTION TO THE EXECUTIVE COUNCILLOR FOR CULTURE AND LEISURE SUBMITTED BY COUNCILLOR WALKER

A question to the Executive Councillor for Culture & Leisure had been submitted by Councillor Walker in the following terms:-

“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.”

A verbal answer to the written question was given by the Executive Councillor for Culture and Leisure.

Councillor Walker indicated that he wished to put a supplementary question as provided for in Standing Orders. He did so and the Executive Councillor for Culture and Leisure provided a verbal answer to the supplementary question.

Decision

1. To note the written question put and verbal answer given.
2. To note the supplementary question put and verbal answer given.

20. PUBLIC TRANSPORT STRATEGY - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT SUBMITTED BY COUNCILLOR DAY

A written question to the Executive Councillor for Development and Transport had been submitted by Councillor Day in the following terms:-

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

The Executive Councillor for Development and Transport provided a verbal answer to the written question.

Decision

To note the written question put and verbal answer given.

21. SCHEDULED BUS SERVICES - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT SUBMITTED BY COUNCILLOR DAY

A written question to the Executive Councillor for Development and Transport had been submitted by Councillor Day in the following terms:-

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

A verbal answer to the written question had been provided by the Executive Councillor for Development and Transport.

Decision

To note the written question put and verbal answer given.

22. ENVIRONMENTAL HEALTH AND TRADING STANDARDS - QUESTION TO EXECUTIVE MEMBER FOR THE ENVIRONMENT SUBMITTED BY COUNCILLOR DE BOLD

A written question to the Executive Councillor for the Environment had been submitted in the following terms:-

A question to the Executive Councillor for the Environment had been submitted by Councillor De Bold in the following terms:-

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."

A verbal answer to the written question was given by the Executive Councillor for the Environment.

Councillor De Bold indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and the Executive Councillor for the Environment provided answers to the supplementary questions.

Decision

1. To note the written question put and verbal answers given; and
2. To note the supplementary question put and verbal answer given.

23. FRACKING - QUESTION TO THE EXECUTIVE COUNCILLOR SUBMITTED BY COUNCILLOR BORROWMAN

A written question to the Executive Councillor had been submitted in the following terms:-

"What is the Council's position on fracking?"

A verbal answer to the written question was given by the Executive Councillor Development and Transport.

Decision

To note the written question put and verbal answer given.