



West Lothian  
Council

## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

19 March 2015

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 24 March 2015** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 10 March 2015 (herewith).

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

5. Court of the Deacons of the Ancient and Royal Burgh of Linlithgow (Tues 16th June 2015) - Nomination of Councillors to Attend Linlithgow Marches (herewith).
6. Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses - Report by Head of Corporate Services (herewith)
7. Consideration of the Council's Unaudited Accounts, Annual Governance

Statement and Audited Accounts - Report by Head of Finance and Estates (herewith)

8. Procurement Arrangements - Linlithgow Partnership Centre - Report by Head of Finance and Estates (herewith)
9. West Lothian Villages Improvement Fund - Report by Lead Officer, Armadale and Blackridge Local Area Committee (herewith)
10. West Lothian Villages Improvement Fund - Report by Lead Officer, Fauldhouse & Breich Valley Local Area Committee (herewith)
11. Public Bodies (Joint Working) (Scotland) Act 2014 - Draft Integration Scheme - Report by Depute Chief Executive, Community Health and Care Partnership (herewith)

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

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 10 MARCH 2015.

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

Apologies – Councillor George Paul

1. DECLARATIONS OF INTEREST

Agenda Item 6 (Public Bodies (Joint Working) (Scotland) Act 2014 – Draft Integration Scheme) – Councillor Peter Johnston declared a non-financial interest in that he was an Non-Executive Director of NHS Lothian and as a Non-Executive Director of Healthcare Improvement Scotland, for which a specific exclusion applied.

Agenda Item 6 (Public Bodies (Joint Working) (Scotland) Act 2014 – Draft Integration Scheme) – Councillor Danny Logue declared a non-financial interest in that he was an employee of NHS Lothian.

Agenda Item 9 (West Lothian Local Development Plan – Development Plan Scheme No. 7) – Councillor Cathy Muldoon declared a non-financial interest in that she was a council appointed member of SESplan.

Agenda Item 9 (West Lothian Local Development Plan – Development Plan Scheme No. 7) – Councillor Tony Boyle declared a non-financial interest in that he was a council appointed members of SESplan.

2. MINUTES

- a) The Council Executive confirmed the minute of its meeting held on 10 February 2015 as a correct record. The minute was thereafter signed by the Chair.
- b) The Council Executive confirmed the minute of its meeting held on 19 February 2015. The minute was thereafter signed by the Chair.

3. CONSULTATION ON DRAFT STATUTORY GUIDANCE FOR PART 9 (CORPORATE PARENTING) OF THE CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of a proposed response to the draft statutory guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014, a copy of which was attached to the report.

The Head of Social Policy explained that Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014 stated that when a child or young person became “looked after” the state assumed duties and responsibilities to safeguard and promote their welfare and wellbeing. Therefore the purpose of the guidance was to clarify the duties of corporate parents and to explain the rationale behind them. It was designed to support corporate parents to turn Part 9 of the Act into practice which would improve outcomes for looked after children and care leavers.

In conclusion the guidance provided a flexible framework which acknowledged the role of the wide range of Corporate Parents and provided clear information on the specific responsibilities placed on Corporate Parents under Section 58 of the Act and promoted partnership working.

The guidance was broadly welcomed and would provide a useful basis for measuring the impact of Corporate Planning in West Lothian.

It was recommended that the Council Executive :-

1. Consider the draft response and offer any proposed amendment or additions to it; and
2. Approve the response for submission to the Scottish Government.

#### Decision

To approve the terms of the report

#### 4. PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014 – DRAFT INTEGRATION SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Care Partnership providing details of the draft West Lothian Integration Scheme produced by West Lothian Council and NHS Lothian for the establishment of a Health and Care Partnership in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

The report advised that on 22 December 2014 the Council Executive agreed to issue the draft West Lothian Integration Scheme for consultation in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

The agreed draft was approved for public consultation subject to provision being made for a second place on the Integration Joint Board for trade union representatives to facilitate a role on the IJB for a West Lothian Council Trade Union representative and an NHS Lothian Trade Union representative on equal terms.

It was explained that once the scheme was approved by Scottish Ministers the Integration Joint Board would be established by Order. The

delegation of functions would not however take place until after the Board's Strategic Plan was finalised and approved.

The consultation period started on 15 January and ended on 20 February. As well as taking into account the consultation responses, other circumstances and developments were taken into account in producing the version which was appended to the report.

The report went on to provide details of the following three significant changes;\_

- An expanded Introduction
- The Chair and Vice Chair
- Trade Union Representation on the IJB

In conclusion the report advised that the Public Bodies (Joint Working) (Scotland) Act 2014 required new arrangements to be put in place for delivery of integrated health social care functions. A draft Integration Scheme was developed for West Lothian in line with the model issued by the Scottish Government.

The report recommended that the Council Executive approve the revised draft Integration Scheme and agree that the scheme be submitted to Scottish Ministers by 31 March 2015.

### Motion

Council Executive welcomes the progress made on the Integration Scheme and:

- Council Executive is minded to agree the Integration Scheme, subject to an agreed change to the Chairperson's term of office that would ensure that the Council will hold the Chair for the initial two years of the IJB, in order to facilitate a smooth transition from CHCP to a fully functional IJB.
- Instructs council officers to enter into discussions with NHS Lothian colleagues to secure the requested adjustment to the Scheme.
- Instructs officers to bring a further report to the 24<sup>th</sup> March 2015 meeting of the Council Executive, for final approval prior to submission to Scottish Ministers.
- Notes the intention of the Council Executive to secure representation for West Lothian Council Trade Union nominee on the IJB in an appropriate capacity.
- Moved by the Chair and seconded by Councillor McMillan

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

## 5. TIMETABLE OF MEETINGS 2015-16

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing a timetable of meetings to July 2016 of the council, its committee's and working groups (including Policy Development and Scrutiny Panel's) which met on a regular basis.

Attached to the report at Appendix 1 was a timetable of meetings for the period August 2015 to July 2016 and had been designed in accordance with best practice following the general pattern and frequency of meetings of bodies of the council's decision-making structure. Also attached to the report at Appendices 2 and 3 was the same information but presented in an alternative format.

Meetings for other bodies such as the Licensing Board were set independently but were also shown in the timetable of meetings for completeness.

It was also noted that under the council's Scheme of Administration, meetings of Policy Development and Scrutiny Panels were to be fixed by the Clerk in consultation with Chairs and Lead Officers. These arrangements were presently being made and were included where known.

Additionally Local Area Committees were required to agree each year a schedule of regular meetings for the succeeding twelve months to be submitted to the Council Executive for approval. Some of these had been agreed but some remained outstanding and provisional dates were included for those bodies in the appendices.

It was recommended that the Council Executive :-

- a) Note and approve the arrangements shown in Appendix 1 of meetings of the council, its committees and working groups from August 2015 until July 2016;
- b) Note that dates proposed for meetings of Policy Development and Scrutiny Panels may be subject to change after consideration by Chairs and Lead Officers and that any changes should be incorporated into the calendar; and
- c) Authorise the Chief Executive to adjust the arrangements in Appendix 1 in the event of any changes being advised by Lead Officers for Local Area Committee before 30 June 2014.

### Decision

To approve the terms of the report

## 6. ACCESS FUND APPLICATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for three

applications to the West Lothian Access Funds.

The three applications were as follows :-

- St Columba's Episcopal Church, Bathgate – A grant of £600 was requested to support the installation of a handrail for the existing front entrance.
- Whitburn Junior Football Club – A grant of £1500 was requested to provide improved access to the ground, to improve accessibility of the entrance gates and parking bays.
- Disability West Lothian – A grant of £350 was requested to enable the organisations to have access to Micro Voice Amp.

The three applications had been endorsed by the Access Committee.

It was recommended that Council Executive approve the recommendations of the report.

#### Decision

To approve the terms of the report.

### 7. WEST LOTHIAN LOCAL DEVELOPMENT PLAN – DEVELOPMENT PLAN SCHEME NO.7

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising members of an updated Development Plan Scheme No.7 (DPS No.7) for the West Lothian Local Development Plan (LDP).

The Head of Planning and Economic Development advised that Section 20b of the Planning, etc. (Scotland) Act required planning authorities to prepare a development plan scheme at least annually for the strategic development plan and the local development plan. The purpose of a development plan scheme was to set out the programme for preparing, reviewing, consulting on the strategic development plan or the local development plan. The development plan scheme was to be in place by March each year.

A draft development plan scheme (DPS No.7) had been prepared and was attached to the report at Appendix 1. DPS No.7 would replace and update the timetable for the preparation of the West Lothian LDP as set out in DPS No.6. The Council Executive was being asked to note that the timescales for the LDP were changed from DPS No.6 largely as a consequence of the Main Issues Report (MIR) public engagement evaluation exercise taking longer to complete than previously anticipated.

The DPS would be kept under review and published annually or more frequently as major issues arose in the process, as required by legislation.

As previously all Community Councils would be advised on the publication

of DPS No.7, with copies being sent to all local libraries and CIS Offices. Two copies would also be sent to the Scottish Government. In addition the relevant development plan web pages would be updated and subscribers to the council's LDP newsletter would also be advised alongside a press release.

It was recommended that the Council Executive notes and approves DPS No.7 for the West Lothian Local Development Plan.

#### Decision

To approve the terms of the report

### 8. SCOTLAND'S CLIMATE CHANGE DECLARATION – ANNUAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking agreement of the council's annual Scottish Climate Change Declaration report for 2013-14 so that it could be submitted to the Sustainable Scotland Network (SSN).

The report recalled that the council had been a signatory of Scotland's Climate Change Declaration along with all other Scottish local authorities since 2007. The Declaration was a public statement wherein local authorities acknowledged the reality and implications of climate change and their responsibility to respond effectively. Signatories were committed to produce an annual statement, detailing their progress in relation to the mitigation of and adaption to climate change.

The Head of Planning and Economic Development then proceeded to provide a summary of the Declaration for West Lothian Council noting that the scope of the Climate Change Declaration had been expanded for the first time since 2014 to avoid duplication of reporting requirements. It was also to be noted that the timing of the submission of the annual declaration had changed in 2014 from April to November to allow local authorities enough time to collate the information required for the previous financial year, including waste data which had to be verified by SEPA.

The report concluded that the council's Climate Change Declaration Report for 2013-14 demonstrated that good progress was being made on reducing greenhouse gas emissions and that the council had driven forward a range of measures which had contributed to year-on-year reductions in emissions. However further work was required in the areas of area-wide emissions, planned adaptation to the unavoidable impacts of climate change, area-wide partnership work, capacity building in communities and the engagement of elected members.

It was recommended that the Council Executive :-

1. Note the contents of the Declaration attached to the report at Appendix 1;
2. Note that climate change reporting would become a statutory



requirement for all public sector bodies from 2015; and

3. Approve the submission of the report to the Sustainable Scotland Network and publication on Scotland's Climate Change Declaration website.

### Decision

To approve the terms of the report.

## 9.. UPDATE ON EUROPEAN STRUCTURAL AND INVESTMENT FUNDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an update on the development of the European Regional Development Fund (ERDF) and the European Social Fund (ESF) programme activity in West Lothian.

The Council Executive were advised that European Investment and Structural Funds were generally co-ordinated and managed within Scotland by the Scottish Government under a set of Operational Programmes. The programming periods were aligned to the EU's seven year budget cycles with the new period covering 2014 to 2020. A key feature of the new Scottish ERDF and ESF programmes was a shift from competitive applications to a system of pre-selected strategic partners who would be responsible for commissioning and/or co-ordinating delivery.

In January 2014 Council Executive agreed a response to a consultation exercise on the development of Structural Fund programmes in Scotland. The key points raised focused on strategic interventions where local government should lead – notably the Business Accelerator programme which included council led Business Gateway actions and the CPP Employability and Skills pipeline.

Scottish Government had accepted that the proposed delivery model would enable individual local authorities to lead on delivery of these, whilst operating within a national “template” agreement covering funding, responsibilities and required outcomes.

With regards to the new delivery arrangements for the Business Accelerator the Head of Planning and Economic Development advised that the new funds would require a set of Lead Partners to be accountable for managing the delivery of the intervention and that COSLA and Scottish Government had agreed a framework for local authority lead partners to be identified to manage the intervention. It had also been agreed that instead of having 32 single lead partners the appropriate structure would be a partnership approach consistent with the management of the Business Gateway contracts.

The management arrangements for the new funds would also require a simplified cost methodology and therefore allocation proposals were being worked up based on the size of the current business base and scale of match funding available from each council. A further report would be

presented to the Development and Transport Policy Development and Scrutiny Panel and Council Executive in due course once the outstanding issue in respect of the Business Accelerator had been resolved and the deadline for submission of proposals had been confirmed.

The Head of Planning and Economic Development continued to advise that alongside the Business Accelerator the council would have a lead role in the management of ESF project activity to promote employability and access to jobs particularly for young people. Scottish Government had indicated that it was anticipated a new ESF Skills Pipeline package would be in place in June 2014 but this had not been possible. However progress had been made in the design and development of the new Skills Pipeline packages and these would operate across the whole of Scotland subject to all councils agreeing to act as lead partners.

A total of £115m had been earmarked to support local authority-led CPP Skills Pipeline packages. In addition a further £28m had been allocated towards social inclusion and anti-poverty initiatives. West Lothian Council's allocation consisted of £2.84m for the skills pipeline and £0.91m ESF towards addressing poverty and social inclusion. The allocations were in line with expectations based on the allocation methodology.

The report continued to provide information on the next steps that would be taken to progress these issues noting that EU Funding continued to present challenges and opportunities.

It was recommended that Council Executive :-

1. Note the update on development of the Scottish Structural and Investment Fund Programmes 2014-2020;
2. Agree the development of the new Skills Pipeline ESF package aimed at promoting skills and access to jobs and tackling poverty; and
3. Agree to the council acting as Lead Partner for the Skills Pipeline Strategic Intervention.

#### Decision

To approve the terms of the report.

At this point Councillor Fitzpatrick gave his apologies and left the meeting and therefore taking no part in the remainder of the business.

#### 10. CENTENARY FIELDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for Dechmont Park to be submitted as the council's nomination for the Centenary Fields programme.

The Head of Operational Services advised that West Lothian Council had been approached by Fields in Trust and Poppyscotland with regard to participation in the Centenary Field Programme and to consider a nomination of a site for inclusion in the programme.

The programme was a nationwide initiative aimed at securing recreational spaces, in perpetuity, in honour of the memory of the millions of people who had lost their lives in World War 1. The objective of the programme was to encourage every local authority in the UK to nominate at least one recreational space to be dedicated as a Centenary Field to commemorate this significant milestone in our shared history and to create a tangible local legacy that would be valued by local communities for generations to come.

Fields in Trust and Poppyscotland were working together to deliver the Centenary Fields programme which aimed to protect the war memorial parks and playing fields given in memory to those who lost their lives, or other green spaces that councils may want to dedicate.

To participate in the Centenary Fields programme the council was being asked to complete a form nominating the particular location and once the appropriate site had been identified complete a Minute of Agreement which would protect the nominated green space in perpetuity.

Each Centenary Field would be provided with signage indicating it had designated status, enabling a local event to be arranged to mark the site's dedication as part of the commemorative activities.

Following consultation with the Open Space Strategy Steering Group Dechmont Park had been identified as the council's nomination.

It was recommended that the Council Executive :-

1. Agree that subject to satisfactory title checks being carried out that West Lothian Council participate in the Centenary Fields programme;
2. Agree that Dechmont Park be submitted as West Lothian Council's nomination; and
3. Agree that an appropriate event be organised to mark the council's participation in the Centenary Fields programme as part of the council's programme of events to commemorate the Great War.

#### Decision

To approve the terms of the report.

#### 11. PROPOSALS TO IMPROVE THE PERFORMANCE AND EFFICIENCY OF COMMUNITY RECYCLING CENTRE OPERATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing details of

proposals to improve the performance at Community Recycling Centres, provide a dedicated recycling centre for commercial businesses and to improve the operational efficiency of the sites in line with user demand.

The report advised that a review of Community Recycling Centres (CRCs) had highlighted that changes to operational practise would result in improvements in recycling performance and that operational hours could be reviewed to provide increased operational efficiency based on service user patterns.

CRC's currently operated from 8am to 8pm Monday to Friday and 9am to 6pm Saturday and Sunday all year round with the exception of 25 December and 1 January.

West Lothian had six CRC's situated in Broxburn, Blackburn, Deans, Linlithgow, Oakbank and Whitburn. Each site had a staffing establishment of four employees working on a rolling shift with two staff members being present on site at all times during operating hours.

The sites were currently accessible to both members of the public and commercial businesses. Whilst the sites were free for householders, commercial businesses were charged via a permit scheme.

The report went on to advise that in order to determine usage of sites, traffic counters were installed at all six locations which logged the numbers of vehicles and the times they passed through the site.

The Head of Operational Services explained that the development of Whitehill Service Centre and the subsequent relocation of Waste Services provided an opportunity to develop a new Commercial Waste Recycling Centre (CWRC) to replace the vacated Deans Depot and its CRC. The layout of the new site provided ideal conditions to develop a ground level open bay structure, suited to commercial waste that could be directly transferred into the main recycling shed for bulking, reducing haulage costs, saving time and increased types of volume of material collected.

With the CWRC operational all commercial material would be diverted from the five CRCs which would be achieved through a combination of vigilance and challenging of suspended illegal dumping by the site attendants in addition to systems such as Automatic Number Plate Recognition (ANPR) and web linked CCTV.

Currently business users had to attend the Deans Depot in person to purchase a 500kg permit or a number of permits which could then be used at any CRC site. The move to the CWRC would provide a safe and controlled environment where businesses could deposit materials at ground level and pay by measured weight due to the being controlled by the depots weighbridge system.

Within the remaining household sites the range of materials collected would be increased to enable higher levels of segregation at source to be achieved. The CRC members at Deans would be transferred to the new CWRC at the Whitehill Service Centre. The remainder of the saving was

generated via the activities detailed previously which would bring the average recycling rate from the council Waste Recycling Centres to a minimum of 60% overall.

This increase would see around 2,300 Tonnes of material being diverted from landfill which would generate a saving in the region of £128,000 per annum.

The report further advised that the potential to revise the opening hours within the existing CRC sites was identified following a continued data gathering exercise. Appendix 1 to the report showed the times and number of visits to the CRC's recorded over a 12 month period.

From the data gathered it was noted that across all sites, traffic was lighter outwith the hours of 10am and 6pm, therefore a change in opening hours to 10am to 6pm would minimise the impact on service users whilst enabling the council to continue to deliver savings which would be achieved through a reduction in establishment staffing levels from four to three FTE at each CRC site.

The report provided two options as follows:

- Option 1

A change in opening hours from the current 8am to 8pm Monday to Friday and 9am to 6pm Saturday and Sunday to a standard 10am to 6pm every day of the week would enable the council to achieve the required saving whilst continuing to provide public access in the periods of higher demand.

This option would require a change in the shift pattern, as set out in Appendix 2, which would ensure two staff members were on site during operating hours and that the current terms and conditions of the remaining staff members were not changed, by retaining the current shift allowances and 36 hour average working week.

From a service user viewpoint the standardisation of hours simplifies the message regarding opening hours. The pattern also ensured that the peak visiting hours were covered minimising the impact to service users as a whole.

- Option 2

A change in opening hours from the current 8am to 8pm Monday to Friday and 9am to 6pm Saturday and Sunday to seasonal hours where between the June and September (Peak Season) the opening hours were longer by two hours, with a corresponding reduction in hours between October and May (Off Season). Variable seasonal opening hours were in place in a number of local authority areas.

For example the opening hours could be 10am to 8pm (Season) and 10am to 5pm (Off Season) and would enable the council to continue to provide access during the periods of higher demand,

and at the same time recognise the change in demand at different times during the year. The shift pattern relating to this option was detailed in Appendix 3.

The final proposal for shift options would require consultation with Trade Union and site staff to ensure the best fit was achieved to deliver the saving required whilst maintaining a suitable work life balance for employees within the constraints set. Those constraints being two employees on site at any one time, a 36 hour average working week, and three establishment posts per site.

The Head of Operational Services went on to explain that the steps taken to achieve the proposed savings were phased in order to ensure a smooth transition to the new operational practices and opening hours. The actions taken to deliver the savings related to the alteration of opening hours would follow the Workforce Management policy and procedure.

Actions taken in relation to the improvement in levels of diversion would follow the proposed timeline as set out in table 2 of the report and would be co-ordinated by Waste Services to meet any statutory or internally determined communication and notification periods.

In conclusion the report advised that the proposal confirmed that it was possible to increase recycling performance, provide improvement in the level of service received by site users which in turn would deliver an efficiency saving of £280,000.

The report recommended that the Council Executive agree the proposal to:

1. Increase the diversion from landfill delivered through process improvement and user engagement.
2. Provide greater control over commercial tipping activities and the introduction of a dedicated Commercial Waste Recycling Centre as part of the Whitehill Service Centre project.
3. Revise the operational hours to improve efficiency based on user demand and agree a standard or seasonal approach as detailed in the report.

### Motion

To approve the terms of the report and adopt Option 2 as the preferred option.

- Moved by Councillor Conn and seconded by Councillor King.

### Amendment

1. To retain all 6 current recycling centres
2. To retain current operational hours at all 6 centres

3. To consult with local business users regarding utilisation of Whitehill Service Centre as a dedicated commercial waste recycling centre and to bring a report back to Council Executive on the outcome of this consultation.
- Moved by Councillor Johnston and seconded by Councillor Anderson

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

Motion

Amendment

Tom Conn

Frank Anderson

Jim Dixon

Peter Johnston

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

Tony Boyle

The motion was successful by 9 votes to 2 and was agreed accordingly.

12. BATHGATE WATERCOURSE RESTORATION PROJECT

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a potential partnership project led by the River Forth Fisheries Trust and to seek the council's support for the project.

The report explained that the River Forth Fisheries Trust's remit was to advance, for public benefit, the environmental protection and improvement of all rivers which entered the Forth Estuary and the Firth of Forth by conserving, maintaining and restoring freshwater habitats and the native species of freshwater fish which utilised these habitats.

Therefore the Trust proposed to deliver physical improvement to the watercourse corridors of the Bog Bun, Bathgate Water, Boghead Burn, Couston Water and Logie Water in partnership with the council and the Scottish Environmental Protection Agency (SEPA).

To allow the Trust to commit resources to the project and others in the

Avon and Almond catchments it had sought and been awarded a development-stage grant by the Heritage Lottery Fund of £260,000. The majority of the projects covered by this programme of works would be within the council's area. It was intended that the Trust would lead on project management, community engagement and communications for the projects which were expected to range from large and complex to small community projects.

The Bathgate Watercourse restoration project aimed, to not only benefit the natural environment, but would also set out to deliver wider benefits including the provision of training and work experience opportunities. Additionally the support of the council as a major landowner was seen as critical to the delivery of the project and it was proposed that a Memorandum of Understanding would be drawn up to formalise the project partnership arrangements.

The report concluded that the project was at an early stage and that following the heritage lottery award the next step would be to begin the process of engaging with affected communities.

It was recommended that the Council Executive :-

1. Note that the Bathgate Watercourse Restoration Project was in the early stages of development;
2. Approve the proposal to support the project; and
3. Authorise the Head of Operational Services to negotiate a Memorandum of Understanding with SEPA.

#### Decision

To approve the terms of the report.

### 13. CONSULTATION – FLOOD RISK MANAGEMENT STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a consultation led by the Scottish Environmental Protection Agency on the local flood risk management strategy.

The Head of Operational Services advised that the Flood Risk Management Strategy (Scotland) Act 2008 had introduced a proactive, plan-led, catchment-wide and risk based approach to manage the risk of flooding across Scotland. Therefore local authorities, SEPA and Scottish Water had been working more closely together than ever before to improve knowledge and understanding of the impacts of flooding.

For the purpose of managing flood risk, Scotland had been split into 14 Local Plan Districts (LPD's) for which SEPA would produce a Flood Risk Management Strategy in liaison with member authorities.

SEPA was therefore consulting on the draft information that would make up



the Flood Risk Management Strategies and parts of the Local Flood Risk Management Plans. The consultation was to be delivered in two phases and these were summarised in the report. SEPA had requested that responses that related only to the proposed delivery plans in the second part of the consultation be directed to the Lead Local Authority. The Edinburgh City Council was the Lead Local Authority for the Forth Estuary Local Plan District of which the administrative area of West Lothian was included.

The consultation was available on an internet based portal known as "Citizen Space" and during the second phase of the consultation there would be a facility for those interested to respond to the information that had been presented. SEPA would also accept written responses in writing or by email.

It was recommended that the Council Executive notes the SEPA led consultation on the Local Flood Risk Management Strategy and the second part of the consultation led by the Lead Local Authority.

#### Decision

To approve the terms of the report.

#### 14. EXEMPTION FROM STANDING ORDERS – AWARD OF CONTRACTS TO SCOTTISH WATER FOR THE PROVISION OF A LINLITHGOW AND BATHGATE INTEGRATED CATCHMENT STUDY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to grant exemption from Standing Orders in the award of contracts to be made to Scottish Water in the provision of a Linlithgow and Bathgate Integrated Catchment Study.

Council Executive were advised that West Lothian Council and Scottish Water were both considered Responsible Bodies under the Flood Risk Management (Scotland) Act 2009 and were required to cooperate with SEPA to coordinate the exercise of their functions to reduce overall flood risk.

To manage surface water flooding and urban drainage in the long-term, it was not sustainable to rely on continual upgrading of traditional sewerage and surface water infrastructure. Instead an integrated approach to drainage that took account of all aspects of urban drainage was required.

Of the four priority areas in West Lothian which were to be subject to a Surface Water Management Plan, two, Linlithgow and Bathgate had been identified by Scottish Water as requiring integrated catchment studies. The studies were to be led by Scottish Water which had the resources and expertise. The first study in Linlithgow was expected to commence in 2015 and was estimated to cost the council £51,984 and the second study was expected to get underway until 2017 with an estimated cost of £45,955.

It was proposed that Scottish Water would be responsible for the tendering

and procurement process. All work packages and services procured by Scottish Water would be sourced using the Scottish Water Framework agreements and would be delivered under the New Engineering Contract suite of contracts in accordance with the Scottish Water standard amended terms and conditions of contract.

The Finance and Estates Manager continued to explain that Section 81 of the Local Government (Scotland) Act 1973 required the council to make Standing Orders with respect to the making of contracts by or on behalf of the council for both works and supply of goods and materials. Section 81 however also allowed the council to exempt any contract from this requirement for competition where the council decided that it was satisfied that the exemption was justified by special circumstances and where the aggregated estimated cost was less than the relevant EU threshold under European Procurement Directives.

The benefits of appointing Scottish Water as a contractor were outlined in the report alongside the budget implications.

It was recommended that the Council Executive approve :-

- a) An exemption from Standing Orders in the provision of an Integrated Catchment Study for the Linlithgow and Bathgate areas; and
- b) Award of contracts to be made to Scottish Water.

#### Decision

To approve the terms of the report.

### 15. PROCUREMENT ARRANGEMENTS – SUPPLY OF PVC-U WINDOWS AND DOORS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to use the LHC framework for the supply of PVC-U windows and doors. It was noted that LHC were a not-for-profit consortium set up to provide effective procurement solutions for local authorities, housing associations, schools and other public sector bodies.

The Head of Finance and Estates explained that Building Services were required to have a supplier for PVC-U windows and doors often for reactive maintenance for housing and educational purposes.

Previously the council had its own supply contracts but the use of a national framework was in line with Standing Orders and the previous contract had expired in December 2014. The LHC framework also had the flexibility to allow for fitting as well.

The requirement was advertised in accordance with the European Union Directive and was conducted using the restricted procedure whereby a number of suitably qualified and experienced companies were selected from a pre-qualification process and invited to tender. A criterion of 50% for

price, 25% for qualitative assessment and 25% for essential requirements would be applied at the tender stage.

With regards to sustainability considerations it was noted that LHC's tender questions placed significant emphasis on environmental management including re-cycling, responsible sourcing and sustainable construction. Two of the companies on the framework had Scottish head offices, one of whom had been on the previous council contract. The Corporate Procurement Unit therefore intended to conduct a mini competition with the suppliers and would request detailed community benefits.

Budget implications were also summarised in the report noting that costs and charges incurred by Building Services would be recharged to the appropriate job with recharges being primarily funded through the HRA capital and revenue budgets.

It was recommended that Council Executive approve :-

1. The use of the LHC Framework for the supply of PVC-U Windows and Doors; and
2. Carry out a mini competition with suppliers from the framework.

#### Decision

To approve the terms of the report.

#### 16. PROCUREMENT ARRANGEMENTS – DECORATION VOUCHERS FOR TENANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to use the Procurement for Housing (PfH) framework for Decoration Vouchers for tenants.

The Head of Finance and Estates explained that Housing currently operated a Decoration Vouchers scheme to provide an incentive to tenants to take Void properties. This scheme had grown to include several suppliers including national companies and small and medium enterprises. However the way the scheme was set up was not compliant with current Procurement Regulations and was no longer being used as originally intended.

Therefore a Quality Improvement Team (QIT) was set up following discussions between Housing and their tenants on how to improve the current scheme. Following a series of meetings of the QIT the Corporate Procurement Unit began preparing their Contract Strategy and found that the PfH framework suited the council's needs and could be utilised as soon as the council became a member.

The PfH scheme operated by B&Q issuing pre-loaded cards to Housing with Housing being given access to a website where they activated the card and could set a time limit on them or cancel them if required. Housing

would issue the card in person to a tenant. The cards could also have a limit set on what could be bought to ensure that they were used for decoration items.

The Head of Finance and Estates continued to advise that Standing Orders recommended the use of frameworks where they were in place and that the council's participation in Framework Agreements arranged by other public bodies may only happen with the prior written approval of the Corporate Procurement Manager under delegated authority from the Head of Finance and Estates.

The report continued to provide information on in-house capability, procurement issues including the criteria to be applied at the tender stage which would be 40% for Price and 60% for Quality, sustainability considerations and budget implications. Costs were estimated to be £115,000 per annum and would be funded from the HRA revenue budget.

It was recommended that the Council Executive approve the use of the Procurement for Housing (PfH) framework with B&Q to the end of the current contract in 2017, for the provision of Decoration Vouchers for tenants, noting the price/quality criteria that would be used in the procurement exercise.

#### Decision

To approve the terms of the report.

17. LAND AT HAMILTON SQUARE, ALDERSTONE ROAD, MURIESTON, LIVINGSTON – PROPOSED SALE OF 0.261HA TO MR E RUSSELL-SMITH FOR THE PROVISION OF A NEW HEALTH CENTRE AND PHARMACY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of 2,610sqm (0.261 ha) of land at Alderstone Road, Murieston, Livingston to Dr E Russell-Smith for the development of a new health centre.

The Head of Finance and Estates advised that the site at Hamilton Square to the south of Alderstone Road, Murieston had previously been identified as the location for a new health centre. This would replace the portacabins which were erected on the adjoining site in excess of ten years ago to provide a health centre for the local community.

It was noted that Council Executive had approved the sale of the land to Dr E Russell on the 17 December 2013 for the purchase price of £202,500. However during the due diligence phase of the project Dr Russell-Smith and his team had identified that there were Scottish Water pipes dissecting the site. Therefore due to the location of the pipes the development as originally planned could not be progressed and changes were made to the planning permission to facilitate the development on the restricted site.

In essence the land under which the pipes were located and for three

metres to each side of the pipes could not be developed and as a result these areas could only be used for car parking and landscaping. This therefore reduced the value of the land.

Negotiations had taken place between the council and Dr Russell-Smith and his team and this resulted in a revised sale price but with other proposed terms of sale remaining largely unchanged and as summarised in the report.

The Head of Finance and Estates concluded that given the restrictive nature of part of the site and the urgent requirement for a health centre in the Murieston area it was considered to be in the council's best interest to sell the site at Alderstone Road in accordance with the terms detailed in the report.

It was recommended that the Council Executive :-

1. Approve the sale of land at Alderstone Road, Murieston to Dr E Russell-Smith for £150,000 subject to the terms and conditions set out in the report; and
2. Grant delegated powers to the Head of Finance and Estates to agree to any changes to the current offer in order to conclude the transaction with the exception of any changes to the sale price.

#### Decision

To approve the terms of the report

#### 18. CAFÉ LAIRD'S LODGE, POLKEMMET COUNTRY PARK, WHITBURN – LETTING OF COURTYARD CAFE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the conclusion of negotiations in respect of a proposed lease of the café at Polkemmet Country Park, Whitburn to Courtyard Café and to seek approval for a lease.

The Council Executive were advised that the café at Laird's Lodge in Polkemmet Country Park had been let on three previous occasions but on each occasion the occupier had been unable to sustain a long term business from the premises. As the café had once again become vacant on 30 September 2014 after due consideration it was determined that it would be appropriate to let the café on a seasonal licence. Therefore the property was marketed with a closing date of 30 January 2015.

Two tenders were received and these were evaluated with the assistance of Economic Development staff.

The report continued to explain that based on previous leases for the property and a thorough assessment, officers believed that in this location the bidder must demonstrate sound and relevant experience. The under bidder had experience of being self-employed and running their own business and had extensive experience in the catering industry whilst the

highest bidder was unable to show any previous experience of being self-employed and running a business and was not able to demonstrate the Health & Safety requirements of a catering business.

Therefore in this instance the case officer was of the opinion that the under bidder had the relevant experience and was therefore likely to achieve more success. Whilst the council's usual practice would be to accept the highest bidder officers believed that the offer from the second highest bidder, Courtyard Café, had the potential for future growth whilst being a more sustainable offer at Polkemmet Country Park.

It was considered in the council's best interests to conclude the lease to the Courtyard Café.

It was recommended that the Council Executive approve a lease of the café at Polkemmet Country Park, Whitburn to Courtyard Café for a period of one year at an initial rent of £5,500 per annum.

### Decision

To approve the terms of the report.

## 19. EAST CALDER PARTNERSHIP CENTRE

The committee considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the proposal for the delivery of a partnership centre at East Calder.

The report advised that council officers had reviewed relevant issues regarding a proposed partnership project at East Calder. The review identified outline proposals for the delivery of the partnership centre which would form the basis for further consultations with stakeholders.

In considering a number of key considerations which were outlined in the report officers proposed design and construction based on the following:-

- Development of a site within council ownership adjacent to the existing health centre:
- The accommodation to extend to a maximum of 900 square metres and consist of a multi-function hall, meeting room, library / CIS, offices, changing rooms and ancillary accommodation. The exact schedule of accommodation would be developed in consultation with the already established community engagement group;
- A formal car parking area would be created within the development proposals which would serve the partnership centre as well as the local village centre;
- Accommodation would be developed to ensure it was flexible to meet changing future operational, community and commercial requirements; and

- Development would be sympathetic to any future development of a new health centre by the NHS.

It was proposed that the already established partnership community engagement group engage with the design team and support the development from design through to construction and completion.

In conclusion the Head of Finance and Estates advised that the review undertaken by officers had identified key considerations for the delivery of a partnership in East Calder. The findings of the review had identified the potential for a new partnership centre as outlined in the report and would provide a focal point for the local community to access services and support the vitality and viability of the village centre.

The report recommended that the Council Executive:-

1. Note the findings of the review undertaken by officers in relation to the development and delivery of a partnership centre in East Calder;
2. Note the findings of the initial site appraisal and community consultation that had identified the site adjacent to the existing health centre and to the rear of the existing Community Education Centre as the preferred location for the new partnership centre.
3. Approve progressing the design and construction of the proposed partnership centre; and
4. Agree that consultation continue with relevant stakeholders on the design and delivery requirements for the proposed new partnership centre and that the consultations be concluded by June 2015.

#### Decision

To approve the terms of the report.

#### 20. WHITBURN PARTNERSHIP CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the review undertaken on potential partnership property proposals relating to Whitburn

The report advised that council officers had reviewed relevant issues regarding a proposed partnership project at Whitburn. The review identified outline proposals for the delivery of the partnership centre which would form the basis for further consultations with stakeholders.

In considering a number of key considerations which were outlined in the report officers proposed design and construction based on the following:-

- Re-development of existing Burgh Halls and land / car park at the

Cross, Whitburn;

- Accommodation would extend to a maximum of 1,500 square metres and consist of a multi-function hall, meeting rooms, integrated library / CIS, operational offices (Housing and other services) and ancillary accommodation. The exact schedule of accommodation would be developed in consultation with the community;
- Creation of a Civic area for community events and gatherings; and
- Accommodation would be developed to ensure it was flexible to meet changing future operational, community and commercial requirements; and
- Development would be sympathetic to any future development of a new health centre by the NHS.

It was proposed to establish a community engagement group with invitations extended to representatives from the Community Council, Community Education Centre Management Committee, Development Trust and other community groups together with Council Services. The group would engage with the project team and support the development from design through to construction and completion.

This level of local engagement would ensure that the delivery of the new partnership centre was transparent and collaborative. The intention was for the consultation to be concluded by Autumn 2015 which would allow design development and construction programming to be finalised and a site start in Summer 2016.

In conclusion the Head of Finance and Estates advised that the review undertaken by officers had identified key considerations for the delivery of a partnership in Whitburn. The findings of the review had identified the potential for a new partnership centre as outlined in the report and would provide a focal point for the local community to access services and support the vitality and viability of the village centre.

The report recommended that the Council Executive:-

1. Note the findings of the review undertaken by officers in relation to the development and delivery of a partnership centre in Whitburn;
2. Note the findings of the initial appraisal that identified the site of the existing Burgh Halls, Housing and CIS Office and public car park at The Cross as a potential location for the proposed new partnership centre;
3. Agree that consultation should be undertaken with relevant stakeholders on the design and delivery requirements for the proposed new partnership centre and that these should be concluded by September 2015; and
4. Agree that officers present a further report to Council Executive in



Autumn 2015, following conclusion of the consultation, design and construction programme development.

Decision

To approve the terms of the report.

21. PROCUREMENT – MONTH 9 MONITORING REPORT 2014-15

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

The Head of Finance and Estates explained that work had been carried out on the provision of new contracts to assist in increasing the percentage of contracted spend. This had resulted in 47 contracts being let or adopted in the last year, details of which were attached to the report at Appendix 1.

Further work to identify and input contracts not included in the Corporate Contract Management System (CCMS) had taken place resulting in 83.8% of spend being captured against the annual target of 90%.

As a result of the contract management approach, closer working relationships were being developed with service areas to identify and deliver savings through better contracting practices. The estimated savings identified for 2013-14 were currently £679,000 of the full year target of £752,000 and further savings were being investigated to deliver the target figure by the year end.

The report continued by providing information on progress against procurement review and strategy, collaborative arrangements, improving procurement capabilities and capacity, community benefits and changes to Standing Orders for the Regulation of Contracts.

It was recommended that the Council Executive note :-

1. The contracts let between October to December 2014 and savings achieved to date in 2014-15; and
2. The community benefits gained as part of the procurements between October and 31 December 2014.

Decision

To approve the terms of the report.

22. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 21 January

2015, a copy of which was attached to the report.

23. WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the West Lothian Community Health and Care Partnership Board meeting held on 9 December 2014, a copy of which was attached to the report.

Decision

To note the terms of the report.

# COURT OF THE DEACONS OF THE ANCIENT AND ROYAL BURGH OF LINLITHGOW

Provost  
JIM CARLIN,  
31 Clarendon Road,  
LINLITHGOW  
West Lothian  
EH49 6AN



Clerk to the Court  
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17<sup>th</sup> March 2015

West Lothian Council  
Civic Centre,  
Howden South Road,  
Livingston,  
EH54 6FF

Dear Jacqui,

Riding of Linlithgow Marches – Tuesday 16<sup>th</sup> June 2015  
Nomination of Councillors to Attend

As is now normal practice, I would be obliged if you could arrange for West Lothian Council to nominate up to five Elected Members to attend this year's Riding of the Marches.

I look forward to hearing from you.

Best Regards,

A handwritten signature in black ink, appearing to read 'Ross McIntosh'. The signature is written in a cursive style with a horizontal line underneath.

Clerk to the Court





## **COUNCIL EXECUTIVE**

### **SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES**

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

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

To allow the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2015/16.

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

The Council Executive is asked to adopt the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2015/16 as set out in Appendix 1.

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

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's Code of Corporate Governance requires the Scheme to be reviewed annually by Committee.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Elected Members remuneration, allowances and expenses will be resourced from within the 2015/16 Revenue Budget.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	In accordance with the Council's Financial Regulations, the Head of Finance and Estates has been consulted.

## **D. TERMS OF REPORT**

### **D.1 Background**

The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by Committee.

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2008, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010, 2011, 2013 and 2015.

### **D.2 2015/16 Pay Levels**

Elected Members remuneration is set by the Scottish Government. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2015 which come into force of 1 April 2015 include the provision of a 1% increase to basic pay levels effective from that date.

### **D.3 2015/16 Scheme**

The Finance Bill 2015, which is currently going through the Parliamentary process, contains HMRC clauses and explanatory notes on Councillors home to work travel which will apply from 1st April 2015. As a result, mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Section 4, which relates to Travel Allowances, of The scheme for Elected Members Remuneration, Allowances and Reimbursement of Expenses has been updated to reflect this position.

#### Proposed Wording

##### ***Home to Work Travel***

*"Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation."*

## **E. CONCLUSION**

The Council is required to adopt a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for the incoming year.

The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2015 which come into force of 1 April 2015 include the provision of a 1% increase to basic pay levels effective from that date.

The scheme for 2015/16 has been amended to reflect the changes in taxation of mileage claims for Elected Members who live more than 20 miles outside the council's boundary which come into effect on 1 April 2015.

The Council will be fulfilling the obligations set out in the Code of Corporate Governance by reviewing the Scheme and adopting the proposed changes.

## **F. BACKGROUND REFERENCES**

- The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2008, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2015.

Appendices/Attachments: Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2015/16.

Contact Person: Katrina Daly – Interim HR Manager - Operations

Email: Katrina.daly@westlothian.gov.uk

Tel: 01506 281402

**Julie Whitelaw**

**Head of Corporate Services**

**24 March 2015**





## WEST LoTHIAN COUNCIL

### SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES 2015/16

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REMUNERATION, ALLOWANCES AND EXPENSES

## **WEST LoTHIAN COUNCIL**

### **SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES**

#### **1 INTRODUCTION**

The scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2008, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2015 and the Finance Bill 2015.

#### **2 ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS**

##### **2.1 Positions**

Remuneration levels for Elected Members are dependent on the responsibilities held. With the exception of the position of basic Councillor, levels of payment are determined by a banding system. For remuneration purposes West Lothian Council is placed in Band B.

**Leader of the Council** – Each local authority will have one Council Leader post.

**Civic Head** – Each local authority will have one Civic Head post and has scope to determine the level of salary paid up to a maximum of 75% of the remuneration paid to the Council Leader.

**Senior Councillor** – Individual authorities have the flexibility to determine which positions should be considered Senior Councillor meriting a higher level of remuneration. In doing so, the restrictions set out in the regulations that should be considered are:

- the limit on the number of posts that each council may have (West Lothian Council limit of 14);
- the total budget available for paying Senior Councillors;
- that payment cannot be more than 75% of the remuneration paid to the Leader.

**Councillors** - Elected Members who do not hold the position, for remuneration purposes, of Leader, Civic Head or Senior Councillor will receive remuneration set at the basic level.

##### **2.2 West Lothian Council – Levels of Remuneration**

The scope for determining levels of remuneration for Elected Members is set out in the regulations. The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by committee. Any increases notified by the Scottish Government within the annual reporting cycle will be applied administratively.

## **2.3 Joint Boards and Community Justice Authorities**

Conveners of joint boards and community justice authorities shall be paid a total yearly amount of £20,909 (this includes the salary they receive as a councillor). The vice-convenor will be paid a total yearly amount of £19,864 (this includes the salary they receive as a councillor). If the convener or vice-convenor receives greater remuneration as a Senior Councillor, the greater amount will be payable.

## **2.4 Renouncing all or part of a salary**

Any Elected Member, regardless of level of payment, will be able to renounce receipt of all or any part of his/her salary if he/she wishes to do so. If an Elected Member chooses to renounce all or part of the payment due they should advise the Head of Corporate Services in writing.

# **3 CLAIMING ALLOWANCES & EXPENDITURE**

## **3.1 West Lothian Council Business**

Elected Members are required to complete the standard form, as set out in the regulations, for claims for reimbursement of travel, subsistence and expenses costs. Claim forms are available from the Member Services Administration team or can be downloaded from <http://www.westlothian.gov.uk/media/1856/Elected-Members-Claim-Form/excel/claimformelectedmember.xlsx>

Completed forms should clearly indicate the approved duty undertaken. For ease of administration the reference letters allocated in Appendix 1 can be used. It is only necessary to detail times if a claim for subsistence is made.

Claim forms should be completed and submitted on a monthly basis. Dates for submitting forms for payment will be provided to the Member Services Administration team and are published on <http://www.westlothian.gov.uk/media/3089/Elected-Members-Payment-Dates/pdf/ElectedMembersPaymentDates.pdf>

## **3.2 Joint Board Business**

For councillors who are also members of joint boards, there is a requirement to report expenses relating to this business separately. The standard claim form for reimbursement of travel, subsistence and expenses costs for joint board business is available from the Member Services Administration team or can be downloaded from <http://www.westlothian.gov.uk/media/1859/Joint-Board-Travel-and-Subsistence-Claim-Form/excel/claimformjointboard.xlsx>

## **3.3 Submission and Publication**

It is the responsibility of each individual Elected Member to complete forms accurately and duly sign the declaration. Completed forms should be passed to Corporate Services for processing.

As the Council is required to publish information on Elected Members' salaries, allowances and expenses by 1 June each year, expenses claims for that year must

be submitted no later than 10 April. Expenses claims submitted after this date will only be reimbursed in exceptional circumstances to be determined by the Head of Corporate Services.

## **4 TRAVEL ALLOWANCES**

Elected Members are expected to adopt the most cost effective method of travel.

Payment of travel allowances will be paid to Elected Members in accordance with the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

Travel allowances will be paid at the rates set by the regulations for journeys necessarily incurred for the purpose of performing approved duties. The list of approved duties is set out in Appendix 1.

### **4.1 Private Car, Van, Motorcycle or Bicycle**

#### **Work Travel**

Where the method of travel is by private car, van, motorcycle or bicycle the mileage claimed should commence from the point of departure on Council business and should be on the basis of excess mileage incurred on approved duties.

Rates of mileage allowance are set in the Regulations and are as follows:

Mode of Transport	Amount Per Mile
Car or Van	45p
Motorcycle	24p
Bicycle	20p
Additional passenger rate (per passenger)	5p

As HM Revenue and Customs have set the maximum statutory tax free rate of mileage allowance at 45p per mile. PAYE will not be payable on mileage allowance claims.

In addition to mileage, the following associated costs will be reimbursed:

- Parking charges – receipted costs of expenditure incurred
- Road and bridge tolls
- Road pricing/congestion charges – receipted costs of expenditure incurred
- Ferry fares for car, motorcycle or bicycle - receipted cost of expenditure incurred

#### **Home to Work Travel**

Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Mileages incurred should be so detailed to provide a suitable trail for audit purposes. In this respect, details of each port of call must be entered on the claim form.

Elected Members have an obligation to claim the shortest route for each journey undertaken irrespective of the miles actually travelled.

## **4.2 Public Transport**

Where the method of travel is by public transport, the following expenses may be claimed:

- Buses and trams – expenses incurred, including season ticket/passes where this is considered more cost effective.
- Taxis, trains, air travel, ferry travel – receipted cost of fare.

Travel by taxi should only be in cases of urgency or when no public service is reasonably available. If an Elected Member requires to travel by taxi on a regular basis, the principle of this should be agreed beforehand with the Head of Corporate Services.

It is expected that travel by public transport should be by standard or economy class.

## **5 SUBSISTENCE**

### **5.1 Meals**

Where an Elected Member is required to carry out Council business outwith his or her own ward, or outwith council premises in the local authority area of which they are a member, actual receipted cost of reasonable expenses may be reimbursed up to the levels detailed below:

Breakfast*	£8
Lunch	£12
Dinner	£25

\*Reimbursement of breakfast costs cannot be claimed in addition to overnight subsistence and are only payable when there is a requirement to travel some distance.

### **5.2 Overnight Subsistence**

In the case of an absence overnight from the usual place of residence the maximum rates of receipted reimbursement are:

Standard	£110
London	£131

This reimbursement covers the cost of bed and breakfast whether accommodation is booked on a “room only” or “bed and breakfast” basis.

Friends or Family	£25
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Where overnight accommodation away from home is taken with friends or family a rate of £25 per night is payable. Any claim relating to this allowance must include the accommodation address and the name(s) of the friends or family with whom the Elected Member stayed. In the circumstances where a claim of this kind is made, no other overnight allowance is payable.

Where the Council itself purchases places for Elected Members at a residential conference or other event, no overnight subsistence will be payable.

### **5.3 Overseas Accommodation**

Where travel overseas is required, the maximum level of receipted reimbursement will generally be equivalent to the London rate.

Overseas	£131
----------	------

## **6 CIVIC HEAD ALLOWANCE**

The Civic Head, or persons deputising for the Civic Head, may be reimbursed actual and receipted expenditure incurred in carrying out civic duties up to a maximum of £3,000 in a 12-month period running from the date of election.

## **7 TELEPHONES, COMPUTERS AND OTHER EQUIPMENT**

Guidance on the provisions available in relation to telephone, computers and other equipment and the costs that will be reimbursed and the arrangements for doing so is set out in Appendix 2.

## **8 PAYMENT ARRANGEMENTS**

The payment of travel and subsistence allowances and Civic Head expenses will be paid monthly on the last Thursday of the month. Payments will be made directly to the Elected Member's bank account.

## **9 TAXATION**

Any Elected Member wishing information on the tax implications of specific allowances should seek advice from the HR Operations Section of Corporate Services.

## **10 CHECKS AND CONTROLS**

Elected Members should annually submit a valid driving licence and car insurance certificate for inspection at the start of each financial year to Corporate Services. The car insurance should cover Council business use.

Total claims for subsistence and mileage will be reported to the Leader of the Council on a 3-monthly basis. Elected Members will also be provided with details of their own cumulative claim totals.

Corporate Services staff will ensure the arithmetical accuracy of the form and will vouch travel allowances claimed for Committee attendance.

Corporate Services staff will ensure that all claims submitted adhere to the details contained in this Scheme otherwise the claim will be returned to the Elected Member.

## **11 PUBLICATION**

Information on Elected Members salaries, allowances and expenses will be published on the Council's website by 1 June each year. This information will include any ICT related costs and costs for transport, subsistence and attendance at conferences paid for directly by the Council on behalf of Elected Members. This information will also be available for inspection at council offices when requested in writing by a member of the public. Appendix 3 sets out the template for publicising Elected Members Remuneration, Allowances and Expenses.

CORPORATE SERVICES  
POINTS OF CONTACT

Name	Designation	Telephone	Location
Lesley Henderson	HR Services Manager	01506 281408	Civic Centre
Jackie Wilson	Team Leader - Payroll	01506 281463	Civic Centre



## WEST LoTHIAN COUNCIL

### APPROVED DUTIES

Allowances are payable for the purpose of an approved duty, the Local Government (Scotland) Act 1973 defines an approved duty as:

- Attendance at meeting of the body or any of its committees or sub-committees, and
- The doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body or of any of its committees or sub-committees.

The term body used above includes the Convention of Scottish Local Authorities, West Lothian Council and Joint Boards of which the council is a participant.

The “approved duties” approved by the council in terms of section 46 of the Local Government (Scotland) Act 1973 are listed hereunder, viz:

REFERENCE	APPROVED DUTY
a)	Attendance at a duly constituted meeting of the Council and Committees or Sub – Committees thereof, Policy Development & Scrutiny Panels and Local Committees.
b)	Attendance in the capacity as a member of the Council at meetings, functions or ceremonies at the invitation of non-party political organisations.
c)	Attendance by Chair of Committee or Sub-Committee of the council, or an Executive Elected Member (portfolio holder), as the Council’s representative at any event, function or visit whose matter is closely related to the function of that committee or Sub-Committee or Portfolio.
d)	Attendance at scheduled surgeries.
e)	Attendance at surgeries outwith a member’s own ward, where necessary.
f)	Attendance by an Elected Member at specified place and at a pre-arranged time for the purpose of being available for consultation by constituents on problems arising in connection with the discharge of the functions of the council or any of its committees or sub-committees. Attendance for consultation with constituents at a place within the area of West Lothian Council other than at fixed or specified locations.
g)	Attendance at meetings of other bodies as a duly appointed delegate of the council.

REFERENCE	APPROVED DUTY
h)	Attendance at a conference or course as a duly appointed delegate of the Council.
i)	Attendance by a Chair of a Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), or their nominees at meetings which have to be arranged on occasions with officials of the Council.
j)	Attendance by the Provost, Deputy Provost and Leader of the Council at his or her office to undertake official duties.
k)	Attendance at any other function or ceremony with prior approval of the Council or appropriate Committee or Sub-Committee.
l)	Attendance of a local member of the Council at a meeting called by the Provost or Chair of Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), and/or an officer of the council to discuss business of a competent nature.
m)	Undertaking a duty in connection with the Council's functions, provided it has been approved in advance by the appropriate Committee or Sub-Committee, with the proviso that when a duty of an emergency nature arises which cannot be dealt with by telephone or correspondence, that emergency duty will be reported to the next meeting of that Committee or Sub-Committee for consideration as an "approved duty".
n)	Attendance at duly notified meetings of Elected Members of the political group.
o)	Attendance of Elected Members of the Council at area offices following a surgery in pursuance of any enquiry made to the local member by a constituent at the surgery.
p)	Attendance of Elected Members of the Council at properly constituted meetings of Community Councils and Parent Councils established within their ward.
q)	Attendance at Council premises for the purpose of carrying out clerical research and correspondence duties in relation to matters raised with Elected Members by constituents. Such duties will occur as required, but shall constitute "approved duties" on not more than one occasion in each working day.
r)	Attendance of political group officers, namely, Leader, Deputy Leader, Secretary and Whip to carry out work on behalf of the group on the basis of not more than five occasions in a calendar month.

## **WEST LOTHIAN COUNCIL**

### **ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER EQUIPMENT ALLOWANCES**

#### **CLAIMS PROCEDURE AND GUIDANCE NOTE**

This guidance note sets out the provision available in relation to the costs that will be reimbursed and the arrangements for doing so.

#### **1. Computers**

Each Elected Member will be provided with a desktop PC or laptop computer for business use.

#### **2. Home Telephones**

Elected Members may choose to have either:

- A secondary (business) home telephone line installed and administered by the Council; or
- 50% of receipted line rental and itemised billing charges reimbursed for a home telephone which is used for both business and personal use.

Where a telephone package involves payment of line rental and a fixed sum in relation to call charges, reimbursement will be for 50% of the line rental charges plus any identified business call costs only.

#### **3. Mobile Telephone / Blackberry and iPad**

The Council will provide a mobile telephone/Blackberry and an iPad to Elected Members from a supplier of the Council's choice. The Council will be responsible for the following costs:

- Telephone equipment
- Line rental/charge
- The actual cost of business

The use of mobile telephones/Blackberry and iPads is restricted to Council business only. On receipt of these devices Elected Members will be required to provide a written undertaking regarding restrictions of use. In exceptional circumstances, an Elected Member may use the mobile telephone/Blackberry for a private call. In such cases he or she will be required to repay the full cost of the call to the Council.

As international roaming is not included in the contract for iPads, if an Elected Member requires to use their iPad whilst abroad, this must only be done in areas where free wifi is available. Elected Members must contact IT Services prior to

taking the iPad abroad in order to get the international bar lifted. This bar must be reinstated on return.

#### **4. Broadband Internet Services**

Broadband internet services will be made available to Elected Members based on business need to be determined in conjunction with the Head of Corporate Services.

When requesting installation Elected Members will be required to provide an written undertaking regarding restrictions of use.

#### **5. Remote Secure Access (RSA) Tokens**

RSA Tokens will be made available to Elected Members based on business need in circumstances where an Elected Member requires secure remote access to network drives. Business need shall be determined in conjunction with the Head of Corporate Services.

#### **6. Payment of Accounts**

- Home Telephones for Business and Personal Use

The Elected Member will be responsible for paying accounts for home telephones used for business and personal use to the provider of the service.

- Secondary Phone Line for Business Use

The Council will administer the payment of secondary phone lines installed for business use only.

- Mobile Telephones/Blackberry and iPad

The Council will administer the payment of mobile telephone/Blackberry and iPad accounts.

- Broadband Internet Services

Where broadband internet services are provided via a home telephone package the Elected Member will be responsible for paying accounts for the broadband internet service. The Council will administer the payment of broadband internet services installed for business use only.

#### **7. Reimbursement of Costs**

Elected Members must submit a receipted telephone account and/or broadband internet service account to Corporate Services, before any reimbursement of costs can be made. Where an Elected Member has opted to use one phone line for business and personal use, then receipted accounts must be accompanied by a statement of business calls being claimed.

Elected Members paying telephone and/or broadband internet service accounts by direct debit or budget account must submit the payment invoice received from the provider of the service.

Reimbursement will be made through the payroll system.

## **8. Taxation**

- **PAYE**

- **Home Telephones**

Reimbursements of home telephone rentals are subject to tax under PAYE. Tax is calculated at the time of payment and is deducted at source from the rental cost. Business telephone calls are not liable to tax. This however is subject to appropriate controls being in place.

Elected Members are required to keep records of private and business calls and they have a responsibility to keep itemised call billing statements and any other supporting evidence where reimbursement is being sought for business calls.

- **Mobile Telephones/Blackberry**

No tax charge arises from the use of mobile telephones/Blackberries. The Council will retain copies of mobile telephone/Blackberry accounts and itemised call billing statements for inspection purposes.

- **Broadband Internet Services**

No tax charge arises for the reimbursement of broadband internet service accounts which are provided for business purposes. The council will retain copies of billing statements for inspection purposes.

- **VAT**

Elected Members will be reimbursed for the VAT component of rental and business calls subject to provision of a receipted telephone account and/or broadband internet service account. The actual receipted account must be submitted, as copies are not sufficient for the Council to reclaim the VAT element. Where Elected Members pay telephone accounts and/or broadband internet service accounts by direct debit or budget account, the actual payment invoice received from the provider of the service must be submitted.

## **9. Other Matters**

Elected members may wish to have home telephone features that are additional to the basic services listed above. Where this is the case, Elected Members will be responsible for meeting the full cost of these features with no reimbursement being provided by the Council.

Additional mobile telephones/Blackberries purchased for private use will be the responsibility of Elected Members, with no reimbursement of any aspect of the cost being made, even where occasional business use is incurred.

[illegible]

		Payment	Amount







## **COUNCIL EXECUTIVE**

### **CONSIDERATION OF THE COUNCIL'S UNAUDITED ACCOUNTS, ANNUAL GOVERNANCE STATEMENT, AND AUDITED ACCOUNTS**

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

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

The purpose of this report is to inform Council Executive of the provisions of the Local Authority Accounts (Scotland) Regulations 2014, to seek approval for the proposed arrangements for the consideration of the unaudited accounts, annual governance statement and audited accounts, as set out in section D3 below, and to seek approval for the required changes to the council's Scheme of Administration.

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

It is recommended that Council Executive:

- (1) approves the proposed arrangements as set out in section D3 of this report;
- (2) approves the required changes to the council's Scheme of Administration as set out in section D3 of this report.

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

<b>I Council Values</b>	Being honest, open and accountable. Making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Local Authority Accounts (Scotland) Regulations 2014 set out requirements for the consideration of the council's unaudited accounts, annual governance statement, and audited accounts.
<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>	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	None required.
<b>VIII Other consultations</b>	Committee Services Manager, Audit and Risk Manager, Corporate Finance Manager.

## **D. TERMS OF REPORT**

### **D.1 Introduction**

The Local Authority Accounts (Scotland) Regulations were laid before the Scottish Parliament on 7 July 2014 and come into force from the financial year 2014/15. The regulations include a number of provisions in relation to the consideration of the unaudited accounts, annual governance statement, and audited accounts.

### **D.2 Requirements**

The annual accounts must be submitted to the auditor no later than 30 June immediately following the financial year to which they relate. This is current practice and will continue unchanged.

The Council, or a committee whose remit includes audit or governance, must meet to consider the unaudited annual accounts. The statutory date for this is 31 August however best practice is to do this by 30 June.

The Council, or a committee whose remit includes audit or governance, must approve an annual governance statement. The annual governance statement forms part of the accounts and it would therefore be sensible for it to be approved at the same meeting that considers the unaudited accounts.

The Council, or a committee whose remit includes audit or governance, must meet to consider the audited annual accounts and approve the accounts for signature by 30 September immediately following the financial year to which they relate. Current practice is for Council to meet to consider and note the signed audited accounts. Council also considers the auditor's annual report to members on the audit and refers this to the Audit and Governance Committee, and this practice will continue unchanged.

### **D3 Proposed Arrangements**

It is proposed that the unaudited annual accounts will be considered by the Audit and Governance Committee by 30 June each year following the year to which they relate. At this meeting the Audit and Governance Committee will also be asked to approve the annual governance statement.

The audited annual accounts will be approved for signature by Council by 30 September each year following the year to which they relate.

In accordance with the requirements of the regulations, the proposed arrangements will commence for the 2014/15 annual accounts. The following changes to the council's Scheme of Administration will be required to enable these arrangements to take effect.

#### West Lothian Council

Remove from section A remit and powers: "to receive the certified abstract of the Council's accounts" and replace with: "to approve the annual audited accounts for signature".

#### Audit and Governance Committee

Add to section A remit and powers: "to consider the unaudited annual accounts" and "to consider and approve the annual governance statement".

## **E. CONCLUSION**

The proposed arrangements will enhance the council's governance arrangements, and ensure compliance with the provisions of the Local Authority Accounts (Scotland) Regulations 2014.

## **F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: None.

Contact Person: Kenneth Ribbons, Audit and Risk Manager –  
[Kenneth.ribbons@westlothian.gov.uk](mailto:Kenneth.ribbons@westlothian.gov.uk) Tel No. 01506 281573

**Donald Forrest**  
**Head of Finance and Estates**  
Date: 24 March 2015





## **COUNCIL EXECUTIVE**

### **PROCUREMENT ARRANGEMENTS – LINLITHGOW PARTNERSHIP CENTRE**

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

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

To seek Council Executive's approval to commence tendering procedures for the procurement of a contractor to complete the works for the Linlithgow Partnership Centre project, employing the evaluation methodology and criteria detailed in the recommendation below.

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

It is recommended that the Council Executive approves:

- 1) The use of the Restricted Procedure for procurement of a contractor to complete the works for the Linlithgow Partnership Centre whereby suppliers expressing an interest in the contract will be reduced through a Pre-Qualification Questionnaire with six being invited to tender, and,
- 2) The award criteria as set out in Section D of the report.

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

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Making best use of our resources
	Working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2012.
<b>III Implications for Scheme of Delegations to Officers</b>	None

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The costs are likely to be around £3.9m and will be funded through the approved capital budget for this project, with Housing, Construction and Building Services providing the Architectural and Project Management staff, and other professional disciplines being procured.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	The specification will be provided by Housing Construction and Building Services and their external design team, who will also participate in the evaluation. The Corporate Finance Manager was consulted on budget implications. The Community Benefits Officer was consulted on inclusion of community benefit clauses.

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

##### **Background**

The County Buildings, Linlithgow are of national historic interest and are included in Scotland's National Collection of Buildings, which highlights many of the buildings' features.

The proposal to create a new Partnership Centre continues the council's strong track record in this area and will present an opportunity to reinvigorate the buildings whilst delivering a modern service in Linlithgow which will enhance the town centre and act as a hub for local residents and groups.

The Linlithgow Partnership Centre is intended to deliver a facility for the Linlithgow community that provides improved customer access to partner services and facilities, local agencies and support networks. This will create increased opportunities for social contact, educational advancement and economic and personal wellbeing.

The project will contribute to the council's asset management strategy by reducing the number of buildings used for operational purposes.

The project budget of £3.9m was approved at Council Executive on 27 January 2015. Given the proximity of the budget to the threshold for works contracts at

£4,322,012, as defined by the EU Procurement Directives, it is recommended that the tender is conducted in accordance with the Restricted Procedure for tenders over the threshold.

### **In House Capability**

In line with the council's Best Value Framework, this project will be tendered to appoint an external contractor. Part of the design team has been resourced in-house with a previous procurement exercise procuring engineering and cost disciplines. This team will produce a detailed set of drawings and specification to enable to tenderers to give the council as accurate prices as possible.

### **Procurement Issues**

The requirement will be advertised in accordance with the European Union Procurement Directives. It is proposed that the Restricted Procedure is used whereby suppliers expressing an interest in the contract will be reduced through a Pre-Qualification Questionnaire with six being invited to tender.

The following award criteria will be applied at the tender stage:

Price	- 70%
Quality	- 30%

### **Sustainability Considerations**

Following the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to follow the Construction Industry Training Board (CITB) National Skills Academy guidance for Community Benefits.

Following consultation with the Community Benefits Lead Officer, initial investigations indicate that there is scope to incorporate a CITB Community Benefits clause into the contract documentation. As a minimum, the council will expect the successful Contractor to deliver such benefits as part of the Contract, and will be monitored as such.

### **Budget Implications**

The estimated cost of approximately £3.9m is contained within the approved capital budget in the General Services capital programme.

## **E. CONCLUSION**

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D above for the tendering of works to complete the Linlithgow Partnership Centre project.

## **F. BACKGROUND REFERENCES**

A copy of the specification for this contract is available on request from Corporate Procurement.

Appendices/Attachments: None

Contact Person: Peter Cameron, Category Manager

Email: [peter.cameron@westlothian.gov.uk](mailto:peter.cameron@westlothian.gov.uk)

Tel: 01506 282614

**Donald Forrest**

**Head of Finance and Estates**

Date: 24 March 2015





## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY ARMADALE AND BLACKRIDGE LEAD OFFICER**

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

The purpose of this report is to seek approval of the attached report which was heard at Armadale and Blackridge Local Area Committee (LAC) on 6 March 2015. Members agreed with the report however could not approve it as the meeting was inquorate.

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

1. It is recommended that the Executive approve the report.

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

<b>I Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<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>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.

## **VIII Other consultations**

The report was considered at the Armadale and Blackridge LAC on 6 March 2015. Members of the LAC agreed that the report should be forwarded to the Executive for approval.

## **D TERMS OF THE REPORT**

### **D1 Background**

The Armadale and Blackridge LAC considered the attached report on 6 March 2015. The report recommends distribution of funds from the Village Improvement Fund for the Armadale and Blackridge ward. The two members present agreed with the report, however due to only being two in number, could not approve the proposals. In such cases, it falls upon the Lead Officer to present the report to the Council Executive, asking that the views of the LAC be considered. This report fulfils this requirement.

## **E. CONCLUSION**

The members of the Armadale and Blackridge LAC agreed the content of the attached report however due to being inquorate, could not approve the report. Council Executive is now requested to approve the report on behalf of the Armadale and Blackridge LAC.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014), Armadale and Blackridge Local Area Committee (August 2013), and Armadale and Blackridge Local Area Committee (March 2015).

Appendices/Attachments: One

Appendix 1: Armadale and Blackridge Local Area Committee – West Lothian Villages Improvement Fund applications

Contact Person: Douglas Benson, Community Regeneration Officer, Tel. 01506 281970, [douglas.benson@westlothian.gov.uk](mailto:douglas.benson@westlothian.gov.uk)

Elaine Cook, Lead Officer, Armadale and Blackridge Local Area Committee  
9 March 2015



## **ARMADALE AND BLACKRIDGE LOCAL AREA COMMITTEE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

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

The purpose of this report is to advise the Local Area Committee of the application received from within the local area committee area seeking funding from the West Lothian Villages Improvement Fund (WLVIF) in 2014/15.

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

It is recommended that the Local Area Committee:

2. notes that two applications has been received for funding;
3. notes that the proposals meet the eligibility criteria for supported projects;
4. supports funding for the projects; and
5. agree that the Head of Planning & Economic Development should make an offer of funding as per the details set out in this report.

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

<b>I Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<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>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe

communities.

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

A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.

**VII Consideration at PDSP**

These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.

**VIII Other consultations**

Area Services.

**D TERMS OF THE REPORT**

**D1 Background**

In 2012 the Council Executive agreed the eligibility criteria for a West Lothian Villages Improvement Fund (WLVIF). Funding of £1.65m is available to support eligible schemes with the funding phased over five years. The fund has the following two work streams:

**1) A shop frontage/shop improvement scheme**, to which local independent retailers can apply. This operates in a similar way to the shop frontage improvement schemes for traditional town centres i.e. a grant of up to £750 and no more than 50% of the cost of the shop front improvement.

**2) Small scale village improvements and initiatives**, this can include a number of types of investment, including both physical improvements to the streetscape and investment in community provision:

- Provision of street furniture such as seating, cycle stands and direction signs.
- Improved village gateways (e.g.; through planting, landscaping and/or signage).
- Improved sense of place in village centres through hard landscaping, planting and soft landscape improvements.
- Tidying and landscaping of gap sites within villages.
- Access improvements in and around villages.
- Investment in projects that engage and support young people.
- Investment in other local community facilities.

Three villages within the Armadale and Blackridge ward are eligible under the scheme.

Distribution of funding is based on village size. In April 2014 Council Executive agreed to full allocations to each village to add to the monies already announced for 2013-14 the following represent the full money allocated to each of the eligible villages in the ward:

Blackridge	£55,000
Torphichen	£55,000
Westfield	£20,000

## **D2 Applications**

The following applications have been received for this round of funding:

Blackridge Community Council – Station Landscaping

Funding of £4,059 is being sought to create a natural wind break by planting trees alongside the connection road from the main road to the railway station. This area is exposed to the elements. This will be complimented by benches and planters.

Craig Inn Management Committee Blackridge – Upgrade of Meeting Room

Funding of £2056 is being sought to by Blackridge Community Education Association to refurbish a room within the centre to enable it to be used as a multi-purpose room – coffee bar, meeting room and chill out area.

## **E. CONCLUSION**

Three villages within the Armadale and Blackridge ward are eligible to apply to the Villages Improvement Fund.

The applications, detailed above, meet the eligibility criteria of the Village Improvement Fund and the Local Area Committee are asked to support them.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014) and Armadale and Blackridge Local Area Committee (August 2013).

Appendices/Attachments: Two

Appendix 1: Blackridge – Station Landscaping

Appendix 2: Blackridge – Renovation of Craig Inn – Upgrade of Meeting Room

Contact Person: Douglas Benson, Community Regeneration Officer, Tel. 01506 281970, [douglas.benson@westlothian.gov.uk](mailto:douglas.benson@westlothian.gov.uk)

Alice Sinnet, Economic Development Manager, Tel. 01506 283079, [alice.sinnet@westlothian.gov.uk](mailto:alice.sinnet@westlothian.gov.uk)

Craig McCorriston, Head of Planning and Economic Development  
6 March 2015

## West Lothian Villages Improvement Fund

### Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 1. Applicant Organisation Details

<b>Organisation Name</b>	Blackridge Community Council
<b>Project title</b>	Station Landscaping
<b>Contact person</b>	[REDACTED]
<b>Position</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	Community Council
<b>What date was your organisation formed?</b>	1975
<b>Are you a charity, please quote your number</b>	No
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100 words)</b>	To help and support our community, interact with local councillors and police. We meet 10 months of the year, produce a quarterly newsletter and distribute it throughout the village. We discuss local planning applications and try to get new amenities for our village.

Do you have an equal opportunities policy or statement? If yes please provide a copy	No
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	Yes

Are you applying for other funding, if so, please detail	Approved	Anticipated
	No	

## 2. Project details

<b>Council Ward</b>	Armadale and Blackridge ward
<b>Project location</b>	Railway Station
<b>Project start date</b>	March/April 2015
<b>Project finish date</b>	Ongoing
<b>Estimated Outcome</b>	Sheltered and Picturesque Area

### Project description

Describe fully the project for which grant is being sought (background and context of the project, description of works).

The connection road from the main road to the station is exposed to the elements and we are trying to achieve a natural wind break by planting trees and enhance the appearance by supplying benches for commuters using the station.

### Partners involved (other local organisations you are working with)

Beechbrae.  
Scottish natural Heritage.  
Morton Timber.

### Evidence of need

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

Distance from the main road and gradient of the hill has resulted in complaints from the elderly. Residents from the village have complained about the strong winds whilst walking to and from the station due to the path being open to the elements all year round with no shelter from trees etc. The community council have discussed this at our meetings.

### Outcomes

Describe what your project will deliver.  
Village Improvements; e.g Number of sites improved  
Area of landscaping

It will deliver shelter and rest to and from the station and a picturesque area.

Blackridge has a poor health record and improving the walk to the station should encourage more people to walk there.

One site improved with a view to further areas being done with the help and support from Beechbrae and Scottish natural Heritage.
If local school are involved pupils shall benefit from the educational aspect in bringing the project to fruition.
Community Facilities: e.g number of facilities improved -Projected usage
One site improved with a view to further areas being done with the help and support from Beechbrae, Scottish Natural Heritage and the Community Council.

### 3.Project Costs

<b>Amount of funding requested</b>	£4059
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<b>Item of expenditure</b>	<b>Cost</b>
<b>Beechbrae</b>	£2164
<b>Morton Timber</b>	£1895

#### **Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

Beechbrae will manage and deliver the project with the help and support from Scottish Natural Heritage and members of the Community Council.

**Design / plans-** As per quote attached. Map outlines the site to be developed.

**Implementation arrangements e.g contract tenders-** Quotes have been obtained and are attached

**Planning Approval-** TBC.

Morton Timber will supply the 4 benches and the 8 planters one at each side of the benches £1895.00 Morton timber will make sure that they are securely installed and filled with soil and plants.

Along with Community Council, Beechbrae will help to maintain this area and in the future Beechbrae hope to run classes with the children from the primary school and local youth clubs in planting, maintenance, basket



making and creating other windbreaks and living structures.

Willow has been specifically chosen as it is revenue neutral and will require no upkeep from WLC

#### 4. Declaration

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	Chair
<b>Organisation</b>	Blackridge Community Council
<b>Date</b>	10 February 2015

Please send your completed forms to:

Community Regeneration Officer for your area in the first instance (see guidance notes for contact details)

Or

Hazel Hay  
Town Centre Manager  
Economic Development  
West Lothian Council  
1st Floor North  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Tel: 01506 283098

E-mail: [Hazel.Hay@westlothian.gov.uk](mailto:Hazel.Hay@westlothian.gov.uk)

<b>Attachment checklist - as applicable</b>	<b>Please Indicate (x)</b>
Constitution or Articles and Memorandum	
Committee Members or Directors List	X
Bank Statements - three statements	X
Annual accounts	X

## West Lothian Villages Improvement Fund

### Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

### Applicant Organisation Details

Organisation Name	BLACKRIDGE COMMUNITY EDUCATION ASSOCIATION
Project title	CHILL OUT TIME
Position	
Address	
Telephone number	
Email Address	
Type of organisation	
What date was your organisation formed?	1972
Are you a charity, please quote your number	SC007382
What are the main activities of your organisation?  (please answer in no more than 100 words)	TO OVERSEE THE DAY TO DAY RUNNING OF THE COMMUNITY CENTRE, MAKING SURE THERE IS A WIDE RANGE OF ACTIVITIES AND COURSES AVAILABLE TO MEMBERS OF THE PUBLIC AND WIDER COMMUNITY IN A SAFE AND WELCOMING ENVIRONMENT AND IN A BUILDING FIT FOR PURPOSE. THROUGH PROVISION OF ACTIVIES AND COURSES IT IS THE OBJECT OF ASSOCIATION TO ADVANCE EDUCATION AND TO PROVIDE OR ASSIST IN THE PROVISION OF FACILITIES, RECREATION OR OTHER LEISURE TIME ACTIVITIES, WHERE SUCH PROVISION OR ASSISTANCE IN PROVISION

	(1) IS IN THE INTEREST OF SOCIAL WELFARE; AND (2) IS MADE WITH THE OBJECT OF IMPROVING THE CONDITIONS OF LIFE FOR THE MEMBERS OF THE BLACKRIDGE COMMUNITY.
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Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>WLC POLICY</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>YES</b>

Are you applying for other funding, if so, please detail	Anticipated  BLACKRIDGE COMMUNITY FUND
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### Project details

<b>Council Ward</b>	BLACKRIDGE/ARMADALE WARD
<b>Project location</b>	CRAIG INN CENTRE BLACKRIDGE
<b>Project start date</b>	Spring 2015
<b>Project finish date</b>	Summer 2015
<b>Estimated Outcome</b>	IMPROVED COMMUNITY FACILITY

<b>Project description</b> Describe fully the project for which grant is being sought (background and context of the project, description of works).
BLACKRIDGE COMMUNITY EDUCATION ASSOCIATION (BCEA) ARE APPLYING FOR FUNDING TO REFURBISH A ROOM WITHIN THE CENTRE WHICH IS CURRENTLY USED AS A MEETING ROOM TO ENABLE IT TO BE USED AS A MULTIPURPOSE ROOM - COFFEE BAR/MEETING ROOM/CHILL OUT AREA.  CURRENTLY THERE ARE NO SUCH FACILITIES IN THE VILLAGE. THE COMMITTEE WOULD LIKE TO BE ABLE TO OFFER VILLAGERS SOMEWHERE SAFE AND WELCOMING WHERE THEY CAN MEET AND RELAX AND ENJOY EACH OTHERS COMPANY. THE COMMUNITY CENTRE CELEBRATES IT'S 20

YEAR ANNIVERSARY THIS YEAR. THE FURNISHINGS AND FITTINGS HAVE NOT BEEN REPLACED SINCE THE CENTRE FIRST OPENED AND AT PRESENT THE ROOM IS BLAND AND UNWELCOMING AND FURNISHINGS ARE NEEDING REPLACED. LAST YEAR THE COMMITTEE SECURED PART FUNDING FROM LEADER FUNDING TO INSTALL A NEW KITCHEN. THE COMMITTEE ARE KEEN TO MAKE FULL USE OF THE NEW FACILITY AND INITIALLY IT IS PROPOSED THAT TEAS/COFFEES/BISCUITS WOULD BE MADE AVAILABLE TO CENTRE USERS AND COMMITTEE MEMBERS WOULD VOLUNTEER TO RUN THIS SERVICE. THE COMMITTEE ARE CURRENTLY SEEKING ADVICE FROM ENVIRONMENTAL HEALTH REGARDING THE LEGISLATION TO PROVIDING HOME BAKES ETC IN THE FUTURE. THE COMMITTEE ARE HOPING TO SECURE FUNDING TO SET UP THE PROJECT AND ANY PROFIT MADE WOULD GO TOWARDS CONTINUING TO FUND THE PROJECT OR BE PUT INTO FUNDING PROJECTS FOR CENTRE GROUPS.

IF FUNDING IS SECURED THE COMMITTEE PROPOSE TO PURCHASE NEW CAFÉ STYLE TABLES AND CHAIRS, A FLAT SCREEN WALL MOUNTED TV, CROCKERY AND CUTLERY.

**Partners involved  
(other local  
organisations you  
are working with)**

BCEA HAVE APPLIED TO THE BLACKRIDGE COMMUNITY FUND FOR FUNDING TO PURCHASE A FLAT SCREEN TV AS PART OF THIS PROJECT.

**Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

BCEA HAVE CONSULTED CENTRE USERS AND VILLAGERS OVER THE PAST FEW MONTHS REGARDING THE PROPOSALS, THERE HAS BEEN OVERWHELMING SUPPORT FROM ALL USERS. CENTRE STAFF ARE CONSTANTLY ASKED BY PEOPLE USING THE FACILITY IF THERE IS ANYWHERE IN THE CENTRE FOR PEOPLE TO HAVE TEA/COFFEE AND A PLACE TO MEET OUTWITH PARTICIPATING IN CENTRE ACTIVITIES. CURRENTLY THERE ARE NO SUCH FACILITIES IN THE VILLAGE.

**Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites improved  
Area of landscaping

N/A

Community Facilities: e.g number of facilities improved  
-Projected usage

CRAIG INN CENTRE IS THE HUB OF THE VILLAGE. THE CENTRE IS THRIVING AT PRESENT AND HAS SEEN AN INCREASE IN USERS OVER THE PAST YEAR. THERE HAVE BEEN SIGNIFICANT CHANGES TO CRAIG INN CENTRE OVER THE PAST YEAR, A NEW LINK CORRIDOR WAS PUT IN PLACE LINKING THE CENTRE TO THE LIBRARY AND MUSEUM. CENTRE

STAFF NOW OPERATE THE LIBRARY AND MUSEUM SEVERAL DAYS PER WEEK. AN OUTDOOR PLAY AREA WAS ALSO CREATED, THESE CHANGES HAVE RESULTED IN AN INCREASE IN CENTRE USERS. IT WOULD BE ADVANTAGEOUS FOR THE CENTRE TO BE ABLE TO OFFER VISITORS TO BOTH THE LIBRARY AND MUSEUM AS WELL AS CENTRE USERS AND MEMBERS OF THE WIDER COMMUNITY, A PLACE TO COME AND HAVE A COFFEE AND RELAX DURING THEIR VISITS IN A WARM AND WELCOMING ENVIRONMENT.

THE COMMITTEE ARE ALSO AWARE OF THE SOCIAL BENEFITS THAT MEMBERS OF THE PUBLIC WOULD HAVE IF THE PROJECT WENT AHEAD AND THEY HAD SOMEWHERE SAFE AND WELCOMING TO MEET. THERE IS A HOUSING FOR THE ELDERLY COMPLEX ADJACENT TO THE CENTRE. MANY OF THE ELDERLY PEOPLE LIVING IN THE COMPLEX FREQUENT CRAIG INN REGULARLY ENGAGING IN THE ACTIVITIES THAT ARE AVAILABLE TO THEM. IT WOULD ADVANTAGEOUS IF WE COULD PROVIDE AN AREA FOR THEM TO MEET AND SOCIALISE OUTWITH THE CLASSES THAT THEY PARTICIPATE IN, WHILE FREQUENTING THE CENTRE. IT WOULD ALSO CREATE A SITUATION WHERE YOUNG AND OLD COULD COME TOGETHER AND SHARE THEIR EXPERIENCES.

### Project Costs

Amount of funding requested	
Item of expenditure	Cost
<b>Table and 4 chairs @ £310 x 6</b>	<b>£1860.00</b>
<b>Side Plates @£1.30 x 30</b>	<b>£39.00</b>
<b>Cups and Saucers @ £2.50 x 30</b>	<b>£75.00</b>
<b>24pc Cutlery Set @ £18.00 x 4</b>	<b>£72.00</b>
<b>Magazine Rack @ £10.00 x 1</b>	<b>£10.00</b>
<b>TOTAL</b>	<b>£2056.00</b>

### Project management

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

THE CENTRE CO-ORDINATOR WOULD COST AND ORDER REQUIREMENTS FOR THE PROJECT. THE CO-ORDINATOR WOULD ALSO LIASE WITH THE MANAGEMENT COMMITTEE AND ENVIRONMENTAL HEALTH REGARDING ANY DECISIONS TO BE MADE AND TO ENSURE PROPER LEGISLATION IS FOLLOWED IN RESPECT OF FOOD HYGIENE ETC.

### Declaration

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the

monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	
<b>Organisation</b>	BLACKRIDGE COMMUNITY EDUCATION ASSOCIATION
<b>Date</b>	10.02.2015

Please send your completed forms to:

Community Regeneration Officer for your area in the first instance (see guidance notes for contact details)

Or

Hazel Hay  
Town Centre Manager  
Economic Development  
West Lothian Council  
1st Floor North  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Tel: 01506 283098

E-mail: [Hazel.Hay@westlothian.gov.uk](mailto:Hazel.Hay@westlothian.gov.uk)

<b>Attachment checklist - as applicable</b>	<b>Please Indicate (x)</b>
Constitution or Articles and Memorandum	
Committee Members or Directors List	
Bank Statements - three statements	
Annual accounts	



West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY FAULDHOUSE AND BREICH VALLEY LEAD OFFICER**

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

The purpose of this report is to seek approval of the attached report which was heard at Fauldhouse and the Breich Valley Local Area Committee (LAC) on 17 February 2015. Members agreed with the report however could not approve it as the meeting was inquorate.

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

It is recommended that Council Executive approves the report.

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

<b>I Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<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>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development and Transport PDSP.

## **VIII Other consultations**

The report was considered at the Fauldhouse and the Breich Valley LAC on 17 February 2015. As the meeting was inquorate, members of the LAC agreed that the report should be forwarded to the Executive for approval.

## **D TERMS OF THE REPORT**

### **D.1 Background**

The Fauldhouse and the Breich Valley LAC considered the attached report on 17 February 2015. The report recommends distribution of funds from the Village Improvement Fund for the Fauldhouse and the Breich Valley ward. The two members present agreed with the report, however due to only being two in numbers, could not approve the proposals. In such cases, it falls upon the Lead Officer to present the report to the Council Executive, asking that the views of the LAC be considered. This report fulfils this requirement.

## **E. CONCLUSION**

The members of the Fauldhouse and the Breich Valley LAC agreed the content of the attached report, however, due to being inquorate, could not approve it. Council Executive is now requested to approve the report on behalf of the Fauldhouse and the Breich Valley LAC.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014), and Fauldhouse and the Breich Valley Local Area Committee (17 February 2014).

Appendices/Attachments: One

Appendix 1: Fauldhouse and the Breich Valley Local Area Committee -  
West Lothian Villages Improvement Fund applications

Contact Person: Alice Sinnet, Lead Officer, Fauldhouse and the Breich Valley Local Area Committee

**Craig McCorriston, Head of Planning and Economic Development**  
**24 March 2015**





**FAULDHOUSE AND THE BREICH VALLEY LOCAL AREA COMMITTEE**

**WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

**REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Local Area Committee of the application received from within the local area committee area seeking funding from the West Lothian Villages Improvement Fund (WLVIF) in 2014/15.

**B. RECOMMENDATION**

It is recommended that the Local Area Committee:

1. notes that one application has been received for funding;
2. notes that the proposal meets the eligibility criteria for supported projects;
3. supports funding for the project; and
4. agrees that the Head of Planning & Economic Development should make an offer of funding as per the details set out in this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; Making best use of our resources; Working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

	We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	This project has not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.
<b>VIII Other consultations</b>	Area Services.

## **D TERMS OF THE REPORT**

### **D1 Background**

In 2012 the Council Executive agreed the eligibility criteria for a West Lothian Villages Improvement Fund (WLVIF). Funding of £1.65m is available to support eligible schemes with the funding phased over five years. The fund has the following two work streams:

**1) A shop frontage/shop improvement scheme**, to which local independent retailers can apply. This operates in a similar way to the shop frontage improvement schemes for traditional town centres i.e. a grant of up to £750 and no more than 50% of the cost of the shop front improvement.

**2) Small scale village improvements and initiatives**, this can include a number of types of investment, including both physical improvements to the streetscape and investment in community provision:

- Provision of street furniture such as seating, cycle stands and direction signs.
- Improved village gateways (e.g.; through planting, landscaping and/or signage).
- Improved sense of place in village centres through hard landscaping, planting and soft landscape improvements.
- Tidying and landscaping of gap sites within villages.
- Access improvements in and around villages.
- Investment in projects that engage and support young people.
- Investment in other local community facilities.

Eight villages within the Fauldhouse and the Breich Valley ward are eligible under the scheme.

Distribution of funding is based on village size. Total allocations per village are as follows, with the remaining budgets in brackets:

Fauldhouse	£125,000 (£91,514)
West Calder	£125,000 (£123,000)
Longridge	£55,000 (£47,500)
Stoneyburn	£55,000 (£13,278.56)
Addiewell	£55,000 (£53,000)

Polbeth	£55,000 (£51,518)
Breich	£20,000 (£20,000)
Harburn	£20,000 (£20,000)

## **D2 Applications**

The following application has been received for this round of funding:

### Harburn Village Hall Association – Hall Refurbishment and Environmental Improvements

An application has been received from Harburn Village Hall Association to allow them to carry out improvement works. The group are applying for Harburn's full allocation of £20k and have already successfully applied for £15k from West Lothian Development Trust.

The funding will allow the association to upgrade the parking area at the front of the building, changing the current surface to tarmac or similar, and reducing the drainage, practicality and appearance of the area. Work will also be carried out to reshape the hedges and shrubbery around the hall, other general landscaping, and to remove a tree which is currently a potential danger to vehicles and pedestrians.

Some repairs are planned to the exterior of the building where there are signs of wear and tear. This includes the timber cladding, roof trims, access ramps and decking. There is also a plan to fit solar panels to provide an energy efficient heating system.

Internally, an induction loop will be fitted and the flooring in the main hall and kitchen will be repaired and upgraded.

## **E. CONCLUSION**

Eight villages within the Fauldhouse and the Breich Valley ward are eligible to apply to the Villages Improvement Fund.

The application detailed above meets the eligibility criteria of the Village Improvement Fund and the Local Area Committee is asked to support it.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and April 2014) and Fauldhouse and the Breich Valley Local Area Committee (August and November 2013; February, June and November 2014).

Appendices/Attachments: One  
Appendix 1: Harburn Village Hall Association Application

Contact Person:  
Laura Wilson, Community Regeneration Officer, Tel. 01506 281085,  
[laura.wilson2@westlothian.gov.uk](mailto:laura.wilson2@westlothian.gov.uk)

Alice Sinnet, Economic Development Manager, Tel. 01506 283079,  
[alice.sinnet@westlothian.gov.uk](mailto:alice.sinnet@westlothian.gov.uk)

**Craig McCorriston, Head of Planning and Economic Development**  
**17 February 2015**

## Appendix 1

### West Lothian Villages Improvement Fund

#### Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 1. Applicant Organisation Details

<b>Organisation Name</b>	HARBURN VILLAGE HALL ASSOCIATION (HVHA)
<b>Project title</b>	"FIT FOR THE FUTURE" IMPROVEMENTS TO THE VILLAGE HALL AND ITS SETTING
<b>Contact person</b>	[REDACTED]
<b>Position</b>	PROJECT CO-ORDINATOR
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	UNINCORPORATED ASSOCIATION
<b>What date was your organisation formed?</b>	PRESENT CONSTITUTION ADOPTED NOVEMBER 1998  VILLAGE HALL HAS HAD A VOLUNTARY MANAGEMENT COMMITTEE SINCE 1923
<b>Are you a charity, please quote your number</b>	YES SC028394
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100 words)</b>	HVHA MAINTAINS AND MANAGES THE VILLAGE HALL, ORGANISES LETS AND HIRES, RUNS ACTIVITIES TO RAISE FUNDS FOR THE HALL INCLUDING THE GRAND HARBURN FESTIVAL.  <i>(from the objects in the constitution)</i>  <i>"The objects of the [Harburn Village Hall] Association shall be to promote the benefit of the inhabitants of the village of Harburn and the surrounding district by advancing education and providing facilities, in the interests of social welfare, for recreation and other leisure time occupation so that the conditions of life of the aforementioned inhabitants may be improved."</i>

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Do you have an equal opportunities policy or statement? If yes please provide a copy	No
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	Yes

Are you applying for other funding, if so, please detail	<b>Approved</b> <b>Anticipated</b>
West Lothian Development Trust / Pates Hill Main Grant funding	£15,280

## 2. Project details

<b>Council Ward</b>	FAULDHUSE AND BREICH VALLEY
<b>Project location</b>	HARBURN VILLAGE HALL HARBURN EH55 8RF
<b>Project start date</b>	April 2015
<b>Project finish date</b>	September 2015
<b>Estimated Outcome</b>	EFFECTIVE CHANGES TO THE VILLAGE HALL AND ITS SETTING WHICH WILL: <ul style="list-style-type: none"> <li>• IMPROVE THE ENVIRONMENTAL SETTING AND LANDSCAPING AROUND THE PREMISES;</li> <li>• IMPROVE ACCESS FOR PEOPLE WITH MOBILITY ISSUES; AND</li> <li>• INSTALL EQUIPMENT TO ASSIST PEOPLE WITH HEARING DIFFICULTIES</li> </ul>

<b>Project description</b>
Describe fully the project for which grant is being sought (background and context of the project, description of works).
THE VILLAGE HALL WAS MODERNISED AND EXTENDED WITH A NEW KITCHEN AND TOILETS, ADDITIONAL STORAGE FACILITIES AND A NEW ROOF IN 2003. THIS WORK WAS FUNDED IN PART (25%) THROUGH LOCAL CONTRIBUTIONS AND CHARITABLE GRANT MAKING TRUSTS AND WITH MAJOR CONTRIBUTIONS FROM PUBLIC SOURCES - THE LOCAL CAPITAL GRANTS SCHEME (AS PART OF THE THEN SCOTTISH RURAL PARTNERSHIP FUND) OF WHICH 25% WAS PROVIDED BY WEST LOTHIAN COUNCIL AND 50% BY THE SRPF.
OVER THE COURSE OF THE PAST DECADE, THERE HAS BEEN SOME DETERIORATION TO THE FABRIC OF THE HALL – AND INDEED OUR LOCAL

RESIDENTS ARE ALSO TEN YEARS OLDER . . . . IN ORDER TO MAKE IT FIT FOR THE FUTURE, WE WILL NEED TO UNDERTAKE THE FOLLOWING REPAIRS AND IMPROVEMENTS:

THE EXTERNAL AREA BETWEEN THE PUBLIC ROAD AND THE HALL IS PITTED WITH POTHoles, PUDDLES READILY AND IS GENERALLY BOTH INCONVENIENT AND DIFFICULT TO TRAVERSE. THE AREA IS ALSO USED FOR PARKING VEHICLES OFF-ROAD. ITS CURRENT FINISH IS LOOSELY COMPACTED TYPE 1 MATERIAL.

WE AIM TO IMPROVE ACCESS TO THE HALL BY RESURFACING AND LEVELLING THE AREA IN FRONT OF THE HALL WITH TARMAC (AN APPROPRIATE MATERIAL THAT IS HARD WEARING, LAID TO FALLS SO THAT IT DRAINS EFFECTIVELY INTO THE SURROUNDING PUBLIC SYSTEMS). THE HARD SURFACING - EITHER IN TARMAC OR AN ALTERNATIVE FINISH - WILL EXTEND TO INCLUDE A SAFE PEDESTRIAN ACCESS TO THE HALL

THE TREES AND HEDGES AROUND THE HALL NEED TO BE RESHAPED, THERE IS ONE NEAR DEAD TREE THAT IS A POTENTIAL DANGER TO PEOPLE AND VEHICLES, THE OPEN SPACE AT THE REAR OF THE HALL NEEDS A MAJOR CLEAR UP FOLLOWED WITH REGULAR MAINTENANCE DURING THE GROWING SEASON.

WE WILL ORGANISE LOCAL VOLUNTARY LABOUR FOR THE "GARDENING" ASPECTS OF THIS BUT NEED PROFESSIONAL SUPPORT FOR THE TREE SURGERIES

ON THE ROADSIDE EAST FRONT OF THE HALL, THERE IS A GREEN PLANTED SPACE WITH TWO TREES, NOW TOO LARGE AND INCONVENIENT

IT IS PROPOSED TO REPLACE THESE WITH THREE NEW SMALLER SCALE FLOWERING CHERRIES TO WELCOME THE END OF WINTER AND TO RESHAPE AND REPLANT THE SOFT LOW LEVEL LANDSCAPING BENEATH AND AROUND THEM

THE HALL IS USED FOR MEETINGS, DISCUSSION AND DEBATE, DRAMA PRODUCTIONS AND LOCAL GROUPS SUCH AS THE SWRI, LOCAL KEEP FIT CLASSES AND THE LIKE. FOR MANY OF THESE EVENTS THERE ARE PARTICIPANTS WHO FIND IT DIFFICULT TO TAKE PART BECAUSE OF THEIR IMPERFECT HEARING.

WE AIM TO INSTALL AN EFFECTIVE INDUCTION LOOP SYSTEM TO SUPPORT THESE PEOPLE

THE EXTERNAL FABRIC OF THE BUILDING - TIMBER CLADDING, RAINWATER INSTALLATIONS, ROOF TRIMS, DECKING AND ACCESS RAMPS - THESE ARE ALL SHOWING SIGNS OF WEAR.

WE AIM TO IMPROVE THIS BY CARRYING OUT NECESSARY REPAIRS

SOME OF THE INTERNAL FINISHES TO THE HALL ARE IN NEED OF REFURBISHMENT - MAIN HALL AND KITCHEN FLOOR FINISHES, WC COMPARTMENT WALL SURFACES (WHICH ARE OF INADEQUATE STANDARD) AND A RANGE OF OTHER SMALLER MATTERS.

WE NEED TO SAND AND SEAL THE OAK FLOORING IN THE MAIN HALL, REPLACE THE KITCHEN FLOOR COVERING WITH A MORE

"COMMERCIAL GRADE" MATERIAL, LINE THE WC CUBICLES WITH A MATERIAL THAT IS WATERPROOF AND EASILY MAINTAINED IN A CLEAN AND SANITARY CONDITION.

LIKE MANY VILLAGE HALLS, THE PATTERN OF USE OF THE BUILDING IS INTERMITTENT AND VARIABLE, CHARACTERISED BY SHORT PERIODS OF OCCUPATION ON A SEEMINGLY RANDOM NUMBER OF DAYS EACH WEEK. THE HEATING SYSTEM COMPRISES A 20 YEAR OLD OIL FIRED BOILER WITH WET SYSTEM RADIATORS AND A DOMESTIC HOT WATER CYLINDER; THE BOILER WAS COMPLETELY REFURBISHED TWO YEARS AGO. AFTER MUCH DEBATE, WE HAVE CONCLUDED THAT THE MOST APPROPRIATE WAY TO MAKE IT FIT FOR PURPOSE IS TO RETAIN THE EXISTING PLANT BUT SUPPLEMENT IT WITH A SMALL SCALE SOLAR ELECTRICITY GENERATION INSTALLATION USED PRIMARILY TO HEAT THE DOMESTIC HOT WATER WITH SURPLUS SOLD TO THE GRID. WE HAVE COMMISSIONED FROM OUR OWN FUNDS THE PREPARATION OF A COMMERCIAL ENERGY PERFORMANCE CERTIFICATE [EPC] (A MORE STRINGENT PROCESS THAN FOR A RESIDENTIAL BUILDING) THE EPC HAS ALLOCATED A "C" RATING TO THE HALL WHICH MAKES IT SUITABLE FOR FEED-IN TARIFF FROM ANY SOLAR PV PANELS THAT WE INSTALL

WE PROPOSE TO FIT A ROOF MOUNTED 4Kw ARRAY OF PV PANELS, A MODERN "SMART" DOMESTIC HOT WATER CONTROL UNIT COMPLETE WITH A REMOTE SWITCHING FACILITY SO THAT MEMBERS DO NOT HAVE TO TRAVEL TO THE HALL TO SWITCH ON THE HEATING IN ADVANCE OF ANY MEETING OR HIRES - A COST AND CARBON SAVING IN ITSELF. THIS WILL INCLUDE NEW FROST PROTECTION CONTROLS TO HELP ELIMINATE THE PREVIOUS EXPERIENCE OF FREEZE-UPS, THE COST OF CONSEQUENT REPAIRS AND LOSS OF INCOME WHEN THE HALL IS OUT OF ACTION.

**Partners involved  
(other local  
organisations you  
are working with)**

- HARBURN RESIDENTS ASSOCIATION
- WEST CALDER AND HARBURN COMMUNITY DEVELOPMENT TRUST

**Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

THE VILLAGE HALL ASSOCIATION AGM – JOINTLY HELD WITH THE RESIDENTS ASSOCIATION AGM – IN AUGUST 2014 IDENTIFIED THE NEED FOR IMPROVEMENTS TO THE HALL. A PLANNING GROUP WAS ESTABLISHED AND HAS MET ON FIVE OCCASIONS TO DRAW UP A COMMON SENSE SHORTLIST OF PRIORITIES. THESE ARE DETAILED ABOVE. THE FULL HVHA COMMITTEE HAS DEBATED THE FINDINGS OF THE PLANNING GROUP AND AGREED THAT FUNDING SHOULD BE SOUGHT TO UNDERTAKE THESE.

**Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites improved  
Area of landscaping

- ONE SITE IMPROVED AT AN IMPORTANT CROSS ROADS IN THE CENTRE OF THE VILLAGE COMMUNITY
- IMPROVEMENTS TO THE APPEARANCE OF THIS VITAL COMMUNITY FACILITY
- SOFT LANDSCAPING IMPROVEMENTS TO AN AREA OF 40 msq
- HARD LANDSCAPING IMPROVEMENTS TO AN AREA OF 250 msq

Community Facilities: e.g number of facilities improved  
-Projected usage

THE VILLAGE HALL IMPROVED IN THE WAYS DESCRIBED ABOVE

**NOTE:**

The Village Hall is the sole community facility in Harburn; it provides a venue for social and cultural events, local community development issues, information sharing and local enterprise support.

**3.Project Costs**

<b>Amount of funding requested</b>	
<b>Item of expenditure</b>	<b>Cost</b>
BALANCE OF FUNDING FOR THE "FIT FOR THE FUTURE" VILLAGE HALL IMPROVEMENT SCHEME	£20,000
<b><i>Please see below for the total project costs for the improvement scheme.</i></b>	
<b><i>As previously noted we have secured committed funding of £15,280 for the project from the West Lothian Development Trust, Pates Hill Main Grant Scheme – this application to the West Lothian Villages Improvement Fund is for the balance of the project costs – i.e. £20,000</i></b>	
HARD SURFACING TO CAR PARK AREA AT FRONT OF HALL	£14,900
TREE SURGERY	£500
SOFT LANDSCAPING AT FRONT OF HALL – INC THREE NEW TREES AND PLANTS	£2,160



HEARING SUPPORT INDUCTION LOOP[	£995
REPAIRS TO EXTERNAL FABRIC OF THE BUILDING INC REDECORATION WITH PRESERVATIVE TREATMENT	£3,427
REPAIRS TO INTERNAL FINISHES AND SURFACES	£5,503
4kW ARRAY OF PV PANELS ON ROOF and OTHER "SMART" HEATING CONTROL ITEMS AND DEVICES	£7,795
<b>TOTAL</b>	<b>£35,280</b>

### **Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

ALL WORKS WILL BE DESCRIBED IN A PROFESSIONAL SCHEDULE AND ATTENTION WILL BE MAINTAINED BY EXPERIENCED MEMBERS OF THE PLANNING GROUP ON BEHALF OF THE HVHA. LAYOUT SKETCHES ARE BEING PREPARED WHERE THEIR USE IS APPROPRIATE – e.g. FOR THE LANDSCAPING ELEMENTS OF THE WORKS.

TENDERERS WILL BE APPROPRIATELY APPROVED AND EXPERIENCED CONTRACTORS WITH ALL RELEVANT INSURANCES AND ACCREDITATION

NO PLANNING PERMISSION OR BUILDING WARRANT IS REQUIRED FOR THE WORKS DESCRIBED.

### **4. Declaration**

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	██████████
<b>Position</b>	PROJECT CONVENOR
<b>Organisation</b>	HARBURN VILLAGE HALL ASSOCIATION
<b>Date</b>	19 <sup>th</sup> January 2014

Please send your completed forms to:

Catherine Duffin  
Administration Assistant  
Regeneration & Employability  
Area Services  
West Lothian Council  
2nd Floor North  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Tel: 01506 283275

E-mail: [Catherine.duffin@westlothian.gov.uk](mailto:Catherine.duffin@westlothian.gov.uk)

<b>Attachment checklist - as applicable</b>	<b>Please Indicate (x)</b>
Constitution or Articles and Memorandum	x
Committee Members or Directors List	x
Bank Statements - three statements	x
Annual accounts	x



**COUNCIL EXECUTIVE**

**PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014 – DRAFT INTEGRATION SCHEME**

**REPORT BY DEPUTE CHIEF EXECUTIVE, COMMUNITY HEALTH AND CARE PARTNERSHIP**

**A. PURPOSE OF REPORT**

The purpose of this report is to request that Council Executive approves the draft Integration Scheme as amended in line with the decision taken at Council Executive on 10 March and agrees to submit the revised scheme to Scottish Ministers by 31 March 2015.

**B. RECOMMENDATION**

Council Executive is asked to note the revised wording agreed with NHS Lothian following Council Executive's decision on 10 March 2015, and approve the revised draft Integration Scheme for submission to Scottish Ministers by 31 March 2015.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs</li><li>• Being honest, open and accountable</li><li>• Working in partnership</li></ul>
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Compliance with the Public Bodies (Joint Working) (Scotland) Act 2014 and associated regulations
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None at present.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Supports the delivery of high level performance indicators.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Supports the delivery of local and national health and wellbeing outcomes.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Within existing resources.
<b>VII</b>	<b>Consideration at PDSP</b>	Health & Care PDSP (19 December 2014)

## **VIII Other consultations**

The draft Scheme has been developed in consultation with West Lothian Council, NHS Lothian, CHCP Senior Management Team, Short Life Working Group and prescribed consultees as specified in the Act.

## **D. TERMS OF REPORT**

On 22 December 2014 Council Executive agreed to issue the draft West Lothian Integration Scheme for consultation in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014. It had been prepared in co-operation and discussion with officers of NHS Lothian. The agreed draft was approved for public consultation subject to provision being made for a second place on the Integration Joint Board for trade union representatives to facilitate a role on the IJB for a West Lothian Council Trade Union representative and an NHS Lothian Trade Union representative on equal terms.

The Integration Scheme must be jointly drafted by Local Authorities and Health Boards, include all matters prescribed in Regulations, and detail how services will be integrated in the partnership area. It is then submitted to the Scottish Ministers for their approval by 31 March 2015.

Once the scheme has been approved by the Scottish Ministers the Integration Joint Board will be established by Order. The delegation of functions will not however take place until after the Board's Strategic Plan is finalised and approved.

The consultation period started on 15 January and ended on 20 February 2015. All prescribed consultees were given the opportunity to comment on the draft scheme. The draft scheme was also posted on the West Lothian Community Health and Care Partnership website to allow wider exposure and comments invited.

Consultation responses were received from 10 individuals and 9 organisations. All responses received during consultation have been reviewed and taken into consideration in the production of the final version of this scheme. No changes have been considered to be necessary as a result.

The draft scheme was also considered and approved by NHS Lothian at its Board meeting of 4 March 2015.

Following its meeting on 10 March 2015 when the revised draft Scheme was considered for approval, Council Executive was minded to agree the scheme subject to an agreed change to the Chairperson's term of office that would ensure that the Council will hold the Chair for the initial two years of the IJB in order to facilitate a smooth transition from the CHCP to a fully functional IJB. The revised wording has since been agreed with NHS Lothian. Accordingly the required change has been made to the scheme (Paragraph 4.0, page 13) and a copy of the revised version of the scheme is appended.

## **E. CONCLUSION**

The Public Bodies (Joint Working) (Scotland) Act 2014 requires new arrangements to be put in place for delivery of integrated health and social care functions. A draft Integration Scheme has been developed for West Lothian in line with the model issued by Scottish Government. Following revision to the scheme in line with Council Executive decision taken on 10 March the scheme is submitted for consideration to Council Executive for approval and agreement to submit to Scottish Ministers by 31

March 2015.

**F. BACKGROUND REFERENCES**

Public Bodies (Joint Working) (Scotland) Act 2014

Council Executive, 22 December 2014 and 10 March 2015

Appendices/Attachments: 1

Draft Integration Scheme between West Lothian Council and NHS Lothian

Contact Person: Jim Forrest, Depute Chief Executive, CHCP

01506 281002

Jim.Forrest@westlothian.gov.uk

Date of meeting: 24 March 2015



**DRAFT**  
**INTEGRATION SCHEME**  
**BETWEEN**  
**WEST LoTHIAN COUNCIL**  
**AND**  
**NHS LoTHIAN**

**(Council Executive, 24 March 2015)**

## INTRODUCTION TO THE INTEGRATION SCHEME

This document is in two parts.

This first part of the document is a general Introduction and explanation of the vision and intentions of the council and NHS Lothian. The legislation leaves many things to be decided by the Integration Authority when it is established. Nevertheless, building on the successful West Lothian Community Health and Care Partnership model and working arrangements which have been in place since 2005, the council and NHS Lothian have a joint vision of the arrangements which will assist the Integration Authority in developing its Strategic Plan and carrying out its statutory role, and this Introduction sets out some of that vision.

The second part is the formal Scheme which has been agreed between the council and NHS Lothian and approved by both for submission to the Scottish Government for approval in accordance with section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”). It contains the provisions required by the Act and associated regulations, and those are the provisions which will be approved and which will be binding on the council, NHS Lothian and the new Integration Authority.

It is though essential to understand that the contents of this Introduction are not part of the Scheme and so will not be binding on the Integration Authority – when it is constituted it will be entitled in law to make its own decisions.

### **Aims and Outcomes of the Integration Scheme**

The main purpose of integration is to improve the wellbeing of families, of communities and of people who use health and social care services, particularly those whose needs are complex and involve support from health and social care at the same time.

The Integration Scheme is intended to achieve the statutory National Health and Wellbeing Outcomes namely:-

1. People are able to look after and improve their own health and wellbeing and live in good health for longer.
2. People, including those with disabilities, long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
3. People who use health and social care services have positive experiences of those services, and have their dignity respected.
4. Health and social care services are centred on helping to maintain or improve the quality of life of service users.
5. Health and social care services contribute to reducing health inequalities.



6. People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing.

7. People who use health and social care services are safe from harm.

8. People who work in health and social care services feel engaged with the work that they do, and are supported to continuously improve the information, support, care and treatment they provide.

9. Resources are used effectively and efficiently in the provision of health and social care services.

The vision of the Parties is to enhance and develop the delivery of integrated health and social care services to the population of West Lothian with the intended impact of increasing the wellbeing of West Lothian citizens and reducing health inequalities across all communities in West Lothian.

In order to achieve this vision the Parties are strongly committed to the development of a preventative outcomes-based approach focusing on effective early interventions to tackle health and social inequalities. They will assist the Integration Authority to develop such an approach through their Board members and the support services to be provided by them to the Integration Authority.

The work of the Integration Authority, and in particular the preparation of its Strategic Plan, will be guided by the integration delivery principles, namely:-

- that the main purpose of services which are provided in pursuance of integration functions is to improve the wellbeing of service users,
- that, in so far as consistent with the main purpose, those services should be provided in a way which, so far as possible:-
  - is integrated from the point of view of service users
  - takes account of the particular needs of different service users
  - takes account of the particular needs of service users in different parts of the area in which the service is being provided
  - takes account of the particular characteristics and circumstances of different service users
  - respects the rights of service users
  - takes account of the dignity of service users
  - takes account of the participation by service users in the community in which service users live
  - protects and improves the safety of service users
  - improves the quality of the service
  - is planned and led locally in a way which is engaged with the community (including in particular service users, those who look after service users and those who are involved in the provision of health or social care)

- best anticipates needs and prevents them arising
- makes the best use of the available facilities, people and other resources.

### **Name of the Integration Authority**

The legislation does not specify what name should be given to the new Integration Authority – it prescribes what form the body should take, but not the name to be used. The Parties have agreed that the name to be used for the Integration Authority in West Lothian should be “West Lothian Health and Social Care Partnership Board”. It is referred to in the rest of this Introduction and in the Scheme as “the Board”.

### **The Chief Officer, or Director**

The legislation requires the Board to appoint a Chief Officer who has responsibilities to the Board and for the management and operational delivery of the integrated functions. The Parties have chosen to use the word “Director” instead of Chief Officer – that designation fits better with terminology used within the Parties’ existing organisations and using the phrase “Chief Officer” risks confusion with the Chief Finance Officer to be appointed, the Chief Finance Officer of the council and even the Chief Executives of both Parties.

The Director has responsibilities which are set out in the legislation, and which will be contained in a separate document to be approved by the Scottish Ministers under section 10 of the Act.

As well as the responsibilities of the post in relation to the integrated functions, the post will carry additional responsibilities and duties in relation to council and health board functions and services that are not integrated. The Director is in addition responsible for ensuring that service delivery improves the agreed outcomes and any locally agreed responsibilities for health and wellbeing and for assisting the Board in measuring, monitoring and reporting on the underpinning measures and indicators that will demonstrate progress.

### **Role of the Board**

The Board is to be established as a separate and distinct legal entity from the council and the health board. All three bodies have their own roles to play under this Scheme and to deliver on agreed outcomes – the Board’s role is strategic and the council’s and health board’s roles are operational.

The legislation contains many legal requirements in relation to the Board’s membership and constitution, but allows for some voluntary additional rules to be put in place. As part of the support services to be provided to the Board prior to and after its establishment the Parties will co-operate in preparing a proposed structure and draft constitutional documents to assist the Board in meeting those legal requirements, and including any voluntary additional rules the Parties consider are appropriate. On its establishment, the Parties intend that the Board will adopt that structure and those constitutional documents, but they recognise that the Board has the ultimate legal power to make those decisions for itself.

The Board’s task is to set the strategic direction for the delegated functions through the Strategic Plan developed by its Strategic Planning Group in accordance with the

policy framework and direction set by the Parties, and which will inform the method of determining the budget contributions to be made by the Parties. It receives payments from the council and health board determined in accordance with this Scheme to enable it to deliver on local strategic outcomes. It gives directions to the council and health board as to how they must deliver carry out the delegated functions in pursuit of the Strategic Plan and allocates payments to them to permit them to do that.

The practical and day-to-day link amongst the three bodies is the Director. The Director reports to the Board on strategy, finance and performance, and is responsible to the council and health board for the management and delivery of the delegated functions in accordance with this Scheme and in accordance with the directions issued by the Board to the Parties.

As well as being responsible for the Strategic Planning Group and the Strategic Plan, the Board also requires to publish an annual financial statement and an annual performance report covering both service delivery and financial performance. The members of the Board therefore have a role to play in the strategic oversight and scrutiny of the performance by the council and the health board of their roles in complying with directions from the Board and in implementing the Scheme, and will be able to carry out those responsibilities through receipt of regular and detailed reports on service and financial performance at Board meetings and advice about them at those meetings from the Director and other senior advisers.

As well as the requirement for the Parties to provide service and performance information to the Board, the Parties recognise that it is important that they are given assurance about the Board's performance of its roles and responsibilities in relation to its financial management of the budget to which the Parties will have contributed and its strategic role within the policy framework set by the Parties. The Parties intend that arrangements will therefore be put in place to ensure that regular monitoring reports are made by the Director to the Parties to assist them in that regard.

## **Board Membership**

The legislation sets out the compulsory and additional Board membership but only requires the Scheme itself to say how many voting members will be appointed by the Parties. The Parties consider it is helpful in understanding the Scheme and how the Board will operate to set out those statutory rules about membership here in this Introduction.

Prior to the Board being constituted it will have the following members who will be appointed, will remain as members and will have their membership terminated in accordance with the Scheme and the governing legislation.

- There will be four West Lothian councillors as voting members on the Board, chosen by the council, and appointed for periods of three years unless their appointment is terminated earlier. The first period of appointment shall start on the date the Board is established. Members leaving their position at the end of a three year period are eligible for reappointment.
- There will be four health board members as voting members on the Board, chosen by the health board and appointed for periods of three years unless

their appointment is terminated earlier. The first period of appointment shall start on the date the Board is established. Members leaving position at the end of a three year period are eligible for reappointment.

- The council's Chief Social Work Officer will be a non-voting member.
- A registered medical practitioner chosen by the health board from its list of primary medical services performers will be a non-voting member.
- A registered medical practitioner chosen by the health board and employed by it otherwise than in the delivery of primary medical services will be a non-voting member.
- A registered nurse chosen by the health board and who is either employed by it or by a person or body with which the health board has entered into a general medical services contract will be a non-voting member.
- The Director will be a non-voting member.
- The Finance Officer shall be a non-voting member.

After it is constituted, the Board is to appoint in addition the following as non-voting members:-

- One member in respect of the combined staff of the Parties engaged in the provision of the delegated services covered by the Scheme.
- One member in respect of third sector bodies carrying out activities in West Lothian in relation to health or social care.
- One member in respect of service users in West Lothian.
- One member in respect of persons providing unpaid care in West Lothian.

In order to assist in the integration process, the Parties in preparing and agreeing their draft Scheme for consultation, agreed that it would be appropriate for there to be two Board members appointed in respect of the combined staff of the Parties engaged in the provision of the delegated services covered by the Scheme. That cannot be imposed on the Board as a requirement, since the Board must appoint its own additional Board members after it is established, but the Parties have agreed that they will co-operate in promoting that additional appointment after the Board is set up.

The Board has the legal power to appoint additional members if it wishes to do so, and the Parties recognise that the Board has the final decision-making powers about those additional members. The Parties however recognise the importance of close co-operation and working in securing the delivery of the outcomes and the success of the Board and so they have agreed that they will co-operate in securing the Board's agreement that it shall consult with them prior to making any such appointments and shall take their respective views into account in that process.

### **Corporate Governance**

Apart from a requirement for the Board to establish Standing Orders containing certain prescribed rules, the legislation does not require any content in the Scheme in relation to the important aspect of corporate governance. The Parties nevertheless consider it appropriate and a matter of good practice to set out their intentions. Although they cannot restrict the Board's ability to decide and make its own structures and rules, nevertheless the Parties have agreed an approach which recognises the place and importance of good corporate governance in any public body.

Corporate governance is a means of showing that the Board is properly run. It refers to the systems by which the an organisation directs and controls its functions and relates to the community. Good corporate governance will demonstrate to the Board's stakeholders and everyone interested in the delivery of the integrated functions that the Board is well organised to direct their delivery.

In accordance with principles of good corporate governance, on its establishment the Parties shall assist and encourage the Board to adopt and abide by sets of rules and procedures designed to ensure that:-

- the Board has a defined and effective decision-making structure
- decisions are taken by a body or person with the power to do so
- decisions are taken with regard to all relevant factors and circumstances, including access to health and social care professional advice, financial advice, risk advice and legal advice
- decisions are taken in a way which is open and transparent and with public access available unless in defined and exceptional circumstances
- decisions are properly recorded
- structures are in place to ensure decisions are acted upon and implemented
- legislation, rules and professional practice standards and guidelines about financial reporting and accounting practice are applied
- systems are in place to ensure performance and legal and financial compliance are monitored and scrutinised and any failures reported to the Board.

These are systems and procedures such as financial controls, decision-making procedures, standing orders, the risk register, internal audit service and codes of conduct.

They should cover matters such as the creation of committees and sub-committees, and their membership and remits; the calling of meetings and giving notice of meetings and meeting papers to members and to the public; the regulation and conduct of meetings and the keeping of a record of proceedings; wide public access to meetings and meeting papers and records; delegation of powers and authority to the Director and other officers of the Board; roles and responsibilities of Chair, Vice-Chair and Board members; payments to Board members; financial and performance monitoring and reporting; the management of risk; internal audit arrangements; and relationship with external auditors.

## **Audit**

In relation to internal and external audit of its accounts, the Board is subject to the recently introduced regime of internal and external audit and governance under the Local Authority Accounts (Scotland) Regulations 2014. The legislation does not call for the Scheme to contain provisions in relation to these important aspects of financial governance, but the Parties nevertheless consider that they should prepare the way for the Board to make appropriate arrangements and to comply with its statutory responsibilities.

The way in which it will comply with those requirements is ultimately for the Board to determine when it is established but the Parties have agreed to encourage the Board to establish a Risk, Audit and Governance Committee to take a pro-active approach

to risk, audit and governance and to have a scrutiny and advisory role in relation to those matters. It should not be a decision-making committee – it will have a scrutiny function and will be able to make recommendations to the Board about the matters within its remit. It will however be for the Board to accept or reject its recommendations and take whatever action it considers appropriate.

The functions of the committee will be carried out with the support of the Parties, and the Board and the Parties shall co-operate in ensuring the committee operates as an effective tool of corporate governance. The Parties shall make arrangements for the provision of the professional services and advice the Board needs in relation to the keeping of its accounting records and financial statements and their audit as it will for other more general support services which the Board will require in order for it to function.

### **Business Continuity and Emergency Planning**

Although the legislation does not require the Scheme to make express provision for business continuity planning, the Parties nevertheless consider that appropriate and adequate arrangements should be made and that they are reviewed periodically and monitored for their effectiveness. The Parties shall therefore build on the existing arrangements in place through the West Lothian Community Health and Care Partnership, and shall develop those in the context of the statutory integration process and structure, under the control of the Director as part of the management arrangements applying to that post.

The Board will be able to seek assurance from the Director and from the Parties that appropriate business continuity and emergency planning arrangements are in place.

### **Procurement & Contracts**

The Board does not have specific powers in relation to public procurement, only the general power to enter into contracts for any goods and services it requires to enable it to carry out its statutory role and functions. Any advice required in relation to future procurement or contract needs shall be provided by the Parties in accordance with the agreement they will put in place in relation to general support services the Board shall require to allow it to operate.

### **Strategic Plan**

The Board is to approve a Strategic Plan through its Strategic Planning Group in accordance with legislation. The Board has the legal authority to develop and approve a Plan of its own making. However, the Parties have agreed that the Board should be encouraged to develop and approve a Strategic Plan to cover the next decade, and that it should detail the high level outcomes to be achieved; the performance management approach to monitor progress against these; the strategic commissioning priorities for the Board; and a rolling three year action plan which will be reviewed and updated on an annual basis. Development of an approach like that will assist the Parties and the Board in financial planning and policy making and assist in the achievement of goals, aims and outcomes.

## **Community Planning and Localities**

Upon the enactment of the Community Empowerment (Scotland) Bill the Board will be a strategic partner within West Lothian's community planning arrangements and the Board's Strategic Plan will require to support wider community planning processes, in particular in delivering the agreed outcomes as defined in the West Lothian Community Planning Partnership Single Outcome Agreement.

The high level outcomes will be set within the context of West Lothian's Community Plan and Single Outcome Agreement and the Parties intend that reporting arrangements will include a commitment to report on progress against these to the Community Planning Partnership.

The legislation requires that the Strategic Plan includes arrangements for the area of West Lothian to be divided into at least two localities, and for the Plan to include measures for strategic aspects of services to be delivered to those different localities. As an important partner in the Community Planning Partnership, the Parties will work to ensure that the Strategic Plan has regard to and is consistent with the overall approach to community planning amongst the community planning partners in West Lothian.

## **Clinical and Care Governance**

The Council is required by law to appoint a Chief Social Work Officer to oversee and make decisions in relation to specified social work services, some of which are delegated in relation to integration functions, and to report to and alert the council and councillors of any matters of professional concern in the management and delivery of those functions. The Chief Social Work Officer has a duty to make an annual report to the council in relation to the discharge of the role and responsibilities. The Chief Social Work Officer is to be a non-voting member of the Board but the Parties consider it is important that the Board's Standing Orders and other constitutional documents shall make provision for the Chief Social Work Officer to be given the same rights and privileges of access to the Board and Board members as they have in relation to the council and councillors. They also consider it to be a requirement of good corporate and care governance that the Board should adopt, that the Chief Social Work Officers shall also be required to make an annual report to the Board in relation to the aspects of their position which relate to the delivery of the delegated functions.

The Chief Social Work Officer will retain all of the statutory decision making and advisory powers they are given by statute and guidance, and the Director shall not be entitled to countermand or over-rule any decisions or instructions given by the Chief Social Work Officer in carrying out that statutory role.

The West Lothian Community Health and Care Partnership has as part of its arrangements in relation to clinical and care governance appointed a Clinical Director to advise and report to that Partnership Board. That arrangement will continue, with the Clinical Director being appointed by NHS Lothian to that role. The Parties consider it is important that the Board's Standing Orders shall ensure that the Clinical Director is given the same rights and privileges of access as are to be afforded to the Chief Social Work Officer, and that the Clinical Director shall also be

required to make an annual report to the Board in relation to the aspects of their position which relate to the delivery of the delegated functions.

The Clinical Director and Chief Social Work Officer will also have roles in providing regular reports and professional advice to the Board, to its Risk Audit and Governance Committee should it establish such a committee, and to the Strategic Planning Group in addition to reporting into the committees established by the Parties in relation to risk, audit and governance matters.

### **Staff**

The employment status of staff will not change as a result of this integration scheme ie staff will continue to be employed by their current employer and retain their current terms and conditions of employment and pension status.

### **Review**

The Act calls for the Scheme to be reviewed by the Parties jointly within five years of it being approved. In addition, one or both of the Parties can require that the Scheme is reviewed at any time, or that a new Scheme is put in place, and that review is to be carried out jointly by the Parties. When the Scheme is reviewed, the Parties will carry out a consultation process as required by the Act prior to obtaining approval.

The Act also calls for the Strategic Plan to be reviewed every three years, or for a new Plan to be made at any time when called for by both the Parties where they feel the present Plan is or is likely to prevent them from carrying out any of their functions appropriately.



# INTEGRATION SCHEME

## 1.0 The Parties

### The Parties

- a. The West Lothian Council, a local authority constituted under the local Government etc. (Scotland) Act 1994 and having its headquarters at West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF (“the Council”) and
- b. Lothian Health Board, established under section 2(1) of the National Health Service (Scotland) Act 1978 (operating as “NHS Lothian”) and having its principal offices at Waverley Gate, 2-4 Waterloo Place, Edinburgh (“NHS Lothian”) together referred to as “the Parties”

## 2.0 Definitions and Interpretation

“West Lothian Health and Social Care Partnership Board” is the Integration Authority in terms of the Act, and is referred to as “the Board”

“The Act” means the Public Bodies (Joint Working) (Scotland) Act 2014

“The Parties” means the Council and NHS Lothian

“The Scheme” means this Integration Scheme (but not the Introduction)

“Integration functions” means the functions delegated by the Parties to the Integration Joint Board

“Integration Joint Board” or “IJB” means the Integration Joint Board to be established by Order under section 9 of the Act

“Director” means the “Chief Officer” as referred to in section 10 of the Act

“Finance Officer” and “Proper Officer” mean the officer appointed under the finance and audit requirements in section 13 of the Act and section 95 of the Local Government (Scotland) Act 1973

“IJB Budget” means the total funding available to the Board in the financial year as a consequence of

- The payment for delegated functions from NHS Lothian under section 1(3) (e) of the Act;
- The payment for delegated functions from the Council under section 1(3) (e) of the Act; and
- The amount “set aside” by NHS Lothian for use by the Board for functions carried out in a hospital and provided for the areas of two or more local authorities under section 1(3) (d) of the Act

“Operational Budget” means the amount of budget delegated by one of the Parties to one of their managers in a financial year in order to carry out defined functions or services

“Strategic Plan” means the plan which the Board is to be prepared and implemented in relation to the delegated provision of health and social care services to adults in accordance with section 29 of the Act

“Outcomes” means the Health and Wellbeing outcomes prescribed in Regulations under section 5(1) of the Act and local outcomes set by the Parties and the Board, and set out in its Strategic Plan.

### **3.0 Integration Model and Integration Functions**

This Scheme has been produced in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

In accordance with section 1(2) of the Act, the Parties have agreed that the integration model set out in section 1(4) (a) of the Act will be put in place, namely the delegation of functions by the Parties to an Integration Joint Board, a body corporate that is to be established by Order under section 9 of the Act.

The prescribed functions stated in the Act will be delegated. A list of functions delegated by the Parties to the Board, and of the services related to these functions, is appended at Annexes 1 and 2.

This Scheme comes into effect on the date the Parliamentary Order to establish the Integration Joint Board comes into force and the integration functions shall be delegated with effect from 1 April 2016.

### **4.0 Local Governance Arrangements**

#### **Membership**

The IJB shall have the following voting members:

- a) **4** councillors nominated by the Council; and
- b) **4** non-executive directors nominated by NHS Lothian, in accordance with articles 3(4) and 3(5) of the Integration Joint Boards Order.

The Parties may determine their own respective processes for deciding who to nominate as voting members of the IJB.

Non-voting members of the IJB will be appointed in accordance with article 3 of the Integration Joint Boards Order.

The term of office of members shall be the maximum of three years prescribed by regulation 7 of the Integration Joint Boards Order. Members can be reappointed after this period.

#### **Chairperson and Vice Chairperson**

The IJB shall have a chairperson and vice-chairperson who will both be voting members of the IJB.

The position of Chair shall rotate between the Parties every two years, with the council holding the Chair for the first two years of the IJB's existence.

The term of office of the vice chairperson will mirror the arrangements for the Chair, with the holders of the posts alternating between the Parties accordingly. The provisions set out above under which the power of appointment of the chairperson will alternate between the Parties will apply in relation to the power to appoint the vice chairperson, and on the basis that during any period when the power to appoint the chairperson is vested in one Party, the other Party shall have power to appoint the vice-chairperson.

The Parties may determine their own processes for deciding who to appoint as chairperson or vice-chairperson.

Each Party may change its appointment as chairperson (or, as the case may be, vice chairperson) at any time; and it is entirely at the discretion of the Party which is making the appointment to decide who it shall appoint.

### **Support Services**

The Parties shall provide or shall ensure the provision to the Board of the professional, technical, administrative and support services it reasonably requires. In the short term the Parties will maintain the arrangements already in place in relation to the provision of such services to the existing West Lothian Community Health and Care Partnership. In the period between approval of this Scheme and the formal delegation of functions, a sustainable longer-term solution will be developed by the Parties and the Board amongst themselves and in conjunction with the other integration authorities in the area of NHS Lothian. They shall identify the services and the extent of the support required by the Board and shall consider and have regard to the needs of the Board as well as the continuing needs of the Parties (in particular concerning financial and budgetary constraints). The provision of services shall be kept under review by the Parties and the Board to ensure adequate provision to meet the Board's needs. The cost of that service provision will be agreed by the Parties as part of the process set out in the Scheme for budget setting and the determination of the payments to be made by the Parties to the Board.

The Parties shall agree prior to the date when the Board is established the arrangements for the provision of those, and other similar services, and the way in which the cost of their provision will be borne amongst the Parties and the Board. After the establishment of the Board, the Board and the Parties shall keep under review the arrangements for the provision of support services and the costs of providing them, and shall agree amongst them such adjustments to the initial arrangements as are deemed by them to be appropriate to reflect experience and any changes in circumstances.

### **5.0 Delegation of Functions**

The functions that are to be delegated by the NHS Board to the Board are set out in Part 1 of Annex 1. The services to which these functions relate, which are currently provided by the NHS Board and which are to be integrated, are set out in Part 2 of Annex 1.

The functions that are to be delegated by the Council to the Board are set out in Part 1 of Annex 2. The services to which these functions relate, which are currently provided by the Council and which are to be integrated, are set out in Part 2 of Annex 2.

In addition to the functions that must be delegated in accordance with the legislation, the Parties have chosen to delegate the following health functions to the IJB:

- The following health services as they relate to provision for people under the age of 18:
  - i. Primary Medical Services and General Medical Services (including GP Pharmaceutical services)
  - ii. General Dental Services, Public Dental Services and the Edinburgh Dental Institute
  - iii. General Ophthalmic Services
  - iv. General Pharmaceutical Services
  - v. Out of Hours Primary Medical Services
  - vi. Learning Disabilities.

## **6.0 Local Operational Delivery Arrangements**

### **Management Arrangements**

The Director shall be employed by one of the Parties and shall be seconded to the Board as its Chief Officer and a member of its staff. The Director will nevertheless be responsible and accountable to the Parties for the management and delivery of the integration functions in accordance with the directions issued by the Board to the Parties. They will be directed and managed by the Chief Executives of both Parties in that regard.

The Director is responsible to the Board for the delivery of the Strategic Plan.

The Parties and the Director shall secure the operational delivery of the integration functions in accordance with the Directions issued to the Parties by the Board.

They shall put in place a management structure, headed by the Director, to manage the delivery of and performance by them of the integration functions, and to manage the staff employed by the Parties in doing so. The integration services will be managed and delivered through close partnership working and protocols, and in conjunction with the health and social care and other functions of the Parties which are not integration functions.

The Parties shall provide the Board with information and performance management information required by it in terms of the powers conferred by the Act. The Parties recognise the importance of close co-operation and working in securing the delivery of the outcomes. The Board will therefore consult with and take account of the views of the Parties in decisions regarding the information to be provided and the dates and regularity to apply to its provision. The Director shall use that information to provide regular reports to the Board on at least a quarterly basis, and including sufficient information to ensure that the membership of the Board is able to

adequately oversee the carrying out of the integration functions by the Parties. The Board shall have the ability to request and receive such additional information in relation to service performance and financial performance as is reasonably required by them to perform that duty.

In the interests of efficient governance, the relevant committees of NHS Lothian and the Council will continue to discharge their existing remits for assurance and scrutiny of the carrying out of NHS Lothian and the Council functions, regarding matters such as internal control, quality and professional standards, and compliance with the law. The Integration Joint Board will not duplicate the role carried out by those committees other than in exceptional circumstances where the IJB considers that direct engagement by the IJB (or by a committee established by the IJB) is appropriate in order to secure the proper discharge by the IJB of its statutory responsibilities.

Each of the Parties shall use reasonable endeavours to procure that in the event that one of its committees identifies an issue which is of direct and material relevance to the Integration Joint Board, the Council will advise the Chair of the Integration Joint Board and the Director of that matter and will co-operate with the IJB in supplying such further information and evidence in respect of that matter as the IJB may reasonably request.

The Parties shall ensure that their respective standing orders, schemes of delegation and other governance documents are amended (if required) to reflect the IJB's powers and remit, and its place as a common decision-making body within the framework for delivery of health and social care within the West Lothian Area.

The Parties acknowledge that the Director's role in operational delivery will represent an important means by which closer integration of services, in accordance with the integration delivery principles specified in the Act, can be achieved. For the avoidance of doubt, the Director's role in operational delivery shall not displace:

- a) the responsibilities of each Party regarding compliance with directions issued by the Integration Joint Board; or
- b) the principle that each Party's governance arrangements must allow that Party to manage risks relating to service delivery.

In addition to the specific commitments set out above and the obligations regarding provision of information attaching to the Parties under the Act, each of the Parties will use reasonable endeavours to provide the Integration Joint Board with any information which the Integration Joint Board may require from time to time to support its responsibilities regarding strategic planning, performance management, and public accountability.

### **Strategic Planning**

The Board is required to establish a strategic planning group to develop a strategic plan in accordance with the legislation describing the strategic vision and direction

for the Board over the next decade, within the policy framework and direction of the Parties. The Parties intend that the Strategic Plan will amongst other things to be determined by the Board when it approves the Strategic Plan detail the high level outcomes to be achieved; the performance management approach to monitor progress against these; the strategic commissioning priorities for the Board; and a rolling three year action plan which will be reviewed and updated on an annual basis.

The Board is one of four Boards in the area of the Health Board and the Parties and the Board require to work in co-operation amongst themselves and with those other local authorities and Boards in preparing their Integration Schemes, in developing their respective Strategic Plans, in the delivery of the integration functions, and in the interaction with health and social care functions which are not integrated.

In developing this Scheme the Parties have taken into account the other Schemes being developed between the health board and other councils in its area, and the effects that all of those Schemes, and this one, may have on the others.

The Board also requires to have regard to the impact its Strategic Plan will have on services, facilities and resources to be used in relation to the Strategic Plans after their adoption or whilst they are being developed in those other areas. The Parties' intention is that the Board shall, with the support and co-operation of the Parties, put in place a process and system to secure close collaboration, co-operation and the sharing of relevant information amongst the Chief Officers of the four integration authorities and amongst the Strategic Planning Groups of those integration authorities. The Parties shall ensure through the line management arrangements for the Director set out in the Scheme, that the Director provides information to the other integration authorities where the Board's Strategic Plan is likely to have a significant impact on the Strategic Plans of those other integration authorities, and makes representations on behalf of the Board to those other integration authorities where the interests and objectives of the Board and its Strategic Plan may be affected by the Strategic Plans elsewhere .

In particular, the Parties' intention is that the Board shall adopt reporting arrangements and processes which ensure that the strategic impacts on the other integration authorities and their strategic plans are brought to the attention of the Board in its decision making, both in regard to integration functions and other functions and services which are not integrated or delegated.

### **Lothian Hospitals Strategic Plan**

NHS Lothian will develop a plan (the 'Lothian Hospitals Strategic Plan') to support the IJBs to fulfil their duties. The Lothian Hospitals Strategic Plan will not bind the IJB and the strategic plan of the IJBs will inform the Lothian Hospitals Strategic Plan.

The Lothian Hospitals Strategic Plan will be developed in partnership with the Lothian IJBs whose integrated functions are delivered by NHS Lothian in a hospital. The first Lothian Hospitals Strategic Plan will be published by 1 December 2015.

The purpose of the Lothian Hospital Strategic Plan is to ensure that planning for hospital functions and use of hospital facilities is:

- Responsive to and supports each IJB Strategic Plan; and
- Supports the requirement of NHS Lothian to deliver hospital services required by the IJB and other hospital services that are not the responsibility of the IJB (e.g. tertiary, trauma, surgical, planned and children's services).

The Lothian Hospitals Strategic Plan will be a plan developed jointly by NHS Lothian and the Lothian IJBs. The elements of the Lothian Hospitals Strategic Plan addressing non delegated functions can only be agreed by the NHS Lothian Board after the four Lothian IJBs have been consulted and their views and requirements appropriately considered. Elements of the Lothian Hospitals Strategic Plan which cover functions delegated to the respective Lothian IJBs will be signed off by relevant Lothian IJBs in consultation with NHS Lothian and all Lothian IJBs.

The Lothian Hospitals Strategic Plan will be updated at least every three years; the process to update the plan will be led by NHS Lothian.

### **Performance Targets and Reporting Arrangements**

The Parties shall develop and agree between them a list of the targets, measures and arrangement in relation to the performance of the integration functions, and shall do so prior to the constitution of the Board. After the constitution of the Board, the Parties shall agree with the Board and, prior to the date of delegation of functions, a final list of such targets, measures and arrangements and the frequency with which information about them is to be provided.

The targets, measures and arrangements developed and approved through that process, shall include and shall reflect targets, measures and arrangements in relation to health and social care functions which have not been integrated and which are to be taken into account by the Board in its preparation of the strategic plan.

In developing and agreeing those matters, the Parties shall build on the successful performance measuring, monitoring and reporting systems operated through the West Lothian Community Health and Care Partnership. They shall through officers of both Parties develop those systems further by identifying those performance indicators and outcomes for which responsibility shall pass to the Board in relation exclusively to integration functions and those for which responsibility shall be shared where they relate to both integration functions and functions and services which have not been integrated or delegated. Those outcomes and indicators will be refined to reflect and support the priorities set out in the Board's Strategic Plan. The Parties and the Board shall ensure that the systems, outcomes and indicators put in place are regularly reviewed, refreshed and updated to reflect changes to those priorities, to the Strategic Plan and other changes in circumstances.

After it is established, the Board will be responsible for the development of its own performance management approach to enable the Board to monitor progress against quality improvement and service delivery required to achieve the high level outcomes in the strategic plan. To continue the development work of the Parties to be carried out prior to the establishment of the Board, the Parties will encourage that Board to adopt an approach to performance management which will detail the suite

of performance indicators to be used to monitor progress against the high level outcomes and will confirm the reporting arrangements on performance.

## **7.0 Clinical and Care Governance**

### **Introduction**

The Parties are to delegate certain of their respective clinical and care functions to the IJB, in accordance with section 4 of this Scheme. The Parties have had regard to their continuing duties regarding clinical and care governance as well as the integration planning principles (as set out in the Act) and the Outcomes when preparing this Scheme.

This section of the Scheme sets out the arrangements that will be put in place to allow the IJB to fulfil its role with professional advice and with appropriate clinical and care governance in place.

The Parties have well established systems to provide clinical and care governance as well as assurance for professional accountabilities. Those systems will continue following the establishment of the IJB and the scope of these systems will extend to provide the IJB with the requirements to fulfil their clinical and care governance responsibility.

Continuous improvement and the quality of service delivery (and its impact on outcomes) will be addressed through the development of the IJB's performance management framework (pursuant to section 6 of this Scheme).

The Integration Joint Board will not duplicate the role carried out by the Parties existing governance arrangements other than in exceptional circumstances where the IJB considers that direct engagement by the IJB is appropriate in order to secure the proper discharge by the IJB of its statutory responsibilities.

The Parties agree that in the event that one of its committees within its governance arrangements identifies an issue which is of direct and material relevance to the Integration Joint Board, the committee will advise the chairperson of the Integration Joint Board and the Director of that matter and will co-operate with the IJB in supplying such further information and evidence in respect of that matter as the IJB may reasonably request.

The Parties shall ensure that its standing orders, schemes of delegation and other governance documents are amended (if required) to reflect the IJB's powers and remit, the IJB's place as a common decision-making body within the framework for delivery of health and social care within the West Lothian Area and the Parties role in supporting the IJB to discharge its duties.

The voting members of the Integration Joint Board are engaged in the governance of their respective Party, and it is likely that they will be members of one or more committees of the relevant Party.



The Parties will use reasonable endeavours to appoint voting members of the Integration Joint Board (regardless of which party nominated the voting members) onto the NHS Lothian and Council governance arrangements with a remit relevant to the clinical and care governance of integration functions.

Within its existing governance framework, NHS Lothian has :

- A healthcare governance committee, the remit of which is to provide assurance to the Board that the quality of all aspects of care in NHS Lothian is person-centred, safe, effective, equitable and maintained to a high standard and to provide assurance to the Board of NHS Lothian that the Lothian NHS Board meets its responsibilities with respect to:-
  - NHS Lothian Participation Standards
  - Volunteers/Carers
  - Information Governance
- Protection of Vulnerable People including children, adults, offenders
- Relevant Statutory Equality Duties

And

- A staff governance committee, the remit of which is to support and maintain a culture within Lothian NHS Board where the delivery of the highest possible standard of staff management is understood to be the responsibility of everyone working within NHS Lothian and is built upon partnership and collaboration. The Staff Governance Committee must ensure that robust arrangements to implement the (NHS Scotland) Staff Governance Standard are in place and monitored

The staff governance committee has the primary role on staff governance matters, but can and does refer matters of relevance to the healthcare governance committee.

The healthcare governance committee can request assurance from the staff governance committee on matters of direct relevance to its remit, e.g. quality of recruitment, learning and development, completion of mandatory training.

Within the Council, the Chief Social Work Officer has overall responsibility for the professional standards of the Council's social work and social care staff. The workforce is also regulated by the Scottish Social Services Council (SSSC), and all professional staff must by law be registered with the SSSC. This registration requirement will, in due course, extend to all social care staff employed by the Council and the voluntary and independent sectors.

The Chief Social Work Officer reports annually to the Council on the registration of the workforce and on training, including mandatory training and post-qualifying learning and development. The Chief Social Work Officer will provide a copy of this annual report to the Integration Joint Board.

The Chief Social Work Officer also reports annually to the Council on standards achieved, governance arrangements including supervision and case file audits and volume/quantity of statutory functions discharged. This report must comply with national guidance issued by the Scottish Government. The Chief Social Work Officer will also provide a copy of this annual report to the integration joint board.

The intention of using the existing NHS Lothian and Council committees as a primary source of assurance is to recognise that the parties will have continuing governance responsibilities for both integration and non-delegated functions, and that the parties wish to minimise unnecessary bureaucracy. The Integration Joint Board will be engaged through its membership being on these committees, and its relationship with the committee chairs. The Integration Joint Board will be in a position to holistically consider the information/ assurance received from the Parties, and arrive at a determination for all of its functions. If the integration joint board is in any way dissatisfied with the information or assurance it receives from the parties, or the effectiveness of the parties committees, it may give a direction to the parties to address the issue, or revise its own system of governance.

### **Clinical and Care Governance Risk**

There is a risk that the plans and directions of the Integration Joint Board could have a negative impact on clinical and care governance, and professional accountabilities. This section of the Scheme sets out the arrangements that will be put in place to avoid this risk.

### **Professional Advice**

NHS Lothian has within its executive membership three clinical members (referred to below as '**Executive Clinical Directors**'); a Medical Director, a Nurse Director, and a Director of Public Health. Their roles include responsibility for the professional leadership and governance of the clinical workforce (medical, nursing, allied health professionals, healthcare scientists, psychology, pharmacy), as well as clinical governance within NHS Lothian generally. The creation of the IJB does not change their roles in respect of professional leadership, and they remain the lead and accountable professionals for their respective professions.

The Council has a Chief Social Work Officer who reports to the Chief Executive and councillors. The Chief Social Work Officer monitors service quality and professional standards in social care and social work, for staff employed in both adult and children's services, together with standards in relation to the protection of people at risk. The Chief Social Work Officer role also includes quality assurance of decision-making with regard to adult social care, mental health criminal justice and children's services, in particular in relation to public protection and the deprivation of liberty.

The creation of an IJB does not change the Chief Social Work Officer's role in respect of professional leadership and he or she will remain the lead and accountable professional for his or her profession.

The Chief Social Work Officer must be a non-voting member of the IJB. The IJB may elect to appoint one or both of the Medical Director and the Nurse Director as additional non-voting members of the IJB. The Order requires NHS Lothian to fill the following non-voting membership positions on the IJB:

- A registered medical practitioner whose name is included in the list of primary medical services performers prepared by NHS Lothian in accordance with Regulations made under section 17P of the National Health Service (Scotland) Act 1978;
- A registered nurse who is employed by NHS Lothian or by a person or body with which NHS Lothian has entered into a general medical services contract; and
- A registered medical practitioner employed by NHS Lothian and not providing primary medical services.

NHS Lothian will consider the advice of the Executive Clinical Directors, and any other relevant officer it deems fit before making appointments to fill the membership positions referred to above. The appointees will be professionally accountable to the relevant executive clinical director. NHS Lothian will develop a role description for the appointments referred to above, to ensure that their role on the IJB with regard to professional leadership and accountability is clearly defined and understood.

The three health professional representatives referred to above will each also be:

- A member of an integrated professional group (should it be established); and/or
- A member of a NHS Lothian committee; and/or
- A member of a consultative committee established by NHS Lothian.

If a new “integrated professional group” is established, the Chief Social Work Officer must also be a member.

The three health professional representative set out above and the Chief Social Work Officer will be expected by the Parties to play a lead role in:

- Communicating and having regard to their duties to NHS Lothian or the Council as the case may be whilst discharging their role as a member of the IJB;
- Communicating and having regard to the interests of the IJB whilst discharging their duties as professionals employed by NHS Lothian or (as the case may be) the Council.
- The members will be expected to communicate regularly with the Executive Clinical Directors, and the Council’s Chief Executive as and when appropriate.

The presence of these four members will ensure that the decisions of the IJB are informed by professional advice from within the membership of the IJB.

The Chief Social Work Officer reports annually to the Council on the registration of the workforce and on training, including mandatory training and post-qualifying learning and development.

NHS Lothian includes a governance statement in its annual accounts, the content of which is informed by the annual reports of its governance committees (such as healthcare governance and staff governance) and certificates of assurance from its Executive Clinical Directors. The IJB may place reliance on these existing

processes, and the Parties will provide any such reports from those processes as the IJB may require.

The Executive Clinical Directors shall be entitled to raise issues directly with the IJB in writing. The IJB shall be required to respond in writing when issues are raised in this way. The Chief Social Work Officer will be a non-voting member of the IJB, and can therefore raise any issues directly at the IJB.

The engagement of professionals throughout the process to develop and consult on the Strategic Plan is intended to ensure that the IJB has all the required information to prepare a Strategic Plan, which will not compromise professional standards.

In the unlikely event that the IJB issues a direction to NHS Lothian, which is reasonably likely to compromise professional standards, then in the first instance, the relevant Executive Clinical Director will write to the IJB.

If the issue is not resolved to their satisfaction, they must inform the board of NHS Lothian before it takes action to implement the direction, and the following measures will apply:

- The relevant Executive Clinical Director must ensure that appropriate advice is tendered to the board of NHS Lothian on all matters relating to professional standards;
- The relevant Executive Clinical Director must set out in writing to NHS Lothian any objections they may have on a proposal that may compromise compliance with professional standards;
- The board of NHS Lothian will inform the IJB that it has received such objections, along with a statement of the views of the board of NHS Lothian on those objections;
- If board of NHS Lothian decides to proceed with a proposal despite those objections, the relevant executive clinical director will be provided with written authority from the board of NHS Lothian to act on the proposal. NHS Lothian must inform the Scottish Government Health and Social Care Directorate if a request for such a written authority is made. A copy of that authority must be sent to the appropriate regulatory body, e.g. General Medical Council;
- Once the relevant executive clinical director has received that written authority, they must comply with it.

The three professional clinical members on the IJB (two medical practitioners, one nurse) are non-voting members. They will be expected by the Executive Clinical Directors to raise any concerns in relation to matters which may compromise professional standards with the IJB.

If any of the three professional clinical members becomes aware of a matter arising from the conduct of IJB business, which may compromise professional standards, they must immediately notify the relevant executive clinical director(s) of their concerns.

The Chief Social Work Officer will be a non-voting member of the Integrated Joint Board, and as such, will contribute to decision making, and will provide relevant professional advice to influence service development.

In the event that the Integrated Joint Board issues a direction to the Council or NHS Lothian, which in the view of the Chief Social Work Officer compromises professional social work standards or the discharge of statutory functions, the Chief Social Work Officer must immediately notify the Director of their concerns and if their concerns are not resolved by the Director to their satisfaction must then raise the matter with the Chief Executive of the Council.

### **Professionals Informing the IJB Strategic Plan**

With regard to the development and approval of its Strategic Plan, the IJB is required to:

- establish a strategic planning group (which will review the draft Strategic Plan). This strategic planning group must include a nominee from both NHS Lothian and the Council in its membership, as well as representation from health professionals and social care professionals. NHS Lothian and the Council will make recommendations to the IJB with regard to the representation from health professionals and social care professionals;
- consult both NHS Lothian and the Council on its Strategic Plan, and take into account their views before it finalises the Strategic Plan.

There will be three opportunities within these arrangements for professional engagement in the planning process;

- at the IJB;
- in the context of the work of the strategic planning group; and
- as part of the consultation process with the Parties associated with the Strategic Plan.

The membership of the IJB will not be the only source of professional advice available to the IJB. In advance of the establishment of the IJB the Parties agree that the chairs of all appropriate committees and groups will be informed that they are able to, and expected to, directly provide advice to the IJB. Those committees and groups may also advise an integrated professional group that provides advice to the IJB. Those committees and groups include, but are not limited to:

- Area Clinical Forum;
- Local consultative committees that have been established under section 9 of the National Health Service (Scotland) Act 1978;
- Managed Clinical/ Care Networks;
- West Lothian Public Protection Committee (adult and child protection, drug and alcohol, violence against women, offender management etc). The IJB will consult this committee on any plans that may impact on the protection of children or vulnerable adults or people who are assessed as posing a risk;
- Any integrated professional group established.

NHS Lothian and the Council will ensure that the draft Strategic Plan is sent to the following senior professionals in order to secure their input and advice:

- NHS Lothian Medical Director;

- NHS Lothian Nurse Director;
- NHS Lothian Director of Public Health & Health Policy;
- NHS Lothian Allied Health Professions Director;
- Chief Social Work Officer.

The engagement of the Council's professionals will not be limited to social work staff, but will extend to related professionals within social care, such as, but not exclusively, occupational therapists, home care and social care staff.

The approach to locality planning and delivery including the arrangements for clinical and social care governance will be developed through the strategic planning process in a collaborative manner by the IJB.

### **External scrutiny of clinical and care functions**

NHS Lothian seeks assurance for internal control/quality through its Healthcare Governance Committee, which includes reports by external bodies such as Healthcare Improvement Scotland.

The Care Inspectorate (Social Care and Social Work Improvement Scotland) regulates, inspects and supports improvement of adult and children's social work and social care, and their reports feed into the Council's system of governance.

The IJB will consequently be informed of any relevant issues from external scrutiny, as a consequence of drawing from the systems already established by the Parties.

### **IJB Strategic Planning Group**

The Chairperson of the IJB will ensure that the Strategic Planning Group is provided with all information that it requires to discharge its role. This will be done through exercising the powers the IJB has to require information from the Parties for planning purposes, as well as sharing information the IJB has already acquired through the conduct of its normal business.

### **Service User and Carer Feedback**

The Parties have a range of systems already in place to capture and respond to service users' experience, and these will continue to be used as the Parties implement the directions of the IJB.

## **8.0 Director**

### **Appointment**

The first Director will be appointed to the post by the Board as required by the Act, but, to reflect the significance of the post to the Parties and the Director's duties and responsibilities, it is expected that the appointment shall be made after consultation by the Board with the Parties and of the jointly agreed holder of the shadow Director post.

Prior to the establishment of the Board the Director's job description, person specification, terms and conditions, salary, pension, responsibilities and powers shall be agreed jointly between the Parties, and appropriate approval obtained under the

separate mechanism contained in the Act. Those will reflect and include the responsibilities the Director will have, by agreement between the Parties, to the Parties in relation to matters other than those affecting the integration functions.

Upon the appointment by the Board of the Director, the Parties shall at the same time confirm the appointment of the Director in relation to their own organisations and shall ensure that appropriate powers are delegated to him/her by the Parties to enable him/her to meet the requirements of the post.

Any future appointment to the post of Director shall follow an open and transparent process, except that the recruitment, selection and appointment process shall be carried out by the Board, in reliance on professional advice to be provided to the Board as part of the agreed support services. The Parties shall ensure the availability of appropriate technical, legal and human resources advice through the arrangements to be put in place for the provision of support services as set out in the Scheme, and through an appointment process designed by the Board to reflect the significance to the Parties of the post.

If an interim replacement for the Director of the Board is required, in line with a request from the Board to that effect (on the grounds that the Director is absent or otherwise unable to carry out their functions), the Chief Executives of the Parties will initiate a joint selection process, identifying a list of potential replacements; and selection of a suitable candidate will be undertaken against a set of agreed criteria. The interim replacement will be employed by one of the Parties and will be seconded to the Board on an interim basis.

### **Operational Role**

In terms of the Act the Director will report to and advise the Board in relation to its role and powers over the integrated functions, and they will also be accountable to the Chief Executives of the Parties in relation to operational and service delivery matters.

The Director will be a member of each of the council and health board senior management teams and together with the Chief Social Work Officer will have appropriate delegated powers to enable them to discharge their duties and to manage the two services and secure the operational delivery of the integration functions jointly and in an integrated manner.

The Director will be the senior manager in each of the Parties responsible for delivery of the delegated functions in accordance with directions from the Board, and for the delivery of other health and social care functions which have not been delegated to the Board.

### **9.0 Workforce**

The Parties will provide for workforce development in relation to the staff employed in the delivery of the integration functions and will develop an integrated Workforce Development and Support Plan, and an Organisational Development Plan in relation to teams delivering services. The Parties shall ensure the completion of those Plans prior to the constitution of the Board and they shall be put in place at the date of delegation of the integration functions.

## **10.0 Finance**

### **Finance Officer**

In relation to the preparation of its accounts and their audit, the Board is governed by the same legislation applying to local authorities and will require to make arrangements for the proper administration of its financial affairs; this will include the appointment of a Finance Officer with this responsibility. The Finance Officer will be employed by the Council or NHS Lothian and seconded to the Board. The holder of the post should be a CCAB-qualified accountant, and the Board should have regard to the current CIPFA Guidance on the role.

In the event that the Finance Officer position is vacant or the holder is unable to act, the Director shall secure, in consultation with the Board Chair, and through agreement with both the council section 95 officer and the NHS Lothian Director of Finance, an appropriate interim dedicated resource to discharge the role.

### **Financial Management of the Board**

The Board will determine its own internal financial governance arrangements; and the Finance Officer will be responsive to the decisions of the Board, and the principles of financial governance set out in this Scheme.

### **Principles of Financial Governance**

The following principles of financial governance shall apply:

- NHS Lothian and the Council have agreed to establish the Board as a “joint operation” as defined by IFRS 11
- NHS Lothian and the Council will work together in a spirit of openness and transparency
- NHS Lothian and the Council will ensure their payments to the Board are sufficient to fund the delegated functions in line with the financial elements of the Strategic Plan
- NHS Lothian and the Council payments to the Board derive from a process that recognises that both organisations have expenditure commitments that cannot be avoided in the short to medium term. The Board, through its Strategic Plan and through the directions issued by it, may, however, be able to influence such commitments over time; and both Parties will work with the Board on service redesign proposals in relation to integration functions.

### **Financial Governance**

The Parties will contribute to the establishment of a Board budget. The Director will manage the Board budget.

The Parties are required to implement the Directions of the Board in carrying out the integrated functions in line with the strategic plan, provided that the Board delegates the required level of resources to meet the anticipated cost of the integrated functions. The Parties will apply their established systems of financial governance to the payments they receive from the Board. The NHS Lothian Accountable Officer and the Council section 95 Officer have legally defined responsibilities and accountability for the financial governance of their respective bodies.



The Director in their operational role within NHS Lothian and the Council is responsible for the financial management of any operational budgets (as defined in section 10 of this Scheme) that may be delegated to them by the Parties, and is accountable for this to the NHS Lothian Chief Executive and WLC section 95 officer.

The Board will develop its own financial regulations. The Finance Officer will periodically review these financial regulations and present any proposed changes to the Board for its approval.

The Council will host the Board Financial Accounts and will be responsible for recording the Board financial transactions through its existing financial systems. This will include the ability to establish reserves.

The Board's Finance Officer will be responsible for preparing the Board's accounts and ensuring compliance with statutory reporting requirements as a body under the relevant legislation.

The Finance Officer will also be responsible for preparing a medium-term financial plan to be incorporated into the Board's Strategic Plan. The Finance Officer will also be responsible for preparing the annual financial statement that the Board must publish under section 39 of the Act, which sets out what the Board intends to spend in implementation of its Strategic Plan.

The Finance Officer will be responsible for producing finance reports to the Board, ensuring that those reports are comprehensive.

The Finance Officer will liaise closely with the Council s95 officer and the NHS Lothian Director of Finance and their teams in order to discharge all aspects of their role. Section 6 of this scheme has set out the process the Parties will undertake to determine how professional, technical and administrative services will be provided to the Board. The initial focus of this work includes finance support.

### **Payments to the Board (made under section 1(3) (e) of the Act)**

The legislation on Integration uses the term 'payment' to describe the budget contributions that the Parties will delegate to the Board. In the interests of clarity, whilst the term 'payment' is used in this document to remain consistent with the legislation, it is not anticipated that cash transfers will take place between Parties and the Board. Rather, the term 'payment' can be taken to mean the budget contributions of the partner organisations that have been agreed as resources delegated to the Board.

Prior to the start of each financial year, the Parties will agree a schedule of payments to the Board (covering their initial calculated payment for the financial year and the dates for transactions).

Any difference between payments into and out from the Board will result in a balancing payment between the Council and NHS Lothian which reflects the effect of the directions of the Board.

### **Initial Payments to the Board**

The Council and NHS Lothian will identify a core baseline operational budget for each function that is delegated to the Board. This will be used as the basis to calculate their respective payments into the Board budget.

The Council and NHS Lothian already have established financial planning processes which take into account the financial settlements they have received, and identified and assumed expenditure pressures, to arrive at opening budgets for the forthcoming financial year. These same processes will be applied to the core baseline operational budgets for the delegated functions in order to arrive at the initial payments to the Board.

### **Resource Transfer**

The “resource transfer” payments from NHS Lothian to the Council will continue to be made after the Board is established, as these payments are effectively core funding of functions that will be delegated by the Council. Taking account of the process above, the resource transfer payment from NHS Lothian to the Council will be reviewed on an annual basis.

### **Hosted Services**

NHS Lothian carries out functions across four local authority areas. Some of the functions that will be delegated to all four Integration Joint Boards in the NHS Lothian boundary are currently provided as part of a single Lothian-wide service, commonly referred to as “hosted services”. As such there is not currently a separately identifiable budget for those services by local authority area.

In order to identify the core baseline budget for each of the hosted services in each local authority area, NHS Lothian will initially determine which of the following methodologies is the most appropriate in representing the distribution of the delivery of those services in each local authority area and their respective populations at a given point in time:-

- Local activity and cost data for each service within each local authority area
- Population distribution across the local authority areas
- Patient level activity and cost data
- Historically applied and recognised percentages.

The Council and the Board will review the proposals from NHS Lothian as part of a due diligence process, and the core baseline budget will be collectively agreed.

### **Due Diligence**

The Parties will share information on the financial performance over the previous two financial years of the functions and associated services which will be delegated to the Board. This will allow the Parties to undertake appropriate reviews to gain assurance that the services are currently being delivered sustainably within approved resources, and that the anticipated initial payments will be sufficient for the Board to carry out its integration functions.

If any such review indicates that the projected expenditure is likely to exceed the initial payments to the Board, then the relevant Party will be notified. The relevant Party will be required to take action to ensure that services can be delivered within the available operational budget

The Parties recognise that of the functions which are to be delegated to the Board, there are some where there is greater potential for the actual expenditure to vary

significantly from projections. The Parties will identify what those functions are, and will ensure that information is provided to the Board so that it may build up its working knowledge of the issues, and focus on those functions within their systems for risk management and financial reporting. This will help the Board and the Parties determine how any particular variances (should they arise) should be handled (see section below), as well as how the Board decides to direct the use of the Board budget in the future.

This process of due diligence will be applied in future years, and this will be informed by, amongst other things, the intelligence within the financial performance reports covering all integration functions that the Board will routinely receive.

### **Determining the schedules for the Initial Payments**

The Council section 95 officer and the NHS Lothian Director of Finance are responsible for preparing the schedules for their respective party. The amounts to be paid will be the outcome of the above processes. They will consult with the Director and officers in both Parties as part of this process.

- The Council section 95 officer and the NHS Lothian Director of Finance will each prepare a schedule outlining the detail and total value of the proposed payment from each party, and the underlying methodology and assumptions behind that payment. These draft schedules will identify any amounts included in the payments that are subject to separate legislation or subject to restrictions stipulated by third party funders. The schedules will also contain the detail and total value of set aside resources for hospital services, made under section 1(3) (d) of the Act.
- The Council section 95 officer and the NHS Lothian Director of Finance will refer the draft schedules to the Director so that they may have an opportunity to formally consider it.
- The Council section 95 officer and the NHS Lothian Director of Finance will thereafter present the final draft schedules to the Parties. This schedule must be approved by the Director of Finance of NHS Lothian, the Council section 95 officer and the Director.
- The Council and NHS Lothian must approve their respective payments, in line with their governing policies.

### **Subsequent section 1(3) (e) Payments to the Board**

The calculation of payments in each subsequent financial year will essentially follow the same processes as has been described for the initial payment. This section highlights the key differences from the process of calculating the initial payment.

The starting position will be the payments made to the Board in the previous financial year. The Parties will then review the payments, having due regard to any known factors that could affect core baseline budgets, available funding, their existing commitments, the results of their own financial planning processes, the previous year's budgetary performance for the functions delegated to the Board, the Board's performance report for the previous year, and the content of the Board's Strategic Plan.

The Parties will also have due regard to the impact of any service re-design activities that have been direct consequence of Board directions.

In all subsequent financial years, the Board will be established and the Director and Finance Officer will have been appointed to their posts. The Parties will engage the Board, Director, and Finance Officer in the process of calculating subsequent payments through:

- Both Parties will provide indicative three year allocations to the Board, subject to annual approval through their respective budget setting processes.
- The Parties will ensure the Director and Finance Officer are actively engaged in their financial planning processes. The Director will be expected to feed into the planning processes with any intelligence that is relevant, e.g. the aims of the Strategic Plan, the effect of previous directions on activity and expenditure, projected changes in activity and expenditure. The Director of Finance of NHS Lothian, the section 95 Officer of the Council and the Board Finance Officer will ensure a consistency of approach and consistent application of processes in considering budget assumptions and proposals.

#### **The set-aside of resources for use by the IJB under section 1(3) (d) of the Act**

In addition to the section 1(3)(e) payments to the IJB, Lothian NHS Board will identify a set aside budget for delegated functions in large hospitals. The set aside budget for delegated hospital services will be based on an apportionment of the relevant Lothian NHS Board budgets for the delegated hospital services (excluding overheads).

In order to identify the core baseline budget for the set-aside functions in each council area, the Health Board shall initially determine which of the following methodologies is the most appropriate in representing the distribution of the delivery of services in each council area, and their respective populations at a given point in time:-

- Local activity and cost data for each service within each council area
- Population distribution across the council area
- Patient level activity and cost data
- Historically applied and recognised percentages.

The Parties and the IJB will review the proposals from Lothian NHS Board referred to above, as part of a due diligence process, and the core baseline budget will be jointly agreed.

#### **Process to agree payments from the Board to the Parties**

The Board will determine and approve, in accordance with the Strategic Plan, the payments to the Parties which will accompany its directions to them for carrying out the functions delegated to the Board. The Party receiving a direction from the Board shall implement it, having agreed with the Board the level of resources required to do so.

The Finance Officer is responsible for providing the Board with appropriate information and advice, so that it may determine what those payments should be.

Each direction from the Board to the Parties will take the form of a letter from the Director referring to the arrangements for delivery set out in the Strategic Plan and will include information on:

- the delegated function(s) that are to be carried out
- the outcomes to be delivered for those delegated functions
- the amount of and method of determining the payment to be made, in respect of the carrying out of the delegated functions.

Once issued, directions can be amended by a subsequent direction by the Board.

Where amounts paid to the Board are subject to separate legislation or subject to restrictions stipulated by third party funders, the Board must reflect these amounts in full, in determining the level of the payments to be made to the Parties in respect of the carrying out of the relevant function or functions. However, the Board is not precluded from increasing the resource allocated to the relevant services.

### **Financial Reporting to the Board**

Budgetary control and monitoring reports (in such form as the Board may request from time to time) will be provided to the Board as and when it requires. The reports will set out the financial position and outturn forecast against the payments by the Board to the Parties in respect of the carrying out of integration functions and against the amount set aside by NHS Lothian for hospital services. These reports will present the actual and forecast positions of expenditure compared to operational budgets for delegated functions and highlight any financial risks and areas where further action is required to manage budget pressures.

NHS Lothian will provide information on the set-aside budgets which will be contained in financial reports to the Board.

Through the process of reviewing the professional, technical and administrative support to the Board and the development of accounting for the set-aside, the Parties will devise a sustainable model to support financial reporting to the new Board. Until that model is in place, both Parties will provide the required information on operational budgetary performance from their respective finance systems, and this will be co-ordinated and consolidated by the Finance Officer to provide reports to the Board on all the Board's integration functions.

### **Process for addressing variance in the spending of the Board**

#### **Treatment of forecast over- and under-spends against the Operational Budget**

The Board is required to deliver its financial out-turn within approved resources.

Section 15 of this scheme sets out the arrangements for risk management, and financial risk (within the Board and both Parties) will be managed in line with those arrangements.

The Parties will make every effort to avoid variances arising. A key measure in this regard will be the due diligence activities, and the sharing of information with the

Board, so that the Board has the best opportunity to allocate resources effectively. The Parties will also ensure that the systems that are already applied to delivering public services within fixed and limited resources will continue.

Where financial monitoring reports indicate that an overspend is forecast on the NHS Lothian or the Council operational budget for delegated functions, it is agreed by the Parties that the relevant party should take immediate and appropriate remedial action to prevent the overspend. The manager leading this remedial action could be the Director in his or her operational capacity within the affected party.

In the event that such remedial action will not prevent the overspend, then Finance Officer will, together with the relevant Party, develop a proposed recovery plan to address the forecast overspend. The Finance Officer will then present that recovery plan to the Board as soon as practically possible. The Board has to be satisfied with the recovery plan, and the plan is subject to its approval.

### **Additional Payments by the Parties to the Board**

Where such a recovery plans is projected to be unsuccessful and an overspend occurs at the financial year end, and where there are insufficient reserves held by the Board to meet the overspend, then the Parties may make additional payments to the Board. The Finance Officer and the Parties shall engage in discussion and negotiation about the amounts to be paid by each Party and the date or dates upon which any such payments are to be made.

The Parties recognise that the delivery of integrated functions in accordance with the Strategic Plan depends on their co-operation between each other and with the Board and that all three parties must approach such discussions in good faith, recognising the pressures and constraints on their respective budgets and services. In such discussions the Parties recognise and accept that an overspend is at the risk of the Party incurring the overspend and the residual amount of overspend after usage of reserves must, in the absence of any other agreement, be met by that Party.

Recurring overspends will be considered as part of the following year's budget process. If a solution to the overspend cannot be agreed by the Parties, or is not agreed by the Board, then the dispute resolution mechanism in this Scheme may require to be implemented.

### **Underspends**

As part of their normal financial management systems, the Parties conduct in-year reviews of financial performance, and occasionally this may lead to a forecast of an underspend at the year-end on one or more budgets.

In the event that this happens within the operational budgets, any underspend shall be returned to the integration Party delivering that service for the Board, except where the Parties agree that the underspend should be retained by the Board for future use. For example, this could relate to specific management action planned to result in an underspend.

The Board may hold reserves, as determined by its Reserves Policy.

## **Treatment of variations against the amounts set aside for use by the Board**

At the time of preparing this consultation draft, the Scottish Government is developing guidance on how the set-aside will work in practice. The Parties will therefore develop this part of the Scheme at a later date.

## **Redetermination of payments (made under section 1(3) (e)) to the Board**

Redeterminations of payments made by the Parties for the carrying out of integration functions would apply under the following circumstances:

- Additional one off funding is provided to a Party or Parties by the Scottish Government, or some other body, for expenditure in respect of a function delegated to the Board
- The Parties agree that an adjustment to the payment is required to reflect changes in demand and/or activity levels
- Transfer of resources between set aside hospital resources and integrated budget resources delegated to the Board and managed by the Director.
- The Parties need to recover funds to offset a material overspend in their non delegated health and social care budgets subject to availability of funds.

In all cases full justification for the proposed change would be required and both Parties and the Board would be required to agree to the redetermination. The Parties would apply the process used to calculate the payment to the Board (described earlier) to the affected functions.

Any required additional payments will be added to the schedule of payments for the financial year.

## **Redetermination of payments (made under section 1(3) (d)) to the Board**

Redetermination of set-aside payments will be carried out on the same basis as under section 1(3)(e), above.

## **Use of Capital Assets**

The Board, NHS Lothian and the Council will identify all capital assets which will be used in the delivery of the Strategic Plan.

Changes in use of capital assets will flow from the Strategic Plan and the directions issued by the Board to the Parties. The Strategic Plan process will outline any implications or requirements for capital assets.

The Parties will ensure that their capital asset planning arrangements take due cognisance of the above implications and requirements.

The Director of the Board will consult with the Parties to identify the specific need for improvements/changes to assets owned by each which may be required in connection with the carrying out of integration functions. Where a capital investment need is identified, the Director will present a business case to the Parties to make best use of existing resources and develop capital programmes. Any business case will set out how the investment will meet the strategic objectives set out in the Strategic Plan and identify the ongoing revenue costs/savings associated with implementation of the proposals.

The Board, the Council and NHS Lothian will work together to ensure assets required in connection with the carrying out of integration functions are used as effectively as possible and in compliance with the relevant legislation relating to use of public assets.

## **Audit and Financial Statements**

### **Financial Statements and External Audit**

The legislation requires that the Board is subject to the audit and accounts provisions of a body under section 106 of the Local Government (Scotland) Act 1973 (section 13). This will require audited annual accounts to be prepared with the reporting requirements specified in the relevant legislation and regulations (section 12 of the Local Government in Scotland Act 2003, the Local Authority Accounts (Scotland) Regulations 2014 and other regulations under section 105 of the Local Government (Scotland) Act 1973). These will be proportionate to the limited number of transactions of the Board whilst complying with the requirement for transparency and true and fair reporting in the public sector.

The reporting requirements for the annual accounts are set out in legislation and regulations and will be prepared following the CIPFA Local Authority Code of Practice. The Parties will agree a clear timetable for the preparation of the Board's annual accounts which will incorporate a process to agree any balances between the Board and the Parties.

The Finance Officer of the Board will supply any information required to support the development of the year-end financial statements and annual report for both Parties. Both Parties will need to disclose their interest in the Board as a joint arrangement under IAS 31 and comply in their annual accounts with IAS 27. Both Parties will report the Board as a related party under IAS 24.

The Board financial statements must be completed to meet the audit and publication timetable specified in the regulations (Regulations under section 105 of the Local Government (Scotland) Act 1973).

The Accounts Commission will appoint the external auditors to the Board.

The financial statements will be signed in line with the governance arrangements for the Board and as specified in the Local Authority Accounts (Scotland) Regulations 2014, made under section 105 of the Local Government (Scotland) Act 1973.

In all forms of audit, the Parties are expected to comply with related requests and to aid the audit process.

### **11.0 Participation and Engagement**

Consultation on this Integration Scheme was undertaken in accordance with the requirements of the Act.

The stakeholders consulted in the development of this scheme were

- All prescribed consultees
- Staff of Parties.



The draft scheme was also posted on the West Lothian Community Health and Care Partnership website to allow wider exposure and comment from the general public.

All responses received during the consultation have been reviewed and taken into consideration in the production of the final version of this scheme.

The Parties jointly agree to provide the following support to the Board

- A participation and engagement strategy will be developed within one year of the establishment of the Board
- This strategy will be subject to regular review by the Board.

## **12.0 Information Sharing and Confidentiality**

There is an existing and long standing Pan-Lothian and Borders General Information Sharing Protocol, to which NHS Lothian, City of Edinburgh Council, East Lothian Council, Midlothian Council and West Lothian Council are all signatories. This Protocol is currently being reviewed by a sub group on behalf of the Pan-Lothian Data Sharing Partnership for any minor modifications required to comply with the Regulations. The final Protocol, following consultation, will be recommended for signature by Chief Executives of respective organisations, and the Chief Officers of the Integration Joint Boards, once they have been appointed by the IJB, on behalf of the Pan-Lothian Data Sharing Partnership.

The Pan-Lothian and Borders General Information Sharing Protocol update will be agreed by 31 March 2015.

Procedures for sharing information between the Council, NHS Lothian, and, where applicable, the Integration Joint Board will be drafted as Information Sharing Agreements and procedure documents. This will be undertaken by a sub group on behalf of the Pan-Lothian Data Sharing Partnership, who will detail the more granular purposes, requirements, procedures and agreements for each of the Lothian Integration Joint Boards and the functions respectively delegated to them.

The Council and NHS Lothian will continue to be Data Controller for their respective records (electronic and manual), and will detail arrangements for control and access. The Integration Joint Board may require to be Data Controller for personal data if it is not held by either by the Council or NHS Lothian.

Arrangements for Third Party organisations access to records will be jointly agreed by all contributing partners prior to access.

Procedures will be based on a single point of governance model. This allows data and resources to be shared, with governance standards, and their implementation, being the separate responsibility of each organisation. Shared datasets governance will be agreed by all contributing partners prior to access.

Following consultation, Information Sharing Protocols and procedure documents will be recommended for signature by the Chief Executives of respective organisations, and the Chief Officers of the Lothian Integration Joint Boards.

Once established, agreements and procedures will be reviewed bi-annually by the sub group of the Pan-Lothian Data Sharing Partnership, or more frequently if required.

The information sharing agreements and procedures applicable to the IJB will be agreed by 31 March 2015.

### **13.0 Complaints**

There are separate complaints regimes and procedures which apply to councils and health boards, statutory and otherwise. The Parties are not able to dictate arrangements that the Board may wish to put in place in relation to the handling of complaints which may be directed at the Board, but the Parties shall ensure that a single gateway is provided for complaints to be made which relate to their performance of the integrated functions, to be managed by the Director as part of the management arrangements to be made by the Parties.

Complaints made to the Board or to one or both of the Parties in relation to the integration functions shall be allocated by the Director to one of the Parties to address, having regard in particular to the statutory social work services complaints procedure.

The Parties shall co-operate with each other and with the Board in the investigation and handling of complaints in relation to the integrated functions.

### **14.0 Claims Handling, Liability & Indemnity**

The Parties agree that the Parties will manage and settle claims arising from the exercise of integration functions in accordance with common law and statute.

### **15.0 Risk Management**

The Parties already operate an agreed Risk Management Strategy through the past successful operation of the West Lothian Community Health and Care Partnership. The Parties shall carry that strategy forward prior to and after the establishment of the Board. Each Party has in that strategy identified the risks relevant to existing partnership working arrangements and the Parties shall develop that list to take account of legislative requirements and risks arising from new integrated delivery of the integration functions. They will produce and agree a list of the risks proposed to be monitored and reported by them under the risk management strategy.

The Parties shall provide the support and expertise of their own risk officers in developing and implementing the Board's strategy and risk management measures and procedures. Risk management resources within each partner body will continue to be available to support risk areas that have been delegated to the Board and the development of the Board risk strategy.

An integrated Health and Social Care Risk Register, based on an agreed methodology for the assessment of risk, will be maintained and reviewed at regular intervals.

The Parties shall make arrangements to ensure that the Board will receive regular reports on the risk management strategy.

These arrangements shall be put in place by the Board, supported by the Parties, prior to the date of delegation of the integration functions.

## **16.0 Dispute Resolution Mechanism**

In the event of a failure by the Parties and the Board to reach agreement between or amongst themselves in relation to any aspect of the Scheme or the integration functions, the Director shall use their best endeavours to reach a resolution through discussion and negotiation with the Parties and the Board.

In the event that the matter remains unresolved, a meeting to seek a resolution shall take place amongst the Chief Executives of the Parties, the Chair of the health board, the Leader of the council, the Director and the Chair and Vice-Chair of the Board.

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## ANNEX 1

### Part 1 Functions delegated by the health board to the Board

#### Functions prescribed for the purposes of section 1(8) of the Act

<i>Column A</i>	<i>Column B</i>
<p><b>The National Health Service (Scotland) Act 1978(a)</b></p> <p>All functions of Health Boards conferred by, or by virtue of, the National Health Service (Scotland) Act 1978</p>	<p>Except functions conferred by or by virtue of –</p> <p>section 2(7) (Health Boards);</p> <p>section 2CB (functions of Health Boards outside Scotland);</p> <p>section 9 (local consultative committees);</p> <p>section 17A (NHS contracts);</p> <p>section 17C (personal medical or dental services);</p> <p>section 17I (use of accommodation);</p> <p>section 17J (Health Boards' power to enter into general medical services contracts);</p> <p>section 28A (remuneration for Part II services);</p> <p>section 38 (care of mothers and young children);</p> <p>section 38A (breastfeeding);</p> <p>section 39 (medical and dental inspection, supervision and treatment of pupils and young persons);</p> <p>section 48 (residential and practice accommodation);</p>

	<p>section 55 (hospital accommodation on part payment);</p> <p>section 57 (accommodation and services for private patients);</p> <p>section 64 (permission for use of facilities in private practice);</p> <p>section 75A (remission and repayment of charges and payment of travelling expenses);</p> <p>section 75B (reimbursement of the cost of services provided in another EEA state);</p> <p>section 75BA (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25th October 2013);</p> <p>section 79 (purchase of land and moveable property);</p> <p>section 82 use and administration of certain endowments and other property held by Health Boards);</p> <p>section 83 (power of Health Boards and local health councils to hold property on trust);</p> <p>section 84A (power to raise money, etc., by appeals, collections etc.);</p> <p>section 86 (accounts of Health Boards and the Agency);</p> <p>section 88 (payment of allowances and remuneration to members of certain bodies connected with the health services);</p> <p>section 98 (charges in respect of non residents);</p> <p>and paragraphs 4, 5, 11A and 13 of Schedule</p>
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	<p>1 to the Act (Health Boards);</p> <p>and functions conferred by—</p> <p>The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989;</p> <p>The Health Boards (Membership and Procedure) (Scotland) Regulations 2001/302;</p> <p>The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000;</p> <p>The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004;</p> <p>The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004;</p> <p>The National Health Service (Discipline Committees) (Scotland) Regulations 2006;</p> <p>The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006;</p> <p>The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009;</p> <p>The National Health Service (General Dental Services) (Scotland) Regulations 2010; and</p> <p>The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011.</p>
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986</b></p> <p>Section 7</p>	

(persons discharged from hospital)	
<p><b>Community Care and Health (Scotland) Act 2002</b></p> <p>All functions of Health Boards conferred by, or by virtue of, the Community Care and Health (Scotland) Act 2002.</p>	
<p><b>Mental Health (Care and Treatment) (Scotland) Act 2003</b></p> <p>All functions of Health Boards conferred by, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.</p>	<p>Except functions conferred by—</p> <p>section 22 (approved medical practitioners);</p> <p>section 34 (inquiries under section 33: cooperation;</p> <p>section 38 (duties on hospital managers: examination, notification etc.);</p> <p>section 46 (hospital managers' duties: notification);</p> <p>section 124 (transfer to other hospital);</p> <p>section 228 (request for assessment of needs: duty on local authorities and Health Boards);</p> <p>section 230 (appointment of patient's responsible medical officer);</p> <p>section 260 (provision of information to patient);</p> <p>section 264 (detention in conditions of excessive security: state hospitals);</p> <p>section 267 (orders under sections 264 to 266: recall);</p> <p>section 281 (correspondence of certain persons detained in hospital);</p> <p>and functions conferred by—</p> <p>The Mental Health (Safety and Security) (Scotland) Regulations 2000);</p>

	<p>The Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005;</p> <p>The Mental Health (Use of Telephones) (Scotland) Regulations 2005; and</p> <p>The Mental Health (England and Wales Crossborder transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008.</p>
<p><b>Education (Additional Support for Learning) (Scotland) Act 2004</b></p> <p>Section 23 (other agencies etc. to help in exercise of functions under this Act)</p>	
<p><b>Public Services Reform (Scotland) Act 2010</b></p> <p>All functions of Health Boards conferred by, or by virtue of, the Public Services Reform (Scotland) Act 2010</p>	<p>Except functions conferred by— section 31 (public functions: duties to provide information on certain expenditure etc.); and</p> <p>section 32 (public functions: duty to provide information on exercise of functions).</p>
<p><b>Patient Rights (Scotland) Act 2011</b></p> <p>All functions of Health Boards conferred by, or by virtue of, the Patient Rights (Scotland) Act 2011</p>	<p>Except functions conferred by The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012/36.</p>



## **Part 2            Services currently provided by the Health Board which are to be integrated**

- accident and emergency services provided in a hospital
- inpatient hospital services relating to the following branches of medicine—
  - general medicine
  - geriatric medicine
  - rehabilitation medicine
  - respiratory medicine
  - psychiatry of learning disability,
- palliative care services provided in a hospital
- inpatient hospital services provided by general medical practitioners
- services provided in a hospital in relation to an addiction or dependence on any substance
- mental health services provided in a hospital, except secure forensic mental health services
- district nursing services
- services provided outwith a hospital in relation to an addiction or dependence on any substance
- services provided by allied health professionals in an outpatient department, clinic, or outwith a hospital
- the public dental service
- primary medical services provided under a general medical services contract, and arrangements for the provision of services made under section 17C of the National Health Service (Scotland) Act 1978, or an arrangement made in pursuance of section 2C(2) of the National Health Service (Scotland) Act 1978
- general dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978
- ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978
- pharmaceutical services and additional pharmaceutical services provided under arrangements made in pursuance of sections 27 and 27A of the National Health Service (Scotland) Act 1978
- services providing primary medical services to patients during the out-of-hours period
- services provided outwith a hospital in relation to geriatric medicine
- palliative care services provided outwith a hospital
- community learning disability services
- mental health services provided outwith a hospital
- continence services provided outwith a hospital
- kidney dialysis services provided outwith a hospital
- services provided by health professionals that aim to promote public health.

## ANNEX 2

### Part 1 Functions delegated by the council to the Board

<i>Column A Enactment conferring function</i>	<i>Column B Limitation</i>
<p><b>National Assistance Act 1948</b> Section 48 (duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)</p> <p><b>The Disabled Persons (Employment) Act 1958</b> Section 3 (provision of sheltered employment by local authorities)</p> <p><b>The Social Work (Scotland) Act 1968</b> Section 1 (local authorities for the administration of the Act)</p> <p>Section 4 (provisions relating to performance of functions by local authorities)</p> <p>Section 8 (research)</p> <p>Section 10 (financial or other assistance to voluntary organisations etc for social work)</p> <p>Section 12 (general social welfare services of local authorities.)</p> <p>Section 12A (duty of local authorities to assess needs)</p> <p>Section 12AZA (assessments under section 12A - assistance)</p> <p>Section 12AA (assessment of ability to provide care)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another delegated function.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>So far as it is exercisable in relation to another delegated function.</p> <p>So far as it is exercisable in relation to another delegated function.</p>

<p>Section 12AB (duty of local authority to provide information to carer.)</p> <p>Section 13 (power of local authorities to assist persons in need in disposal of produce of their work.)</p> <p>Section 13ZA (provision of services to incapable adults)</p> <p>Section 13A (residential accommodation with nursing)</p> <p>Section 13B (provision of care or aftercare.)</p> <p>Section 14 (home help and laundry facilities)</p> <p>Section 28 (The burial or cremation of the dead)</p> <p>Section 29 (power of local authority to defray expenses of parent, etc., visiting persons or attending funerals)</p> <p>Section 59 (provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision)</p>	<p>So far as it is exercisable in relation to another delegated function.</p> <p>So far as it is exercisable in relation to another delegated function.</p> <p>So far as it is exercisable in relation to another delegated function.</p>
<p><b>The Local Government and Planning (Scotland) Act 1982</b></p> <p>Section 24(1) (The provision of gardening assistance for the disabled and the elderly)</p>	
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986(b)</b></p> <p>Section 2 (rights of authorised representatives of disabled persons)</p>	

<p>Section 3 (assessment by local authorities of needs of disabled persons)</p> <p>Section 7 (persons discharged from hospital)</p> <p>Section 8 (duty of local authority to take into account abilities of carer)</p>	<p>In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions.</p> <p>In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.</p>
<p><b>The Adults with Incapacity (Scotland) Act 2000(c)</b></p> <p>Section 10 (functions of local authorities)</p> <p>Section 12 (investigations)</p> <p>Section 37 (residents whose affairs may be managed)</p> <p>Section 39 (matters which may be managed)</p> <p>Section 41 (duties and functions of managers of authorised establishment)</p> <p>Section 42 (authorisation of named manager to withdraw from resident's account)</p> <p>Section 43 (statement of resident's affairs)</p> <p>Section 44 (resident ceasing to be resident of authorised establishment)</p> <p>Section 45 (appeal, revocation etc)</p>	<p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p> <p>Only in relation to residents of establishments which are managed under integration functions.</p>

	under integration functions.
<b>The Housing (Scotland) Act 2001</b>  Section 92 (assistance to a registered for housing purposes)	Only in so far as it relates to an aid or adaptation
<b>The Community Care and Health (Scotland) Act 2002</b>  Section 5 (local authority arrangements for residential accommodation outwith Scotland)  Section 14 (payments by local authorities towards expenditure by NHS bodies on prescribed functions)	
<b>The Mental Health (Care and Treatment) (Scotland) Act 2003</b>  Section 17 (duties of Scottish Ministers, local authorities and others as respects Commission)  Section 25 (care and support services etc)  Section 26 (services designed to promote well-being and social development)  Section 27 (assistance with travel)  Section 33 (duty to inquire)  Section 34 (inquiries under section 33: Co-operation)  Section 228 (request for assessment of needs: duty	Except in so far as it is exercisable in relation to the provision of housing support services.  Except in so far as it is exercisable in relation to the provision of housing support services.  Except in so far as it is exercisable in relation to the provision of housing support services.

on local authorities and Health Boards) Section 259 (advocacy)	
<b>The Housing (Scotland) Act 2006</b>  Section 71(1)(b) (assistance for housing purposes)	Only in so far as it relates to an aid or adaptation.
<b>The Adult Support and Protection (Scotland) Act 2007</b>  Section 4 (council's duty to make inquiries)  Section 5 (co-operation)  Section 6 (duty to consider importance of providing advocacy and other services)  Section 11 (assessment Orders)  Section 14 (removal orders)  Section 18 (protection of moved persons property)  Section 22 (right to apply for a banning order)  Section 40 (urgent cases)  Section 42 (adult Protection Committees)  Section 43 (membership)	
<b>Social Care (Self-directed Support) (Scotland) Act 2013</b>  Section 3 (support for adult carers)  Section 5	Only in relation to assessments carried out under integration functions.

<p>(choice of options: adults)</p> <p>Section 6 (choice of options under section 5: assistances)</p> <p>Section 7 (choice of options: adult carers)</p> <p>Section 9 (provision of information about self-directed support)</p> <p>Section 11 (local authority functions)</p> <p>Section 12 (eligibility for direct payment: review)</p> <p>Section 13 (further choice of options on material change of circumstances)</p> <p>Section 16 (misuse of direct payment: recovery)</p> <p>Section 19 (promotion of options for self-directed support)</p>	<p>Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.</p>
<p><b>PART 2</b> Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014</p>	
<p><b>The Community Care and Health (Scotland) Act 2002</b></p> <p>Section 4 The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002</p>	

**Part 2            Services currently provided by the Local Authority which are to be delegated**

- Social work services for adults and older people
- Services and support for adults with physical disabilities, learning disabilities
- Mental health services
- Drug and alcohol services
- Adult protection and domestic abuse
- Carers support services
- Community care assessment teams
- Support services
- Care home services
- Adult placement services
- Health improvement services
- Housing support services, aids and adaptations
- Day services
- Local area co-ordination
- Respite provision
- Occupational therapy services
- Re-ablement services, equipment and telecare.



## ANNEX 3

The provisions within this annex are not intended to create legally binding obligations. They are intended to be illustrative of the proposed management arrangements for the functions delegated to the IJB.

The IJB will issue directions to the Parties via its Chief Officer. Those directions will in the main require that the Chief Officer take forward the development of the IJB's Strategic Plan, and lead on ensuring that the plan is delivered. As the Chief Officer will not be personally managing all of the integration functions, ensuring the Strategic Plan is being delivered will include getting assurance from other chief officers (for hosted services – see below) and other managers in NHS Lothian and the Council.

The Chief Officer will have direct management responsibility for the following services:

- All Council services described in Annex 2, Part 2.
- All NHS Lothian services describe in Annex 1, Part 2 with the exception of the following:

### Hosted Services

There are NHS Lothian services for which it would not be suitable for the Chief Officer to have operational management responsibility. The factors contributing to determining these services are the degree of medical specialism of the service and scale of the service required for it to be safe, efficient and effective.

It is proposed that the following services will be managed at a pan-Lothian level by one of the Chief Officers of the Lothian IJBs in their role as Joint Director of NHS Lothian (area in brackets confirms the Chief Officer who would manage this service)

- Dietetics (Midlothian)
- Art Therapy (Midlothian)
- Royal Edinburgh and Associated Services (Director of Mental Health accountable to the Chief Officer of Edinburgh and the NHS Lothian Chief Executive)
- Lothian Unscheduled Care Service (East Lothian)
- Integrated Sexual and Reproductive Health Service (Edinburgh)
- Clinical Psychology Services (West Lothian)
- Continence Services (Edinburgh)
- Public Dental Service (including Edinburgh Dental Institute (West Lothian)
- Podiatry (West Lothian)
- Orthoptics (West Lothian)
- Substance Misuse (only Ritson Inpatient Unit, LEAP and Harm Reduction (Director of Mental Health)
- Independent Practitioners (East Lothian via the Primary Care Contracting Organisation)
- SMART Centre (Edinburgh)

### Acute Hospitals

The three acute hospitals in NHS Lothian (Western General Hospital, Edinburgh Royal Infirmary, St Johns Hospital) will be managed by the relevant Site Director.

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