

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN HOUSE, on TUESDAY 5 MAY 2009.

Present – Leader of the Council Peter Johnston (Chair), Councillors Frank Anderson, Gordon Beurskens (substituting for Ellen Glass), Willie Boyle, John Cochrane, Martyn Day, Willie Dunn, Robert De Bold, Andrew Miller, Graeme Morrice and Jim Walker

Apologies – Councillors Ellen Glass and Isabel Hutton

1. DECLARATIONS OF INTEREST

- a) Agenda Item 10 - Administration Changes to Development Control Procedures - Councillor Morrice declared a non-financial interest in that whilst there was an ongoing police investigation into Development Control Committee procedures he would vacate the Chambers during the discussion and decision on the item of business.
- b) Agenda Item 10 - Administration Changes to Development Control Procedures - Councillor Dunn declared a non-financial interest in that whilst there was an ongoing police investigation into Development Control Committee procedures he would vacate the Chambers during the discussion and decision on the item of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 7th April 2009, but subject to the following amendments: -

- 1. Page 486, Minute Item 10 – Motion moved by the Council Leader and seconded by Councillor Day;
- 2. Page 488, Minute Item 11 – Amendment seconded by Councillor Davidson; and
- 3. Page 489, Minute Item 11 – Amendment seconded by Councillor Davidson.

The Minute was thereafter signed by the Chair.

3. AULD ALLIANCE CHARITY CYCLE RIDE SPONSERSHIP

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive inviting West Lothian Council to

become a sponsor partner on the Auld Alliance charity cycle event.

Attached to the report at Appendix 1 was a request from “Prenticeevents” seeking support for the Auld Alliance Charity cycle ride from Edinburgh to Paris with the aim of the event to be: -

- To raise funds for Malawi,
- To promote Scotland as a tourist destination by developing links with Belgium and France; and
- To encourage participants to achieve a personal challenge while assisting others.

The Chief Executive further advised that in 2008 30 people had participated in the event and raised £6,000, of which £4,000 was given to Ekwendeni Hospital in Malawi and £1,000 was donated to the Mamie Martin Fund which supported the education of girls in Malawi.

The report concluded that the event was well established and had provided considerable assistance to the people of Malawi and in addition promoted cycling as a healthy mode of travel.

It was recommended that the Council Executive agree to support the event by annual sponsorship of £1,700 for the next three years and provide school or community minibuses if possible.

In answer to a question raised the Chief Executive undertook to ensure that all issues surrounding the insurance of council minibuses and their subsequent use in the event were fully investigated before the matter was progressed.

Decision

1. To approve the terms of the report; and
2. Agreed that the Chief Executive would undertake to ensure that all issues surrounding the insurance of council minibuses and their use in the event were fully investigated and verified.

4. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services advising of the expenditure from the Councillors' Local Disbursement Fund for the period 1st April 2008 to 31st March 2009.

The report advised that the guidelines for the operation of the fund included a requirement for a summary report of expenditure from the fund to be submitted to the Council Executive every six months.

The budget for the fund for 2009/2010 was £106,380 or £3,324.37 per elected member and it was noted that elected members received regular information about sums allocated to them and balances remaining.

Attached to the report at Appendix 1 was the expenditure for the period 1st April 2008 to 31st March 2009 and it was noted that there remained £0.28 unallocated at the end of the financial year.

It was recommended that the Council Executive: -

1. Note the expenditure from the Councillor's Local Disbursement Fund for the period 1st April 2008 to 31st March 2009; and
2. Note that the budget allocation to the Fund for 2009/2010 was £106,380 or £3,324.37 per elected member.

Decision

To approve the terms of the report.

5. LOCAL AREA COMMITTEES

On the 25th November 2008 the Council Executive decided in principle to develop the structure of Local Area Committees by changing their status to formal committees of the council, to give them decision-making powers within areas designated by the Council Executive and to clarify aspects of their administration in relation to correspondence for the Local Area Committees.

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval to implement changes to the role, powers and remits of the council's Local Area Committees in accordance with the decision by the Council Executive on 25th November 2008.

The report advised that when instigated in June 2007, the Local Area Committees, despite their name were created as working groups rather than council committees. Their role was of discussion and comment and to act as a focus for community involvement and engagement.

The Local Area Committees were now to be re-created as formal committees of the council, which meant that the relevant local government legislation would apply to them as it did to other council committees and that they would require to be brought under control of the full range of Standing Orders.

However the small membership of the committee made the straightforward application of the present Standing Order for committees problematic in some areas and details of these were summarised in the report.

It was further noted that the Local Area Committee would only have decision making powers which were binding on the council in terms of the remit and powers delegated to them by full council or Council/Education Executives and which did not conflict with the council's policies and decisions taken by full council or the Council /Education Executives.

Additional information was outlined in the appendices to the report and the report concluded that the proposed changes would take effect for meetings, which took place on or after 1st June 2009.

It was recommended that the Council Executive: -

1. Approve the changes to the council's Standing Orders and Scheme of Administration set out in Appendices 3 and 4 to give effect to the decisions of the Council Executive of 25th November 2008 to make Local Area Committees formal committees of the council, to widen their present remit to include decision-making powers, and to clarify the role of Lead Officers of Local Area Committees in relation to correspondence to do with Local Area Committee business; and
2. To provide that those changes should take effect in relation to Local Area Committee meetings taking place on or after 1st June 2009.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Day

Amendment

To refer the report to full council for decision to allow all 32 elected members to have an opinion on the matter.

- Moved by Councillor Morrice and seconded by Councillor Dunn.

Decision

Following a vote the motion was successful by 9 votes to 2 and it was agreed accordingly.

6. LIFE STAGE OUTCOME PLANNING MODEL UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval to implement the Life Stage programme.

The report advised that the Life Stage Outcome Planning process had

commenced in 2007 and that in the period July 2008 to March 2009 five Life Stage working groups made up of membership of the Community Planning Partnership had each developed a Life Stage plan for five pilot areas across West Lothian, these being: -

Early Years	Armadale/Blackridge
School aged children	Broxburn/Uphall/Winchburgh
Young people in transition	Livingston North
Adults of working age	Fauldhouse/Briech Valley
Older adults	Bathgate

The five plans were presented and discussed at a consultation event at the end of March 2009, attended by directors, heads of service and senior managers from across the Community Planning Partnership. It was recommended that the Life Stage programme move to the implementation stage, with a change to the management structure of the programme, acknowledging the need for high-level direction to ensure successful change management.

As well as implementation of the five pilots, the Life Stage Board would, in advance of the next round of Single Outcome Agreements in 2011, address the challenges of rolling out the model across West Lothian.

The report continued that whilst retaining the robustness of the model and taking into account ongoing learning from the pilots, the programme would need to be rolled out more efficiently across the whole council area. Details of how the process could be more streamlined were summarised in the report.

The report concluded that a considerable amount of work had been completed on the planning phase of the Life Stage pilots that had identified a way forward to address inequalities in quality of life and health. And that by tackling the health inequality agenda, the model supported the Scottish Government's Equally Well policy and was at the vanguard of developments in Scotland and the UK.

It was recommended that the Council Executive approve the implementation of the Life Stage programme.

Decision

To approve the terms of the report.

7. POST OF HEAD OF CULTURAL AND LEISURE SERVICES - RESTRUCTURING

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

circulated) by the Chief Executive informing members of the imminent retiral of the Head of Cultural and Leisure Services and to seek approval for a re-allocation of the responsibilities of the post.

The Chief Executive advised that the Head of Cultural Services was due to retire on 5th June 2009. However it was proposed that the vacant post was not filled but rather the opportunity was taken to maximise the effectiveness of service delivery and promote efficiencies through bringing together the Cultural & Leisure and Community & Regeneration remits.

The combined remit would provide an opportunity to more fully integrate engagement, locality planning and community learning and development service delivery both strategically and at local level.

Under the proposals the Head of Community Planning & Regeneration post would be redesignated to reflect the new responsibilities and would report to the Director of Education and Cultural Services.

Additionally as a result of the redistribution of the duties of the vacant post, further changes to the council's management and staff structures would be required, with these changes being implemented by the Chief Executive and Directors under delegated powers.

And finally, it was noted that as the scope of the new service was very wide the remit would be reviewed after six months to ensure the best fit of activities.

The report concluded that the retiral of the Head of Cultural and Leisure Service presented an opportunity to more fully integrate community based activity.

In answer to a question raised by Councillor Walker, it was agreed that the Chief Executive would consult with the Executive Councillor for Culture and Leisure regarding the impact to staff and services as a result of the structural and management changes.

Motion

1. To approve the terms of the report; and
2. For Point 4 of the recommendation of the report to reflect that any changes to staff and services resulting from the management restructure were done so in consultation with the Executive Councillor for Culture and Leisure.

- Moved by the Chair and seconded by Councillor Day

Amendment

1. To approve the terms of the report;
2. For Point 4 of the recommendation of the report to reflect that any

changes to staff and services resulting from the management restructure were done so in consultation with the Executive Councillor for Culture and Leisure; and

3. Prior to any final decision being taken, full consultation with the Unions was to take place.

- Moved by Councillor Morrice and seconded by Councillor Dunn

Decision

Following a vote, the motion was successful by 9 votes to 2 and it was agreed accordingly.

8. ADMINISTRATION CHANGES TO DEVELOPMENT CONTROL PROCEDURES

Following the investigation into planning issues carried out by Mr John Anderson, seven recommendations were made in his resultant report in relation to procedures and the administration of the development control process. The council's response to the Anderson report was agreed at full council on 27th January 2009.

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval to implement a number of recommendations in relation to the development control process, details of which were outlined in Appendix 1 to the report.

The report advised that the proposed operational changes were considered at a meeting of the Partnership and Resource PDSP on 20th March 2009. The members of the PDSP were in general agreement about the proposed changes but in some areas there was no clear conclusion reached.

The report then outlined the main areas under consideration along with suggested methods and options for implementing the changes and included Members Training, details of which were outlined in Appendix 2 and 3 to the report, meetings dealing with planning issues, the scheme of delegation, substitutes, decisions contrary to officers recommendation and development plan departures.

The Council Executive then agreed to review each item contained with Appendix 1 to the report on an item by item basis.

Decision

To approve the terms of the report and the contents of Appendix 1 but subject to the following amendments :-

- (a) Agreed that at Point 2 of Appendix 1, the dates for mandatory training for Development Control Committee members were to be

flexible to accommodate councillors diaries and other commitments;

- (b) Agreed that at Point 4(c) of Appendix 1, the statement was to have the words “planning” removed;
- (c) Agreed Option (a) of Point 6 of Appendix 1; and
- (d) Agreed to delete Point 8 of Appendix 1.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 TAXI AND PRIVATE HIRE CAR LICESING – CCTV SYSTEM

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor seeking approval for a minimum specification for CCTV systems within hire cars and a scheme for approval of applications to install such systems.

The Chief Solicitor advised that in recent months the Licensing Team had received a number of requests from hire car license holders for approval to install CCTV systems in their vehicles. In view of this request the Licensing Team sought the views of the Cab Inspector, who subsequently submitted a minimum specification for such systems along with a number of additional licensing conditions and details of which were attached to the report at Appendix B.

In view of the Cab Inspectors opinion it was suggested that the licence holder would make an application to the Licensing Team for approval of a CCTV system, which would then be copied to the Cab Inspector for comments. A fee of £30.00 per application was suggested which would cover the administrative work involved in processing the application.

It was then proposed that the Chief Solicitor, under new delegated powers, would grant applications, which complied with the agreed specification. However any applications that resulted in adverse comments would be referred to the Licensing Committee.

It was recommended that the Council Executive: -

1. Approve a minimum specification for the installation of CCTV systems within hire cars based on the specification recommended by the Cab Inspector from the Taxi Examination Centre, together with a scheme for applying for consent to install a CCTV System which would include the imposition of a number of additional conditions in relation to the use of CCTV systems; and
2. Authorise the Clerk to the Council to make the necessary amendments to the Scheme of Delegation to officers to authorise the Chief Solicitor to grant applications for the installation of CCTV systems, which complied with the agreed specification subject to a number of additional conditions being accepted by the licence

holder.

Decision

To approve the terms of the report.

10. DISABILITY DISCRIMINATION ACT, EQUALITY AND ACCESSIBILITY ON THE LOCAL ROAD NETWORK

On 9th December 2008, full council considered a notice of motion on the accessibility of the transport network and its impact on the equality of mobility-impaired people under the Disability Discrimination Act 2005 (DDA). Full council agreed to an amendment to the motion, and resolved that a report to the Environment PDSP should be prepared to identify relevant issues.

The Council Executive considered a report (copies of which had been circulated) by the Director of Development and Environmental Services that advised the members that the Environment PDSP had considered the options for the implementation of accessibility improvements for mobility-impaired people.

The report provided an assessment of the needs of the current and future population in West Lothian. It also provided an overview of the scale, throughout West Lothian, of the issues in terms of the DDA.

The report then advised of the potential for improving access and it was noted that the process and implementation of identified schemes could not be realistically carried out without adequate funding/staff.

The Director of Development and Environmental Services then suggested two options, details of which were contained in the report, and it was noted that the Environment PDSP had endorsed Option B, which was a dedicated budget, with a suggested budget of £150,000 per annum.

It was further noted for Option B that the location and type of individual interventions would be decided in liaison with representatives of relevant stakeholder groups, such as Living Streets, Disability West Lothian and Scottish Disability Equality Forum and would be based on a set of agreed criteria.

The report concluded that the DDA legislation did not apply to the existing road network and there was no statutory requirement to retrofit measures in terms of the DDA. However there were clear benefits in terms of equality and personal mobility/quality of life associated with making the road network more accessible.

It was recommended that the Council Executive notes the content of the report and recommends, based on the endorsement of the Environment PDSP, Option B, which was the creation of a dedicated budget as the way forward.

Decision

To approve the terms of the report and accept the recommendation of the Environment PDSP in that Option B was the preferred route, as it would guarantee that access improvements were identified and realised through a dedicated budget, the detail of which would be reviewed by a future meeting of the Council Executive.

11. HEALTHLINK – CONTRACT CHANGES 2007 AND 2008 AND FUTURE SERVICE PATTERN

The Council Executive considered a report (copies of which had been circulated) by the Public Transport Manager advising of the order of events in terms of contract negotiations and tendering processes followed since June 2007 for the provision of the Healthlink Service, to seek approval for minor changes to the service between St John's Hospital and Edinburgh Royal Infirmary and to seek approval for changes to the format of reports on the award of bus service contracts.

The report then summarised the order of events that had occurred since the Healthlink Service contract had first been awarded in April 2007 through to a decision by the Council Executive on 27th October 2008, which approved interim changes to the service and allowed for further negotiation on the service departure times.

The Public Transportation Manager continued to advise that between 8th and 12th January 2009 a passenger survey was carried out with thirty-one detailed passenger surveys carried out on a total of eighteen service journeys at various days of the week and times of day, details of which were detailed in the report.

In light of the survey a number of options for the future of the service were detailed in the report and included amending the service timetable to better suit shift start and finish times as identified by the survey findings. Further options would continue to be explored and included a link to the Edinburgh Royal Infirmary from Straiton Park and Ride.

The report concluded that the proposals for the future of the service were designed to resolve the detailed issue of inconvenient morning arrivals at the Edinburgh Royal Infirmary by revising the existing contract which would allow the service to retain and develop its patronage and allow its continued operation.

It was recommended that the Council Executive: -

- Note the sequence of approval for the Healthlink Service;
- Agree to modest changes to the current service timetable to better suit journeys for workers at Edinburgh Royal Infirmary. These changes would be subject to user consultation and members would

be notified before implementation;

- Note that alternative means of providing the service would be explored with all funding partners; and
- Endorse the proposal that future reports on the award of bus service contracts included a schedule of services in order to provide greater clarity for elected members.

Decision

To approve the terms of the report.

12. SALE OF LAND AT BEUGHBURN, UPHALL

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval for the sale of land at Beughburn, Uphall to Hermiston Securities Ltd.

The report advised that Hermiston Securities Ltd, part of the JW Muir Group Plc, owned land at Beughburn, Uphall that was allocated in the West Lothian Local Plan as a new development opportunity suitable for multiple uses falling within Use Classes 4, 5 and 6 (Business, General Industry and Storage and Distribution).

In order to take forward their preparation and development of the site, Hermiston Securities had approached the council seeking to acquire two small areas of land, situated just to the south of the A89, which they would require for vehicular access.

It was further noted that the detailed proposals, including the design of any alterations to the Dechmont roundabout, would be subject to a planning application, for which a Transport Impact Assessment would be acquired.

The report outlined the main terms and conditions of the sale of the land.

It was recommended that the Council Executive approve the sale of two areas of land, extending to 0.275 hectares (0.68 acres) or thereby at Beughburn, Uphall to Hermiston Securities Ltd for the sum of the £136,000.

Decision

To approve the terms of the report.

13. 99 EAST MAIN STREET, BROXBURN – PROPOSED LEASE TO TRILLUM (PRIME) PROPERTY GP LTD

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

circulated) by the Head of Property Services seeking approval to formalise the lease at 99 Main Street, Broxburn to Trillum (Prime) Property GP Ltd.

The report outlined the main terms and conditions of the lease and it was noted that the nine-year lease term represented an excellent opportunity for the council to secure a strong covenant over a potentially long term lease for the property.

It was recommended that the Council Executive approve the lease of 99 East Main Street, Broxburn to Trillum (Prime) Property GP Ltd for the period until 2018 at an initial rental of £25,000 per annum.

Decision

To approve the terms of the report.

14. BROXBURN POST FLOOD REVIEW - REPORT BY HEAD OF OPERATIONAL SERVICES (HEREWITH)

In August 2009, a flood occurred in Broxburn between Uphall Golf Club and Burnside Village. Independent consulting engineers had been appointed to conduct a review of what happened and to determine the cause of the flood.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising the members of the post-flood review and to seek approval to make the full report available within the community and to convene a further public meeting.

The report and its appendices provided an overview of the post-flood review and included a series of recommendations.

The Head of Operational Service proposed that the full report be made available to view by members of the public at Broxburn Public Library and the Strathbrock Partnership Centre as well as on the Council's website. He also suggested that the summary report be directly distributed to those affected by the flood, on the existing Flood Prevention Scheme mailing list, and involved in the flood and its aftermath.

The report continued that although West Main Street, Burnbank Terrace and New Holygate had been originally included as part of the Flood Prevention Scheme that was in development, but had been removed. It was proposed that a follow up scheme should be promoted and funding options investigated for these areas, along with a number of properties in Parkwood Gardens.

The report concluded that it was imperative that the timescales leading to the construction of the Flood Prevention Scheme be compressed and that following the consideration of the remaining options, documentation was being prepared to invite expressions of interest from firms of consultants

in accordance with European Procurement rules for the design and construction of the scheme.

It was recommended that the Council Executive: -

1. Note the findings of the post-flood review
2. Approves the proposal to make the full report available within the community, to publish a summary report for direct distribution to those affected and to others on the scheme mailing list and to hold a public meeting to help ensure that the causes of the flood and the findings of the review were effectively communicated.
3. Approves the proposal to review the feasibility of a follow-up Flood Prevention Scheme to afford protection to those affected by the flood and not protected by the scheme that was in development.

Decision

To approve the terms of the report.

15. CONFERENCES AND COURSES

The Council Executive considered attendance at the undernoted conferences and courses and approved representation as shown: -

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| (a) | Public Sector Reform Seminar, 22 nd June 2009, Edinburgh. | Councillor Johnston and Councillor Anderson (or nominees) |
| (b) | Planning Conveners Event, 24 th and 25 th June 2009, Fairmount Hotel, St Andrews. | Councillor Day (or nominee) |
| (c) | Association of Directors of Social Work Criminal Justice Conference and Exhibition, 29 th and 30 th October 2009, Crieff Hydro, Perthshire. | Councillor Hutton (or nominee) |
| (d) | Scottish National Welfare for the blind, Annual Conference, 11 th and 12 th June 2009, West Park Conference Centre, Dundee. | Councillor King (or nominee) |
| (e) | Cosla Convention, 25 th and 26 th June 2009, Beardmore Hotel, Glasgow. | Cosla Delegates (or nominees) |
| (f) | Riding of Linlithgow Marches, Tuesday 16 th June 2009. | 3 members of the administration and 1 opposition |

16. ST JOHNS HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive informing the members of meetings of the St John's Hospital Stakeholder Group held on 19th September 2008, 17th February 2009 and 13th March 2009.

The report advised that the St John's Stakeholder Group aimed to strengthen communications and promote shared understanding among stakeholders by meeting on a monthly basis to discuss areas of future joint interest regarding St John's Hospital in Livingston.

It was recommended that the Council Executive notes the minutes of the St John's Stakeholder Group meetings held on 19th September 2008, 17th February 2009 and 13th March 2009.

Decision

To note the terms of the report.

17. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Head of Community Planning and Regeneration informing the members of a meeting of the Community Planning Partnership Board held on 23rd February 2009.

The report advised that the West Lothian Community Planning Partnership met on a quarterly basis and involved partners from across the public, private, voluntary and community sectors.

It was recommended that the Council Executive notes the minute of the West Lothian Community Partnership Board meeting held on 23rd February 2009, attached to the report at Appendix 1.

Decision

To note the terms of the report.

18. PROCUREMENT ARRANGEMENTS – THE SUPPLY OF PETROL, DIESEL AND GAS OIL

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance advising members of the award of a contract for the supply of petrol, diesel and gas oil in accordance with a collaborative contract arranged by Glasgow City Council via the OGC Buying Solutions Framework Agreement.

The report advised that the council's existing contract for the supply of

petrol, diesel and gas oil expired on 31st March 2009. The plans to utilise a Scotland Excel contract were thwarted in December 2008 when, due to the contract being redefined as a national Category A contract, Excel passed the contract to Procurement Scotland.

However as Procurement Scotland would not have their contract in place until April 2010, which meant the council would not have an official contract in place for a 13-month period. A number of other councils found themselves in a similar position and accordingly Glasgow City Council offered the option of joining a collaborative contract that was being set up. West Lothian Council agreed in principle to participate in the tender exercise.

Following the return of the tenders it was indicated that the council would make a small saving of £10,000 by joining the collaborative arrangements. Therefore in accordance with the council's standing orders the contract for the supply of petrol, diesel and gas oil was awarded by the Head of Finance to the successful tender Scottish Fuels.

The Head of Finance recommended that the Council Executive note that the award of a 13-month contract for the supply of petrol, diesel and gas oil for the period 1st April 2009 to 30 April 2010 to Scottish Fuels.

Decision

To note the terms of the report.

19. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

(a) ASSOCIATION OF DIRECTORS OF SOCIAL WORK "GETTING IT RIGHT" ANNUAL CONFERENCE AND EXHIBITION

The Council Executive was advised that approval had been provided for attendance by Councillor Hutton to the Association of Directors of Social Work "Getting in Right" Annual Conference and Exhibition, 13th to 15th May 2009, Crieff Hydro, Perth.

(b) FLOOD RISK MANAGEMENT (SCOTLAND) BILL 2009 CONSULTATION

The Council Executive was advised that approval had been provided for the submission of a consultation response to the Flood Risk Management (Scotland) Bill 2009 as recommended by the Head of Operational Services in his report dated 23rd April 2009.

(c) DRIVING IMPROVEMENTS FOR THE MANAGEMENT AND MAINTENANCE OF THE SCOTTISH TRUNK ROAD NETWORK CONSULTATION

The Council Executive was advised that approval had been provided for the submission of a consultation response to the Driving Improvements for the Management and Maintenance of the Scottish Trunk Road Network as recommended by the Head of Operational Services in his report dated 6th April 2009.

20. PRIVATE SESSION

The Council Executive resolved that, under Section 50(A) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 9 of Schedule 7A of the Act.

21. PROPOSED BLACKRIDGE STATION – USE OF CUMPULSORY LAND PURCHASE

The Council had as part of its aspirations to deliver Blackridge Station been negotiating to acquire the land required to facilitate the project. A legally binding agreement had been agreed to secure the land to the north side of the railway line.

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Property Services and Head of Development and Regulatory Services advising that land to the south of the railway was required to construct the station, west bound platform and disabled access to the new over-bridge. The land extended to 4,898 m² and that without the land the westbound platform for the station could not be delivered.

Although agreement had been reached with the land agent, on the terms and conditions of the necessary land, the owner had failed to instruct his solicitors to conclude any legally binding agreement. Without such an agreement Network Rail could not let the contract for the construction of the station,

Therefore in accordance with a decision of the Council Executive at its meeting of the 10th February 2009, approval was now sought to implement compulsory purchase procedures, although the council would continue to attempt to reach a settlement by agreement to achieve early resolution.

It was recommended that the Council Executive approve the promotion of a Compulsory Purchase Order under Section 189 of the Town and Country Planning (Scotland) Act 1997 in order to secure the acquisition of land to the south side of the railway line at Blackridge in order to deliver the proposed station.

Decision

To approve the terms of the report.