



West Lothian
Council

West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 May 2015

A meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston on Tuesday 12 May 2015 at 10:00am.**

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Minutes -
 - (a) Confirm Draft Minute of Meeting of West Lothian Council held on Tuesday 31 March 2015 (herewith)
 - (b) Correspondence Arising from Previous Decisions (herewith)
 - (c) Note Minute of Meeting of Employee Appeals Committee (Private) held on Friday 16 January 2015 (herewith)
 - (d) Note Minute of Meeting of Employee Appeals Committee (Private) held on Friday 06 February 2015 (herewith)

- (e) Note Minute of Meeting of Education (Quality Assurance)
Committee held on Tuesday 03 March 2015 (herewith)

Public Items for Decision

5. Election Business
6. Notice of Motion - West Lothian Council Allotment Strategy - Submitted by Councillor Johnston (herewith)
7. Notice of Motion - Cuts to Health and Social Care Services - Submitted by Councillor Campbell (herewith)
8. Notice of Motion - Jim O'Hara - Submitted by Councillor Campbell (herewith)
9. Notice of Motion - Barnett Formula - Submitted by Councillor McGinty (herewith)
10. Notice of Motion - SNP U-Turn - Corroboration in Criminal Cases - Submitted by Councillor Dodds (herewith)
11. Documents for Execution

Public Items for Information

12. Vacant Posts - Question to the Leader of the Council - Submitted by Councillor Johnston (herewith)
13. Autism Initiatives - Question to the Leader of the Council - Submitted by Councillor Campbell (herewith)
14. Waste Collection - Question to the Executive Councillor for the Environment - Submitted by Councillor Calder (herewith)
15. Concessionary Rail Scheme - Question to the Executive councillor for Development and Transport - Submitted by Councillor De Bold (herewith)
16. Community Care Services - Question to the Executive Councillor for Social Policy - Submitted by Councillor Muir (herewith)
17. Strathbrock Partnership Centre - Question to the Executive Councillor for Health and Care - Submitted by Councillor Campbell (herewith)
18. Homelessness - Question to the Executive Councillor for Services for the Community - Submitted by Councillor Anderson (herewith)
19. Health Improvement Team - Question to the Executive Councillor for Health and Care - Submitted by Councillor Campbell (herewith)
20. Primary School Devolved Budgets - Question to the Executive Councillor for Education - Submitted by Councillor Miller (herewith)

21. Pre School Provision - Question to the Executive Councillor for Education - Submitted by Councillor Miller (herewith)
22. Cleaning Specification - Question to the Executive Councillor for Education - Submitted by Councillor Miller (herewith)
23. Environmental Upgrades in Westfield and Torphichen - Question to the Executive Councillor for the Environment - Submitted by Councillor Borrowman (herewith)
24. Primary School Places in Armadale - Question to the Executive Councillor for Education - Submitted by Councillor Stuart Borrowman (herewith)
25. Use of Developer Contributions - Question to the Executive Councillor for Development and Transport - Submitted by Councillor Borrowman (herewith)
26. Council Housing Refurbishment and Repairs in Armadale - Question to the Executive Councillor for Services for the Community - Submitted by Councillor Borrowman (herewith)

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

MINUTE of MEETING of the WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 31 March 2015.

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

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Provost ruled that the order of business be changed to allow Agenda Item 5 (Election Return – Armadale and Blackridge Ward By-Election) to be taken at this point in the meeting.

2. ELECTION RETURN - ARMADALE AND BLACKRIDGE WARD BY-ELECTION HELD ON THURSDAY 26TH MARCH 2015

The Chief Executive informed the Council that, following the Armadale and Blackridge Ward By-Election and the count held on Friday 27th March 2015, Sarah King (SNP) had been declared as the newly elected member for the ward.

The Council noted that Councillor Sarah King had completed and signed her Acceptance of Office.

The Provost welcomed Councillor King to the meeting and congratulated her on her election to the Council.

Council Leader John McGinty congratulated Councillor King on her election. The Council Leader also spoke positively of the work undertaken by council officers and of the conduct of all candidates in the contest.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

(a) The Council approved the minute of the Special Meeting of West Lothian Council held on 24 February 2015.

(b) The Council approved the minute of meeting of West Lothian Council held on 24 February 2015.

- (c) The Council noted correspondence arising from previous decisions.
- (d) The Council noted the minute of meeting of the Education (Quality Assurance) Committee held on 20 January 2015.
- (e) The Council noted the minute of meeting of the Performance Committee held on 19 January 2015.
- (f) The Council noted the minute of meeting of the Audit and Governance Committee held on 1 December 2014.

5. PRISON VISITING COMMITTEE (HMP ADDIEWELL)

The Council was informed that Councillor Frank Toner had resigned as the Council's representative on the Addiewell Prison Visiting Committee.

Decision

To note the resignation of Councillor Frank Toner from the Addiewell Prison Visiting Committee and that the Council did not wish to appoint a replacement member.

6. TREASURY MANAGEMENT PLAN FOR 2015/16 - REPORT BY HEAD OF FINANCE AND ESTATES

The Council considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the Treasury Management Plan for 2015/16.

The Treasury Management Plan (a copy of which was appended to the report) detailed the expected activities of the treasury function in 2015/16. The requirements of the Prudential Code had been incorporated into the plan report.

The Council was informed that the Accounts Commission had published the Borrowing and Treasury Management in Councils report on 19 March 2015. West Lothian Council was one of the six councils where detailed feedback had been undertaken by Audit Scotland on behalf of the Accounts Commission. Officers were currently reviewing the recommendations contained within the report and would provide a report to the Audit and Governance Committee for consideration.

Decision

To approve the 2015/16 Treasury Management Plan as recommended by the Head of Finance and Estates.

7. PROVOST'S REMARKS – WHITBURN BRASS BAND

At this point in the meeting, the Provost referred to the achievement of Whitburn Band in winning the Scottish Brass Band Championship held on 13 March 2015.

Decision

To agree that the Provost write to Whitburn Brass Band conveying congratulations on behalf of the Council.

8. NOTICE OF MOTION - CONGRATULATIONS TO THE WEST LoTHIAN LGBT YOUTH FORUM AND GLITTER CANONS PROJECT - SUBMITTED BY LEADER OF THE COUNCIL JOHN MCGINTY

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

“West Lothian Council congratulates the West Lothian LGBT Youth Forum and Glitter Cannons Project on their success at winning the COSLA Chairman’s Award at the prestigious COSLA Excellence Awards 2015.

West Lothian Council commends the efforts of the young people, Council staff, volunteers and partner organisations in developing this outstanding work and requests that the Provost write to those involved passing on the congratulations of the Council.”

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

Decision

To unanimously approve the terms of the motion.

9. NOTICE OF MOTION - TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP - SUBMITTED BY COUNCILLOR MOOHAN

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

“The Transatlantic Trade and Investment Partnership (TTIP) is a series of trade negotiations which are officially secret and without democratic oversight at any level of elected Government. Neither lawmakers nor the public have access to the draft texts, which are, however, shared with corporate leaders and lobbyists.

TTIP, is ostensibly a free trade agreement that would cover regions accounting for 60% of global GDP, 33% of world trade in goods and 42% of world trade in services. Its impact would be felt, not only on the EU and

the USA, but the rest of the world.

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations report in 2014 stated that the main aim of these negotiations is "the drive to further expand the already considerable power of transnational investors by restricting the regulatory power of governments and locking the system into place to prevent new regulatory initiatives or reverse privatizations."

TTIP would establish in law the right of multinational corporations to sue nation states in a special court – the Investor-State Dispute Settlement (ISDS) – if the nation's regulatory framework were deemed a 'barrier' to free trade. George Monbiot recently wrote in the Guardian article; 'While corporations can sue states there are no corresponding right for citizens. ISDS is a privatised justice system for global corporations.'

West Lothian Council recognises that if TTIP is implemented it would have serious implications on public service delivery, food security and environmental safety, financial regulations, privacy laws, employment levels and workers' rights and essentially the sovereign powers of individual nations; undermining national and local democracy that we value so much.

Council also notes that

- TTIP may also affect the future public ownership of services in areas such as the health service and in local government.
- Recent reports on the TTIP discussions indicate that an agreement on TTIP may involve further tendering for public services by multinational companies and allow these companies to sue elected administrations in an Investors State Dispute Settlement mechanism, particularly when such elected administrations take previously privatised services back into public or common ownership.
- The UK government would play a role in the approval of the outcome of the TTIP discussions through the involvement of the relevant UK Government representative in the EU Council of Ministers.
- Many of the subject areas being considered by the TTIP discussions are areas over which local government and the Scottish Parliament has jurisdiction in Scotland.

Given the points above, this council opposes TTIP and resolved to write to the UK and Scottish Governments, all local MP's and MEP's urging that they all declare their opposition to TTIP."

Moved by Councillor Moohan, seconded by Councillor Dodds.

Referring to the final paragraph of the motion, the Provost invited Councillor Moohan to change the wording of the motion, or to withdraw

the reference to local MPs, given that the UK Parliament had been dissolved on 30 March 2015 and there were currently no MPs to write to. In response, Councillor Moohan indicated that the final paragraph should reflect that the Council should write to local MPs after the May General Election.

Amendment

“West Lothian Council notes that First Minister and SNP Leader Nicola Sturgeon has stated that she strongly opposes the inclusion of public services TTIP, that she has serious concerns about the rights of corporations to sue governments (ISDS), and that she opposes any agreement that has terms like that included in it. At FMQs on 4 December, Nicola Sturgeon said: “I will fight tooth and nail against any moves to privatise the NHS in Scotland by the back door, and if the TTIP agreement ever put that threat, it would be opposed strongly by this Government.”

Council recognises that within the EU Council of Ministers Scotland is represented by a UK government that is actively seeking to undermine public provision of services.

Council further notes that the Scottish Government has made several representations to the UK Government and the European Commission on TTIP to make concerns about the national health service and public services very clear. While both have responded saying that TTIP does not pose any threat to the NHS, the public and the Scottish Government must see the final legal text of any agreement to be fully assured that this is true.

In conclusion West Lothian Council believes that:-

- There could be potential economic benefits of TTIP, but this cannot come at the price of the threat of the privatisation of our public services like the NHS.
- There is a concerning lack of transparency of the negotiations process on TTIP.
- The outcome of TTIP must not be agreed in such a way to alter the ability of democratically elected national governments and parliaments to organise public services in the way that best fits their needs.
- Any decision on whether to oppose or support TTIP should only be made once the eventual Treaty is known on the basis of its actual eventual content.”

Moved by Councillor Day, seconded by Councillor McCarra.

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

Motion

Amendment

Abstain

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

Decision

The motion was successful by 16 votes to 15 votes, with 2 abstentions. The motion was agreed accordingly.

10. NOTICE OF MOTION - HALT UNIVERSAL CREDIT ROLL OUT - SUBMITTED BY COUNCILLOR JOHNSTON

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

“West Lothian Council notes that Citizens Advice Scotland has published research showing that 55 per cent of current Disability Living Allowance claimants in Scotland will lose out as a result of the planned move to Personal Independence Payments, and has called for the policy to be halted until welfare powers are devolved to Scotland.

Council further notes that last month 56 charity organisations in Scotland jointly wrote to Iain Duncan Smith calling for the rollout of Universal Credit to be halted until the process of legislating to devolve new welfare powers to Scotland is completed.

Council notes that CAS Policy Manager Keith Dryburgh has said,

“This CAB evidence shows that too many people are experiencing problems in claiming PIP, including significant delays in receiving any money. This is causing considerable distress for many sick and disabled people in Scotland, often leaving them facing severe hardship and unable to meet basic living costs.

The figures are quite startling. The Scottish CAB service saw a 78 per cent increase in the number of new PIP issues between July and September 2014, when compared with the same period in 2013. Over half of our advisers believe the delays are leaving clients in severe

hardship and unable to pay for living essentials. Nine out of ten advisers say the delays are causing additional stress and anxiety for clients, and nearly four in five advisers say clients' health is getting worse as a result.

In making this change, the government stated its aim of reducing expenditure on disability benefits by 20%. It's true that some people are receiving more money under PIP, but most receive less, and a significant number are losing their benefit altogether.

And these are crucial benefits for many sick and disabled people. They aim to help people cope with the extra costs of being sick or having a disability, such as additional heating, additional travel costs, special diets or specialist equipment. We would support efforts to help people live independently, but the evidence so far suggests that the PIP is doing the opposite, and causing problems for some of the most vulnerable people in our communities."

Council agrees that this hard hitting report makes it absolutely clear why the rollout of PIP must be halted until Scotland gains responsibility for welfare decisions.

Council calls for the Westminster Government to listen to these clear calls coming from frontline organisations and halt the rollout of PIP in Scotland until welfare powers have been devolved.

Council asserts that it makes absolutely no sense to go through the upheaval of a move to a new system of disability benefits, only to change again just a few years later when power is devolved to Scotland.

Council therefore agrees to write to the current Westminster Prime Minister calling for him to intervene to halt the process of rolling out universal credit in Scotland."

Citizen Advice Scotland's call can be viewed at <http://cas.org.uk/news/disabled-scots-long-out-latest-benefit-change>"

Moved by Councillor Johnston, seconded by Councillor Anderson.

Amendment

"West Lothian Council notes with concern the ongoing impact of Welfare Reform cuts on communities and families in West Lothian.

Council therefore commends the work of Citizens Advice Scotland and other national organisations in highlighting the impact of Welfare Reforms on people across the UK, and welcomes the ongoing commitment of West Lothian Council to supporting local people affected by welfare reforms, including representing people at Social Security Tribunal threatened with the loss of all or part of their DLA.

Council agrees that the task of tackling the fiscal deficit faced by the UK should not sit with those who have least but should be carried most by those with the broadest shoulders.

Council therefore condemns the proposals by the Conservative Party to seek a further £12bn of unspecified welfare cuts, welcomes the proposals from the Labour Party to increase taxes on big business and high earning citizens to help those in our society with least and agrees to write to the Prime Minister to call upon him to stop welfare reforms which see cuts falling disproportionately on the disabled and poorest working age families. “

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

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

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

Decision

The amendment was successful by 17 votes to 15 votes, with 1 abstention. The amendment was agreed accordingly.

11. NOTICE OF MOTION - LOCAL GOVERNMENT FINANCE - SUBMITTED BY COUNCILLOR JOHNSTON

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

“West Lothian Council notes that the recently published Joseph Rowntree Foundation’s report,

“THE COST OF THE CUTS: THE IMPACT ON LOCAL GOVERNMENT AND POORER COMMUNITIES”

Makes it clear that;

- Local government in England has suffered a 27% reduction in the

spending power of the sector between 2010/11 and 2014/15. **Page 5**

- Scottish local government lost 11% of its pending power between 2010/11 and 2014/15, a substantial cut, but clearly not as pronounced as in England. **Page 17**
- A key finding in England has been that spending has reduced more, in both percentage and per capita terms, in more deprived localities. **Page 22**
- In Scotland, the cuts have not been markedly greater in more deprived authorities. **Page 22**

Council further notes that the Local Government Finance Order agreed by Parliament on 12th March delivers an additional £107m to local government in Scotland – over and above the sums already approved – including the funding needed to maintain teacher numbers at their current level for another year.

Council notes that at no time since 2007 has the Labour Party moved an amendment to the Local Government Finance order seeking to provide additional funding for Scottish local government.

Council therefore;

- welcomes the Scottish Government commitment to continue to work alongside our local government to deliver the best possible deal for people in Scotland – and to protect our public services as much as possible from the austerity agenda being imposed by Westminster.
- welcomes the clear confirmation from the Joseph Rowntree Foundation that Scotland benefits from decisions being made in Scotland with the reduction in Scottish local government being just 40% of that imposed by Westminster.
- accepts that the best interest of Scotland and Scottish local government will be serviced by Scotland obtaining full fiscal autonomy and therefore full control over our own resources and budget decisions.”

Moved by Councillor Johnston, seconded by Councillor De Bold.

Amendment

“Council rejects the SNP motion which asserts that full fiscal autonomy for Scotland will be in its best interests. Such substitution in place of the Barnett Formula would have a negative impact of £7.6 billion, a massive shortfall which would impact adversely on local government in Scotland as well as wider public services.

As regard West Lothian Council, the total revenue budget savings required to be delivered by the council between 2007/08 and 2017/18 in

order to maintain balanced budgets is £87.963 million, equivalent to an annual saving per household of £1,143, all as described below:-

	Budget Savings	Annual saving per WLC resident (172,990)	Annual Saving per WLC household (76,944)
2007/08	£3.555m	£20.55	£46.20
2008/09	£6.536m	£37.78	£84.94
2009/10	£2.824m	£16.32	£36.70
2010/11	£5.334m	£30.83	£69.32
2011/12	£16.745m	£96.80	£217.62
2012/13	£8.756m	£50.62	£113.80
2013/14	£7.669m	£44.33	£99.67
2014/15	£7.000m	£40.46	£90.98
2015/16	£10.195m	£58.93	£132.50
2016/17	£11.099m	£64.16	£144.25
2017/18	£8.250m	£47.69	£107.22
Total Savings delivered/required 07/08 to 17/18	£87.963m	£508.48	£1,143.21

Council also notes that between 2008/09 and 2015/16 the total funding the council has received in its revenue grant settlement for freezing the council tax is £16.5 million. Assuming Council Tax will be frozen for 2016/17 and 2017/18, the total received will be £20.7 million.

Further, council also notes that the council's revenue grant in 2015/16 will increase by £5.584 million. However, after taking account of additional spending commitments for free school meals, childcare, teacher numbers and the council tax freeze, there is a reduction in core revenue grant of £1.803 million in 2015/16.

Council also notes that Councillor Johnston is highly selective in his version of the findings of the Rowntree Foundation report. It omits the critical finding that Scottish authorities had additional responsibilities imposed by the Scottish Government without additional funding.

This lack of reality ignores the imposition of delivering teacher number commitments in 2015/16 which will add additional costs for the council of £1.68 million.

Further, the Scottish Government has indicated that the council shall receive £382,000 as its share of the £10 million allocated for teacher numbers funding, so triggering a shortfall for the council of £1.298 million, dependent on the funding the council shall receive for fully funded probationers in 2015/16.

Council in these difficult times asserts its position best protected by Scotland remaining in the United Kingdom."

Moved by Councillor Fitzpatrick, seconded by Councillor McMillan.

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

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

Decision

The amendment was successful by 18 votes to 15 votes and it was agreed accordingly.

12. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 52 documents for execution.

Decision

That the deeds be executed.

13. NEW PRIMARY SCHOOL, SOUTH ARMADALE - QUESTION TO THE EXECUTIVE COUNCILLOR FOR EDUCATION - SUBMITTED BY COUNCILLOR BORROWMAN

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

“Since May 2012, Labour has identified an opening date for a new primary school to serve south Armadale as:

- “August 2014”, then
- “August 2015”, then
- “January 2016”, then

- “August 2015” and
- “definitely not 2017”

What are the principal milestone dates that have been established for the build of the school, e.g.

- Acquisition of the land
- Identification of cost
- Confirmation of the relevant infrastructure
- Appointment of contractor
- Build start date
- occupation date?”

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

Councillor Borrowman indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so, and the Executive Councillor provided answers to the supplementary questions, and undertook to let members know when more information became available about completion of the section 75 agreement.

Decision

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

14. CUSTOMER SERVICE STANDARDS - QUESTION TO THE COUNCIL LEADER - SUBMITTED BY COUNCILLOR BORROWMAN

A Question to the Executive Councillor had been submitted by Councillor Borrowman in the following terms:-

“Since May 2012, what published customer service standards have been amended to reflect reduced staffing numbers and other resources?”

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

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

Decision

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

15. PUBLIC TRANSPORT PROVISION - QUESTION TO THE LEADER OF

THE COUNCIL - SUBMITTED BY COUNCILLOR JOHNSTON

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

“Which of the following services, currently funded by West Lothian Council, will not be axed by your administration as you deliver the £1.49m budget cut you have voted through?

- 1 – Linlithgow town service Monday-Saturday
- 2 – Broxburn town service Monday-Saturday
- 3 – Livingston town service Monday-Friday
- 4 – Bathgate town service Monday-Saturday
- 5 – Wester Inch town service Monday- Saturday
- 8 – Bathgate-Boghall-Belvedere Sunday
- 9 – Murieston town service Monday-Saturday
- 10 – Livingston town service Monday-Friday
- 11/12 – Livingston-Bathgate via Kirkton Campus & Pyramids peaks Monday – Friday
- Extension of service Winchburgh-South Queensferry Monday-Saturday
- 19 – Deans-Blackridge 0659 and Blackridge-Bathgate 0723 Saturday
- 20S – 0628 Fauldhouse-Edinburgh Sunday
- 21 – 0514 & 0559 Fauldhouse-Livingston, 0519 Livingston-Bathgate Monday-Friday
- 23 – Bathgate-South Queensferry Monday-Saturday
- 24 – Juniper Green-Livingston Monday-Friday
- 20 – Broxburn-Bathgate Sunday only
- 26 – 0440 & 0510 Fauldhouse-Deans North; 0450 & 0550 Deans North – Fauldhouse Monday-Friday
- 31/32 – Linlithgow-Livingston Monday-Saturday
- 33 – Livingston-Linlithgow via Winchburgh Sunday
- 34 – Bathgate-Broxburn Monday-Saturday
- 34 – Bathgate-Broxburn Sunday
- 36 – Bathgate-Livingston via West Calder Monday-Saturday
- 36 – Early am journeys- Bathgate-Loganlea Monday-Friday
- 36 – Bathgate-Livingston via West Calder Sunday only
- 40/X40 – Livingston-Edinburgh Royal Infirmary Monday-Sunday
- 41 – Bathgate-Livingston via Kirkton Campus Sunday
- X5- – Fauldhouse-Edinburgh, 1725 Edinburgh-Fauldhouse Monday-Friday
- 0618
- X6- – Blackridge-Edinburgh Monday-Friday
- 0436 &
- 0510
- Falkirk contract contribution – Linlithgow-Bo’ness and Linlithgow-Whitecross
- Armadale town service Monday-Saturday
- Whitburn Town Service
- 20 – Bathgate-E Edinburgh 0451, 0716, 0746, 0816 Monday-Friday; 20 Edinburgh-Bathgate 05.55 Monday-Fri
- 20 – Broxburn-Bathgate 0716, 0746, 0819 Monday-Friday; 20 Bathgate-Broxburn 0701, 0752 Saturday;
- 20 – Broxburn-Bathgate 0716, 0816 Saturday

- 22 – Whitburn-Edinburgh 0450, X20 Blackridge-Bathgate (commercial to Edinburgh) 0607 Monday-Friday
- 27 – Livingston-Edinburgh 0516 & 0620 return Monday-Friday, Edinburgh - Cadence 0647/0747 Sunday
- 30 – Boghall-Bathgate AM and late PM peaks Monday-Friday
- 30 – Boghall-Bathgate Saturday
- 7 – South Queensferry-Livingston early AM peak and late PM and evenings Monday-Saturday
- 28A – Howden-Bathgate 0518 Monday-Friday, Oakbank-Birniehill 0610 Monday-Sunday
- 36 – Bathgate-Loganlea 1900-2300 Monday-Saturday
- 43 – South Queensferry-Bo'ness peaks
- 50 – Boghall-Harthill 1700-2300 Monday-Saturday
- 21 – Fauldhouse-Craigshill 2030-0000
- 71 – Livingston-Shotts (Fauldhouse-Breich section only)
- 449 – Bo'ness-Bathgate early AM Monday-Friday
- 22 – Whitburn-Livingston 0709 Saturday
- 26 – Fauldhouse-Deans 2000-2300 Monday-Sunday
- 22 – Whitburn-Edinburgh 2000-2300 Monday-Sunday
- 20 – Bathgate-Broxburn 2000-2300 Monday-Saturday
- 56 – Livingston-Oakbank Industrial Estate

The Leader of the Council provided a verbal answer to the question.

Councillor Day indicated that wished to put supplementary questions as provided for in Standing Orders. He did so and the Leader of the Council provided verbal answers to the supplementary questions.

Decision

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

16. LOWPORT LEISURE CENTRE - QUESTION TO THE LEADER OF THE COUNCIL SUBMITTED BY COUNCILLOR DAY

Written questions to the Leader of the Council had been submitted by Councillor Day in the following terms:-

1. "What opportunity have council staff working at the Lowport centre had to meet with senior officers to discuss opportunities to generate increased income, develop strategic cost saving measures and to ensure the continued delivery of this council service rather than strip it from the Council's portfolio?
2. Do you accept that Low Port Staff, who have a better understanding of this area, must be approached to fully explore possibilities to provide at least a no cost service but potentially a "profit" making Council service BEFORE decisions are taken to transfer this service from the council?

3. Do you accept that Low Port centre staff have managed to continually increase income generation over the past few years?
4. Will you agree to create a Council “Outdoor Learning Strategic Plan” to increase efficiency of Outdoor Learning across all services by establishing strategic pathways, reduce cost and duplication in training and delivery prior to removing the Lowport Centre from the council?
5. How much does it cost to run the Lowport facility, ie Staff costs, budget, building running costs and maintenance?
6. How much funding, and for how long, is your administration intending to subsidise a trust to take on this centre?
7. How much is your administration planning to pay a trust to take upon the upkeep of Low Port Centre building?
8. How far down the negotiating process and where are we in terms of trust handover?
9. What is proposed time line for a trust hand over?

The Leader of the Council provided verbal answers to the written questions.

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

Decision

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

T: 0131-244 2772
E: alistair.sellar@scotland.gsi.gov.uk



Mr Graham Hope
West Lothian Council
West Lothian Civic Centre
Howden South Road
LIVINGSTON
West Lothian
EH54 6FF

Your ref:
Our ref: 2015/0014880
22 April 2015

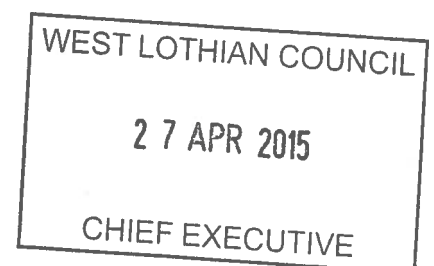
Dear Mr Hope

I am writing to acknowledge receipt of your recent letter to John Swinney regarding Transatlantic Trade & Investment Partnership.

A reply will be provided to you as soon as possible.

Yours sincerely,

Alistair Sellar
Ministerial Correspondence Unit





10 DOWNING STREET

LONDON SW1A 2AA
www.gov.uk/Number10

From The Direct Communications Unit

20 April 2015

Dear Mr Hope

I am writing on behalf of the Prime Minister to thank you for your correspondence of 10 April.

Your correspondence is currently under consideration.

Yours sincerely

Correspondence Officer

Mr Graham Hope

WEST LoTHIAN COUNCIL
27 APR 2015
CHIEF EXECUTIVE

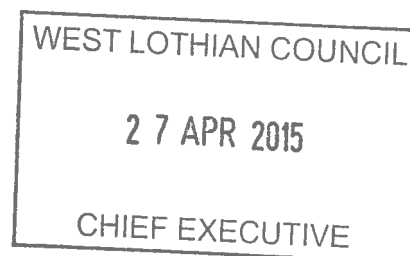


DAVID MARTIN

Member of the European Parliament (*Scotland*)

Mr Graham Hope,
Chief Executive,
West Lothian Council
Civic Centre, Howden South Road,
LIVINGSTON EH54 6FF

24 April 2015



Dear Mr Hope,

I write in response to a letter from yourself (signed A. Higgins) requesting that I respond to a Notice of Motion from Councillor Moohan on the Transatlantic Trade and Investment Partnership (TTIP).

Firstly allow me to outline my position and priorities for the Transatlantic Trade and Investment Partnership negotiations before addressing some of the specific points raised in the motion.

I and my Labour colleagues in the European Parliament, together with our sister party MEPs in the Socialist and Democrat (S&D) Group supported the opening of negotiations for a trade agreement between the EU and United States. I believe trade can and does promote economic growth and create jobs, which we have seen in previously concluded EU trade agreements. As 90% of global growth is expected to happen outside the EU over the next 15 years I believe it is vital we use opportunities like TTIP to stimulate European production and encourage job creation. However I do not support trade at any cost. As a Labour MEP I have continuously demanded that sustainable trade agreements include mandatory human, labour and environmental clauses. While many of our global trading partners do not consider these issues linked to trade agreements, the EU and US always include them in bilateral agreements and I would not support TTIP without them. I believe this gives us an opportunity to begin to set high global standards. In addition the protection of public services and the right to regulate is an absolute red line for me. S&D MEPs are therefore engaging in the TTIP negotiation process to put our views to the negotiators and to push for key issues such as levelling the playing field so our small and medium-sized enterprises can overcome the barriers they face in transatlantic trade which multinationals and large companies are able to overcome. There are many small Scottish companies which employ people locally and would like to be able to export to the US but face insurmountable bureaucracy which I hope TTIP can tackle. I would be happy to give you more information on these issues if you wish.

Allow me to address the broad issues you raised on transparency and democratic oversight; investor-state dispute settlement; and public services.

Firstly on transparency and democratic oversight, I share your criticisms that process has not been as open as it could have been. Labour MEPs have pushed the European Commission to release many more documents (see appended document A) and I am very pleased that this has resulted in a more transparent process. While there is still further to go, I do not believe that TTIP negotiations are officially secret. Indeed I see these as the most transparent trade negotiations there have been. The Commission negotiates based on a mandate drawn up by national governments, which is publically available at: <http://data.consilium.europa.eu/doc/document/ST-11103-2013-DCL-1/en/pdf> and I which have included here (appended document B). Commission position papers and the proposed text which form the basis of negotiations are online (see http://ec.europa.eu/trade/policy/in-focus/ttip/documents-and-events/index_en.htm#transparency and <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>) and there have been public consultations on issues such as ISDS for which any citizen could comment directly on the proposed text. Indeed precisely due to the feedback from citizens on the ISDS text the negotiations on investment protection have been frozen to allow a fuller discussion within the EU on the issue. I should also point out that lawmakers including all MEPs and governments have access to the consolidated negotiated text.

Let me reiterate that I do believe there is further to go and S&D Group is pushing for more transparency, but the public and parliamentary scrutiny of TTIP and the draft text has been significant. For that reason I would assess there is active democratic oversight: MEPs and national governments are regularly briefed by the Commission as well as having access to the documents. The Commission regularly attends the International Trade committee discussions in the European Parliament which are open to the public, webstreamed in all 24 EU languages and archived on the website. Negotiations only began after authorisation from all 28 Member State national governments, and both the Member States and the European Parliament are required to vote on the final text before it could ever come into effect. In addition, given the scope of TTIP I think it is highly likely that all national parliaments will also have to vote for unanimous approval of any final deal. I share your views that the Scottish Parliament should also be closely involved and to that end I welcome the serious scrutiny the European and External Relations committee is giving TTIP. You may be interested in the evidence Catherine Stihler MEP and I submitted to this inquiry (see appended document C).

Secondly on the issue of ISDS let me confirm Labour and S&D MEPs are against ISDS in TTIP. We have made this position clear to the Commission and there is more information in our position paper (see appended document D). While a badly drafted TTIP could, as your motion indicates, have negative effects for governments' right to regulate, I and my colleagues are engaging in this process to ensure any final TTIP fully protects the right to regulate. As the motion quotes a George Monbiot article from the Guardian you may also be interested in this Guardian article I drafted around the same time on my position on ISDS (see appended document E). Since this article was published many of the reforms my article proposes, including increased transparency and protecting the right to regulate, have been included in the draft

ISDS text with Canada, but Labour MEPs have made clear the reforms are not enough and the Commission intends to continue to take our demands on board.

Thirdly, I would not support any TTIP which did not fully protect public services and I believe a well-drafted trade agreement can fully comply with this. Previous EU trade agreements have included general and specific exemptions for public services, including the full right of any government to define what a public service is and bring any service back into public ownership. Trade agreements cannot force privatisation: only the Scottish government can do that for NHS Scotland. I regularly make explicitly clear to the Commission that this must be fully replicated in TTIP, and of course we will scrutinise the text when it is drafted to ensure it is watertight. You may be interested in more information (appended document F), a letter from the Commissioner for Trade specifically on the NHS (appended document G) and the recent statement from the European Commission and US government on the protection of public services (appended document H).

As the international trade policy coordinator for all 191 Socialist and Democrat MEPs let me assure you I am taking an active role in scrutinising and contributing to the negotiations on TTIP. Our group holds public seminars on TTIP and we regularly discuss specific aspects of the text with experts, trade unions, NGOs, civil society and businesses. I believe a progressive trade agreement can stimulate much-needed growth in an outward-looking EU while beginning to set global standards. I will continue to engage to push the S&D priorities for the protection of public services, high labour and environmental standards and much greater support for our small and medium-sized enterprises, and I will judge the final agreement on its merit before voting to approve or reject it. I regret that West Lothian Council does not see possibilities for a positive trade deal for Scotland, but I would nonetheless be happy to keep you updated on the progress of negotiations.

Best wishes,

A handwritten signature in black ink, appearing to read 'David Martin', with a stylized flourish at the end.

David

DAVID MARTIN MEP
43 Midlothian Innovation Centre
Pentlandfield
Midlothian EH25 9RE
0131 440 9040

Labour MEPs welcome Commission's TTIP transparency



Labour MEPs today welcomed trade commissioner Cecilia Malmström's announcement the European Commission will be more transparent on the Transatlantic Trade and Investment Partnership (TTIP) negotiations.

The increased transparency includes the publication of more EU negotiating texts, providing access to TTIP texts to all MEPs, and classifying fewer TTIP negotiating documents. The move gives trade unions, civil society and consumer organisations the chance to have meaningful input into the negotiating process of the EU-US trade deal.

Jude Kirton-Darling MEP, Labour's European spokesperson on the TTIP negotiations, said:

"This is an important step forward, enabling proper democratic control of the talks by the European Parliament and increasing the credibility of the negotiations. The more we share, the more we can debate the content of the agreement.

"It is great that the Commission is willing to be transparent about what it has already done - we now need to see transparency and public engagement around its future intentions, especially on Investor-State Dispute Settlement (ISDS).

"Labour MEPs have been calling for more transparency in trade negotiations for years - there will only be a good, balanced deal if all sides are transparent about their positions.

"This greater transparency does not, however, mean our public services will be entirely safe, nor does it mean ISDS will not be in there. We will continue working hard to ensure public services including the NHS, social services and education are excluded from trade agreements."



Council of the
European Union

Brussels, 9 October 2014
(OR. en)

11103/13
DCL 1

WTO 139
SERVICES 26
FDI 17
USA 18

DECLASSIFICATION

of document:	ST 11103/13 RESTREINT UE/EU RESTRICTED
dated:	17 June 2013
new status:	Public
Subject:	Directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE/EU RESTRICTED



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 June 2013

11103/13

RESTREINT UE/EU RESTRICTED

**WTO 139
SERVICES 26
FDI 17
USA 18**

NOTE

From :	General Secretariat of the Council
To :	Delegations
Subject :	Directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America

Delegations will find attached the directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America, as adopted at the Foreign Affairs Council (Trade) on 14 June 2013.

NB: This document contains information classified RESTREINT EU/EU RESTRICTED whose unauthorised disclosure could be disadvantageous to the interests of the European Union or of one or more of its Member States. All addressees are therefore requested to handle this document with the particular care required by the Council's Security Rules for documents classified RESTREINT UE/EU RESTRICTED.

**DIRECTIVES FOR THE NEGOTIATION ON A COMPREHENSIVE TRADE AND
INVESTMENT AGREEMENT, CALLED THE TRANSATLANTIC TRADE AND
INVESTMENT PARTNERSHIP, BETWEEN THE EUROPEAN UNION AND THE UNITED
STATES OF AMERICA**

Nature and Scope of the Agreement

1. The Agreement will exclusively contain provisions on trade and trade-related areas applicable between the Parties. The Agreement should confirm that the transatlantic trade and investment partnership is based on common values, including the protection and promotion of human rights and international security.
2. The Agreement shall be ambitious, comprehensive, balanced, and fully consistent with World Trade Organisation (WTO) rules and obligations.
3. The Agreement shall provide for the reciprocal liberalisation of trade in goods and services as well as rules on trade-related issues, with a high level of ambition going beyond existing WTO commitments.
4. The obligations of the Agreement shall be binding on all levels of government.

NB: This document contains information classified RESTREINT EU/EU RESTRICTED whose unauthorised disclosure could be disadvantageous to the interests of the European Union or of one or more of its Member States. All addressees are therefore requested to handle this document with the particular care required by the Council's Security Rules for documents classified RESTREINT UE/EU RESTRICTED.

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5. The Agreement shall be composed of three key components: (a) market access, (b) regulatory issues and Non-Tariff Barriers (NTBs), and (c) rules. All three components will be negotiated in parallel and will form part of a single undertaking ensuring a balanced outcome between the elimination of duties, the elimination of unnecessary regulatory obstacles to trade and an improvement in rules, leading to a substantial result in each of these components and effective opening of each others markets.

Preamble and General Principles

6. The preamble will recall that the partnership with the United States is based on common principles and values consistent with the principles and objectives of the Union's external action. It will refer, inter alia, to:
- Shared values in such areas as human rights, fundamental freedoms, democracy and the rule of law;
 - The commitment of the Parties to sustainable development and the contribution of international trade to sustainable development in its economic, social and environmental dimensions, including economic development, full and productive employment and decent work for all as well as the protection and preservation of the environment and natural resources;
 - The commitment of the Parties to an Agreement in full compliance with their rights and obligations arising out of the WTO and supportive of the multilateral trading system;
 - The right of the Parties to take measures necessary to achieve legitimate public policy objectives on the basis of the level of protection of health, safety, labour, consumers, the environment and the promotion of cultural diversity as it is laid down in the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, that they deem appropriate;
 - The shared objective of the Parties to take into account the particular challenges faced by small and medium-sized enterprises in contributing to the development of trade and investment;
 - The commitment of the Parties to communicate with all relevant interested Parties, including the private sector and civil society organisations.

Objectives

7. The objective of the Agreement is to increase trade and investment between the EU and the US by realising the untapped potential of a truly transatlantic market place, generating new economic opportunities for the creation of jobs and growth through increased market access and greater regulatory compatibility and setting the path for global standards.
8. The Agreement should recognise that sustainable development is an overarching objective of the Parties and that they will aim at ensuring and facilitating respect of international environmental and labour agreements and standards while promoting high levels of protection for the environment, labour and consumers, consistent with the EU acquis and Member States' legislation. The Agreement should recognise that the Parties will not encourage trade or foreign direct investment by lowering domestic environmental, labour or occupational health and safety legislation and standards, or by relaxing core labour standards or policies and legislation aimed at protecting and promoting cultural diversity.
9. The Agreement shall not contain provisions that would risk prejudicing the Union's or its Member States' cultural and linguistic diversity, namely in the cultural sector nor limit the Union and its Member States from maintaining existing policies and measures in support of the cultural sector given its special status within the EU and its Member States. The Agreement will not affect the capacity of the Union and its Member States to implement policies and measures to take account of developments in this sector in particular in the digital environment.

MARKET ACCESS

Trade in Goods

10. *Duties and other requirements regarding imports and exports*

The goal will be to eliminate all duties on bilateral trade, with the shared objective of achieving a substantial elimination of tariffs upon entry into force and a phasing out of all but the most sensitive tariffs in a short time frame. In the course of negotiations, both Parties will consider options for the treatment of the most sensitive products, including tariff rate quotas. All customs duties, taxes, fees, or charges on exports and quantitative restrictions or authorisation requirements on exports to the other Party which are not justified by exceptions under the Agreement shall be abolished upon the application of the Agreement. The negotiations shall address concerns regarding remaining obstacles to trade in dual use items that affect the integrity of the single market.

11. *Rules of origin*

Negotiations will aim at reconciling the EU and US approaches to rules of origin in a manner that facilitates trade between the Parties and that takes into account the rules of origin of the EU and the interests of the EU producers. They should also aim at ensuring that administrative errors are dealt with appropriately. Following presentation of an analysis by the Commission of its possible economic consequences, and in prior consultation with the Trade Policy Committee, the scope for cumulation with neighbouring countries that have concluded Free Trade Agreements (FTAs) with both the EU and the US will be considered.

12. *General exceptions*

The Agreement will include a general exception clause based on Articles XX and XXI GATT.

13. *Anti-dumping and countervailing measures*

The Agreement should include a clause on anti-dumping and countervailing measures, acknowledging that any of the Parties may take appropriate measures against dumping and/or countervailing subsidies in accordance with the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 or the WTO Agreement on Subsidies and Countervailing Measures. The Agreement should establish a regular dialogue on trade defence matters.

14. *Safeguards*

To maximise liberalisation commitments, the Agreement should contain a bilateral safeguard clause by which either Party may remove, in part or in full, preferences where a rise in imports of a product from the other Party is causing or threatening to cause serious injury to its domestic industry.

Trade in Services and Establishment

15. The aim of negotiations on trade in services will be to bind the existing autonomous level of liberalisation of both Parties at the highest level of liberalisation captured in existing FTAs, in line with Article V of GATS, covering substantially all sectors and all modes of supply, while achieving new market access by tackling remaining long-standing market access barriers, recognising the sensitive nature of certain sectors. Furthermore, the US and the EU will include binding commitments to provide transparency, impartiality and due process with regard to licensing and qualification requirements and procedures, as well as to enhance the regulatory disciplines included in current US and EU FTAs.

16. The Parties should agree to grant treatment no less favourable for the establishment in their territory of companies, subsidiaries or branches of the other Party than that accorded to their own companies, subsidiaries or branches, taking due account of the sensitive nature of certain specific sectors.

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17. The Agreement should develop a framework to facilitate mutual recognition of professional qualifications.
18. The Agreement will not preclude the enforcement of exceptions on the supply of services justifiable under the relevant WTO rules (Articles XIV and XIVbis GATS). The Commission should also ensure that nothing in the Agreement prevents the Parties from applying their national law, regulations and requirements regarding entry and stay, provided that, in doing so, they do not nullify or impair the benefits accruing from the Agreement. The EU and Member States' laws, regulations and requirements regarding work and labour conditions shall continue to apply.
19. The high quality of the EU's public utilities should be preserved in accordance with the TFEU and in particular Protocol n°26 on Services of General Interest, and taking into account the EU's commitment in this area, including GATS.
20. Services supplied in the exercise of governmental authority as defined by Article I.3 of GATS shall be excluded from these negotiations.
21. Audiovisual services will not be covered by this chapter.

Investment Protection

22. The aim of negotiations on investment will be to negotiate investment liberalisation and protection provisions including areas of mixed competence, such as portfolio investment, property and expropriation aspects, on the basis of the highest levels of liberalisation and highest standards of protection that both Parties have negotiated to date. After prior consultation with Member States and in accordance with the EU Treaties the inclusion of investment protection and investor-to-state dispute settlement (ISDS) will depend on whether a satisfactory solution, meeting the EU interests concerning the issues covered by paragraph 23, is achieved. The matter shall also be considered in view of the final balance of the Agreement.
23. As regards investment protection, the objective of the respective provisions of the Agreement should:
- provide for the highest possible level of legal protection and certainty for European investors in the US,
 - provide for the promotion of the European standards of protection which should increase Europe's attractiveness as a destination for foreign investment,
 - provide for a level playing field for investors in the US and in the EU,
 - build upon the Member States' experience and best practice regarding their bilateral investment agreements with third countries,
 - and should be without prejudice to the right of the EU and the Member States to adopt and enforce, in accordance with their respective competences, measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner. The Agreement should respect the policies of the EU and its Member States for the promotion and protection of cultural diversity.

Scope: the investment protection chapter of the Agreement should cover a broad range of investors and their investments, intellectual property rights included, whether the investment is made before or after the entry into force of the Agreement.

Standards of treatment: the negotiations should aim to include in particular, but not exclusively, the following standards of treatment and rules:

- a) fair and equitable treatment, including a prohibition of unreasonable, arbitrary or discriminatory measures,
- b) national treatment,
- c) most-favoured nation treatment,
- d) protection against direct and indirect expropriation, including the right to prompt, adequate and effective compensation,
- e) full protection and security of investors and investments,
- f) other effective protection provisions, such as an "umbrella clause",
- g) free transfer of funds of capital and payments by investors,
- h) rules concerning subrogation.

Enforcement: the Agreement should aim to provide for an effective and state-of-the-art investor-to-state dispute settlement mechanism, providing for transparency, independence of arbitrators and predictability of the Agreement, including through the possibility of binding interpretation of the Agreement by the Parties. State-to-state dispute settlement should be included, but should not interfere with the right of investors to have recourse to the investor-to-state dispute settlement mechanisms. It should provide for investors as wide a range of arbitration fora as is currently available under the Member States' bilateral investment agreements. The investor-to-state dispute settlement mechanism should contain safeguards against manifestly unjustified or frivolous claims. Consideration should be given to the possibility of creating an appellate mechanism applicable to investor-to-state dispute settlement under the Agreement, and to the appropriate relationship between ISDS and domestic remedies.

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Relationship with other parts of the Agreement: investment protection provisions should not be linked to the market access commitments on investment taken elsewhere in the Agreement. ISDS shall not apply to market access provisions. These market access commitments may include, when necessary, rules prohibiting performance requirements.

All sub-central authorities and entities (such as States or municipalities) should effectively comply with the investment protection chapter of this Agreement.

Public procurement

24. The Agreement shall aim for the maximum ambition, complementing the outcome of the negotiations of the revised Government Procurement Agreement in terms of coverage (procurement entities, sectors, thresholds and services contracts, including in particular public construction). The Agreement will aim at enhanced mutual access to public procurement markets at all administrative levels (national, regional and local), and in the fields of public utilities, covering relevant operations of undertakings operating in this field and ensuring treatment no less favourable than that accorded to locally established suppliers. The Agreement shall also include rules and disciplines to address barriers having a negative impact on each others' public procurement markets, including local content or local production requirements, in particular Buy America(n) provisions, and those applying to tendering procedures, technical specifications, remedy procedures and existing carve-outs, including for small and medium-sized enterprises, with a view to increasing market access, and where appropriate, streamlining, simplifying and increasing transparency of procedures.

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REGULATORY ISSUES AND NON-TARIFF BARRIERS

25. The Agreement will aim at removing unnecessary obstacles to trade and investment, including existing NTBs, through effective and efficient mechanisms, by reaching an ambitious level of regulatory compatibility for goods and services, including through mutual recognition, harmonisation and through enhanced cooperation between regulators. Regulatory compatibility shall be without prejudice to the right to regulate in accordance with the level of health, safety, consumer, labour and environmental protection and cultural diversity that each side deems appropriate, or otherwise meeting legitimate regulatory objectives, and will be in accordance with the objectives set out in paragraph 8. To this end, the Agreement shall include provisions related to the following matters:

- *Sanitary and phytosanitary measures (SPS)*

On SPS measures, the negotiations shall follow the negotiating directives adopted by the Council on 20 February 1995 (Council Doc. 4976/95). The Parties shall establish provisions that build upon the WTO SPS Agreement and on the provisions of the existing veterinary agreement, introduce disciplines as regards plant health and set up a bilateral forum for improved dialogue and cooperation on SPS issues. In areas covered by the existing EU-US veterinary agreement, the relevant provisions should be considered as the starting point of the negotiations. Provisions of the SPS chapter will build upon the key principles of the WTO SPS Agreement, including the requirement that each side's SPS measures be based on science and on international standards or scientific risk assessments, while recognising the right for the Parties to appraise and manage risk in accordance with the level of protection that each side deems appropriate, in particular when relevant scientific evidence is insufficient, but applied only to the extent necessary to protect human, animal, or plant life or health, and developed in a transparent manner, without undue delay. The Agreement should also aim at establishing cooperation mechanisms which will, inter alia, discuss equivalence on animal welfare between the Parties.

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The Agreement should seek to achieve full transparency as regards sanitary and phytosanitary measures applicable to trade, in particular establish provisions for the recognition of equivalence, implementation of pre-listing of food-producing establishments, preventing implementation of pre-clearance, recognition of disease-free and pest-free health status of the Parties and the principle of regionalisation for both animal diseases and plant pests.

- *Technical regulations, standards and conformity assessment procedures*

Building on the Parties' commitments under the WTO Agreement on Technical Barriers to Trade (TBT), the Parties shall also establish provisions that build on and complement such provisions, with a view to facilitating access to each other's markets, and establish a mechanism for improved dialogue and cooperation for addressing bilateral TBT issues. The objectives of these provisions would be to yield greater openness, transparency and convergence in regulatory approaches and requirements and related standards-development processes, also with a view to adopting relevant international standards, as well as, inter alia, to reduce redundant and burdensome testing and certification requirements, promote confidence in our respective conformity assessment bodies, and enhance cooperation on conformity assessment and standardisation issues globally. Consideration should also be given to provisions on labelling and means of avoiding misleading information for consumers.

- *Regulatory Coherence*

The Agreement will include cross-cutting disciplines on regulatory coherence and transparency for the development and implementation of efficient, cost-effective, and more compatible regulations for goods and services, including early consultations on significant regulations, use of impact assessments, evaluations, periodic review of existing regulatory measures, and application of good regulatory practices.

- *Sectoral provisions*

The Agreement will include provisions or annexes containing additional commitments or steps aimed at promoting regulatory compatibility in specific, mutually agreed goods and services sectors, with the objective of reducing costs stemming from regulatory differences in specific sectors, including consideration of approaches relating to regulatory harmonisation, equivalence, or mutual recognition, where appropriate. This should include specific and substantive provisions and procedures in sectors of significant importance to the transatlantic economy, including, but not limited to, automotives, chemicals, pharmaceuticals and other health industries, Information and Communication Technologies and financial services, ensuring the removal of existing NTBs, preventing the adoption of new NTBs and allowing market access at a level greater than that delivered through horizontal rules of the Agreement. With regard to financial services, negotiations should also aim at common frameworks for prudential cooperation.

26. The Agreement shall also include a framework for identifying opportunities and for guiding further work on regulatory issues, including provisions that provide an institutional basis for harnessing the outcome of subsequent regulatory discussions into the overall Agreement.
27. The Agreement shall be binding on all regulators and other competent authorities of both Parties.

RULES

Intellectual Property Rights

28. The Agreement shall cover issues related to intellectual property rights. The Agreement will reflect the high value placed by both Parties on intellectual property protection and build on the existing EU-US dialogue in this sphere.
29. Negotiations should, in particular, address areas most relevant for fostering the exchange of goods and services with IP content, with a view to supporting innovation. The negotiations shall aim to provide for enhanced protection and recognition of EU Geographical Indications through the Agreement, in a manner that complements and builds upon the TRIPS, also addressing the relationship with their prior use on the US market with the aim of solving existing conflicts in a satisfactory manner. After prior consultation with the Trade Policy Committee, additional IPR issues shall be considered in the negotiations.
30. The Agreement shall not include provisions on criminal sanctions

Trade and sustainable development

31. The Agreement will include commitments by both Parties in terms of the labour and environmental aspects of trade and sustainable development. Consideration will be given to measures to facilitate and promote trade in environmentally friendly and low carbon goods, energy and resource-efficient goods, services and technologies, including through green public procurement and to support informed purchasing choices by consumers. The Agreement will also include provisions to promote adherence to and effective implementation of internationally agreed standards and agreements in the labour and environmental domain as a necessary condition for sustainable development.

32. The Agreement will include mechanisms to support the promotion of decent work through effective domestic implementation of International Labour Organisation (ILO) core labour standards, as defined in the 1998 ILO Declaration of Fundamental Principles and Rights at Work and relevant Multilateral Environment Agreements as well as enhancing co-operation on trade-related aspects of sustainable development. The importance of implementation and enforcement of domestic legislation on labour and environment should be stressed as well. It should also include provisions in support of internationally recognised standards of corporate social responsibility, as well as of the conservation, sustainable management and promotion of trade in legally obtained and sustainable natural resources, such as timber, wildlife or fisheries' resources. The Agreement will foresee the monitoring of the implementation of these provisions through a mechanism including civil society participation, as well as one to address any disputes.
33. The economic, social and environmental impacts will be examined by means of an independent Sustainability Impact Assessment (SIA), involving civil society, and will be undertaken in parallel with the negotiations and will be finalised ahead of the initialling of the Agreement. The SIA will aim to clarify the likely effects of the Agreement on sustainable development, as well as to propose measures (in trade and non-trade areas) to maximise the benefits of the Agreement and to prevent or minimise potential negative impacts. The Commission shall ensure that the SIA is conducted in regular dialogue with all relevant stakeholders from civil society. In the course of negotiations, the Commission shall also maintain a regular dialogue with all relevant stakeholders from civil society.

Customs and Trade facilitation

34. The Agreement shall include provisions to facilitate trade between the Parties, while ensuring effective controls and anti-fraud measures. To this end it shall include inter alia commitments on rules, requirements, formalities and procedures of the Parties related to import, export and transit, at a high level of ambition, going beyond commitments negotiated in the WTO. These provisions should promote modernisation and simplification of rules and procedures, standard documentation, transparency, mutual recognition of standards and cooperation between customs authorities.

Sectoral Trade Agreements

35. The Agreement should, where appropriate, review, build on and complement existing sectoral trade agreements, such as the Agreement between the European Community and the United States on trade in wine, in particular with regard to negotiations of terms under Annex II of the 2005 Agreement, the Agreement on Mutual Recognition between the European Community and the United States and the Agreement between the European Community and the United States of America on customs cooperation and mutual administrative assistance in customs matters.

Trade and Competition

36. The Agreement should aim at including provisions on competition policy, including provisions on antitrust, mergers and state aids. Furthermore, the Agreement should address state monopolies, state owned enterprises and enterprises entrusted with special or exclusive rights.

Trade related energy and raw materials

37. The Agreement will include provisions addressing trade and investment related aspects of energy and raw materials. Negotiations should aim at ensuring an open, transparent and predictable business environment in energy matters and at ensuring an unrestricted and sustainable access to raw materials.

Small and Medium-Sized Enterprises

38. The Agreement will include provisions addressing trade-related aspects of small and medium-sized enterprises.

Capital Movement and Payments

39. The Agreement will include provisions on the full liberalisation of current payments and capital movements, and include a standstill clause. It will entail carve-out provisions (e.g. in case of serious difficulties for monetary and exchange rate policy, or for prudential supervision and taxation), which will be in accordance with the provisions of the EU Treaty on the free movement of capital. Negotiations shall take into account the sensitivities attached to the liberalisation of capital movements not linked to direct investment.

Transparency

40. The Agreement will address issues of transparency. To this end, it will include provisions on:
- The commitment to consult stakeholders in advance of the introduction of measures with an impact on trade and investment;
 - The publication of general rules and measures with an impact on international trade and investment in goods and services;
 - Transparency as regards the application of measures having an impact on international trade and investment in goods or services.
41. Nothing in this Agreement should affect EU or Member State laws regarding public access to official documents.

Other Rules Areas

42. Following analysis by the Commission and in prior consultation with the Trade Policy Committee and in accordance with the EU Treaties, the Agreement may include provisions regarding other areas related to the trade and economic relationship where, in the course of negotiations, mutual interest was expressed in doing so.

Institutional Framework and Final Provisions

43. *Institutional framework*

The Agreement will set up an institutional structure to ensure an effective follow up of the commitments under the Agreement, as well as to promote the progressive achievement of compatibility of regulatory regimes.

44. The Commission will, in a spirit of transparency, regularly report to the Trade Policy Committee on the course of the negotiations. The Commission, according to the Treaties, may make recommendations to the Council on possible additional negotiating directives on any issue, with the same procedures for adoption, including voting rules, as for this mandate.

45. *Dispute settlement*

The Agreement will include an appropriate dispute settlement mechanism, which will ensure that the Parties observe mutually agreed rules.

The Agreement should include provisions for expedient problem-solving such as a flexible mediation mechanism. This mechanism will pay special attention to facilitating the resolution of differences in NTB issues.

46. *Authentic languages*

The Agreement which shall be equally authentic in all official EU languages, shall include a language clause.

C

European and External Relations Committee
Transatlantic Trade and Investment Partnership (TTIP)

David Martin MEP

(Member of the International Trade committee and trade policy Coordinator for the
Socialist and Democrat Group)

Catherine Stihler MEP

Overview

Scottish Labour MEPs and our sister party colleagues in the Socialist and Democrat Group in the European Parliament welcomed the launch of negotiations for the Transatlantic Trade and Investment Partnership (TTIP), recognising the potential in a deal for the Scottish economy, the creation of jobs and the setting of global standards. The launching of negotiations was also welcomed by consumer groups and trade unions on both sides of the Atlantic. However we have several key demands for the agreement, in particular maintaining high consumer and sustainable development standards, the protection of public services and the removal of the proposed investor-state dispute settlement mechanism.

Economic prospects and market access

The United States is a key trading partner for Scotland and a growing market for Scottish goods and services. Removing barriers to trade and encouraging transatlantic trade has the potential to protect and boost Scottish jobs in key sectors.

Overall, tariffs between the EU and US are relatively low. However this average of around 4% masks some particular tariff spikes remaining in important Scottish products including textiles such as cashmere and lambswool, where the tariff levied on European products entering the US market is very high. It is the aim of the European negotiators to remove virtually all tariffs, with the expectation that a small number of tariff lines will remain on highly sensitive products only.

In the food and drink industry, vital to the Scottish economy, TTIP has the potential, both directly and indirectly, to improve market access. The launch of negotiations has already been the catalyst for the EU and US to reach an agreement at the WTO over the long-standing dispute on beef imports. It is also hoped that the framework of a trade deal would advance further remaining issues such as the rules on Scottish beef and haggis. The European Commission has also made it a high priority to secure an agreement within TTIP on EU Geographical Indications (GIs) which would allow for the extension of the legal protection given to registered products to the US market. GI status protects traditional products from a recognised region, and prevents the GI-protected name being used on generic products. A number of Scottish products including Scotch whisky, beef and lamb, Arbroath smokies etc. already benefit from this within the EU. GIs have already been successfully included in concluded trade agreements with Canada and Singapore.

TTIP will contain a dedicated chapter on small and medium-sized enterprises (SMEs), which could greatly assist Scottish companies in complying with US

'boilerplate'. In our view legal and political risk should be factored into the price of foreign direct investment, rather than allow investments to be subsidised by creating a two-tier legal system.

The problem Britain comes up against again and again as a member of the EU is that we can no longer negotiate trade agreements on our own behalf, but must pass full responsibility over to the Trade Commissioner who negotiates on behalf of ALL 28 member states. How can Britain possibly have her best interests represented under such conditions? If the UK were negotiating on its own behalf then there would be no need for ISDS and we could protect the NHS whilst otherwise taking a much more market-based approach than the French insist upon.

TTIP is further discussed by our International Trade Spokesman, William Dartmouth MEP here...

<https://www.youtube.com/watch?v=MtbK8mlRYAM&list=PLqdt06tvUxdV6UDmYV4D7nPnsVThFy5cD&index=27>

and by Douglas Carswell MP here...

<http://www.telegraph.co.uk/news/worldnews/europe/11210662/Britain-doesnt-need-to-be-in-Europe-to-strike-important-trade-deals.html>

David Coburn MEP



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4 March 2015

S&D Position Paper on Investor-state dispute settlement mechanisms in ongoing trade negotiations

The S&D Group opposes the inclusion of ISDS in Trade Agreements in which other options to enforce investment protection are available, whether domestic or international. In agreements with countries that have fully functioning legal systems and in which no risks of political interference in the judiciary or denial of justice have been identified, ISDS is not necessary.

The S&D Group strongly supports the principle that **foreign and domestic investors should be treated equally and fairly** and that this should be underpinned by substantive provisions on investment protection in trade agreements. Procedural provisions on investment protection - such as ISDS - should however always be context dependent and adapted to best fit the specific predicaments of the parties to an agreement. It is not reconcilable with the rule of law, that investors get a legal forum outside well-functioning judicial systems of the parties through a trade agreement. Investor protection provisions should apply to protection against discrimination, against expropriation without compensation and for the guarantee of fair and equitable treatment along well-defined and limited parameters. At the same time we firmly maintain the position that these provisions **must not in any way undermine the right to regulate in the public interest** as the Parties to the agreement see fit. We strongly support the establishment at multilateral level of an investment protection regime that finds a balance between these two principles.

The volume of foreign direct investment (FDI) has increased considerably worldwide over the last decades and has become a key factor for economic growth and jobs. The bilateral investment flows between the European Union and the United States alone total over 3,000 billion Euros, which represent an amount that far exceeds the FDI stock currently subject to the Member States' 9 bilateral investment treaties (BIT) with the US. Amongst countries with similar levels of investment protection in domestic legislation, there is no evidence that investment agreements - with or without ISDS - have any impact on investment flows.

Recently, the Investor-State Dispute Settlement Mechanism (ISDS) has brought a lot of public attention to EU trade policy with widespread concerns, in particular as regards its possible inclusion in trade deals with Canada (CETA) and the United States (TTIP). ISDS is not new and

neither is it an invention by the EU. Before the EU gained exclusive competence on investment negotiations with the Lisbon Treaty, Member States had already concluded more than 1,200 bilateral investment treaties (BIT) with third countries, a large majority of which contain ISDS. However the bulk of these investment treaties were negotiated with developing countries. As the S&D Group **we welcome the public attention and scrutiny the question of investment protection in EU trade agreements has garnered** as it illustrates the need for a broad debate which did not take place when previous BITs were concluded. We consider this a vital contribution to **reinforce the democratic legitimacy of the EU's trade policy**. In its report of 2011 on investment policy, the European Parliament pressed for the need to reform ISDS in light of its apparent substantial and procedural flaws.

We have observed in recent years a continued rise of ISDS cases, most of which were filed by EU companies with about a third of known cases decided in favour of the investor. Some of these have exploited the generic and vague drafting of previous investment treaties, which gives arbitrators large room for interpretation, to attack legitimate public policy objectives (e.g. Vattenfall vs. Germany related to Germany's renounce of nuclear energy, Veolia against Egypt on changes in labour law, Philip Morris against plain packaging in Australia, Lone Pine Resources Inc against Canada for a moratorium on shale gas exploitation. It should be noted that these cases have not been decided, yet, although regulatory chill effects have been felt already, for instance in New Zealand in relation to the Philip Morris case against Australia.)

The S&D Group has already on numerous occasions expressed its serious reservations concerning ISDS. In particular in the case of TTIP, we have made it clear that we do not see a need for its inclusion and have called for it to be excluded when negotiations for the investment chapter start.

Overall, the rule of law is sufficiently guaranteed among the US and the EU which calls into question the necessity of any arbitration mechanism parallel to national courts.

It is clear that well-founded concerns that the ISDS mechanism could be misused outweigh possible instances of discrimination against European investors. We regard a state-to-state dispute settlement system and the use of national courts as the most appropriate tools to provide investors with the fair opportunity to seek and achieve redress of grievances. The Council itself, has made it clear in its mandate for the Commission that ISDS is a desirable but not mandatory mechanism, and its inclusion is conditional on the overall balance in the agreement.

It should be noted that the ISDS in previous agreements is not necessarily equivalent to what is currently being negotiated by the Commission. The draft text of the CETA agreement, which is not, yet, ratified and is currently undergoing modifications in legal scrubbing, contains some improvement. This applies in particular as regards

- increased transparency as it relates to availability of documents and the public nature of hearings and rulings of arbitration,
- the introduction of a code of conduct for arbitrators which are controlled via the CETA Trade Committee,
- the more precise and clearer legal definitions on investment and indirect expropriation,
- the necessity for substantial business operations in the territory of a host state which prevent the use of shell companies to benefit from ISDS provisions in otherwise not applicable treaties,

- the mentioning of the right to regulate in the public interest in the preamble of the agreement,
- the ruling out of loss of anticipated future profits for initiating a case
- the possibility for parties to the agreement to issue binding interpretative definitions of provisions in the investment chapter to rule out unintended consequences in the aftermath,
- the introduction of state-to-state filters to prevent cases in the financial and tax sector.

For CETA the situation is different compared to TTIP as the negotiations have been concluded already. Nevertheless, we stress that these reforms are clearly insufficient to close the loopholes. This is also underpinned by the fact that the Commission's online public consultation on ISDS in TTIP, which had the CETA text as a reference document, between 27 March and 13 July 2014 garnered an unprecedented number of replies with nearly 150,000 coming from all 28 EU Member States. 97% of these responses showed a widespread opposition to ISDS in its current form which illustrates the great concerns widely held among the public about this issue. The consultation notably highlighted widespread concern that a) ISDS in its current form limits public policy space, creating a risk of "regulatory chill", b) ISDS discriminates domestic investors.

We take these concerns by the public very seriously and believe that there cannot be any business as usual after this consultation. We will fight to have the citizens' widespread concerns addressed in these trade negotiations.

In its report on the public consultation the Commission identified the following four areas in particular for exploration of further improvements: **the protection of the right to regulate, the establishment and functioning of arbitral tribunals; the relationship between domestic judicial systems and ISDS, and the review of ISDS decisions through an appellate mechanism.** The Commission has, thus, at least recognized that there are serious shortfalls in the current ISDS regime but has so far not presented any solutions, whereas, these areas of concern were largely already identified by the Parliament and the S&D Group in the investment report of 2011.

We consider the present debate an opportunity to form an investment policy which promotes productive, sustainable and decent jobs creating investments, respects the environment, encourages good quality working conditions and makes a positive contribution to worldwide economic growth and sustainable development, particularly given the far-reaching extraterritorial effects a successful conclusion of TTIP would have. In an era of increased inward investment as compared to when the early BITs were concluded it becomes increasingly important to consider the domestic effects of investment protection rules and, given the apparent shortcomings of the current ISDS regime, it is important that a thorough review of possibilities for reform is conducted.

We are, therefore, against any rushed, methodologically unsound investor-to-state mechanism in TTIP to avoid any unintended consequences. One should also note that there are other means available to provide for investment protection both in the public and in the private sector, such as export credits and political risk insurance.

With regard to CETA, we welcome that some EU governments, led by S&D sister parties, are still trying to further improve the provisions on investment protection, as compared to what has been achieved already in ISDS reform. We support this process and reserve our final

It's David Cameron who's rolling over for big corporations in the EU-US trade deal

David Martin

The investor-state dispute settlement included in the proposed deal is a scandal - and it shouldn't be blamed on 'Brussels'

Wednesday 6 November 2013 17.12 GMT

Before negotiations have even started, the proposed trade deal between the EU and United States has been heralded as a game-changer: an unprecedented stimulus package for the European economy, a shot across the bow for British Eurosceptics and a chance for Europe and the US to set the standard for global trade before China beats us to it. It is a significant opportunity for transatlantic trade, no doubt. Critics, meanwhile, are blaming the Transatlantic Trade and Investment Partnership for the failures of rightwing European governments and the powers they are willing to cede to multinational corporations. The anger is right but the target is wrong: we need to look far more closely at the UK coalition government's priorities before laying the blame at the door of "Brussels".

It is expected (as George Monbiot has pointed out) that the European commission will seek to include in the deal a mechanism known as the investor-state dispute settlement. This clause is intended to protect foreign investors from discrimination by governments. In practice it means that companies will have the right to sue foreign governments if they don't like the local legislation. The cases are heard in private. Governments often lose. Millions of pounds, dollars and euros have been paid to private companies when a secret panel of arbitrators decides the government has overstepped the mark by legislating, say, to make generic drugs more widely available or to stop tobacco companies aggressively marketing to children.

The mechanism is a scandal. The European commission has a lot to answer for, and those of us shouting the loudest in Brussels against it will keep shouting. But the buck does not stop with the commission, and it is not an invention of the US trade deal.

Investor-state mechanisms have existed in investment agreements for years. We already have them in UK agreements with non-EU countries. They have been pencilled into EU trade agreements with Canada and Singapore.

The EU now has legal powers in the area of investment policy, and member governments are in the process of establishing one clear set of rules to replace the existing spaghetti bowl of criss-crossing agreements. It is the perfect opportunity to abandon the investor-state mechanism.

Alas, governments, including the UK, issued the European commission with a negotiating mandate that includes the investor-state dispute settlement mechanism. The commission is pursuing their request with vigour.

And now, don't the missing pieces of the UK coalition's debacle over plain cigarette packaging fall into place? The Australian government was sued by Philip Morris when it attempted to introduce plain packaging for cigarettes and has since decided to scrap the investor-state dispute mechanism because of its effect on the government's ability to legislate on health and environment. Meanwhile, in the UK David Cameron's enthusiasm for plain packaging stopped dead in its tracks and the legislation was put on hold because of "considerable legal uncertainty".

The fact that the government was willing to sacrifice a key health proposal because of fears that big tobacco would sue is bad enough. The fact that Cameron failed to scrap the investor-state provision in UK investment agreements is worse, and the fact that his government demanded the European commission actually include it in new EU agreements with Canada, Singapore and the US is shameful. But no doubt the Tories would be happy to sit back and let "Brussels" take the blame for this one.

Labour MEPs and our sister parties in the Socialist and Democrat group in the European parliament continue to vote to scrap this mechanism, but we face an uphill battle in a parliament dominated by conservatives and a minority of MEPs who do not even turn up to vote.

Alongside the investment agreements themselves the parliament and council are currently negotiating legislation for the practical implementation of the investor-state dispute settlement. As the lead MEP for the Socialists and Democrats on this legislation I am drafting clauses to ensure that, if investor-state cannot be stopped, there will at least be legal requirements for transparency. As a minimum it should be made public if foreign companies are suing the EU. We should know what the companies are suing for and how much taxpayers' money is at stake. We must also be able to ringfence legislation for public health, the environment and workers' rights to ensure companies cannot challenge them.

Meanwhile, no EU investment agreements have been concluded, but time is rapidly running out. The answer is not to derail the US trade agreement but look to the almost-concluded agreements with Singapore and Canada and urge the UK government and MEPs to pressure the commission to change tactics. The Tories give us a lot of hot air about "standing up to Brussels", but on standing up to corporate power? Radio silence.

More comment

Topics

International trade

European Union

Europe

European commission

David Cameron
US foreign policy

Labour MEPs call on European Commission to publish TTIP documents on services



Labour MEPs have called on the European Commission to follow up today's publication of TTIP papers on legal texts with the release of documents on services.

The Commission published its proposals for the legal text which is being negotiated with Washington for the EU-US for the Transatlantic Trade and Investment Partnership - yet it has not released TTIP documents on services.

David Martin MEP, Socialists and Democrats Group spokesperson on international trade, said:

“We have been calling for greater transparency since TTIP negotiations were launched, so we appreciate the effort made by trade commissioner Cecilia Malmström. However, we are not fully satisfied.

“We also want the services schedule published, as the Commission has already done for the Trade in Services Agreement (TiSA), which would ensure the full protection of the public services.”

G

CECILIA MALMSTRÖM

MEMBER OF THE EUROPEAN COMMISSION

Brussels, 26.01.2015
NE/pcc/S(2015)310775

Dear Lord Livingston,

I am writing to follow up our meeting in November 2014, when you suggested that it would be helpful for me to write to correct some of the misconceptions circulating about the Transatlantic Trade & Investment Partnership (TTIP) and the National Health Service (NHS) in the UK.

As you know, the EU's chief negotiator for TTIP, Ignacio Garcia Bercero, wrote to the Chair of the UK All-Party Parliamentary Group on this subject in July last year. The situation has not changed but I would like to underline some of the points made.

To be clear, the effects of the EU's approach to public health services in trade agreements such as TTIP are that:

- Member States do not have to open public health services to competition from private providers, nor do they have to outsource services to private providers;
- Member States are free to change their policies and bring back outsourced services back into the public sector whenever they choose to do so, in a manner respecting property rights (which in any event are protected under UK law);
- It makes no difference whether a Member State already allows some services to be outsourced to private providers, or not.

We use a series of reservations in EU trade agreements to make sure that EU Member State governments (at all levels, from central government to local authorities) can continue to manage their public services however they see fit. For example, we reserve the right for governments to operate monopolies and grant exclusive rights for selected providers, whether these are public or private operators. We make sure that governments do not have to open up any of their public services markets (such as publicly-funded health services) to private operators if they do not want to, and that should they choose to do so, there is nothing to prevent them reversing this decision in future. Member States have the possibility to modulate reservations according to their needs as part of EU trade negotiations. The UK is covered by these reservations, has always followed this approach, and is free to decide to continue to do so in TTIP.

You may wish to invite your stakeholders to examine the text of the recently agreed EU-Canada Comprehensive Economic & Trade Agreement (CETA), available online¹, to see how these protective reservations look in practice. My officials would be happy to provide further guidance.

Lord Ian Livingston
Minister of State for Trade and Investment
Department for Business, Innovation & Skills
1 Victoria Street
London SW1H 0ET, United Kingdom

¹ http://trade.cc.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf

A second key point to explain is that outsourcing public services to private providers, as has been carried out in parts of the English NHS, does not mean that the services become irreversibly part of the commercial sector. It is still the public purse that funds the service, and therefore the service is still protected from liberalisation in EU trade agreements through our protective reservations. Certainly, once a public authority has decided to procure a service from an external service provider and conclude a public contract, it must respect EU public procurement rules requiring, for example, transparency and non-discrimination in this procedure. EU bilateral trade agreements such as TTIP, as well as the World Trade Organisation's Government Procurement Agreement, may also set rules for public procurement – but the EU has never committed public health services in this area. What matters is that these rules do not affect authorities' right to open or close a particular public service to competition should they choose to in the future.

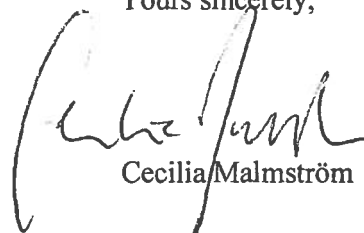
Thirdly, some people question whether including investment protection and Investor-State Dispute Settlement (ISDS) in TTIP would mean that in practice it would be difficult to bring a service back into the public sector, owing to the potentially high costs of losing an ISDS case. Whilst I understand that these questions are posed, I can categorically state that nothing in either the 3,000 existing investment agreements, or in the future TTIP, could prevent a service being brought back into the public sector or force the payment of compensation for such an action. Compensation would only be available if bringing a service back into the public sector involved nationalising property owned by foreign investors. As under UK law, in such cases, compensation would be required. Equally, the question may be whether a contract to provide services previously awarded to a private operator must be continued or risk an ISDS claim. There again, I can be categorical that deciding not to renew a contract would not give grounds for an ISDS claim. An investor has no property at stake in the potential continuation of a contract. In general terms, ISDS can only be used in limited circumstances to address unfair or discriminatory treatment towards foreign investors: for example, if a foreign investor is subject to a denial of justice, or manifestly arbitrary treatment, or, as noted, if their property is expropriated without compensation in a host nation. It is only then that investors could use treaty rights to address the unfair action by the state. These are the sorts of protections we want EU investors to have overseas, and therefore we offer ourselves.

As you yourself noted earlier this year, it is critical to remember that there is a thriving private market for health services in the EU. This sector is a key European strength and it is important that EU trade policy helps to enable our health services companies to access international markets such as the US, as well as to encourage competition on the EU side. This is why Mr Garcia Bercero explained in his letter that health services are within the scope of EU trade policy to ensure that sectors are not ruled out unnecessarily.

In light of all of the above, I am happy to confirm the statement of Mr Garcia Bercero that there is no reason to fear either for the NHS as it stands today or for changes to the NHS in future, as a result of TTIP or indeed EU trade policy more broadly.

I look forward to continuing our work together on this and other files.

Yours sincerely,



Cecilia Malmström

Transatlantic Trade and Investment Partnership

Joint Statement on Public Services

Brussels, 20 March 2015

Ambassador Froman and Commissioner Malmström discussed the important role public services play in the United States and the European Union.

They confirmed that U.S. and EU trade agreements do not prevent governments, at any level, from providing or supporting services in areas such as water, education, health, and social services.

Furthermore, no EU or U.S. trade agreement requires governments to privatize any service, or prevents governments from expanding the range of services they supply to the public. Moreover, these agreements do not prevent governments from providing public services previously supplied by private service suppliers; contracting a public service to private providers does not mean that it becomes irreversibly part of the commercial sector.

Ambassador Froman and Commissioner Malmström also noted the important complementary role of the private sector in these areas. Private sector activities can improve the availability and diversity of services, to the benefit of people in the United States and the European Union. Defining the appropriate balance between public and private services is up to the discretion of each government.

Finally, Ambassador Froman and Commissioner Malmström also confirmed that EU and US trade agreements do not impede governments' ability to adopt or maintain regulations to ensure the high quality of services and to protect important public interest objectives, such as the protection of health, safety, or the environment.

The United States and the European Union are following this same approach in TTIP and TiSA.

Mr Graham Hope
West Lothian Council
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WEST LOTHIAN COUNCIL

24 APR 2015

CHIEF EXECUTIVE



Your ref:
Our ref: 2015/0010288
22 April 2015

Dear Mr Hope,

Thank you for your letter of 2 March, expressing the Council's concerns over Accident and Emergency (A&E) waiting times performance for NHS Scotland.

Please be assured that the Scottish Government is very much committed to ensuring that all patients have high quality and safe access to the full range of services which they need from the NHS. Performance has improved in the last few weeks across Scotland. Over the year to the end of February 2015, core sites in Scotland saw 90.9% of patients within four hours compared to 90.8% in England and, since early March 2015 Scotland has seen a greater number of patients within four hours in core sites on a weekly basis compared to England. Specifically core ED performance in NHS Lothian was at 90.9% in the week ending 5 April, we however recognise we needed to do more. To support this there has been real terms budget increases to the health resource budget in each year of this parliament. The 2015/16 budget will see health resource spending increase by £409 million, and will take total health spending to over £12 billion for the first time. Not only this, but the First Minister has committed that, if re-elected in 2016, the NHS resource budget will increase in real terms for each and every year of the next parliament too.

Over and above we have invested over £29 million this year to support Boards to ensure that congestion in A&E departments is reduced by minimising "Bottleneck peaks" through improving patient flow to the correct community or acute hospital services. NHS Lothian was allocated over £1.3 million as part of the National Unscheduled Care Action Plan in 2014/15. The Board also received over £1.7 million to support improvements in delayed discharges.

Reducing waiting times in A&E departments and improving the experience of patients attending A&E is a key priority for the Scottish Government. We have also recently announced £100 million investment over three years to help Boards develop services, which are aimed at reducing unnecessary hospital admissions and ensuring timely discharge from hospital, and easing the impact of pressure on both scheduled and unscheduled care.



The Lothian partnership will receive a £14.2 million share of this funding, which will go towards developing local community services that help reduce unnecessary hospital admissions and ensuring timely discharge from hospital, and easing the impact of pressure on both scheduled and unscheduled care.

In January I announced plans to roll out a new approach to improving unscheduled care, which aims to ensure the whole NHS system works together effectively from a patient's first contact with the NHS to, if they require admission, their discharge from hospital back into the community. We are clear that all patients in Scotland should be treated as quickly and as effectively as possible, with the right care, in the right place, at the right time.

We currently have the highest staffing levels across our NHS including more than double the number of A&E consultants, and over 1,700 more qualified nurses & midwives, since 2006. We have introduced a mandatory Nursing Workforce Planning Tool, in partnership with nurses and the Royal College of Nursing, to help Boards determine the number of nurses needed for particular clinical areas and we have invested an additional £65 million this year to increase the resources available to health boards ensuring our NHS can continue to deliver effective and sustainable care to all patients across Scotland. Additionally, the funding boost for 2015/16 will ensure that all territorial health boards will receive uplifts next year which are at least 1 per cent above the rate of inflation.

Long term plans, including the integration of health and social care, will also help to reduce the number of people waiting in hospital for appropriate care services to be arranged in the community. This will mean fewer people unnecessarily delayed in hospital, freeing up beds and easing the pressure on A&E.

To finish, I want to restate my commitment, not only to NHS Boards but to the people of Scotland, to providing high quality care that meets the needs of the patients. We can't do this alone, we can provide the policies, frameworks and resources, and the support, but we need NHS Boards, and key partners, to work in partnership to decide how best to deliver those services in order to bring about sustainable improvement. We will continue to work extremely closely with NHS Boards, including NHS Lothain to ensure that the necessary improvements are made and to ensure better flow for patients through the system.

I hope this is helpful.

Yours sincerely,
Shona Robison

SHONA ROBISON



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Our Ref: TO/15/05262

20 April 2015

Dear Mr Hope

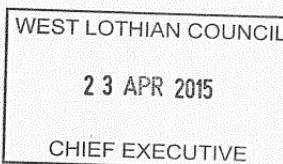
Thank you for your recent correspondence to the Prime Minister, raising issues arising from Government policies which are the responsibility of this Department. Government Ministers receive a large volume of correspondence and they are unable to reply personally on every occasion. I have been asked to respond.

I note the comments from West Lothian Council. The proposals that you have mentioned are not agreed Government policy. I am therefore unable to provide further comment on these proposals.

Yours sincerely

John Herron

Ministerial Correspondence Team

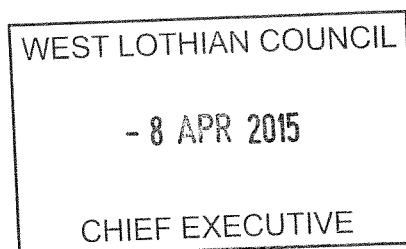


Rùnaire a' Chaibineit airson Foghlaim agus Ionnsachadh Fad-bheatha
Cabinet Secretary for Education and Lifelong Learning
Angela Constance BPA/MSP

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Graham Hope
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Ur faidhle/Your ref: CEO/CH
Ar faidhle/Our ref: 2015/0008484

31 March 2015

Graham Hope

Thank you for your letter of 2 March to Nicola Sturgeon, First Minister, raising a number of matters about delivering a better, fairer and more equal Scotland. Your letter has been passed me to reply to as Cabinet Secretary for Education and Lifelong Learning with ministerial portfolio responsibility for teachers and on behalf of other Cabinet colleagues who are responsible for health and young people.

Teacher number commitments have been part of the local government finance settlements since 2011/12. Over the period 2011-12 to 2014-15, the Scottish Government has provided additional funding of £134m to local authorities specifically to support them in maintaining teacher numbers. As part of the budget settlement for 2015-16, the Scottish Government offered local authorities across the country a share of £51m, which includes £10 million, the amount requested by COSLA, over and above last year's settlement specifically to maintain teacher numbers and the pupil ratios in their area.

My letter of 11 February, to help inform councils' decision on the terms of the commitment to maintain teacher numbers in 2015-16, sets out the individual councils' shares of the £41m already included in the 2015-16 local government finance settlement distributed on the basis of councils then share of teacher numbers. Councils' share of the additional £10m, that each local authority will get upon satisfactory delivery of the commitment, is indicative based on councils' share of teacher numbers as at the Pupil and Teacher Census published in December 2014. The actual allocation will be based on the final numbers as reported in the Pupil and Teacher Census published in December 2015 and will be paid as a redetermination to the councils' general revenue grant in March 2016. West Lothian Council's share of the £41m is £1.604m and of the £10m is £0.382m. This is a fair and generous offer of funding support from the Government to deliver a good outcome for our children.

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



We are committed to working in a supportive and positive way to deliver the teacher numbers commitment. Policy officials are arranging meetings with all councils in March/April, as part of a series of meetings with local authorities, to ensure that everyone is absolutely clear about the commitment.

More generally, it is recognised that there are very real budgetary pressures facing the public sector, including local government. Local government has been treated very fairly under the SNP administration. With the allocation of additional monies to fully fund new responsibilities, the local government finance settlement was increased to almost £10.8 billion in 2014-15. This will increase further to over £10.85 billion in 2015-16. West Lothian Council will receive its fair share of those resources under the agreed needs based distribution formula.

With regard to developing the Young Workforce, Scotland's Youth Employment Strategy was published in December by the Cabinet Secretary for Fair Work, Skills and Training Roseanna Cunningham, and outlined our response to the report *"Education Working for All!"* from the Commission for Developing Scotland's Young Workforce. Our implementation plans agreed with local government set out our commitment to strengthening the links between schools, colleges and employers to provide Scotland's young people with a work-relevant education experience. Our plan outlines a seven-year programme of activity to make real the Commission's vision of a world class vocational education system. Our partners, local authorities, and employers are central to achieving our aim to reduce youth unemployment by 20% by 2021.

The Scottish Government is fully committed to providing the people of Scotland with the NHS Services which meet their needs and maintain high standards of care. While the Government provides the policies, frameworks and resources for high quality health care in Scotland, it is for each NHS Board to recruit and deploy their workforce to meet their service provision responsibilities and to deliver high quality, safe and sustainable services to meet the needs of their population. We expect Boards to plan for their workforce and have supported the development of workload and workforce planning tools.

With regard to the future demands made of NHS Scotland, the Scottish Government's 2020 Vision is that by 2020 everyone is able to live longer healthier lives at home, or in a homely setting and, that we will have a healthcare system where:

- We have integrated health and social care
- There is a focus on prevention, anticipation and supported self-management
- Hospital treatment is required, and cannot be provided in a community setting, day case treatment will be the norm
- Whatever the setting, care will be provided to the highest standards of quality and safety, with the person at the centre of all decisions
- There will be a focus on ensuring that people get back into their home or community environment as soon as appropriate, with minimal risk of re-admission.

However, given the changing needs of Scotland's population and the expectation that NHS healthcare provision will keep pace with new medicine, treatments and technologies, we need to refresh the narrative for achieving the 2020 Vision to reflect these challenges. This refreshed narrative will set the context for the next stage in evolution of healthcare in Scotland, and integration with social care and support.

On 22 January 2015 Shona Robison MSP, Cabinet Secretary for Health, Wellbeing and Sport announced that we will be working with stakeholders, including patients and families, professionals and clinicians and we hope to reach consensus around what we want our Health and Social Care systems to look like over those longer time frames and the steps that will be needed to take to get there.

I hope this is helpful

*Kindest Regards
Angela*

ANGELA CONSTANCE

West Calder High School

Head Teacher
Fiona Rowland

Deputy Head Teachers
Gordon Cargill
Lisa Grubb
Abl Adam



*learning to live,
living to learn*

Our ref: FR/SF

Cllr Lawrence Fitzpatrick
Chair – Education Executive
Livingston South Ward
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

Dear Lawrence

Thank you very much for your letter of 5 March, congratulating the school on its actions in relation to the illness and sad passing of Jak Trueman. I was pleased to share your letter with staff and pupils.

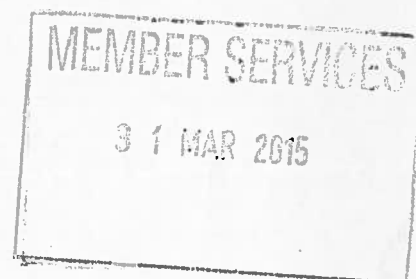
We are moved to hear of the Council's sympathy, demonstrated by the motion passed and holding of a one-minute silence.

We were pleased also to be invited to send pupil representatives to the naming of Jak's Hall in Mid Calder this Friday.

I would be grateful if you would pass on my thanks to the Council for their kind thoughts and support.

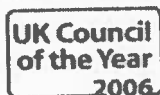
Yours sincerely

Fiona H Rowland
Head Teacher



West Lothian Council delivers

westlothian.gov.uk



West Lothian
Council



Limefield
Polbeth
West Calder
EH55 8QN
Tel: 01506 871510
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8 Old Glamis Road
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DD3 8HP

**Committee Services
Carol Johnston
Chief Solicitor**

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West Lothian
EH54 6FF
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Contact: Anne Higgins
Tel: 01506 281601

10 April 2015

Dear Mr Hudghton

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

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David Martin MEP
Midlothian Innovation Centre
Pentlandfield
Roslin
Midlothian
EH25 9RE

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Chief Solicitor**

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Contact: Anne Higgins
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10 April 2015

Dear Mr Martin

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

Corporate Services

David Coburn MEP
1 Colme Street
EDINBURGH
Eh3 6aa

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Chief Solicitor**

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Contact: Anne Higgins
Tel: 01506 281601

10 April 2015

Dear Mr Coburn

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

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Contact: Anne Higgins
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10 April 2015

Dear Mr Smith

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

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Catherine Stihler MEP
Pentlandfield
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Midlothian
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Contact: Anne Higgins
Tel: 01506 281601

10 April 2015

Dear Ms Stihler

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

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10 April 2015

Dear Mr Duncan

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

Corporate Services

John Swinney MSP
Deputy First Minister and Cabinet Secretary for
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Contact: Anne Higgins
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10 April 2015

Dear Mr Swinney

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

Corporate Services

Angela Constance MSP
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10 April 2015

Dear Ms Constance

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

Corporate Services

Fiona Hyslop MSP
59 West Main Street
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Contact: Anne Higgins
Tel: 01506 281601

10 April 2015

Dear Ms Hyslop

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

At a meeting of West Lothian Council held on 31st March 2015, the Council agreed a motion submitted by Councillor Moohan concerning the above. A copy of the motion is attached.

I would be grateful if you could consider the terms of the motion and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive

DATA LABEL: PUBLIC

Corporate Services

The Rt Hon David Cameron
Prime Minister
10 Downing Street
London
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Contact: Anne Higgins
Tel: 01506 281601

10 April 2015

Dear Prime Minister

HALT UNIVERSAL CREDIT ROLL OUT

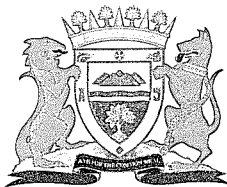
At a meeting of West Lothian Council held on 31st March 2015, the Council considered a motion concerning the above. An amendment, submitted by Leader of the Council John McGinty, was subsequently agreed. A copy of the amendment is attached.

I would be grateful if you could consider the terms of the amendment and I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council.

Yours sincerely



for Graham Hope
Chief Executive



West Lothian Council

Tom Kerr - Provost
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF
Tel 01506 281728

Mr John Fraser
Secretary – Whitburn Brass Band
122 Rullion Road
Penicuik
Midlothian
EH26 9JA

7 April 2015

Dear John

I am writing on behalf of West Lothian Council and the people of West Lothian to congratulate all the members of Whitburn Brass Band following their double success at the Scottish Brass Band Championships 2015. Winning the Scottish title for the 18th Year in succession is a tremendous achievement for new conductor Professor Nicholas Childs and the band, an accomplishment of which they should all feel really proud.

Please also convey our compliments to the individual performers, Chris Bradley, Nick Vermeiren and Caroline Farren who were recognised for their excellent performances.

Well done all!

Yours sincerely

Provost Tom Kerr



West Lothian Council

Tom Kerr - Provost
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF
Tel 01506 281728 Fax 01506 281747

c/o Ms Janet Wood
West Lothian LGBT Youth Forum
James Young High School
Quentin Rise
Livingston
EH54 6NE

7 April 2015

Dear Janet, Jane and Kirsty

I am writing on behalf of West Lothian Council to congratulate all those involved with the West Lothian Lesbian Gay Bisexual and Transgender (LGBT) Youth Forum and Glitter Cannons for their recent success in achieving the COSLA Chair's Award 2015.

The reward recognises the excellent work done by and on behalf of West Lothian's LGBT young people and commends the Community Youth Services team for promoting equality and inclusion for all young people in the authority.

Please pass on these congratulations to everyone who has contributed to this success story and I wish you every success with future projects involving West Lothian schools and the wider community.

Yours sincerely

Provost Tom Kerr

LF/AB

5 March 2015

Fiona Rowland
Head Teacher
West Calder High School
Limefield
Polbeth
West Calder
EH55 8QN

I write to advise that the Council at its most recent meeting agreed a motion related to the sad passing of Jak Truman and his brave battle with Leukaemia.

His commitment to fundraising was an inspiration to all.

Members asked me to write to you with congratulations on holding the school prom early and also for organising a memorial event at Livingston Football Club on Sunday 8 February 2015.

I appreciate the depth of sorrow which obviously permeated the school. Members reflected this shared sorrow by observing a one minute silence at the beginning of the Education Executive on the day of Jak's funeral.

Our thoughts very much remain with the school.

Yours sincerely

Lawrence Fitzpatrick
Chair - Education Executive

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, LIVINGSTON, on 16 JANUARY 2015.

Present – Councillors John McGinty (Chair), Frank Anderson, Harry Cartmill (Substituting for Tony Boyle, Anne McMillan, Jim Walker and Myra MacPherson, Appointed Representative

Apologies – Councillor Tony Boyle

1. DECLARATIONS OF INTEREST

Councillor Frank Anderson declared a non-financial interest as he was an ordinary member of the PCS union.

2. MINUTES

- a) The committee approved the minute of its meeting held on 27 November 2014 as a correct record subject to noting that Katrina Daly had been present as HR Adviser rather than Gillian Cairney.
- b) The committee confirmed the minute of its meeting held on 5 December 2014 as a correct record.

3. PRIVATE SESSION

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

4. APPEAL AGAINST DISMISSAL

The committee was invited to consider an appeal by a former employee of Education Services under the Disciplinary Code and Disciplinary Procedure against dismissal.

The management was represented by Elaine Cook (Head of Education Quality Assurance) and Katrina Daly, (Senior HR Adviser). Fraser Thomson (Investigating Officer), Donna McMaster (Head Teacher) and Kevin Smith (Class Teacher) were called as witnesses. Two other witnesses were not called.

The appellant was present and was accompanied by her husband as her representative. The appellant did not call any witnesses.

The committee heard the management and their witnesses speak in

relation to the report.

The appellant and her representative were given the opportunity to question the management and their witnesses in turn.

The committee then had an opportunity to question the management and their witnesses, each in turn.

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

The management was given an opportunity to question the appellant and her representative.

The committee then had an opportunity to question the appellant and her representative.

Finally, each side summed up their case.

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

Due to other commitments Councillors Cartmill and Conn had left the meeting before the end and therefore took no part in the deliberation or decision.

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

Decision

1. The committee agreed that the grounds of the appeal had not been substantiated and therefore the appeal was not upheld.
2. The committee therefore agreed that the disciplinary action taken would stand.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 6 FEBRUARY 2015.

Present - Councillors John McGinty (Chair), Frank Anderson, Tony Boyle, John Muir, Cathy Muldoon, George Paul

Apologies – Councillor Harry Cartmill

1. DECLARATIONS OF INTEREST

Councillor Frank Anderson declared a non-financial interest as he was an ordinary member of PCS union.

Councillor Tony Boyle declared a non-financial interest as he was a member of Unite Union.

2. PRIVATE SESSION

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

3. CONSIDERATION OF APPEAL

The committee was invited to consider an appeal by an employee of Housing, Construction and Building Services under the Disciplinary Code and Disciplinary Procedure against punitive action short of dismissal.

The management was represented by Alistair Shaw (Head of Housing, Construction and Building Services) and Gillian Cairney, (Senior HR Adviser). Sarah Kelly (Investigating Officer), Grant Taylor (Building Services Manager, Richard Green (Contracts Manager), and Laura Waddell (Senior Depot Administrator) appeared as witnesses.

The appellant was present and was accompanied by Martin Murray, (Unison). The appellant did not call any witnesses.

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

The appellant and her representative were given the opportunity to question the management and their witnesses in turn.

The committee then had an opportunity to question the management and their witnesses.

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

The management was given an opportunity to question the appellant and

her representative.

The committee then had an opportunity to question the appellant and her representative.

Finally, each side summed up their case.

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

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

Decision

1. The committee agreed that the grounds of the appeal had not been substantiated and therefore the appeal was not upheld.
2. The committee therefore agreed that the disciplinary action taken would stand.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 3 MARCH 2015.

Present – Councillors Stuart Borrowman (Chair), David Dodds, Tony Boyle, Alexander Davidson, Lawrence Fitzpatrick, Carl John, Dave King, Danny Logue, John McGinty, Anne McMillan, Andrew Miller and Jim Walker; Appointed Representatives Eric Lumsden, Myra MacPherson and Lynne McEwen.

Absent – Councillor George Paul and Appointed Representative John Hendrie.

1. ORDER OF BUSINESS

The Chair ruled under Standing Order 11, that agenda item 5 (VSE: Armadale Academy) be considered following agenda item 7 (VSE: West Calder High School: Social Subjects).

2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

3. MINUTE

The Education (Quality Assurance) Committee approved the Minute of its meeting held on 20 January 2015. The Minute was then signed by the Chair.

4. VALIDATED SELF EVALUATION: WEST CALDER HIGH SCHOOL: HEALTH AND WELLBEING

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of the outcomes of the Validated Self Evaluation (VSE) for Health and Wellbeing carried out in West Calder High School.

The Committee was advised of two amendments to the report as follows:

1. Page 2: SIMD Rank Order 9th out of 11 West Lothian secondary schools, 11th being the least (not most) deprived; and
2. Page 6: Evaluations, last sentence – the VSE also focussed on support arrangements.

The focus of the VSE was:

- The impact of culture, systems and practice on the wellbeing for learning of all young people; and
- Systems in place for self-evaluation of wellbeing leading to

improvement in the quality of learning and teaching, attainment and achievement.

The report advised that through working with the local authority, the school continued to build capacity for self-improvement, helping staff to identify strengths and agree next steps. Whilst minor changes were made to the faculty's own self-evaluation summary, the VSE confirmed the next steps identified by the school to be appropriate. The DHT led this aspect of the schools work very well and supported staff to identify a number of significant actions which would lead to improvements in the wellbeing of all young people.

Fiona Rowland, Head Teacher, informed the Committee that staff found the VSE process to be very beneficial, highlighting the strengths and weaknesses within the faculty.

Lisa Grubb, Depute Head Teacher, advised the Committee that she had been in post for one year and was happy to engage in the VSE process which focused on the impact of culture, systems and practice. She then provided the Committee with an update on the outcomes of the VSE exercise. It was noted that the school has established a range of partnerships with key staff to promote good practice to support young people, which included Skills Development Scotland (SDS), Community Learning and Development (CLD), Educational Psychology, Children and Young People's Team (CYPT) and Social Policy. Good practice visits were also carried out to other schools and staff continued to encourage partnership working with parents and carers.

In response to questions from members regarding the challenges and opportunities for pupils for independent learning the Head Teacher advised that work continued to improve the quality of learners' experiences to ensure that pupils took responsibility for their learning.

The Committee was satisfied that improvements had been made under the leadership of the recently appointed Depute Head Teacher and were confident that these improvements would be sustained.

Decision

1. Noted the contents of the report subject to noting the amendments highlighted above; and
2. Noted the update from the Head Teacher and Depute Head Teacher.

5. VALIDATED SELF EVALUATION: WEST CALDER HIGH SCHOOL: SOCIAL SUBJECTS (GEOGRAPHY, HISTORY, MODERN STUDIES, RELIGIOUS, MORAL & PHILOSOPHICAL STUDIES (RMPS))

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of the outcomes of the Validated Self Evaluation (VSE) for Social Subjects carried out in West Calder High School.

The focus of the VSE was:

- Learners' experiences and meeting learners' needs; and
- Self-evaluation leading to improvement in the quality of learning and teaching, attainment and achievement.

The report advised that as a result of the VSE, changes were made to the faculty's own self-evaluation summary and the significant next steps identified would help the faculty to take appropriate action for improvement which would improve the attainment and achievement of young people. The leadership of the new PTC has enabled staff to more rigorously and consistently apply self-evaluation strategies, which would lead to improved experiences and outcomes for all learners.

Sharon Kean, PTC, advised the Committee that she had been appointed to the post in August 2014 and found the VSE process to be a valuable experience. The Committee was then provided with an update on the findings of the VSE process. Members of staff worked collaboratively within the faculty and across neighbourhood schools sharing good practices. Staff were committed to self-evaluation which has led to improvements in the quality of learning and teaching.

The Head Teacher and PTC then responded to questions from members. In response to a question relating to what the whole school was doing to support the VSE process, members were advised that improved tracking and monitoring systems were in place with regular reviews carried out to ensure that pupils were meeting their targets.

In conclusion, the VSE process highlighted the strengths and weaknesses of the faculty. More rigorous and consistent self-evaluation strategies were put in place to ensure that robust evidence was available of the learner's progress and achievements.

The Committee acknowledged the progress made under the leadership of the recently appointed PTC.

Decision

Noted the contents of the report.

6. VALIDATED SELF EVALUATION: ARMADALE ACADEMY: TARGETED SUPPORT

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of the outcomes of the Validated Self Evaluation (VSE) (Targeted Support) carried out at Armadale Academy.

The focus of the VSE was:

- Wellbeing – Targeted Support; and

- Culture, systems and practice to support young people with Additional Support Needs.

The report advised that the culture, systems and practice for meeting the needs of all learners and for those with targeted support were highly developed in Armadale Academy.

Mr Hornell, Head Teacher, informed the Committee that one of the benefits of the VSE reviews was to enable schools to identify key strengths and areas for further improvements.

Carol McDonald, Depute Head Teacher, then provided the Committee with an update on the findings of the VSE process. The Quality Indicators (QIs) relating to the targeted support provided in school were all found to be 'very good', which confirmed the school's judgement about its performance. She advised that the school has implemented the principles of "Getting it Right for Every Child" (GIRFEC) practices. Collaborative working with partners and other local authority schools, as well as partnership working with The Graeme High School in Falkirk, enabled the sharing of good practices. Members of staff were engaging in professional discussion and engaging with Insight to support professional development and improved outcomes for students.

The Head Teacher and Depute Head Teacher then responded to questions from members of the Committee advising that following the VSE, a strong action plan was in place to ensure that the priorities identified by the school for improvement were implemented.

On behalf of the Committee, the Chair commended the Head Teacher and Depute Head Teacher for the excellent work carried out which supported improvement in attainment in school.

Decision

Noted the contents of the report and update from the Head Teacher and Depute Head Teacher.

7. VALIDATED SELF EVALUATION: LETHAM PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the outcomes of the Validated Self Evaluation (VSE) carried out at Letham Primary School.

The focus of the VSE was:

- Self-evaluation for continuous improvement; and
- How well does the school meet learners' needs?

In almost all areas the VSE team validated the school's judgements about its performance in the school and nursery with the exception of

partnership working in the school which was evaluated as being very good rather than good. Improvements through self-evaluation in the nursery was evaluated as being satisfactory rather than good and meeting learning needs in the nursery class was evaluated as being good rather than very good.

Valerie Brodie, Head Teacher, provided the Committee with an update on the findings of the VSE carried out in January 2015. She advised that all members of staff fully engaged with the VSE and found it to be an extremely valuable process. Staff in the school and nursery school were committed to self-evaluation for improvement and recognised the benefits of this approach. The school has established a strong caring and nurturing ethos and provides an inclusive and nurturing environment through effective partnership working.

The Head Teacher then responded to questions raised by Committee members.

The Head of Schools with Education Support stated that the school was moving forward in developing the curriculum. All staff demonstrated commitment to improvement and were well placed to take forward developments to ensure a consistent approach in pupils' learning and attainment in both the school and nursery.

The Chair, on behalf of the Committee, acknowledged the positive findings of the VSE and the excellent progress made under the leadership of the Head Teacher.

Decision

Noted the contents of the report and the update from the Head Teacher.

8. VALIDATED SELF EVALUATION: LINLITHGOW PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the outcomes of the Validated Self Evaluation (VSE) carried out at Linlithgow Primary School.

The focus of the VSE was on how well the school met the expectations of the school's vision statement – Striving for Excellence. Their aim was to:

- Work in partnership with parents and the wider community;
- Continually work to improve standards;
- Maintain high quality teaching and learning; and
- Provide opportunities for pupils and staff to develop to their full potential.

The Committee was advised that the school's evaluations were made prior to the VSE process when producing the 2013-2014 Standards and

Quality Report for June 2014. The VSE provided the school and nursery with the opportunity to review and revise its own judgements about its performance and against the increased national expectations. As a result of the VSE the school's evaluations were changed due to the school's very good capacity for self-evaluation. In the nursery, improvements in performance, learner's experiences and meeting learning needs were changed from very good to good. In the primary school, improvements in performance and meeting learning needs were changed from very good to good.

Charlette Robertson, Head Teacher, advised the Committee that members of staff found the VSE process to be very helpful and were happy to engage in professional dialogue. Robust processes were in place to ensure that planned actions impacted positively on the quality of the curriculum, pupils' learning experiences and attainment. The school has a strong parental involvement with the Parent Council and Parent Staff Association being long established and supportive of the school. The school worked positively with partners within the community, parents and educational establishments. Finally, members of staff were aware of the school's strengths and areas for development and were confident that the school's self-evaluation was leading to improvements.

On behalf of the Committee, the Chair acknowledged the positive findings of the VSE and was confident that the school's self-evaluation was leading to improvements.

Decision

Noted the contents of the report and the update from the Head Teacher.

9. PROGRESS UPDATE OF VALIDATED SELF EVALUATION: ST COLUMBA'S PRIMARY SCHOOL AND NURSERY CLASS BOGHALL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the progress made following the recommendations for improvement outlined in the Validated Self Evaluation (VSE) report presented to the Committee at its meeting of 3 June 2014.

The report explained that at the Education (Quality Assurance) Committee meeting held on 3 June 2014, it was noted that the findings of the VSE indicated that many of the developments in the school were still at an early stage. It was agreed that a further report on the progress made would be reported to the Committee in session 2014-2015.

The report went on to provide details of the progress made and impact summary in both the nursery class and across the school. Led by the Head Teacher, all staff were working collaboratively within the school, cluster and other authority schools to address the actions required for continuing improvement. Staff were engaging with the Quality Improvement Team to develop the school's capacity for continuing improvement. The school was making good progress and would continue

to be monitored by the Quality Improvement Team.

The Committee was asked to note the contents of the progress report.

Decision

Noted the contents of the report.

10. WORKPLAN

The Committee considered the contents of the workplan (copies of which had been circulated).

The Committee was advised that the report on the Review of Community Learning and Development Working in West Lothian was included in the workplan in error. This report would be submitted to the Culture and Leisure PDSP for consideration.

Decision

Agreed the contents of the workplan subject to noting that the report on the Review of Community Learning and Development Working in West Lothian be removed from the workplan.

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

West Lothian Council Allotment Strategy

Council notes that the current Allotment Strategy sets out the council's proposals and intention to;

"embrace community participation and act as a facilitator in the management of allotment gardens." *Allotments Strategy page 5 1.3

"by facilitating and enabling communities to actively manage and participate in allotment gardening." *Allotments Strategy page 3 Executive Summary

And that,

"West Lothian Council will support the establishment of formally constituted allotment associations for both new and existing allotment gardens." *Allotments Strategy page 3 Executive Summary

"These associations will independently manage their respective allotment gardens addressing all day to day issues relating to tenants' leases, rent collection, finance, maintenance and enforcement." *Allotments Strategy page 3 Executive Summary

"West Lothian Council will, in return, facilitate and support each association to ensure a high quality and accountable management service is delivered to the community of West Lothian." *Allotments Strategy page 3 Executive Summary

Council accepts that the clear intention of the Allotment Strategy is to empower formally constituted allotment associations to **"independently"** manage all issues relating to tenants' leases and further accepts that to deliver the aims and intentions set out above that it is essential for such associations to have the powers to do this.

Council therefore agrees that all decisions in respect of allotment plots, including decisions in respect of the keeping of poultry, animals or any livestock are best made by formally

West Lothian Council SNP Group

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



constituted allotment associations and therefore further agrees to amend the current Allotment Strategy to facilitate this position.

Proposed

Peter Johnston

Cllr. Peter Johnston

Leader SNP Group



West Lothian Council SNP Group

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

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



West Lothian Council 12th May 2015

CUTS TO HEALTH AND SOCIAL CARE SERVICES

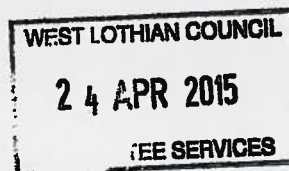
West Lothian Council SNP Group deplores the decision made by the Better Together Administration to remove £1.2M and 25 jobs from the Health & Social Care Services budget. Removal of this level of funding, coupled with skilled personnel will only help to create further health inequalities within our communities.

West Lothian Council accepts that these services support some of the most vulnerable and marginalised people living in our communities. To impose such savage cuts as are proposed, without holding full, transparent and detailed discussions with key stakeholders is inherently wrong and cannot be acceptable in a socially just society.

West Lothian Council resolves to instruct officers, as a matter of urgency, to prepare a report detailing the full impact of these cuts to services providing vital support for some of the most vulnerable and marginalised people living in our communities, and agrees that this report will be submitted to the next meeting of West Lothian Council.

Proposed

Cllr Janet Campbell



*Alison
11.10am*

West Lothian Council SNP Group

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

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



West Lothian Council 12th May 2015

West Lothian Council would like to commend the bravery and quick thinking of Council employee Jim O'Hara of Winchburgh. Without the actions of Jim and Paddy McCourt, lives could have been lost in the early hours of Thursday April 9th.

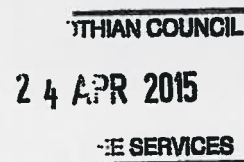
Jim, who was letting Paddy McCourt out at 1.30am, saw flames, which had leapt 12ft up the wall of his neighbour's house. A wheelie bin had been set on fire, the flames from this fire were perilously close to the gas mains for the whole row of homes.

Jim woke the family inside before raising the alarm with the Fire Brigade. He then led 38 of his fellow neighbours to the safety of the Community Hall whilst the Fire Brigade extinguished the flames.

West Lothian Council therefore resolves to write to Jim O'Hara commending him for his quick thinking and for his actions in opening the Community Hall and leading his neighbours to safety. Special mention should be made to Paddy McCourt who helped to save his neighbours following what could have been a devastating fire in this small community.

Proposed

Cllr Janet Campbell



*Allyson
11.10 am*

WEST LoTHIAN COUNCIL LABOUR GROUP

**Notice of Motion from Councillor John McGinty
for the Council Meeting on 12 May 2015**

Barnett Formula

West Lothian Council notes with concern the proposals made during the election campaign by the SNP and UKIP to abolish the Barnett Formula.

Council agrees that the retention of the Barnett Formula is in the best interests of Scotland's economy and the people of Scotland, agrees to oppose any proposal to abolish the Barnett Formula, and agrees to write to West Lothian MP's, MSP's and Lothian list MSP's setting out the Council's view.



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



*ll. So and
A Higgins*

WEST LoTHIAN COUNCIL LABOUR GROUP

**Notice of Motion from Councillor David Dodds
for the Council Meeting on the 12th May 2015**

SNP U-Turn - Corroboration in Criminal Cases

Council welcomes the announcement by Michael Mathieson that the Scottish Government is finally dropping its proposed legislation to abolish the need for corroboration in criminal cases.

Council takes the view that the proposed legislation on corroboration was the latest in a long line of this SNP Government forcing through hurried and ill-considered legislation in the face of opposition from stakeholders, including experts in their fields.

Council calls on the SNP to consult widely and to listen to opinions that do not agree with their own when bringing forward revised proposals for the justice system and to extend this to all future legislation.



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



*11.50 am
A Higgins*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

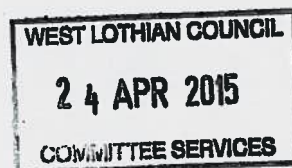
Question to Leader of the Council

Please provide full details for the following;

1. Current number of vacant posts broken down by service area.
2. Current Length of each vacancy.
3. Current estimate of savings for each vacancy

Cllr. Peter Johnston

SNP Group Leader



Al Higgins
11.10 am

West Lothian Council SNP Group

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

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



West Lothian Council 12th May 2015

Question to the Leader of the Council

Please explain why your administration has removed the funding from Autism Initiatives to provide their weekly club for young people with autism at Almond House in Livingston.

Cllr Janet Campbell
Broxburn, Uphall & Winchburgh (SNP)



*Atkins
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for the Environment

On January 29th you voted for a proposal to cut £353,000 and 6 jobs through "optimisation of waste collection routes and a revised schedule for grey bin collections."

Can you now detail;

1. The revised frequency of grey bin collection required to deliver this cut.
2. The staffing cuts required to deliver the saving you have voted for.

Cllr. Diane Calder

SNP Group Environment Spokesperson



A Higgins
11.10 am

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor Development & Transport

On January 29th you voted for a proposal to cut £272,000 in 2015/16 through "negotiation of a revised concessionary rail scheme."

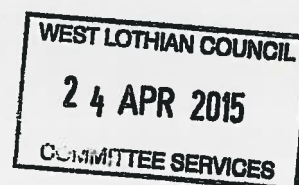
1. Given that the budget for 2015/16 has been cut by 57% does that mean that the rail concession will also be cut by 57%?
2. When will the reduced concessionary scheme be introduced?

proposed

R. P. De Bold .

Cllr. Robert De Bold

SNP Group Development & Transport Spokesperson



*A Higgins
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Social Policy

On January 29th you voted for a proposal to cut £1.435m from the council's social care budgets by changing levels of access to care and by imposing charges for community care services.

Can you now detail exactly

1. What services will be charged for
2. What level of charges are to be imposed
3. How many people currently receiving services will lose these services to deliver this cut.

Cllr. John Muir

SNP Group Social Policy Spokesperson



*A Higgins
11.10am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Health & Care

On January 29th you voted for a proposal to cut £40,000 and 2 jobs from the Strathbrock Partnership Centre through the introduction of an "administration model."

Can you now detail exactly

1. Which 2 posts are to be removed?
2. What services, currently provided through these 2 posts, will no longer be delivered?

Cllr. Janet Campbell

SNP Group Health & Care Spokesperson



*AKG:sm
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

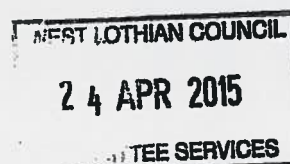
Question to the Executive Councillor for Services for the Community

On January 29th you voted for a proposal to cut £66,000 and 2 jobs through "efficiencies arising from preventative interventions in homelessness."

Can you now detail what these preventative interventions will be and confirm which two posts are to be cut?

Cllr. Frank Anderson

Depute Leader SNP Group



*A Higgins
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Health & Care

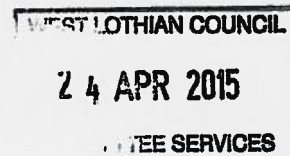
On January 29th you voted for a proposal to cut £50,000 and 1 job from the councils's Health Improvement team

Can you now detail exactly

1. Which post is to be removed?
2. What services, currently provided will no longer be delivered?

Cllr. Janet Campbell

SNP Group Health & Care Spokesperson



*Atkins
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Education

On January 29th you voted for a proposal to cut £1.544m from the primary school devolved budgets along with 39 jobs.

Can you now detail exactly what changes are to be made to deliver this cut and which jobs are to be lost.

Cllr. Andrew Miller

SNP Group Education Spokesperson



*A Higgins
11.10 am*

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Education

On January 29th you voted for a proposal to cut £504,000 from the budget for pre school provision.

Can you now detail exactly what changes are to be made to deliver this cut.

Cllr. Andrew Miller

SNP Group Education Spokesperson



A Higgins
11.10am

West Lothian Council SNP Group

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



West Lothian Council

12th May 2015

Question to the Executive Councillor for Education

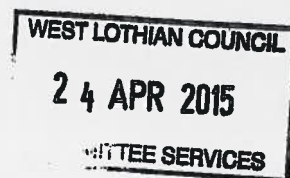
On January 29th you voted for a proposal to cut £382,000 and 21 jobs through " revised cleaning specification and scheduling in primary and secondary schools"

Can you now detail;

1. The revised cleaning specification for our schools.
2. The staffing cuts required to deliver the saving you have voted for.

Cllr. Andrew Miller

SNP Group Education Spokesperson



WEST LoTHIAN COUNCIL

12 MAY 2015

QUESTION TO THE EXECUTIVE COUNCILLOR

ENVIRONMENTAL UPGRADES IN WESTFIELD AND TORPHICHEN

At the recent by-election in Armadale and Blackridge Ward, Labour's "promises" included "environmental upgrades in Torphichen and Westfield."

What are the details and timetable for these?

Stuart Borrowman

Councillor Stuart Borrowman
Independent
Armadale and Blackridge Ward



*AKG:jsd
9.50am*

WEST LoTHIAN COUNCIL

12 MAY 2015

QUESTION TO THE EXECUTIVE COUNCILLOR

PRIMARY SCHOOL PLACES IN ARMADALE

1. As at August 2015, how many children of primary school age does the Council estimate live in Armadale?
2. How many primary school places are available at schools in Armadale?

Stuart Borrowman

Councillor Stuart Borrowman
Independent
Armadale and Blackridge Ward



WEST LoTHIAN COUNCIL

12 MAY 2015

QUESTION TO THE EXECUTIVE COUNCILLOR

USE OF DEVELOPER CONTRIBUTIONS

Are monies received or committed by developers hypothecated to the infrastructure required for those developments or pooled?



Councillor Stuart Borrowman
Independent
ArmadaIe and Blackridge Ward



WEST LoTHIAN COUNCIL

12 MAY 2015

QUESTION TO THE EXECUTIVE COUNCILLOR

COUNCIL HOUSING REFURBISHMENT AND REPAIRS IN ARMADALE

At the recent Council by-election in Armadale and Blackridge, Labour's "promises" included "£14.8m will be spent on major refurbishment and repairs to Council housing in Armadale to be delivered by 2016."

In addition to items specified in the budget papers in January, what does this include?



Councillor Stuart Borrowman
Independent
Armadale and Blackridge Ward



Al Higgins
11.25 am