



West Lothian  
Council

## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

30 July 2015

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 4 August 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. Confirm Draft Minute of Council Executive Meeting held on 30 June 2015 (herewith).

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

5. Polling Scheme for the Local Government By-Election in the Linlithgow Ward - Report by Chief Executive (herewith).
6. Land at Former Addiewell Bing, Addiewell - Proposed Lease to West Lothian Recycling Limited - Report by Head of Finance and Estates (herewith).
7. The Mill Shopping Centre, Blackburn - Head Lease Rent Review - Report by Head of Finance and Estates (herewith).

DATA LABEL: Public

8. Alcohol Diversionary Activities - Report by Head of Social Policy (herewith).
9. Health (Tobacco, Nicotine, etc and Care) (Scotland) Bill - Call for Evidence - Report by Head of Social Policy (herewith)

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NOTE      **For further information please contact Eileen Rollo on 01506 281621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 30 JUNE 2015.

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

Apologies – Councillor Tom Conn

1. DECLARATIONS OF INTEREST

- a) Agenda Items 12 & 35 – Councillor Cathy Muldoon declared a non-financial interest in that she was a council appointed member of SESPlan and SESTran; and
- b) Agenda Items 12 & 35 – Councillor Tony Boyle declared a non-financial interest in that he was a council appointed member of SESPlan and SESTran.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 9 June 2015. The Minute was thereafter signed by the Chair.

3. LINLITHGOW COMMON GOOD FUND

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of a request received from Linlithgow and Linlithgow Bridge Community Council for funding from the Linlithgow Common Good Fund to contribute towards the costs for a Grant of Arms.

The Council Executive was advised that Linlithgow and Linlithgow Bridge Community Council had been pursuing a Grant of Arms from the Court of the Lord Lyon to protect the two seals of Linlithgow. The Community Council had since received confirmation from the Lord Lyon that he would be content to grant the Arms. However in order to proceed a fee of £1,794 was payable.

The Linlithgow Town Centre Manager Group had donated £1,000 and the Community Council had paid £300 at the time of lodging the petition. The Community Council had submitted a request to the council in relation to the remaining balance of the fee and had requested a disbursement of £494 from the Linlithgow Common Good Fund.

The report then provided a summary of the operation of the Common Good Fund which applied to the Linlithgow area only noting that the balance available for disbursement was £8,000 and that no disbursements had been made from the fund since January 2004. It was

further noted that the fund had once be used for funding the Linlithgow Twinning Arrangement but this was now funded from the council's General Revenue Budget as agreed annually as part of the council's budget setting.

It was recommended that the Council Executive :-

1. Consider the request; and
2. Agree whether or not the request for funding from the Linlithgow Common Good Fund should be approved.

#### Decision

To approve the release of £494 from the Linlithgow Common Good Fund.

#### 4. POLBETH COMMUNITY COUNCIL - PRESCRIBED NUMBERS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to alter the prescribed number of councillors on Polbeth Community Council from 12 to 8-18 members in line with the terms of the new Scheme for the Establishment of Community Councils in West Lothian.

The Head of Corporate Services explained that when Polbeth Community Council was re-established during the 2013 Community Council elections, their prescribed number of members was set at 12 in accordance with the Scheme of Community Councils operating at that time.

Since then there had been a fall in membership numbers on the community council meaning that unless their membership numbers were reduced the community council was at risk at having to disband. Therefore in order to ensure that the community council could continue operating with its current membership number of 4, a request had been received that their prescribed number of members be reduced from 12 to 8.

The Head of Corporate Services continued to advise that a new Scheme for the Establishment of Community Councils was adopted by the Council Executive in February 2015. The new scheme set out the membership number for newly established community councils at 8-18 members. The new membership numbers were not applied retrospectively to those community councils elected in 2013. Instead those community councils remained unchanged until the dates of the next elections in September/October 2017.

It was however being recommended that the membership number for Polbeth Community Council be set at 8-18. In practical terms this would mean that the community council would be able to operate with a minimum of 4 members as each community council must be made up of at least 50% of prescribed size at all times.

Local ward councillors had been consulted on the proposal and supported

the action proposed.

It was recommended that the Council Executive agree to alter the prescribed number of members on Polbeth Community Council to 8-18 members.

#### Decision

To approved the terms of the report

#### 5. COUNCIL'S CODE OF CORPORATE GOVERNANCE - ANNUAL REVIEW OF COMPLIANCE 2014-15

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer providing the outcome of the annual review of the council's compliance with its Code of Corporate Governance.

The council in June 2010 adopted a revised Code based on a new framework, *Delivering Good Governance in Local Government*, produced by CIPFA/SOLACE. This Framework changed the emphasis of corporate governance from one focused on the rigour of processes to one focused on achieving outcomes.

The Governance and Risk Board, which was chaired by a Depute Chief Executive met every two months to exercise oversight of the council's governance, risk management and business continuity arrangements.

The report then provided a summary of the evidence of compliance for 2014-15 and included details of individual statements of compliance and issues addressed during 2014-15, which included benchmarking & streamlining, work by champions and training on corporate governance matters. Also attached to the report was a series of appendices which provided further information on compliance with the Corporate Code of Governance.

Council Executive was asked :-

1. To note that the evidence of compliance with the standards of the Code had shown that the standards had continued to be substantially met in 2014-15;
2. To agree that the focus in 2015-16 should be on actions identified in Section D15 of the report to further improve the levels of compliance with the Code's standards across the council; and
3. To agree that the report be referred to the Audit and Governance Committee for consideration.

#### Decision

To approve the terms of the report

## 6. REGENERATION CAPITAL GRANT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the opening of the Regeneration Capital Grant Fund (RCGF) and provide potential applications for funding approval.

The Council Executive was advised that the Regeneration Capital Grant Fund (RCGF) had been developed by the Scottish Government in partnership with COSLA and local authorities. It had an annual budget of £25m to provide financial support to projects that would help deliver large-scale improvements to deprived areas. It focussed on projects that engaged and involved local communities and those that could demonstrate the ability to deliver sustainable regeneration outcomes.

Applications were made annually with this being the third year that the RCGF had operated. There was a two-stage assessment process involved in the application, with the first stage applications having to be submitted by 10 July 2015.

Applications were not restricted in geography, size or type of project however it was for the applicant organisation to demonstrate that projects fitted the aims and objectives of the fund and could demonstrate clear regeneration outcomes in line with the Scottish Government strategy “Achieving a Sustainable Future” and local area regeneration plans.

Awards were at a significant level and in the first year £27.6m had been awarded to 23 projects and in the second year £14.4m had been awarded to support 18 projects; this equated to just over £1m per project. All RCGF funding was to be spent between April 2016 and 31 December 2016.

A list of possible projects for West Lothian were detailed in Appendix 1 attached to the report and included :-

- Craigsfarm Asset Transfer, Livingston;
- College outreach development, Whitburn;
- Innovation, Social Enterprise, Employability and Regeneration Club, Bathgate;
- Addiewell Railway Station substitute transport link;
- A89 corridor strategic cycleway completion, Whitburn; and
- Public Realm Enhancement, West Main Street, Whitburn.

It was being recommended by officers that a maximum of three projects from those detailed in the appendix to the report be developed to become stage one applications.

It was recommended that the Council Executive :-

1. Note the criteria of the Regeneration Capital Grant Fund;
2. Note the timescales for developing stage one bids; and
3. Approve a maximum of three projects, from those summarised in Appendix 1, to be developed into stage one applications.

#### Decision

1. Noted the contents of the report;
2. Agreed to progress projects 1-3 (Craigsfarm, College Outreach and the Regeneration Club, Bathgate); and
3. Agreed to the remaining three projects being in reserve.

### 7. PROPOSED AMENDMENTS TO ARTICLE 4 DIRECTIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the proposed removal of Article 4 Directions which restricted certain categories of permitted development rights in the conservation areas of Broxburn, Kirknewton, Linlithgow, Mid Calder, Torphichen and Uphall.

The Head of Planning and Economic Development explained that the character of a conservation area was defined by the complex inter-relationship of buildings, open space, street furniture, trees, roads and surface treatments, all of which combined to create a sense of place. Loss of the special character that was intrinsic to a conservation area could happen incrementally unless there were effective controls. Normal planning controls did not always provide sufficient protection to maintain or enhance the essential character of conservation areas and the introduction of Article 4 Directions was one method of ensuring more effective

Under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the planning authority could apply to Scottish Ministers for Directions that restricted or removed permitted development rights. Permitted Development was development where planning permission was deemed to have been granted and therefore no application for planning permission was required. Whilst Directions could be applied in order to restrict most forms of development, referred to as classes, they had historically been used to control the proliferation of relatively minor alterations to buildings that could cumulatively lead to the erosion of both character and appearance in conservation areas.

Under the Town and Country Planning (General Development) (Scotland) Order 1975 Article 4 Directions were approved in 1978 for the conservation areas of Broxburn, Kirknewton, Linlithgow, Mid Calder, Torphichen and Uphall. The restrictions remained in force with the introduction of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

The range of classes of permitted development which were restricted was wide and reflected the urban nature of towns like Broxburn and the rural character which was in evident the Torphichen conservation area. In the urban conservation areas the restriction of householder development was a fundamental and essential tool in the protection of character and appearance of the conservation area.

The Head of Planning and Economic Development continued to advise that the enactment of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 had resulted in the removal of many of the permitted development rights for householders in all conservation areas. As such the existing Directions for classes that related to development within the curtilage of dwelling houses were no longer required and could be cancelled.

Whilst householder permitted development rights within conservation areas had been removed by amendment to legislation that was not necessarily the case with those developments in classes not specifically related to housing. A number of other classes had also been cancelled within the Directions and these too were detailed in the report.

The cancellation process involved the inclusion of a statutory notice in a newspaper circulated in the West Lothian area and the Edinburgh Gazette. The approval of Scottish Ministers was not required. Whilst it would be uneconomical to write to the thousands of effected properties within these conservation areas, there would be contact with community councils and other local organisations to explain the issue. In addition information would be placed on the council's web site and other social media to explain what property owners could and could not do within a conservation area without obtaining planning permission.

It was recommended that the Council Executive :-

1. Note the terms of the report;
2. Agree to the proposed amendments to Article 4 Directions for seven conservation areas in Broxburn, Kirknewton, Linlithgow (2 areas), Mid Calder, Torphichen and Uphall.; and
3. Approve the referral in due course to Scottish Ministers

#### Decision

To approve the terms of the report.

#### 8. FOOD SERVICE PLAN 2015-16

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the Food Service Plan 2015-16 and for the need for the council to approve an annual food service plan, a copy of which was attached to the report at Appendix 1.



Since 1 April 2015 Food Standards Scotland had been responsible for all strategic and policy aspects of food standards and food safety in Scotland. A key initiative of the agency was to create a framework agreement in order to audit the standards of food law enforcement by local authorities. This framework required local authorities to produce a food service plan which outlined how food safety and animal feeding stuffs would be monitored and controlled.

Safe food and drink was something which the vast majority of the population took for granted and the safety of this fundamental human need relied on a competent, trustworthy and properly regulated and managed supply monitored mainly by Environmental Health Officers working within local authorities. The purpose of the Food Service Plan was to outline how such controls were delivered in West Lothian using existing resources.

The service plan identified the different aspects and approaches of service delivery to ensure a rounded, balanced and effective approach to public health protection. The plan also reflected the prioritisation of the service and recognised that not all aspects could be delivered in line with the requirements of the food law code of practice (Scotland). The Food Service Plan also reflected a number of positive outcomes in terms of improvements to food safety standards within West Lothian food establishments including increasing levels of compliance, maintaining high levels of customer satisfaction from business operators and increasing the number of Eatsafe awards.

The Food Service Plan detailed important elements of performance by presenting statistics and case studies to illustrate the balance between the output and outcomes of service delivery. Everyone working within the service had a responsibility for ensuring delivery of the best service possible. Performance was also monitored and assessed by various methods and reported internally and publically.

The Head of Planning and Economic Development concluded by providing details of the performance of the previous Food Service Plan for 2014-15 and provided a list of those challenges that remained in the new Food Service Plan for 2015-16

It was recommended that the Council Executive :-

1. The contents of the report and accompanying food service plan;  
and
2. Approves the Food Service Plan 2015-16

#### Decision

To approve the terms of the report.

9. WESTER INCH VILLAGE, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing progress with development at Wester Inch Village in Bathgate and to consider how best delivery of the remaining elements of the masterplan could be achieved.

The Head of Planning and Economic Development explained that Wester Inch Village was a significant mixed use development to the south of Bathgate town centre between Bathgate and Blackburn. Planning permission was granted in 2003 and since then around 1,700 houses and flats had been completed on site. The development had become well established and plans were in place to build out the final parcels of residential land for both owner occupied housing and as part of the council's social housing programme.

There had been some issues in terms of the developer's compliance with conditions on planning consent, most notably in relation to a provision of lighting on footpaths and cycle path which passed along the northern boundary of the site. However the lead developer had recently submitted a lighting proposal for the route and this should result in the matter being satisfactorily addressed in the near future.

One provision of the masterplan which had yet to be delivered was the provision of retail facilities in the village centre. The masterplan had identified land for a local centre at the junction of Leyland Road with Simpson Avenue. No timescale had been set out in the planning consent for the delivery of retail units on the basis that it would ordinarily be a commercial decision by the developer to provide shops at a time when there was a market demand. Officers had met with the lead developer on a number of occasions to review this provision but thus far these discussions had proven unsuccessful.

Achieving an element of retail and service provision within the development should remain a priority for the council and realistically could only be achieved through actions of the lead developer. However in order to assist with this it was proposed that further discussions were held with the developer to fully understand the viability of the provision of retail units. There could also be merit in encouraging the lead developer to market for sale or lease a part of the area designated for local centre use, specifically for a 3-4,000sqft food convenience store, which would provide an anchor/tenant to stimulate development of the rest of the local centre.

The report concluded that significant progress had been made with implementing the site at Wester Inch Village but the full requirements of the masterplan had not yet been realised and that the lack of retail provision within the village remained a matter of concern and that the council should continue to engage with the developer in order to encourage the provision of retail space as soon as possible.

It was recommended that the Council Executive :-

1. Note progress with implementation of the masterplan for Wester Inch Village;
2. Note that some aspects of the original masterplan, particularly the provision of a local centre, had not yet been implemented by the developer;
3. Agree the proposed engagement with the engagement with the developer to encourage the completion of the site in accordance with the masterplan; and
4. Agree that a progress report should be presented to Council Executive as soon as possible after the summer recess.

### Decision

To approve the terms of the report.

## 10. MAIN ISSUES REPORT FOR THE STRATEGIC DEVELOPMENT PLAN 2 AND ASSOCIATED DOCUMENTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval of the Main Issues Report (MIR) for the Strategic Development Plan 2 (SDP2) noting that the item had been approved by the SESPlan Joint Committee but required approval by each constituent council before consultation could commence.

The Head of Planning and Economic Development explained that the first stage in preparing the SDP2 was the preparation of the Main Issues Report. The MIR would guide the content of the “proposed plan” which would be produced. The MIR had been prepared within the context of National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP2014) recognising that the Edinburgh and South East Scotland region supported many of our most important economic assets and that it would be a focus for economic growth and regeneration.

The MIR set out options for development including where it would and would not be supported with the MIR containing preferred development options, together with alternatives, in line with Circular 6/2013 which related to the preparation of development plans.

The spatial strategy set out to deliver the vision of the SDP2 and identified three options for growth – Concentrated Growth, Distributed Growth and Growth Corridors. The preferred option was to promote Growth Corridors as this was seen as providing the opportunity to bring development close where needs arise.

The MIR was supported by a Monitoring Statement, Interim Environmental Report and Equalities & Human Rights Impact Assessment which were a statutory requirement of the plan preparation process.

The preferred spatial strategy was to focus development on growth corridors which would allow for development to focus on public transport corridors providing good access to the city of Edinburgh and on settlements within a 60 minute public transport journey time to key employment areas in and around Edinburgh. The report also explained other issues that would impact on the West Lothian area. The report also provided a brief overview of the supporting statements.

The timetable for progressing SDP2 was set out in Development Plan Scheme No.7 noting that it was the intention to commence formal consultation on the MIR during Summer 2015 with a formal submission of the proposed plan to Scottish Ministers for examination by Spring 2017.

The report concluded that the preparation of the SDP was a statutory requirement and SDP2 would replace the current SDP approved in 2013 and that the MIR would set out the direction of development to 2037 providing a long term vision for the area.

It was recommended that the Council Executive :-

1. Ratifies the decision of SESPlan Joint Committee at its meeting on 29 May 2015 to approve the Main Issues Report for SDP2 and the supporting Monitoring Statement, Interim Environmental Report and Equalities and Humans Rights Impact Assessment for public consultation;
2. Notes that proposals for engagement and consultation on the Main Issues Report for SDP2 and the supporting documents were considered under Item 7 of the SESPlan Joint Committee held on 29 May 2015 and that formal consultation was anticipated to commence for 8 weeks, commencing on 21 July to 15 September 2015;
3. Agree that any further decision by the SESPlan Joint Committee to extend the consultation period was delegated to the council's Head of Planning and Economic Development in consultation with the Depute Council Leader;
4. Agree that any necessary minor editorial changes of a non-policy nature to the Main Issues Report for SDP2 and the supporting documents were delegated to the SDP Manager in consultation with the Depute Council Leader, the Council's Head of Planning and Economic Development and the Convener of the SESPlan Joint Committee; and
5. Note the accompanying background documents : Spatial Strategy Technical Note; Economy Technical Note, Minerals Technical Note; Waste Technical Note; Housing Land Technical Note and Green Network Technical Note

#### Decision

To approve the terms of the report

11. HOUSE EXTENSION AND ALTERATION DESIGN GUIDE  
SUPPLEMENTARY PLANNING GUIDANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Equipment providing a final draft of the revised House Extension and Alteration Design Guide, a copy of which was attached to the report.

The Head of Planning and Economic Development explained that the council had produced guidance for householders intending to extend or alter their house back in 2003. Since then the regulation on permitted development rights had changed, allowing householders to build larger extensions without the need for planning permission. The new guidance would be used in the assessment of planning applications as was the current guidance.

The guidance sought to promote high quality design which respected the rights and interests of neighbours to the house being extended and it encouraged “good neighbour” practices, such as approaching neighbours at an early stage.

In addition to advice on the design and materials of an extension, the document gave guidance on issues such as privacy, overlooking and overshadowing, building close to the boundary, useable garden ground, parking and sustainable design. The guide would be distributed primarily via the council’s website and include links to further information on permitted development rights and how to apply for planning permission. It was also noted that since the SPG had been reported to the Development & Transport PDSP additional advice regarding fire risk had been introduced together with advice on the legal position regarding access to land not owned by the developer for construction access or long term maintenance and this too had been incorporated into the revised document.

The report concluded that the council received more than 300 householder applications a year; the guidance would have the status of a material consideration when assessing new householder planning applications and would offer advice to householders who were considering an extension or alteration whether or not they needed planning permission.

It was recommended that the Council Executive :-

1. Note the terms of the report and the supplementary planning guidance appended to it; and
2. Approve the Supplementary Planning Guidance as a material consideration in the determination of planning applications with immediate effect.

Decision

To approve the terms of the report

## 12. STATUTORY LIST OF PUBLIC ROADS

The Council Executive considered a report (copies of which had circulated) by the Head of Operational Services providing an update on the statutory list of public roads and to note the improvements planned to the management and control of the records of council maintained roads in West Lothian.

The report recalled that the Council Executive had previously agreed that an updated list of public roads would be reported from 2014 as part of the process to update the statutory list of public roads on an annual basis.

Section 1 of the Roads (Scotland) Act 1984 outlined the powers and duties of local roads authorities and in particular placed a duty on the council to manage and maintain roads which were entered in a "list of public roads". The last version of the Statutory List of Public Roads in West Lothian had been made available for inspection on 24 October 2014.

The level of detail required within the list of public roads was not specified in legislation and inspection of a number of other authorities' lists showed a wide range of information available. The list for West Lothian included basic information on the road name and length and included carriageway, associated footpaths and associated cycle ways. The council also had a large amount of information captured in its GPS system which provided more detailed information to support the basic information contained in the Statutory List of Public Roads.

The proposal to report annually on roads added under Section 16(2) of the 1984 Act would provide a mechanism to update council on the new roads added and the detailed record drawing used to transfer the visual records system on the GIS System. A management process to record and verify the transfer of the record drawings to the GIS System would also be developed. Minor adjustments to the road network were continually ongoing and whilst these would not affect the entry of the Statutory List of Public Roads, a management system to record these GIS changes was vital to ensure that the extent of the council's liability was clearly identified.

It was recommended that the Council Executive :-

1. Approve the addition of the entries contained in Appendix A and B to the Statutory List of Public Roads;
2. Approve that the latest revision of the statutory list of public roads was published for inspection through the council's web site; and
3. Note that the recently upgraded corporate Geographical Information System provided a greater visual detail on the physical extent of roads on the list of public roads as well as showing other private roads areas that the council was responsible for maintaining as the asset owner.

### Decision

To approve the terms of the report.

13. WEST LOTHIAN COUNCIL & SUSTRANS COMMUNITY LINKS PROGRAMME - ADDITIONAL FUNDING 2015-16

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of additional funding awarded to West Lothian Council by Sustrans through their Community Links Programme 2015-16.

The Head of Operational Services explained that Sustrans, the sustainable travel charity, had a Community Links Programme that provided grant funding to local authorities, statutory bodies and educational institutions for the creation of cycle network infrastructure for everyday journeys. The programme had been running since 2010 and was funded through the Transport Scotland Sustainable Transport Team within the Scottish Government.

In 2014 West Lothian Council successfully bid for £1.8 of Community Links funding from Sustrans. This funding was applied to 10 projects across 2014-15 and 2015-16.

A further round of funding had now been made available for 2015-16 with applications being invited by 13 February 2015.

It was intended that the additional funding would be used for :-

- Completion of the 1.1km Fauldhouse-Longridge off-road shared use path alongside the B7010 by resurfacing the existing central section;
- Data collection and consultation to further the exploration of quiet roads in West Lothian; and
- Further feasibility and design on a number of missing links across West Lothian, including a new shared use active travel link between Bathgate and Blackburn via Riddochill, an enhanced shared use link from Sainsbury's in Linlithgow to the Canal via Cellars Road, new and improved active travel routes to and from Stoneyburn and an extension of the existing A89 shared use active travel corridor beyond Bathgate.

West Lothian Council had been offered funding for all of the projects applied for. Total funding offered against match funding were shown as follows :-

<u>Scheme</u>	<u>Community</u>	<u>Links</u>	<u>Match Funding Amount</u>
	<u>Funding</u>		<u>and Source</u>
Fauldhouse – £45,000			£45,000 (Outdoor Access Programme)
Longridge off-road path resurfacing			

Quiet roads data collection and consultation	£10,000	£10,000 (CWSS)
Design and feasibility	£10,000	£10,000 (CWSS)
<b>Total</b>	<b>£65,000</b>	<b>£65,000</b>

The report concluded that the additional funding offered from the Sustrans Community Links programme in 2015-16 would support further enhancements to West Lothian's growing active travel network and in addition would lay the groundwork for future bids to Community Links for the actual delivery of infrastructure.

It was recommended that the Council Executive :-

1. Note the content of the report and the successful bid for additional funding by West Lothian Council; and
2. Approve the proposed additional projects for delivery in 2015-16

#### Decision

To approve the terms of the report.

#### 14. PUBLIC TRANSPORT STRATEGY AND SAVINGS PLAN 2015-16 AND 2016-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the draft Public Transport Strategy of a revised rail concession scheme and of the proposals to review the council's contracted public transport services to deliver savings in 2015-16 and 2016-17

The Head of Operational Services explained that the council's passenger transport support had evolved over many years inheriting much practice from before local government reorganisation and adding new services over time. Therefore there was a need to review and modernise the council's Public Transport Strategy to ensure that it continued to provide sustainable and affordable services.

The strategy set out the parameters for service provision and the priorities for resourcing services in future. It was also intended to allow the development of an affordable network of connections between communities and to optimise service efficiencies so that sustainable transport needs were met. In summary the strategy aimed to provide :-

- School transport services at current levels of entitlement;
- Support for a network of primary and secondary bus services; and
- Support for additional services to provide connections



In doing so the strategy recognised that service duplication and choice of destination was not a priority in all areas. Instead the focus was on catering for social needs that could be reasonably met. Appendix 1 attached to the report outlined the proposed strategy and set out how the council would meet its duties and how it would prioritise resources towards competing demands for investment in public transport services.

The report continued to advise that under the revenue budget approved by the council on 29 January 2015, services provided by the Public Transport Unit (PTU) would be subject to approved savings of £2.212m by 2016-17. Therefore the total budget for PTU in 2015-16 was £9.992m for rail concessions, a Taxicard scheme, home to school transport, Dial-a-Ride and Dial-a-Bus, local bus and Taxibus services plus associated passenger information and infrastructure. Therefore officers had developed a series of proposals to achieve the required savings keeping in the mind the principle of minimising the impact on the local bus service network. The proposals would also address that services would be provided in a much more integrated way than previously so that for example, the large vehicle review would involve elements of both local bus services and mainstream school transport.

The report then provided a summary of the areas that would be part of the wider review and covered such matters as the rail concessionary travel scheme, taxi and minibuss contract operations and guidance for transport entitlement, large vehicle contract operations and review of supported local bus services.

In order to ensure that service users were aware of the proposals it would be essential to ensure that appropriate communication of the proposed strategy and changes to services. To achieve this it was intended that the period between any approval of the proposals and their implementation was used for ongoing engagement with stakeholders and stakeholders groups such as Bus User Scotland and the local Senior People's and Disability forums. In addition it was intended that service users experiencing changes would be given targeted information on how would affect them and what alternative travel options were available to them in order to ensure that the changeover was as smooth as possible.

The report concluded that the adoption of a new Public Transport Strategy would enable a number of reviews to be completed to deliver a more sustainable public transport network and facilitate the delivery of the savings plan required to generate the budgeted total savings of £2.212m by 2016-17.

It was recommended that the Council Executive approve :-

1. A new West Lothian Public Transport Strategy;
2. A revised rail concessionary travel scheme;
3. To initiate a review of public transport services delivered through contractual arrangements on behalf of the council; and

4. That the outcome of the reviews was reported to the Development and Transport PDSP in the autumn of 2015.

### Motion

“Council Executive notes the continued underfunding of Scottish Local Authorities by the SNP Scottish Government, and that this will force West Lothian Council to make budget cuts of around £30m over the current and coming two financial years.

Council Executive condemns the SNP Scottish Government for failing to fund local services adequately.

Council Executive agrees to recommendations 1 to 4 as detailed in the paper”.

- Moved by Councillor Muldoon and seconded by Councillor Boyle

### Amendment

“West Lothian Council Executive notes Labour proposals to force a 22% cut in the council’s public transport expenditure through removing support of £2.212m from services including;

- Rail concession
- Home to school transport
- Dial a Ride
- Dial a Bus
- Taxi Bu
- Supported bus network

Council Executive further notes that these Labour cuts will mean;

- A 100% increase in rail concession fares
- A reduction in choice of destination for bus users
- A restricted choice of journey times for bus users
- A cut of £415,000 from currently support local bus services
- An increase in travelling times as part of combined contracts
- A need to share vehicles with other passengers
- A full “review” of all taxi and minibus operations including Dial a Bus, Dial a Ride, Taxi bus and ASN/medical/homeless pupil transport to cut £800,000

Council Executive further notes that the current Labour/Conservative Administration intend to force through their cuts without any meaningful consultation with our communities and the service users who will be seriously affected by their decisions.

Council Executive notes that the current Labour/Conservative Administration's concept of consultation is limited to contacting our Senior People's forums to discuss with them how best the council can tell them what has been decided to do to them.

Council Executive asserts that our communities and service users have an absolute right to be fully consulted on vital service changes **BEFORE** any decisions are taken and that our communities and service users must be empowered to help shape the services they receive.

Council Executive therefore agrees to ;

1. Instruct the Chief Executive to prepare a report for the Development and Transport PDSP detailing how West Lothian Communities and service users will be fully consulted on all aspects of the proposed new West Lothian Public Transport Strategy.
  2. That the outcome of this consultation process must be reported to the Development and Transport PDSP prior to any service reductions or increases in charges for any council supported transport services.
  3. That it is not appropriate for the Council Executive to consider a new West Lothian Public Transport Strategy until the views of our community and service users have been fully considered by the Development and Transport PDSP and are available to inform elected members".
- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that a Roll Call Vote be taken as resulted as follows :-

Motion

Amendment

Tony Boyle

Frank Anderson

Jim Dixon

Peter Johnston

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

George Paul

Decision

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

15. PROPOSED STOPPING-UP ORDER - OWEN SQUARE AND MORRIS SQUARE WITH ASSOCIATED FOOTPATH, DEDRIDGE, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop up the footpath and carriageway around Owen Square and Morris Square in Dedridge to allow permitted development to take place.

The Head of Operational Services explained that to enable construction of the new layout it was necessary to stop up existing road and footpaths/footways that were the council's responsibility. The new footways and roads would be adopted through the road construction consent procedure however this would be at the end of the construction period.

On completion of the stopping-up procedure there would be alternative routes provided for pedestrians wishing to get around the site.

Police Scotland and local ward members had been consulted on the proposals and had no objections to the proposal.

It was therefore recommended that the Council Executive approve the initiation of the statutory procedures to stop-up footpath and carriageway around Owen Square and Morris Square, Dedridge.

Decision

To approve the terms of the report.

16. PROPOSED STOPPING-UP ORDER - FOOTWAYS/FOOTPATHS AND CARRIAGEWAY AT STAFFA AND DEANS SOUTH, DEANS, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop up the footways, footpaths and carriageway around Staff and long Deans South to allow permitted development to take place.

The Head of Operational Services explained that to enable construction of the new layout it was necessary to stop up existing road and footpaths/footways that were the council's responsibility. The new footways and roads would be adopted through the road construction consent procedure however this would be at the end of the construction period.

On completion of the stopping-up procedure there would be alternative routes provided for pedestrians wishing to get around the site.

Police Scotland and local ward members had been consulted on the proposals and had no objections to the proposal.

It was therefore recommended that the Council Executive approve the initiation of the statutory procedures to stop-up footways/footpaths and carriageway around Staffa and along Deans South, Livingston.

#### Decision

To approve the terms of the report.

### 17. CEMETERY MANAGEMENT RULES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing a copy of the draft Cemetery Management Rules for West Lothian Council's cemeteries and to allow for further consultation with stakeholders on the proposal.

The Head of Operational Services explained that many Scottish Local Authorities had introduced Cemetery Management Rules using Section 112 of the Civic Government (Scotland) Act 1982 as this legislation allowed council's to introduce rules that governed the use of the land and any behaviour within said land.

However officers did not feel that this legislation was best applied to deal with all the issues that could occur in cemeteries as the enforcement powers associated with Section 112 of the act that applied when any of the rules were breached were not felt to be either proportionate or effective in dealing with some issues such as unauthorised memorials.

Therefore the Head of Operational Services was proposing that the rules associated with cemeteries would be distributed across three separate approaches. These being :-

- Cemetery Management Rules – this would govern how a person behaved whilst in a cemetery – Appendix 1;
- Terms and Conditions (purchase of lair) – this would be a contractual document that was signed by the lair holder whereby they agreed to adhere to the conditions of the document – Appendix 2; and

- Terms and Conditions (booking of interment) – this would be a contractual document that was signed by the person that had requested an interment whereby they agreed to adhere to the conditions within advance of and on the day of the interment – Appendix 3.

Copies of all three appendices were attached to the report with Appendix 4 demonstrating a breakdown of the criteria that would be contained across all three documents and how this criterion compared to those within the rules that had been adopted by other local authorities.

The Head of Operational Services then continued to advise how the council would manage pre-existing lairs, noting that the council managed in excess of 50,00 lairs across the authority with council officers having identified around 1,252 existing lairs that did not comply, to differing degrees, with the proposed terms and conditions.

Of the 1,252 lairs, it was estimated that 30 had fences and railings with spikes considered to be a high risk that could result in injury or fatality should an employee or member of the public accidentally fall upon them. It was recognised that the retrospective application of the terms and conditions would be a sensitive issue for families therefore it was proposed that the following approach be adopted :-

- ❖ The 30 fences and railings that had spikes would have the spiked portion of the fence removed or altered in such a way that the level of risk was reduced to an acceptable level.
- ❖ In instances where fences, kerbs and railings required to be removed to facilitate an interment these items would not be re-installed following the interment.

This proposal would allow a phased implementation of the terms and conditions with all work being carried out to a high standard and in a sensitive manner noting that the costs would be borne by the council in recognition that the proposed terms and conditions had not been in place at the time of the interment.

A communication plan would be prepared in conjunction with Corporate Communications which would identify who was to be consulted, when they would be consulted and the most appropriate method of communication.

Subject to direction and agreement to the draft proposal, key stakeholders would be consulted on the draft management rules and would include local clergy, Monumental Masons, Funeral Directors, Community Councils and lair holders. The consultation would commence in July 2015 and would run for four months.

Once the final Cemetery Management Rules were drafted and the views of stakeholders had been sought and pending Council Executive approval, the council was required to publish them for a period of 28 days to allow any member of the public to view them. During this time any

member of the public could object to any of the rules and the council would be required to consider any objections before any implementation of the rules. This was not a legal requirement but it was considered prudent to undertake a public consultation on these sensitive matters.

It was recommended that the Council Executive :-

1. Note the contents of Appendices 1, 2 and 3;
2. Note Appendix 4 and the comparison of the criteria contained within the proposed rules alongside those that had been adapted by other Local Authorities; and
3. Agree the content of the draft Cemetery Management Rules including the proposed management of pre-existing lairs to allow further consultation with key stakeholders.

### Decision

To approve the terms of the report.

## 18. BLACKRIDGE PRIMARY SCHOOL - HALL EXTENSION AND PROPERTY IMPROVEMENTS

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Estates and Head of Schools with Education Support seeking approval of revised proposals for a new multi-function hall extension, ancillary accommodation, increased nursery capacity and planned improvements to Blackridge Primary School.

The report recalled that in February 2013 Council Executive approved a budget of £1.363m for the provision of a 231sqm multi-function hall by converting existing community hall and ancillary spaces together with a single class extension, alterations to existing accommodation and a number of other planned improvements at Blackridge Primary School. The project aimed to improve the condition, suitability, accessibility and capacity of the school.

However as a consequence of the drainage issues and building construction and site access limits, identified as part of the detailed appraisals and investigations, it was necessary to revisit the scope of the project whilst still delivering the original aims. This had required a redesign of the project.

Works had now been undertaken to resolve the drainage issues and the proposals contained within the report recognised these together with the building construction and access limitations.

Therefore the following was now proposed :-

- New multi-purpose hall, access and ancillary accommodation to be constructed at the existing front entrance/car park;

- The existing school hall would be retained and redecorated for continued use by the school and community as a general purpose space;
- Existing community accommodation on the upper floor of the existing school hall would remain unaltered;
- Existing nursery and adjacent classroom would be reconfigured to increase nursery capacity to 40/40 (40 children each session – am and pm);
- New accessible and secure entrance area; and
- Internal accessibility improvements

Details of the proposed works were also summarised in Appendix 1 attached to the report.

The revised proposal had been fully consulted on with the school and parents together with elected members. If approved by Council Executive it was intended to proceed in accordance with the following timetable :-

- ❖ Finalisation of design and tender issue – August 2015;
- ❖ Contract award – October 2015;
- ❖ Construction commencement – October 2015; and
- ❖ Construction complete and operational – August 2016

The report concluded that the revised works would deliver better value for money and provide greater improvements to the condition, suitability and accessibility of the school together with facilitating the potential for better community utilisation.

It was recommended that the Council Executive instructs officers to progress the proposed extension for a new multi-function hall and ancillary accommodation together with increased nursery capacity and planning improvement works at Blackridge Primary School as summarised in the report.

#### Decision

To approve the terms of the report.

#### 19. PROPOSED LEASE OF THE REGAL THEATRE, BATHGATE TO REGAL COMMUNITY THEATRE BATHGATE LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for a 20 year lease of the Regal Theatre, North Bridge Street, Bathgate to Regal Community Theatre Bathgate Limited.



The Head of Finance and Estates explained that the Regal Community Theatre in North Bridge, Bathgate was owned by the council and was a key component of the council's strategy for delivering arts and cultural services to the people of West Lothian. The property was leased to and managed in its entirety by a registered charity named Regal Community Theatre Bathgate Limited (RCTBL). RCTBL received an annual funding package from the council in support of the community arts and cultural services they delivered from the premises.

RCTBL's previous five year internal repairing lease of the Regal Theatre expired on 31 August 2011 and since that time had continued to run on a year-to-year basis. The rent under that lease was a concessionary rental of £7,500 per annum. Council officers had originally suggested that a rolling annual arrangement would be appropriate since it tied with RCTBL's annual funding award from the council. However RCTBL considered this to be unreasonably restrictive as it did not provide security of tenure required for them to successfully access external funding sources. Further the statutory requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 meant that the granting of leases at concessionary rents was no longer permissible.

Detailed discussions had therefore taken place concerning the grant of a new lease and revised Heads of Term had been provisionally agreed between both parties and these were summarised in the report.

Therefore it was recommended that the Council Executive approves a 20 year lease of the Regal Theatre, North Bridge Street, Bathgate to Regal Community Theatre Bathgate Limited on the terms set out in the report.

#### Decision

To approve the terms of the report.

#### 20. LINLITHGOW LEISURE CENTRE - PROPOSED EXTENSION TO PAVILION WEST LOTHIAN LEISURE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to vary the current lease agreement in favour of West Lothian Leisure to take account of the development of additional changing facilities and to act as a guarantor in respect of future obligations arising from the development.

The Head of Finance and Estates explained that as a result of extensive work by Sport and Outdoor Education Services to develop indoor and outdoor sports facilities strategies, a need for one additional 11-a-side sports pitch had been identified in Linlithgow.

In order to address this requirement the council had agreed to fund the construction of a new 3g all-weather pitch adjoining the existing facilities at Linlithgow Leisure Centre. To support this facility West Lothian Leisure Ltd (WLL) had agreed to develop the existing pavilion building in order to improve the standard and to increase the number of changing rooms in

order to meet additional demand.

As part of the development proposal WLL had applied for and received confirmation of a grant of £300,000 from sportscotland towards the project. This was on the basis that they would be responsible for letting and managing the contract from start to finish. As part of the funding conditions sportscotland required WLL to *“provide an undertaking from West Lothian Council that if they could not manage or operate the facility during the 25 year duration of the award that it would accept responsibility for complying with the terms and conditions attached to the Offer of Award in line with the Approved Application.”*

In practical terms if WLL could not operate the changing facility during the grant award period, then they would almost certainly be in breach of the conditions of the lease. And in the event that any breach could not be remedied then the lease would fall and the council would become the owner of the facilities.

Therefore it was recommended that Council Executive :-

1. Authorise the necessary variations to the current lease agreement to West Lothian Leisure Ltd required to facilitate the construction of proposed new changing facilities and an all-weather pitch;
2. Authorise West Lothian Council to act in the role of guarantor for a period of 25 years in relation to conditions of grant of award set by sportscotland; and
3. Grant powers of delegated authority to the Head of Finance and Estates to negotiate the full details of any variation required and instruct the Chief Solicitor to conclude the necessary formalities.

### Decision

To approve the terms of the report.

## 21. MODERNISING LEASES AT LESS THAN MARKET RENTAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the introduction of new standard leases for specific types of activity within council property, in order to comply with changes in legislation and regulation introduced by the Scottish Government.

The Head of Finance and Estates advised that the council had a number of inherited practices under which properties were leased to tenants at rentals that were less than market value. A change in legislation meant that these arrangements would have to be updated so that the council was acting within its powers.

The report described the current practices within the council and informed the Council Executive of changes proposed. It was important to recognise that the proposed changes were not an exercise to raise

additional income for the council. Instead the changes proposed were to ensure that those parties occupying council property on a concessionary rent, or at a nominal rent, were able to continue to do so, at the same time as the council being able to demonstrate that it was fully complying with the changes in legislation.

There were two ways that leases could be updated to allow tenants to benefit from a reduced, or no rent, while ensuring the council was complying with legislation. These were:-

- Introducing a “community benefit” clause – i.e. if a tenant could demonstrate that they provided a benefit to a local community, which could have a financial value placed on it, the amount of the community benefit could be offset against the rent
- Adjusting the contract or funding support so that the rent due by the tenant was added to the amount the council paid.

The report set out proposals for (i) Community benefit leases, and (ii) Service delivery leases. It was not that the status quo was not an option but a failure to address the current anomalies would have consequences for both the council and tenants. For existing tenants in sports facilities, at rent review or lease renewal the council would have to charge a market rent. With no community benefit clause built in to leases the full amount would be payable.

Some of the service delivery leases were essentially houses or flats that were used for residential or ancillary purposes, albeit not leased to an individual tenant. These were currently outside the scope of the delegation to the Head of Housing, Construction and Building Services. It was recommended, therefore, that the proposed delegation to the Head of Finance and Estates for service delivery leases was replicated to the Head of Housing, Construction and Building Services, for those properties held on the Housing Revenue Account, which were to be used for, or in association with, a residential purpose.

The proposed changes were expected to have limited impact on the majority of tenants, where the new lease terms would essentially regularise existing arrangements for a concessionary rent. Implementation would be incremental based on the next significant event in the existing lease. For community benefits leases this would be most likely to be a rent review or a lease expiry and renewal.

The proposal to introduce community benefit clauses had been subject to consultation with those tenants of sports facilities that may be affected. Similarly the views of local allotment associations were taken into consideration when the new lease for Killandean allotments was agreed.

In conclusion the Disposal of Land by Local Authorities (Scotland) Regulations 2010 changed the basis on which council may offer leases of property on a concessionary basis. This meant that it was not possible for the existing arrangements to continue, without either disadvantaging the existing tenant or the council operating outwith its powers. Therefore the

revised proposal would allow the continuation of the council's practice of offering concessionary rentals.

It was recommended that the Council Executive approve :-

1. The proposed lease arrangements for :-
  - i. Sports facilities, clubhouse, allotments and community gardens that would include a clause to reflect potential community benefit.
  - ii. Service delivery properties that would be put in place alongside a funding agreement or service delivery contract.
2. The proposed amendment of the delegation of powers to the Head of Finance and Estates and to the Head of Housing, Construction and Building Services; and
3. The proposal to implement the introduction of new leases incrementally.

#### Decision

To approve the terms of the report.

## 22. DISCRETIONARY RATES RELIEF

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of an amendment to the existing discretionary rates relief scheme from 1 April 2015 onwards.

The Head of Finance and Estates explained that West Lothian Council was responsible for the administration of Non Domestic Rates as the rating authority. Relief was available to ratepayers under both mandatory and discretionary schemes and the council was required to determine a scheme for discretionary relief.

The existing scheme which had been in force since April 2013 was outlined in the report.

It was proposed that the existing scheme be amended to allow Community Interest Companies in receipt of 80% of discretionary relief the ability to access a further 20% discretionary relief under the revised scheme. This additional relief would be in the same manner as it was currently to charities. Details of those considered Community Interest Companies were summarised in the report. Further details were contained within an appendix attached to the report.

It was also proposed that the scheme be subject to a review at least once every Administrative term, with the result of the review being reported to the Partnership and Resources Policy Development and Scrutiny Panel.

It was recommended that the Council Executive :-

1. Approve the amendment to the discretionary rates relief scheme set out in Appendix 1 attached to the report; and
2. Agree that the scheme should be subject to review at least once in every council Administrative term.

#### Decision

To approve the terms of the report.

#### 23. SINGLE HOUSE PLOT, CANAL COURT, THREEMILETOWN - PROPOSED SALE TO CRAIGS ECO DEVELOPMENTS LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of the single house plot at Canal Court, Threemiletown to Craigs Eco Development Ltd.

The report recalled that the land at Canal Court, Threemiletown near Linlithgow was a 337sqm plot with planning permission for a four-bedroom detached property.

The council acquired the land in lieu of an affordable housing contribution when the developer of the wider Canal Court project went into liquidation. The receipt would therefore contribute to the Housing Capital budget.

The property was advertised on the open market from May 2015, through direct marketing to parties who had previously indicated an interest and appropriate press and other advertising offers over £70,000. A short closing date for offers of purchase was then set for the beginning of June.

The highest offer received at the closing date was from Craigs Eco Developments Ltd for £75,000. The proposed entry date was summer as the prospective purchasers aimed to have the house built for sale in Autumn 2015. The developer was very familiar with the area as they had already built the house next door on a similar sized plot.

It was recommended that the Council Executive :-

1. Approve the sale of the Plot, Canal Court, Threemiletown to Craigs Eco Development Ltd for the sum of £75,000 subject to terms and conditions; and
2. Grants delegated powers to the Head of Finance and Estates to agree any changes required to the current terms and conditions in order to conclude the transaction on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report

24. THE COMMISSION ON LOCAL TAX REFORM - CALL FOR WRITTEN EVIDENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval of a submission from the council in response to the call for written evidence from the Commission on Local Tax Reform.

The report recalled that in June 2014 the Scottish Parliament's Local Government and Regeneration Committee's Inquiry into the Flexibility and Autonomy of Local Government unanimously called for a cross party commission to be established to facilitate meaningful debate on alternative local taxation with the aim of having a new system identified in time for the next local government elections in 2017.

The remit of the commission was outlined in the report noting that the Commission launched an online survey on 5 May seeking the views of interested individuals on how local government should be funded in the future. The Commission had also issued a call for written evidence from any interested individual, groups or organisations who wished to provide their views on how local government should be funded.

The council's proposed response which was attached to the report at Appendix 1 had taken into consideration six principles of local taxation which had previously been agreed by the COSLA Convention and these were summarised in the report. The response also focused around three headings. These being :-

- Scotland's Current System of Council Tax
- Reform of Local Taxation
- Local Priorities

If the proposed response was approved by Council it would be submitted on 30 June 2015.

It was recommended that the Council Executive agree the proposed response to the Commission on Local Tax Reform as set out in Appendix 1 of the report to be submitted to the Commission as the official written evidence of West Lothian Council.

Motion

"Council Executive agrees the proposed response to the Commission on Local Tax Reform set out in the Appendix one of the report subject to the addition of the following text in Section 1 – Principles of Local Taxation.

**In addition, the Council Tax Freeze had not been fully funded by the Scottish Government, with no increase in the amount allocated to**

**fund the Council Tax freeze over the many years it has now been in existence. This had added to the financial pressure on Scotland's Councils and has unquestionably resulted in Council's having to make cuts in services.**

**Furthermore, it is clear that the Council Tax freeze now benefits most those properties in the higher council tax bands and is socially regressive.**

**The Council Tax freeze and the associated threat of penalties on Councils should be brought to an end by the Scottish Government”.**

Additionally the word “income” was to be removed from the third sentence of the response at Section 2.

- Moved by the Chair and seconded by Councillor Muldoon

#### Amendment

“To replace the wording in Section 2 of the response to the following “Local taxation should allow for local flexibility, empowering local authorities to raise local funding for local priorities and should take full account of the ability to pay.

Council further supports the aim to empower local authorities to raise a minimum of 50% of their revenue through such local taxation”.

- Moved by Councillor Johnston and seconded by Councillor Anderson

#### Decision

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

### 25. GENERAL SERVICES CAPITAL PROGRAMME 2015-16 TO 2017-18

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval of an updated General Service capital programme for the period 2015-16 to 2017-18.

The Head of Finance and Estates explained that the approved budget for 2014-15 was £40.207 million. The final outturn position was £40.882 million as summarised in the report. This has resulted in a variance for the year of £0.675 million due to accelerated spend on projects from future years. The expenditure incurred in 2014-15 equated to 102 per cent of the approved budget which demonstrated that effective progress was made in delivering capital investment in 2014-15.

The capital programme had now been updated to take account of the 2014-15 outturn and latest circumstances. An extensive exercise was completed with asset lead officers as part of the capital planning process

to ensure that project phasing within the plan was realistic and achievable. Total proposed General Services capital investment for the period 2017-18 was £202.263 million with further details contained within Appendix 1.

The report also provided details on property assets, roads & related assets, open space assets and ICT assets.

It was recommended that the Council Executive :-

1. Approve the updated capital programme for 2015-16 to 2017-18 as set out in Appendix 1 of the report; and
2. Approve the capital funding for 2015-16 to 2017-18 as set out in Section 4 of the report.

### Decision

To approve the terms of the report.

## 26. 2014-15 GENERAL FUND REVENUE BUDGET OUTTURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing the draft final outturn for the 2014-15 General Fund Revenue, with further details attached as a series of appendices.

The Head of Finance and Estates advised that there was an overall budget variance for 2014-15 of £3.283 million which related to the timing of Scottish Government funding and time limited investment with no recurring underspend in base revenue budgets. A table in the report provided a summary of the outturn position.

Within the overall outturn it was important to note that there were a number of material pressures during 2014-15 that had been managed through one-off savings such as staffing vacancies. Pressure areas included local bus services, school transport, fostering care and adult complex care.

The report continued to provide information on general fund reserves noting that the uncommitted general fund balance was £2 million which was consistent with the agreed target minimum. A table in the report provided details of the movement in general fund reserves.

The Head of Finance and Estates continued to explain that Scottish authorities were required to provide an annual statement to COSLA each year providing details on budget efficiencies achieved. In 2014-15 the council's budget efficiencies totalled £7.067 million, with further details attached at Appendix 3.

It was recommended that Council Executive :-

1. Note the final outturn for 2014-15 as set out in section D2 of the



report;

2. Confirm the proposed earmarking of the 2014-15 variance as set out in section D3 of the report;
3. Note the updated position for reserves and balances as set out in section D4 of the report; and
4. Approve the submission of the council's 2014-15 Efficiency Statement to COSLA as set out in Appendix 3 attached to the report.

#### Decision

To approve the terms of the report.

### 27. AUDIT, RISK AND COUNTER FRAUD STRATEGY 2015-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a copy of the Audit, Risk and Counter Fraud Strategy 2015-17 for approval.

The Head of Finance and Estates explained that following the incorporation of the counter fraud team within the Audit, Risk and Counter Fraud Unit in February 2015, an opportunity had been taken to prepare an integrated Audit, Risk and Counter Fraud Strategy.

The objective of the strategy was to ensure that an efficient and effective approach was taken to the management of key risks facing the council. This was particularly important at a time of increasing financial constraints impacting upon the council's ability to deliver its objectives.

The Strategy directly supported the council priorities in reducing crime and improving community safety and the enabler themes of risk, modernisation and improvement. By promoting effective risk management the strategy also directly supported all of the council's other priorities.

The Strategy outcomes would be monitored by the Governance and Risk Board.

It was recommended that the Council Executive approve the Audit, Risk and Counter Fraud Strategy 2015-17, a copy of which was attached to the report at Appendix 1.

#### Decision

To approve the terms of the report.

### 28. HOUSING CAPITAL - 2014-15 OUTTURN AND UPDATE 2015-16 TO 2017-18 BUDGET

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

circulated) by the Depute Chief Executive providing a copy of the financial outturn in relation to the Housing Capital Programme for 2014-15 and an updated 2015-16 to 2017-18 Housing Capital Budget.

The Depute Chief Executive explained that total expenditure during the year amounted to £27.251 million, which was in line with the projected position at month 9 where forecast expenditure of £27.038 million was reported to Council Executive. It had also been identified in the month 6 and 9 exercises that resource re-phasing would be required in relation to the 1,000 House New Build Project.

The £9.582 million underspend in 2014-15 comprised of £8.463 million of slippage and £1.119 million of savings against budgeted expenditure. Table 1 in the report summarised the final outturn position of £27.251 million with a commentary on the major variances and budget headings detailed in Appendix 1 attached to the report.

The report also provided a narrative on a number of headings including new build, major refurbishments, roof and roughcast work and the overall planned programme.

The Depute Chief Executive continued to advise that on 29 January 2015, the council had approved a Housing Capital Programme of £60.851 million for 2015-16. This budget incorporated projected slippage from 2014-15 as identified at that point in time. The actual slippage in 2014-15 totalled £8.463 million and the 2015-16 to 2017-18 budget had been amended to reflect the actual carry forward of resources. In addition there was a £1.119 million saving against budgeted expenditure on completed works in 2014-15 and it was proposed that this resource be used to fund cost pressures within the 2015-16 to 2017-18 capital programme, a summary of which was provided in the report.

The report concluded that there had been significant investment in the housing stock for 2014-15 and that this investment would continue into 2015-16 and future years, where there was a planned investment of £144.356 million over the three year period.

It was recommended that the Council Executive :-

1. Note the final outturn position for financial year 2014-15; and
2. Approve the updated Housing Capital budget for 2015-16 to 2017-18 to take account of the 2014-15 outturn position and latest funding assumptions.

### Decision

To approve the terms of the report

## 29. 2014-15 HOUSING REVENUE ACCOUNT - OUTTURN REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial outturn in

relation to the Housing Revenue Account (HRA) as at 31 March 2015.

The Depute Chief Executive advised that the HRA achieved a breakdown position for 2014-15. Significant underspends were noted in premises costs and capital funding charges, which allowed an increased contribution in Capital Funded from Current Revenue (CFCR). The enhance CFCR provision ensured not only a breakeven position but provided a cost effective means of financing housing capital investment and enabled ring-fencing of resources.

The report then provided a summary position across income and expenditure categories with a narrative on each category also provided in the report.

The report concluded that a breakeven position had been achieved in 2014-15. Savings in premises and supplies and services expenditure along with a one-off saving in capital financing charges resulted in increased CFCR in 2014-15, thereby reducing the borrowing requirement to fund the HRA capital programme.

It was recommended that the Council Executive note the final outturn position for financial year 2014-15.

#### Decision

To note the contents of the report.

### 30. CUSTOMER SERVICE EXCELLENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the outcome of the corporate Customer Service Excellence assessment 2014-15 and which included the key findings.

The report recalled that West Lothian Council had held the Customer Service Excellence (CSE) standard corporately since 2008. The retention programme was scheduled over three years, with annual activity planned to provide regular, managed assessment of compliance against the standard in the full scope of council services.

The annual CSE assessment activity in 2014-15 was carried out over eight days in two distinct stages; these being Corporate Level Review and Service Level Review

During a CSE assessment site visit the assessor would :-

- Review one or more service areas over the course of a day;
- Target specific themes and elements of the standard; and
- Hold discussions with customers, staff and service managers.

The CSE assessment confirmed that the council retained the standard

and identified eight Compliance Plus elements where the council had demonstrated strong practice and these were summarised in the report.

There were five areas of Partial Compliance identified during the corporate assessment, which was an increase from four the previous year. In summary the partials highlighted that the council should continue to strengthen consultation approaches with customers and encouraged regular review of local service standards.

The Council Executive was asked to :-

1. Note that West Lothian Council had retained the Customer Service Excellence (CSE) Standard; and
2. Note the findings of the CSE Assessor in the summary feedback report.

### Decision

To note the contents of the report.

31. DISABLED PERSONS' PARKING PLACE (SCOTLAND) ACT 2009 - ANNUAL REPORT FOR PERIOD 1 APRIL 2014 TO 31 MARCH 2015

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the content of the fifth Annual Report on the implementation of the Disabled Persons' Parking Places (Scotland) Act 2009.

The Head of Operational Services explained that on 1 October 2009, the Disabled Persons' Parking Places (Scotland) Act 2009 came into force and Section 1 of the Act required that an annual report be prepared detailing the functions undertaken by the council.

Attached to the report at Appendix 1 was the full report detailing the council's performance in terms of the Disabled Persons' Parking Places (Scotland) Act 2009.

The report summarised the actions in terms of the works undertaken on-street and off-street in order to provide disabled parking facilities for Blue Badge holders. The report covered the period 1 April 2014 to 31 March 2015.

Key headline facts contained within the report included :-

- A total of 129 applications received in 2014-15;
- 99 new bays identified in 2014-15;
- 69 days the average time from identifying a bay to starting the statutory process; and
- Van back publicity campaign continued in 2014-15

Disability West Lothian had been advised of the content of the annual report.

It was recommended that Council Executive note the contents of the Annual Report on functions undertaken as directed by the Disabled Persons' Parking Places (Scotland) Act 2009 for the period 1 April 2014 to 31 March 2015, attached to the report at Appendix 1.

### Decision

To note the contents of the report

## 32. BARRIERS TO FISH MIGRATION - RIVER ALMOND

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the long-term project to deal with physical barriers on the River Almond which currently limited the upstream passage of migrating fish species which negatively impacted on the biodiversity of the river.

The Head of Operational Services explained that the Water Framework Directive committed member states to achieve good qualitative and quantitative status to all water bodies, including marine waters by 2015. It had previously been reported how rivers and other bodies of water were under a number of pressures, each of which prevented them reaching good status. One of the pressures affecting the wellbeing of the rivers was the presence of physical barriers which prevented or severely limited the ability of migrating fish species to navigate to the upper reaches of the river for spawning.

There were around 365 weirs, dams or other man-made structures known to pose a barrier to fish migration in rivers across Scotland. Around 100 of the structures were weirs and dams operated by public bodies such as Scottish Water or by commercial concerns. There were also around 100 barriers associated with infrastructure such as road culverts and bridge reinforcements with the remainder being old abandoned weirs and dams that were neither serving an economic purpose nor the responsibility of a public body.

There were significant benefits to be gained from removing or easing barriers to fish movement and these were detailed in the report. Additionally by the end of the first River Basin Management Cycle this year, SEPA expected that access would have been restored to around 35 water bodies through a combination of the efforts of licensed operators of dams or weirs and an initiative to provide for fish passage at abandoned structures.

At a national level the Rivers and Fisheries Trusts of Scotland (RAFTS) and SEPA had been working in partnership to deliver a programme of works to improve fish passage at barriers across Scotland. Through this work, the River Almond had been identified as a catchment where fish migration was being severely limited by the cumulative impact of historical

man-made structures.

Therefore the Almond Rivers Barriers Project which was a collaborative project between RAFTS, the River Forth Fisheries Trust (RFFT) and SEPA were aiming to ease fish passage along the River Almond by improving fish passage as seven existing weirs, five of which were within West Lothian Council's administrative area. The report then provided a summary of the work being undertaken for improving fish passage and which would be presented to each of the structure owners in due course.

West Lothian Council was a key stakeholder in the project and officers represented the council on the project steering group. In considering the options for improving fish passage on the structures for which the council was fully or partially responsible, thought would need to be given to on-going maintenance and the potential requirements through the CAR licence to ensure ongoing fish passage at these sites.

It was recommended that the Council Executive note the work being done, which in time would lead to the longer reaches of the River Almond being navigable to migrating fish species and would enhance biodiversity.

#### Decision

To note the contents of the report

### 33. WINCHBURGH RAIL STATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the delivery of Winchburgh Rail Station.

The Head of Operational Services explained that the expansion of Winchburgh to meet employment and housing needs within West Lothian and the region generally was first set out in the Edinburgh and Lothian's Structure Plan 2004. The West Lothian Plan allocated a significant proportion of new West Lothian housing requirements within three Core Development Areas of which Winchburgh/East Broxburn/Uphall was one of the developments being delivered on a phased basis over a period of fifteen years.

The principle of sustainability underpinning this major mixed use development was a new railway station to serve the development. However the delivery of the station had taken some time to come to fruition as delivering a new station within the context of the Edinburgh Glasgow Improvement Programme (EGIP) had proven challenging. Following continued dialogue and the development of a business case between all parties including the Winchburgh Developer, Network Rail, Transport Scotland, SESTran and West Lothian Council an agreement had been signed to deliver a road bridge over the Edinburgh-Glasgow railway. Within this agreement was the delivery detail which would allow a new station to be funded and constructed once the granting of a new station had been given by Transport Scotland.

The Head of Operational Services then continued to advise that through the formation of a Winchburgh Steering Group a series of meetings had taken place with the most recent on 17 December 2014 and the report provided a summary of the key points that were discussed at this meeting including the following :-

- Transport Scotland had confirmed that operating a rail station at Winchburgh was a priced option within the Scotrail Franchise awarded to Abellio which had commenced in April 2015. The priced part of the option would remain valid until December 2020 after which it would be subject to renegotiation;
- Winchburgh Development Ltd had confirmed that they would construct the rail station in time for the commencement of rail services in December 2018;
- Network Rail had confirmed that to include Winchburgh in the timetable planning process, formal agreement of an opening date need to be given 18 months before that date; and
- It had been agreed to develop a non-commercial Heads of Term Agreement between Winchburgh Developments Ltd, Transport Scotland, Network Rail and Abellio to finalise delivery of the rail station and formalise the responsibilities of all parties.

Since this meeting had taken place there had been further progress and this too was summarised in the report and included :-

- ❖ A draft Head of Terms Agreement had been circulated to all parties in January 2015;
- ❖ West Lothian Council formally discharging Condition 44 of the Planning Permission in principle which required the development to make an appropriate business case and appraisal for the station at Winchburgh;
- ❖ Network Rail had notified the council and local communities of the closure of the Winchburgh Tunnel for 44 days, from 13 June to 27 June 2015 as part of the EGIP; and
- ❖ Winchburgh Developments Ltd had appointed Mott MacDonald as rail designers who were now liaising with Network Rail on the scope and timing of works to deliver a rail station at Winchburgh for service commencement in December 2018.

The Head of Operational Services concluded that the delivery of a rail station at Winchburgh had been agreed by all parties involved and that rail services would commence in December 2018 subject to all necessary construction and timetabling being completed on schedule.

It was recommended that the Council Executive note the content of the report and in particular the progress being made to deliver a Winchburgh Rail Station.

Decision

To note the contents of the report.

34. PRIVATE SESSION

The committee resolved under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 7A of the Act.

35. SOCIAL WORK COMPLAINTS COMMITTEE RECOMEMNDATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the outcome of a meeting of the Social Work Complaints Review Committee held on 1 June 2014 and to ask the Council Executive to note the outcome of the review.

The Head of Social Policy explained that the council was required by legislation and statutory guidance to have a Social Work Complaints Review Committee in place to deal with complaints by service users about social work services. The committee was made up of one councillor and two independent members who were to have a background in social work, tribunal processes or legal/judicial experience. The committee could not make decisions but could make recommendations as to actions it considered the council should take.

On 1 June 2015 the Social Work Complaints Review Committee met to consider a complaint which concerned the council's policy and procedure for making driveways available as an aid and adaptation rather than the complainers own assessment. The main grounds of the complaint were detailed in the report.

The committee found that the grounds of the complaint had not been substantiated and that the council had followed and applied its current policy and procedure properly.

Therefore the committee made no recommendations for actions or steps to be taken by the council.

It was recommended that the Council Executive note the outcome of the Social Work Complaints Review Committee held on 1 June 2015 which heard a statutory complaint and which decided that the grounds for the complaint were not upheld and that there were no recommendations to be made to the council.

Decision

To note the contents of the report.



### 36. STRATEGIC PROPERTY DISCUSSIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for officers to enter into discussions with appropriate owners of property and land interests that may be required to facilitate strategic development.

The report recalled that on 10 March 2015 Council Executive approved the commencement of community engagement on design and delivery requirements for the proposed new Whitburn Partnership Centre noting the findings of an initial appraisal that identified the existing Burgh Halls, Housing, CIS Office and car park at The Cross as a potential location for the new facility.

Whilst community engagement, stakeholder engagement and the consultation process was at an early stage the proposed location of the partnership centre at The Cross site was subject to a number of challenges in terms of delivery and these were summarised in the report.

Additionally whilst at this stage the full extent of the ownership and rights critical to the successful development of the new partnership centre had not been fully appraised officers would require to enter into discussions for a number of property interests identified in the report. There would also be a need to secure utilities and service provision for the proposed development which may require either the diversion or installation of new infrastructure and would require for the appropriate rights to be secured.

Therefore it was recommended that the Council Executive :-

1. Approve offices entering into discussions with owners of properties identified in Section D2 of the report to identify costs associated with securing ownership or appropriate rights required to facilitate strategic development outlined in the report;
2. Note that an proposed acquisitions to support the strategic development required to be fully funded from within existing allocated capital budgets; and
3. Note that any proposed acquisitions or the securing of rights would be subject to future reports to the Council Executive.

#### Decision

To approve the terms of the report.

### 37. CLOSING ORDER FOR A PRIVATELY OWNED HOUSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval to make a Closing Order on a domestic property in Craigshill, Livingston to prohibit the use of the house for human habitation.

The Head of Planning and Economic Development explained that the house first came to the attention of Environmental Health due to water penetration affecting a neighbouring property through an adjoining wall. Investigations into the source of the water and dampness identified the property next door as the source. Although a statutory abatement notice was served on the owner of the property to remedy the situation no action was taken by owner.

In addition to the problem affecting the property next door the house was found to be in a very poor condition and below a “tolerable standard” (BTS) as laid down in the Housing (Scotland) Act 1997.

Houses which were BTS must be closed or brought up to a tolerable standard. However in this instance it was considered unlikely that the owner would bring the home up to a tolerable standard and therefore making a Closing Order appropriate on this occasion. A Closing Order would prevent the house being used as a dwelling and would mean that the owner would have to arrange alternative accommodation.

It was noted that other council services could assist the owner of the property should they chose to engage with the council and guidance and advice had been supplied to the owner on this.

It was recommended that the Council Executive :-

1. Note the reasons why a Closing Order was necessary; and
2. Approve the making of a Closing Order for the property in Craigshill, Livingston if further statutory notices requiring the property to be brought up to a tolerable standard were not compiled with.

### Decision

To approve the terms of the report.



West Lothian  
Council

## **COUNCIL EXECUTIVE**

### **POLLING SCHEME FOR THE LOCAL GOVERNMENT BY-ELECTION IN THE LINLITHGOW WARD**

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

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

The purpose of the report is to seek agreement of a scheme of polling places for the local government by-election to be held in the Linlithgow ward.

##### **B. RECOMMENDATIONS**

It is recommended that the Council Executive:

1. Agree that the polling scheme for the local government by-election to be held in the Linlithgow ward remain unchanged from that used at the General Election in May 2015

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

<b>I Council Values</b>	Focusing on our customers' needs Providing equality of opportunities Working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Representation of the People Act 1983 Electoral Administration Act 2006 Electoral Registration & Administration Act 2013
<b>III Implications for Scheme of Delegations to Officers</b>	No change
<b>IV Impact on performance and performance Indicators</b>	
<b>V Relevance to Single Outcome Agreement</b>	
<b>VI Resources - (Financial, Staffing and Property)</b>	
<b>VII Consideration at PDSP</b>	No
<b>VIII Other consultations</b>	Leader of the Council, Leader of the Opposition and local members

## **D. TERMS OF REPORT**

### **D1 Background**

The council is required to carry out a periodic review of polling districts and places by The Electoral Administration Act 2006. The Electoral Registration and Administration Act 2013 added a requirement that a review be undertaken in the 18 month period commencing on 1<sup>st</sup> October 2013. Following this review, in January 2014 the council agreed a polling scheme to cover the European Election in June 2014, Scottish Independence Referendum in September 2014 and the General Election in May 2015.

The polling scheme across West Lothian will be reviewed over the coming months in order to that a polling scheme is agreed for the Scottish Parliamentary Elections in May 2016.

As a by-election will take place in the Linlithgow ward within the three months from 14<sup>TH</sup> July, it is necessary to agree a polling scheme for this ward, as the full review will not be complete.

### **D2 Polling Place and District Requirements**

In designating polling districts and polling places, legislation requires that each electoral ward must be divided into two or more polling districts unless there are special circumstances; that the council must designate a polling place for each polling district; and the polling place must be within the polling district unless special circumstances make it desirable to designate an area wholly or partly outside the polling district.

The council must also seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances; and seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to voters who are disabled.

### **D3 Review Process**

The timescale required for agreeing a polling scheme to be used at the by-election in the Linlithgow ward does not permit the level of consultation usually employed during a polling scheme review. The process has necessarily been restricted to an examination of the feedback on the Linlithgow Ward polling places from the last three electoral events and to consultation with the Leader of the Council, Leader of the Opposition and local members.

The only issue which had been raised during feedback from previous electoral events was the closure of Linlithgow Primary School when it was used as a polling place. This issue has been addressed and a solution was in place at the school which allowed it to remain open to students when used as a polling place at the General Election. This arrangement will be carried forward to the by-election.

### **D4 Proposed Scheme**

No changes are proposed to the polling scheme for the Linlithgow ward which is shown in Table 1 below.

**Table 1**

<b>Polling District</b>	<b>Polling Place</b>	<b>Address</b>
LFL1A	Chalmers Hall	Main Street, Linlithgow Bridge
LFL1E	Linlithgow Primary School	Preston Road, Linlithgow
LFL1F	Newton Community Centre	Duddingston Crescent, Newton
LFL1G	Philpstoun Community Centre	Main Street, Philpstoun
LFL1C	Queen Margaret Hall	Blackness Road, Linlithgow
LFL1D	Springfield Primary School (Community Wing)	Springfield Road, Linlithgow
LFL1B	St Ninian's Craigmailen Parish Church Hall	Longcroft Hall Philip Avenue, Linlithgow
LFL1I LVL1H	Bridgend Village Hall	Bridgend

The Scheme of Delegation to Officers includes a delegation to the Chief Executive, in consultation with the Leader of the Council, Leader of the Opposition, and local members, to make any necessary changes to a polling scheme (e.g. if a polling station becomes unavailable at short notice).

## **E. CONCLUSION**

The timing of the Linlithgow local government by-election requires that a polling scheme be agreed for the ward. The Executive is asked to agree a polling scheme unchanged from that which was in place for the General Election.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: None

Contact Person: Caroline Burton; 01506 281651; [caroline.burton@westlothian.gov.uk](mailto:caroline.burton@westlothian.gov.uk)

Name of CMT Member: Graham Hope, Chief Executive,

Date: 4 August 2015





## **COUNCIL EXECUTIVE**

### **LAND AT FORMER ADDIEWELL BING, ADDIEWELL** **PROPOSED LEASE TO WEST LOTHIAN RECYCLING LIMITED**

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

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

To seek Council Executive approval for a ten year lease of land at the former Addiewell Bing to West Lothian Recycling Limited.

### **B. RECOMMENDATION**

It is recommended that Council Executive approves a ten year lease of the land at the former Addiewell Bing to West Lothian Recycling Limited at an initial rental of £34,200 per annum, and subject to the detailed terms and conditions set out below.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Disposal of Land by Local Authorities (Scotland) Regulations 2010.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Contributes to the performance indicators for income received from the Tenanted Non-Residential Portfolio. (TNRP).
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	The renewal of the lease will secure a rental income of £34,200 per annum, beginning in 2015/16.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	The local elected members for the ward have

been provided with a copy of the report.

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

West Lothian Recycling Ltd, a joint venture between the council and Tarmac, has occupied the above site since 10 August 1999. The original lease was for a period of fifteen years and was extended for a further year when it expired in 2014. The annual rent passing under the original lease was £26,000 per annum, although this was for a much larger area.

Discussion has taken place concerning the grant of a new lease and the following terms have been provisionally agreed between the parties:

**Tenant** - West Lothian Recycling Limited.

**Subjects** - Land at Addiewell Bing as shown hatched on the attached plan.

**Date of Entry** – 10 August 2015.

**Term** - 10 years, with a tenant option to break on the fifth anniversary of the lease.

**Rent** - £34,200 per annum (excluding VAT) with a rent review to market rent at the fifth anniversary of the entry date.

**Use** - Recycling of organic waste and inert materials.

**Legal Expenses** - Each party to meet their own legal costs.

**General** - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this type of property.

#### **E. CONCLUSION**

It is considered to be in the council's best interests to conclude a new lease to West Lothian Recycling Limited on the basis of the recommendation given in this report and in accordance with the council's current policies.

#### **F. BACKGROUND REFERENCES**

None

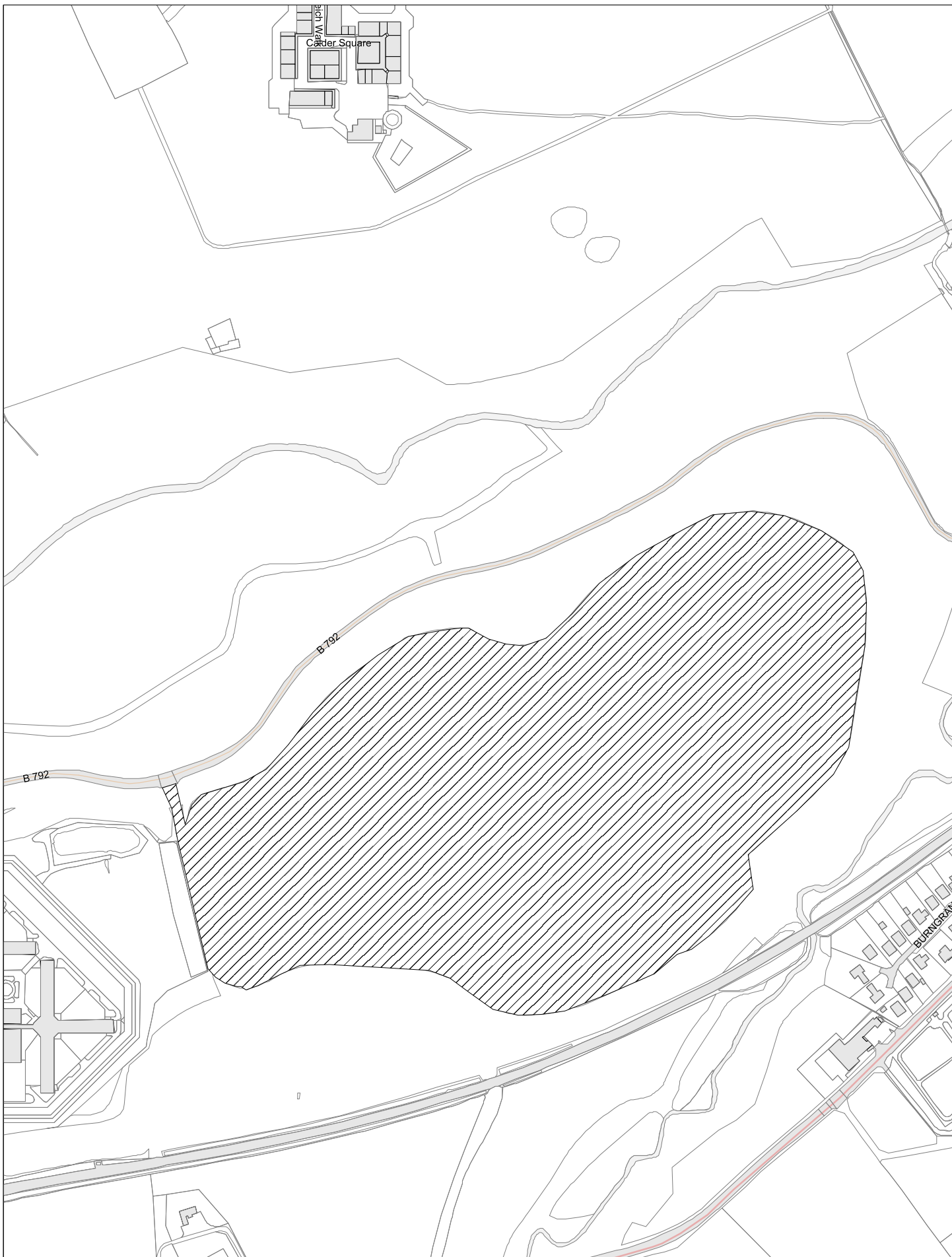
Appendices/Attachments: Location plan.

Contact Person: Stephen Letch, Commercial Property Surveyor Tel.01506 281122; email: [stephen.leitch@westlothian.gov.uk](mailto:stephen.leitch@westlothian.gov.uk)

**Donald Forrest, Head of Finance and Estates**

Date of meeting: 4 August 2015









**COUNCIL EXECUTIVE**

**THE MILL SHOPPING CENTRE, BLACKBURN**  
**HEAD LEASE RENT REVIEW**

**REPORT BY HEAD OF FINANCE AND ESTATES**

**A. PURPOSE OF REPORT**

To advise the Council Executive of the conclusion of negotiations in respect of The Mill Shopping Centre head lease rent review.

**B. RECOMMENDATION**

THE Council Executive is asked to note that the Independent Expert appointed by the Royal Institution of Chartered Surveyors has awarded an increase in the rent payable in respect of the head lease of The Mill Shopping Centre, Blackburn, from £126,200 per annum to £136,000 per annum with effect from 1 March 2015.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; Making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Contributes to the appropriate performance indicators for income received on the Tenanted Non-Residential Portfolio in that the (TNRP) factors in the cost of the head lease rent.
<b>V Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
<b>VI Resources - (Financial, Staffing and Property)</b>	The rent payable by the Council will increase from £126,200 per annum to £136,000 per annum, backdated to 1 March 2015.

**VII Consideration at PDSP**

None.

**VIII Other consultations**

The local elected members for the ward have been provided with a copy of the report

**D. TERMS OF REPORT**

The Mill Shopping Centre in Blackburn is owned by Dunbar Pensions and Investments Limited. The centre is leased to West Lothian Council under the terms of a 20 year commercial head lease that commenced on 1 March 2000.

Under the terms of the head lease, rent reviews are due on 1 March 2005, 2010 and 2015. The head rent passing immediately prior to the review was £126,200 per annum.

The parties were unable to reach agreement on the market rent as defined in the head lease. In accordance with the lease provisions the matter was referred to an independent third party Expert for determination. The parties made written submissions and counter submissions to the Expert, who issued his determination in July 2015.

The Expert's determination was that the market rent for The Mill Shopping Centre at 1 March 2015 should be £136,000 per annum. Under the terms of the lease, the Expert's decision is binding on both parties.

**E. CONCLUSION**

The Expert's determination of the market rent is binding on both parties and as such the Head Lease rent review at 1 March 2015 is settled at £136,000 per annum.

**F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: None

Contact Person: Stephen Letch, Commercial Property Surveyor Tel.01506 281122; email: [stephen.leitch@westlothian.gov.uk](mailto:stephen.leitch@westlothian.gov.uk)

**Donald Forrest, Head of Finance and Estates**

Date of meeting: 4 August 2015



## Mill Shopping Centre Blackburn

4 August 2015

Property Management & Development, West Lothian Civic Centre, Livingston, EH54 8FF

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## **COUNCIL EXECUTIVE**

### **ALCOHOL DIVERSIONARY ACTIVITIES**

#### **REPORT BY HEAD OF SOCIAL POLICY (INTERIM)**

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

The purpose of this report is to inform the Council Executive of the applications submitted by applicants to the Alcohol Diversionary Fund and to seek agreement that funds are released to undertake the activities detailed within the two applications.

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

It is recommended that the Council Executive agrees to the release of £22,837 from the Alcohol Diversionary Fund to support the applications made by West Lothian Youth Action Project.

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

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Reduction in the number of underage drinking and antisocial behaviour calls registered with the Community Safety Unit.
<b>V Relevance to Single Outcome Agreement</b>	People most at risk are protected and supported to achieve improved life chances. We live longer, healthier lives and have reduced health inequalities
<b>VI Resources - (Financial, Staffing and Property)</b>	The budget for 2015/ 16 is £100,000
<b>VII Consideration at PDSP</b>	Considered by Social Policy PDSP on 25 <sup>th</sup> June 2015 where it was agreed that these applications be submitted to the Council

Executive for approval.

## VIII Other consultations

Local Area Committees:  
Bathgate– 11<sup>th</sup> May 2015  
Whitburn and Blackburn– 25<sup>th</sup> May 2015  
ADP Alcohol Diversionary Fund Sub-Group:  
– 12<sup>th</sup> June 2015

## D1 TERMS OF REPORT

### Background

A new governance process for the Alcohol Diversionary Funding was approved by the Council Executive on 21<sup>st</sup> January 2014, placing the responsibility for this funding within Social Policy.

The report submitted and approved by the Council Executive, referenced both the Social Policy PDSP and Council Executive role within the new process:

*“Local Area Committees (LACS) will receive any applications for proposed projects and will provide an assessment panel with their recommendations. Results from the application and approval process will then be reported to the PDSP and approved by the Council Executive”.*

The applications detailed in this paper have proceeded through their Local Area Committees and have met the West Lothian Alcohol Drug Partnership (ADP) Joint Commissioning Plan outcomes as assessed by the Alcohol Diversionary Fund Subgroup meeting on Friday 12<sup>th</sup> June 2015.

## D2 CURRENT POSITION

There are two applications recommended by the ADP Alcohol Diversionary Fund Subgroup. Brief details are:

LAC	ADP Partner	Project Name	Funding Request
<b>Bathgate</b>	West Lothian Youth Action Project	<b>Bathgate Alcohol Diversion Work</b>	<b>£13, 449</b>
<b>Whitburn and Blackburn</b>	West Lothian Youth Action Project	<b>Blackburn Initiative</b>	<b>£9, 388</b>

## E. CONCLUSION

The Council Executive is asked to note the ADP Subgroup recommendations for Alcohol Diversionary Funding and to agree that the applications contained within this report are approved for funding.



**F. BACKGROUND REFERENCES**

None

**Appendices/Attachments:**

Appendix 1 – Application form for “Bathgate Alcohol Diversion Work” WLYAP  
Appendix 2 - Application form for “Blackburn Initiative” – WLYAP

Contact Person: Alan Bell, Senior Manager,  
Community Care Support and Services  
[alan.bell@westlothian.gov.uk](mailto:alan.bell@westlothian.gov.uk)

Tel: 01506 281937

Jane Kellock, Interim Head of Social Policy (Interim)  
[Jane.Kellock@westlothian.gcsx.gov.uk](mailto:Jane.Kellock@westlothian.gcsx.gov.uk)

Date: 4<sup>th</sup> August 2015





# Application Form

The West Lothian ADP Youth Alcohol Diversionary Fund application form is split into several sections covering different aspects of your initiative or project. Please take some time to ensure the main points are covered in the appropriate place.

Section 1 – Submission details	
TADP Partner	WLYAP- Helen Davis
Name of Key Contact	Douglas Benson - Community Regeneration Officer
Project Title / Name	Bathgate Alcohol Diversion Work
Have you applied for funding for this same initiative before?	Yes - evaluation is attached
<b><i>If so, an evaluation must have been carried out AND attached before completing the following sections</i></b>	

Section 2 – The Project	
What outcome targets are set for the project?	<ul style="list-style-type: none"> <li>• Provide diversionary and preventative activities for young people within Bathgate during evenings and at the weekend.</li> <li>• Young people's skills, confidence and knowledge are increased as a result of engaging with the support, education and opportunities provided through the activities.</li> <li>• Contribute to reduction in youth related police calls/underage drinking calls in the ward</li> <li>• Contribute to reduction of anti social behaviour in the ward</li> <li>• Increase young people's awareness of alcohol</li> </ul>

Appendix 1 Bathgate Alcohol Diversion Work

	<p>issues and promote positive lifestyles.</p> <ul style="list-style-type: none"> <li>• Deliver Alcohol Brief interventions and 1-1 work and refer to specialised agencies where appropriate</li> <li>• Changing young people's attitudes to alcohol and substance misuse</li> <li>• Improve young people's health</li> <li>• Target marginalised disengaged young people who are not accessing mainstream services</li> <li>• Improve awareness of physical fitness in regard to healthy lifestyles</li> </ul>
What ward areas will the project cover?	Bathgate ward
Who are the intended beneficiaries of the project?	Young people aged 12-18
Which of the National Outcomes does the project cover?	<ul style="list-style-type: none"> <li>• Our young people are successful learners, confident individuals, effective contributors and responsible citizens</li> <li>• We live longer, healthier lives</li> <li>• We have improved the life chances for children, young people and families at risk</li> </ul>
What local priorities/ outcomes does the project cover?	<ul style="list-style-type: none"> <li>• We are better educated and have access to increased and better quality learning and employment opportunities</li> <li>• We cater for and support an increased population of young people (Wester Inch)</li> <li>• We live in resilient, cohesive and safe communities</li> <li>• People most at risk are protected and supported to achieve improved life chances</li> <li>• Improving attainment and positive destinations for school children</li> </ul>

## Section 2 – The Project

How does the project meet the Equalities and Diversity Agenda?	The project will be open and inclusive, targeting a mix of young people across the Bathgate ward. The projects are aware of the equalities act 2010 and work to ensure they meet the agenda.
How does the project demonstrate positive engagement with the local community?	This project has been set up in response to feedback from several consultations with young people, the local community and partner agencies. This has led to the project and shaped the focus and content. Issues have been taken on board that have been highlighted by local members, community Police and partner agencies.

**Appendix 1 Bathgate Alcohol Diversion Work**

How will your project be advertised/ publicised?	Marketing locally through schools, youth clubs, street work, community events, community centre, word of mouth, social media and delivery partners.
Explain what is new and innovative about this project?	<p>Expanding upon the good work and projects already delivered through previous Alcohol Diversionary funding within the Bathgate Ward.</p> <p>The project outlines a myriad of opportunities to engage young people with a variety of different needs and aspirations and also aims to deliver from the new Boghall community wing.</p> <p>The project includes the challenge of supporting a relatively new and growing population within the Wester Inch population, which is now in excess of 3000, with a young person's population estimated at 800.</p> <p>The project outlined allows action to be taken when required on a number of issues affecting young people and allows information to be shared across the ward using a range of interventions including education, prevention, early intervention and support building capacity, cohesion and civic pride.</p>
Is this a short term or long term solution/intervention?	In the short term, the project will have an immediate impact and will also make a contribution to longer term change and delivery of local and national targets. Aiming to reduce young people's anti-social behaviour, delay the age they begin drinking and offer opportunities to participate in more positive activities addressing health inequalities and improving health.
<p>Please give an outline of the project that will be undertaken including how the project need was identified and its relevance to the West Lothian ADP</p> <p>(maximum 500 words)</p>	<p>The project shall run from September 2015 until March 2016. Identified through engagement with young people and from statistics in relation to ASB. Bathgate provision did engage with 100-150 young people aged 12+ per week through a variety of groups/provisions during 2014/15. The various groups provided alternatives to involvement in anti-social behaviour and alcohol or substance misuse. A successful application will offer young people with further opportunities to participate in issue based educational sessions focusing on alcohol, lifestyles, sexual health and wellbeing and positive choices with a particular focus being Saturday Street Fever to be delivered at a key period of the weekend at Bathgate Academy. This will provide opportunities for young people 12+ to take part in sportis, dance and fitness activities and challenge their current lifestyle choices. The main aims of the drop in include; Preventing and delaying the onset of alcohol</p>

## Appendix 1 Bathgate Alcohol Diversion Work

	<p>consumption and reducing consumption of older young people, providing alternative activities at peak times when alcohol use is high, raise awareness of alcohol/substance misuse and associated risks and offer targeted work to young people when required.</p> <p>Youth work staff will use ABI's and the delivery of 1-1 referrals to specialised services when required. There will be increased focus in early intervention work, targeting S1-S3 young people and supporting them to delay their substance experimentation and avoid potential harm.</p> <p>Youth work staff will assess young people who are experiencing poor lifestyle choices, alcohol or substance misuse and general health issues and referrals will be made to a variety of support services, one of these being, an intensive fitness programme. Once a young person is referred an individual plan will be developed addressing specific needs in diet, exercise routines and increasing general well-being. Looking to move the young person onto a positive destination following the 1-1 tuition supporting their integration to their community and positive contribution to it. This programme will develop levels of personal self-confidence and encouragement to participate in more diverse range of activities.</p> <p>Music workshops providing tuition will engage with young people on varied nights of the week as a form of diversionary activity. They will target young people who do not normally get the opportunity to take part in structured music sessions due to prohibitive cost of private tuition. The music tutors are experienced youth workers and will address issues such as alcohol, drug misuse and can signpost young people into a wide range of support services. These sessions will cater to all level of musicians. There will also be the opportunity to be involved in live performances with links to YAP Music Academies and live music events throughout West Lothian and opportunity for writing and recording material. Music has been highlighted as a medium for those most difficult to engage in discussion around behaviour and attitudinal change.</p> <p>Community safety briefings have highlighted a recent increase in incidents involving young people from the Bathgate ward and alcohol/substance misuse. The funding will enable the youth provision to expand and also provide outreach work throughout ward including Wester Inch.</p> <p>A core group of young people will take forward a youth advisory group to assist in the development and promotion of</p>
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## Appendix 1 Bathgate Alcohol Diversion Work

	<p>activities that respond to the expressed needs of the local young people. (See attached recent health &amp; wellbeing survey results from Bathgate Academy pupils).</p> <p>Key aims of the group will be to: - Work towards further weekend diversion activities aimed at engaging with all youth groups within the Bathgate ward with specific focus on raising awareness of harmful effects of alcohol and supporting young people to address these issues. To maximise use of the facilities available to young people and establish need for provision. To promote citizenship and volunteering opportunities acting as a stimulus for civic pride. This core group will also work towards gaining youth achievement awards and encourage other young people to engage in certificated programmes.</p>		
Project Start Date	<b>September 2015</b>	Project End Date	<b>March 2016</b>

## Section 3 – Resources

How much are you applying for the Fund?	£13,149
What is the total cost of the project?	<p><u>Saturday street fever</u></p> <p>1 Coordinator - 6 hours per week ( 4 hours direct delivery) @ £16.89 per hr inc on costs = £ 2432</p> <p>X1 youth worker @ 4 hours per week = £ 1202</p> <p>X1 specialist sports instructor £ 90 per session = £ 2160</p> <p><u>Sub total SSF</u> = £ 5794</p> <p><u>Music project</u></p> <p>X 2 Specialist music tutors x 4 hours per week – 24 weeks @ £ 16.43 = £ 3155</p> <p>Travel - £ 300 – moving equipment</p> <p>Equipment/ resources/ admin support - £ 250</p> <p><u>Sub total – music</u> = £ 3705</p> <p><u>Youth consultation group</u></p>

**Appendix 1 Bathgate Alcohol Diversion Work**

	<p>4 hours per week staff support/ development work = £ 1450</p> <p>Transport – staff &amp; young volunteers = £ 300</p> <p>Resources/ training materials and YAA packs = £400</p> <p><u>Sub total - £ 2150</u></p> <p><u>Fitness programme</u></p> <p>Personal trainer costs = £ 1500</p> <p><u>Sub total - £ 1500</u></p> <p><u>Total project cost = 13,149</u></p>
What other funding sources have you obtained, including in-kind / matched funding?	There are substantial in kind donations from NHS Lothian, West Lothian Youth action project, Lee McGrorty fitness, education and community youth services in terms of staffing/supporting the projects.
What staffing resources are required to deliver the project?	<p>Across the projects there is requirement for:</p> <ul style="list-style-type: none"> <li>• 6 x youth workers</li> <li>• 2 x Music workers</li> <li>• 1 x Sports Coach</li> <li>• 1 x Personal Trainer</li> </ul>
What partner organisations are involved and what will be their contribution?	<ul style="list-style-type: none"> <li>• WLYAP - youth work staff will deliver will be involved in streetwork. They will also run the music workshops and support Saturday Street Fever and development project</li> <li>• Regeneration team - reporting to LAC/supporting projects</li> <li>• Boghall Drop-In support Saturday Street Fever</li> <li>• Education support Saturday Street Fever and Fitness project</li> <li>• Bathgate Partnership Centre – Venue for diversionary activities, which assists in making young people feel comfortable within a learning space.</li> <li>• Lee McGrorty fitness supply and deliver the fitness programme.</li> </ul>
Highlight how applicants will work together to reduce duplication of service and resources.	The project described within this application is wide, varied and offers various opportunities for young people no matter their area of interest. Regular communication between partners allows issues/challenges to be highlighted and improvement



	opportunities to be taken The visibility of partners within the project can help break down barriers with young people and could lead to more referrals or improved relationships with organisations. This system enables services to work together effectively and efficiently and avoid duplication of work throughout the ward.
Please provide evidence of how this project demonstrates preventative spend?	This project focuses on preventive work and early intervention and is attempting to change behaviours early to avoid costly interventions and treatment later in life.

## Section 4 – Monitoring and Evaluation

How will you evaluate this project?	<p>This project will employ a number of monitoring and evaluation tools and these will be adapted depending what evidence needs gathered.</p> <p>Each group will complete recording forms which capture a variety of information including themes/ trends affecting young people.</p> <p>Other methods for measuring achieving outcomes include;</p> <ul style="list-style-type: none"> <li>• Baselines</li> <li>• Numbers attending</li> <li>• Statistics</li> <li>• Mapping young person's participation by Bathgate post code</li> <li>• Monitoring/evaluation framework</li> <li>• Number of sessions delivered</li> <li>• Drinking levels and attitudinal change</li> <li>• Participant testimony/stories</li> <li>• Professional reflection</li> </ul> <p>We will engage regularly with Police and analysts to look at local alcohol related incidents and youth crime figures and hope that these statistics will reduce, we will respond to any peaks and trends identified through youth engagement activity.</p> <p>We will ensure that our project is being inclusive and accessed from young people across the ward by regularly monitoring who and how the project is being accessed.</p>
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**Appendix 1 Bathgate Alcohol Diversion Work**

What monitoring data will be collected for the project?	<p>The project will record information which includes gender and postcode. Young people's involvement in alcohol/substance usage and frequency of usage will be collected through ABI's and issues based sessions delivered and also through surveys capturing qualitative and quantitative data.</p> <p>We will capture local statistics relating to anti-social behaviour and drink related incidents with young people aged 12 – 18 from Police Scotland and Safer Neighbourhood Teams and envisage that these will drop as an impact of our work.</p>
What outcomes will you achieve?	<ul style="list-style-type: none"> <li>• Change young people's attitudes to alcohol and associated risks</li> <li>• Contribute to the reduction in youth related police calls/ underage drinking calls in the ward</li> <li>• Contribute to reduction of anti social behaviour in the ward</li> <li>• Increase young people's awareness of alcohol issues and promote positive lifestyles</li> <li>• Increase in opportunities for young people to engage in diversionary activities</li> <li>• Increase partnership organisations capacity to meet the needs of the young people in Bathgate</li> <li>• Deliver Alcohol Brief interventions and 1-1 work and refer to specialised agencies where appropriate</li> <li>• Reduction of inequalities within young people participating in project and increase understanding of health and well-being issues</li> <li>• Improving uptake of young people's creative skills</li> </ul>
What impact will the project have?	<p>The interventions/activities highlighted will impact directly on the attitudes and knowledge young people have towards alcohol and the impact it has on them as individuals, their families and the wider community.</p> <p>The promotion of positive lifestyles, diversionary activities and exploring health and wellbeing will also address these issues. Educational inputs and alternatives to alcohol use and changes to attitude will be measured through a variety of baselines and recording sheets and ongoing progress monitoring with young people.</p> <p>Project diversity promotes a supportive environment for young people in the ward recognising their needs and strengths and supports integration into the wider community</p>
Note any possible barriers or threats.	<p>Working with wide range of young people from different backgrounds sometimes causes issues including territorialism and bullying.</p>

	<p>Targeted young people are hard to reach. The project might not be able to engage with all the young people targeted but a wide variety of techniques will be used to engage and encourage full participation.</p> <p>Cost can be a barrier to young people engaging but through successful funding the opportunities for engaging and participation across the community with increase for young people.</p>
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### Section 5 – Validation

This part of the application verifies that all partners are happy with the content and intention contained within the application. For electronic copies received without a signature, the funding panel will assume that all the relevant permissions/approvals and evidence have been sought and attached by the applicant.

#### Signed on behalf of the project

<b>Name</b>  <b>Douglas Benson</b>	<b>Organisation</b>  <b>Regeneration and Employability - West Lothian Council</b>	<b>Position</b>  <b>Community Regeneration Officer</b>
<b>Signed</b>	<b>Date</b>  <b>11/05/15</b>	<b>Telephone number</b>  <b>015016 281970</b>

### Section 6 – Your Organisation

ADP / CPP Partner	<b>West Lothian Youth Action Project</b>
Name of Key Contact	Helen Davis
Position in Partnership/ Organisation	Director/ lead partner
Correspondence Address	Craigsfarm, Craigshill,, Maree Walk, Livingston, West Lothian

**DATA LABEL: PUBLIC****Appendix 1 Bathgate Alcohol Diversion Work**

Post Code	EH54 5BP
Tel Number	01506 431430/ 07719716913
Email Address	<a href="mailto:helen@wlyap.org.uk">helen@wlyap.org.uk</a>
Website	<a href="http://www.wlyap.org.uk">www.wlyap.org.uk</a>

Section 7– Evaluation (POST PROJECT)	
ADP Partner	Boghall Drop-In WLYAP Community Youth Services Lee McGrorty Fitness
Name of Key Contact	Douglas Benson Community Regeneration Officer
Tel Number	01506 281970
Project Title / Name	Bathgate Alcohol Diversion Project
Was the strategic outcome(s) met?	<p>Yes the strategic outcomes were met –</p> <ul style="list-style-type: none"> <li>• Young people had improved opportunities, and life chances</li> <li>• There was a reduction in crime and youth calls to the police in the local area, in particular, the Boghall area</li> <li>• The alcohol awareness sessions and activities provided encourage them to make healthier lifestyle choices</li> </ul>
How do you know you effected change ?	<p><u>Saturday Street Fever (SSF)</u></p> <p>The older age range of young people that have attended Saturday Street Fever have reported that by having SSF open they are not hanging around the streets with the temptation or at risk of involvement in ASB and alcohol use as they have something more positive to do. The recent threat of closure due to lack of funds sparked many complaints from users and concerns expressed that they had nothing else to do on Saturday evenings. - See SSF Facebook</p> <p>The younger age 12-13's are not yet experimenting with alcohol but the information provided is providing them with accurate knowledge and encouraging them to make positive choices as they get older.</p> <p><u>The Regal Music Project</u></p> <p>Young people have grown in confidence and developed new skills. They have developed new friendships and positive social groups. They are more aware and involved in Community events and are linking with other musicians throughout West Lothian to share skills. We have young people from the project registering for the Youth Action Project Summer music Academy programme.</p>

## Appendix 1 Bathgate Alcohol Diversion Work

	<p><u>Boghall Fitness programme</u></p> <p>Expanded to include the Bathgate Learning Community and pilot a programme in partnership with Bathgate Academy.</p> <p>Participants all receiving 1:1 sessions of 1 hour. The participants have all found the programme very enjoyable and have all shown progression in some way.</p> <p>Significant benefits seen within school of the participants.</p> <p>Pupils have grown in confidence - always difficult to measure – unforeseen benefit of increase in participation in other areas</p> <p>In light of the success it has been agreed with NHS Lothian that the current arrangements regarding use of clinic can continue for a further two years</p>
What quantifiable outcomes were there?	<p>The number of youth calls reduced from 129 in 2012/13 to 71 during 2013/4, the interventions carried out through the alcohol diversion fund will have contributed to this reduction.</p> <p>109 different individual young people have used SSF between December and April 2015, equal division of male and females.</p> <p>90% of the young people attending SSF stated that they would not have any other activities to attend if this service was not provided.</p> <p>90% of those who took part in the alcohol awareness sessions stated that they have increased their knowledge and understanding of the risks associated with alcohol use.</p> <p>134 young people completed the questionnaire devised as part of the Youth consultation process, a core group has been established to further develop the youth services within the Bathgate ward.</p> <p>2 young people involved in the Regal project have significantly reduced their alcohol use following ABI Intervention and worker support.</p>
What evaluation method did you use?	<ul style="list-style-type: none"> <li>• Questionnaires</li> <li>• Focus group discussions</li> <li>• ABI's</li> </ul>
Was it value for money?	<p>All the services provided through this project were positively received and had a variety of positive outcomes.</p>

**Appendix 1 Bathgate Alcohol Diversion Work**

What barriers did you face?	Consultation period has resulted in a core group of young people being willing to work as a youth consultative group for Bathgate, assisting in the development of improved services for young people.
What lessons were learned?	It can be difficult to get hard to reach young people to fully engage in projects, some can find the projects too challenging.
Has this alleviated the problem or does this issue still exist? What will be the long term solution?	<p>The problems have been alleviated and all the projects have contributed positively to Bathgate. Continuation of projects and positive engagement with the young people of the Bathgate ward shall aid in the long term. Working to change the attitudes and improve the knowledge when it comes to alcohol consumption.</p> <p>If further funding is secured the aim is to support young people engaged through the consultation process to work with youth workers to develop and improve youth services in the area, being more creative with existing resources.</p>

**DATA LABEL: PUBLIC****Appendix 1 Bathgate Alcohol Diversion Work***For Office Use Only*

<i>Reference Number</i>	
<i>Date Received</i>	
<i>Form of Submission</i>	<input type="checkbox"/> <i>Email</i> <input type="checkbox"/> <i>Post</i>
<i>Checked for Completion by</i> <i>(all relevant information is included in form)</i>	
<i>Date Summary Completed</i>	
<i>LAC meeting date</i>	
<i>LAC decision</i>	<input type="checkbox"/> <i>Progress</i> <input type="checkbox"/> <i>Unsuccessful</i>
<i>Op ADP date</i>	
<i>Op ADP recommendation</i>	<input type="checkbox"/> <i>Progress</i> <input type="checkbox"/> <i>Unsuccessful</i>
<i>Final Outcome post Council Executive</i>	
<i>Date Evaluation Received (post project completion)</i>	





# Application Form

The West Lothian ADP Youth Alcohol Diversionary Fund application form is split into several sections covering different aspects of your initiative or project. Please take some time to ensure the main points are covered in the appropriate place.

Section 1 – Submission details	
TADP Partner	<b>West Lothian Youth Action Project</b>
Name of Key Contact	Helen Davis
Project Title / Name	Blackburn Initiative
Have you applied for funding for this same initiative before?	Yes – slight variation to reflect need
<p><i>If so, an evaluation must have been carried out AND attached before completing the following sections – <b>Evaluation report for project funded December 2014 – April 2015 due for completion by end of May 2015.</b></i></p>	

Section 2 – The Project	
What outcome targets are set for the project?	<p><b>Changing young people's attitudes to alcohol and associated risks</b></p> <p><b>Young people at risk are informed about alcohol and associated risky behaviours</b></p> <p><b>Improved social behaviour in the community: Reduction in</b></p>

	<p><b>youth anti-social behaviour calls to Police</b></p> <p><b>Improved levels of confidence and more positive lifestyle choices of group participants</b></p>
What ward areas will the project cover?	Blackburn
Who are the intended beneficiaries of the project?	Young people aged 12-18
Which of the National Outcomes does the project cover?	<p>Our young people are successful learners, confident individuals, effective communicators and responsible citizens</p> <p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We are better educated and have access to increased and better quality learning and employment opportunities</p> <p>We live our lives free from crime, disorder and danger</p>
What local priorities/outcomes does the project cover?	<p>Young people get a range of alternatives to drinking and a wider understanding of the risks associated to alcohol and substance use</p> <p>Young people's alcohol consumption is reduced</p> <p>The level of youth and alcohol related disorder is reduced</p> <p>Young people are better educated and have support to be included in decision making processes for them and their communities.</p>

## Section 2 – The Project

How does the project meet the Equalities and Diversity Agenda?	The project will be open and inclusive, broadening out to encompass a mix of young people from Blackburn. It will strive to capture a balance of ages, genders and ethnic backgrounds making specific initiatives and campaigns to attract participants from a range of backgrounds.
How does the project demonstrate positive engagement with the local community?	This project has been set up in response to feedback from several consultations with young people, the local community and partner agencies. This has led to the project and shaped the focus and content The project takes into account what was successful in the previous project work in the Blackburn area.
How will your project be advertised/publicised?	Marketing locally through local schools and youth clubs, the Mill Centre Community Notice Board, Community Centre, Community Action Blackburn, Blackburn United Community Football Club, WLYAP streetwork and a range of other community projects, word of mouth through families, peer leaders.
Explain what is new and innovative about this project?	<p>The provisions applied for are not new but operate to address alcohol consumption, healthier lifestyles and antisocial behaviours using a range of interventions including Education and Prevention, Early Intervention and Intensive Support.</p> <p>WLYAP will operate the projects described below and will feed information and outcomes of the work into the WLC strategic planning bodies as well as the ADP and monitoring body.</p>
Is this a short term or long term solution/intervention?	In the short term, the project will have immediate impact and will also make a contribution to longer term change and delivery of local and national objectives.
<p>Please give an outline of the project that will be undertaken including how the project need was identified and its relevance to the West Lothian ADP</p> <p>(maximum 500 words)</p>	<p><b>Prevention and Education</b></p> <p>West Lothian Youth Action Project and associated partners will run informal sessions and specific targeted groupwork programmes for young people in the Blackburn area. This will provide two specific drop-in sessions per week on Wednesday evenings and Sundays, together with targeted diversionary activities identified by young people, encouraging new opportunities and positive alternatives to alcohol and drug use. (E.g. music/creative arts/photography). WLC Youth Services and the Youth Action Project will jointly operate the Sunday afternoon provision. This is an important time for staff to assist young people with issues that have occurred during the weekend, often alcohol related.</p> <p>Staff running the sessions are trained to carry out Brief Interventions and encourage young people and their families to utilise complementary support provided by partner agencies such as CAB and WLDAS/ Circle. We will also</p>

	<p>encourage young people to participate in projects carried out by Community Action Blackburn.</p> <p>Two intensive support programmes will be run for identified young people who are struggling with mainstream education, and employment. Specific tailored programmes will be developed with young people to address the issues that are causing them to make negative life choices. These programmes will be developed with partners such as MCMC team, education staff including the Behavioural support unit, CAB, Police/Fire Service. There will be 2 x 8 week programmes during 2015/6, one in the autumn school term and another in the first quarter on 2016. Members of the group will receive certificates of attendance/completion &amp; First Aid certificates. There will also be a presentation of the groups' achievements to interested parties. The levels of alcohol and drug use by these young people, many of whom will be at significant risk of making poor life choices will be measured using ABI's and other recognised assessments. Specific 1-1 Intervention work will be carried out with individual members for these groups as required. Many of the young people involved in these groups will have chaotic lifestyles that require follow up and home visits.</p> <p>Members of the drop-in and will also be encouraged to take part in Peer Education training programmes ensuring that information and learning gained by this group is disseminated widely. They will also be encouraged to become involved in local forums and committees to ensure the views of young people are heard. Young people will determine what attitudinal and behavioural changes towards alcohol use and other lifestyle changes have taken place. The group will create documented evidence of achievements and views of young people in Blackburn through a medium of their choice.</p>		
Project Start Date	September 2014	Project End Date	March 31st 2016

### Section 3 – Resources

How much are you applying for the Fund?	£ 9388
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What is the total cost of the project?	<p><b>WYLAP</b> Staff costs for drop-ins, 4 staff x 3 hours @ £14ph x 16 weeks = £4368</p> <p>Specialist support staff – music/ artists/ creative arts/technical skills training = £500</p> <p>One to one support costs/ follow up = £600</p> <p>Staff for intensive support groups = £2240 (5 hours per week x 2 staff Inc. planning and prep x 16 weeks @ £ 14 p hr)</p> <p>Resources/ equipment for all groups = £1,200</p> <p>Transport costs: Diesel for minibus/ staff travel £480</p> <p>(Transport costs to : Intensive support group requires collection of young people – average £ 10 of fuel for minibus per week x 14 weeks = £ 140 Staff costs for drop-ins approx. – Average 20 miles per week x 15 sessions @ 0.40p mile = £ 1201-1 follow up sessions and individual meetings at schools/ homes etc. – Average x4 young people receiving a visit once per week – average 10 miles (e.g. A return journey from Craigsfarm to Blackburn) 10x4 x 15 weeks = 600 miles @ 0.40p per mile = £ 240)</p>
What other funding sources have you obtained, including in-kind / matched funding?	<b>Substantial in-kind contributions from many sources including use of the Community Centre; involvement of partner agencies and individuals in the delivery of education and awareness sessions e.g. Community Police, Community safety Unit, Fire &amp; Rescue, Careers &amp; Employment Advisors.</b>
What staffing resources are required to deliver the project?	<p><b>4 youth workers – variable hours</b></p> <p><b>Specialist workers for sessions held within drop-ins and intensive support groups</b></p>
What partner organisations are involved and what will be their contribution?	<b>West Lothian Youth Action Project; Community Action Blackburn &amp; West Lothian Council Youth Services; will contribute to the delivery of the project in specific roles within the Project Description above. This will ensure a joined up cohesive approach with expert inputs over the project period and linkage to complementary services for lasting impact and tracking progress of outcomes over time.</b>
Highlight how applicants will work together to reduce duplication of service and resources.	<p><b>Each of the agencies involved will offer different yet complementary interventions with coordination to link with each other for greater impact and avoid duplication:</b></p> <p><b>West Lothian Council Youth Services – delivery of youth work –</b></p>

	<p><b>Sundays, West Lothian Youth Action Project - Groupwork/Alcohol Brief Interventions/Intensive Support projects</b></p> <p><b>Community Action Blackburn will be the conduit for this work, assisting with identifying need and promotion.</b></p>
Please provide evidence of how this project demonstrates preventative spend?	<p><b>The project will intervene with a key age group to change behaviours early and avoid costly intervention and treatment later. This will deliver benefits earlier through preventative spend and reduce costs. This is in line with leading thinking and the recommendations of the Christie Commission which calls for Local Authorities to prioritise Prevention activity to reduce inequalities and make early interventions. This preventative project will deliver a new, collaborative culture through our public services that tackle the deep-rooted social problems around alcohol and young people that persist in the Blackburn community.</b></p>

#### Section 4 – Monitoring and Evaluation

How will you evaluate this project?	<p>A variety of evaluation tools will be used involving partners, practitioners and young people themselves and evaluation will be composited by each partner at the end of the project. A project monitoring and evaluation framework exists to capture the achievements through a series of surveys and KPIs covering quantitative and qualitative approaches. These will cover the project, beneficiaries and wider community effects. Examples include measurements covering project activities, outputs and outcomes over time including evidence of risk awareness, attitudinal change, drinking levels, risk taking and improvements in knowledge, behaviour &amp; lifestyle change and case studies.</p>
What monitoring data will be collected for the project?	<p>Performance monitoring will be carried out to gather a range of data including number of attendees, referrals and youth calls; completion records, awareness levels and certificate attainment levels relating to outcomes. Involvement of experienced staff will ensure that aspects of the project will be measured against West Lothian Council's Outcome measures. An annual report on the project will gather evidence on data from survey returns and self-evaluation by beneficiaries as well as showing the project effects overall. Case studies will reflect the benefits of the services provided</p>

What outcomes will you achieve?	<p><b>A change young people's attitudes to alcohol and associated risks</b></p> <p><b>Young people at risk are informed about alcohol and associated risky behaviours</b></p> <p><b>Improved social behaviour in the community: Contribute to the reduction in youth anti-social behaviour calls to Police</b></p> <p><b>Improved life choices and opportunities for the young people involved in the intensive support groups.</b></p> <p><b>An increased number of young people from Blackburn engaging in decision making processes within their community</b></p>
What impact will the project have?	<p>The project will have a positive impact on young people, families and the community. A range of healthy activities, drop- in programmes and educational initiatives will inform, encourage and build self-efficacy for young people, working towards longer term change and a reduction in harmful substance use and risky anti-social behaviour. This can have wider impacts and legacy effects as well as positive peer influence to assist in sustaining initial behaviour change.</p> <p>The Intensive support groups will lead young people to improve their knowledge base and broaden positive life choices.</p>
Note any possible barriers or threats.	<p>Given Blackburn's demographics, some of the targeted young people will come from hard to reach groups. Some will be looked after, some will be coping with drug and alcohol use in the wider family and some will be using substances themselves. The project will work hard to reach these groups and influence through involvement to change behaviour. However, we recognise the difficulties and make allowance for the barriers presented by entrenched family and community culture.</p>

## Section 5 – Validation

This part of the application verifies that all partners are happy with the content and intention contained within the application. For electronic copies received without a signature, the funding panel will assume that all the relevant permissions/approvals and evidence have been sought and attached by the applicant.

### Signed on behalf of the project

<b>Name</b>	<b>Organisation</b>	<b>Position</b>
<b>Helen Davis</b>	<b>West Lothian Youth Action Project</b>	<b>Project Director</b>
<b>Signed</b>	<b>Date</b>	<b>Telephone number</b>

	<b>13/5/15</b>	<b>01506 431430</b>
<b>Section 6 – Your Organisation</b>		
ADP / CPP Partner		
Name of Key Contact	Helen Davis	
Position in Partnership/ Organisation	Project Director	
Correspondence Address	<b>Craigsfarm Campus, Maree Walk, Craigshill, Livingston</b>	
Post Code	<b>EH54 5BP</b>	
Tel Number	<b>01506 431430</b>	
Email Address	helen@wlyap.org.uk	
Website	www.wlyap.org.uk	



Section 7– Evaluation (POST PROJECT)	
ADP Partner	
Name of Key Contact	
Tel Number	
Project Title / Name	
Was the strategic outcome(s) met?	
How do you know you effected change ?	
What quantifiable outcomes were there?	
What evaluation method did you use?	
Was it value for money?	
What barriers did you face?	
What lessons were learned?	
Has this alleviated the problem or does this issue still exist? What will be the long term solution?	

**DATA LABEL: PUBLIC****Appendix 2 – Blackburn Initiative***For Office Use Only*

<i>Reference Number</i>	
<i>Date Received</i>	
<i>Form of Submission</i>	<input type="checkbox"/> <i>Email</i> <input type="checkbox"/> <i>Post</i>
<i>Checked for Completion by</i> <i>(all relevant information is included in form)</i>	
<i>Date Summary Completed</i>	
<i>LAC meeting date</i>	
<i>LAC decision</i>	<input type="checkbox"/> <i>Progress</i> <input type="checkbox"/> <i>Unsuccessful</i>
<i>Op ADP date</i>	
<i>Op ADP recommendation</i>	<input type="checkbox"/> <i>Progress</i> <input type="checkbox"/> <i>Unsuccessful</i>
<i>Final Outcome post Council Executive</i>	
<i>Date Evaluation Received (post project completion)</i>	

**Blackburn Initiative December 2014 – 2015**

**Service – West Lothian Youth Action Project**

The strategic outcomes were met – a reduction in alcohol and drug use, anecdotal reduction in youth crime and ASB amongst project participants – awaiting crime stats from analysts.

The project consisted of a drop in facility for young people based in Blackburn Community Centre, this targeted young people aged 13-18 years, with a particular emphasis on those who are engaging in alcohol and drug use, anti- social behaviour or those who experienced problems within the mainstream education system. However, the facility was open to any young person who wished to attend the sessions.

Most were informal sessions with access to computers, pool and table tennis along with information from staff on a variety of issues.

The staff members running this facility have a very good relationship with the young people of Blackburn as they are also part of the Youth Action Project Streetwork team and are familiar with the family circumstances and lifestyle issues of these young people.

**Drop –in attendance figures**

Dec – March – 128 Total attendees (closed for 2 weeks during the Christmas holiday period)

Individual Male – 43

Individual Females – 16

Due to lack of funds and a delay in securing funding in the Autumn of 2014 the Blackburn drop-in had not been operating, therefore it took time to re- establish the facility in December – for example attendance figures for April '14 – 94 & May '14 – 86.

December was a very quiet month with drop-ins only open for two weeks – only 12 attended the drop-in during those weeks. January was also fairly quiet – 29 attendances. There was a steady increase in the use of the drop-ins during February and March.

The drop-ins are targeted at young people who do not engage in generic youth clubs that already happen in Blackburn Community Centre. The facility provides support on education and employment issues, alcohol and drug use together with the limited activities available in the youth room within Blackburn Community Centre.

There are a core group of approximately 18 young men and 6-8 young women who regularly use the facility. These young people come from some of the most deprived families and have quite complex backgrounds. The provision of an average weekly attendance for this drop-in is difficult as members of the group are very changeable, an empty house in the community or a young person having access to alcohol to share with the group can influence attendance at drop-ins and groups. However, the positive relationships established with staff running the drop-ins means that the young people always know they can access advice and support –

**Appendix 2 – Blackburn Initiative**

consistency of workers and session times are important even if young people do not always choose to use the facility every session.

Issues addressed during drop –in sessions

Education/ Employment

Relationships – with family and Peers

Crime and ASB

Alcohol and drugs

Health issues

Bullying/ Social media

Politics/ Economic issues

Many other topics are discussed but the above occur most frequently

Specialist sessions provided

Music Workshops x2

Joinery and woodwork training workshops

Alcohol and drug inputs – x3 Sessions - Cannabis/ NPS and Alcohol – Total of – 38 participants

ABI's –Completed

18 – 7 required follow up support, nobody accepted WLDAS referral but engaged with YAP workers, 4 have significantly reduced their alcohol and drug use.

Intensive support group

6 young men aged between 15 – 17 involved in this group

Outcomes – 3 have college places, 2 secured employment, 1 remains unemployed but on an Activity Agreement. (All Positive destinations)

Forum work – still ongoing, links to Community Action Blackburn work.

No significant barriers were experienced during this short programme.

ASB/ Youth Crime stats yet to be provided.



## **COUNCIL EXECUTIVE**

### **HEALTH (TOBACCO, NICOTINE, ETC AND CARE) (SCOTLAND) BILL – CALL FOR EVIDENCE**

#### **REPORT BY HEAD OF SOCIAL POLICY**

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

The purpose of this report is to seek approval for the draft response to call for evidence for the three key parts of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill.

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

The Council Executive is asked to consider and approve the draft responses contained within the call for evidence set out in section D below and recommend its submission to the Scottish Government.

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

###### **I Council Values**

- Focusing on our customers' needs;
- being honest, open and accountable;
- developing employees;
- making best use of our resources;
- working in partnership

###### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

- The Adult Support and Protection (Scotland) Act 2007.
- Creating a Tobacco Free Generation ( 2013)

###### **III Implications for Scheme of Delegations to Officers**

- None known at present.

###### **IV Impact on performance and performance Indicators**

Working in partnership

###### **V Relevance to Single Outcome Agreement**

People most at risk are protected and supported to achieve improved life chances

We live longer, healthier lives and have reduced health inequalities

<b>VI Resources - (Financial, Staffing and Property)</b>	There are anticipated budgetary and resource costs for all health and social services providers.
<b>VII Consideration at PDSP</b>	Not previously.
<b>VIII Other consultations</b>	None.

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

The Health and Sport Committee issued a call for written views on the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill on 3 July 2015.

The Bill was introduced in the Parliament on 4 June 2015 and the Health and Sport Committee has been designated by the Parliament as the lead Committee. The stated policy objective of the Bill is:

- to make provision about tobacco, nicotine and related products, in particular to make provision about retailing, to amend the prohibition on smoking in certain areas and to control advertising and promotion;
- to make provision about a duty of candour following serious incidents in the course of providing care;
- to make provision about offences applying to ill-treatment or neglect where care is provided, and for connected purposes.

There are three key parts to the Bill. These are described briefly below.

1. **Nicotine Vapour Products and smoking in hospital grounds** – The Bill will introduce restrictions on the sale of nicotine vapour products (NVPs) such as e-cigarettes and shisha pipes. These restrictions will include; a minimum purchase age of 18, prohibiting the sale of NVPs via vending machines, requiring NVP retailers to register on the tobacco retailer register, prohibit 'proxy-purchasing' for under 18s, restrict domestic advertising and promotions, implement an age verification policy for the sale of NVPs and ban staff under the age of 18 from selling tobacco and NVPs. The Bill would also make it an offence to smoke in parts of hospital grounds
2. **Duty of Candour** – The Bill proposes to place a duty of candour on health and social care organisations. This would create a legal requirement for health and social care organisations to inform people (or their carers/families) when they have been harmed as a result of the care or treatment they have received.
3. **Ill-treatment and willful neglect** – The Bill would establish a new criminal offence of ill-treatment or willful neglect which would apply to individual health and social care workers, managers and supervisors. The offence would also apply to organisations

Organisations and individuals are invited to submit written views to the Committee in relation to the inquiry remit. West Lothian Council and CHCP previously provided a full response to all three parts of the Bill in the initial consultation period in December 2014. The Health and Sport Committee has now issued a call for evidence and has set out a series of questions. These are addressed below.

#### **Nicotine Vapour Products and smoking in hospital grounds**

1. ***Do you support the Bill's provisions in relation to NVPs?*** Yes.
2. ***Do you support the proposal to ban smoking in hospital grounds?*** Yes
3. ***Is there anything you would add/remove/change in the Bill with regards to NVPs or smoking in hospital grounds?*** No. West Lothian CHCP provided a full response to the original consultation on NVPs and smoking in hospital grounds.

#### **Duty of candour and willful neglect**

4. **Do you support the proposed duty of candour?** Yes.

**Do you support the proposal to make willful neglect or ill-treatment of patients a criminal offence?** Generally yes. However, there was significant discussion regarding why the West Lothian Council response sought to exclude informal caring arrangements from the proposals. There were two views in relation in this – one, that the proposals should cover all wilful neglect and ill-treatment wherever occurring and two, that the proposals should only cover formal settings where contractual arrangements were in place and that the approach regarding informal carers should be still be referenced through existing legislative arrangements such as the Adult Support and Protection (Scotland) Act 2007.

We would also wish to note that this is a complex debate and one which we believe still requires further exploration and discussion (as we highlighted in our original submission).

5. **Is there anything you would add/remove/change in the Bill with regards to these provisions?** No. West Lothian Council provided a full response to the original consultations on both a Duty of Candour and Wilful Neglect.

#### **E. CONCLUSION**

This report informs the Council Executive of the call for evidence on the proposals contained within the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill. The Council Executive is asked to consider and approve the draft responses set out in section D and recommend its submission to the Scottish Government.

#### **F. BACKGROUND REFERENCES**

Appendices/Attachments: 1

Contact Person: Nick Clater, Group Manager – Protection and Emergency Services.

Tel.: 01506 281851; E-mail: [nick.clater@westlothian.gcsx.gov.uk](mailto:nick.clater@westlothian.gcsx.gov.uk)

Responsible CMT Member: Jane Kellock, Interim Head of Social Policy

Tel.: 01506 281757; E-mail: [jane.kellock@westlothian.gcsx.gov.uk](mailto:jane.kellock@westlothian.gcsx.gov.uk)

Date of meeting:





## **Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill - Call for written evidence – Response from West Lothian Council and CHCP**

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