

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 4 AUGUST 2015.

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

Apologies – Councillors Lawrence Fitzpatrick and Angela Moohan

1. DECLARATIONS OF INTEREST

1. Agenda Item 8 (Alcohol Diversionary Activities) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed board member of West Lothian Youth Action Project but would participate in the item of business; and
2. Agenda Item 6 (Land at former Addiewell Bing) – Councillor Tom Conn declared a non-financial interest in that he was a council appointed board member of West Lothian Recycling Ltd and would not participate in the item of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 30 June 2015. The Minute was thereafter signed by the Chair.

3. POLLING SCHEME FOR THE LOCAL GOVERNMENT BY-ELECTION IN THE LINLITHGOW WARD

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval of a scheme of polling places for the local government by-election to be held in the Linlithgow Ward.

The Chief Executive advised that the council was 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 October 2013. Following this review in January 2014 the council agreed a polling scheme to cover the European Election in June 2014, the Scottish Independence Referendum in September 2014 and the General Election in May 2015.

The polling scheme across West Lothian would be reviewed over the coming months in order that a polling scheme was agreed for the Scottish Parliamentary Elections in May 2016. However as a by-election would be taking place in the Linlithgow Ward within the next three months, it was necessary to agree a polling scheme for this ward, as the full review

would not be complete.

In designating polling districts and polling stations, legislation required that each electoral ward must be divided into two or more polling districts unless there were 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 made it desirable to designate an area wholly or partly outside the polling district. The council was also to ensure that all electors in a constituency in the local authority area had such reasonable facilities for voting as were practicable in the circumstances.

The timescale required for agreeing a polling scheme to be used at the by-election in the Linlithgow Ward did not permit the level of consultation usually employed during a polling scheme review. Therefore the process had necessarily been restricted to an examination of feedback on the Linlithgow Ward polling places from the last three electoral events. The only issue that had been raised from these previous events was the closure of Linlithgow Primary School. This issue had now been addressed and a solution had been put in place to allow it to remain open to students during the General Election and this arrangement would be carried forward to the by-election.

Therefore no changes were proposed to the polling scheme for the Linlithgow Ward and these were shown in Table 1 contained within the report.

It was recommended that the Council Executive agree that the polling scheme for the local government by-election to be held in the Linlithgow Ward remain unchanged from that used in the General Election in May 2015.

Decision

To approve the terms of the report.

4. LAND AT FORMER ADDIEWELL BING, ADDIEWELL - PROPOSED LEASE TO WEST LoTHIAN RECYCLING LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval of a ten year lease of land at the former Addiewell Bing to West Lothian Recycling Ltd.

The Head of Finance and Estates explained that West Lothian Recycling was a joint venture between the council and Tarmac, who had occupied the 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.

Therefore a new lease was being sought by the parties for a period of 10 years, with a tenant option to break on the fifth anniversary of the lease, at an annual rent of £34,200. Further terms and conditions were summarised in the report.

It was recommended that the Council Executive approve a ten year lease of the land at the former Addiewell Bing to West Lothian Recycling Limited at an initial rent of £34,200 per annum subject to the detailed terms and conditions summarised in the report.

Decision

To approve the terms of the report

5. THE MILL SHOPPING CENTRE, BLACKBURN - HEAD LEASE RENT REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the conclusion of negotiations in respect of The Mill Shopping Centre head lease rent review.

The Head of Finance and Estates explained that The Mill Shopping Centre in Blackburn was owned by Dunbar Pensions and Investments Limited. The centre was 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 were due on 1 March 2005, 2010 and 2015. The head rent passing immediately prior to the review was £126,200 per annum.

The Head of Finance and Estates continued to explain that as the parties were unable to reach an agreement on the market rent as defined in the head lease and in accordance with the lease provision, the matter was referred to an independent third party expert for determination. Both parties made written submissions and counter submissions to the expert, who then issued a 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 was binding on both parties.

It was recommended that the Council Executive note that the Independent Expert appointed by the Royal Institution of Chartered Surveyors had 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.

Decision

To note the contents of the report

6. ALCOHOL DIVERSIONARY ACTIVITIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the applications

submitted to the Alcohol Diversionary Fund and to seek approval that funds were released to undertake the activities detailed within the two applications.

Attached to the report as a series of appendices were two applications that had been submitted to the Alcohol Diversionary Fund. It was noted that the applications had proceeded through their relevant Local Area Committee and had met the West Lothian Alcohol Drug Partnership Joint Commissioning Plan outcomes. The two applications were summarised in the report.

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

Decision

To approve the terms of the report

7. HEALTH (TOBACCO, NICOTINE, ETC AND CARE) (SCOTLAND) BILL - CALL FOR EVIDENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of a draft response to the call for evidence for the three key parts of the Health (Tobacco, Nicotine, etc and Care) (Scotland) Bill, a copy of which was attached to the report at Appendix 1.

The Head of Social Policy explained that the Bill had been introduced in the Parliament on 4 June 2015 and the Health and Sport Committee had been designated by the Parliament as the lead committee. The stated policy objective of the Bill was :-

- 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; and
- To make provision about offences applying to ill-treatment or neglect where care was provided and for connected purposes.

The three key parts to the Bill were Nicotine Vapour Products and smoking in hospital grounds, Duty of Candour and Ill Treatment and Wilful Neglect and a summary on each of these were detailed in the report.

Organisations and individuals had been invited to submit written reviews to the committee, noting that West Lothian Council and the CHCP had previously provided a full response to all three parts back in December 2014. However the committee was now seeking views on specific questions and these were summarised in the report.

Therefore the Council Executive was asked to consider and approve the draft response contained within the call for evidence as set out in the report for onward submission to the Scottish Government.

Decision

To approve the terms of the report