



West Lothian
Council

Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

20 August 2015

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 25 August 2015** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Minutes
 - (a) Confirm Draft Minute of Meeting of Council Executive held on Wednesday 29 July 2015 (herewith).
 - (b) Confirm Draft Minute of Meeting of Council Executive held on Tuesday 04 August 2015 (herewith).

Public Items for Decision

5. Fixed-Odds Betting Terminals - Response to Scottish Parliament Local Government and Regeneration Committee's Call for Evidence - Report by Head of Corporate Services (herewith).

6. Alcohol (Licensing, Public Health and Criminal Justice))Scotland) Bill - Response To Scottish Parliament Finance Committee's Call for Evidence - Report by Head of Corporate Services (herewith).
7. Consultation on Proposal for a Cyber Resilience Strategy for Scotland - Report by Head of Corporate Services (herewith).
8. Broxburn Conservation Area Boundary Appraisal - Report by Head of Planning and Economic Development (herewith).
9. Unit 6 Greendykes Industrial Estate, Broxburn - Proposed Lease to John Nixon Limited (Nixon Plant Hire) - Report by Head of Finance and Estates (herewith).
10. Development Site HLv111, Kirkton North, Livingston - Proposed Sale to Barratt East Scotland - Report by Head of Finance and Estates (herewith).
11. East Calder Partnership Centre Update - Report by Head of Finance and Estates (herewith).
12. Chancellor's Summer Budget 2015 - Report by Head of Finance and Estates (herewith).
13. Living Wage - Report by Head of Finance and Estates (herewith)
14. Revenue Budget Strategy Update - Report by Head of Finance and Estates (herewith).
15. Update on Approach to Enhancing Support for Customers in Relation to Debts Due to the Council - Report by Head of Finance and Estates and Head of Housing, Construction and Building Services (herewith).
16. West Lothian Villages Improvement Fund Application - Report by Linlithgow Lead Officer (herewith).
17. Proposed Stopping-Up Order - Footway/Footpath at 1 - 27 Station Road, Armadale - Report by Head of Operational Services (herewith).

Public Items for Information

18. Flood Risk Management - Prioritisation - Report by Head of Operational Services (herewith).
19. St John's Hospital Stakeholder Group - Report by Depute Chief Executive, Community Health and Care Partnership (herewith).
20. PRIVATE SESSION - The Clerk considers that the following business is likely to be taken in private (exempt under the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973).

Private Items for Decision

DATA LABEL: Public

21. Heartlands Business Park, Whitburn - Report by Head of Finance and Estates (herewith).
22. Heartlands and Polkemmet, Whitburn - Report by Head of Planning and Economic Development

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

MINUTE of SPECIAL MEETING of the COUNCIL EXECUTIVE of WEST Lothian COUNCIL held within COUNCIL CHAMBERS, WEST Lothian CIVIC CENTRE, LIVINGSTON , on 29 JULY 2015.

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

Apologies – Councillor Lawrence Fitzpatrick and Angela Moohan

1. DECLARATIONS OF INTEREST

Agenda Item 4 (Paediatric Services at St John's Hospital) – Councillor Peter Johnston declared a non-financial interest as a Non-Executive Director of NHS Lothian, for which a specific exclusion applied. He also declared an interest as COSLA's spokesperson for Health and Well-Being Strategic Group.

2. PAEDIATRIC SERVICES AT ST JOHN'S HOSPITAL

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of a reduction in Paediatric Services at St John's Hospital, Livingston during the summer of 2015.

The Chief Executive explained that NHS Lothian had implemented a reduced service in Paediatric Services at St John's Hospital to meet anticipated staffing pressures over July and August 2015 and which commenced on Friday 3 July 2015.

The Council had written to the Cabinet Secretary for Health, Well-Being and Sport in relation to the issue to convey the council's concern and opposition to this move and also to seek an assurance that the service would return to a normal and fully operational service in August.

Additionally at a meeting of the St John's Hospital Stakeholder Group on 22 July 2015, NHS Lothian were unable to provide an undertaking that regular services at the Paediatric Unit would resume again following the reduction of services which had been implemented in July 2015.

It was recommended that the Council Executive :-

1. Notes the reduction in Paediatric Services which had been operating at St John's Hospital over the summer period in 2015; and
2. Decide what action should be taken by the council in relation to the issue.

Motion

"Council Executive condemns the failure of NHS Lothian and the Scottish Government to maintain a fully functional paediatric service at St John's

Hospital over the summer and for the resultant downgrade of the service that has occurred.

Council Executive further condemns NHS Lothian and the Scottish Government for their subsequent failure to confirm the date when a normal paediatric service will resume at St John's Hospital and for their unwillingness to rule out that the downgrade of the Service at St John's Hospital will not be permanent.

Council Executive restates this position of Council that no downgrade of the Paediatric Service at St John's Hospital is acceptable, calls upon NHS Lothian and the Scottish Government to urgently confirm the date from which the full paediatric service will resume at St John's Hospital, and instructs the Chief Executive to consider options available to West Lothian Council to campaign for the retention of a full paediatric service at St John's Hospital."

- Moved by Councillor McMillan and seconded by Councillor Boyle

Amendment

"West Lothian Council SNP Group reiterates our absolute and continuing commitment to supporting the provision of 24/7 paediatric services at St. John's.

West Lothian Council SNP Group congratulates the consultants and staff working within the St. John's Children's Ward for their dedication, commitment and delivery of high quality services to the community of West Lothian.

The SNP Group notes;

- The current restriction in opening hours is a temporary move by NHS Lothian in response to their view that there is a lack of available suitably trained staff to provide a reliable "out of hours" rota.
- The current availability of staff to fill the rota is fluid with staff sickness, maternity leave and the failure to appoint to a medical staff vacancy, all contributing to compromising the available staff resource.
- NHS Lothian intends to assess the viability of the "out of hours" rota in the first week of August.
- The NHS Lothian Board will discuss a paper on St. John's paediatrics at their meeting on 5th August.

The SNP Group asserts;

1. That the 24/7 paediatric service at St John's is an essential part of the provision of appropriate medical services for the West Lothian community.

2. That fully integrated children's health and care services provide the optimum opportunity to provide sustainable long term paediatric services at St. John's.
3. That it is essential that NHS Lothian take all steps necessary to remove the current restrictions on paediatric services at St John's and to restore 24/7 paediatric services to St John's as a matter of urgency.

The SNP Group therefore call upon the Council Executive to;

1. Write to the Chief Executive of NHS Lothian to reiterate the view that 24/7 paediatric services at St. John's are essential to the well-being of the West Lothian community and that it is essential that a 24/7 service is restored as a matter of urgency and delivered in a sustainable manner.
 2. Write to the Chief Executive of NHS Lothian seeking an urgent meeting to discuss how best West Lothian's children's health and care services can be integrated and devolved to the West Lothian Health and Care Partnership.
 3. Write to West Lothian's MSP's and MP's seeking their support for points 1 and 2.
- Moved by Councillor Johnston and seconded by Councillor Anderson

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

Motion

Amendment

Tom Conn

Frank Anderson

Jim Dixon

Peter Johnston

Dave King

Danny Logue

John McGinty

Anne McMillan

Tony Boyle

Cath Muldoon

George Paul

Decision

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

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



COUNCIL EXECUTIVE

FIXED-ODDS BETTING TERMINALS – RESPONSE TO SCOTTISH PARLIAMENT LOCAL GOVERNMENT AND REGENERATION COMMITTEE'S CALL FOR EVIDENCE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To present for approval a draft response to the Scottish Parliament's Local Government and Regeneration Committee's call for evidence in relation to changes to the law regarding the number of fixed-odds betting terminals which may be permitted on premises licensed under the Gambling Act 2005.

B. RECOMMENDATION

It is recommended that the Council Executive approves the response to the call for evidence contained in Appendix 1 to this report.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Providing equality of opportunities• Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<ul style="list-style-type: none">• Licensing (Scotland) Act 2005
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single	None

Outcome Agreement

VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	The proposed response to the call for evidence was considered by the Partnership and Resources PDSP at its meeting on 14 August 2015.
VIII Other consultations	Licensing Standards Officers and Heads of Service

D. TERMS OF REPORT

D1 Background

Fixed-odds betting terminals are gaming machines for which the maximum charge for use is no more than £100 and the maximum prize value is no more than £500. They may generally be found in betting offices, for example in the form of computerised roulette machines.

These machines have been controversial and subject to criticism on the basis that they play a causal role in problem gambling, in the main due to the amount of money which users may be able to lose betting on them in a short space of time. However, other critics also hold the view that there is insufficient evidence available at the moment to form this conclusion about fixed-odds betting terminals.

Under the Gambling Act 2005 there are three types of premises licence available which permit premises to have fixed-odds betting terminals. These are for betting offices, casinos and tracks with the relevant additional permissions. Licensed betting offices are currently permitted to have up to four fixed-odds betting terminals. There are currently 32 betting premises licences issued in West Lothian. There is one track, but without the relevant additional permissions to have fixed-odds betting terminals. There are no casinos.

Under The Scotland Bill published by the UK Government on 28 May 2015 the power to limit the number of these machines permitted under a betting premises licence only would be devolved to the Scottish Ministers. This power would only apply to betting premises licences issued after the new law comes into effect.

The Scottish Government's position is that the power to limit the number of these machines given to the Scottish Ministers should not be limited to betting premises licences only but should extend to all other relevant kinds of gambling premises licences e.g. for casinos and tracks with the relevant additional permissions too. The Scottish Government's position is also that once the law comes into effect it should apply to existing licences as well as new ones. The Scottish Government considers that this is the best way to tackle a "proliferation of fixed-odds betting terminals" with regard to the perceived gambling related problems in relation to them.

D2 Draft response

A draft response to the Local Government and Regeneration Committee's call for evidence is attached as Appendix 1 to this report.

West Lothian Licensing Board, which is the licensing authority for West Lothian for the purposes of the Gambling Act 2005, has considered the call for evidence and has submitted a separate response.

D3 Consideration at PDSP

At its meeting on 14 August 2015 the Partnership and Resources PDSP considered the draft response to the consultation and agreed to recommend to the Council Executive that the draft response be approved.

Since the draft response was considered by the Partnership and Resources PDSP two minor corrections have been made by officers to reflect that, under the UK Government proposal, the Scottish Government would be able to limit the number of fixed-odds betting terminals permitted under future betting premises licences but not existing ones and that, under the Scottish Government proposal, the costs of writing to existing licences holders affected by a change to the number of fixed-odds betting terminals permitted under their licences could be met under existing licensing budgets rather than at a cost to the council, if required.

E. CONCLUSION

The Scottish Parliament's Local Government and Regeneration Committee seeks the council's view on changes to the law regarding the number of fixed-odds betting terminals which may be permitted on premises licensed under the Gambling Act 2005. The Council Executive is invited to consider and approve the draft response attached as Appendix 1 to this report.

F. BACKGROUND REFERENCES

Licensing (Scotland) Act 2005

Appendices/Attachments:

Appendix 1: Draft response to call for evidence

Contact Person: Audrey Watson, Managing Solicitor, Licensing Team, Legal Services
(01506) 281624

Audrey.watson@westlothian.gov.uk

Julie Whitelaw
Head of Corporate Services

Date: 25 August 2015

WEST LoTHIAN COUNCIL**RESPONSE TO CALL FOR EVIDENCE BY THE LOCAL GOVERNMENT AND REGENERATION COMMITTEE
OF THE SCOTTISH PARLIAMENT****FIXED-ODDS BETTING TERMINALS****1. What would be the benefits and disadvantages for you as a consequence of the UK Government's proposed provision in the Scotland Bill 2015?**

With regard to the general rationale for limiting the number of fixed-odds betting terminals available to the public if they are identified by Government to play a causal role in relation to problem gambling (see further below), the issue seems to be whether the Scottish Government could limit the number of fixed-odds betting terminals under all relevant types of gambling premises licences, regardless of when they were issued, or whether this would have to be done in part by the Scottish Government (for betting premises licences issued after the change in law came into effect only), and in part by the UK Government (for betting premises licences issued before the change in law came into effect and all other relevant premises licences). With regard to this the council is unable to comment on whether the UK Government's proposed provision would hold benefits or disadvantages for the council, as too much remains uncertain. This includes:

- whether the Scottish Ministers would limit the number of fixed-odds betting terminals permitted under a betting premises licence issued after the law came into effect and, if so, to what number;
- whether the UK Government separately would limit the number of fixed-odds betting terminals permitted under existing betting premises licences/ other types of premises licences and, if so, to what number; and
- what effect this would have overall on reducing problem gambling (see further below).

2. What would be the benefits and disadvantages for you as a consequence of the proposed alternative position suggested by the Scottish Government?

The same comments made above are repeated here. The apparent difference being that the Scottish Ministers would be able to limit the number of fixed-odds betting terminals permitted under all relevant gambling premises licences, regardless of when they were issued, rather than this being done in part by the Scottish Government and in part by the UK Government. However, there would still be a question as to whether the Scottish Ministers would exercise this power and, if so, to what number, and what effect this would have on reducing problem gambling.

3. Which of these approaches do you prefer and why?

The council notes that, under the Gambling Act 2005, the categories of premises permitted to have category B2 machines (fixed-odds betting terminals) are casinos, betting offices and tracks with the relevant additional permissions. Currently licensed betting offices are permitted to have up to four fixed-odds betting terminals.

The council notes that there is research, including findings published by the UK Government, that fixed-odds betting terminals have been controversial. In the main the council understands this is because critics believe they have played a role in problem gambling, in particular due to the relatively large amount of money which can be lost on them in what may be a short space of time. However, the council understands that there is also ongoing debate as to whether there is a causal link between fixed-odds betting terminals and problem gambling. The council also understands that there is also debate as to whether the maximum stake available on fixed-odds betting terminals should be reduced.

As licensing boards are not required to hold records of what number and type of machines premises licence holders have on their premises under the current permissions, the council is unable to comment on whether the current permissions have resulted in a “proliferation” of fixed-odds betting terminals in its area, or may have contributed to such a phenomenon across Scotland.

Due to the limited number of relevant premises licences issued by West Lothian Licensing Board (currently 32 licensed betting offices, one track but without the relevant additional permissions, and no casinos), and the absence of any complaints received to date regarding this issue, the council has no information to suggest that a “proliferation” of fixed-odds betting terminals in its area has occurred. The council also has insufficient information available to form an opinion on whether and to what extent fixed-odds betting terminals play a causal role in problem gambling.

In West Lothian there has been very little change over the years in the provision of licensed betting offices. Only two applications have been processed in the last five years. Due to the limited number of gambling licences issued in West Lothian, this is not expected to change to any significant extent in the foreseeable future.

However, the council would generally support action taken by Government to address problem gambling and the associated problems it can bring for members of the community, as deemed appropriate by Government. The council provides a range of services to the community in areas such as debt management and housing in which problem gambling can be a factor. The council generally supports action taken by Government to address issues of financial hardship and homelessness through primary legislation, or to provide licensing/ local authorities with the means to do so.

While in Scotland it is licensing boards, rather than local authorities, who are “licensing authorities” for the purposes of the Gambling Act 2005, the council is also nonetheless

generally supportive of the licensing objectives contained in the Act, including protecting children or other vulnerable persons from being harmed or exploited by gambling.

On this basis the council would generally support legislation providing the means for Government to limit the availability of fixed-odds betting terminals, should Government identify that fixed-odds betting terminals play a causal role in problem gambling.

With regard to the extent of the powers to be devolved to the Scottish Government in this regard, the council generally considers that, if fixed-odds betting terminals are identified by Government to play a causal role in relation to problem gambling, Government would wish to have the ability to limit the number of these machines permitted under any relevant type of gambling premises licence. The council is unaware what the rationale would be for the power to limit their availability to be part devolved to the Scottish Government for betting premises licences only and reserved to the UK Government for other types of premises licences.

With regard to whether the powers to be devolved to the Scottish Government should apply to existing premises licences as well licences issued after the law is changed (future licences), the council considers that clarification may be required, based on the UK Government position, as to whether the future licences concerned would or would not include licences issued after the power to limit the number of fixed-odds betting terminals was devolved to the Scottish Ministers, but before the Scottish Ministers exercised that power to set a minimum permitted number.

In any event, the same comments made above are repeated here. If Government identifies fixed-odds betting terminals to play a causal role in relation to problem gambling, Government would presumably wish to have the ability to limit the number of these machines permitted on gambling premises, whether the relevant licences were issued before or after the reduced number of machines permitted became law.

4. Are there any changes in this area of law you would like to see which are not covered by either proposal, and why?

The council does not have sufficient information to form any opinion on the impact a change to the law as to the maximum permitted stake on fixed-odds betting terminals could have in relation to problem gambling. However, the council considers that, if this has been identified as a potential form of legal redress to the same issue, this should also be considered by Government.

5. Please make any further comment you feel is relevant to Committee's inquiry into FOBTs.

N/A



COUNCIL EXECUTIVE

ALCOHOL (LICENSING, PUBLIC HEALTH AND CRIMINAL JUSTICE) (SCOTLAND) BILL – RESPONSE TO SCOTTISH PARLIAMENT FINANCE COMMITTEE'S CALL FOR EVIDENCE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To present for approval a draft response to the Finance Committee of the Scottish Parliament's call for evidence in relation to the provisions of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill.

B. RECOMMENDATION

It is recommended that the Council Executive approves the response to the call for evidence contained in Appendix 3 to this report.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Providing equality of opportunities• Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<ul style="list-style-type: none">• Licensing (Scotland) Act 2005
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single	None

Outcome Agreement

VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	The proposed response to the call for evidence was considered by the Partnership and Resources PDSP at its meeting on 14 August 2015.
VIII Other consultations	Licensing Standards Officers and Heads of Service

D. TERMS OF REPORT

D1 Background

The Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill is a Member's Bill which was introduced to the Scottish Parliament by Dr Richard Simpson MSP on 1 April 2015. The main changes proposed by the Bill are detailed in Appendix 1 to this report.

The Health and Sport Committee of the Scottish Parliament is currently scrutinising the Bill. The Committee launched its initial call for written evidence on the Bill on 14 May 2015. The council's response to that call for evidence is attached at Appendix 2 to this report.

D2 Further call for evidence by the Finance Committee

The Scottish Parliament's Finance Committee has invited organisations and individuals to submit written evidence setting out their views on the financial implications of the Bill.

A questionnaire has been issued which was copied to the council's Licensing Standards Officers and all Heads of Service. All comments received have been reviewed and where appropriate incorporated into the draft response which is attached at Appendix 3 to this report.

West Lothian Licensing Board has considered the Finance Committee's call for evidence and has submitted a separate response.

D3 Consideration at PDSP

At its meeting on 14 August 2015 the Partnership and Resources PDSP considered the draft response to the call for evidence and agreed to recommend to the Council Executive that the draft response be approved.

E. CONCLUSION

The Scottish Parliament's Finance Committee seeks the council's view on the Financial Memorandum associated with the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill. The Council Executive is invited to consider and approve the draft response attached as Appendix 3 to this report.

F. BACKGROUND REFERENCES

Licensing (Scotland) Act 2005

Appendices/Attachments:

Appendix 1: main changes proposed by the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

Appendix 2: West Lothian Council's response to the initial call for evidence on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill approved by the Council Executive on 9 June 2015

Appendix 3: Draft response to the further call for evidence on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

Contact Person: Audrey Watson, Managing Solicitor, Licensing Team, Legal Services
(01506) 281624

Audrey.watson@westlothian.gov.uk

Julie Whitelaw
Head of Corporate Services

Date: 25 August 2015

THE ALCOHOL (LICENSING, PUBLIC HEALTH AND CRIMINAL JUSTICE) (SCOTLAND) BILL – MAIN PROVISIONS

The Bill proposes to change liquor licensing law in Scotland in the following areas:

Restrictions on sale of alcohol

- section 1: retailers could no longer sell larger multi-packs where the price per can or bottle is less than a smaller multi-pack they also sell;
- section 2: it will no longer be lawful to sell alcoholic drinks containing caffeine at a level to be set by the Scottish Ministers;
- section 3: clarification that Licensing Boards cannot increase the minimum age for off sales from premises to an age above 18; and
- section 4: container marking for off sales requiring premises to 'fingerprint' the cans, bottles or other containers they sell so that the containers can be traced back to them (the police would have to apply to the Licensing Board before this was required of a premises).

Changes to the licence application process

- section 5: in areas where there is no Community Council the neighbour notification 'zone' would be expanded from 4 metres from the boundary of the relevant premises to 50 metres. The notification period would be doubled from 21 to 42 days.

Restrictions on advertising of alcohol

- sections 6 to 13: new restrictions on advertising of alcohol, including a ban on alcohol advertising within 200 metres of schools, nurseries, crèches and children's play areas and alcohol advertising at sporting and cultural events. Including section 12: fixed penalties for contraventions of the new advertising restrictions (to be issued by the police or licensing standards officers).

Alcohol Education

- section 14: a new 5 year Alcohol Education Policy Statement to be published by the Scottish Ministers.

Drinking Banning Orders

- sections 15 to 29: new Drinking Banning Orders prohibiting persons from entering licensed premises (except off sales) if necessary for protecting other persons from criminal or disorderly conduct by that person while they are under the influence of alcohol (the police or local authority would have to apply for this to the sheriff court).

Alcohol awareness training

- section 30: persons issued with a fixed penalty by the Procurator Fiscal due to their having committed a public order offence involving alcohol would have the option of doing alcohol awareness training instead of paying the fixed penalty. Local authorities may have to finance the alcohol awareness training.

Criminal offences involving alcohol

- section 31: notification to offender's GP by the court.

West Lothian Council

**Response to call for evidence on the Alcohol (Licensing, Public Health and Criminal Justice)
(Scotland) Bill**

Q1 – Do you support the Bill as a whole?

The council recognises and supports the general long term aims of the Bill, which are, among other things, to attempt to regulate the sale and advertising of alcohol, in order reduce problem drinking and alcohol related harm. The council also recognises that, through this, there is potential for long term savings in public spending, in the main in public health, policing and criminal justice. The council notes that the Bill contains a mixture of changes to existing licensing law and brand new provisions. The council considers that there is an important need to consider, with regard to their anticipated financial and resource implications, how the provisions of the Bill will operate, and what they will achieve.

The work of different council service areas, including the council's Social Policy Service, will be affected by the provisions of the Bill. The council is a partner in West Lothian Community Safety Unit (CSU), which has a key role to play in the reduction of antisocial behaviour, violence and the community and social harm caused by substance misuse in West Lothian.

Q2 – Do you support particular provisions in the Bill?

The council supports the following provisions of the Bill, for the following reasons:

Section 1 – minimum pricing of packages containing more than one alcoholic product

The council recognises that this provision of the Bill is intended to expand the provisions of the current legislation in relation to multi-packs by preventing licensed premises from selling larger multi-packs of alcohol at a discount relative to smaller multi-packs, even where a single can, bottle or other container of the same alcohol product is not sold in the same retail outlet.

The council supports this provision of the Bill insofar as it seeks to prevent members of the public being able to purchase alcohol at lower costs, thereby discouraging them or removing the incentive to 'bulk-buy' and, through bulk-buying, potentially to consume more alcohol than they would otherwise have intended to consume.

Section 2 – alcoholic drinks containing caffeine

The council supports this provision of the Bill insofar as this should help to reduce the number of incidents reported by the Scottish Prison Service referred to paragraph 22 of the Financial Memorandum to the Bill as well as addressing root issues for antisocial behaviour and violence.

Section 3 – age discrimination: off-sales

The council supports this provision of the Bill insofar as an all- encompassing, nationwide approach should be taken to the minimum legal age for off sales, and that it would be discriminatory for a Licensing Board to choose particular off sales premises in which to impose conditions of age and not others. In addition it would be confusing for a different minimum age to apply for on sales in an area than for off sales.

The council notes that this provision of the Bill appears simply to clarify the existing terms of sections 27 and 27A of the 2005 Act by making express that section 27A(2) applies to both the Scottish Ministers and Licensing Boards.

Section 4 – container marking: off sales

The council supports this provision of the Bill insofar as it should strengthen police, local authority and voluntary organisations’ efforts to prevent alcohol being sold illegally and agent (proxy) purchasing for young people under 18 years of age, subject to careful consideration of the financial and resource implications this provision would have (see answer to question 3 below). The findings of the pilot scheme should be considered carefully as to what evidence is available of what this provision of the Bill could achieve. Consideration should be given as to whether this provision of the Bill, rather than facilitating the making of applications to Licensing Boards and variation of premises licence conditions in individual cases, would be better implemented as a nationwide requirement on suppliers/ retailers.

Section 5 – applications for, or to vary, premises licences: consultation and publicity

The council supports this provision of the Bill insofar as it should strengthen the involvement of the community in the licensing process.

Sections 6 to 13 – restrictions on advertising of alcohol

The council supports a restriction on alcohol advertising within 200 metres of certain premises which are used primarily by children and in particular circumstances. The council considers, however, that careful consideration should be given to the wide definition of advertising contained in the Bill, and the consequences, including possible unintended consequences, this may have. For example, whether the ban would, or is intended, to extend to the use outdoors of various items commonly used on licensed premises, including parasols, branded glasses and beer mats. With regard to the scale of the restrictions proposed, these could also have significant commercial consequences for premises and consequently local town centres.

Section 14 – alcohol education policy statements

The council supports an obligation on the Scottish Ministers to publish alcohol education policy statements and to review these every 5 years. The council and other Community Safety Unit (CSU) partners are in a good position to report on how the CSU partners deliver effective prevention campaigns and education programmes along with strategies to identify and deliver early intervention approaches where it is needed in order to highlight the consequences of alcohol misuse and focus on promoting alternative health lifestyle choices.

Section 15 to 29 – Drinking Banning Orders

The council recognises that Drinking Banning Orders (DBOs) could have a role to play in protecting vulnerable people and the general public and is supportive of this. The council supports this provision of the Bill insofar as it should contribute to both the recovery for the individuals concerned and in terms of community safety. The council also recognises that in terms of recovery this will also depend on the treatment options available to the person who would be the subject of a DBO.

However, the council also considers that careful consideration should be given to what a DBO could achieve which an Anti-social Behaviour Order cannot currently achieve. In addition consideration must be given to who would be responsible for providing approved courses to persons who would be the subject of DBOs. Reference is made to paragraph 93 of the Financial Memorandum to the Bill which envisages that such courses would be delivered by commercial organisations for a fee to be paid by the person attending the course. If the position were to change and, for example, Alcohol and Drugs Partnerships were to provide such courses, additional resource would be required, in particular as high demand may result based on the ability to attend such a course and then to apply to have a DBO revoked.

Section 30 – fixed penalty notices involving alcohol: alcohol awareness training as alternative to fixed penalty

The council recognises that early intervention measures may reduce incidences of problem drinking and associated problems. The council supports this provision of the Bill as an alternative to a fixed penalty notice under the Antisocial Behaviour etc. (Scotland) Act 2004 for minor offences, subject to the questions of funding and resource availability which would first have to be resolved. In particular it is unclear whether the delivery of alcohol awareness training would fall on local authority community safety/ anti-social behaviour teams to deliver and, if so, how the costs of this would be met in the short term. In addition the Council's experience tends to show that awareness sessions can be ineffective depending on the nature of the individual, and therefore that a 'one size fits all' approach does not work. For certain individuals, in order to be effective, something more long-term and intensive is required.

Section 31 – offences involving alcohol: notification of offender's GP

The council notes that while GPs will be under no obligation to take action, this provision may result in an increase in referrals for treatment to different services. However, as the council currently only takes referrals through the courts by way of court orders, which are funded, this provision of the Bill is not expected to result in additional referrals to council services, or additional cost to the council.

Q3 – Do you have concerns about particular provisions in the Bill?

Section 4 – container marking: off sales

With reference to paragraph 33 of the Financial Memorandum to the Bill, the council is very surprised that the costs on local authorities associated with this provision are expected to be likely to include purchasing and distributing the equipment required to implement the container marking requirement (such as stickers or UV pens). The reasons for this are:

- there is no other example of any licence condition where local authorities are expected to provide licence holders with the means to comply with the condition as in all other cases they are expected to do this themselves e.g. the provision of CCTV.
- in principle this would compromise the degree of separation between the imposition of licence conditions and compliance or otherwise with those conditions which should be kept absolute. The legislation should not create a circular arrangement whereby local authorities are required to provide licence holders with the means to comply with a licence condition and the question of whether the licence holder has complied with the condition or otherwise could later come before the Licensing Board, when the means available to comply with the condition could be subject to scrutiny.
- if this cost requirement was imposed on local authorities, the question of maintenance and upkeep costs of the associated equipment would also arise. The council does not consider that it would be appropriate or reasonable to impose these costs on local authorities.
- the council notes that the Financial Memorandum states that equipment costs will depend on the type of equipment used and the scale of any scheme and so are difficult to estimate. The scale of container marking for example for a supermarket would be significant and would require appropriate system and staffing arrangements to be in place. The council expects that the costs associated with this would be very significant.

Paragraphs 33 and 34 of the Financial Memorandum refer to the costs of liaison with the police on written requests to vary licence conditions to provide for off sales marking. The council does not recognise, as stated in paragraph 34, that these are likely to be minimal and absorbed in normal running costs for local authorities and the police.

The council notes that in terms of section 27B(5) of the Bill a written request for a container marking condition by the Police is required to set out, among other things, how the container mark should be applied. While this sounds simple, in practice it is likely to be considerably more complex.

In the first place, forward planning on the part of local authorities and the Police would be required. This would include for example considering the practical means of marking different containers and devising a system of container marking which would enable premises containers to be marked in a way which avoided risk of duplication or confusion of the markings given to the containers for different premises. The novelty of these issues is likely to make the work required relatively resource intensive. Any input required from third party agencies or advisors may also incur costs.

Similarly, with reference to liaising with police on revoking container marking conditions, it is unclear in what circumstances the Board could consider that the condition was no longer necessary or expedient for the purposes of any of the licensing objectives. Again while this sounds simple, in practice it is likely to be considerably more complex. It is unclear what information the Police will be able to ingather through container marking, and by what measures it will be possible to compare the effect of continuing to impose a container marking condition against its being revoked. Licence holders can apply under the 2005 Act to vary their premises licence to have a condition of their licence removed. It is likely that licence holders will wish to apply to have a container marking condition removed from their licence if they can and the considerations referred to above will also require to be addressed at that stage.

Paragraph 35 of the Financial Memorandum refers to the possibility to absorb the costs referred to in licensing fees. The council recognises as stated in paragraph 35 that most local authorities have already set their fees at the maximum level permitted under the current Regulations and that it would be for the Scottish Ministers to increase these maximum levels. It should be noted that, as this provision of the Bill would create an entirely new procedure under the 2005 Act, it is not clear which if any of the existing fees could properly be increased to accommodate the costs associated with this.

Q4 – How will the particular provisions in the Bill fit with your work, or the work of your organisation?

Subject to the above, the council considers that the provisions of the Bill will generally fit in well with the work of the council for prevention and intervention of alcohol related issues, by reducing intake of alcohol and its negative impact on individuals and communities.

Q5 – Will the Bill have financial or resource implications for you or your organisation?

The council welcomes the attempts in the Financial Memorandum to the Bill seeking to address the financial implications of the provisions contained in the Bill for different bodies, including local authorities. While Licensing Boards are distinct legal bodies from local authorities, local authorities provide comprehensive resources and services to Licensing Boards to enable them to carry out their functions. Therefore costs considerations for Licensing Boards are direct cost considerations for local authorities.

The council considers that there are parts of the Bill which will have significant short to long term financial and resource implications for local authorities.

Section 1 – minimum pricing of packages containing more than one alcoholic product

There would be a financial and resource implication for the council of an administrative nature as this provision of the Bill would require an updated set of mandatory conditions to be sent to all premises licence holders.

Section 2 – alcoholic drinks containing caffeine

There would be a financial and resource implication for the council of an administrative nature as this provision of the Bill would require an updated set of mandatory conditions to be sent to all premises licence holders and occasional licence holders. This may include occasional licences issued before the date of this provision of the Bill coming into force, if the provision came into force before the date(s) licensed under the occasional licence. An administrative exercise would have to be undertaken to determine if this was the case.

Section 4 – container marking: off sales

Detailed comment is provided above in answer to question 3.

Section 5 – applications for, or to vary, premises licences: consultation and publicity

The resources provided to the Board by the council include the publishing of information and application forms on the council's website. The financial and resource implications of this provision of the Bill for the council would therefore include the costs of updating all of the relevant information and forms to reflect this provision of the Bill.

In view of the significant impact this provision of the Bill would have on the premises licence application and premises licence variation process, it is likely that some publicity material would be required in order to make applicants and the wider public aware of the change, and some financial and resource implications would also arise from this.

The neighbour notification element of this provision of the Bill (change of "4 metres" to "50 metres") would lead to significant resource implications for council officers in, first, identifying neighbours within the significantly bigger radius specified in the Bill and, second, preparing and issuing a significantly greater number of neighbour notifications accordingly. There would be a significant financial implication for the council in terms of paper costs arising from the greater number of notifications required too.

With reference to paragraphs 41 to 48 of the Financial Memorandum to the Bill, the council considers that the costs associated with the neighbour notification element have been significantly underestimated for the following reasons:

- the estimate in paragraph 46 that each Licensing Board is responsible for dealing with, in total, eight applications for premises licences and premises licence variation in an average year is a major underestimate.
- the estimate in paragraph 48 is therefore considered to be a major underestimate too.

With regard to paragraph 49 of the Financial Memorandum, and in view of the very considerable additional costs likely to result from this provision of the Bill, the council would highlight that the majority of local authorities have already set their fee for premises licence and premises licence variation applications at the current maximum permitted level.

Sections 6 to 13 – restrictions on advertising of alcohol

With reference to paragraph 55 of the Financial Memorandum to the Bill, the council considers that there will be considerable initial costs in establishing a process for payment of and recording of fixed penalty payments. Clearly some or all of these costs may be offset in time depending on the number of penalties paid.

There will also be significant resource implications for Licensing Standards Officers who would be responsible for issuing fixed penalty notices. Beyond the preparing and issuing of notices this would appear to include the need to liaise with Police Scotland who will also be authorised to issue notices, for the purposes of consistency and avoiding duplication. The council considers that thought should be given as to the compatibility of the general function of Licensing Standards Officers under section 14 of the 2005 Act (providing information and guidance; supervising compliance with licence holders; and providing mediation services) with the issuing of fixed penalty notices.

Section 30 – fixed penalty notices involving alcohol: alcohol awareness training as alternative to fixed penalty

With reference to paragraph 101 of the Financial Memorandum to the Bill (footnote 33), the council notes that, based on the Fife model, funding for alcohol awareness training as alternative to fixed penalties may come from Alcohol and Drugs Partnerships (ADPs). However, paragraph 104 of the Financial Memorandum states that, depending on the overall source of funding for the schemes, it is anticipated that some of the funding for the scheme may come local authorities. Based on the information currently available, the council considers it to be unclear as to where the funding for alcohol awareness training would come from.

Q6 – Do you have any other comments or suggestions relevant to the Bill?

The council's Social Policy Service would express concern regarding the availability of alcohol and the relationship between this, the legislation relating to overprovision and overprovision policy. In particular, many licensing boards appear to have found it difficult to put into place a meaningful overprovision policy, based on the terms of the Scottish Government's formal guidance to licensing boards regarding overprovision, including that:

“The results of all consultation should be evaluated to identify robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached, always provided that a dependable causal link can be forged between that evidence and the operation of licensed premises in a locality”;

and the quality of evidence and information available to licensing boards through consultation regarding overprovision, as compared to the terms of this guidance.

This is a wider issue which, while it does not relate to the provisions of the Bill, highlights the relatively complex legal approach which is currently being taken to addressing what has been identified as Scotland's problem relationship with alcohol, and how the law is seeking to address this as a whole.

**WEST LOTHIAN COUNCIL
RESPONSE TO CALL FOR EVIDENCE FROM THE FINANCE COMMITTEE OF THE SCOTTISH
PARLIAMENT
ALCOHOL (LICENSING, PUBLIC HEALTH AND CRIMINAL JUSTICE) (SCOTLAND) BILL**

- 1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?**

The council did not participate in the consultation preceding the Bill. The council responded to the Health and Sport Committee's call for evidence regarding the Bill. A copy of the council's response to that call for evidence is attached for ease of reference.

- 2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?**

N/A

- 3. Did you have sufficient time to contribute to the consultation exercise?**

N/A

- 4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.**

Reference is made to the sections of the Bill as follows:

Section 1: multipack discounting

The council does not consider that the administrative costs for Boards of ingathering and reissuing all premises licences in their areas containing new mandatory conditions have been recognised in the FM. When licences required to be updated in 2011 additional pages were sent out to licence holders to place in their licences. However this did not work effectively as many licence holders ignored the correspondence and licences were found to be out dated and new conditions were not observed. Accordingly the council intends to direct all licence holders to return their licences for updating, this is resource intensive but important for compliance reasons.

Section 2: caffeinated alcohol

As above for multipack discounting.

Section 4: container marking

With regard to its response to the Health and Sport Committee's call for evidence, the council is concerned as to what purpose this section would serve, and what in practice it would achieve. The council is also concerned that the practical effect of this section, as envisaged in the FM, would compromise Boards who would be responsible for providing licence holders with the means to comply with a licensing condition which condition the Board would then be responsible for enforcing.

The council considers that the implementation of this section as envisaged in the FM could have significant financial implications for local authorities. The council does not consider that these implications have been reflected accurately in the FM. The council does not accept that the costs of container marking should be met by local authorities, but should be a cost to be met by the retailer and any cost to be met by local authority should be fully funded by the Scottish Government. Reference is made to the council's response to the Health and Sport Committee's call for evidence in this regard. It is difficult to quantify the cost associated with implementation of container marking, especially if it involves major supermarket retailers. However, the council does not recognise that such costs are likely to be minimal or accommodated within existing licence fees.

Section 5: community involvement

The council does not consider that the administrative costs for Boards of implementing this section have been recognised in the FM or that such costs will necessarily be recoverable within existing licensing fees.

Sections 15 to 29: drinking banning orders (DBOs)

With regard to its response to the Health and Sport Committee's call for evidence, the council is concerned that having DBOs and ASBOs could cause confusion, including for the public. It is the council's view that DBOs are not required as they would duplicate existing processes already available under ASBO legislation, which could be amended if necessary to provide for DBOs. The council does not consider that the FM has recognised that this could have additional resource implications for local authorities, especially in terms of the inefficiency which could arise from such duplication, in particular for local authority or community safety teams currently dealing with antisocial issues.

The council recognises that some of the main financial implications of DBOs will only arise if and when local authorities apply to the sheriff court for DBOs. The council has no comment to make regarding the figures for average court costs for ASBOs provided by The City of Edinburgh Council contained in paragraph 87 of the FM.

Sections 6 to 13: restrictions on advertising

The council notes that there is no equivalent fixed penalty payment scheme currently within alcohol licensing for comparison in terms of the costs of implementing such a scheme. However, the council considers, based on payment processes for other penalties such as fines for smoking in public places, and existing Licensing Standard Officer resource, that a fixed penalty payment scheme could probably be established without significant financial implications for local authorities.

Section 30: alcohol awareness training

With reference to the council's response to the Health and Sport Committee's call for evidence regarding this section, the council considers that the implementation of this section could have significant financial implications for local authorities. The take-up of alcohol awareness training would depend on factors beyond local authorities' control – including the number of persons charged with relevant offences in a local authority's area, which would be in the control of Police Scotland – and the option of alcohol awareness training may well be attractive to persons instead of a fine. With reference to paragraph 104 of the FM, the council does not consider that these financial implications have been reflected accurately in the FM, because the FM does not identify where funding for the schemes would come from, and to what extent it is anticipated that it may come from local authorities. With reference to footnote 33 of the FM and Alcohol and Drugs Partnerships, the council considers that additional funding would be required for alcohol awareness training, and that this should be made available by the Scottish Government.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

The council is generally concerned that the savings referred to throughout the FM are reflective of early intervention measures, in that longer term savings will accrue within the health or criminal justice systems, but the costs of earlier intervention – including container marking, licence enforcement, and possibly also alcohol awareness training in preference to fixed penalties – will be a cost to local authorities.

With regard to whether the costs are reasonable, reference is made to paragraph 2 of the FM regarding the cost of alcohol misuse in Scotland. The council considers that a careful cost-benefit analysis of some of the provisions of the Bill is required. In particular the council believes that consideration should be given to whether and, if so, what evidence is available of the impact container marking and restrictions on advertising would have in tackling alcohol misuse. With regard to container marking, in addition to the concerns highlighted above, the council is concerned the liaison costs involved in this in practice, including with the police, will not be "minimal" as stated in the FM.

With regard to whether the costs of alcohol awareness training are reasonable, should they

require to be borne, either in whole or in part, by local authorities, the council notes that local authorities will not receive payment of fixed penalty notices issued in relation to alcohol related public order offences. Therefore if there is a high take-up of alcohol awareness training in order to avoid a fixed penalty, no relevant fixed penalty income will have been collected by local authorities to set against the costs for them of providing alcohol awareness training.

S1 multipack discounting

The council is concerned that the savings identified appear to be based on research undertaken regarding the impact of different legislation. The FM does not specify where the savings mentioned would be made. However, if this is the NHS, this would seem to depend on the establishing of a causal link between the impact of multipack discounting and identifiable savings within the NHS.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

The council notes that it may incur financial costs as a result of the Bill either directly e.g. costs of providing alcohol awareness training or indirectly i.e. providing resource to the Board not covered by existing licensing fees.

The council is unable to confirm that it could meet any financial costs that it might incur as a result of the Bill, as it is not clear at this stage what all of these costs would be.

In general the council considers that if the costs of the Bill cannot be met within existing licensing budgets, additional funding should be made available by the Scottish Government and/ or a review of existing licensing fees should be undertaken, as appropriate. With regard to the latter, the council considers that this would require to be considered carefully in places, for example, with regard to Section 4 container marking, the council considers that there is likely to be an issue in principle with the costs of this for some premises being spread across all premises licence fees.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

The council is concerned that, for the reasons explained in paragraph 34 of the FM, it has not been possible to include any margins of uncertainty in relation to the costs of container marking in the FM.

The council considers that there is a significant margin of uncertainty in relation to the take-up of alcohol awareness training instead of a fine. Paragraph 102 of the FM seeks to address this point based on the Fife model. However, the council is concerned that this margin remains unclear for local authorities based on the contents of paragraphs 101 and 104 of the

FM, and the lack of information as to where funding for alcohol awareness training would come from.

With regard to timescale, the council considers that the margins of uncertainty are complicated and vary between the different provisions of the Bill. For example in relation to alcohol awareness training there would be uncertainty until it became clear what source(s) of funding were available for this which, based on the terms of the FM, would fall into an unspecified timescale. With regard to container marking, unless further evidence is made available of what the costs of this in practice have been elsewhere, the timescale for identifying any margins will be left open to the practical experience of Boards, which will only be able to be assessed once a sufficient number and range of applications for container marking have been received and processed.

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

For the reasons stated above the council does not consider that the FM reasonably captures all costs associated with the Bill, due to the absence of some specific costings in the FM, and information as to where additional funding, where required, would come from.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

The council notes that the parts of the Bill which expressly refer to subordinate legislation are sections 2 caffeinated alcohol regarding the relevant caffeine levels, and sections 16 and 27 in relation to DBOs and approved courses. With reference to paragraph 93 of the FM, the council notes that there is no suggestion in the FM that approved courses for the purposes of DBOs will be provided by local authorities. Based on the provisions of the Bill and contents of the FM, the council does not consider that all future costs associated with the Bill as a whole can reasonably be ascertained or quantified.



**West Lothian
Council**

COUNCIL EXECUTIVE

CONSULTATION ON PROPOSAL FOR A CYBER RESILIENCE STRATEGY FOR SCOTLAND

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To present to Council Executive a draft response to the Scottish Government consultation regarding a Cyber Resilience Strategy for Scotland.

B. RECOMMENDATION

To note and consider the proposed response to the consultation by The Scottish Government in relation to a Proposal for a Cyber Resilience Strategy for Scotland and to approve submission.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being open, honest and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The strategy requires increased monitoring and reporting to the Scottish Government
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	Considered by Partnership and Resources PDSP on 14 th August 2015 where it was agreed that the draft response be submitted to Council Executive for comment and approval.

D. TERMS OF REPORT

D.1 BACKGROUND

The growth of the internet and online technologies offers speed, agility, efficiency and access that have transformed the way we do business, the way we spend our leisure time, the way our public services run and the way our national infrastructures operate. However, our increasing dependence brings its own risks.

The Scottish Government is proposing to introduce a Cyber Resilience Strategy which is a plan on how all sectors can work together in tackling online crime whilst protecting customers, citizens, networks and IT systems.

D.2 CONSULTATION

The Scottish Government Consultation paper is set out at Appendix 1 to the report and has been developed with input from a wide range of partners across the public and private sectors. The Consultation seeks views from individuals and organisations across all sectors, on how Scotland can become even more resilient from cyber-attacks and crime when using online technologies.

The consultation seeks feedback on 12 high level questions regarding a proposed Cyber Resilience Strategy, including seeking views on the guiding principles of the strategy, whether it focuses on the right objectives and whether there is agreement on the main areas of focus for raising awareness and ensuring effective communication across all sectors.

The Council has been invited to respond to the consultation by 28th August 2015. The response will be provided online via the Scottish Government Website. A draft response to the Consultation is set out at Appendix 2 to the report.

D.3 Partnership and Resources PDSP

Partnership and Resources PDSP of 14th August 2015 approved submission of the draft response to Council Executive for approval.

D.4 Next Stages

The Scottish Government will collect and collate feedback from this consultation to further develop the Cyber Resilience Strategy which is due for publication in November 2015.

E. CONCLUSION

The development of a Cyber Resilience Strategy for Scotland, led by the Scottish Government will assist Scotland to become even more resilient from cyber attacks and crime when using online technologies.

F. BACKGROUND REFERENCES

None

Appendix 1: Scottish Government

DATA LABEL: PUBLIC

Appendix 2: Feedback.

Contact Person: Roberto Riaviz

Email: roberto.riaviz@westlothian.gov.uk

Julie Whitelaw

Head of Corporate Services

Date: 14 August 2015

Consultation on proposal for a Cyber Resilience Strategy for Scotland

June 2015

CONTENTS

	Page Number
Purpose of this consultation	3
Responding to this consultation paper	3
Consultation questions	5
1 A message from the Deputy First Minister	6
2. Why do we need a cyber resilience strategy?	7
3. What are the aims of the strategy?	10
4. How can you help?	11
5. What principles is the strategy built on?	12
6. What is our vision?	13
7. What can we all do to become cyber resilient?	14
8. How will we use this strategy to achieve real change?	22
9. How will we know we are succeeding?	23
 Annex	
A. Glossary	24
B Respondent Information Form	25

1. Purpose of this consultation

This consultation takes forward our commitment to building cyber resilience amongst our communities, our businesses and our public services. It seeks views from individuals and organisations, across sectors, on how Scotland can become even more resilient from cyber attacks and crime when using online technologies. It has been produced by the Scottish Government, with input from a wide range of partners across the public and private sectors.

2. Responding to this consultation paper

Responses should reach us by **28 August 2015**. Earlier responses would be welcome.

Please complete your response using the online system at Consult.scotland.gov.uk/cyberconsultation or send your response with the completed [Respondent Information Form](#) (See “Handling your Response” below) to:

Cyberresilience@scotland.gsi.gov.uk

Or:

Cyber Resilience Policy Team
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

If you have any queries contact the Cyber Policy Team on 0300 244 6832.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations <http://register.scotland.gov.uk>. This system allows stakeholders, individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces, SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete the consultation online at Consult.scotland.gov.uk/cyberconsultation or complete and return the [Respondent Information Form](#) as this will ensure that we treat your

response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library. These will be made available to the public in the Scottish Government Library by and on the Scottish Government consultation web pages by 18 September 2015. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the questions contained in the consultation. We will analyse responses to support the further development of the strategy, which we aim to be publish in November 2015.

Impact Assessments

This consultation will allow us to gather information and evidence to inform the development and subsequent publication of the Business Regulatory Impact Assessment, Equality Impact Assessment, Privacy Impact Assessment and Children's Rights and Wellbeing Impact Assessment.

Comments and complaints

If you have any comments about how this consultation exercise had been conducted, please send them to the contact details above.

3. Consultation Questions

Specific questions on which the Scottish Government is seeking views are listed below and are summarised on the [Respondent Information Form](#) at the end of this document. To aid our analysis it would be helpful if responses could be structured around these questions. However, we welcome contributions on any aspect of the draft strategy and consultees are free to provide additional comments, suggestions and information which they feel are not covered by this format.

Q1: Are the guiding principles right for this strategy? Are there any other principles that should be considered when continuing to develop the strategy?

Q2: Do you agree with the vision?

Q3: Do you agree with the three strategic outcomes? Are there additional outcomes that should be considered?

Q4: Do you think we are focusing on the right objectives? Are there additional key objectives that should be considered?

Q5: Do you agree with the main areas of focus for effective leadership and promoting collaboration? Are there other areas that should be considered?

Q6: Do you agree with the main areas of focus for raising awareness and ensuring effective communication? Are there other areas that should be considered?

Q7: Do you agree with the main areas of focus for developing education and skills in cyber resilience? Are there other areas that should be considered?

Q8: Do you agree with the main areas of focus for strengthening research and innovation? Are there other areas that should be considered?

Q9: Are there additional actions that will help us achieve making Scotland and its people more cyber resilient?

Q10: Do you think the monitoring and evaluation arrangements are sufficient?

Q11: Have you ever experienced cyber crime (see examples diagram on page 9?) If so, did you report it? Please provide details.

Q12: Would you be willing to share your experiences with us?

A message from the Deputy First Minister

We all want to see a Scotland where people feel confident online and can safely use the internet, where businesses can prosper, where our children are not exploited and where online public services are resilient as well as simple to use.

There can be little doubt that the internet and mobile technologies have transformed the way we all go about our business. The opportunities provided in this digital world are clear for all to see and experience.

However, our increasing reliance on online technologies makes us potentially more vulnerable to the criminals who seek to exploit these technological advancements for malicious purposes, whether that is online bullying, child sexual exploitation, the theft of intellectual property or the damage to critical infrastructure. The internet therefore brings great opportunities but with risks that we all increasingly need to be alive to. I want us all to minimise these risks and maximise the opportunities so that Scotland is seen as one of the best places to be on-line.

The 2014 *Programme for Government* signalled our intention to develop and bring forward a cyber resilience strategy that will take a positive approach to developing cyber resilience in Scotland, for the benefit of our people and our economy.

We are here to listen to what you have to say and this is your opportunity to give us your views. This is why we are launching this consultation. *A Cyber Resilience Strategy for Scotland: Safe, Secure and Prosperous Online* sets out a compelling vision to ensure that Scotland has the ability to resist and rapidly recover from cyber incidents to benefit from the economic and personal opportunities and advantages that online technologies provide. The focus is to position cyberspace as an enabler for individuals, industry, and the public sector.

This is something that government cannot do alone – we all have a stake in it. By working together, I strongly believe that we can make Scotland one of the safest places in the world to live and do business, ensuring our economy and our people reap the rewards of expanding digital opportunities.



A handwritten signature in black ink, which appears to read 'John Swinney'. The signature is fluid and stylized, with a long horizontal line extending from the end.

John Swinney
Deputy First Minister

2. Why do we need a cyber resilience strategy?

The digital age is transforming Scotland

The growth of the internet and online technologies offers speed, agility, efficiency and access that have transformed the way we do business, the way we spend our leisure time, the way our public services run and the way our national infrastructures operate.

As individuals, we can more easily keep in touch with friends and family and more readily obtain information, products and services from around the world - thanks to increased access to the internet, facilitated by more mobile technology and faster broadband.

Our businesses rely more and more on online connectivity and reap the benefits, thanks to widening trade partners, more innovation and greater competition. This in turn helps grow our economy.

Also, there is a huge potential for Scotland to meet the ever-growing global demand for cyber resilience and security professionals, goods and services. If Scotland does not seize these opportunities, we will be left behind.

Our public services are increasingly being provided online with the aim of improving access for all, reducing costs while improving operational performance. For example the future *mygov.scot* will be the online place for people in Scotland to access public services.

In our national infrastructure, Scotland relies more and more on online technologies to run the systems that heat our houses, provide fuel for our vehicles and ensure that our water is safe to drink. Linking our national infrastructures such as energy, telecommunications, and transport systems to the internet brings considerable benefits in terms of efficiency and innovative practice.

These important transformations will only continue as we enter the age of the “internet of things”.

The “internet of things” refers to the way in which any device, which can be turned on and off, is connected to the internet, or to other devices. This includes everything from mobile phones, tablets, coffee makers, fridges, boilers, lamps, headphones, and other wearable devices. This also applies to components of machines, for example a jet engine of an aeroplane or the drill of an oil rig.

The Scottish Government has committed to delivering digital connectivity across the whole of Scotland by 2020. The *Digital Future Strategy* outlines the steps required to ensure Scotland is well placed to take full advantage of all the economic, social and environmental opportunities offered by the digital age.

- The estimate of Scotland's total sales conducted over computer networks in 2012 was £38bn¹
- In 2014, a third of the businesses expect internet sales to make up at least 20% or more of their total sales over the next 2-3 years²
- 92% of businesses in Scotland have broadband³
- The Scottish Household Survey 2012 shows that almost 80% of adults use the internet for personal use
- 65% of Scots are happy to shop online⁴

With these opportunities come new risks

Our increasing dependence on and use of cyberspace has brought new risks.

At the highest level of risk, cyberspace is now widely considered to be as strategically important for national security as defending attacks from land, sea and air. The UK's National Security Strategy⁵ places cyber attacks as a Tier 1 threat.

The malign use of cyberspace ranges across a spectrum: from script-kiddies⁶ testing skills against the security of systems, to criminals committing traditional crimes facilitated online, through to politically-motivated hacking and commercial and government espionage.

Consequences of cyber attacks	
Personal	Online crime has a clear impact on the lives of families in Scotland. As our use of online technology increases we are at more risk of becoming victims of criminal or unscrupulous behaviour. This can lead to a number of serious consequences including fraud or extortion, accidental disclosure of personal information, or being subject to forms of abuse including stalking, bullying and exploitation.
Organisational	Organisations of all sizes have information assets, such as databases of client details - crucial to their function and of value to cyber criminals. Cyber criminals often operate through stealth with businesses often failing to notice cyber attacks until some time after the initial compromise. Businesses may be reluctant to share news or information about their attack. Criminals focus on the easiest targets and we know that small and medium enterprises (SMEs) are particularly vulnerable.
Economic	The UK Government previously estimated the cost of cybercrime to the UK to be in excess of £27bn per annum, and the main loser – at a total estimated cost of £21bn – is UK business. In January 2015 GCHQ stated that 8 in every ten of the biggest British companies have suffered a serious cyber attack, costing the UK economy tens of millions of pounds annually.
National	There is the potential to damage Scotland's reputation as a safe place to live, work and trade, if, for instance, its infrastructure is attacked, is subject to hostile reconnaissance or its intellectual property is stolen.

¹ This is an estimate only and is intended to provide an indication of the scale of activity. It is based on UK-level data - adjusted for Scotland's share of UK employees in each sector

² <http://www.gov.scot/Resource/0047/00473602.pdf>

³ <http://www.gov.scot/Resource/0047/00472573.pdf>

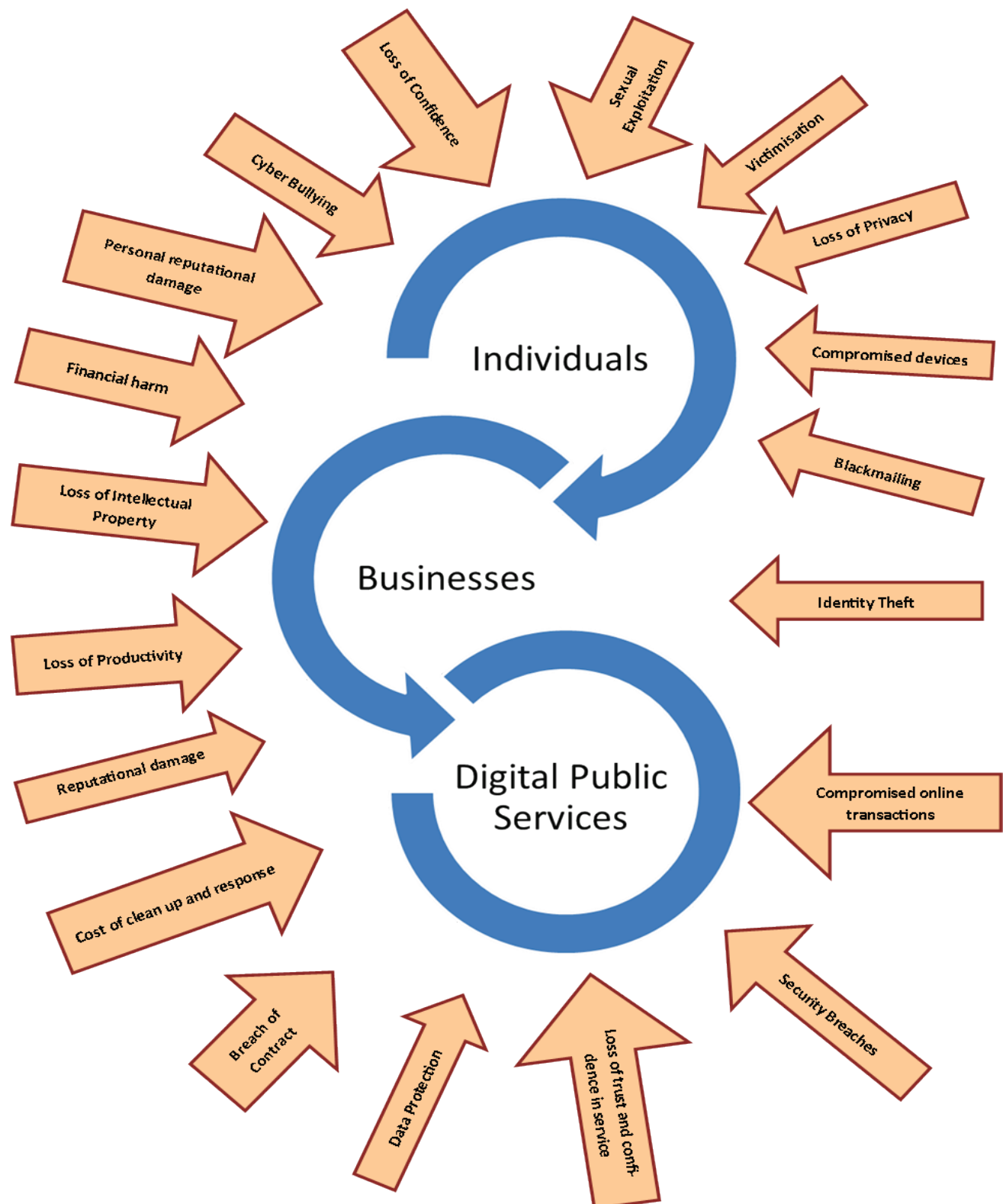
⁴ <http://www.scotlandsdigitalfuture.org/digital-participation>

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61936/national-security-strategy.pdf

⁶ An unskilled individual who uses scripts or programs developed by others to attack computer systems and networks, and deface websites

We need to be alert to the risks so that we can make the most of the opportunities. Cyber risks are constantly evolving and are here to stay, but as with other kinds of (non-cyber) risks, we need to acknowledge and address them.

Diagram: Types of cyber risks and cybercrime



3. What are the aims of the strategy?

Often other nations' cyber security strategies have primarily focused on systems and control measures for defence and security purposes. While this is extremely important, the most common risks are changing as our society becomes increasingly dependent on networked technologies and much of the risk comes from the individual.

This strategy: *A Cyber Resilience Strategy for Scotland: Safe, Secure and Prosperous Online* builds on the *UK Cyber Security Strategy: Protecting and Promoting the UK in a digital world*⁷. Our focus is on helping individuals and organisations to protect themselves from criminals and other malicious users of cyberspace. It recognises the particular requirements of Scotland, our institutions and our business community, for instance the enormous and distinct part small to medium sized businesses play in Scotland's economy⁸. We know that many small companies work from home and do not always have access to the latest skills and knowledge.

This strategy provides a current picture of the importance of cyber resilience for Scotland's citizens, businesses and public services. It outlines a vision and strategic outcomes, and sets the key areas for the Scottish Government and its partners to focus on.

Cyberspace is the complex environment that results from the interaction of people, software and services on the internet by means of the technological devices and networks connected to it. This environment does not exist in any physical form.

Cyber resilience is all about being confident in your own knowledge and how to keep your information and that of others safe. It is the actions or steps taken to mitigate and respond to threats from cyberspace (sometimes referred to as "cybercrime" or "cyber attacks"). It means being able to prepare for, adapt to, withstand and rapidly recover and learn from disruptions caused by cybercrime.

Cyber security is the protection of systems, networks, infrastructure and data in cyberspace

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60961/uk-cyber-security-strategy-final.pdf

⁸ Small and Medium sized businesses account for 99.3% of the Scottish business landscape.

4. How can you help?

The strategy is for policy makers - at local and national level: it highlights the importance of cyber resilience across all relevant policy areas. It is dependent on and, in turn, supports many other strategies and programmes, such as Scotland's Economic Strategy⁹, Digital Future Strategy¹⁰, Digital Justice Strategy¹¹, Curriculum for Excellence¹², e-Health Strategy¹³, Equally Safe¹⁴ and the forthcoming Serious & Organised Crime Strategy and the Resilience Strategy. It is a strategic document that all policy makers can refer to when developing and implementing policies/strategies/initiatives - no matter what the policy area, as cyber is present in every aspect of society.

It is for stakeholders and delivery partners who engage with individuals and families in a range of settings including Police Scotland, Education Scotland, Skills Development Scotland, schools, local authorities, Scottish Enterprise, the Scottish Business Resilience Centre, Skills Development Scotland, colleges and universities and Highlands and Islands Enterprise.

It is for the private sector, for businesses, industry and enterprises. It provides direction for organisations, employers and employees to face the cyber challenge to become stronger and more successful online.

It is for the third sector. Third sector organisations are well placed to support families and communities to become more cyber resilient.

Once we have heard back from all those interested, a detailed action plan will follow this strategy to help everyone involved to develop their own action plans which will, in turn, contribute to making Scotland and its people more cyber resilient.

⁹ <http://www.gov.scot/Publications/2015/03/5984>

¹⁰ <http://www.gov.scot/resource/doc/981/0114237.pdf>

¹¹ <http://www.gov.scot/Resource/0045/00458026.pdf>

¹² <http://www.educationscotland.gov.uk/learningandteaching/thecurriculum/>

¹³ <http://www.gov.scot/Publications/2012/11/7663>

¹⁴ <http://www.gov.scot/Resource/0045/00454152.pdf>

5. What principles is this strategy built on?

National leadership: The scale and complexity of the cyber resilience challenge requires strong and committed national leadership. Central to delivering this strategy is the adoption of an approach which involves collaborative leadership and a focus on the delivery of better outcomes.

Shared responsibilities: We are all users of technology. Therefore we all have a role to play in taking steps to protect ourselves and our organisations.

Working together: All parties have a role in helping to create a safer online environment, being open to sharing knowledge, skills and effective practice.

Protecting Scotland's values: By pursuing this cyber resilience strategy to enhance safe, secure and prosperous use of online technologies, we will protect Scots' values including preserving our right to privacy and protecting the most vulnerable in our society.

1) CONSULTATION QUESTION

Are these the right guiding principles for this strategy?

Are there any other principles that should be considered when continuing to develop this strategy?

6. What is our vision?

In the first half of 2015, the Scottish Government brought together a Strategic Working Group to agree a vision and strategic outcomes for a more cyber resilient Scotland.

Our vision is for a cyber resilient Scotland that is safe, secure and prosperous.

2) CONSULTATION QUESTION

Do you agree with the vision?

We will turn this vision into reality by achieving the following **three strategic outcomes**:

- 1. Our citizens are informed, empowered, safe and confident in using online technologies.**
- 2. Our businesses are resilient and can trade and prosper securely online.**
- 3. We all have confidence in the resilience of our digital public services.**

By achieving these outcomes we will contribute positively to many of the National Outcomes in the National Performance Framework¹⁵, and in particular:

- We live our lives safe from crime, disorder and danger
- We live in a Scotland that is the most attractive place for doing business in Europe
- Our young people are successful learners, confident individuals, renowned for our research and innovation
- Our public services are high quality, continually improving, efficient and responsive to local people's needs

This strategy also plays its part in achieving the ambitions of *Scotland's Economic Strategy* by helping Scottish businesses succeed at a global level, increasing competitiveness, and tackling inequality through helping all people to use the internet safely and securely.

3) CONSULTATION QUESTION

Do you agree with the three strategic outcomes?

Are there additional outcomes that should be considered? If yes, what are they and why?

¹⁵ <http://www.gov.scot/About/Performance/scotPerforms>

7. What can we all do to become more cyber resilient?

We are living in a digital world where activities happen at great speed and we all require to develop a culture of cyber resilience as the norm.

The first thing to do is accept the potential risk and become more cyber aware. The reality is that around 80% of cybercrime can be prevented by simply getting the basics right¹⁶. It is not all about high level controls, understanding the technology and buying in expensive cyber security software or professional advice. We all have a stake in becoming more resilient. In doing so, we will enjoy the benefits that online technologies present.

Becoming more cyber resilient requires a sustained, collective effort. We will focus on four key objectives:

- 1. Provide effective leadership and promote collaboration**
- 2. Raise awareness and ensure effective communication**
- 3. Develop education and skills in cyber resilience**
- 4. Strengthen research and innovation**

None of these objectives is more important than another. In fact, they are mutually dependent to ensure success of this strategy.

4) CONSULTATION QUESTION

Do you think these are the right objectives to focus on?

Are there additional objectives that should be considered?

¹⁶ GCHQ, Countering the cyber threat to business, Spring 2013

Objective 1: Provide effective leadership and promote collaboration

The Scottish Government has a strong track record in successfully leading work on national resilience through a collaborative approach. We will take this same approach to cyber resilience. At present, we do not propose legislation or regulation. Instead, successful implementation of this strategy will be through involving partners and stakeholders at every stage of planning and development.

While many aspects of protecting Scotland's critical national infrastructure are reserved to the UK Government, the Scottish Government will, where it has powers to do so, coordinate a collaborative approach to manage and ensure that critical services remain available despite cyber attacks.

No one individual or organisation can meet this challenge by itself. A collaborative, multi-stakeholder approach must be taken within and across sectors including government, industry, commerce and academia. Even industry competitors must become partners to help promote the safe use of the internet and digital technologies and to share current information.

Public Bodies becoming more cyber resilient

The Scottish Government has worked closely with a number of public bodies in Scotland including all local authorities to implement a common set of technical, physical and procedural security measures to provide a level of mutual trust for the communication and processing of public sector data. Initiatives such as the UK 'Cyber Essentials' scheme and the '10 Steps to Cyber Security' are being adopted and are helping the public sector in Scotland align itself with best practice whilst equipping organisations with the knowledge they need to defend against common cyber-attacks.

In recognition of the rise in cyber-attacks, the annual Holyrood Connect awards celebrating public sector excellence in ICT in Scotland, now in its 3rd year, have introduced the 'Connect Security' award.



It is important the Scottish Government models best practice in cyber resilience for the rest of the public sector – other government agencies, local authorities etc. We will therefore, continue to enhance cyber resilience within our online services. While we do not anticipate legislating, we will hold to account, other public public bodies for the resilience of their online services. Main areas of focus:

- The Scottish Government to set up and lead a national strategic implementation group to implement, monitor and evaluate the impact of this strategy
- The Scottish Government to be at the forefront of providing safe and secure services, and sharing their knowledge with other organisations
- Collaborating with partners, the Scottish Government will lead and coordinate efforts to develop national cyber resilience
- Ministers and their officials continue to raise the profile of the importance of cyber resilience across a range of policy areas
- Ministers report on the Government’s progress in building a culture of cyber resilience and good practice across the Scottish Government and its agencies
- The standards of cyber resilience adopted by the Scottish Government’s online services – and those of other public agencies - will be available to service users.

5) CONSULTATION QUESTION


Do you agree with the main areas of focus for effective leadership and promoting collaboration?

Are there any other areas that should be considered?

Objective 2: Raise awareness and ensure effective communication


Criminals make use of the internet either through weaknesses in system coding or more commonly by exploiting human behaviour. Human beings are therefore the primary cyber risk, often due to lack of understanding and sometimes naïve online behaviour. It is vital individuals and businesses build resilience and that we all foster a culture of cyber awareness and preparedness.

Trusted networking between businesses and government will ensure the usefulness of sharing sensitive information on cyber threats, vulnerabilities and their potential consequences.



Online Code of Conduct:


10 tips for staying safe online



www.getsafeonline.org


PUT A PIN ON IT

Whether it's a phone, website or a social media account, your first line of defence is a **PIN** or **Password**. Never use the same password, make sure it is hard to guess (don't use your pet's name, your birthday or your favourite football team) and never share your passwords with anyone.




BE SOFTWARE SAVVY

Protect all your devices with anti-virus software and make sure you regularly install updates to any programs or apps, as they often include improved security settings.




LOOK FOR THE PADLOCK

When shopping or banking online always check there is a padlock symbol in the web browser window when you have logged in or registered, and that the web address begins with **'https://'**. The 's' stands for 'secure'.




POST IN HASTE, REPENT AT LEISURE

What goes online stays online so never say anything that could hurt, anger or endanger yourself or someone else.




SECURE THE WIFI

Make sure your home WiFi is protected with a strong password that only you and your family know. When out and about never use a hotspot that may be unsecured, especially when what you're doing is personal or private.




KEEP IT PRIVATE

Check the privacy settings on all of your social media accounts so that only the people you want to share your information with can see it.




BID SMARTLY

When using an auction site, make sure you never transfer any money directly to a bank account or hand over any personal details. If you're thinking of making a big purchase like a car, or finding somewhere to live, always make sure it exists and is genuine.




LOG-OUT/LOG-OFF

Always make sure you log out of your accounts when you've finished with them and log off a computer when you've finished using it.



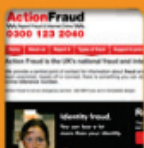
MANAGE YOUR MESSAGES

Never open or forward a suspicious looking email, or respond to a social media message from someone you don't know.



REPORT IT

If you are a victim of online fraud, report it to **www.actionfraud.police.uk**, this way we can all help to make the internet a safer place.



Main areas of focus:

- The Scottish Government alongside its partners to co-ordinate general awareness raising activity to promote a culture of cyber resilience among all Scottish citizens, including promoting the national online safety websites Get Safe Online¹⁷ and E-crime Scotland¹⁸ across Scotland
- Stakeholders and partners to implement audience-specific awareness raising activity, targeted at employees, educators, leaders and board members
- Working alongside the UK Government, the Scottish Government and partners from across the business world to form a network to share information about online threats and vulnerabilities.
- Industry professionals to develop and promote best practice in cyber resilience

6) CONSULTATION QUESTION

Do you agree with the main areas of focus for raising awareness and ensuring effective communication?

Are there any other areas that should be considered?

¹⁷ <https://www.getsafeonline.org/>

¹⁸ <https://www.ecrimescotland.org.uk/>

Objective 3: Develop education and skills in cyber resilience

We all should be able to exploit digital opportunities for our personal fulfilment and professional development, whilst knowing how to protect ourselves from risks. Education and skills are an important part of the cyber resilience agenda.

Cyber resilience skills for every citizen

Every child, young person and adult must have cyber skills for learning, life and work.

In addition to public awareness raising campaigns, the curriculum needs to develop skills which will allow learners to become more cyber resilient, and learning materials and guidance needs to be available for all educators, including those in non-formal learning contexts, such as youth work and the voluntary sector.

Core cyber competence for all professions

Many jobs already feature or have some connection to digital technology and this will only intensify. Whether it's a healthcare worker entering or accessing patient data, a maintenance professional managing a WiFi-enabled heating control system, or a farmer using satellite technology to plot optimum crop yields – any technology in cyber space may be vulnerable to malicious or accidental damage. Therefore, training in all vocational areas, not just digital occupations, need to include specific learning outcomes relating to cyber resilience.

Schools and Police Scotland working together for a safe online experience



First year pupils at Kyle Academy in Ayr take part in a 12-week course on Cyber Security.

The course, developed with Police Scotland and Scottish Universities, focused on:

- Password security
- Online bullying
- Grooming
- Computer Crime
- Social networking

Learners get the chance to take their knowledge home, discovering how much (or little!) their parents and carers know about online security and then helping them to become more cyber resilient

POLICE
SCOTLAND

Building an effective workforce of cyber security professionals in Scotland

It is crucial that we have technical expertise in cyber security, and that we support the growth of a world-leading professional sector in cyber security work. For Scotland's continued economic growth we must ensure professional learning opportunities are available to support the development of this rapidly growing economic sector.

Main areas of focus:

- The Scottish Government and its partners promote the development and delivery of cyber resilience education in early learning and childcare settings, schools, colleges, universities and other learning settings
- Business partners build cyber resilience capabilities within workforces
- Scottish Enterprise and other business partners help develop the cyber security and resilience goods and services industry in Scotland

7) CONSULTATION QUESTION

Do you agree with the main areas of focus for developing education and skills in cyber resilience?

Are there any other areas that should be considered?

Objective 4: Strengthen research and innovation

Cyberspace is continuously evolving and it is important that we keep up with this change.

The true size and scale of cyber related criminality, and the cost to people and organisations, is challenging to measure for a number of reasons, including lack of clarity on when, what, where, who and how to report such issues. It is important that the recording of cybercrimes is developed in such a way that can help create a baseline for measurement and help decide our priorities.

Scottish researchers should be at the forefront of building knowledge and intelligence. Universities and colleges should work together with industry user groups and the Scottish Government. Scottish participation in international forums should be encouraged. The Scottish Government with the help of Police Scotland should be able to articulate the cost to our economy as a result of cybercrime and limited cyber resilience among our citizens and businesses.

Scottish businesses, especially those in high technology sectors need to protect their intellectual property. Scottish business organisations, including the enterprise companies, should be at the leading edge of collaborative measures to enhance the cyber resilience of key sectors and enterprises.

The UK Government has set a national target of exporting £2 billion of cyber security goods and services annually¹⁹. Scotland's world beating university research combined with our entrepreneurial expertise should create a steady stream of start-up companies in this sector creating a long term economic benefits.

Main areas of focus:

- The Scottish Government, Police Scotland and other partners progress with research to baseline the cost of cybercrime to Scotland
- Partners undertake and share research on understanding "what works" in preventing cybercrime, using knowledge from local, national and international angles
- Partners work together to target funding for cyber resilience research
- Enterprise funding is targeted at innovative methods to support the cyber resilience of individual or groups of enterprises.

8) CONSULTATION QUESTION

Do you agree with the main areas of focus for strengthening research and innovation?

Are there any other areas that should be considered?

¹⁹ <http://www.contracts.mod.uk/features/uk-cyber-security-strategy-the-next-big-export/>

8. How will we use this strategy to achieve real change?

Implementation

This high level strategy for cyber resilience in Scotland is the overarching driver for change.

For each of the outcomes, the Scottish Government and its partners are developing a detailed action plan setting out the short, medium and long term activities. These specific measures will be published in early 2016. Within this action plan there will be practical activities, projects and improvements to support individuals and organisations to become more cyber resilient, as well as steps to build up the cyber security goods and services sector in Scotland.

Please help us to address this task together. It is essential that stakeholders commit to successfully implementing the strategy and associated action plan. Successful implementation of this strategy will require the input and the action from every part of Scottish society – communities, small businesses, large organisations, local authorities, third sector organisations, academia, law enforcement and central government and, of course, citizens themselves.

9) CONSULTATION QUESTION

Are there actions that will help us achieve making Scotland and its people more cyber resilient?

9. How will we know if we are succeeding?

The Scottish Government will be asking stakeholders to share their action plans and keep track of milestones and progress on an annual basis. This will help to provide regular updates to the national strategic implementation group (see Objective 1).

Given the rapid technological changes and local, national and international developments in this area, it is vital to capture learning and share effective practice.

We will know we are succeeding if we are able to see a step-change in the cyber resilience of citizens, businesses, organisations and government. Scotland will:

- ✓ be a place where individuals and families can make the most of the internet safely
- ✓ be a place where businesses can operate and trade with minimal risk
- ✓ have an excellent global reputation for being a secure place to set up businesses and to trade with
- ✓ have trusted and effective online public services
- ✓ ensure that critical emergency, infrastructure and key services such as financial services can continue to work effectively in the face of a cyber attack
- ✓ capitalise on, and grow, a cyber security goods and services industry to meet the demand of the rest of the world

10) CONSULTATION QUESTION

Do you think these monitoring and evaluating arrangements are sufficient? If not, what arrangements would you like to see?

11) CONSULTATION QUESTION

Have you ever experienced cyber crime (see diagram on page 11)? If so, did you report it? Please provide details.

12) CONSULTATION QUESTION

Would you be willing to share your experiences with us?

Annex A

Glossary

Cybercrime: an umbrella term used to describe two distinct, but closely related criminal activities: cyber-dependent and cyber-enabled crimes. Cyber-dependent crimes are offences that can only be committed by using a computer, computer networks, or other forms of ICT e.g. malicious software, hacking. Cyber-enabled crimes are traditional crimes that are increased in their scale or reach by the use of computers, computer networks or other ICT e.g. fraud, theft.

Cyber resilience: being able to prepare for, adapt to, withstand and rapidly recover and learn from disruptions from cyber criminality/attacks. To do this, people need to develop the skills, knowledge and understanding of the risk, in whatever setting they find themselves in, and then take the necessary steps to prepare for and respond to such events.

Cyber security: the collection of tools, policies, security concepts, security safeguards, guidelines, risk management approaches, actions, training, best practices, assurance and technologies that can be used to protect the cyber environment and organization and user's assets

Cyberspace: Cyberspace is the complex environment that results from the interaction of people, software and services on the Internet by means of the technology devices and networks connected to it, which does not exist in any physical form.

Hacking: breaking into computer systems

Annex B Cyber Resilience Strategy



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

☐

/

Group/Organisation

☐

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☐ Yes

☐ No

CONSULTATION QUESTIONS

National leadership; Shared responsibilities; Working together; Protecting Scotland's values

Q1 Are the guiding principles right for this strategy?

Yes ☐ No ☐

Are there any other principles that should be considered when continuing to develop the strategy?

Comments

Our vision is for a cyber resilient Scotland that is safe, secure and prosperous

Q2 Do you agree with the vision?

Yes ☐ No ☐

Strategic Outcomes:

- 1. Our citizens are informed, empowered, safe and confident in using online technologies*
- 2. Our businesses are resilient and can trade and prosper securely online*
- 3. We all have confidence in the resilience of our digital public services*

Q3 Do you agree with the strategic outcomes?

Yes ☐ No ☐

Are there additional outcomes that should be considered?

Comments

Key Objectives:

- 1. Provide effective leadership and promote collaboration*
- 2. Raise awareness and ensure effective communication*
- 3. Develop education and skills in cyber resilience*
- 4. Strengthen research and innovation*

Q4 Do you think these are the right objectives to focus on?

Yes ☐ No ☐

Are there additional key objectives that should be considered?

Comments

Objective 1: Provide effective leadership and promote collaboration

Main areas of focus:

- *The Scottish Government to set up and lead a national strategic implementation group to implement, monitor and evaluate the impact of this strategy*
- *The Scottish Government to be at the forefront of providing safe and secure services, and sharing their knowledge with other organisations*
- *Collaborating with partners, the Scottish Government will lead and coordinate efforts to develop national cyber resilience*
- *Ministers and their officials continue to raise the profile of the importance of cyber resilience across a range of policy areas*
- *Ministers report on the Government's progress in building a culture of cyber resilience and good practice across the Scottish Government and its agencies*
- *The standards of cyber resilience adopted by the Scottish Government's on-line services – and those of other public agencies - will be available to service users.*

Q5 Do you agree with the main areas of focus for effective leadership and collaboration?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 2: Raise awareness and ensure effective communication

Main areas of focus:

- *The Scottish Government alongside its partners to co-ordinate general awareness raising activity to promote a culture of cyber resilience among all Scottish citizens, including promoting the national online safety websites Get Safe Online and E-crime Scotland across Scotland*
- *Stakeholders and partners to implement audience-specific awareness raising activity - targeted at employees, educators, leaders and board members*
- *Working alongside the UK Government, the Scottish Government and partners from across the business world to form a network to share information about online threats and vulnerabilities*
- *Industry professionals develop and promote best practice in cyber resilience*

Q6 Do you agree with the main areas of focus for raising awareness and ensure effective communication?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 3: Develop education and skills in cyber resilience

Main areas of focus:

- *The Scottish Government and its partners promote the development and delivery of cyber resilience education in early learning and childcare settings, schools, colleges, universities and other learning settings*
- *Business partners build cyber resilience capabilities within workforces*
- *Scottish Enterprise and other business partners help develop the cyber security and resilience goods and services industry in Scotland*

Q7 Do you agree with the main areas of focus for developing education and skills in cyber resilience?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 4: Strengthen research and innovation

Main areas of focus:

- *The Scottish Government, Police Scotland and partners progress with research to baseline the cost of cybercrime to Scotland*
- *Partners undertake and share research on understanding “what works” in preventing cybercrime, using knowledge from local, national and international angles*
- *Partners work together to target funding for cyber resilience research*
- *Enterprise funding is targeted at innovative methods to support the cyber resilience of individual or groups of enterprises*

Q8 Do you agree with the main areas of focus for strengthening research and innovation?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

How will we use the strategy to achieve real change?

For each of the outcomes, the Scottish Government and its partners are developing a detailed action plan setting out the short, medium and long term activities. These specific measures will be published in early 2016. Within this action plan there will be practical activities, projects and improvements to support individuals and organisations to become more cyber resilient, as well as steps to build up the cyber security goods and services sector in Scotland.

Q9 Are there additional actions that will help us achieve making Scotland and its people more cyber resilient?

Comments

How will we know if we are succeeding?

The Scottish Government will be asking stakeholders to share their action plans and keep track of milestones and progress on an annual basis. This will help to provide regular annual updates to the national strategic implementation group.

Q10 Do you think the monitoring and evaluation arrangements are sufficient?

Yes ☐ No ☐

If not, what arrangements would you like to see?

Comments

Q11 Have you ever experienced cyber crime (see examples on page 16)?

Yes ☐ No ☐

If so, did you report it? Please provide details.

Comments

Q12 Would you be willing to share your experiences with us?

Yes ☐ No ☐



© Crown copyright 2015



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78544-391-6 (web only)

Published by The Scottish Government, June 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS49679 (06/15)

Annex B Cyber Resilience Strategy



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

☐

/

Group/Organisation

☐

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☐ Yes

☐ No

CONSULTATION QUESTIONS

National leadership; Shared responsibilities; Working together; Protecting Scotland's values

Q1 Are the guiding principles right for this strategy?

Yes ☐ No ☐

Are there any other principles that should be considered when continuing to develop the strategy?

Comments

Our vision is for a cyber resilient Scotland that is safe, secure and prosperous

Q2 Do you agree with the vision?

Yes ☐ No ☐

Strategic Outcomes:

- 1. Our citizens are informed, empowered, safe and confident in using online technologies*
- 2. Our businesses are resilient and can trade and prosper securely online*
- 3. We all have confidence in the resilience of our digital public services*

Q3 Do you agree with the strategic outcomes?

Yes ☐ No ☐

Are there additional outcomes that should be considered?

Comments

Key Objectives:

- 1. Provide effective leadership and promote collaboration*
- 2. Raise awareness and ensure effective communication*
- 3. Develop education and skills in cyber resilience*
- 4. Strengthen research and innovation*

Q4 Do you think these are the right objectives to focus on?

Yes ☐ No ☐

Are there additional key objectives that should be considered?

Comments

Objective 1: Provide effective leadership and promote collaboration

Main areas of focus:

- *The Scottish Government to set up and lead a national strategic implementation group to implement, monitor and evaluate the impact of this strategy*
- *The Scottish Government to be at the forefront of providing safe and secure services, and sharing their knowledge with other organisations*
- *Collaborating with partners, the Scottish Government will lead and coordinate efforts to develop national cyber resilience*
- *Ministers and their officials continue to raise the profile of the importance of cyber resilience across a range of policy areas*
- *Ministers report on the Government's progress in building a culture of cyber resilience and good practice across the Scottish Government and its agencies*
- *The standards of cyber resilience adopted by the Scottish Government's on-line services – and those of other public agencies - will be available to service users.*

Q5 Do you agree with the main areas of focus for effective leadership and collaboration?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 2: Raise awareness and ensure effective communication

Main areas of focus:

- *The Scottish Government alongside its partners to co-ordinate general awareness raising activity to promote a culture of cyber resilience among all Scottish citizens, including promoting the national online safety websites Get Safe Online and E-crime Scotland across Scotland*
- *Stakeholders and partners to implement audience-specific awareness raising activity - targeted at employees, educators, leaders and board members*
- *Working alongside the UK Government, the Scottish Government and partners from across the business world to form a network to share information about online threats and vulnerabilities*
- *Industry professionals develop and promote best practice in cyber resilience*

Q6 Do you agree with the main areas of focus for raising awareness and ensure effective communication?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 3: Develop education and skills in cyber resilience

Main areas of focus:

- *The Scottish Government and its partners promote the development and delivery of cyber resilience education in early learning and childcare settings, schools, colleges, universities and other learning settings*
- *Business partners build cyber resilience capabilities within workforces*
- *Scottish Enterprise and other business partners help develop the cyber security and resilience goods and services industry in Scotland*

Q7 Do you agree with the main areas of focus for developing education and skills in cyber resilience?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

Objective 4: Strengthen research and innovation

Main areas of focus:

- *The Scottish Government, Police Scotland and partners progress with research to baseline the cost of cybercrime to Scotland*
- *Partners undertake and share research on understanding “what works” in preventing cybercrime, using knowledge from local, national and international angles*
- *Partners work together to target funding for cyber resilience research*
- *Enterprise funding is targeted at innovative methods to support the cyber resilience of individual or groups of enterprises*

Q8 Do you agree with the main areas of focus for strengthening research and innovation?

Yes ☐ No ☐

Are there other areas that should be considered?

Comments

How will we use the strategy to achieve real change?

For each of the outcomes, the Scottish Government and its partners are developing a detailed action plan setting out the short, medium and long term activities. These specific measures will be published in early 2016. Within this action plan there will be practical activities, projects and improvements to support individuals and organisations to become more cyber resilient, as well as steps to build up the cyber security goods and services sector in Scotland.

Q9 Are there additional actions that will help us achieve making Scotland and its people more cyber resilient?

Comments

How will we know if we are succeeding?

The Scottish Government will be asking stakeholders to share their action plans and keep track of milestones and progress on an annual basis. This will help to provide regular annual updates to the national strategic implementation group.

Q10 Do you think the monitoring and evaluation arrangements are sufficient?

Yes ☐ No ☐

If not, what arrangements would you like to see?

Comments

Q11 Have you ever experienced cyber crime (see examples on page 16)?

Yes ☐ No ☐

If so, did you report it? Please provide details.

Comments

Q12 Would you be willing to share your experiences with us?

Yes ☐ No ☐



COUNCIL EXECUTIVE

BROXBURN CONSERVATION AREA BOUNDARY APPRAISAL

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive on the proposed variation of the conservation area boundary in Broxburn as a result of public consultation and a Conservation Area Appraisal (CAA) which was carried out in compliance with Planning Advice Note (PAN) 71: Conservation Area Management (2004).

B. RECOMMENDATION

It is recommended that the Council Executive:

1. note the content and conclusions of the public consultation regarding the Conservation Area appraisal of Broxburn; and
2. agrees the proposed changes to the existing Broxburn conservation area boundary (shown in Appendix 1) that will be advertised and referred to Scottish Ministers for their approval.

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)	<p>The preparation of the CAA is in compliance with the Planning (Listed buildings and conservation areas) (Scotland) Act 1997, Scottish Planning Policy (SPP) 2014 and other supporting documents: PAN71. The Broxburn Conservation Area also has Article 4 directions in place where certain "permitted development rights" (i.e. works which can be carried out without the need for a planning application) are removed.</p> <p>There are no SEA, equality, health or risk issues</p>
III Implications for scheme of delegation	None.
IV Impact on performance and performance indicators	None.

V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None. However, with preparation of a Conservation Area Appraisal, the council, in partnership with Historic Scotland and property owners can consider applying for grant funding potentially through the Heritage Lottery Fund and other grant schemes.
VII	Consultations at PDSP	Report to D&T PDSP on 30 th October 2014 on proposed boundary change and outline of public consultation.
VIII	Other consultations	Local Area Committee on 13 th November 2014 and Broxburn Town Centre Management Group on 5 th December 2014.

D. TERMS OF REPORT

D1 Background and History

Typical of many towns in West Lothian, Broxburn is known for its historical role in mineral extraction, more specifically shale oil. Its history also stretches back to the time of the Black Douglasses from Lanarkshire and their battles with King James II in the mid-15th century. It was after this time that Broxburn started to form as a distinct settlement.

In 1457, Colin Campbell, Laird of *Eastertoun* changed the original name of the area from *East Strabrok* to *Kirkhill* (which was then changed to Broxburn). In 1590, *Kirkhill* House was built just off the old main road between Glasgow and Edinburgh. This main road and Broxburn's close proximity to the Brox Burn resulted in a ribbon development of Broxburn from east to west. These transport links aided in Broxburn's development as they could transport goods to major markets in Edinburgh and Glasgow.

Between 1818 - 1822 the Union Canal, designed by Thomas Telford, was constructed which created another means of transporting goods (initially farming products). The main purpose for the construction of the canal was for the transportation of coal from the west to major towns and cities like Edinburgh. The Union Canal was an essential asset for the industrial expansion of Broxburn, as goods could be loaded on to barges at Port Buchan and be transported directly into Edinburgh. Eventually, the canal became disused in the early 20th century as it gave way to railways as the primary transportation method.

In 1859, the Earl of Buchan granted rights to Robert Bell, a coal master from Wishaw, to extract minerals in the Broxburn area. Bell was looking for coal and ironstone but instead, discovered large quantities of shale oil. As a result, the Broxburn Shale Oil Company Ltd. was formed in 1862, along with numerous other oil works.

With an abundant and sought after resource in oil shale and the means to transport it around Scotland, Broxburn continued to develop. Terraced rows of housing in areas such as Greendykes and Holygate / New Holygate were built to accommodate the labourers working in the oil industry and other industries at the time such as candle manufacturing. This industrial expansion in Broxburn was a major employer in the community until the shale mines were shut in 1927, yet other industries such as the candle works and acid works lasted to the mid-20th century.

There have been further large-scale ribbon housing development on either side of the Main Street after the Second World War and in the 1960's and 70's. The town continued to develop westward away from the original settlement, now called '*old town*' situated along the Brox Burn.

D2 Conservation Area Appraisal

A Conservation Area Appraisal is a management tool, which helps identify the special interest and changing needs of an area. An appraisal provides the initial information to create a development action plan in relation to protecting and managing the factors (e.g. historic relevance, archaeology, built and natural environment) which have led to the area being designated a conservation area. It assists the council in fulfilling its statutory duties. In particular, when a conservation area is designated, permitted development rights can be removed as is the case with Broxburn.

A comprehensive CAA was carried out in Autumn 2014 that involved an assessment of the existing conservation area boundary and a proposed revision (see Appendix 1). It also involved documentation of all the buildings within the proposed conservation area boundary into a schedule and identifying a range of proposed actions that could improve the area (see example in Appendix 4). This will allow major grant applications to be made in the future by the council and property owners.

D3 Conservation Area boundary - Public Consultation

The existing conservation area boundary in Broxburn has been in place for approximately 40 years. Since being designated, there have been many developments in Broxburn, the cumulative effect of which has had an impact on the character and appearance of the conservation area.

The area around Kirkhill House, for example, has seen a number of modern developments, which has had a detrimental effect on this section of the conservation area. The proposed alteration would exclude such developments, and include other areas that meet the criteria set out in Scottish Historic Environment Policy (SHEP) (2011 - Annex 3).

A public consultation was carried out for 8 weeks between January and March 2015 to inform the public about the proposed changes to the conservation area and seek their views. Exhibitions were set up in Greendykes Business Gateway, Strathbrock Partnership Centre and Broxburn Library. There was also a leaflet campaign delivering leaflets and related letters to every building within both the existing and proposed Conservation Area boundary.

A survey was also created, both on-line and in the form of paper questionnaires. It is the Council's duty to inform the public about any proposed changes to the conservation area. There was an overall return of 53 respondents in total from both the on-line survey and questionnaires.

D4 Analysis of responses

The results were split into quantitative and qualitative data. An example of the questionnaire is attached in Appendix 2. The questions used were designed to determine what the public thought about the consultation process, previous consultations surrounding the conservation area and determine what the public thought about the proposed changes to the Conservation Area boundary and whether or not they had any related suggestions.

A summary of the main results from the quantitative data are shown below, with their corresponding graphs in Appendix 3. Highlights include:

Question 3: The majority of people that responded were not aware that they were staying in a conservation area.

Question 4: That 41% of respondents did not know how living within a conservation area affected them.

Question 5: Over 95% of respondents thought that more should have been done to inform them about the conservation area.

Question 7: The majority of respondents were neither concerned one way or the other about being removed or added to the conservation area, though this might have been due to map interpretation issues.

The remaining questions were all opinion based:

Question 6: There were mixed views on how effective the conservation area designation had been to protect Broxburn's historic environment with a number of people stating it had worked, but also a similar number who were not convinced.

Question 8: Similarly, on people's views on being in or out of the proposed conservation area, while again receiving a mixed reaction, there were slightly more positive responses about being within a conservation area.

Question 9: there was some confusion on the criteria applied to choosing the conservation area boundary and view that roads in Holygate should be upgraded.

Question 10: saw suggestions related to including the Library, Scout Hall and St Johns Road, Park Road and part of West Hall Road, but none of these meet the conservation area criteria for inclusion.

Appendix 4 sets out detailed comments from the public and the councils proposed response.

A major submission was received from owners in Kirkhill House justifying why Kirkhill House and some of the environs should be retained within the conservation area as it was the most historic place of settlement within Broxburn. On further site review this rationale has not been accepted due to the major changes in the immediate environs around Kirkhill House and it will be outwith the new conservation area, but retains protection through its Listed Building status that also covers the grounds and curtilage.

E. CONCLUSION

The Planning (Listed buildings and conservation areas) (Scotland) Act 1997, states that it is the responsibility of the local authority to *'determine which parts of their district*

are areas of special historic interest...the character of which it is desirable to preserve or enhance.' (Section 61). In compliance with the act and also the SPP (2014) and PAN 71, the existing conservation area boundary has been reviewed and alterations are suggested, due to the new housing developments in some areas and also the impracticality of the existing boundary itself. Sections that have been included, or have not been removed are integrated parts of the history and character of Broxburn.

Once the conservation area appraisal has been carried out, it is the council's responsibility to consult the public. This was done through public exhibitions in Broxburn and a targeted leaflet campaign to relevant householders and businesses within the conservation area. Arising from the conservation area appraisal, the council, in partnership with Historic Scotland and property owners can now apply for funding of future improvement projects through e.g.; the Heritage Lottery Fund and other grants.

These potential grant sources will be considered in 2016/17 and subject to identifying suitable match funds and external partnership funding, a further report will be made to the Council Executive.

F. BACKGROUND REFERENCES

The Planning (Listed Buildings and conservation areas) (Scotland) Act 1997.

Planning Advice Note (PAN) 71: Conservation Area Management (2004).

Scottish Historic Environment Policy (SHEP) (2011).

Scottish Planning Policy (2014).

Caldwell, P., 1998, A History of Broxburn, pages 4-21, W.L.C. Libraries Dept., 1998.

Morton, P., 2000, Old Broxburn and Uphall, pages 3-5, Stenlake Publishing Ltd, 2000.

Appendices / Attachments – Five:

- 1) Map of existing Broxburn Conservation Area and proposed boundary alteration;
- 2) Example of Questionnaire used in public consultation;
- 3) Table of Graphs with results from consultation;
- 4) General comments arising from public consultation and proposed WLC response.
- 5) Example from Schedule of Buildings from Conservation Area Appraisal.

Contact Persons:

Chris Alcorn 01506-282428 chris.alcorn@westlothian.gov.uk &

Ranald Dods 01506-282413 ranald.dods@westlothian.gov.uk

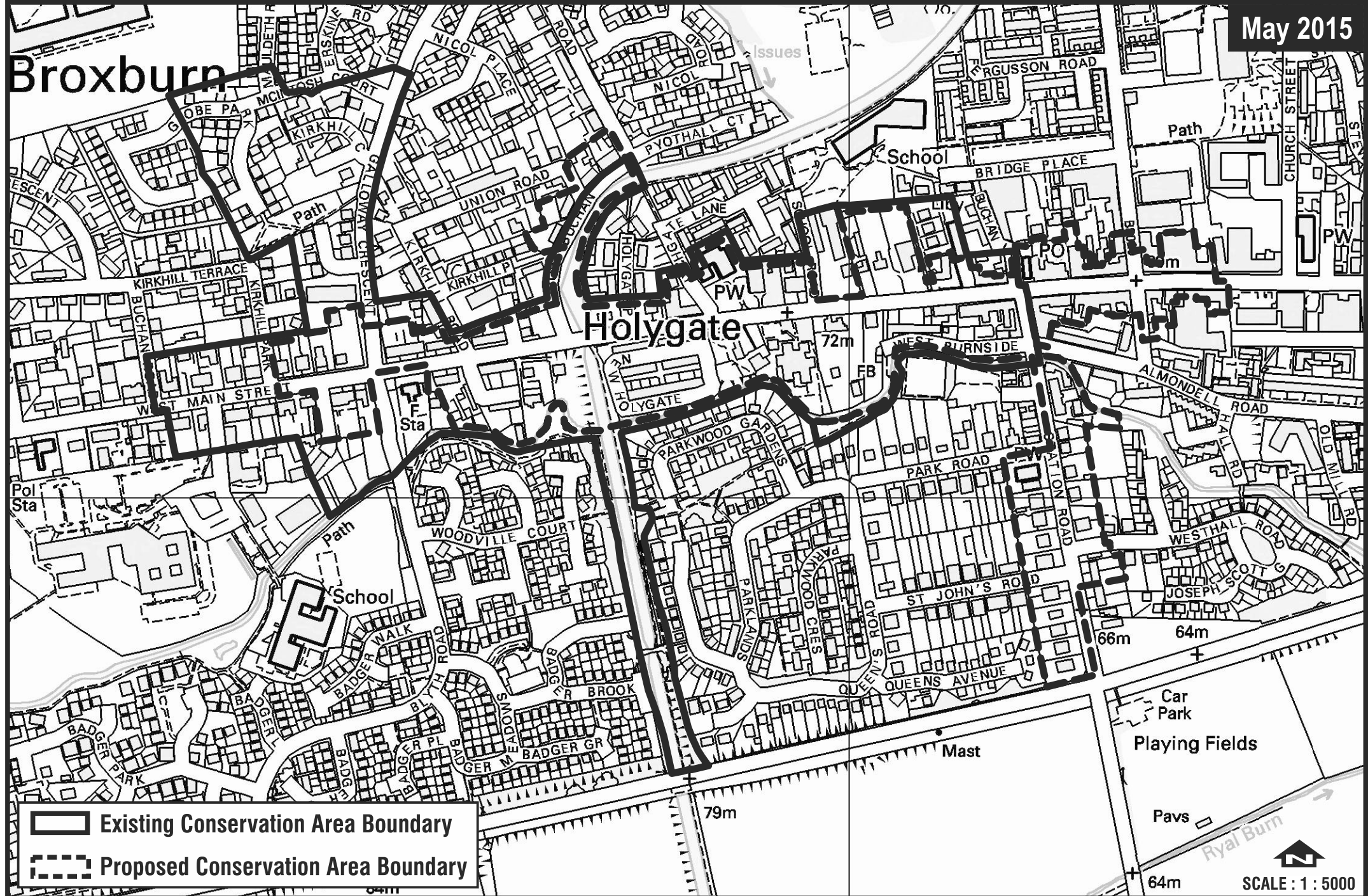
Craig McCorriston

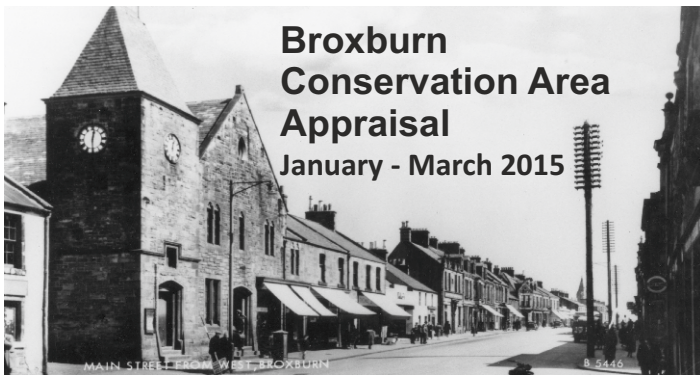
Head of Planning and Economic Development

25 August 2015

Appendix 1 : Broxburn Conservation Area - Existing & proposed CA boundaries following public consultation

May 2015





The conservation area is an important factor in protecting Broxburn's historic environment and heritage. The proposed changes to the Broxburn Conservation Area will affect the areas included and removed from the conservation area. It is important that the council gauges the views of the residents of Broxburn in order to determine whether or not it should go ahead with the proposed changes. Your view is important to this process, there we would like to extend out thanks in participating in this survey. *Thank You.*

PERSONAL INFORMATION

1. What is your name?
2. What is your home address?

CONSERVATION AREA

These questions are surrounding the conservation area and how it relates to you

3. Were you aware that you live within a conservation area? ☐ Yes ☐ No
4. Are you aware of how living within a conservation area affects you? ☐ Yes ☐ No ☐ Not sure
5. If you answered no to the previous two questions, do you think more should have been done to inform you about the conservation area and how it relates to you? ☐ Yes ☐ No ☐ Not sure
6. How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?

The Broxburn Conservation Area boundary has been in place for approximately 40 years and is now outdated. It covers areas that no longer meet the criteria set out in the Scottish Historic Environment Policy (2009). The proposed changes to the Conservation Area boundary will exclude some residential areas and include other areas *(as shown on the map)*.

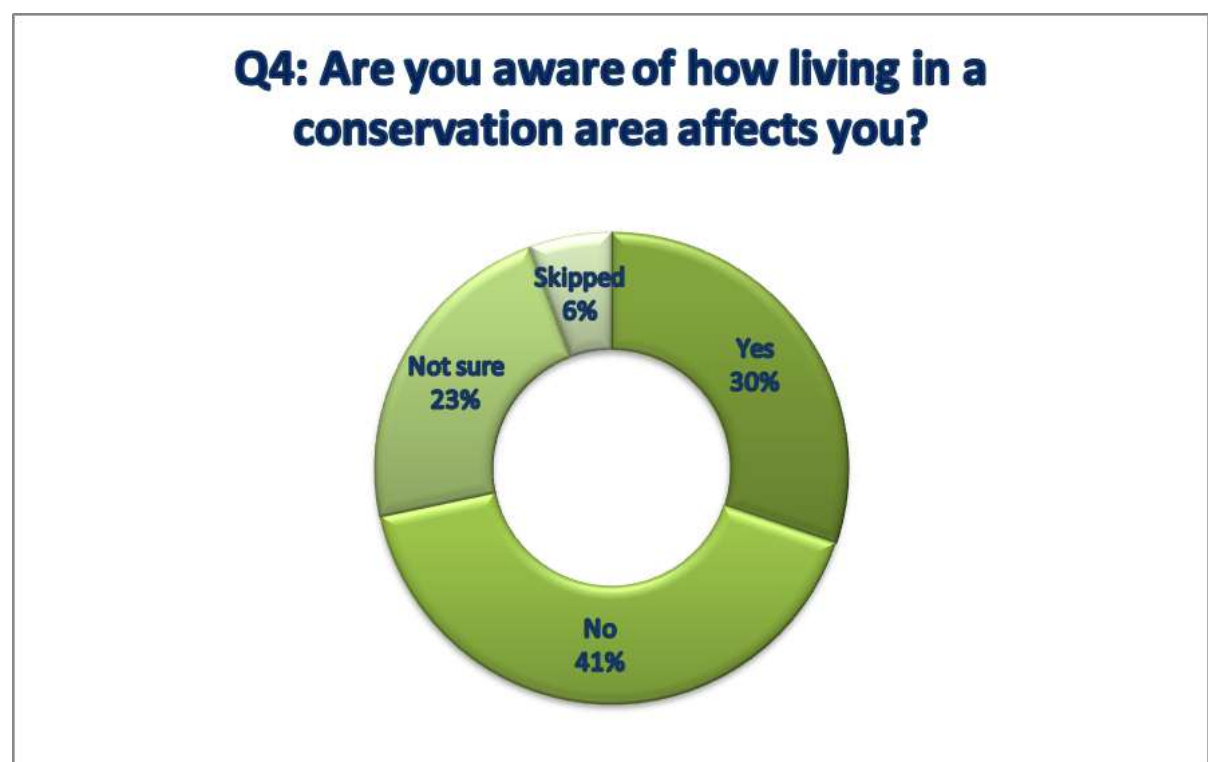
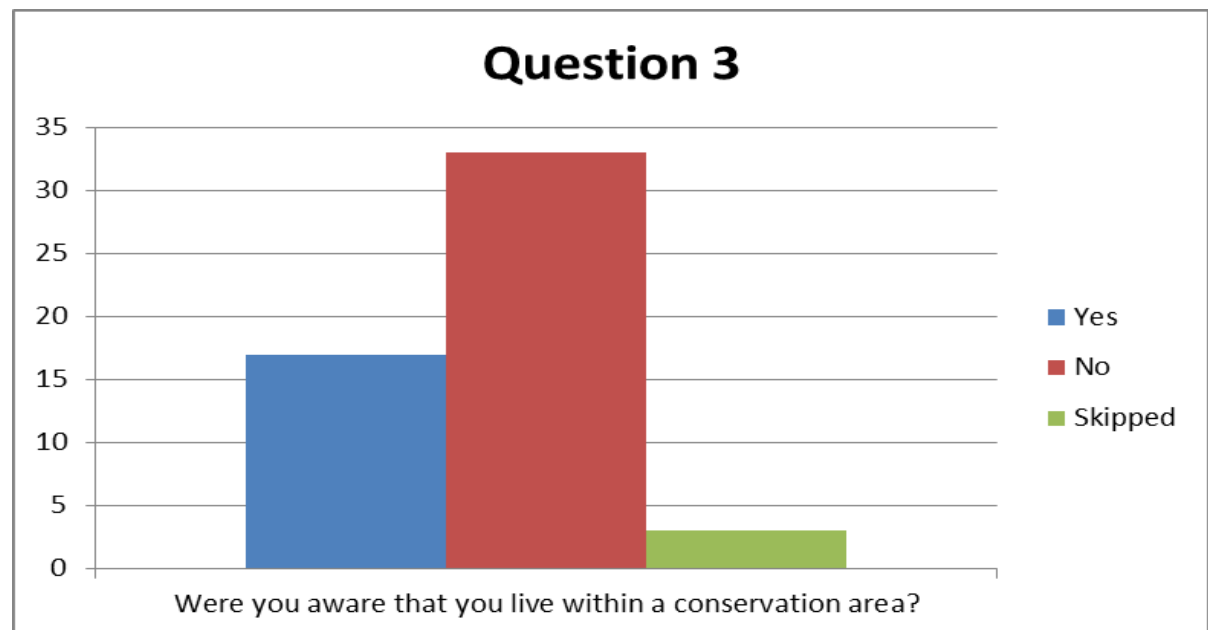
7. Is your property one of those being added to, or removed from within the conservation boundary? *(Refer to map from leaflet or exhibition)* ☐ Yes ☐ No ☐ Not sure
8. How do you feel about your property being in/out of the conservation area?

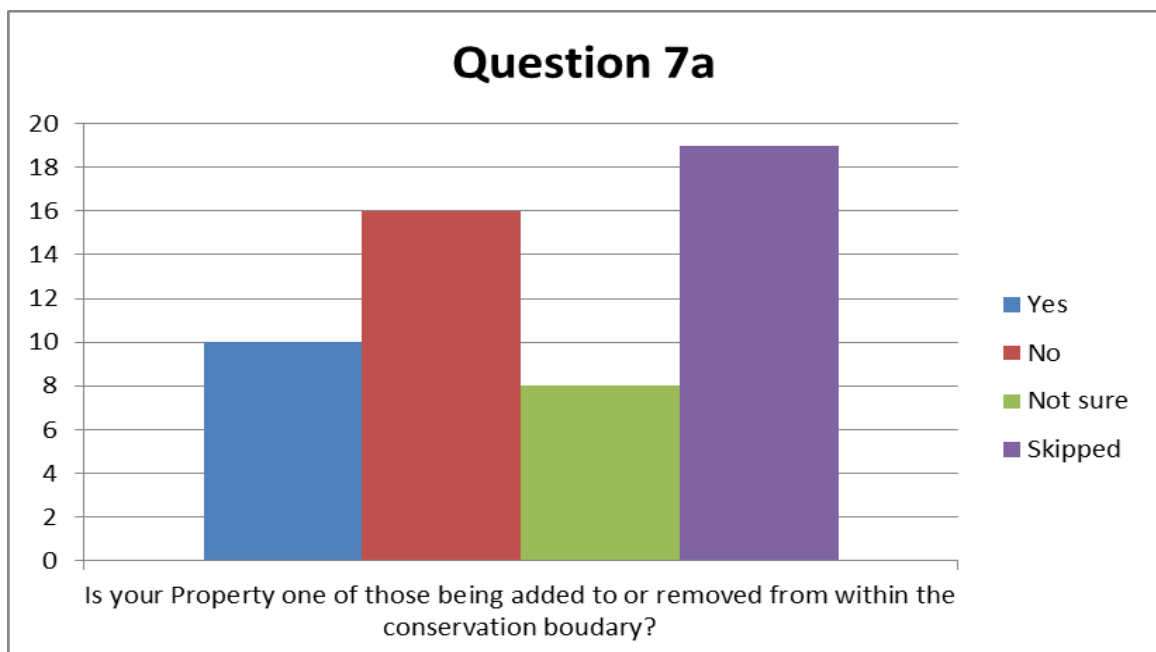
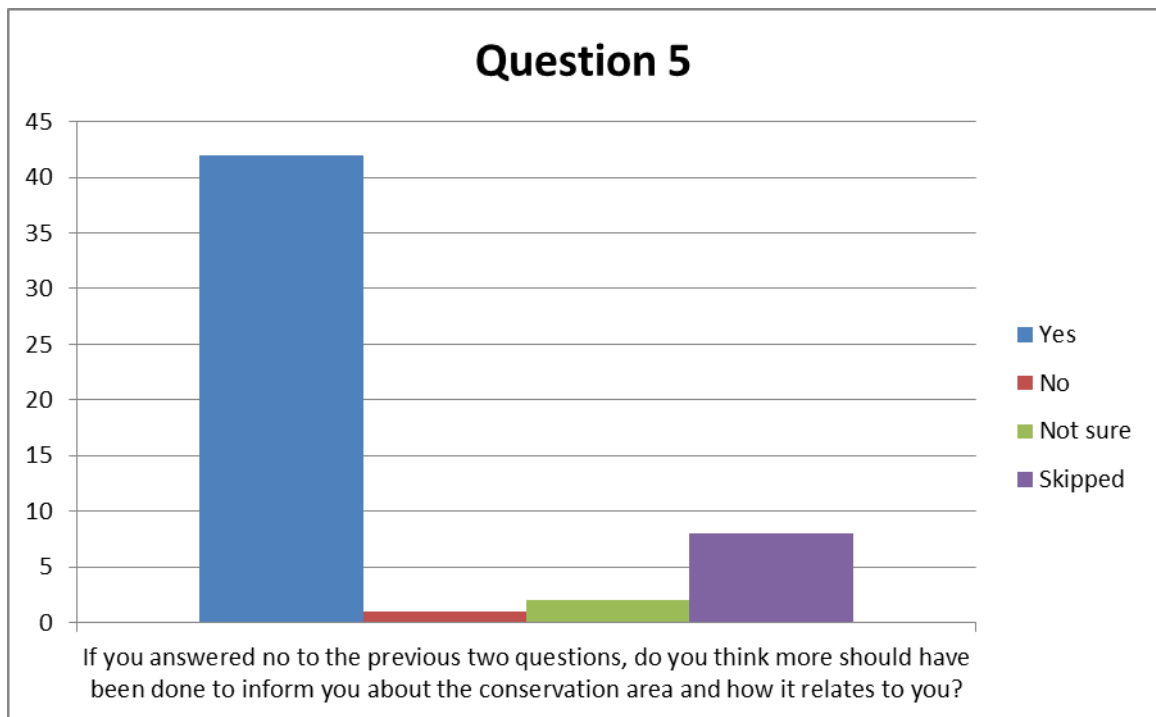
9. Is there any specific reason you do not agree with the proposed changes to the Broxburn Conservation Area boundary?

10. Are there any specific areas of Broxburn you would like to include within the conservation area boundary?

If you cannot fit all your information into boxes provided please use the blank side of this sheet - thank you.

Appendix 3 – Table of Graphs: Quantitative Data





Appendix 4: General comments arising from public consultation and proposed WLC response.

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Hillview Avenue, Broxburn	Very Effective.	Very Happy.	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area boundary considered effective.
Melbourne Road, Broxburn,	It's hard to say when you have a mix of old and modern buildings. Had it not been protected we would live in a very different environment. Common sense approach to developments which can and have enhanced the Broxburn we know today.	Have no preference either way. As long as it doesn't devalue my property.	<i>Skipped</i>	The woodland areas and walking links should be maintained and protected. Additional housing should not be built on the edge of Broxburn woodland.	Woodland will be protected by Conservation Area status. Kirkhill Woodland is outwith Conservation Area and application from Council housing recently approved avoids wood.
Station Road, Broxburn	Not sure.	Suppose it's ok.	Why is it Changing?	Why not St John's Road and Park Road?	Boundary is being reviewed as 40 years old. St Johns Rd and Park Rd were assessed but the majority of properties have been altered or are of lesser

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					architectural quality.
East Main Street, Broxburn	Could be better.	Happy.	No.	Main Street.	Noted that Broxburn Conservation Area <i>"could be better"</i> .
West Main Street, Broxburn	I don't think it has been very effective and I am sure very few people realise they live in a conservation area.	I do not feel the area should be removed and I am not pleased about the situation.	In my area there are a number of Victorian houses and villas which are the main properties built in the 1890's. I feel it is important to reserve this area of old Broxburn.	Station Road area and areas in West Main Street.	View noted that <i>"many people will not know they live in a Conservation Area"</i> . Measures will be investigated as to how to increase public awareness of the conservation area. Consultation boundary re-assessed in response to comments and some of the remaining better quality / unimproved Victorian properties on West Main Street will be retained within the

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					boundary.
Cunningham Crescent	It hasn't changed over the years so it must be effective	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area considered effective.
Holmes Farm Lane, Broxburn	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Badger Brook	Most buildings have been maintained/retained but new doors and windows have been installed in many I believe without permission	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Acknowledged that “new doors and windows have been installed without permission”. Methods of raising public awareness of what can and cannot be done within a conservation area will be investigated.
Station Road Broxburn	I fully appreciate and agree the history and heritage should be	We have concerns, 1. We have issues in having to get permission in any changes	Reasons I do not agree are as listed in question 8.	If this is being proposed why is the scout hall area on Station Road not on the	1) Planning permission is will remove some permitted development

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
	protected	we make to our home. 2. We have plans already passed for extension to home, this may become an issue when we come to do the work. 3. I strongly believe this could cause problems at a later date if we ever want to sell the property. 4. We have old windows and have plans to update at some time to renew, more problems.		boundary...flats could be built here at a later date.. The scout hall is very well used at the moment but could become an issue at a later date.	rights although designation as a conservation area should not be seen as a barrier to development, rather as an opportunity to enhance the appearance of the area. 2) & 3) Existing approved planning permissions will not be affected by Conservation Area re-appraisal. Being within a conservation area can be viewed as beneficial when selling property. 4) New windows will require planning permission although this should be seen as an opportunity to improve the appearance of the property and the area as

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					a whole.
Goschen Place Broxburn	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Park Road, Broxburn	Wish more buildings in Broxburn had been protected.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted desire that “ <i>more buildings in Broxburn should be protected</i> ”.
Old Town, Broxburn	Not very effective due to the amount of building that has happened in Broxburn over the last 23 years.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Building in Broxburn in last 2 decades has all been outwith Conservation Area, other than at derelict former school on West Main Street.
Wyndford Avenue Uphall	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Nicol Place	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Badger Park	Not aware.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that respondent not aware of Broxburn Conservation Area. Measures will be investigated as to how to increase public

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					awareness of the conservation area.
Kelso Street	Very effective, as many historical buildings are in existence today.	No issue.	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area considered “ <i>very effective</i> ”.
Port Buchan	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Pinewood Park, Livingston,	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Nicol Road	Very little	No problem	Leave as is at the moment	No comment	Noted that Broxburn Conservation Area “ <i>should remain as is at moment</i> ”.
Holygate Place, Broxburn	Not effective - I thought the old primary school was supposed to be protected. It was ignored and neglected until someone burnt it down and now it is being built upon.	I am not bothered either way, but wonder how the house right beside me is included and ours is not. Not sure of the criteria for inclusion.	Can't agree or disagree as don't know what the proposed changes are.	No	Conservation area status could not protect former school on West Main Street from being burnt down. Building was beyond cost effective salvage. New housing use has design sensitive to location within Conservation Area and

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					was approved by Scottish Ministers. The criteria for inclusion within a conservation area consist of meeting the principles set out in the Conservation Area appraisal.
Cleghorn Drive	Somewhat effective.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area considered “ <i>somewhat effective</i> ”.
West Holmes Place	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Cuthill Crescent Stoneyburn	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Badger Place	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Freeland Ave Broxburn	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Pyothall Court Broxburn	Not sure	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	N/a
Old Mill Road	Very effective as long as it does not change.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area considered “ <i>very</i>

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					<i>effective”.</i>
New Holygate	Very poor, as our area is "conservation" we get no grit bins, deliveries, emergency vehicles due to the uneven private road. We would like some of the funding to help sort this historic conservation area. We do not need drainage / major structural change, just repaired enough for us to take the bins to the main road.	It is good that it is within but there is no point if repairs are not made to "conserve" it, Funds from the grant need to be put towards repairs of all areas including small forgotten private roads / paths.	There is no point in conservation areas unless they are being preserved. Our cottages were used by the Shale Bing miners and recognised by Historic Scotland, yet no funds are applied to its conservation. We have to spend extra for windows etc. but cannot get services form emergency vehicles due to the uneven private road. Funds need to be allocated to this part of the conservation area.	Our very small road, so we can get the services other areas within the conservation get.	Noted considered good that Holygate scheme is with Conservation area, but as a “Private Road”, there are no grit bins and also issues with access over potholes and getting bins to main road. Consequently, request for grant aid to repair cobble road surface rather than formal adoption.
Main Street	No idea. Is Kirkhill House one of your best examples of	I am assuming we are being removed. The map is not very clear. I hope it doesn't	<i>Skipped</i>	<i>Skipped</i>	Acknowledged concerns over extent of conifer trees at Kirkhill House,

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
	conservation? Their conifer trees are allowed to grow and grow uncontrollably. If the canal port area is part of this area then this is a good result.	impact on the visual aspects of our area.			while support for Port Buchan being within the conservation area.
Kirkhill House, Broxburn	There are obvious areas where the designation has been eroded over time through Piecemeal development and poor policy control. E.g. Broxburn's East + West Main Street.	We think it is important to retain and protect the historic environment + heritage of Broxburn at Kirkhill House and have prepared a short report containing the rationale for its inclusion in the conservation area in direct response to this question.	Yes, Kirkhill House and it'd immediate context is the most historic place of settlement within Broxburn. Please refer to public consultation response report for further details.	Yes, Kirkhill House and it's immediate context. Please refer to public consultation response report for further details. If you have any queries or require further information, please get in touch. Thank You.	Acknowledged there are areas were conservation area designation " <i>been eroded though piecemeal development and poor policy control</i> ". While it is acknowledged that Kirkhill House is perhaps the most historic place in Broxburn, removal from the conservation area is proposed due to the cumulative effect of development in and around the grounds of the original tower

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					house. These have had a negative effect on the appearance and value of this section of the existing conservation area. However, the structure and its setting remain protected by its B Listed Building status.
Ashbank Cottages, Broxburn	None, its only conservation when the council thinks it should be and they turn a blind eye to others.	Don't mind but the council are not consistent in their policies and rules and regulations???	I don't think any thought has been out into the areas. There are areas which should be protected and are not and others which shouldn't. Don't know how you have worked these out?	The map is not clear enough to say what areas are in and what areas are not - needs to be made clearer.	View noted the council <i>"not consistent in applying policies and regulations"</i> to the conservation area and unsure how boundary selected – It was selected to follow natural features and present the remaining best parts of the built historic and architectural core of Broxburn.

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Cardross Crescent	Very Effective	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that Broxburn Conservation Area considered “very <i>effective</i> ”.
Galloway Crescent, Broxburn	It is incredibly important to protect the heritage and historic environment.	Would prefer to remain in the conservation area	The conservation area is being reduced. I do not believe this is a good idea.	<i>Skipped</i>	Noted that protection of historic environment considered vitally important & reluctance to reduce the size of conservation area. There will be only a slight reduction in area. There will, however, be greater emphasis on more historic properties and on the town centre.
Middleton Road, Uphall, Broxburn	I have no idea but I suspect it has kept some developments from happening.	I feel the library should still be included as it is central to the needs of the community.	See above.	The Library.	View noted that Library site should remain within conservation area “as central to needs off community”. The architectural quality of the existing 1970s flat roofed building does not

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					warrant retention within the conservation area.
Station Road, Broxburn	Not very.	Not pleased.	Having had no problems in the upkeep of my building in the 20 years I have owned it I don't see why I should now be subject to different regulations (probably at a cost) now.	No.	Noted that Broxburn Conservation Area considered “ <i>not very effective</i> ” and concern that Station Road should now be proposed for inclusion within new conservation boundary. The quality of the Edwardian buildings in the north part of Station Road and the retention of many of their original features warrants the inclusion of Station Road within the new

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					conservation area boundary. This will not be a barrier to people maintaining the properties.
Liggat Place, Broxburn	I love the old Broxburn	Not Sure	Not Sure	Not Sure	N/a
Almondvale Road, Broxburn	Very bad	?	<i>Skipped</i>	Yes.	Noted that Broxburn Conservation Area considered poor.
Curran Crescent, Broxburn	We have a rich history regarding how the town was formed & the work that took place & this should be conserved and celebrated more.	I feel that all of Broxburn should be conserved & not leave out the area's that have a high shale ground base. I am totally opposed to fracking & this change looks like it will benefit this.	Again fracking near people's homes is humanity not content with trying to kill us all, that it wants to make money & send us into the ground at the same time.	All of Broxburn.	Noted appreciation for Broxburn's heritage and value of historic core that requires more interpretation but that all of settlement should be covered by a conservation area boundary to prevent oil

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					shale fracking. A conservation area designation for the whole settlement is not warranted as it does not meet the terms of the conservation principles identified in the appraisal. Future applications for mineral or unconventional oil and gas extraction are unlikely to have a significant bearing on the character and appearance of the conservation area.
Holygate, Broxburn	Really Effectively	Very Good	Nope	I love my home.	Noted that Broxburn Conservation Area considered “ <i>really effective</i> ”.

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Almondell Road, Broxburn	Not Very. The Main street looks very run- down. Not actually sure about what the town's 'Heritage' is. Sure, there used to be mining but that means nothing now.	I live in a flat built in the 70's - hardly a heritage or conservation target. So Don't feel affected by it.	I suspect it's as much about cutting costs as conservation - with the proposed area being so much smaller.	Keep the area known locally as the 'Range' as open country by including it in the conservation area.	Noted that Broxburn Conservation Area considered “ <i>ineffective</i> ” and that Main Street “ <i>run down</i> ” and that a smaller conservation area is about reducing costs – the size of the conservation area is not linked to budget. Include within the conservation area the area known locally as the “Range” – this area is already protected as community woodland within the Broxburn Countryside Belt.

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Station Road/Broxburn	It has taken a long time coming. But better late than never to be updated.	Not enough information on map for EH52 5QU.	Not enough information on map for EH52 5QU.	Almondell Country Park	Noted that updating of Broxburn Conservation Area boundary was overdue, but Almondell County Park should be included – former steading buildings at Country park associated with demolished Almondell House are listed but rural nature and little pressure for development means conservation area designation not appropriate.
Stewartfield Road, Broxburn	As I did not know that I lived in a conservation area I have no idea how effective it has been.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	Noted that unaware lived in a property within the Broxburn Conservation Area. Measures will be investigated as to how to increase public awareness of the

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					conservation area.
Almondell Road, Broxburn	Mostly ineffective.	Do not want my property included.	It will increase costs of the upkeep of the buildings as no work could be carried out prior to council consent which I'm sure comes at a cost.	I think it is a good idea to include the main street, however the changes already made to these properties will make it difficult to resemble any historic significance.	Noted that Broxburn Conservation Area considered “ <i>ineffective</i> ” and property on Almondell Road should not be include within new boundary. Planning permission is not required for property maintenance, only for certain developments. Almondell Road is not proposed for inclusion within new conservation boundary.
<i>Skipped</i>	<i>Skipped</i>	Fine.	<i>Skipped</i>	<i>Skipped</i>	N/a
Wilson Terrace, Broxburn	I don't know.	N/A	No	No	N/a

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Kirkhill Road	I didn't know there was a conservation area.	Don't know how being in conservation area affects me.	<i>Skipped</i>	<i>Skipped</i>	Noted that unaware there was a Broxburn Conservation Area and unsure what are the effects of inclusion – some permitted development rights are withdrawn and planning permission is required to retain the historic and architectural nature of a property. Measures will be investigated as to how to increase public awareness of the conservation area.
Liggat Place, Broxburn	I love the old Broxburn	Not sure.	Not sure.	Not Sure.	Support noted for historic parts of Broxburn.
Loaninghill Park, Uphall	As I was unaware, the question is an imponderable.	No issues.	<i>Skipped</i>	No.	Noted that unaware there was a Broxburn Conservation Area. Measures will be investigated as to how

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
					to increase public awareness of the conservation area.
Station Road, Broxburn	Very pleased. I wished over the years a lot more of the heritage of Broxburn was left.	Pleased that my property being in the conservation area.	No.	Yes, I would like to see St. John's Road, Park Road and part of West Hall Road included. Also the old tennis court should be included as part of the history of Broxburn. Also the Scout Hall.	Noted that protection of more of Broxburn's heritage required and pleased that property now included with new proposed conservation area boundary. St Johns Road, Park Road, part of West Hall Road, tennis courts and Scout Hall should also be included. These streets and sites were assessed but considered did not meet the conservation area criteria outlined in the conservation appraisal report.

Broxburn Conservation Area Appraisal: Public consultation (January – March 2015) (Qs: 3,4,5, 7 tabulated)					
Q1&2 Street Name * (*Name & property number redacted)	Q6: How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Broxburn?	Q8: How do you feel about your property being in / out of the Conservation Area	Q9: Is there any specific reason you do not agree with the proposed changes to the Broxburn conservation Area	Q10: Are there any specific areas of Broxburn you would like to include within the conservation area boundary	WLC Response
Cardross Avenue, Broxburn	I don't live in the actual conservation area but really can't see anything has been done to protect the area and conserve the buildings.	<i>Skipped</i>	<i>Skipped</i>	<i>Skipped</i>	View noted that unclear what done to protect the area and conserve buildings. Measures will be investigated as to how to increase public awareness of the conservation area.

(July 2015 - v2)

Building Schedule and Action Plan: Station Road

Property: 24 Station Road
Estimated date: Late 19th century (1884)
Current use: Residential



Photograph date: April 2015

	Ground floor	1st floor	2nd floor	3rd floor	Issues	Actions	Leader	Approx cost
Building material	Coursed squared rubble	Coursed squared rubble	n/a	n/a				
	Yellow sandstone	Yellow sandstone						
Roofing material	n/a	n/a	Scottish Slate	n/a				
Rainwater goods	n/a	n/a	Cast iron ogee section rhones. 1 circular downpipe, RH, white	n/a				
chimneys	n/a	n/a	1 cylindrical chimney on stack on RH gable	n/a				
			Light buff					
windows	6 windows; 3 LH, 3 RH.	4 windows; 1 LH, 1 velux central, 2 RH	n/a	n/a	Windows not original pattern or material	Consider grant aiding replacement	THI officer?	
	All UPVC, double glazed, white, plastic frames	All UPVC, double glazed, white, plastic frames						
doors	1 door central, timber, red.	n/a	n/a	n/a				
signage	n/a	n/a	n/a	n/a				
Architectural features	n/a	'1884' engraved into building, as an indication of when house was built	Intricate dormer window, LH	n/a				
Notes	'1884' date stone suggests that the house was built around or in this year							



COUNCIL EXECUTIVE

UNIT 6 GREENDYKES INDUSTRIAL ESTATE, BROXBURN **PROPOSED LEASE TO JOHN NIXON LIMITED (NIXON PLANT HIRE)**

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek Council Executive approval for a 15 year lease of premises at the former council depot at unit 6 Greendykes Road, Broxburn.

B. RECOMMENDATION

It is recommended that Council Executive approves a 15 year lease of the premises at Unit 6 Greendykes Road, Broxburn to John Nixon Limited at an initial rental of £49,000 per annum, and subject to the detailed terms and conditions set out below.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	Contributes to the performance indicators for income received from the Tenanted Non-Residential Portfolio. (TNRP).
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	The renewal of the lease will secure a rental income of £49,000 per annum, beginning in 2015/16.
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

John Nixon Limited has occupied this former council depot since 2002 as a plant hire depot. The premises has a site area of 9,516 sqm (2.35 acres) and includes approximately 1,966 sqm (21,165 sqft) of office, warehouse and stores. The current rent is £44,000 pa.

The following terms for a new lease have been provisionally agreed between the parties:

Tenant – John Nixon Limited.

Subjects – Unit 6 Greendykes Industrial Estate, Blackburn as shown hatched on the attached plan.

Date of Entry – 1 January 2016.

Term - 15 years, with a tenant option to break on the fifth and tenth anniversary of the lease. In addition, the tenant will have an option to break the lease if they acquire land from the council.

Rent - £49,000 per annum (excluding VAT) with a rent review to market rent at the fifth anniversary of the entry date. An initial five month rent free will be given, with a further three month's rent at the commencement of the fifth and tenth years if the break option is not exercised.

Use – Workshop offices and stores in connection with the tenants plant hire business.

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

General - There will be 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 John Nixon Limited on the basis of the recommendation given in this report and in accordance with the council's current policies.

F. BACKGROUND REFERENCES

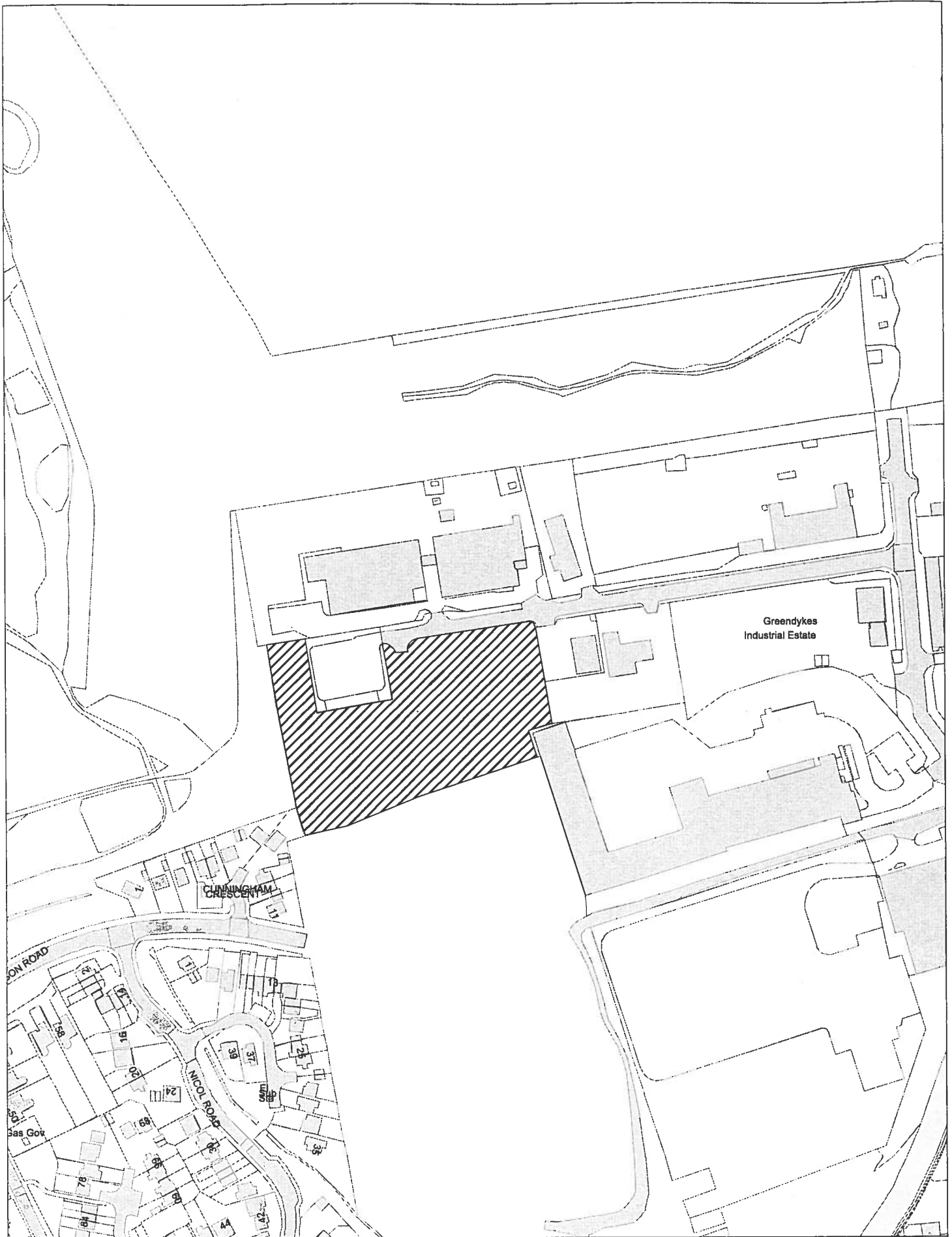
None

Appendices/Attachments: Location plan.

Contact Person: Stephen Letch, Commercial Property Surveyor Tel.01506 281122; email: stephen.letch@westlothian.gov.uk

Donald Forrest, Head of Finance and Estates

Date of meeting: 25 August 2015





COUNCIL EXECUTIVE

DEVELOPMENT SITE HLv111, KIRKTON NORTH, LIVINGSTON **PROPOSED SALE TO BARRATT EAST SCOTLAND**

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To obtain Council Executive approval for the sale of development site HLv111 at Kirkton North, Livingston to Barratt East Scotland in accordance with the details set out below.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Approves the sale of development site HLv111, Kirkton North, Livingston to Barratt East Scotland for £3,575,000, subject to the terms and conditions set out below, and,
2. Authorises the Head of Finance and Estates to carry out any further negotiations with the purchaser in respect of the sale of the site, including any required alteration of the sale price, on the basis that any revised terms and conditions still represent the highest capital receipt available to the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The sale of this site will contribute towards the council's 2015/16 approved capital receipts target and in doing so will assist the associated capital receipts performance indicator.
V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI Resources - (Financial, Staffing and Property)

The capital receipt in the region of £3,575,000 will contribute to the council's approved capital receipt programme for the financial year 2015/16.

VII Consideration at PDSP

Not applicable.

VIII Other consultations

The elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

The residential development site HLv111 at Kirkton North, Livingston, is council owned land extending to 2.96 hectares (7.31 acres) or thereby, located immediately east of the Toll Roundabout in the Kirkton area of Livingston. The site (shown outlined in black on the attached location plan) is identified in the adopted West Lothian Local Development Plan 2009 for residential development.

The site, which has been used in recent years for seasonal agricultural lets, was identified for disposal as part of the council's 2015/16 capital receipts programme and as such it was advertised for sale on the open market in June 2015. Following a number of "notes of interest" a closing date for offers to purchase was set for noon on 3 August 2015. At that time, a number of offers were received from national firms of house builders.

After detailed analysis and comparison of all the offers received, and making allowance for a range of abnormal costs and developer contributions that are deductible from the headline price offered, it is clear that the offer which represents best value to the council is that received from Barratt East Scotland. The main terms of the offer are summarised as follows:

Purchaser	Barratt East Scotland
Price	£3,575,000 (net of deductible costs)
Entry	following purification of all suspensive conditions
Proposed development	total of 98 residential units, including detached, semi-detached and flatted properties
Suspensive conditions	<p>Access and clear title</p> <p>Site investigation works and report</p> <p>Receipt of statutory consents e.g. planning, road construction etc.</p> <p>Availability of mains services</p> <p>Barratt main board approval</p>

Included within the offer received from Barratt East Scotland is an indicative development layout of how they plan to develop the site. Initial consultation with colleagues in Development Planning has confirmed that the proposals are generally in accordance with the approved Development Brief for the site, subject to any changes required at formal application stage.

Previous experience in the sale of residential development sites has shown that all offers are heavily qualified in respect of what developer's term "abnormal costs". By their nature these costs are only identified once detailed site investigations and design works have been carried out. Developers will not incur the expense of this work until their offer has been accepted. Because of these unknown factors, there are occasions when developers seek to renegotiate the price payable due to increased cost factors that were unknown and could not have been foreseen at the time of their original offer.

It is recommended therefore that delegated powers be granted to the Head of Finance and Estates to conclude any further negotiations that may be required with the purchaser, including any required amendment to the purchase price, provided always that the amended purchase price would still represent the best capital receipt for the Council.

E. CONCLUSION

It is considered to be in the council's best interests that site HLv111, Kirkton North, Livingston be sold to Barratt East Scotland in accordance with the terms set out in this report.

F. BACKGROUND REFERENCES

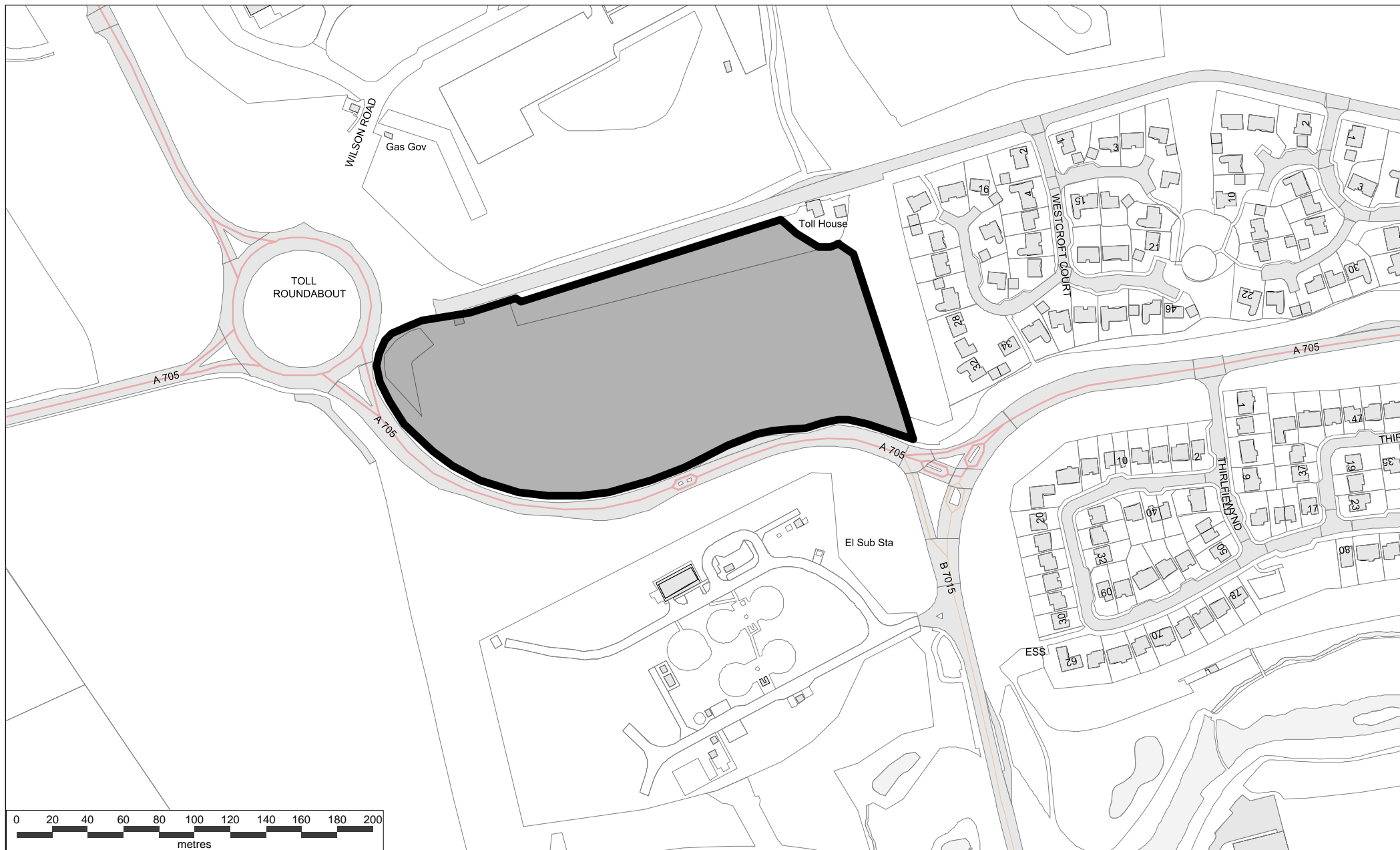
None

Appendices/Attachments: Location plan attached.

Contact Person: Scott Hughes (Property Management & Development Unit)
Tel. (01506) 281825, Email: scott.hughes@westlothian.gov.uk

Donald Forest, Head of Finance and Estates

Date: 25 August 2015



KN10B, LIVINGSTON





COUNCIL EXECUTIVE

EAST CALDER PARTNERSHIP CENTRE – UPDATE

REPORT BY HEAD FINANCE AND ESTATES

A. PURPOSE OF REPORT

The purpose of the report is to advise the Council Executive of the outcome of the community engagement on the new East Calder Partnership Centre, to seek approval for submission of a planning application for the new partnership centre and to seek approval for delegated authority to conclude transactions associated with the new centre.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the findings of the community and stakeholder engagement undertaken to date, including the agreed outline design that has been developed through this process;
2. approves the submission of the planning application for the new partnership centre based on the outline proposals contained in the report;
3. notes the planned progress of development through to completion, as outlined in the development programme;
4. notes the outline timescales and programme milestones for delivery of the project;
5. instructs the Head of Finance and Estates to negotiate and conclude the necessary transactions with NHS Lothian and any utility providers to secure land and / or other rights required to facilitate the development of the partnership centre as outlined in the draft site layout; and
6. notes that upon completion of the new Partnership Centre both the existing Library and Community Education Centre will no longer be required for the delivery of services and will be subject to the approved Surplus Property Procedures.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs.
Being honest, open and accountable.
Making best use of our resources. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | None. |

III	Implications for Scheme of Delegations to Officers	The report seeks approval to provide delegated authority to the Head of Finance and Estates to negotiate and conclude transactions to secure land and rights to facilitate the development
IV	Impact on performance and performance Indicators	Performance measures relating to condition and suitability will improve as a consequence of the proposed project.
V	Relevance to Single Outcome Agreement	<p>The significant investment in the partnership centre will support a number of single outcome agreement performance measures including:</p> <p>our children have the best start in life and are ready to succeed;</p> <p>we live longer, healthier lives and have reduced health inequalities; and</p> <p>we make the most efficient and effective use of resources by minimising our impact on the built environment.</p>
VI	Resources - (Financial, Staffing and Property)	<p>Within the General Services Capital Programme for 2016/17 there is a £2.691m budget available for the project.</p> <p>Potential receipts from surplus assets are part of the approved funding for the project.</p> <p>Staff required for the management and delivery of the project are being provided from existing resources. External design and construction professionals engaged under existing framework agreements will support the delivery of the project.</p>
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	<p>The report outlines the outcomes of the community engagement, consultation and delivery group activities to date. Relevant services have also been consulted as part of the process.</p> <p>Local elected members for the ward have been provided with a copy of this report.</p>

D. TERMS OF REPORT

D1 BACKGROUND

On 10 March 2015, Council Executive considered a report outlining the findings of a review and community consultation which identified the land adjacent to the existing Health Centre as the preferred site for the location of the proposed East Calder partnership centre. The Executive approved progression of the design and construction of the proposed partnership centre and agreed that consultations should continue with relevant stakeholders on the design and delivery requirements for the proposed new partnership centre and that these consultations should be concluded by June 2015.

The partnership centre community engagement and delivery group, which is made up of representatives from the Community Council, Community Education Centre Management Committee, Playgroup, Out of School Care and other groups has supported officers and the design team to develop proposals. The consultation activities and findings are shown in Appendix 1.

The initial design and community engagement process has now been completed and has informed the proposed site layout shown in Appendix 2 to be progressed.

D2 Design Proposals

The community engagement and design development undertaken to date has established the following:

- confirmation that the partnership centre should be constructed adjacent to the existing Health Centre;
- the building will be two-storeys in height due to site restrictions and proposed eaves height of the multi-function hall;
- the partnership centre will establish a civic space and confirm the location as the centre of the village;
- the Partnership Centre proposed will re-establish an historic 'green' link and strengthen the connection between the park and the village centre;
- creation of improved parking facilities will support village centre vitality and viability;
- the finalised draft accommodation schedule may be refined through the detailed design process but will continue to facilitate the needs of all existing community groups and users of the current premises and will provide flexible spaces and capacity to support additional uses;
- changing facilities that can be separately accessed to the rear of the proposed building will greatly enhance the current provision;
- a campus style arrangement with the NHS allows for the site to be developed in two stages; and
- the proposed scope of the project has been appraised by Construction Services as affordable within existing resources.

The outline site layout, access and building orientation are shown illustrated in Appendix 2. Appendix 3 shows the finalised draft accommodation schedule and proposed internal layout which, whilst subject to further refinement as the project progresses, is not expected to vary significantly. Changes will continue to be agreed with the community engagement group who will continue to play an active and positive part of the development process.

In summary, the design of the facility proposed consists of the following:

- a building extending to approximately 950m² of accommodation over two levels;
- accommodation comprising multi-function halls, lounge / open activity area, meeting rooms, changing facilities, library / CIS, administrative office and ancillary accommodation;
- flexible accommodation to support early years, play group, out of school and youth work activities;
- changing rooms and storage to support activities in nearby park;
- new civic space;
- improved parking facilities in terms of both quality and scale; and
- a modern flexible design that is fit for purpose and a building that is easy to orientate around.

Overall, the proposals will facilitate all the key findings from the community engagement process and, when delivered, provide significant improvements to the delivery of services in the East Calder community.

D3 Partnership Centre Community Engagement and Delivery Group (Future Role)

Community engagement will continue to play an active role in the progress and delivery of the project. The next stage of the development process is to finalise the design details and submit the planning application. The community will, as part of this process, continue to be consulted and engaged.

During the construction and commissioning stages the group will also be actively involved with the activities, including acting as a conduit for communications to and from the wider community, supporting the development of proposals to mitigate any negative community impacts during construction and considering the relocation of the existing automated public convenience, amongst others.

D4 Project Timescales and Milestones

The project is on a critical path for completion by the end of March 2017. In order to achieve this, it is essential that all key stages of the development delivery process are progressed expediently. The proposed programme and key milestones are in summary the following:

- Planning Application submitted – August 2015
- Construction Tender Issued – February 2016
- Construction Tender Contract Award and Site Start – March/April 2016
- Construction Completed – March 2017
- Partnership Centre Operational - March 2017

Whilst the above timescales are challenging, officers are confident that these can be achieved. There are, however, a number of risks that could impact on the timescales including delays in obtaining statutory approvals, procurement delays, contractor performance, utility diversions and the securing of land from the NHS. At this stage, however, none of these risks has been identified as impacting on the project.

It is the intention of officers to submit the application for planning permission based on the proposals shown in Appendices 2 and 3, to ensure that the timescales reported are achieved.

D5 Site Assembly

Whilst it would have been possible to construct the partnership centre on land entirely owned by the council, to achieve a more integrated campus approach with any proposals that may emerge from the NHS and to provide greater flexibility in the layout and extra parking it will be necessary to secure additional land and rights.

It is proposed that delegated authority is conveyed to the Head of Finance and Estates to negotiate and conclude the securing of land and rights required to facilitate development. Informal discussions between officers of the council and NHS have identified that the potential transfer of land will be beneficial to both parties and generally agreeable subject to formal approvals. Initial terms are that the land outlined in Appendix 4 will be transferred between the NHS and the council. This approach will not only facilitate the development of the partnership centre but also enable the NHS to secure the land required for the new Health Centre. The extent of the proposed excambion is shown in Appendix 4.

E. CONCLUSION

The proposed design meets the findings of the community engagement and requires additional land to be secured from the NHS. To achieve the timescales outlined in the report it is therefore essential that this is undertaken expediently and effectively.

The partnership centre community engagement group has fully supported the design development process and will continue to play an active role as the project progresses. It is therefore proposed to seek planning permission based on detailed designs reflecting the finalised draft accommodation schedule and site layout highlighted.

The development of the partnership centre based on the proposals outlined in the report will provide the community of East Calder with a significant facility that will support improved of service delivery. It will also provide a focus for the village centre and represent a positive addition to the streetscape and urban environment.

F. BACKGROUND REFERENCES

Council Report – East Calder Partnership Centre 10 March 2015

Appendices/Attachments:

Appendix 1 – Community engagement feedback summary

Appendix 2 – Plan showing proposed location of partnership centre*

Appendix 3 – Draft accommodation schedule and proposed internal layout*

Appendix 4 – Plan of proposed land excambion*

*Larger scale copies of plans are available from Committee Services.

Contact Person:

Paul Kettrick, Asset Manager, Finance and Estates

Tel: 01506 281826

Email: paul.kettrick@westlothian.gov.uk,

Donald Forrest
Head of Finance and Estates

Date: 25 August 2015

Appendix 1 – Community Consultation Activities

Method	Target Audience	Activities	Outcomes
Consultation Committee (Consultation and Engagement Group)	East Calder Resource centre management committee, Community Council, East Calder Colts, Centre user groups, Gala committee	<ul style="list-style-type: none"> Regular meetings to discuss facility accommodation, requirements and design. Ongoing. Visits to existing partnership centres to identify likes/dislikes. Two representatives now attending officer led Partnership Centre project management group. 	<ul style="list-style-type: none"> Committee involved in decision making process on accommodation, design and needs. Community consultation (phase 1) complete – recognisance of feedback from various platforms, identifying needs and requirements, agreeing accommodation schedule and draft layout. Community consultation (phase 2) completed including design, operation considerations and maximising the use of the facility. Continued community engagement throughout delivery of project.
Information days	Wider local population: residents & local business	<ul style="list-style-type: none"> Library and street work on 26th May 2015 Gala park stall on 13th June 2015 – Architects in attendance Questionnaires and post cards issued to raise queries On acceptance of planning approval – Library & street work planned for September/October 2015 	<ul style="list-style-type: none"> Questionnaires / post cards returned and considered as part of design process Face to face meetings held with groups and members of the public Proposed layout and building design reflects feedback

Digital interface	Wider Population	<ul style="list-style-type: none"> • Web site: East Calder community centre/East Calder Library – building design • Questionnaire/Comments portal available • E-Mail account for direct contact 	<ul style="list-style-type: none"> • Comments gathered and addressed as received. • Proposed layout and building design reflects feedback • Opportunity for continued communication with community
-------------------	------------------	--	---

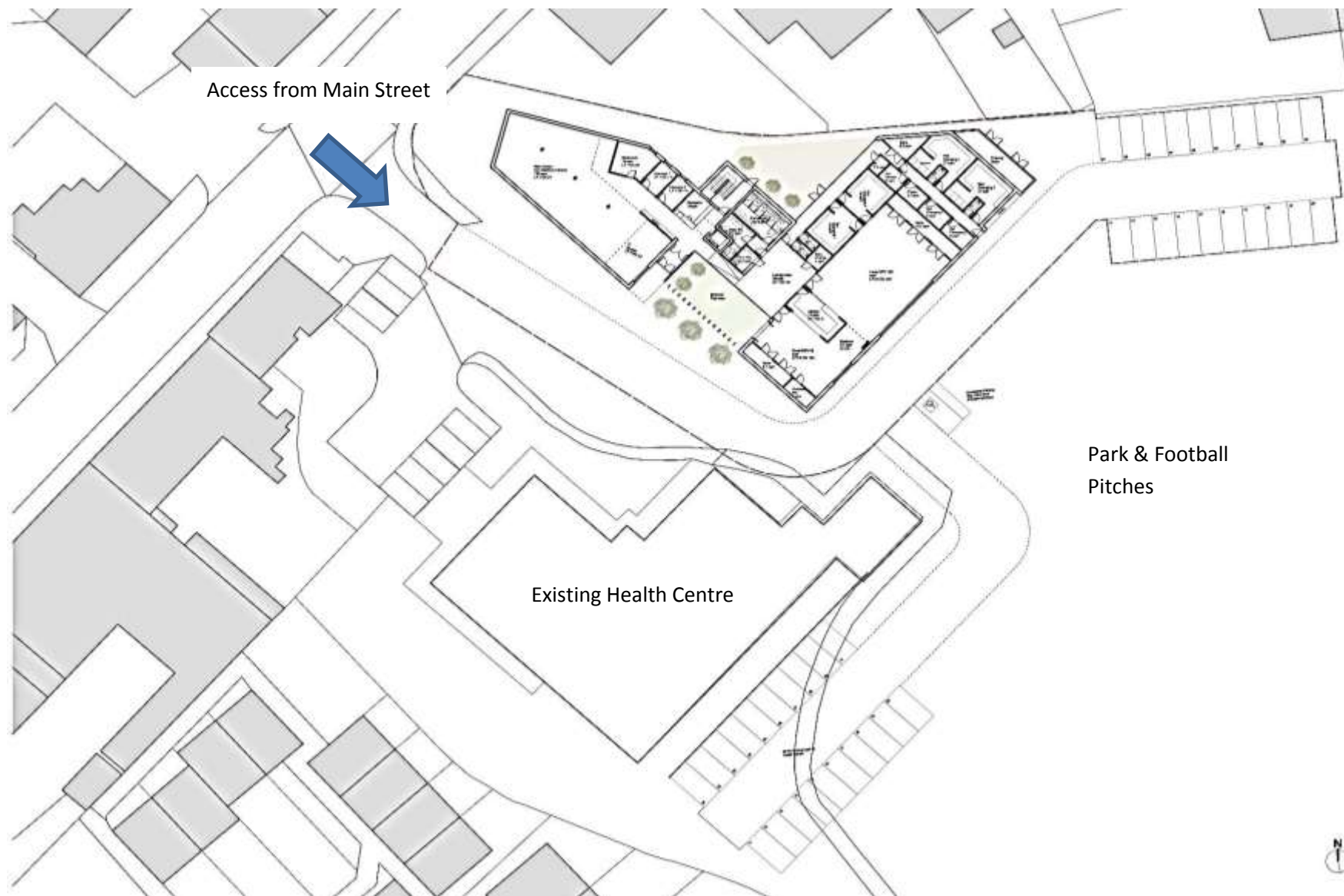
Community Consultation Feedback and Responses

Group	Feedback	Response	Further Action Required
Dancing group, senior citizens group, 50+ group, Ladies Circle	<p>Consultation group representative correlated feedback for senior citizens:</p> <ol style="list-style-type: none"> 1. Flooring suitable for dancing 2. Adequate Kitchen facilities for user groups 3. Separate comfortable seating area 4. Toilets not too far from main hall 5. Cloakroom facilities 	<ol style="list-style-type: none"> 1. The flooring will be designed appropriately for general purpose use – a ‘sprung’ wooden floor to be provided.(similar to the one provided at Bathgate Partnership Centre – seen on previous visit by all members of the group) 2. Discussed at Consultation group meeting – kitchen location and size agreed. 3. Incorporated in the proposed layout. In addition a ‘breakout’ area would be added to the layout design. 4. New layout shows location of toilets close to main hall. 5. No specific area dedicated for cloakroom facilities, however coat pegs would be added at suitable 	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. None 5. None

	<p>6. Portable stage?</p> <p>7. Storage for equipment</p> <p>8. Updated Loop system</p>	<p>locations – again as seen at BPC.</p> <p>6. The acquisition of a portable stage would be evaluated by the existing management committee for East Calder Resource Centre.</p> <p>7. Storage is limited but deemed by the consultation group as being adequate – space allocation to be determined by management committee.</p> <p>8. Loop system will be included as part of the construction programme.</p>	<p>6. None</p> <p>7. None</p> <p>8. None</p>
Simply Play	<p>1. Bright spacious room</p> <p>2. Suitable storage</p> <p>3. Toilets for 2-5 years</p> <p>4. Wall space for children's work</p> <p>5. Outdoor play area with storage</p> <p>6. Security entry to playroom</p>	<p>1. Proposed area for this room is adjacent to external glazed area</p> <p>2. Storage is limited but deemed by the consultation group as being adequate – space allocation to be determined by management committee.</p> <p>3. Toilets provided adjacent to the room proposed for this group.</p> <p>4. This will be a multipurpose room therefore wall space would not be an option for children's work – separate boards could be provided.</p> <p>5. Outdoor space incorporated in proposal and direct access from this room is provided.</p> <p>6. Multipurpose room, therefore access must be suitable for all potential users.</p>	<p>1. None</p> <p>2. Consultation on maximizing use and space of the new facility</p> <p>3. None</p> <p>4. To be discussed during 'detail design stage'</p> <p>5. None</p> <p>6. None</p>

	<p>7. File cabinet for confidential material</p> <p>8. Space required for 'growth'</p>	<p>7. Filing cabinet to be provided by Simply play – if suitable space for storage is available.</p> <p>8. The proposed space could be supplemented by use of 'other' areas within the building depending on future programme.</p>	<p>7. To be discussed during detailed design stage</p> <p>8. Space 'diary' to be approved by consultation group</p>
General	<p>1. Reduce IT area by 50%</p> <p>2. Reduce toilet space by 50%</p> <p>3. Increase car parking space by 20 spaces.</p> <p>4. Space required for 'Large' community meetings</p>	<p>1. This would reduce the number of Public access PC's available – it was agreed by consultation group to remain as is.</p> <p>2. Toilet space determined by building regulations.</p> <p>3. Increased parking will be accommodated: spaces to 'rear' of proposed facility and potentially to the rear of the Health centre.</p> <p>4. Library space will be designed with mobile shelving to allow the space to be used for large meetings if required – Both halls will also be 'connected' via a sliding partition to increase the floor space</p>	<p>1. None</p> <p>2. None</p> <p>3. None</p> <p>4. None</p>

Appendix 2 – Proposed Partnership Centre Access and Site Layout



Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
MAIN ENTRANCE			40m2		
	Reception	1	10	Centrally located	<ul style="list-style-type: none"> • Building reception area • Reception desk shared with other Services. • Reception desk for 2nr staff, for directing visitors to the appropriate service. • Direct access to toilets and waiting area. • Desk must be sized and designed to be able to cope with a large influx of people at one time and facilitate their safe progression around the building. • Area should create an appropriate sense of arrival and welcome visitors.
	Waiting Area	1	30	Centrally located	<ul style="list-style-type: none"> • Open plan waiting area with soft seating. • Access to all key parts of building. • Direct access to shared interview/meeting spaces • Provision for coffee/vending machines. • Space to have flexibility to be used out of hours
COMMUNITY LIBRARY			200m2		
	Main Library	1	120	<ul style="list-style-type: none"> - Main Entrance - Work room - Children Area - IT Suite - Toilets 	<ul style="list-style-type: none"> • Directly accessed from main entrance area. • Library desk with PC/telephone. • Open plan arrangement. • Self-service issue terminals. • Access to IT suite area. • To be highly visible from the main street and prominently located on the ground floor. • Adequate space to implement the full range of library services that are consistent with service delivery. • Designated areas for public reference, adults, children, young adults & family use. • Layout should allow sufficient space for circulation for all users (public and staff).

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
	Children's Area	1	30	Located adjacent to Main Library space.	<ul style="list-style-type: none"> Shelved book area. Kinder box area. Shared reading area with parents. Storytime area. Children's sized seating.
	IT Area	1	35	Main Library	<ul style="list-style-type: none"> Area for 16 PC stations. Part of main library space. Capable of being closed off. Must be centrally located. Must be acoustically separated when closed off.
	Council Information Service (CIS)	1	Part of Library	-Interview Rooms	<ul style="list-style-type: none"> Shared staff with Library Services/Registry. General customer inquiries will be dealt with in main library area. Shared interview rooms use for private enquiries.
	Registry Services	1	Part of Library	Located in Main Library -Interview Rooms	<ul style="list-style-type: none"> Shared staff with Library Services/CIS. Customer inquiries will be dealt with in main library area where applicable. Shared meeting spaces/interview rooms will be used private enquiries.
	Library Work Room	1	15	Main Library	<ul style="list-style-type: none"> Room for receiving deliveries. To be easily accessible from main entrance for deliveries. Space for 1no. PC/workstation. Wall shelving and worktop provision throughout.
	External Reading Area	1	See external section below	Main Library	

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
COMMUNITY FACILITIES			200m2		
	Large Multi-purpose Hall (MPH)	1	120	Changing Areas Kitchen Toilets	<ul style="list-style-type: none"> Multi-purpose space for activities such as: public meetings, public/private functions, public performances, community groups, afterschool clubs, fitness, yoga etc. (Not intended for sports). With A/V facility To be acoustically separated. Flexible space – acoustic dividing partition to increase flexibility of space. Access to kitchen area for refreshments. To be located on ground floor and be double height.
	Breakout Space	1	30 (assumed)	MPH	<ul style="list-style-type: none"> Chair store Equipment Store with shelving. Exact size and configuration to be confirmed during design development.
	Small Multi-purpose Hall (MPH)	1	50	Kitchen Area Children's Toilets	<ul style="list-style-type: none"> To be located on the ground floor close to the main entrance/reception area. A flexible space used for Playgroup during day. Available for community use in evenings and week-ends.
	Storage	2	30	MPH's	<ul style="list-style-type: none"> Storage to be directly accessed from small MPH for storage of toys etc. Storage to be deep walk in cupboards with shelving.
	Children's Toilets	1	5	Small MPH	<ul style="list-style-type: none"> Direct access to small MPH. Children's height toilets.
	External Play Area	1	See externals below		

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
CHANGING FACILITIES			100m2		
	Changing Rooms	2 2	50 30	Large MPH External Football Pitches.	<ul style="list-style-type: none"> 4 changing suites, 2 wet comprising of changing area, showering facilities and a toilet and 2 dry (changing only). Changing rooms to be split 50/50 (male/female) to separate male and female teams. Each changing room to have direct access to team showering facilities, (communal for male and cubicles for female). Rooms will be locked once all occupants vacate the room to negate the need for lockers. Access from main building required so changing can be used by ECPC users. Changing areas should have direct access to outside or dedicated corridor leading to the rear football pitches. 15 no occupants per room.
	Referee/Official Changing	2	5	Changing Rooms	<ul style="list-style-type: none"> Referees/Linesman changing room to incorporate shower & toilet facilities.
	Accessible Shower Room	1	5		<ul style="list-style-type: none"> Refer to BS8300 and Technical Handbook.
	Accessible WC	1	5		<ul style="list-style-type: none"> Refer to BS8300 and Technical Handbook.
	First Aid/Physio Room	1	5	Changing Rooms	<ul style="list-style-type: none"> Room with sinks and bed to administer basic first aid. Link to outside.
	Storage	1	15 (assumed)	External	<ul style="list-style-type: none"> Storage room shall be accessed externally and will house training aids, football equipment and dismantled goals. Storage of greens maintenance equipment & selected materials will also be housed in this area.
OFFICES/MEETING SPACES			95m2		

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

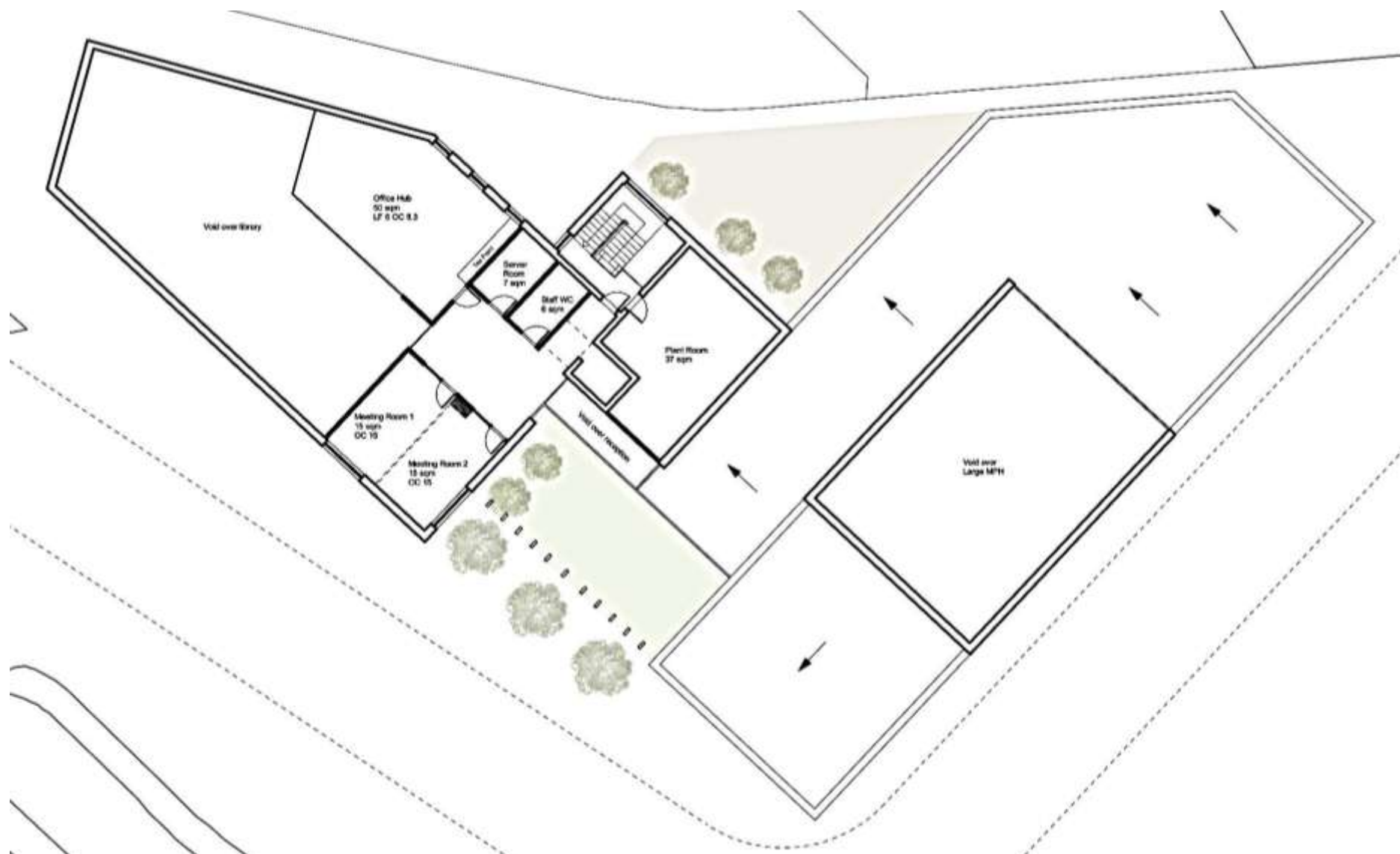
Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
	Interview Rooms	2	7.5	Entrance Area Library	<ul style="list-style-type: none"> Private interview rooms for use by all users. Interview Rooms should be located so that they are accessible to Community/Local Elected Member for meetings/surgeries out with office hours. Rooms required to be acoustically insulated. Rooms must be accessible and fitted with induction loop system. Potential requirement for staff panic button.
	Meeting Rooms	2	15	Entrance Area Office hub	<ul style="list-style-type: none"> Required to be acoustically insulated. Rooms to be sub-divided with acoustic sliding partition to increase flexibility.
	Office Hub	1	50	Main Entrance Tea-point Meeting Rooms	<ul style="list-style-type: none"> Open plan office. 8no. workstations. Secure access to room.
ANCILLARY ACCOMMODATION			65m2		
	Staff Tea-point/Breakout	1	15	Offices Toilets	<ul style="list-style-type: none"> Open plan area with kitchen facility: sink, microwave oven, Hydroboil, fridge, tables and chairs for eating, soft seats/coffee table for breaks. An allowance for staff lockers (20no).
	Community Kitchen /Serving	1	18	Large MPH Playgroup	<ul style="list-style-type: none"> Shared kitchen. Preparation of light snack & refreshments only. Access from outside desirable for use during gala day and other events in park.
	Male Toilets	As required	15 (assumed)	Entrance Area	<ul style="list-style-type: none"> Centrally located
	Female Toilets	As required	15 (assumed)	Entrance Area	<ul style="list-style-type: none"> Centrally located
	Accessible Toilets	As required	5 (assumed)	Entrance Area	<ul style="list-style-type: none"> Centrally located
	Baby Changing Facilities	As required	5 (assumed)	Entrance Area	<ul style="list-style-type: none"> Centrally located

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout

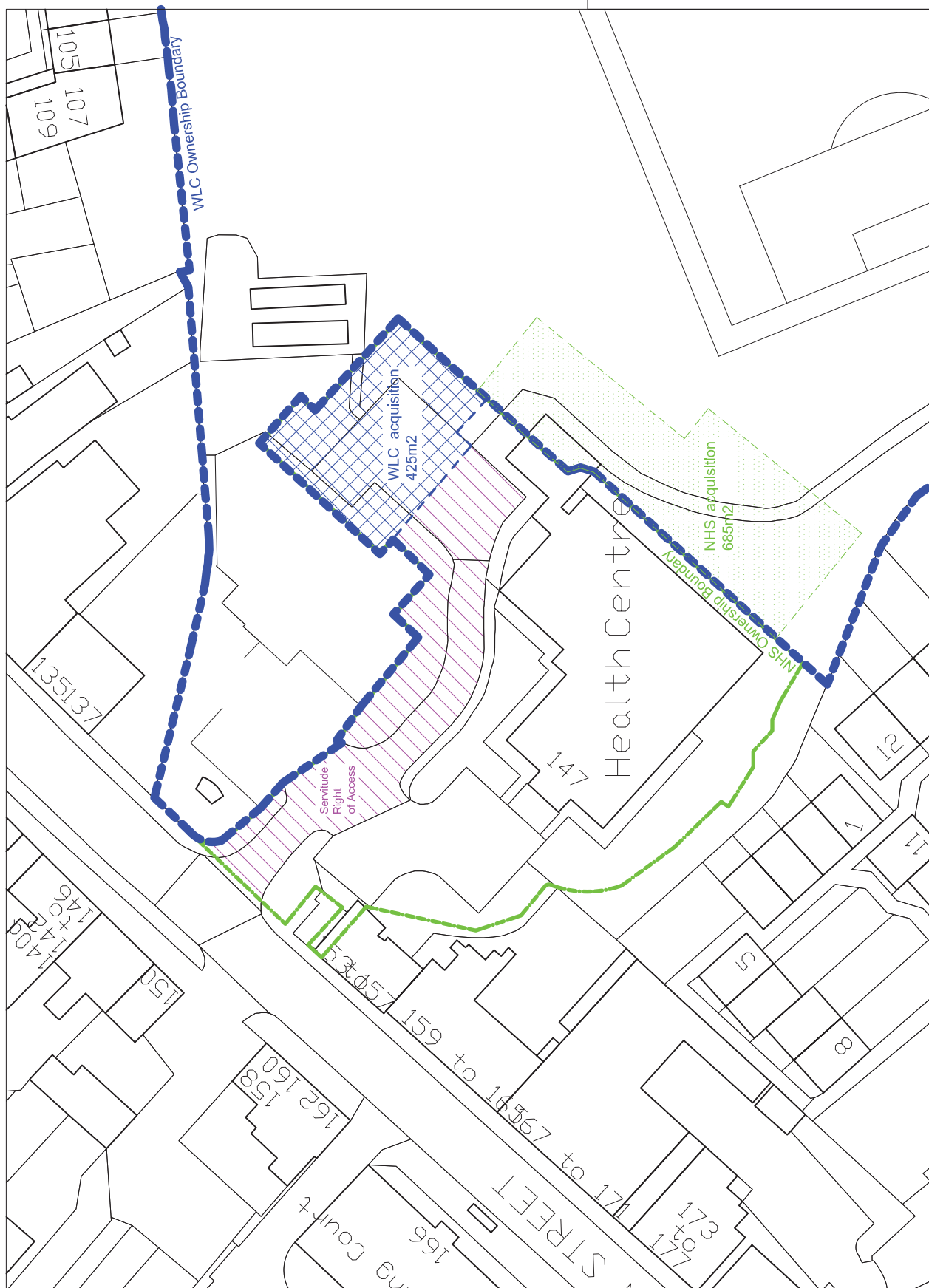
Suited Area	Accommodation	Quantity	Area (m2)	Adjacencies	Comments/Notes
SERVICES			70m2		
	General Plant Room	As required	50 (assumed)		<ul style="list-style-type: none"> Full requirements to be addressed during design development.
	Hub/Server Room	1	8		<ul style="list-style-type: none"> Full requirements to be addressed during design development. Secure access to room.
	General Storage (FM/Cleaners/General)	TBC	10 (assumed)		<ul style="list-style-type: none"> Full storage requirements to be addressed during design development.
CIRCULATION			115m2		
	Circulation	--	115		<ul style="list-style-type: none"> 15% assumed.
INTERNAL FLOOR AREA			TOTAL	890m2	

EXTERNAL AREAS					
	External Reading Area	1	35	Main Library	<ul style="list-style-type: none"> A secure covered area, with decking and soft landscaping, to be used for readers and story telling sessions in good weather. Direct access from the Main Library. Views over community park.
	External Play Area	1	25	Playgroup	<ul style="list-style-type: none"> Secure external play area Directly accessed from small MPH. Playtop - Soft surface
	External Garden Area	1	TBC		<ul style="list-style-type: none"> Secure main garden area. Access to community park at rear.
	Parking (car/cycle) For staff and visitors	As required	As required		<ul style="list-style-type: none"> As required by Planning/Highways
	Delivery Area	1	As required		<ul style="list-style-type: none"> Delivery area for vans.
	Fire Assembly Point(s)	As required	As required		<ul style="list-style-type: none"> Full requirements to be addressed during design development.
	Waste & Recycling Area	As required	As required		<ul style="list-style-type: none"> Full requirements to be addressed during design development.

Appendix 3 – Finalised Draft Accommodation Schedule & Internal Layout-Draft Internal Layout (Upper Floor)



Appendix 4 - Plan of Proposed Excambion (between WLC and NHS)



DRAWING :
LOCATION PLAN
Indicative Site Acquisition Plan
DRAFT

PROJECT :
EAST CALDER PARTNERSHIP CENTRE
As Proposed

Rev B	30.07.15	Areas updated to suit Architect's site plan.		
Rev A	16.06.15	Key added.		
	issue	date	details	scale(s)
		AS BUILT	14.05.15	1:500 @A3
		CONTRACT	Project no.	drawing no.
		TENDER	CS14215	L/SK003
		BILLING		
		WARRANT		
		PLANNING		



**West Lothian
Council**

COUNCIL EXECUTIVE

CHANCELLOR'S SUMMER BUDGET 2015

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To provide the Council Executive with an update in relation to the announcements contained in the Chancellor of the Exchequer's Summer Budget 2015, and to provide an indication of the measures that may have financial implications for the council.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the latest economic position outlined in the Summer Budget 2015, as set out in Section D.2 of the report;
2. Notes the revised budget figures and other key announcements, as set out in Sections D.3 and D.4 of the report;
3. Agrees that an update on the implications of welfare benefit changes announced in the Summer Budget is considered in the quarterly welfare reform update report to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) in September 2015.
4. Agrees that the Head of Finance and Estates should report to Council Executive on the results of the UK spending review, which are expected to be announced on 25 November 2015, on the results of a Scottish spending review, and on a detailed local government finance settlement.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable, making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	None.

VI Resources - (Financial, Staffing and Property)

Spending decisions made by the UK Government impact on the Scottish Government's budget via the Barnett formula. This in turn has implications for available resources for the council via the finance settlement received from the Scottish Government. The financial position outlined in the announcement emphasises the importance of proactive financial planning which is linked to outcomes to address the public spending challenges.

VII Consideration at PDSP

None.

VIII Other consultations

This report is part of the process of briefing elected members on issues relating to future year funding and the council's financial strategy.

D. TERMS OF REPORT

D.1 Introduction

The Chancellor delivered his Summer Budget 2015 to the House of Commons on 8 July 2015. The announcement provided detail on the UK Government's progress in reducing the budget deficit and measures that will be implemented to improve the UK's growth and productivity.

The Chancellor stated that the budget set out a plan for the next five years to move from a low wage, high tax, high welfare economy; to the higher wage, lower tax, lower welfare country that the UK Government intend to create.

The Chancellor announced that savings of £37 billion will be made over the term of the current parliament. The Summer Budget outlined how £17 billion of this will be achieved - annual savings of £12 billion from welfare and £5 billion from tackling tax evasion, avoidance, planning and imbalances in the tax system. The remaining £20 billion will largely come from government departments and will be set out in a Spending Review to be announced on 25 November 2015.

Departmental spending for 2015/16, including the Scottish Block allocations for revenue and capital spending remained largely unchanged from the March 2015 Budget Statement.

D.2 Overall Economic Position

Office for Budget Responsibility (OBR) Projections

The Chancellor's Summer Budget 2015 included the OBR's updated projections for the economy, growth and government borrowing. The revised projections compared to the March Budget Statement 2015 are summarised as follows:

Budget March 2015	2015	2016	2017	2018	2019
Growth (GDP)	2.5%	2.3%	2.3%	2.3%	2.4%
Public Sector Net Borrowing	£75bn	£39bn	£13bn	-£5bn	-£7bn
Government Debt (% GDP)	80.2%	79.8%	77.8%	74.8%	71.6%
Inflation (CPI)	0.2%	1.2%	1.7%	1.9%	2.0%

Summer Budget 2015	2015	2016	2017	2018	2019
Growth (GDP)	2.4%	2.3%	2.4%	2.4%	2.4%
Public Sector Net Borrowing	£70bn	£43bn	£24bn	£6bn	-£10bn
Government Debt (% GDP)	80.3%	79.1%	77.2%	74.7%	71.5%
Inflation (CPI)	0.1%	1.1%	1.6%	1.8%	1.9%

In March 2015, the Chancellor forecast that the UK economy would be in a surplus position by 2018/19. The Summer Budget has revised these projections to continue to reduce the deficit at the same pace as the previous Parliament, meaning that a surplus budget position is now expected to be achieved a year later in 2019/20.

General Economic Outlook

The OBR has revised the forecasts for GDP growth in 2015 from 2.5 per cent to 2.4 per cent, to reflect increased global economic risks, such as the slowing of the economies in the US and China. However, for the second year in a row, the UK is expected to have the strongest economic growth of any major advanced economy in the world. In 2016 the OBR projections have growth unchanged at 2.3 per cent, and it is then revised up to 2.4 per cent in the following year; a level of steady growth it predicts for the rest of the decade. This growth is driven by stronger private consumption and by stronger private investment.

The Fraser of Allander Institute has revised downwards its Scottish growth forecasts in its analysis in June 2015 from 2.6 per cent to 2.5 per cent in 2015 and from 2.4 per cent to 2.3 per cent in 2016 due to the evidence of a slowing of the rate of growth through the first half of the year and in recognition that while the recovery is continuing the growth of demand is now anticipated to be slightly weaker than previously thought.

Charter for Budget Responsibility

To coincide with the Summer Budget announcement, the UK Government has published a draft Charter for Budget Responsibility (the Charter) to entrench their commitment to reach an overall budget surplus and maintain it in normal times. The draft Charter sets out:

- a target for a surplus on public sector net borrowing in 2019/20, and a supplementary target for public sector net debt to fall as a share of GDP in each year from 2015/16 to 2019/20
- a target, once a surplus is achieved in 2019/20, to run a surplus each subsequent year as long as the economy remains in normal times

These targets will apply as long as the economy is not hit by a significant negative shock that reduces real GDP growth to less than 1% (on a rolling four quarter basis). If the OBR judge that the economy has been hit by a shock, the surplus rule will be suspended. This will allow the automatic stabilisers to support the economy when they are needed. The Government stated that the framework is intended to support fiscal discipline in normal times, while ensuring that future governments will have the flexibility to respond appropriately to shocks. The Charter will be laid before Parliament and voted on by the House of Commons in the autumn of 2015.

Unemployment

The OBR forecasts total employment in the UK to be 31.2 million in 2015, rising each year to 32.1 million in 2020. UK unemployment is forecast to be 5.4 per cent in 2015, falling to 5.1 per cent in 2016 and 5.2 per cent in 2017. Thereafter, unemployment is forecast to be 5.3 per cent in 2018 and 5.4 per cent in 2019 and 2020. This is a slight increase to the 5.3 per cent forecast for 2015 in the March 2015 budget.

The forecast for unemployment in the Scottish economy by the Fraser of Allander Institute in their June 2015 report is 5.1 per cent in 2015, a revision from 5.0 per cent in March 2015. This is forecast to fall further to 4.5 per cent by the end of 2016, and 3.9 per cent by the end of 2017. The recovery in the labour market continues to be driven by a post-recession shift away from full-time, permanent, employment towards part-time, temporary, and self-employment, although there is also evidence that full-time employment is now recovering.

D.3 Public Services

The following tables set out the changes to UK public spending for 2015/16 to 2019/20 compared to the March Budget 2015.

Revenue Expenditure

Cash Figures	2015-16	2016-17	2017-18	2018-19	2019-20
	£ billion	£ billion	£ billion	£ billion	£ billion
Public Sector Current Expenditure – March Budget 2015	674.3	670.9	673.4	685.6	720.1
Public Sector Current Expenditure – Summer Budget 2015	675.2	685.7	698.4	711.4	728.5
Difference	0.9	14.8	25.0	25.8	8.4

The Public Sector Current Expenditure (PSCE) is the total of the Revenue Annually Managed Expenditure (for example non-domestic rates and tax credits), Revenue Departmental Expenditure Limits (for example the Scottish Government Block Budget) and ring-fenced depreciation.

Capital Expenditure

Cash Figures	2015-16	2016-17	2017-18	2018-19	2019-20
	£ billion	£ billion	£ billion	£ billion	£ billion
Public Sector Gross Investment – March Budget 2015	68.3	69.4	70.5	73.6	77.2
Public Sector Gross Investment – Summer Budget 2015	67.1	68.6	69.6	72.9	75.9
Difference	-1.2	-0.8	-0.9	-0.7	-1.3

D.4 Other Key Announcements

UK Government National Living Wage

The Chancellor announced the introduction of a new mandatory UK Government determined National Living Wage (NLW) for workers aged 25 and above. From April 2016, the new NLW will be set at £7.20 per hour, a rise of 70 pence relative to the current National Minimum Wage (NMW) rate and 50 pence above the NMW increase coming into effect in October 2015. It was announced that the new National Living Wage will reach £9 per hour by 2020. It should be noted that the current voluntary Living Wage, set by the Living Wage Foundation, is £7.85 per hour.

Pay

The government will fund public sector workforces for a pay award of 1% for four years from 2016/17 onwards. Any changes to public sector pay in Scotland will be determined by the Scottish Government for those bodies they control. Local authority pay awards in Scotland will be a matter for negotiation between councils and local authority trade unions.

Tax and Allowances

The Summer Budget 2015 confirmed that the income tax personal allowance will increase from £10,600 in April 2015 to £11,000 in April 2016, and that this threshold will rise in line with the minimum wage. The point above which higher earners start paying 40 per cent tax will increase to £43,000 in April 2016.

A tax lock to prohibit increases in main rates of income tax, national insurance or VAT for five years will be legislated for in coming weeks.

Insurance premium tax will be increased from 6.0 per cent to 9.5 per cent.

Corporation tax will be cut to 19 per cent in 2017, and then 18 per cent from 2020.

The Chancellor will add an 8 per cent additional tax on banks' profits from January 2016. The tax will apply to banks' entire annual profits, with no relief given for losses made in previous years. In return, the bank levy will be cut, reducing it from 0.21 per cent to 0.10 per cent in 2021.

Vehicle Excise Duty is also being reformed. New cars will pay a variable rate, but beyond the first year, drivers will pay £140 in tax on most cars. Drivers are exempt if the car has zero carbon emissions. The income raised will be used to set up a Roads Fund, to be spent on improving road infrastructure.

Benefits and Welfare Reform

The Chancellor announced that £12 billion of welfare savings will be found.

The government will lower the household benefit cap, which caps the amount of benefits out-of-work working-age families can receive, from £26,000 to £20,000, except in Greater London where the cap will be £23,000. The current exemptions to the cap will continue to apply.

Working-age benefits will be frozen for four years, including tax credits and housing benefit. Working benefits will be removed from non-disabled claimants with no children, and will be withdrawn at a faster pace as a claimant's earnings rise.

For those aged 18-21, they must "earn or learn", and will lose their automatic entitlement to housing benefits.

From 2017, all parents of three and four year olds must work to receive universal benefit, but they will also receive 30 hours of free childcare each week in England, up from 15 hours.

Tax credit and universal credit support will be limited to the first two children from April 2017. Housing benefit will also be affected by removing family premium for new children from April 2016.

Fuel Duty

The duty on fuel will remain frozen, as announced in March 2015.

NHS

The government will back the NHS Five Year Forward View and increase NHS funding by £10 billion per annum, above inflation, by 2020/21. This is a real terms funding increase of £8 billion, in addition to the £2 billion for 2015/16 announced at Autumn Statement 2014.

D.5 Main Implications for West Lothian Council

Although the Summer Budget 2015 does not include any specific changes to the Scottish Block Budget for 2015/16, it does note that a further £20 billion of consolidation measures are to be identified over the next five years, which will largely be delivered by the departmental budgets. A Spending Review has been announced for 25 November 2015 which will review all government departments, including the Scottish Block allocation, and reductions will be announced once the Spending Review is complete.

The Spending Review will lay out proposals to meet the additional £20 billion required to bring the UK budget into a surplus position by 2019/20. Spending on the NHS, schools, defence and international development will be protected, however the Treasury said "large savings" would be required of unprotected departments, which have been asked to model two scenarios: of 25% and 40% real terms cuts to their budgets by 2020.

The Scottish Government are required to determine the distribution of the departmental spending figures in Scotland and it is anticipated that a Scottish Spending Review will follow the UK Spending Review in December 2015 / January 2016. I will report to Council

Executive on any subsequent announcements by the Scottish Government on the allocation of the Scottish budget, following the publication of both Spending Reviews.

The new UK Government determined National Living Wage Level of £7.20 per hour will not have any immediate implications on the council's pay structure, as the council has agreed in the 2015/16 revenue budget to pay the Living Wage Foundation rate of £7.85 per hour, which may be uprated as part of the 2015/16 SJC pay settlement. Further work will be required to determine the possible financial implications of the national living wage being paid by contractors. The longer term implications of living wage levels on the council's pay structure will require to be considered.

Further work will also be required to assess the impact of welfare reform measures on West Lothian citizens and any implications that has for council services.

Based on current levels of cover, the increase in insurance premium tax from 6.0 per cent to 9.5 per cent will cost the council approximately £70,000 in 2016/17.

On 4 June 2015, the Chancellor had announced £3 billion of departmental spending cuts for the UK in 2015/16, in addition to the reduction in welfare spending, which would have resulted in cuts of £107 million for Scotland in the current financial year. However, the total Scottish Block allocation for 2015/16, along with other departmental budgets, remains unchanged from the March 2015 Budget announcement and it is now likely that reductions to the Scottish Block budget that are identified as part of the Autumn Spending Review will be implemented from 2016/17 onwards.

E. CONCLUSION

The key announcements in the Chancellors statement were around the introduction of the new Living Wage and welfare reform and taxation measures that will deliver £17 billion of savings by 2019/20. On 25 November 2015, the government will set out plans to deliver the remaining £20 billion of consolidation measures required to achieve a budget surplus in 2019 following the Spending Review process.

If the economy progresses in line with forecasts, there would be an easing of public spending constraints from 2020/21, with growth in line with GDP. There is a continuing risk regarding the stability of the Eurozone that could lead to further pressure on the UK economy. With UK public service budgets facing another four years of constraint, the period ahead remains very challenging for the public sector.

In this context, it is imperative that the council continues with its strategic and integrated approach to corporate and financial planning so that outcomes are achieved and balanced budgets delivered.

It would be my intention to report back to the Council Executive following the outcome of the UK Spending Review, the subsequent Scottish Spending Review announcement and the local government finance settlement which will provide grant figures for individual councils in Scotland.

F. BACKGROUND REFERENCES

Chancellor's Budget 2015 – report by Head of Finance and Estates to Council Executive on 14 April 2015

Appendices/Attachments: None.

Contact Person: Pamela Bell, Accountant

Email: pamela.bell@westlothian.gov.uk Tel No: 01506 281282

Donald Forrest

Head of Finance and Estates

25 August 2015



COUNCIL EXECUTIVE

LIVING WAGE

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

The purpose of the report is to provide the Council Executive with an update on issues related to the Living Wage.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the work that is being undertaken in relation to low pay, as set out in section D.2 of the report;
2. Agrees that the council submits an application to the Poverty Alliance for accreditation to the Scottish Living Wage Accreditation Initiative, as set out in section D.3 of the report;
3. Notes that the council is paying the living wage to all directly employed staff, as set out in section D.4 of the report;
4. Notes that the council will include workforce matters, including payment of the Living Wage, as part of the quality evaluation of council contracts, as set out in section D.7 of the report;
5. Notes the national progress with measures to tackle low pay in the social care sector, as set out in section D.8 of the report;
6. Notes the council's contractual arrangements for craft and modern apprentices, as set out in section D.9 of the report;
7. Agrees that officers prepare a further report for the Council Executive which considers the implications and costs of introducing payment of the living wage to craft and modern apprentices.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs; providing equality of opportunities; developing employees; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Payment of the Living Wage to council employees has been incorporated in the council's equality impact assessment of the revenue budget 2015/16 to 2017/18.
III Implications for Scheme of Delegations to Officers	None.

IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. We are better educated and have access to increased and better quality learning and employment opportunities.
VI	Resources - (Financial, Staffing and Property)	Allowance has been made in the council's approved revenue budget for 2015/16 to 2017/18 for a Living Wage of £7.85 per hour in 2015/16, and further uplifts of 2% in 2016/17 and 2017/18.
VII	Consideration at PDSP	A report on the Living Wage was considered by the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) on 14 August 2015. The Panel were content for the report to proceed to the Council Executive but also asked that an additional recommendation should be added, seeking approval from the Council Executive for officers to prepare a further report on the Living Wage for apprentices.
VIII	Other consultations	HR Services; Legal Services; Economic Development; Advice Shop.

D. TERMS OF REPORT

D.1 BACKGROUND

On 7 January 2015, a motion was agreed by Council Executive instructing officers to prepare a report for the Partnership and Resources PDSP that considered how the council could strengthen the commitment to promoting the Living Wage for council contracts and also fully considered all the associated issues with paying the living wage to craft and modern apprentices. The report was to take account of the position in other Scottish local authorities and involve appropriate consultation with relevant stakeholders.

The Partnership and Resources PDSP considered a report on the Living Wage on 14 August 2015, and agreed that this update on the Living Wage, including the recommendations set out in the report, should be reported to the Council Executive for approval. This included the additional recommendation in relation to the Living Wage for apprentices.

Over the last five years, there has been an improved employment position within West Lothian; including improved attainment and increasing positive destinations for school leavers. Whilst the reduction in unemployment is welcome, there is evidence that many individuals including young people experience in-work poverty and under-employment. In-work poverty in Scotland increased in 2012/13, with 250,000 working age adults living in in-work poverty. The latest evidence on the extent of low pay in West Lothian shows that:

- Approximately 19% of West Lothian working residents earned below the living

wage level of £7.65 per hour in 2013/14 (2014/15 figures not yet available)

- Wage levels overall in West Lothian are slightly below the Scottish levels and the gap has increased in the last year.
- Approximately 23% of jobs located within West Lothian pay hourly rates below the living wage level.

Low pay and part-time hours are also linked to temporary and short term contract employment. Churn in the Job Seekers Allowance (JSA) unemployment count in West Lothian usually entails 700 to 1,000 people either entering or leaving the claimant count on a monthly basis.

The Anti-Poverty Strategy Development Group has considered a number of actions to help mitigate the effects of in-work poverty including:

- Support for employees and skills development;
- Business support programmes to promote quality employment opportunities;
- Research into employment practice and wage levels of local employers;
- Learn from the experience of individuals on the impact of benefit changes.

D.2 WORK TO ADDRESS LOW PAY

Fair pay is one of the ways in which business can demonstrate its social purpose and make a positive contribution. Evidence shows that when organisations pay the living wage, employees feel respected and their work valued. Consequently, they are more likely to stay with the employer and productivity increases.

The Anti-Poverty Strategy Development Group is working with Heriot Watt University whilst it undertakes a project looking at in-work poverty and low pay. The study aims to gain insight into individual or family units who are struggling to make ends meet on low wages combined with top up government tax credits. It aims to present an accurate picture of the realities of low pay in Scotland and to give a voice to those affected by minimal income. The study aims to publish its research in early 2016.

Other areas that are being explored by the council as part of the approach to anti-poverty and low pay include:

- Consideration of the new Scottish Economic Strategy and Business Pledge;
- Discussion on Living Wage Accreditation for West Lothian employers;

D.3 LIVING WAGE ACCREDITATION

The Scottish Living Wage Accreditation Initiative is managed by the Poverty Alliance and is a scheme which enables employers to be recognised for paying their staff a fair, decent wage. On becoming accredited, employers are awarded the Living Wage Employer Mark, which is a fair-trade mark for responsible pay.

The Living Wage accreditation applies to all staff over the age of 18 that work regularly on the employer's premises. This includes directly employed staff, contracted staff and subcontracted staff. Regularly is defined in the licence agreement as two or more hours in any given day for eight or more consecutive weeks of the year.

To become accredited, a business must confirm that all directly employed staff are paid the Living Wage, and have a plan in place for any subcontracted staff that work regularly on the premises. The Living Wage Employer accreditation does not require employers to provide the Living Wage to apprentices and interns. The accreditation also does not require a business's supply chain to pay the Living Wage, unless they

are regularly delivering a service on the businesses premises.

It is recommended to the Council Executive that the council submits an application to the Poverty Alliance to become a Living Wage accredited employer through the Scottish Living Wage Accreditation Initiative. It is proposed that updates will be provided to the PDSP on progress on the application process, and the plans to deliver the necessary action to meet the terms of the accreditation.

D.4 LIVING WAGE POSITION FOR WEST LOTHIAN COUNCIL

West Lothian Council applies the Living Wage for all employees and has paid the Living Wage rate from 1 April 2013.

The revenue budget report for 2015/16 to 2017/18 approved a Living Wage rate of £7.85 per hour for council employees, payable from 1 April 2015, and agreed budget provision for 2016/17 and 2017/18. The rate of £7.85 per hour is equivalent to the current Living Wage Rate (outwith London) published by the Living Wage Foundation on 3 November 2014.

D.5 NATIONAL LIVING WAGE

The Chancellor of the Exchequer announced in his Summer Budget 2015 statement to the House of Commons on 9 July 2015, the introduction of what he termed a new National Living Wage (NLW) for workers aged 25 and above. From April 2016, the new UK Government NLW will be set at £7.20 per hour, a rise of 70 pence relative to the current National Minimum Wage (NMW) and 50 pence above the NMW increase coming into effect in October 2015. It was announced that the new National Living Wage will reach £9 per hour by 2020.

As highlighted in section D.4, the council currently pays directly employed council staff the Living Wage rate of £7.85 per hour, as set by the Living Wage Foundation.

D.6 PROCUREMENT CONTRACTS

West Lothian Council has made a firm commitment to work within the current legislative framework to encourage its contractors to pay the Living Wage (as defined by the Living Wage Foundation).

The Scottish Government has sought clarification from the European Commission as to whether a public authority can make it mandatory that contractors pay their employees the Living Wage Foundation Living Wage as part of a tendering process. The response is incorporated in the Scottish Government's Scottish Procurement Policy Note (SPPN) 4/2012 dated 22 August 2012.

Scottish Procurement Policy Note (SPPN) 4/2012

The Scottish Government's SPPN 4/2012 allows encouragement of the Living Wage but prohibits imposition. The SPPN also makes it clear that even in circumstances where the Living Wage is negotiated with providers, providers who refuse to pay the Living Wage, even when reimbursement has been offered, cannot be penalised in the tender or subsequent contractual process. This means that public bodies are unable to make payment of the Living Wage Foundation Living Wage a mandatory requirement as part of a competitive procurement process.

D.7 ENCOURAGING THE LIVING WAGE VIA PROCUREMENT

In order to support the council's commitment to encourage its contractors to pay the Living Wage, officers have explored options available within the confines of the legislative position.

Whilst EU legislation is clear that payment of a living wage cannot be mandated, the recent SPPN 1/2015 dated 4 February 2015 has provided information on how and when employment practices and 'workforce matters', including payment of the Living Wage, should be considered in the course of a public procurement exercise as a key driver of service delivery and contract delivery. The SPPN note was issued in advance of the full provisions of the Procurement Reform (Scotland) Act 2014 and the Statutory Guidance to be published under the Act.

The key points from SPPN 1/2015 are:

- A bidder's employment practices and its approach to its workforce can have a direct impact on the quality of service it delivers and, sometimes, of the goods it supplies and works performed;
- Wherever it can be deemed relevant to quality of service or goods or delivery/performance of the contract, it is important to ensure that a bidder's employment practices and the approach to the workforce it will engage to perform the contract are evaluated as part of the procurement exercise;
- Fair pay, including payment of the living wage, is one of the ways a bidder can demonstrate that it takes a positive approach to its workforce;
- Consideration of the bidder's approach to employment practices and workforce matters must be proportionate and based on the nature, scope, size and place of the performance of the contract;
- The purchaser must consider the bidder's overall approach to employment practices and workforce matters – this should include all relevant evidence, including remuneration and employee representation, demonstrating the employer's approach to being a good employer delivering good quality services.

West Lothian Council has recently included workforce related matters in the contract documents for the care at home contracts currently out to tender, with a weighting of ten per cent attributed to part of the quality evaluation.

In order to continue to promote and encourage the Living Wage Foundation Living Wage in council contracts, workforce related matters will be included within the quality evaluation of council contracts. The weightings of workforce matters attributed to each contract will be proportionate to the likely impact on quality for that particular contract and will therefore be assessed on a case by case basis.

Officers would anticipate that a successful contract that evaluates workforce related matters will result in improved employment conditions for third party employees, a better value contract for the council and increased costs to the council being minimised.

D.8 NATIONAL POSITION ON SOCIAL CARE CONTRACTS

Recent work has been undertaken by COSLA to tackle low pay in the social care sector in recognition of the identifiable link between the terms and conditions of care workers and the quality of care provided. In January 2015, COSLA Leaders agreed to explore a £40 million investment package to address low pay in this sector, where core Scottish Government funding of £20 million would be match funded by local authorities (£10m) and care providers (£10m).

Recent agreement has been reached between COSLA, Scottish Care and the Coalition of Care and Support Providers (CCPS) in respect of the National Care Home Contract settlement for 2015/16.

As part of a 3.8% uplift in care home fees for nursing and residential care, care home providers have agreed to pay entry-level care staff a minimum pay rate of £7 per

hour from 6 April 2015. It was anticipated that the low pay investment will enhance the quality of care and have a positive impact on the recruitment and retention of staff.

The following principles will apply to the implementation of the national agreement:

- Any provider delivering publicly funded care must pay all care staff, regardless of age, experience or time in employment, a minimum of £7 per hour for the period covered by the 2015/16 contract;
- To ensure contract compliance, providers agree that pay levels can be periodically monitored by the commissioning authority;
- There will be no displacement of cost onto staff by the employer, such as payment for uniforms;
- Pay increases to other members of staff and addressing differentials will be a matter for providers;
- Information on pay and conditions in care homes will be collated nationally in order to build an anonymised picture of remuneration within the sector with a view to further tackling low pay. Each provider will complete and return a survey agreed by COSLA and the Scottish Government.

The Scottish Government are satisfied that the Care Home contract is competent with the terms of EU procurement law and that the contract is viewed as a national contract for services which sets a negotiated contractual price.

Progress is now being considered in relation to tackling low pay in the home care / housing support sectors. The work to finalise this proposal is more complicated than the national care home contract as there is no national contract in place for the non-residential sector. In order to comply with EU legislation, COSLA are proceeding with work over the summer months, exploring a range of delivery options and procurement mechanisms, which may include establishment of a bid fund for providers who agree to pay higher wages. In line with EU procurement regulations, it is not possible to require that providers pay their staff at a certain level and a bid fund is thought to be one way of ensuring that higher wage levels and contract variations are delivered by agreement.

The new UK Government National Living Wage will come into effect from 1 April 2016 and will ensure that care staff over the age of 25 will be required by law to be paid a minimum of £7.20 per hour.

D.9 CRAFT AND MODERN APPRENTICES

As stated earlier in the report, the Living Wage Foundation Living Wage rate applies to all council employees. The contractual arrangement between apprentices and the council differs from those entered into with employees in that apprentices are on a limited-term contract under a training agreement. This training agreement requires apprentices to make satisfactory progress with college assignments and work place assessments. There are currently 97 apprenticeships in place across the council.

Craft Apprentice Programme

For Craft (trade) apprentices, the pay rates are set nationally as part of the pay settlement negotiated and agreed by the Scottish Joint Negotiating Committee for Craft Operatives (SJNC). These rates are based on a percentage of the qualified tradesperson rate and are applied on a sliding scale which increases following completion of each year. The table below provides details of the nationally agreed craft apprentice rates.

Post	Year 1	Year 2	Year 3	Year 4
Electrician	50%	70%	80%	
Plumber	50%	70%	80%	
Joiner	50%	60%	70%	89.5%
Plasterer	50%	60%	70%	89.5%
Slater	50%	60%	70%	89.5%
Painter	50%	60%	70%	89.5%
Bricklayer	50%	60%	70%	89.5%
Mechanic	50%	70%	80%	85%

Non Trade Apprentices Programme

In December 2011, the council introduced a non-trade modern apprenticeship programme. The programme aimed to extend the range of modern apprenticeship opportunities offered to all council services. These opportunities are all for a two year period where young people are supported and assessed, either on the job or via block release to college, to achieve a Scottish Vocational Qualification (SVQ) level two or three.

The training contract for non-trade apprentices is for a two year period. During year one the council pays 50% of the relevant salary grade, rising to 75% of the grade in year two. The 50% / 75% is a local arrangement in place in West Lothian Council. Hourly rates of pay are increased in line with pay awards negotiated and agreed by the Scottish Joint Council (SJC).

During the apprenticeship, the council also pays for all associated costs of achieving the SVQ. These costs can vary from £900 to undertake an SVQ level three in Business Administration to £4,300 to undertake an SVQ in Construction – Technical.

National Minimum Wage Rates for Apprentices

The national minimum wage rate for Apprentices is currently £2.73 per hour and will rise to £3.30 per hour from 1 October 2015. The rates paid to apprentices in the council range from between £3.83 per hour to £9.52. All craft apprentices start on a minimum hourly rate of £4.05.

Duties of Apprentices

As Modern Apprentices are engaged on a training agreement, they are not required to undertake the full range of duties of a post without appropriate supervision. Further on in the training programme of a trades apprenticeship, there may be circumstances where the apprentice is required to undertake a limited range of unsupervised duties. At this time, the remuneration arrangements in place would result in these apprentices being paid an hourly rate in excess of the £7.85 living wage rate.

Other Scottish Councils

A request for information with regard to the payment of apprentices was sent to all Scottish local authorities. Of the 18 that responded, fifteen do not pay the Living Wage to apprentices and three do.

Based on current apprentices and remuneration, it is estimated that the additional cost to the council of introducing the current living wage rate (£7.85 per hour) to all apprentices would be approximately £418,000.

PDSP Discussion

It was agreed by all members of the Partnership and Resources PDSP on 14 August

2015 that officers should prepare a further report for the Council Executive which considers the implications and costs of introducing the Living Wage for council craft and modern apprentices. The report should also take into consideration the outcome of consultation with Trade Unions and staff.

E. CONCLUSION

The report sets out work that is being progressed at both local and national level to tackle low pay, including the Living Wage.

The council has made budget provision over the next three years to continue to pay the Living Wage Foundation Living Wage rate to all directly employed staff.

The requirements of the Living Wage Accreditation Initiative are set out in the report and the Council Executive is asked to agree that the council applies for accreditation.

In accordance with EU regulations, the council is not able to make it a mandatory requirement for contractors to pay their staff the Living Wage Foundation Living Wage, however the council is able to include workforce related matters, including the Living Wage, in the quality evaluation of council contracts.

The report notes the work that is being progressed nationally in relation to tackling low pay in the social care sector, with a new national care home agreement already in place, which guarantees entry level care home staff a minimum hourly wage rate of £7 per hour, and similar work being progressed throughout the summer to tackle low pay in the non-residential care sector.

Craft and Modern Apprentices are employed on a limited term training agreement contract and are paid outwith the salary scales of SJC pay agreement. It is recommended that a further report is brought to the Council Executive which sets out in detail the implications and costs of introducing the Living Wage to council craft and modern apprentices.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: None.

Contact Person: David Maule, Corporate Finance Manager
Email: david.maule@westlothian.gov.uk Tel 01506 281302

Donald Forrest
Head of Finance and Estates
25 August 2015



West Lothian
Council

COUNCIL EXECUTIVE

REVENUE BUDGET STRATEGY 2015/16 TO 2017/18

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

The purpose of this report is to update Council Executive on the latest revenue budget position for 2015/16 to 2017/18 and to enable Council Executive to approve additional budget measures for these years.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes that the council faces additional budget pressures for 2015/16 to 2017/18;
2. Notes the additional budget gap of £3.981 million for 2015/16 to 2017/18 as a result of Scottish Government funding not being sufficient to cover cost pressures;
3. Notes the outcome of a review of time limited investment and other reserves and balances, as set out in section D.2 of the report;
4. Agrees that the saving of £228,000 in Social Policy time limited investment be redirected towards providing preventative care;
5. Agrees that the saving of £54,000 from Planning and Economic Development be used to offset budget pressures in 2015/16 on a one off basis;
6. Agrees that a one-off insurance fund surplus of £381,000 be used to offset budget pressures in 2015/16 on a one-off basis;
7. Agrees the revised phasing of existing budget measures and the changes to the budget model as set out in section D.3 of the report;
8. Agrees the implementation of the proposed additional budget measures to address the revised budget gap of £3.981 million, as set out in Appendix 1 of the report;
9. Notes the Equality Impact Assessment, as set out in Appendix 2 of the report;
10. Notes the key budget risks that will continue to face the council as set out in Section D.6;
11. Notes the further work and reporting that will be undertaken as set out in Section D.7.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customer need, being honest, open and accountable, making best use of our resources and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The council is required to set a balanced revenue budget on an annual basis.</p> <p>Best Value duties establish the council's requirements to understand the needs of its different communities and involve them in setting priorities and shaping services.</p>
III	Implications for Scheme of Delegations to Officers	None.

IV	Impact on performance and performance indicators	The council will aim to maintain performance in key priority areas in the period to 2017/18.
V	Relevance to Single Outcome Agreement	Effective prioritisation of resources will be essential to achieving key outcomes.
VI	Resources (Financial, Staffing and Property)	The council faces additional cost pressures of £3.981 million over 2015/16 to 2017/18 as identified following the update of the revenue budget model. This additional pressure is a result of various additional cost pressures and Scottish Government funding allocations that are not sufficient to fund the cost pressures.
VII	Consideration at PDSP	Not applicable.
VIII	Details of consultations	<p>Heads of Service and Depute Chief Executives.</p> <p>The revenue budget proposals in this report take into account the responses to the Delivering Better Outcomes (DBO) consultation in 2014, which generated a total of 3,467 responses and over 40,000 comments.</p> <p>All the proposals are extensions of existing budget measures that are in the three year budget strategy. Implementation of measures will be in accordance with approved council procedures including, where relevant, consultation with Trade Unions and staff.</p>

D TERMS OF REPORT

D.1 Background

West Lothian Council approved the 2015/16 to 2017/18 revenue budget, including budget reduction measures of £29.544 million, on 29 January 2015. In approving the three year budget, it was acknowledged that there were a number of risks and uncertainties which could impact on the budget including pay, funding assumptions and demand led areas of service provision.

Following approval of the budget, a number of risks have materialised over the first half of 2015 resulting in additional cost pressures, including developments in commitments on teacher numbers, funding of teacher pensions and revised pay award assumptions. The revised budget gap incorporating the most up to date budget assumptions is £3.981 million.

Teacher Number Commitments

The Council Executive agreed on 19 February 2015 that it would confirm its intention to the Scottish Government to deliver the teacher numbers commitment to maintain both teacher numbers and the teacher/pupil ratio in 2015/16. As outlined in the report, this requires an additional 42 FTE teachers to be employed in 2015/16, at a total cost of £1.68 million. Failure to deliver the teacher number commitment would result in £1.604 million of current revenue funding being deducted from the council's 2015/16 Scottish Government grant settlement and would also mean the council would not receive its share of an additional £10 million funding for teacher numbers, estimated to be £382,000.

The net cost to the council of this commitment is dependent on the overall number of school pupils as well as factors such as the number of fully funded probationer teachers.

The Scottish Government announcement on teacher numbers is currently for 2015/16 only, however for budgeting purposes it has been assumed that the commitment will be retained for 2016/17 and 2017/18. On current pupil and teacher number projections, this will require the council to employ an additional 13 FTE teachers in 2016/17 and two FTE teachers in 2017/18, at a total cost of £600,000.

Funding of Teacher Pensions

The revenue budget agreed on 29 January 2015 included an assumption that the Scottish Government would, as they have done in previous years, fully fund the cost of a 2.3% increase in employers' contributions for the Teachers Superannuation Scheme, effective from 1 September 2015. The cost of this increase is £1.3 million for the council in 2015/16 and 2016/17. The Deputy First Minister announced the Scottish Budget 2015/16 in the Scottish Parliament on 4 February 2015, and this was followed with publication of the Local Government Finance Circular 1/2015. There was no additional funding announced in the finance settlement for Teachers Superannuation specifically, or any general increase included for a local government share of Barnett consequentials.

Pay Award Assumptions

The revenue budget agreed on 29 January 2015 included an assumption that pay awards for all staff groups would be 1% per year for the next three years. It is now considered prudent to revise budget assumptions to provide funding for a pay increase valued at 2.5% over 2015/16 and 2016/17, with assumed phasing of 1.5% in 2015/16 and 1% in 2016/17. Over the two years, a 2.5% pay award would cost the council an additional £1.21 million.

Chancellor's Summer Budget and Local Government Finance Settlement

In his Summer Budget Statement on 8 July 2015, the Chancellor announced that savings of £37 billion will be made over the term of the current parliament. The Summer Budget outlined how £17 billion of this will be achieved - annual savings of £12 billion from welfare and £5 billion from tackling tax evasion, avoidance, planning and imbalances in the tax system. The remaining £20 billion will largely come from non-protected government departments, which includes the Scottish block allocation. At UK level, protected departments which will not be expected to contribute to the additional £20 billion target include health, schools, defence and overseas aid. The Scottish government has estimated that £1 billion of this £20 billion is likely to be contributed from the Scottish budget. Although it is not yet possible to estimate exactly what Scotland's Barnett consequentials will be as a result of the Spending Review, the protection of the NHS in England and of schools is likely to have positive Barnett consequentials, while the protection of defence and overseas aid spending will have no positive Barnett benefits since these are reserved areas.

Further information on the UK spending review was published by Fiscal Affairs Scotland on 30 July 2015. This details the likely phasing of the £20 billion of savings to be identified from government departments, and indicates that the cuts to departmental budgets will be most significant in 2017/18 and 2018/19.

In light of these announcements, it is prudent to assume that the local government finance settlement for West Lothian in 2017/18 will be less than previously anticipated. Accordingly, a £500,000 adjustment has been made to the finance settlement previously assumed in the budget model for 2017/18. Further details on funding will be available following the UK spending review announcement on 25 November 2015, the subsequent Scottish spending review and the local government finance settlement for Scotland, which will provide allocations for each individual local authority.

Insurance Premium Tax

The Chancellor's budget announcement on 8 July 2015 also confirmed that insurance premium tax will increase from 6.0 per cent to 9.5 per cent from 1 November 2015. Based on current levels of insurance cover, this will cost the council an additional £70,000 from 2016/17 onwards.

To ensure the council continues to have a balanced budget position, officers have undertaken a range of actions to assist in ensuring that proposals are identified so that the council maintains a stable and robust budget position through addressing the additional budget gap. The actions that have been undertaken are:

- A review of time limited expenditure and other balances
- A review of the phasing of existing approved savings
- A review of 2015/16 to 2017/18 budget assumptions on expenditure
- Identification of further service saving proposals

In addition to the increased budget gap emerging from developments in teacher number commitments, funding of teacher pensions and revised pay award assumptions, West Lothian Council will deliver over £44 million of savings over the period 2013/14 to 2017/18.

D.2 Review of Time Limited Expenditure and Other Balances

To identify if there is scope to generate one off savings to help meet the budget shortfall in 2015/16, a comprehensive review of remaining time limited expenditure has been undertaken. Following this review, it is recommended that savings identified in Social Policy projects of £228,000 are redirected to providing preventative care at home services within Social Policy. In addition, the young people's business start-up project will be integrated within the council's Economic Growth Plan allowing a saving of £54,000 to be realised.

With regard to other reserves and balances, the review has concluded that, at the current time, there are no one off surplus balances within the General Fund Balance. As there are additional reductions proposed in the revenue loans fund budget, treasury forecasts demonstrate that there are no one off surplus funds available in the council's capital fund. Following an assessment of all known insurance liabilities, there is a one off insurance fund surplus of £381,000. It is proposed that the £381,000 surplus is utilised on a one off basis to help to address the budget shortfall anticipated in 2015/16.

D.3 Review of Phasing of Approved Budget Measures and Budget Model 2015/16 to 2017/18

At the budget meeting in January 2015, the council approved £29.544 million of budget reduction measures for the three year period 2015/16 to 2017/18. An exercise was undertaken to assess whether there is scope to accelerate any of the approved savings so they are delivered earlier than the timescales outlined in January 2015. It was assessed that the cleaner communities, emergency rest centres, Social Policy care education posts and Planning and Economic Development modernisation and efficiency measures could all be accelerated into 2015/16 without any adverse impact on service delivery. The updated total measures per financial year is as follows:

Table 1: Updated Phasing of Budget Reduction Measures - 2015/16 to 2017/18

	Original Phasing £'m	Revised Phasing £'m	Movement £'m
2015/16	10.195	10.363	168
2016/17	11.099	10.968	(131)
2017/18	8.250	8.213	(37)
Total	29.544	29.544	0

Based on the review, an additional £168,000 of savings can be delivered in 2015/16 to help address the additional budget shortfall in the current year.

Officers have also undertaken an exercise to review all income and expenditure assumptions within the revenue budget model. A number of proposed amendments have been identified based on updated information, including the teacher number commitment, grant funding assumptions and current pay award assumptions.

Indexation forecasts have also been reviewed and, in view of latest forecasts, there are a number of confirmed recurring savings and other savings which are deemed deliverable in light of price projections for 2015/16. These are summarised as follows:

PPP Unitary Charge

Annual PPP unitary charge payments are adjusted each year to take account of the RPI inflation rate in January of the preceding year. The budgeted increase in PPP unitary charge payments for 2015/16 was 2.4%. The RPI rate for January 2015 has been confirmed as 1.1%. This will result in a recurring saving of £152,000 in 2015/16 for the two schools PPP contracts. Based on an average of RPI forecasts for 2016/17, it is proposed that the PPP uplift assumption is reduced from 2.4% to 1.9%, generating a saving of £60,000 in 2016/17. For 2017/18, it is assumed at this stage that RPI will be in line with the PPP uplift assumption of 2.4%.

Gas Prices

The budget model for 2015/16 assumed price increases of 4% for gas. The latest budget guidance from the Scottish Government for the national energy contracts is that gas prices will reduce further in 2015/16, which will generate a budget model saving of £86,000. Further guidance on gas price forecasts for 2016/17 and 2017/18 is not yet available.

Electricity (including street lighting)

The budget model for 2015/16 assumed price increases of 5% for both buildings and street lighting electricity. The latest guidance from the Scottish Government for national energy contracts is that electricity prices will increase by 2.96% in 2015/16. This will generate a budget model saving of £58,000 for buildings electricity and £41,000 for street lighting, based on 62% of the electricity in the national contract already having been purchased and a forecast price for the remainder. Forecasts for 2016/17 and 2017/18 are in line with budgeted increases of 5% per annum, with a small price saving anticipated for 2016/17.

Petrol / Diesel

The budget model for 2015/16 assumed price increases of 5% for both petrol and diesel. Based on latest available forecasts from the Department of Climate Change and Energy, fossil fuel prices are forecast to increase by 2.2% in 2015/16, which would result in a budget saving of £49,000 in 2015/16. Further guidance on petrol and diesel price forecasts for 2016/17 and 2017/18 is not yet available.

Other Expenditure Reductions

Since agreeing the revenue budget on 29 January 2015, the council has had notification of the Non Domestic Rates poundage rate for 2015/16 and for Scottish Water charges. The confirmed prices will result in budget savings of £8,000 and £4,000 respectively. It is proposed that a reduction in operational materials and bitumen of £38,000 in 2015/16 could be delivered through latest forecasts for general price inflation and oil prices.

Council Tax Income

Based on latest housing completion forecasts, it is forecast that the number of Band D equivalent properties in 2015/16 will increase slightly providing additional income of £90,000.

Taking these changes into account, the revised budget gap for 2015/16 to 2017/18 is £3.981 million. The updated expenditure and approved savings profile is as follows:

Table 2: Updated Budget Model Assumptions - 2015/16 to 2017/18

	2015/16 £'000	2016/17 £'000	2017/18 £'000	Total £'000
Budget Gap as per approved budget 29 Jan 2015	10,195	11,099	8,250	29,544
Additional Budget Pressures / (Grant Funding)				
Pay	1,210	0	0	1,210
Teachers Numbers	1,680	520	80	2,280
Scottish Govt Grant – non funding of teachers pensions	758	542	0	1,300
Scottish Govt Grant – Additional Teachers funding	(382)	0	0	(382)
Scottish Govt Grant – Probationers funding	(392)	0	0	(392)
Scottish Govt Grant – Revised assumptions	0	0	500	500
Increase in Insurance Premium Tax	0	70	0	70
Sub Total	2,874	1,132	580	4,586
Review of Budget Model				
Reduction in PPP Unitary Charge inflation	(152)	(60)	0	(212)
Reduction in Gas inflation	(86)	0	0	(86)
Reduction in Electricity inflation	(58)	(19)	0	(77)
Reduction in Street Lighting inflation	(41)	0	0	(41)
Reduction in Petrol / Diesel inflation	(49)	0	0	(49)
Reduction in Operational Materials inflation	(38)	0	0	(38)
Reduction in NDR – Confirmation of 2015/16 poundage rate	(8)	0	0	(8)
Water & Sewerage – Confirmation of 2015/16 increase	(4)	0	0	(4)
Council Tax Yield – Additional Properties 2015/16	(90)	0	0	(90)
Total Changes to Budget Model Expenditure	(526)	(79)	0	(605)
Revised Budget Gap	12,543	12,152	8,830	33,525
Revised Phasing of Existing Measures	10,363	10,968	8,213	29,544
Estimated Budget Deficit	(2,180)	(1,184)	(617)	(3,981)

D.4 Proposed Additional Budget Measures

Officers have considered further recurring savings measures that would provide a balanced position for the three years 2015/16 to 2017/18. These measures take into account comments received during the 2014 DBO consultation and also, where possible, expanding savings from existing DBO projects approved in January 2015. A detailed list of the proposed additional measures to address the budget gap of £3.981 million is included in Appendix 1. The appendix sets out the proposed phasing of the saving proposals, the estimated effect on staffing numbers, any actions that will be required, including further consultation or reporting, in order for the proposed savings to be implemented and details of how the proposals are linked to the DBO consultation.

Taking into account the revised budget model position, updated phasing of the measures approved in January 2015 and the proposed additional budget measures, the updated budget position is as follows:

Table 3: Updated Budget Position – 2015/16 to 2017/18

	2015/16 £'000	2016/17 £'000	2017/18 £'000	Total £'000
Updated Budget Deficit	(2,180)	(1,184)	(617)	(3,981)
Proposed Additional Measures	1,745	1,619	617	3,981
One off Funding to Balance 2015/16	435	(435)	0	0
	0	0	0	0

The one off funding to balance 2015/16 will be covered by time limited project savings within Planning and Economic Development (£54,000) and use of the insurance fund surplus (£381,000) as outlined in section D.2 of this report.

D.5 Equality Impact Assessment

Following the key principles of relevance and proportionality within the Equality Act 2010, equality impact assessment of policies and decisions of the council is a requirement of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The council has made significant progress with regard to mainstreaming equality impact assessment into the budget setting process, and any subsequent adjustments to the budget.

In this regard, a detailed equality impact assessment of the additional budget reduction proposals for 2015/16 is contained in Appendix 2. Appropriate equality impact assessments will be undertaken and reported as part of the 2016/17 and 2017/18 revenue budget reports to Council.

D.6 Potential Risks to Balanced Budget Position

The report sets out proposed measures to address the additional cost pressures arising from teacher numbers, grant assumptions and current pay award assumptions. There continue to be a number of risks that could impact on the council's ability to balance the budget over the three years 2015/16 to 2017/18. Potential risks that remain include:

- Actual Scottish Government finance settlements being less than the council's assumptions for government grant.
- Actual pupil numbers exceeding forecast numbers, either requiring more teachers or loss of Scottish Government grant if the council fails to meet the pupil/teacher ratio.
- Introduction of new legislation with inadequate funding from the Scottish Government, UK Government or European Union.
- Continued and accelerated increase in demand led pressures, particularly in social care.
- Full delivery of approved budget savings not being achieved, particularly in 2016/17 and 2017/18.

D.7 Further Work

In the current context of challenging financial circumstances, officers will continue to carry out a risk based monitoring approach and will report progress on the 2015/16 revenue budget position to Council Executive on a quarterly basis.

I will report to Council Executive on the results of the UK Spending Review which is to be announced on 25 November 2015, on the subsequent Scottish budget and the Scottish local government finance settlement, which will provide grant figures for individual councils in Scotland.

Given the ongoing challenges highlighted above, officers will continue to closely review the revenue budget on an ongoing basis to identify opportunities for efficiency savings.

E. CONCLUSION

Following approval of the budget in January 2015, additional pressures emerged for the three year period 2015/16 to 2017/18. The report sets out proposals that would enable Council Executive to address the additional budget gap of £3.981 million over 2015/16 to 2017/18, which has arisen as a result of developments in commitments on teacher numbers, funding of teacher pensions and revised pay award assumptions.

F. BACKGROUND REFERENCES

Revenue Budget 2015/16 to 2017/18 – report by Head of Finance and Estates to West Lothian Council on 29 January 2015

Appendices/Attachments:

Appendix 1: Proposed Additional Budget Reduction Measures 2015/16 to 2017/18

Appendix 2: Revenue Budget Equality Impact Assessment

Donald Forrest
Head of Finance and Estates
25 August 2015

Appendix 1 - Summary of Proposed Additional Budget Reduction Measures

	2015/16 £'000	2016/17 £'000	2017/18 £'000	Total £'000	Estimated FTE Reduction
Corporate	117	47	31	195	4.0
Housing, Construction and Building	0	59	0	59	0.5
Operational	383	395	123	901	5.0
Social Policy	661	421	25	1,107	0.0
Area	40	114	83	237	2.0
Planning and Economic Development	0	61	0	61	0.0
Education	0	488	321	809	8.3
Finance and Estates	262	34	34	330	4.8
Non Service	282	0	0	282	0.0
Total Identified Additional Budget Measures	1,745	1,619	617	3,981	24.6

Corporate Services – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Reduction in staffing in the Civic Centre Administration Team	20	10	0	30	Yes	1.5	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Roll out of centralised administration model measure).
Redesign of education IT support model	0	0	20	20	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Managing the council's IT infrastructure measure).
Reduction in staffing in HR Support Team	24	0	0	24	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management in HR measure).
HR Coordinator fixed term post reaching end of contract	12	0	0	12	Yes	0.0	No further action required as post is vacant.	Extension of existing approved saving included in the DBO consultation. (Workforce management in HR measure).
Replace corporate web filtering solution with firewall solution	25	0	0	25	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Managing the council's IT infrastructure measure).
Replace existing resilient internet service	22	0	0	22	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Managing the council's IT infrastructure measure).

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Absorb new hardware support	0	33	0	33	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Managing the council's IT infrastructure measure).
Move to electronic only version of Inside News	0	3	0	3	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation.(Printing measure).
Amendment to Safeguarders training budget in partnership with Falkirk Council	0	1	0	1	No	0.0	Officers to deliver as operational measure.	Extension to Working with Partners to Deliver Outcomes workstream.
Reduce Taxi Examination Centre budget	0	0	6	6	No	0.0	Officers to deliver as operational measure.	Extension to Working with Partners to Deliver Outcomes workstream.
Reduce Childrens' Panel training budget	0	0	5	5	No	0.0	Officers to deliver as operational measure.	Extension to Working with Partners to Deliver Outcomes workstream.
Income from West Lothian College – Provision of payroll services to college	14	0	0	14	No	0.0	No further action required.	Extension of existing approved saving included in the DBO consultation. (Providing services in partnership with West Lothian College measure).
Total	117	47	31	195		4.0		

Housing, Construction and Building Services – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO Consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Removal of funding for Police Scotland's Community Safety Unit Researcher post	0	50	0	50	No	0.0	No further action required as post is vacant.	Extension of existing approved saving included in the DBO consultation. (Measure to integrate community safety, noise and environmental teams).
Additional savings through Housing Needs restructure	0	9	0	9	Yes	0.5	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Homelessness preventative interventions measure).
Total	0	59	0	59		0.5		

Operational Services – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Roads & Transportation restructure - delete trainee technician and graduate posts from structure	71	0	0	71	Yes	0.0	No further action required as posts are vacant.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Roads & Transportation restructure -deletion of two trainee street lighting apprenticeships from structure	30	0	0	30	Yes	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Roads & Transportation restructure – six vacant operative posts in roads reprovisioned as six operative posts in street lighting with saving from difference in grade	0	48	0	48	Yes	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Align winter maintenance private contractors budget to average expenditure	50	37	0	87	No	0.0	Officers to deliver as operational measure.	Extension to Modernising Services and Managing our Workforce workstream.
Review of supplies and services within road maintenance and street lighting	140	0	0	140	No	0.0	Officers to deliver as operational measure.	Extension to Modernising Services and Managing our Workforce workstream.

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Centralise stores provision at new depot reducing the number of stores staff	0	30	0	30	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Vacancy turnover savings – in year underspends from staffing turnover and normal timelag in recruiting replacements	52	0	0	52	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Revised structure for the delivery of Recycling and Waste Services – removal of proposed Workplace Assessor role	16	0	0	16	Yes	0.0	No further action required as the post is vacant.	Extension of existing approved saving included in the DBO consultation. (Restructure of waste services measure).
Revised Structure for the delivery of Recycling and Waste Services – removal of Frontline Assistant role	24	0	0	24	Yes	0.0	No further action required as the post is vacant.	Extension of existing approved saving included in the DBO consultation. (Restructure of waste services measure).
Review sawmill operations	0	42	0	42	Yes	2.0	Officers to deliver as operational measure.	Extension to Managing our Assets workstream.
Ceasing the issue of printed calendars	0	34	0	34	No	0.0	Officers to deliver as operational measure.	Extension of existing approved savings included in DBO consultation. (Reduction in printing costs measure).

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Grounds maintenance - revised fixed term period of employment from seven months to six months for 28 seasonal employees	0	43	0	43	Yes	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Revised grounds maintenance service structure	0	84	0	84	Yes	2.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Workforce management across waste, roads and NETs and land services measure).
Streetlighting LED Conversion – further roll out of existing scheme generating additional energy savings	0	77	123	200	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in the DBO consultation. (Streetlighting LED Conversion measure).
Total	383	395	123	901		5.0		

Social Policy – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Removal of Adults Management Team Service Development Officer post from structure due to improvements in efficiency across contracts and commissioning	46	0	0	46	Yes	0.0	No further action required as the post is vacant.	Extension of existing approved saving included in DBO consultation. (Modernising social care processes and systems measure).
Rationalisation of supplies and services budget	140	0	0	140	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Modernising social care processes and systems measure).
Review of Throughcare/Aftercare external provision budget for more appropriate and efficient targeting of resources	30	0	0	30	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Reshaping care for children measure).
Rationalisation of Alcohol and Drug Partnership contracts on renewal to ensure that commissioned services are targeted towards strategic commissioning priorities and outcomes (efficiency saving of 5%)	0	75	25	100	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Modernising partnership with voluntary organisations measure).
Supporting care in the community – additional care capacity and range of preventative and early intervention care services creating savings in care provision	179	346	0	525	No	0.0	Officers to deliver as operational measure.	Extension to Preventing Negative Outcomes workstream.

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Vacancy turnover savings – in year underspends from staffing turnover and normal timelag in recruiting replacements	150	0	0	150	Yes	0.0	Officers to deliver as operational measure.	Extension to Modernising Services and Managing our Workforce workstream.
Additional criminal justice section 27 grant funding current council funded criminal justice activity	116	0	0	116	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Redesign of criminal justice service measure).
Total	661	421	25	1,107		0.0		

Area Services – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Vacancy turnover savings – in year underspends from staffing turnover and normal timelag in recruiting replacements	40	0	0	40	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Workforce management across area services measure).
Creation of an Essential Skills Team through the restructure of Adult Basic Education (ABE) and Community Learning and Development (CLD)	0	0	58	58	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Refocusing of activity within Community Regeneration measure).
Reduction in small grants funding available to voluntary organisations	0	35	0	35	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Modernising our partnership with voluntary organisations measure).
Community Youth Services restructure and programme review	0	47	0	47	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Refocusing of activity within Community Regeneration measure).

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Additional saving in the commissioning of voluntary sector contracts	0	32	0	32	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Modernising our partnership with voluntary organisations measure).
Increased income from weddings at Linlithgow Burgh Halls	0	0	25	25	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Measure to increase income at Burgh Halls).
Total	40	114	83	237		2.0		

Planning and Economic Development – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Review the scope of the pest control charging scheme and review opportunities for increasing income	0	30	0	30	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Measure to increase pest control charges annually).
Planning Income - Extending cost recovery including the introduction of charging for pre-application consultations	0	31	0	31	No	0.0	Consultation will be required with key stakeholders and proposed changes will require consideration by PDSP and approval by Council Executive.	Extension to Income & Concessions workstream.
Total	0	61	0	61		0.0		

Education – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Workforce planning savings as chartered teachers retire	0	120	86	206	No	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Workforce planning in central education services measure).
Restructure of Customer and Information Team	0	44	0	44	Yes	1.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Workforce planning in central education services measure).
Nursery nurses employed in special primary schools to be replaced with pupil support workers	0	127	73	200	Yes	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Workforce planning in central education services measure).
Integration of nursery provision in mainstream schools	0	98	113	211	Yes	7.3	Consultation will be required with key stakeholders and proposed changes will require consideration by PDSP and approval by Council Executive.	Extension of existing approved saving included in DBO consultation. (New model for pre-school provision measure).

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Reduction in Devolved School Management primary and secondary school budgets covering: <ul style="list-style-type: none"> • Vacancies/absences covered by primary schools (£50,000) • 4.9% reduction in primary school budgets for supplies and services (£55,000) • 4.9% reduction in secondary school budgets for supplies and services (£43,000) 	0	99	49	148	Yes	0.0	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Measures to revise primary and secondary school devolved school management budget formulas).
Total	0	488	321	809		8.3		

Chief Executive/Finance and Estates – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Corporate Procurement Unit – Implementation of revised staffing structure	64	0	0	64	Yes	0.0	No further action as posts are vacant.	Extension of existing approved saving included in DBO consultation. (Workforce management measure within Finance and Estates).
Revenues and Benefits - Reduction in staffing establishment through retirements, and reduction in hours requested by staff (Benefits Officer, Revenues Officer, Revenues Assistant and Senior Collections Officer)	59	0	0	59	Yes	2.5	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Workforce management measure within Finance and Estates).
Revenues and Benefits – Annual review to ensure Council Tax Discounts are only applied to those with entitlement	20	0	0	20	No	0.0	Officers to deliver as operational measure.	Extension to Preventing Negative Outcomes workstream.
Financial Management - Reduction in Financial Management staffing establishment through retirements and reduction in hours requested by staff (Purchase to Pay and Accounting Support)	7	0	24	31	Yes	1.3	Officers to deliver as operational measure.	Extension of existing approved saving included in DBO consultation. (Financial streamlining measure).
Financial Management – Reduction in external audit fee	5	0	0	5	No	0.0	No further action required.	Extension of existing approved saving included in DBO consultation. (Procurement savings).

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Financial Management – Reduction in IT maintenance budget within finance	0	0	10	10	No	0.0	Officers to deliver as operational measure.	Extension of existing approved DBO project. (Financial streamlining measure)
Property Management and Development – Removal of post from structure following retirement of a member of staff	34	34	0	68	Yes	1.0	No further action required as retirement has been agreed.	Extension of existing approved saving included in DBO consultation. (Workforce management measure within Finance and Estates).
Property Management and Development – Additional rental income from Tenanted Non Residential Property (TNRP) portfolio	50	0	0	50	No	0.0	No further action required.	Extension of existing approved saving included in DBO consultation. (Measure to review the council's commercial property portfolio).
Insurance Fund savings from premiums/self insurance	23	0	0	23	No	0.0	No further action required.	Extension of existing approved saving included in DBO consultation. (Measure to identify efficiencies in insurance budgets).
Total	262	34	34	330		4.8		

Non Service – Proposed Additional Budget Reduction Measures

Proposal	Phasing of Saving				Staffing Saving?	Reduction FTE	Further Consultation / Further Reporting to PDSP and Council Executive / Proposed Delegation to Officers	Links to DBO consultation
	15/16 £'000	16/17 £'000	17/18 £'000	Total £'000				
Treasury Management Savings following a review of Treasury Management forecasts	282	0	0	282	No	0.0	No further action required	Extension to Managing our Assets workstream.
Total	282	0	0	282		0.0		

PROPOSED ADDITIONAL BUDGET REDUCTION MEASURES 2015/16**EQUALITY IMPACT ASSESSMENT**

Individual members of the council's Corporate Management Team considered the detailed proposals for the draft additional budget reduction measures against the equality relevance guidance. None of the proposals for 2015/16 were deemed to have any significant relevance to equality and therefore the process did not identify any recommendations for full equality impact assessment.

The relevance process results for individual budget reduction proposals are listed below. Presented are the relevance assessment results along with an overview of the rationale to the considerations against each measure.

The council's statutory public sector equality duty (PSED) is in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. There is a general duty in the Act and specific duties in the Regulations, which includes the requirement for equality impact assessment.

The Act requires that the council have due regard to equality when exercising our functions in relation to persons covered by the protected characteristics of the Act. The General Duty of the Act must be taken into account during the impact assessment process, specifically the council must consider as part of the process how the particular policy or change will relate to:

- Eliminating discrimination, harassment and victimisation;
- Advancing equality of opportunity - removing or minimising disadvantages, taking steps to meet the different needs, encouraging participation in public life; and
- Fostering good relations - tackling prejudice and promoting understanding.

The table below outlines the specific elements of the equality impact assessment Duty and provides an explanation of what the Duty means in practice.

Legal Duty	Explanation
Assess the impact of the decision on needs	The potential implications of the decision must be assessed, as far as is possible with available information
Consider relevant evidence	Identify and look at known facts and relevant evidence. It does not always require hard statistics - qualitative and more subjective evidence may be sufficient
Involvement of others may be required	Involvement and consultation with representative groups may be desirable, but is not a requirement – the sufficiency and adequacy of the evidence is critical rather than following a set procedure in every case
The process and evidence considered should be recorded	Records of what is done and decisions taken are necessary to show compliance
The EQIA must be part of the decision taken	Impacts and mitigation measures must be actively considered by the decision-makers when the decision is taken
Have due regard	The EQIA is a factor in a decision; it is not the only relevant factor for the decision-maker to consider. It is for the decision-maker to assess and decide the weight to give the EQIA against other relevant considerations

Legal Duty	Explanation
Other factors can be relevant to the decision	The need for efficiencies and to reduce spending are legitimate factors to be weighed along with EQIA results
EQIA is part of a process	The EQIA is undertaken for specific statutory purposes, it is not an end in itself
Must publish the results within a reasonable period	After carrying out the EQIA the council must make the EQIA available to the public
Make appropriate arrangements to review the EQIA following implementation of the policy and, where necessary, revise the decision or recommendations	Reasonable review (measuring actual impacts) and revision/modification procedures are necessary as part of the decision and they should be applied as part of the EQIA process

Consultation and Involvement

As part of the 2015/16 budget setting process the Delivering Better Outcomes consultation Have Your Say provided a mainstream opportunity for council staff, partners and members of the public to provide their views on the budget and service priorities for the council. Specific sessions were facilitated with the equality forums and networks in West Lothian supported by the council. 27% of the total number of members of our forums participated in these sessions, representing the most successful engagement to date with equality forum members in terms of volume of participants. As well as contributing to the overall consultation feedback, these sessions provided input to help inform equality impact assessments. Given that none of the proposed additional measures were deemed relevant to equality, no further specific consultation or involvement was deemed necessary.

REVENUE BUDGET STRATEGY 2015/16 – EQUALITY IMPACT ASSESSMENT

Additional Budget Reduction Measure	EQIA Relevance	Decision Rationale
Corporate Services		
Reduction in staffing in the Civic Centre Administration Team (extension of roll out of centralised administration model)	Not relevant	The savings will not impact on the terms and conditions for existing employees or have any direct equality implications for the way that council services are delivered.
Reduction in staffing in HR Support Team (extension of workforce management in HR measure)	Not relevant	The savings will not impact on the terms and conditions for existing employees or have any direct equality implications for the way that council services are delivered.
HR Coordinator fixed term post reaching end of contract (extension of workforce management in HR measure)	Not relevant	The saving will not impact on the terms and conditions for existing employees or have any direct equality implications for the way that council services are delivered.
Replace corporate web filtering solution with firewall solution (extension of managing the council's IT infrastructure measure)	Not relevant	Financial efficiencies from IT applications. No equality related staffing or service delivery implications.
Replace existing resilient internet service (extension of managing the council's IT infrastructure measure)	Not relevant	Financial efficiencies from IT applications. No equality related staffing or service delivery implications.
Income from West Lothian College – Payroll (extension of providing services in partnership with West Lothian College measure)	Not relevant	Income generation from additional services provided by Payroll. No equality related staffing or service delivery implications.
Operational Services		
Roads & Transportation restructure - delete trainee technician & graduate posts	Not relevant	Vacant posts which will not be filled. There are no equality related staffing or service implications. It was noted however that this proposal may have an impact in relation to age equality, in that there will be a reduction in opportunities for young people to access opportunities with the council. Given that this was only two posts with no effect on existing staff it was deemed that full impact assessment would not add value in identifying any further issues or recommendations, and that this should simply be noted.
Roads & Transportation restructure - deletion of two trainee street lighting apprenticeships	Not relevant	Vacant posts which will not be filled. There are no equality related staffing or service implications. It was considered that there may be implications for age equality, given the reduction in opportunities for young people. It was outlined however that these specific apprenticeship opportunities have not delivered the development anticipated and so the loss of the posts will not be a detriment to opportunities for young people.
Reducing winter maintenance private contractors budget to reflect demand for service	Not relevant	The saving will not impact on the terms and conditions for employees or have any direct implications for the way that the winter maintenance service is delivered.

Additional Budget Reduction Measure	EQIA Relevance	Decision Rationale
Operational Services (continued)		
Review of supplies and services within road maintenance and street lighting	Not relevant	The saving will not impact on terms and conditions for staff or have any implications for the way that services are delivered.
Vacancy turnover savings – in year underspends from staffing turnover and normal time lag in recruiting replacements	Not relevant	This is an administrative measure that will involve no reduction to current staffing levels and will have no impact on service provision in relation to equality.
Revised structure for the delivery of Recycling and Waste Services – removal of proposed Workplace Assessor role	Not relevant	Additional vacancy resulting from recent restructure of Waste Services Management. No equality impact on existing employees, staffing or service delivery.
Revised Structure for the delivery of Recycling and Waste Services – removal of proposed Frontline Assistant role	Not relevant	Additional vacancy resulting from recent restructure of Waste Services. No equality impact on existing employees, staffing or service delivery.
Social Policy		
Removal of Adults Management Team Service Development Officer Post due to improvements in efficiency across contracts and commissioning (extension of modernising social care processes and systems measure)	Not relevant	Vacant posts which will not be filled. There are no equality related staffing or service implications The saving will not impact on the terms and conditions for existing employees or have any direct implications for the way that council services are delivered.
Rationalisation of supplies and services budget (extension of modernising social care processes and systems measure)	Not relevant	Saving realised from administrative efficiencies. No equality related staffing or service delivery implications.
Review of Throughcare/Aftercare external provision budget for more appropriate and efficient targeting of resources	Not relevant	More efficient use of budgets in recent years has enabled a saving to be identified. No equality related staffing or service delivery implications.
Supporting care in the community – additional care capacity and range of preventative and early intervention care services creating savings in care provision	Not relevant	Procurement process will realise financial efficiencies in current contract and funding arrangements. Savings identified through current provisions. No equality related staffing implications. Additional demand managed through new funding so no implications for service provision related to equality.
Vacancy turnover savings – in year underspends from staffing turnover and normal time lag in recruiting replacements	Not relevant	This is an administrative measure that will involve no reduction to current staffing levels and will have no impact on service provision.
Additional criminal justice section 27 grant funding current council funded criminal justice activity (extension of redesign of criminal justice service measure)	Not relevant	External funds replacing current council funding. Financial efficiency with no equality related staffing or service delivery implications.
Area Services		
Vacancy turnover savings – in year underspends from staffing turnover and normal time lag in recruiting replacements	Not relevant	This is an administrative measure with no reduction to current staffing levels and will have no impact on service provision.

Additional Budget Reduction Measure	EQIA Relevance	Decision Rationale
Chief Executives Office, Finance and Estates		
Corporate Procurement Unit – Implementation of revised staffing structure (extension of workforce management measure within Finance and Estates)	Not relevant	Vacant posts which will not be filled. The savings will not impact on the terms and conditions for existing employees or have any direct implications for the way that council services are delivered.
Revenues and Benefits - Reduction in staffing establishment through retirements and reduction in hours. (Benefits Officer, Revenues Officer, Revenues Assistant and Senior Collections Officer) (extension of workforce management measure within Finance and Estates)	Not relevant	Vacant posts which will not be filled. The savings will not impact on the terms and conditions for existing employees or have any direct implications for the way that council services are delivered.
Revenues and Benefits – Review of single person council tax discounts entitlement	Not relevant	Continuation of auditing activity of those in receipt of single person council tax discounts to confirm continued eligibility. The efficiency will be additional income with no equality related staffing or service delivery implications. While the relevance considered the implications for people whose first language is not English and those whose who require alternative formats to access information due to disability, it was noted that this proposal is an extension of existing practice which takes these issues into account and so is not introducing a new or revised policy or function.
Financial Management - Reduction in staffing establishment through agreed retirements and reduction in hours (extension of financial streamlining measure)	Not relevant	Employee flexibility in hours. No equality related staffing or service delivery implications.
Financial Management – Reduction in external audit fee	Not relevant	Administrative/ procurement saving. No equality related staffing or service delivery implications.
Property Management and Development (PM&D) - Removal of Economic Property Manager post from structure (extension of workforce management measure within Finance and Estates)	Not relevant	Additional vacancy resulting from ongoing restructure of Service Management Team. No equality impact on existing employees or service delivery.
Property Management and Development (PM&D) – Additional rental income from Tenanted Non Residential Property (TNRP) portfolio (extension of measure to review the council's commercial property portfolio)	Not relevant	Continued increased rental income from non-residential property portfolio. No equality impact on staffing or service delivery.
Insurance Fund savings from premiums/self-insurance (extension of measure to identify efficiencies in insurance budgets)	Not relevant	Financial efficiency from council insurance. No equality impact on staffing or service delivery
Treasury Management Savings	Not relevant	While this proposal has a potential longer term implication for capital spend flexibility, there are at this stage no equality impacts related to this specific proposed saving. No equality impact on staffing or service delivery.



COUNCIL EXECUTIVE

UPDATE ON APPROACH TO ENHANCING SUPPORT FOR CUSTOMERS IN RELATION TO DEBTS DUE TO THE COUNCIL

REPORT BY HEAD OF FINANCE AND ESTATES AND HEAD OF HOUSING, CONSTRUCTION AND BUILDING SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with an update on the proposed approach to the delivery of a more supportive and early interventionist approach, designed to assist customers in managing debts due to the council.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the proposed approach, which is based on key principles, including early intervention, prevention, and delivery of a joined up service for customers
2. Approves the proposed Corporate Debt Policy, as set out in Appendix 1 of the report.
3. Notes the proposed delivery arrangements, including the benefits for customers from the joined-up approach, including enhanced early support and advice
4. Agrees that officers should implement the proposals.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; 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)	There is substantial legislation covering the manner in which the collection and recovery of different council debts can be administered and recovered.
III	Implications for Scheme of Delegations to Officers	The proposed Corporate Debt Policy sets out the arrangements for the Scheme of Delegation.
IV	Impact on performance and performance indicators	A full suite of performance indicators and targets will be developed to assess performance.

V Relevance to Single Outcome Agreement	<p>Outcome 5 - People most at risk are protected and supported to achieve improved life chances</p> <p>Outcome 7 - We live longer, healthier lives and have reduced health inequalities</p>
VI Resources (Financial, Staffing and Property)	A cross-service project team has developed the proposals. There is budget in place to meet one off costs for systems improvements.
VII Consideration at PDSP	At the Council Executive meeting on 29 October 2013 it was agreed as part of the council's response to welfare changes, that a review be conducted to consider how the council could better support customers in effectively managing debts due to the council. Proposals for updating the council's approach to corporate debt were discussed at PDSP and approved at Council Executive in June 2014. This report was discussed by the Partnership and Resources PDSP on 14 August 2015.
VIII Details of consultations	Through a cross-service working group and the Anti-Poverty Development Group. Staff, trade unions and council tenants will also be consulted as part of the roll out of the proposed arrangements.

D TERMS OF REPORT

D1 Overview

As the full extent of welfare changes became known, it was recognised that many people would face challenges in managing their finances; including council tax, rent, and other council charges. While a Corporate Debt Policy had been agreed by the council in 2008, it was noted that it would be appropriate to examine how the council's collection and recovery processes were working in practice, and whether they were efficient, effective and designed around customers. A review was initiated and it identified that the resources across services involved in collection and recovery work were concentrated on the service specific debts, and did not coordinate efforts for those customers with multiple debts.

Council Executive agreed in June 2014 that officers should prepare proposals that would deliver a more supportive approach to debt, which should be based on the following factors:

- The proposals for the re-design of corporate debt shall be based on three principles;
 - A joined-up approach
 - Early intervention/ prevention/ sustainability
 - Best use of resources
- The proposed approach should:
 - Build on current good practice and develop cross-service operational practices
 - Create an integrated team to support the cross-service approach
- A project should be initiated with full governance structure.

D2 Drivers for Change

A revised approach to assisting customers to manage their debts to the council will support the Anti-Poverty Strategy, in recognition that in the current economic climate it is important that we deliver better outcomes and more assistance for our customers, whilst ensuring that the council collects income that is due.

The projected charges for 2015/16 for all main council income total almost £250m. As of March 2015, the main council debts; council tax, housing rent, service accounts, business rates and business rent were over £44m over the five different debt types.

Previously announced welfare changes will see an estimated reduction of £53 million per annum for West Lothian claimants. On 8 July 2015, the Chancellor announced a further £12 billion of welfare reductions which will impact on benefit claimants and will increase the amount lost by individuals and families in West Lothian. Universal Credit, will present further budgeting and financial inclusion issues, including changes to the administration of housing benefit, which currently contributes around 55% of council rental income. In this context, it is important the council's arrangements evolve to better support customers.

Presently different service areas hold relevant information within core IT systems within their service, so that there is no single view held in a system of all customer debts. Customers can have several different debt types being dealt with by different services. Because of this, services are often spending time and resource pursuing the same customers and are not always working together to co-ordinate collection of sums due to the council. This fragmented approach is not customer centred. There is then a compelling case for developing a joined up system to give a single view of all customer debts that will enable better co-ordination of staffing resources.

D3 Proposed Corporate Debt Policy

An updated Corporate Debt Policy has been prepared which articulates the overall aim for dealing with corporate debts. Key points of the policy explain:

- What the term Corporate Debt means
- The aims and objectives of implementing the policy
- The council's legislative obligations
- Approvals and delegations

The proposed Policy is attached Appendix 1.

D4 Delivery Arrangements

It is important that the updated policy is supported with appropriate arrangements for systems, staffing roles, and procedures, so that the best possible service is provided to our customers.

A Joined Up IT System

Development of a joined up IT system is essential to delivering the more supportive approach. The current IT system already incorporates council tax and non-domestic rates and is being expanded to include housing rents, service accounts and housing benefit overpayments to give a single view of customer indebtedness. This will provide the information to allow a holistic approach with customers and a strategic approach based on the management information from the system.

Staffing Structure and Roles

Modest changes to the structure and staffing roles aim to support adjustments to working practices to deliver the approach while allowing flexibility as it evolves over time.

As the project was to deliver a joined-up approach for customers building on the strengths within each service, the approach involves a range of staff across services playing their part. Changes to job descriptions, where required, will reflect changes in operational processes to support the approach.

Currently the work of the corporate debt team in Revenues focuses on collection and recovery of housing benefit overpayments, service accounts, rent arrears and processing cases for court, as well as welfare and money advice for customers. The changes proposed in this paper will enable the team to deliver the more supportive approach for customers.

In advance of this, a pilot was initiated concentrating on assisting those customers whose cases had been passed by housing for advanced recovery action for rent. This highlighted that 95% of cases had other substantial debts due to the council, indicating the extent of the issues for these customers but also highlighting considerable scope for improving co-ordination between services. For cases in the pilot, communication and support for customers has been about all of their council debts, and has included offering specialist money and benefit advice. The point has been positive for customers and the council. As well as cases where benefits and reductions have been awarded, one of the key outcomes is that there are numerous cases where tenants have agreed and maintained arrangements that take account of their circumstances and address all of their debts. This avoids court action and possible eviction.

Moving forward the joined up IT system will consolidate the information to allow an early intervention based approach to help customers avoid accumulating higher levels of debt. It will involve close working between all services including the corporate debt team, housing, revenues collections, the Advice Shop and front-line services. The corporate debt team's remit will now include being a point of contact and advice and (as with the pilot) and providing case management when cases are passed by housing for advanced recovery action.

The proposed structure of the team in Revenues will have the following key features:

- Officers able to deal holistically with all council debts
- Specialist advisors to support customers with benefit and money advice
- Cross service working arrangements with all key services to deliver the full approach

The structure will provide a clear focus and can be funded via existing staff budgets and more effective council tax collection.

The proposed approach takes account of the complex legislation and legal routes that need to be followed for the different debts and suitable care will be taken by officers so that the correct processes are followed for each. Implementation of any changes would be in accordance with agreed council procedures and include all required consultation with trade unions.

Procedure

A detailed corporate debt procedure will be required, to set out the practical application of the approach for services. The main elements of the procedure will be:

- Recognising customers with multiple debts to the council
- Understanding of the full process and their role in delivery
- Use of the joined up IT system, alongside core systems

D5 Benefits/ Outcomes

The proposed approach will contribute to a key council priority in the Corporate Plan which is minimising poverty, the cycle of deprivation and promoting equality. The approach is also aligned to the council's Customer Service Strategy and will provide benefits to both customer and the council as follows:

5.1 Customer benefits

As the project is aligned to the Anti-Poverty Strategy, delivering benefits for customers is paramount. The design encompasses early intervention, prevention and sustainability. Access to welfare and money advice is integral as is the ability for customers to have all of their debts looked at together to agree a sustainable arrangement that takes account of their financial circumstances. The design relies on building close working arrangements between the different services.

In summary, enhanced benefits for customers will include: -

- Early intervention to support customers in managing debts
- Specialist money and welfare advice
- Benefit advice to allow claims to be expedited in complex or advanced recovery cases
- Assistance to manage their own affairs
- Delivery of a joined-up approach in relation to an individual's debts owed to the council
- Arrangements based on individual financial circumstances

5.2 Council benefits

As the new approach is established, there will be benefits for the council, delivering savings in costs and increases in collection.

Where appropriate, the CARS system will be developed to deliver efficiencies by automating processes and pursuing continuous improvement.

In summary benefits for the council will include: -

- Increased collection rates for all categories of income
- Consistency of message about the importance of paying council debts
- A single view of customer debts in a joined up IT system to properly inform decision making for individual customers
- Early intervention to help prevent customers building up high levels of debts
- Reduction in advanced recovery due to the early intervention approach (but where there is non-engagement enforcement is progressed)
- Reduction in outstanding debts with realistic and sustainable arrangements as agreed with customers
- Better use of resources to concentrate on a holistic approach
- Utilising the improved systems information for process development and reporting, and to inform strategic direction

A full suite of performance indicators and targets will be developed.

The system will allow debt monitoring to ensure the approach is not negatively impacting on one debt while other debt types benefit with particular emphasis to ensure rent collection is not impacted.

The partnership and Resources PDSP was content for the proposals to proceed to the Council Executive, and it was noted that appropriate consultations would take place with the trade unions on the changes. In future, it is proposed that the Head of Finance and Estates should report annually to the Partnership and Resources PDSP on activity and performance.

D6 Next steps

The key milestones and target dates for the roll out are as follows:

Consultation –

Consult with trade unions and staff in accordance with the council's organisational change procedure	September
Finalise proposals	October

Implementation –

Submit job descriptions for grading	October
Matching & recruitment process	October
Start managed roll-out	October

Complete implementation	December
--------------------------------	----------

It is proposed that the approach is rolled-out in two geographical areas, still to be confirmed, to allow best practice to develop and then to extend this to all other areas. The roll-out of Universal Credit for West Lothian will start on 16 November 2015 and the approach will allow joint arrangements to be put in place to assist in tackling issues resulting from the changes.

E. CONCLUSIONS

This report updates the Council Executive on proposals for an improved approach to assisting customers in effectively managing debts owed to the council. Council Executive is asked to approve the update Corporate Debt Policy and agree that officers should progress with implementation of the proposals.

F. BACKGROUND REFERENCES

Review of Corporate Debt – report to Council Executive 10 June 2014.

Appendices/Attachments: Draft Corporate Debt Policy

Contact Person: Claire Frame, Project Manager 01506 281658

claire.frame@westlothian.gov.uk

Donald Forrest, Head of Finance and Estates,
Alistair Shaw, Head of Housing Construction and Building Services,
25 August 2015



West Lothian
Council

Corporate Debt Policy - delivering more effective support for customers (Draft)

Corporate Debt Policy – delivering more effective support for customers

Introduction

West Lothian Council has a significant income base and is dependent on it to fund the delivery of a wide range of services to the community. The council is committed to maximising the collection of income for the benefit of all citizens within the community, while providing a joined up and early interventionist approach for customers.

The approach means the gathering together of all debts owed to the council to ensure a joined up approach to recovery that is fair and equitable for the customer.

This policy document, supported by internal processes and procedures, relates to the collection of Council Tax, Housing Rent, Business Rates, Sundry Debt, Commercial Rents and Housing Benefit Overpayments and any other debts as appropriate. The corporate debt procedure sets out the way in which the council will address debts owed by customers.

The policy complements the wider strategies of the council and Community Planning Partners in relation to financial/social inclusion as part of the Anti-Poverty Strategy and customer service.

Aims and Objectives

The objective is to ensure that support is in place for vulnerable customers and those experiencing financial hardship and that the collection and recovery of council charges is managed efficiently and that collection rates are maximised.

The aims and objectives of the policy are to:

- Provide a joined up approach to customers to enable all council debts to be addressed when customers engage with us.
- Set realistic and sustainable repayment arrangements at all stages of recovery for those customers who engage or their representatives
- Provide all reasonable assistance to those customers who have difficulty in paying so they can pay what they are due.
- Prevent the spiral of debt at an early stage by dealing effectively with small debts.
- Provide appropriate advice and assistance to customers to maximise their income.
- Treat all customers as individuals and consider, wherever possible, individual circumstances when taking action to recover debts.
- Make effective use of all recovery measures available to the council.
- Make best use of all the resources available in the collection and recovery of debts.

The Council's Legislative Obligations

The council is required to make arrangements for the proper administration of its financial affairs and the effective administration and collection of council debts forms part of this requirement.

The provisions of the Corporate Debt Policy are not intended to take precedence over any legislative requirements relating to specific types of debt.

Approvals and Delegations

The Head of Finance and Estates has overall responsibility for ensuring that proper arrangements are in place for the billing and recovery of debt.

The council's Heads of Service, under Financial Regulations, require accounts, where appropriate, to be issued for sums due to the council. They must also:

- ensure the prompt rendering of accounts for all sums due to the council in connection with work done, goods supplied or services provided.
- ensure that all money received by the council is paid directly to the council's bank account.
- provide such information as is required to establish income due to the council.

Authority for the write off of debts is set out in the council's Financial Regulations and Scheme of Delegation to Officers.

Head of Finance & Estates
(DATE)



COUNCIL EXECUTIVE

WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATION

REPORT BY LINLITHGOW LEAD OFFICER

A. PURPOSE OF REPORT

The purpose of this report is to seek approval of the attached report which was heard at Linlithgow Local Area Committee on 18 August 2015. Members agreed with the report but could not approve it as the meeting was inquorate.

B. RECOMMENDATION

1. It is recommended that Council Executive approves the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; making best use of our resources; and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
VII Consideration at PDSP	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development and Transport PDSP.

VIII Other consultations

The report was considered at the Linlithgow Local Area Committee on 18 August 2015. Members of the Local Area Committee agreed that the report should be forwarded to Council Executive for approval.

D TERMS OF THE REPORT

D1 Background

The Linlithgow Local Area Committee considered the attached report on 18 August 2015. The report recommends distribution of funds from the Village Improvement Fund for the Linlithgow ward. The two members present agreed with the report; however, as the meeting was inquorate, the committee could not approve the proposals. In such cases, the Lead Officer is required to present the report to the Council Executive asking that the views of the Local Area Committee be considered. This report fulfils that requirement.

E. CONCLUSION

The members of the Linlithgow Local Area Committee agreed the content of the attached report; however, due to the meeting being inquorate, it could not approve the proposals. Council Executive is now requested to approve the report on behalf of the Linlithgow Local Area Committee.

F. BACKGROUND REFERENCES

Linlithgow Local Area Committee (18 August 2015).

Appendices/Attachments: One

Appendix 1: Linlithgow Local Area Committee -

West Lothian Villages Improvement Fund applications

Contact Person: Douglas Grierson, Community Regeneration Officer, Tel. 01506 281088, douglas.grierson@westlothian.gov.uk

Graeme Struthers

Lead Officer

Linlithgow Local Area Committee

25 August 2015



LINLITHGOW LOCAL AREA COMMITTEE

WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATION

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

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

B. RECOMMENDATION

It is recommended that the Local Area Committee:

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

C. SUMMARY OF IMPLICATIONS

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

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

D TERMS OF THE REPORT

D1 Background

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

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

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

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

Three villages within the Broxburn, Uphall and Winchburgh ward are eligible under the scheme.

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

- Bridgend £55,000
- Philipstoun £20,000
- Newton £20,000

D2 Applications

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

Philipstoun Community Education Association: Fit for Fun - The Association is applying for outdoor play and fitness equipment for the park adjacent to the Community Centre. This will include a Kompan power bike and sit up bench and Mantis Zip Wire. The costs are indicative based on equipment costs and fitting. However, there need to be finalised and a formal quote received. Consultation with local young people showed support for the new equipment for the young people in the village.

E. CONCLUSION

Three villages within the Linlithgow ward are eligible to apply to the Villages Improvement Fund.

The application from Philipstoun Community Education Association meets the eligibility criteria and the Local Area Committee is asked to support the application subject to detailed costs being received.

F. BACKGROUND REFERENCES

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014), Linlithgow Local Area Committee (September 2013)

Appendices/Attachments: Appendix 1: Philipstoun Community Education Association Village Improvement Fund application

Contact Person:

Douglas Grierson, Community Regeneration Officer, Tel. 01506 281088,
douglas.grierson@westlothian.gov.uk

Alice Sinnet, Economic Development Manager, Tel. 01506 283079,
alice.sinnet@westlothian.gov.uk

Hazel Hay, Town Centre Manager, Tel: 01506 283098, hazel.hay@westlothian.gov.uk

Craig McCorriston

Head of Planning and Economic Development

11 August 2015

Appendix 1

West Lothian Villages Improvement Fund

Application form

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

1. Applicant Organisation Details

Organisation Name	Philpstoun Community Education Association
Project title	Outdoor Fit for Fun
Contact person	Neil Donald / Karen Johnston
Position	Chairperson / Youth Club Contact
Address	Philpstoun Community Centre Main Street Philpstoun EH49 6RA
Telephone number	
Email Address	
Type of organisation	Community Association
What date was your organisation formed?	15 years plus
Are you a charity, please quote your number	SCO038471
What are the main activities of your organisation? (please answer in no more than 100 words)	Philpstoun management committee is run by the Community for the Community. It is a voluntary organisation and a registered charity. Local people, give their time freely. They are members of the Management Committee involved in the running of the centre and delivering some of the services and activities. It support youth clubs operate within the centre two evenings a week. A junior club and a senior club with an age range from 5–18 years. The Work with young people team fund one evening with 2 paid members of staff and the management committee fund the same for the other evening.

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

Are you applying for other funding, if so, please detail None	Approved	Anticipated
--	-----------------	--------------------

2. Project details

Council Ward	Linlithgow
Project location	Philpstoun
Project start date	September 2015
Project finish date	June 2016
Estimated Outcome	An outdoor gym play park

Project description
Describe fully the project for which grant is being sought (background and context of the project, description of works).
<p>Through consultation and discussion with the young people of Philpstoun, they have identified the play park as an area that they use less and do not play with most of what is there. They use the area to hang out and meet as well as play sporting activities but feel that most of the play park area is for younger children. A complimentary area of an outdoor gym will mean that as many of the young people will want to make use of all the spaces. By being involved in the design and application from the concept, the young people already have a sense of ownership and belonging to the ideas of a new park. They want somewhere that everyone can enjoy and is open to the whole community, young and old.</p> <p>They are asking for an outdoor gym and fitness area with new and innovative equipment. Thus regenerating the area and providing a fun play environment in which to learn, keep fit and have fun.</p> <p>If successful with funding, the young people are planning a leaflet for the</p>

community to describe the park and options. They intend to host open afternoons at the weekends with gym tutors to make sure everyone has the opportunity to have a go safely. The young people will monitor the success by developing a questionnaire and surveying those who use it. Evidence from this can be used to evaluate the project and for any further developments in the future.

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

Philpstoun Youth Clubs
Philpstoun Management Committee
Regeneration Team
Work With Young People Team
WLC NETS & Land Services

Evidence of need

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

The young people of Philpstoun are currently revamping and decorating a youth room in the community centre. They have fundraised and designed the whole area as well as decorating it themselves. It is now a bright, inviting and fit for purpose room for all young people in the area.

By doing this together and with support from the youth workers they have not only completed this project but from their success can see that other areas can be tackled as well and this is where the idea from the outdoor gym came from.

Two of the young people now volunteer as youth workers at the club and two are completing their saltire awards as part of this. There are future plans to do Youth Achievement Awards and Dynamic Youth as part of this project.

The management committee are fully supportive of the ideas and have actively encouraged the youth club to apply.

Outcomes

Describe what your project will deliver.

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

The play park will be physically improved by the new equipment and it will be visually of interest to the community.

The main barriers to exercise are cost and accessibility. The outdoor gym will remove these barriers. Many people will use it that have never exercised before.

By providing an outdoor gym for people of all ages to take part in and increasing their opportunities through physical activity in an attractive environment it has huge positive outcomes for physical and mental health including;

- Accessible to all ages
- Beneficial for health and wellbeing
- Confidence to take part in a physical activity
- Enjoyable and fun, feeling fitter and healthier

A range of health and social benefits are associated with outdoor gyms including better social aspects to life as most people attend with family and friends as well as improvements to health by increasing physical activity.

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

Philpstoun Outdoor Gym – Upgrading Philpstoun play park

3.Project Costs

Amount of funding requested	£20,000.00 (costs are approx. based on equipment costs and installation.)
------------------------------------	--

Item of expenditure	Cost
Mantis Zip Wire – supply, deliver & install	11,000.00
Kompan power bike and sit up bench –	4,000.00

supply, deliver & install	
Additional complementary equipment and ground work.	5,000.00

Project management

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

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

Managed through Philpstoun management committee. A playground committee will be formed, for the existence of the project, with members of the existing management committee, young people, youth workers and council staff from departments such as wwypt, sports, regeneration etc. when necessary.

Their remit will be to oversee the project, seek planning permission, approve purchase of equipment, organise the building works and look at a maintenance plan for the future.

4. Declaration

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

Name	Neil Donald
Position	Chairperson,
Organisation	Philipstoun Community Education Association
Date	30 July 2015

Please send your completed forms to:

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

Or

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

Tel: 01506 283098

E-mail: Hazel.Hay@westlothian.gov.uk

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



COUNCIL EXECUTIVE

PROPOSED STOPPING-UP ORDER

FOOTWAY / FOOTPATH AT 1 – 27 STATION ROAD, ARMADALE

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to initiate the statutory procedures to stop up the footway and footpath at 1 – 27 Station Road, Armadale. The procedure is to permit development to take place in accordance with approved planning permission.

B. RECOMMENDATION

It is recommended that Council Executive approve the initiation of the statutory procedures to stop up the footway and footpath at 1 – 27 Station Road, Armadale.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs: and Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy – none Legal – Promotion of the stopping-up order under the Town and Country Planning (Scotland) Act 1997.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	The introduction of the stopping-up order will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
VI	Resources - (Financial, Staffing and Property)	Promotion of the stopping-up order and associated works will be funded by the developer.
VII	Consideration at PDSP	None.

VIII Other consultations

Police Scotland and the local ward members have been consulted.

There is a statutory consultation required as part of the procedures to stop up the carriageway and verge.

D. TERMS OF REPORT

The procedure is required to permit development to take place in accordance with approved planning permission. The proposed plans require to change the existing footpath / footway layout to accommodate the revised housing layout.

To enable construction of the new layout it is necessary to stop up the existing footpath / footway that are the council's responsibility. The new footway will be adopted through the road construction consent procedure, however this will be at the end of the construction period.

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

Police Scotland have been consulted and they have no objection to the proposed stopping up order.

The local ward members have been consulted and they confirmed that have no comments to make on the proposed stopping up order.

E. CONCLUSION

The procedure is to permit development to take place in accordance with approved planning permission. In order for this to happen it is necessary to stop-up a footpath / footway as shown on the plan attached to this report.

F. BACKGROUND REFERENCES

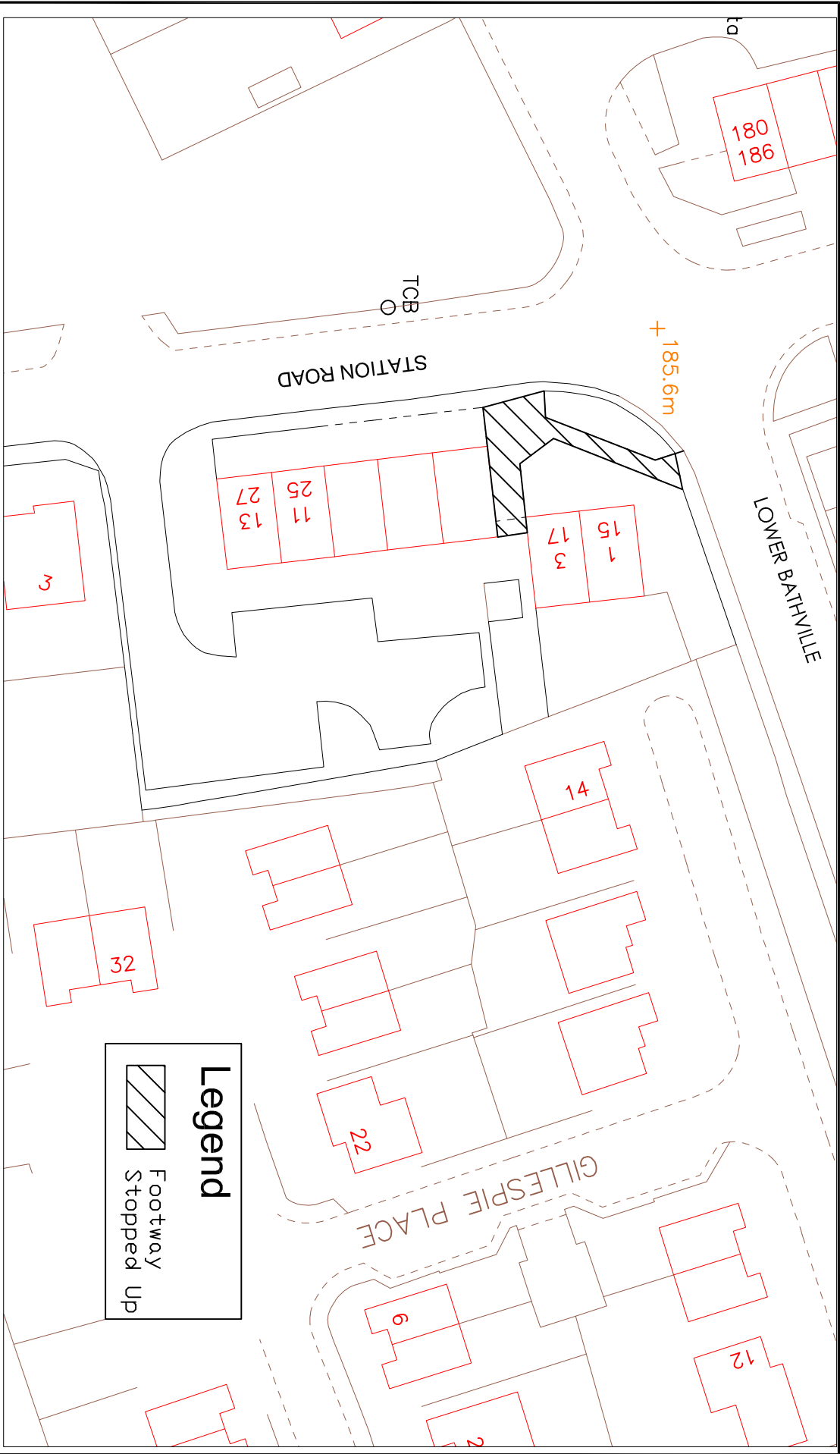
Planning Approval (Ref: 0353/FUL/15).

Appendices/Attachment: Drawing No.TP/ARM/01 1-27 Station Road, Footway Stopping Up;

Contact Person: Jim Stewart, Development Management & Transportation Planning Manager, Operational Services, Whitehill House, Bathgate.

Tel: 01506 282327, e-mail: jim.stewart@westlothian.gov.uk

Date: 25 August 2015



DATA LABEL:- Public

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Licence No.: LA09052L

WEST LOTHIAN COUNCIL
OPERATIONAL SERVICES

Footpath and Footway
1 - 27 Station Road, Armadale
Stopping Up Locations

ROADS & TRANSPORTATION MANAGER
WHITEHILL HOUSE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH46 2HA
TEL 01506 282351

TRANSPORTATION
& Development Management
Transport Planning

DATE:- August 2015
SCALE:- 1:2000
DRAWN BY:- Chris Nicol
CHECKED BY:- Jim Stewart

Dwg. No.:- DP/ARM/01



COUNCIL EXECUTIVE

FLOOD RISK MANAGEMENT - PRIORITISATION

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to bring the Council Executive's attention to the national prioritisation of measures resulting from the flood risk management planning process.

B. RECOMMENDATION

It is recommended that the Council Executive notes the national prioritisation of measures and the ranking given to measures to reduce the risk of flooding in West Lothian.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <p>Legal: The Flood Risk Management (Scotland) Act 2009</p> <p>Strategic Environmental Assessment (SEA): SEPA has prepared a Strategic Environmental Assessment in liaison with the Consultation Authorities. Its Environmental Report has been subject to public consultation.</p> <p>Equality & Health: SEPA has undertaken an Equality Impact Assessment for its Flood Risk Management Strategy consultation.</p> |
| III Implications for Scheme of Delegations to Officers | None |
| IV Impact on performance and performance Indicators | Performance indicators are currently being developed which will relate to the Local Flood Risk Management Plan and will be effective from |

	the date of publication of the Plan in January 2016.
V Relevance to Single Outcome Agreement	<p>SOA 3. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business;</p> <p>SOA 4. We live in resilient, cohesive safe communities;</p> <p>SOA 5. People most at risk are protected and supported to achieve improved life chances;</p> <p>SOA 7. We live longer, healthier lives and have reduced health inequalities;</p> <p>SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI Resources - (Financial, Staffing and Property)	Financial: Revenue has been provided to the Council in recognition of the additional burdens associated with complying with the requirements of the Act. Capital funding is in place for the first two years of the first six-year Local Flood Risk Management Plan cycle. Capital funding, the value of which has yet to be determined, will be directed to the Council by the Scottish Government and rolled into its general capital grant. Bids for further capital investment for prioritised measures included in the plan can be expected to follow.
VII Consideration at PDSP	The summer recess and a tight programme prevent this report being considered in advance by the Environment Policy Development & Scrutiny Panel. Versions 1 to 4 of the prioritisation process are being prepared over the summer. The report is based on version 2. Version 3 has since become available. Reporting to the Council Executive at this time provides a potential opportunity for member's observations to be fed back to SEPA before Version 4 is published.
VIII Other consultations	<p>Climate Change Officer</p> <p>Emergency Planning Officer</p> <p>Finance</p> <p>Planning Services</p>

D. TERMS OF REPORT

1.0 Background

1.1 The Flood Risk Management (Scotland) Act 2009 introduced a plan-led, catchment-wide and risk-based approach to manage the risk of flooding across Scotland and to provide a robust basis for the investment of public funds.

1.2 Local authorities, the Scottish Environment Protection Agency (SEPA) and Scottish Water are working more closely than ever before to improve our knowledge and understanding of the impacts of flooding.

1.3 For the purposes of managing flood risk, Scotland has been divided into 14 Local Plan Districts (LPDs). Each LPD has a partnership and a lead local authority. SEPA has produced a Flood Risk Management Strategy for each district and the lead local authority will shortly produce a Local Flood Risk Management Plan in liaison with member authorities which develops the strategy into a local delivery or implementation plan which is a summary of proposed local activity to manage flood risk.

1.4 For each Local Plan District, SEPA will publish a Flood Risk Management Strategy which will set out the most sustainable combination of actions to address flooding in the areas at greatest risk and where the benefits of intervention can have the greatest impact. Taken together, the 14 Flood Risk Management Strategies provide a national plan for Scotland.

2.0 SEPA has prioritised actions from the fourteen Flood Risk Management (FRM) Strategies across Scotland using data on the costs and impacts of actions alongside information from delivery and funding bodies to set national priorities and identify indicative delivery dates for actions. Priorities have been set by ranking actions at a national scale, by Local Plan District (LPD) and by local authority area. Indicative delivery dates have then been set across the next three, six-year planning cycles. Stages one and two of the draft priorities were then subject to consultation with each of the Local Plan Districts and officers from each of the member authorities.

2.1 A new national prioritisation group has been established to review the outputs of stages one to three. The remit of the group is to provide advice to SEPA and LPDs on stages one to three. In addition, the national group will be responsible for confirming funding arrangements for actions requiring national funding. This will involve coordination with the Scottish Water Quality & Standards investment planning process, budget settlements to local authorities through the joint COSLA/Scottish Government Spending Distribution Group, and SEPA funding. This group will be chaired by an official from the Scottish Government and will have membership from local authorities from each Local Plan District, Scottish Water, SEPA and CoSLA.

2.2 Table 1 below describes the approach to prioritisation for each type of action. It is based on three categories of prioritisation:

1. None – the action is not subject to prioritisation and will be delivered as ongoing activity.
2. Simple – the action will not be ranked by SEPA using cost and benefit information, however the delivery body will be asked to confirm the delivery date. These actions may be subject to internal prioritisation within delivery bodies, but this won't be coordinated or reported by SEPA.
3. Detailed – the action will be ranked using cost and benefit information and provided with an indicative delivery date by SEPA. This information will be the basis for delivery bodies confirming final delivery dates. Final methods for ranking these actions will be developed separately.

2.3 Officers representing local authorities on the Local Plan District Partnerships have reviewed and approved the outputs of stages 1 and 2 above, before the information is considered at stage 4. In West Lothian, the information from stage 3 has also subject to internal consultation with officers in other relevant services represented on the Flood Risk Advisory Group.

E. CONCLUSION

The Flood Risk Management (Scotland) Act 2009 introduced a plan-led, catchment-wide and risk-based approach to manage the risk of flooding across Scotland over separate six-year cycles.

For each Local Plan District, SEPA will publish a Flood Risk Management Strategy which will set out the most sustainable combination of actions to address flooding. Taken together the fourteen Flood Risk Management Strategies will provide a national plan for Scotland.

Appendix 1 shows those Flood Protection Works to be included in the forthcoming Local Flood Risk Management Strategy for the first cycle 2016 – 2022 and their placing based on SEPA's national ranking, LPD ranking and LA ranking.

Appendix 2 shows the Flood Protection Studies to be included in the forthcoming Local Flood Risk Management Strategy for the first cycle and their relative rankings.

Appendix 3 shows the Natural Flood Management studies to be included in the forthcoming Local Flood Risk Management Strategy for the first cycle although it is envisaged that this may be carried out as part of a the Flood Protection studies in appendix 2.

Appendix 4 shows the Surface Water Management Plan proposals for the first cycle of the forthcoming Local Flood Risk Management Strategy.

F. BACKGROUND REFERENCES

The Flood Risk Management (Scotland) Bill - Report by Head of Operational Services to the Environment Policy Development and Scrutiny Panel - 04 December 2008

Flood Risk Management (Scotland) Bill - Report by Head of Operational Services to the Council Executive - 23 December 2008

Flood Risk Management (Scotland) Bill 2009 - Report by Head of Operational Services to the Environment Policy Development and Scrutiny Panel - 23 April 2009

Flood Risk Management (Scotland) Bill 2009 - Report by the Head of Operational Services to the Council Executive - 05 May 2009

Consultation on Delivering Partnership Approaches to Implement the Flood Risk Management (Scotland) Act 2009 - Report by Head of Operational Services to the Council Executive - 12 October 2010

Consultation on Delivering Partnership Approaches to Implement the Flood Risk Management (Scotland) Act 2009 - Report by the Head of Operational Services to the Environment Policy Development and Scrutiny Panel - 04 November 2010

National Flood Risk Assessment - Report by Head of Operational Services to the Council Executive - 07 August 2012

Flood Risk Management (Scotland) Act 2009 – An Update – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 19 June 2014

Flood Risk Management (Scotland) Act – An Update report to the Council Executive – 19 August 2014

Consultation – Flood Risk Management Strategy – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 12 February 2015.

Consultation – Flood Risk Management Strategy – Report by Head of Operational Services to the Council Executive – 10 March 2015.

Appendices/Attachments:

Appendix 1 - Flood Protection Works Ranking Version 2.0

Appendix 2 - West Lothian Flood Studies Ranking Version 2.0

Appendix 3 - West Lothian NFM Studies Ranking Version 2.0

Appendix 4 – West Lothian Surface Water Management Objectives Version 2.0

Contact Person: Graeme Hedger, Team Leader, Flood Risk Management 01506 776926

Jim Jack, Head of Operational Services

25 August 2015

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
Dundee	Flood Protection Works (70350006)	Broughty Ferry	Reduce economic damages to residential and non-residential properties in Broughty Ferry caused by coastal flooding. Reduce the number of residential and non-residential properties at risk of flooding by 450 during the 1 in 200 year event. Reduce risk to people from coastal flooding in Broughty Ferry.	Implementation of the flood protection works along the Broughty Ferry coastline. The works include flood defences and sand dune management. Detailed design to be carried out in 2015/16 with works implemented thereafter.	£9,869,000	200yr+CC		BCR 9.8; PVD of £96.915M. 450 residential and non-residential properties protected (1 in 200CC).	9.8	8	1	1	1 of 2			C1	Defences in Dundee Central Waterfront already constructed - remainder of scheme outstanding.
Inverclyde	Flood Protection Works (110340006)	Inverclyde FPS - Glenmosston Burn	Reduce the risk of Glenmosston Burn flooding to residential properties and non-residential properties in Kilmacolm.	The works on the Glenmosston Burn catchment, including upgrading a culvert at Market Place and a new overflow pipe at Gowkhouse Road, should go ahead as per the Inverclyde Flood Protection Scheme Cost Benefit Analysis Report.	£498,000	75yr		Replacement of culvert will prevent flooding to business premises and closure of arterial road. The overflow will prevent the flooding of several residential properties by directing flood water back into watercourse. PVD is £5,070,000. The BCR is 10.18.	10.18	1	2	1	1 of 3			C1 (2016)	These are small pieces of work and detail design could be carried out relatively quickly.
Inverclyde	Flood Protection Works (110280006)	Inverclyde FPS - Coves Burn	Reduce the risk of river / surface water flooding to residential properties and non-residential properties in Greenock.	Work should be progressed as per the Inverclyde Flood Protection Scheme. The work involves a number of conveyance modification actions including: Construct a new connection chamber and replace and upgrade of existing culverts.	£367,000	75yr		Coves Burn component of scheme: BCR = 9.97. PVD of £3.7M.	9.97	2	3	2	2 of 3			C1 (2016)	These are small pieces of work and detail design could be carried out relatively quickly.
Dundee	Flood Protection Works (70340006)	Dundee	Reduce economic damages to residential and non-residential properties in Dundee caused by coastal flooding. Reduce the number of residential and non-residential properties at risk of flooding by 200 during the 1 in 200 year event.	Implementation of the flood protection works along the Dundee coastline. The works include set back walls and flood defences. The raising of the sea wall at the Central Waterfront is to be constructed in financial year 2015/16.	£6,167,000	200yr+CC		PV Benefits £54.82M (west of rail bridge to airport) BCR 2.2 PV Benefits £334.01M (east of rail bridge to Stannergate) BCR 35.8. 200 residential and non-residential properties protected (1 in 200)	8.7	7	4	2	2 of 2			C1	Defences in Dundee Central Waterfront already constructed - remainder of scheme outstanding.
Orkney	Flood Protection Works (3005010006)	Kirkwall	Reduce risk in Kirkwall from coastal flooding	Flood protection works have been designed to reduce the remaining risk of flooding in Kirkwall not covered by the existing defences. The works include the construction of direct defences to provide protection from medium likelihood floods, including the impacts from climate change.	£1,879,713	200yr+CC		The action would result in a reduction in risk to potentially 383 residential properties and 158 non-residential properties which are currently at risk during medium likelihood floods. Emergency services and utility sites could also benefit. Present value benefits of £15.1M could be achieved over the 100 year design life of a scheme.	8.03	10	5	1	1 of 1			C1 (2016)	Detailed design complete and planning permission granted. Scheme is almost shovel ready

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
Perth & Kinross	Flood Protection Works (80330006)	Comrie	Reduce economic damages to residential and non-residential properties in Comrie caused by flooding from the River Earn and River Lednock.	A 2010 study by Mouchel considered the combined flood risk from the Water of Ruchill, River Earn and River Lednock and recommended a scheme consisting of flood defences and flood storage areas. The scheme would provide a 1:100 year standard of protection. The scheme requires detailed design and subject to funding would be implemented in the latter part of the FRMP cycle (2016 – 2022).	£11,200,000	100yr		BCR = 6.7; 382 residential properties and 15 non-residential properties at risk in a 200 year event with a PVD (damages avoided) of £30.4M	6.7	8	6	1	1 of 4	Agree with evidence-based rank		C1	0
Inverclyde	Flood Protection Works (110280006)	Inverclyde FPS - Bouverie Burn	Reduce the risk of river / surface water flooding to residential properties and non-residential properties in Greenock.	Work should be progressed as per the Inverclyde Flood Protection Scheme. The work involves a number of conveyance and storage modification actions including: extension of the new bypass pipe; 3m ø pre-cast concrete chamber.	£367,000	75yr		Bouverie Burn component of scheme: BCR = 6.25. PVD of £2.8M.	6.25	2	7	3	3 of 3			C1 (2016-17)	These are small pieces of work and detail design could be carried out relatively quickly.
North Ayrshire	Flood Protection Works (120020006)	Millport Coastal	Reduce the risk of coastal flooding to residential and non-residential properties in Millport.	The Millport Coastal Flood Risk Assessment (2015) has been completed along with an economic appraisal study of the options recommended in the FRA. It is recommended that the council seek funding to progress with the development of the works outlined in the study, including the creation of a breakwater with flood walls. It is also recommended that the council look at additional property level protection outlined in the study.	£12,074,449	200yr, locally 25yr		The scheme will offer protection to 728 properties and a number of NRP. In the majority of location this is up to a 200yr SoP although in one location this is still only up to 25yr.	5.4	7	8	1	1 of 3	2	Further work is required to develop options.	C1 (2017-2020)	Study has provided options and cost benefits for these options. The preferred option is to be determined.
East Dunbartonshire	Flood Protection Works (110090006)	Park Burn	Reduce the risk of Park Burn /surface water flooding to residential properties in Kirkintilloch.	The Park Burn Flood Risk Assessment has been extended to provide options for the mitigation of flooding from the Park Burn. The study identified cost beneficial works which included re-grading of the channel which would offer protection up to the 1 in 75 year flood. It is recommended that additional PLP options and NFM options are looked at to potentially complement the proposed works. The report noted that a significant proportion of the costs are due to the maintenance that will be required with a small capital cost. This should be factored in by the council.	£376,000	75yr		PVB is estimated to be approximately £1,505k (This option could potentially increase to a SOP of 200 year by adopting individual property level protection. This scheme would benefit by itself circa 70 residential properties.	4.1	6	9	4	1 of 1			C1 (2018-19)	Cost Benefit work just completed preferred option is channel re-graded which has higher maintenance costs than initial capital cost. Further NFM work in the area is being considered (study at this stage) PLP could be added to increase SoP
Outer Hebrides	Flood Protection Works (2006020006)	South Fords	Reduce risk to south-west Benbecula from river and coastal flooding. Reduce risk to the area surrounding Loch Bi from river and coastal flooding.	Detailed design for works including embankments and beach management actions are currently progressing. Local authority approval to proceed to detailed design obtained and likely to seek formal approval in 2016.	£1,969,000	100yr+CC, locally 200yr+CC		The flood protection works would reduce risk to 58 properties which are estimated to be at risk during medium likelihood floods. The flood protection works would achieve an estimated £7,800,000 of benefits over 100 years.	3.97	7	10	1	1 of 1			C1 (2017 – 2018?)	Detailed design progressing to completion likely to seek formal approval to go to tender in 2016 / 2017.
Argyll & Bute	Flood Protection Works	Campbeltown	Reduce flood risk in Campbeltown from river flooding	Flood protection works in the form of storage on two burns plus a relief culvert to be taken forward for detailed design.	£5,240,000	200yr		The flood protection works would achieve an estimated £18,300,000 of benefits over 100 years.	3.49	10	11	1	1 of 1			C1	Detailed design work not started

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
	(1040010006)																
Angus	Flood Protection Works (70160006)	Arbroath	Reduce economic damages to residential and non-residential properties in Arbroath caused by flooding from the Brothock Water. Reduce risk to people in Arbroath from river flooding. (7016)	Flood Protection Strategy for Arbroath identified fluvial and coastal actions to reduce flood risk. The proposed fluvial flood protection works will address flood risk from the Brothock Water and include improvements to direct flood defences and the construction of 2 flood storage areas. The works would provide a 1:200 SoP for Arbroath. The works are sufficiently developed to allow the construction to commence in summer 2016.	£5,630,000	200yr	The Arbroath Flood Protection Strategy also identified a coastal risk related to wave overtopping that may result in safety issues to pedestrians, vehicles and property. The identified coastal actions that will be implemented in a phased manner by Angus Council.	BCR = 2.89 (LA data). PVD of £16.3m.	2.89	9	12	3	1 of 1	n/a		C1 (2016)	Detailed design almost complete and Angus Council intending to commence work July 2016
Scottish Borders	Flood Protection Works (130300006)	Hawick	Reduce economic damages to residential, non-residential and community properties in Hawick caused by flooding from the River Teviot. Reduce number of residential properties at risk by 683 and number of non-residential properties by 233 (1:75yr).	Implementation of the Hawick Flood Protection Scheme subject to funding. The scheme requires detailed design and the intention is to start construction in July 2019 – December 2021. Public consultation has been carried out as part of the initial investigation.	£27,900,000 - £29,200,000	75yr		683 residential and 233 non-residential properties at risk in a 1 in 75 year event with a PVD (damages avoided) of £45.2M. Cost benefit ratio 1:2.88 to 1:3.03 depending on whether existing walls can be re-used (CBR to be confirmed once detailed design has been carried out).	2.88	8	13	1	1 of 1	n/a		C1 (2018-22)	Consultant has been appointed to undertake detailed design. Council Action Plan gives the intention to construct the scheme in 2018-2022
Dumfries and Galloway	Flood Protection Works (140060006)	Dumfries/ River Nith/ Whitesands FPS	Reduce the risk of river flooding to properties in Dumfries.	Whitesands Project (Flood Protection Scheme and Public Realm) has been completed which identified works that should be completed within Dumfries including construction of flood defences along the River Nith in Dumfries	£29,709,009	75yr		The current standard of protection for the proposed scheme is 75 years. In the study area there are 59 residential and 107 non-residential properties which flood in the 200 year + climate change event, which all have a reduced impact of flooding and will benefit from the 1 in 75 year scheme being in place. The PVD is £79,446,909 and the benefit cost ratio is 2.67 (these figures have been supplied by Dumfries & Galloway Council)	2.67	9	14	1	1 of 4			C1 (2017)	The council would be looking to commence the works in the first half of cycle 1. The study has gone through a number of alterations after public consultation and internal council comment from elected members. Further refinement of the design likely.
Highland	Flood Protection Works (1020010005)	Smithton and Culloden	Reduce flood risk in Smithton and Culloden from surface water.	The Proposed Smithton and Culloden FPS consists of Culvert replacement, sediment and debris management and flood storage area. Further detail design will be completed following discussions with the community on current proposals	£7,869,000	200yr+CC		The action would result in a potential reduction in risk to 132 properties which are currently at risk during medium likelihood floods. Emergency services and utility sites could also benefit. Present value benefits of £19,049,000 could be achieved over the 100 year design life.	2.4	7	15	2	1 of 3			C1 (2018-19)	Scheme currently progressing to detailed design stage

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
Perth & Kinross	Flood Protection Works (100080006)	Milnathort	Reduce economic damages and number of residential properties at risk of surface water flooding as far as practical.	The Milnathort Surface Water Investigation study by Halcrow recommended a surface water scheme (pumping stations). The scheme would provide 1:100 year + climate change standard of protection. The scheme requires detailed design and subject to funding would be implemented in the latter part of the FRMP cycle (2016 - 2022).	£1,160,000	100yr+CC	Flood protection scheme in Milnathort constructed in 2006 to protect against flooding from the Back Burn (1:100 SoP)	BCR = 3; 161 Residential Properties (Halcrow report shows 66 RPs and 13 NRPs at risk (1:100)); PVD (damages avoided) of £4.1M.	3	0	16	1	2 of 4	Agree with evidence-based LA rank		C1	0
Dumfries and Galloway	Flood Protection Works (140190006)	Stranraer work item 4 & 6	Reduce the risk of river / surface water flooding to residential and non-residential properties in Stranraer.	Work Item 4 is concerned with alleviating flooding to properties in the Ochtreure area. The flooding in the area is widespread, the main reason being hydraulic capacity issues at the head of the system. The favoured option includes diversion of flows. Work Item 6 is concerned with flooding on the Town Burn mainly downstream of the Railway Culvert. The preferred option for the Station Road area is to regulate flow passing through the Railway culvert and therefore alleviate flood risk in this area.	£377,954	200yr		There are 160 residential and 31 non-residential properties at risk of flooding during a 200 year river event based on strategic mapping. Work Item 4 £266,884; Work Item 6 £111,070 (figures taken from 2009 report). The PVD for Work Item 4 (modification of conveyance) is £600,489 and the benefit cost ratio is 2.25 (figures taken from 2009 report). The PVD for Work Item 6 (storage) is £364,309 and the benefit cost ratio is 3.28 (figures taken from 2009 report). Work Item 6 may also offer protection to stretches of the A77 and the A717.	2.55	3	17	2	2 of 4			C1 (2017-18)	Currently investigating land purchase and potential framework contractors.
Highland	Flood Protection Works (1024010006)	Caol and Lochyside	Reduce flood risk in Caol from Loch Linnhe	The proposed Caol Flood Scheme should be progressed to detailed design and construction. The proposed Caol Flood Scheme includes sections of embankments, sheet piled and concrete retaining walls, and rock armour revetment along the embankment to reduce wave overtopping and protect against erosion. Costs updated (email 21/04) as preferred option has altered slightly.	£6,196,000	200yr		The proposed Caol Flood Scheme will be designed to a 1 in 200 year standard of protection. The scheme will reduce flood risk to 274 residential and 23 non-residential properties, and provide PV benefits of £12.2M over the 100 year design life of the scheme.	1.97	7	18	3	2 of 3			C1 (2017-18)	Scheme currently progressing through detailed design with major planning application due to be submitted in 2015.
Dumfries and Galloway	Flood Protection Works (140040006)	Langholm	Reduce the risk of river flooding to properties in Langholm.	Langholm Flood Risk Assessment has been completed which identified works that should be completed within Langholm including construction of flood defences along the River Esk and Wauchope Water. The scheme design is being refined to manage potential flood risk from minor watercourses as outlined in the report.	£2,000,853	200yr		The standard of protection for the proposed scheme is 25 years. There are 38 residential and 29 non-residential properties at risk during a 25 year river event (based on strategic mapping). The PVD is £4,873,335 and the Benefit Cost Ratio is 2 (figures taken from the 2013 study). This action may also benefit a short section of the primary road A7, but this has not been included in the PVD figure	2	4	19	3	3 of 4	4	Additional refinement of the design to incorporate the more prominent risk from smaller watercourses is required.	C1 (2019-2020)	Further refinements to scheme options based on culvert recommendations are being looked at.

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone-tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of)	LPD	LA				
Dumfries and Galloway	Flood Protection Works (140160006)	Newton Stewart/ River Cree	Reduce the risk of river flooding to properties in Newton Stewart.	Newton Stewart Flood Study has identified the benefit of potential works within Newton Stewart including construction of direct defences along the River Cree and Penkiln Burn. Consideration is also being given to the raising of a footbridge over the River Cree in combination with direct defences and property protection to increase the design standard of protection of the works.	£7,500,000	10yr		The current standard of protection of the proposed scheme is 10 years, although higher standards of protection are currently being considered. There are 19 residential and 6 non-residential properties at risk during a 10 year river event, based on strategic mapping. The PVD is £12,300,000 and the benefit cost ratio is 1.64 (figures taken from 2014 study). This action may also offer protection to a stretch of the A714 and a number of utilities including an electricity substation and telecommunications	1.64	7	20	4	4 of 4	3	Frequency of flooding and flood history.	C1 (2019-2020)	The council are looking to improve the current SoP offered by the scheme including looking at increasing conveyance, NFM actions and council stored and maintained PLP.
Glasgow City	Flood Protection Works (110190006)	White Cart Water Phase 2	Reduce the risk of river flooding to residential properties and non-residential properties from the White Cart Water.	The White Cart Water Phase 3 includes the building additional direct defences in locations where properties are still identified to be at risk.	£6,132,100	200yr		BCR = 1.45; 87 residential properties; NRPs responsible for 75% of damages.	1.45	8	21	5	1 of 1			C1 (2016-2017)	Work is being done to identify the benefits from this phase of the works.
North Ayrshire	Flood Protection Works (120030006)	Millport Burn	Reduce the risk of fluvial flooding to residential and non-residential properties in Millport.	The Millport Burn Flood Risk Assessment has provided information along with an economic appraisal which identifies potential options to mitigate flooding by diverting flows to a separate receiving watercourse. It is recommended that the council seek funding to progress with the development of the works outlined in the study and further look at the potential environmental and social impacts of the identified works including diversion of reservoir flows and control structures.	£1,075,000	100yr		31 residential and 9 non residential properties, however the preferred action is the diversion of flows and it is uncertain the impact that this will have on the new receiving watercourse. Although there is limited potential impact to properties there may be alteration to the channel and floodplain of the receiving watercourse.	1.8	4	22	2	2 of 3	3	Further design work is required to assess the impacts of the options.	C1 (2018-2021)	Flood study has completed with cost benefit analysis. Further works on the potential impacts of the options are required to identify the preferred option.
East Ayrshire	Flood Protection Works (140390006)	New Cumnock	Reduce risk of river flooding to residential properties and non-residential properties in New Cumnock.	New Cumnock Flood Study has been completed which identified works that should be completed within New Cumnock including construction of flood defences along the Afton Water and Connel Burn.		200yr		The standard of protection for the proposed scheme is 200 years. There are 108 properties at risk during a 200 year river event, based on strategic mapping. The PVD is £2,660,761 and the benefit cost ratio is 1.27 (figures taken from the 2014 study). This PVD figure includes road network benefit (A76). This action may also offer protection to a stretch of single track railway and a number of utilities including two electricity substations and a telephone exchange, however these have not been included in the PVD figure	1.27	9	23	5	1 of 1			C1 (2016)	Full design is currently progressing with a consultant being appointed. Land acquisition is currently being looked at. Protected species and habitat study have started.

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
Perth & Kinross	Flood Protection Works (100110006)	South Kinross	Reduce economic damages to residential and non-residential properties caused by river flooding.	Mouchel's Flood Protection Study recommended a flood scheme for the South Queich, Gelly Burn and Clash Burn. The scheme would consist of flood defence walls and provide a 1:200 year + climate change standard of protection. The scheme requires detailed design and subject to funding would be implemented in the latter part of the FRMP cycle (2016 – 2022).		200yr + CC		BCR=1.48. PVD Damages avoided £5.5M.	1.48	6	24	2	3 of 4	Agree with evidence-based LA rank		C1	The scheme requires detailed design.
West Dunbartonshire	Flood Protection Works (110720006)	Gruggies Burn	Reduce the risk of the Gruggies Burn / coastal flooding to residential properties, non-residential properties and transport in Dumbarton.	The potential for upstream storage should be further investigated, in isolation or in conjunction with direct defences from Hunter's Burn to Castle Street and the wall downstream of Castlegreen Street. These defences are part of a scheme that also covers works in objective 11075.	£14,500,000	200yr		There are 567 residential properties and 97 non residential properties within the benefiting area of this scheme with a PVD of £19.5million. In addition Emergency services community facilities, utilities and a section of primary road also benefit from this protection.	1.34	7	25	6	1 of 1	n/a		C1 (2018-19)	Study has brought the 2004 report up to date and looked at refining costs. Benefits are in the report however further work will be required on option development and benefits.
Highland	Flood Protection Works (1021050006)	Drumnadrochit	Reduce flood risk in Drumnadrochit from the River Enrick	Flood protection works in the form of direct defences need to be taken forward to detailed design stage.	£704,000	200yr		The flood protection works would reduce risk to 27 properties and reduce disruption and closures to the A831 road	1.44	6	26	4	3 of 3			C1 (latter half)	Detailed design not yet started
Aberdeenshire	Flood Protection Works (6023010006)	Stonehaven	Reduce flood risk in Stonehaven from the River Carron and Glaslaw Burn	Flood protection works are recommended to reduce the likelihood of flooding to Stonehaven from the River Carron and Glaslaw Burn from medium likelihood floods. The flood protection works will include a combination of modifications to conveyance through upsizing of culverts and altering bridges, removing weirs and installing trash screens and the construction of direct defences.	£16,531,000	200yr+CC		The flood protection works would reduce risk to 372 residential properties which are estimated to be at risk during medium likelihood floods. The flood protection works would achieve an estimated £20,310,000 of benefits over 100 years.	1.23	7	27	1	1 of 2			C1 (2017)	Detailed design near complete with order promoted in mid-2015. Note costs increased following review of 2012 flood but no review on benefits undertaken – may therefore be slightly lower b/c than should be. If no objections could be 2016 start
Aberdeenshire	Flood Protection Works (6010010006)	Huntly	Reduce flood risk in the Meadows area of Huntly (including A96 and A920, Ski Centre and caravan park) from the River Deveron and Meadows Burn	Flood protection works are recommended to reduce the likelihood of flooding to Huntly from the River Deveron and Meadows Burn from medium likelihood floods. The flood protection works will include a combination of modifications to conveyance through upsizing of culverts, constructing embankments and storage of water.	£3,040,000	200yr+CC		The flood protection works would reduce risk to 50 residential properties and 13 non-residential properties which are estimated to be at risk during medium likelihood floods. The flood protection works would achieve an estimated £3,400,000 of benefits over 100 years.	1.1	8	28	2	2 of 2			C1 (2016)	Public Enquiry concluded and going to construction procurement in mid-2015. Near shovel ready.
West Lothian	Flood Protection Works (100960006)	Broxburn Liggat Syke	Reduce economic damages to residential and non-residential properties in Broxburn, West Main Street, caused by flooding from the Brox Burn.	Construction of the outstanding elements of the Broxburn flood prevention scheme relating to 2 flood storage basins in the catchment of the Liggat Syke with adequate storage to provide protection from 1:100 year event. The cost of outstanding works is £1,563,528.	£1,564,000	100yr	Phase 2 works are currently out to tender and due to be constructed 2015 - 2017.	BCR 1.22	1.22	5	29	3	1 of 1	n/a		C1	Outstanding element of Broxburn FPS (Liggat Syke separate from rest of scheme already delivered). Scheme was funded but at less than 80:20 contribution.

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Mone tised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of	LPD	LA				
North Ayrshire	Flood Protection Works (120100006)	Upper Garnock FPS	Reduce the risk of river / surface water flooding to residential properties and non-residential properties in Kilbirnie, Glengarnock and Longbar.	A study on the Upper Garnock Flood Protection Scheme has been carried out which has recommended a cost beneficial preferred action consisting of storage and direct defences based on up to a 100 year standard of protection. North Ayrshire Council is committed to progressing the scheme subject to available funding.	£14,170,000	50-100yr		<p>The Upper Garnock Flood Protection Scheme Appraisal Summary Report has stated a benefit of £17,300,000 based on a 100 year standard of protection for Kilbirnie and 50yr standard of protection for Dalry. The BCR for these works is 1.22.</p> <p>It is noted that if the monetised benefit in terms of risk to life had been included in the appraisal, the benefit-cost ratio of schemes is significantly enhanced, BCR of 5 for the whole scheme with some parts as high as 10.</p> <p>The scheme will not remove all risk to life in the area but will greatly reduce the risk. Flood warning is also planned for the area which will also reduce the risk to life.</p>	1.22	5	30	3	3 of 3	1	A priority for the LA due to the potential risk to people due to the depth and velocity of water predicted in the area.	C1 (2016-17)	The scheme is currently in an outline design stage. Existing consultations to a close at the end of April 2015. Ready for notification in June 2015. There are multiple sections of this scheme which are combined together in this assessment.
Perth & Kinross	Flood Protection Works (80230005)	Scone	Reduce economic damages to residential and non-residential properties caused by river flooding.	A flood protection study for the Annaty Burn in Scone was carried out by Mouchel in 2007 and identified that a flood protection scheme would be economically viable (although the benefit/cost ratio is currently marginal). The preferred option consists of raising existing footbridges and constructing riverside defences. The scheme would provide a 1:200 year standard of protection. BCR and scheme costs require updating and assessment for a wider range of return periods prior to detailed design. Subject to funding and local authority capacity the scheme would be implemented in the latter part of the FRMP cycle (2016 – 2022).	£625,000	200yr		BCR 1.14; 35 residential properties and 9 non-residential properties at risk in a 200 year event with a PVD (damages avoided) of £2.4M.	1.14	5	31	2	4 of 4	Agree with evidence –based LA rank		C1	BCR and scheme costs are from 2007 and require updating prior to / with detail design.
Stirling	Flood Protection Works (90070006)	Bridge of Allan	Reduce economic damages to residential and non-residential properties in Bridge of Allan caused by flooding from the Allan Water (9007)	Implementation of flood protection works (flood embankments/sheet piling) in Bridge of Allan to protect properties from 1:50 year event. A recent FP study has indicated that protection to 1:200 would not be economically viable. The works would require detailed design and would be implemented in the latter half of the FRMP cycle.	Temporary defences: £2.6M. Permanent defences: £4.4M.	50yr	Bridge of Allan scheme to be implemented prior to Stirling due to knock-on impact on water levels	Preliminary BCR for 50yr: temporary defences 1.22, permanent defences 0.72.	0.72	9	32	1	1 of 4	3 of 4		C1 / C2	Costs uncertainty due to gravel issues around piling and potential cost increases. Progressing to detailed design 2019. Potential mid-cycle candidate.

Local Authority	Selected Action	Location	Objective	Scheme Description	Scheme cost	Standard of Protection	Related Actions	Economic Benefits	BCR	Non-Monetised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery Cycle	Scheme Status
											National (of)	LPD	LA				
Stirling	Flood Protection Works (90140006)	Stirling	Reduce economic damages to residential and non-residential properties in Stirling caused by flooding from the River Forth (9014). Reduce risk to people in Stirling caused by flooding from the River Forth (9015, 9022). Reduce economic damages to residential and non-residential properties in Stirling, Riverside and Raploch caused by flooding from the River Forth (9021).	A recent FP study by Mouchel investigated options to protect Stirling against 1:200 year event. None of the options considered were economically feasible. Further investigation into Lower SOP found lower level protection (1:50) would only be a viable option in Riverside due to low damages at lower thresholds. BCR for the 1:200 year options was revisited 2015 but changes to this would be unlikely to allow significant enough increases to allow the BCR to reach unity.	Riverside £11,097,453; Raploch £4,281,122; Cornton/Causeway-head £10,845,214; North Cornton £2,026,608.	200yr	Bridge of Allan scheme to be implemented prior to Stirling due to knock-on impact on water levels	BCRs (200yr): Riverside 0.69, Raploch, 0.57, Cornton/ Causewayhead 0.39, North Cornton 0.03.	0.7	8	33	2	2 of 4	4 of 4		C1	Optioneering undertaken and direct defences identified as the only option. Would require detailed design and public consultation.
Stirling	Flood Protection Works (90020006)	Aberfoyle	Reduce economic damages to residential and non-residential properties in Aberfoyle caused by flooding from the River Forth (9002)	Implementation of flood protection works (flood embankments) in Aberfoyle to protect residential and local business properties from 1:5 year event. Stirling council are keen to implement these works despite the low BCR (0.16) to protect property, to maintain access to the school and to maintain emergency service access beyond Aberfoyle. The works depend on the provision of flood warning by SEPA. The works would be carried out simultaneously with flood warning provisions, ideally in first part of FRMP cycle.	Detailed design of 5yr scheme £135K + GI £60K. Scheme construction costs TBC once detailed design complete.	5yr	Council do not wish to pursue scheme prior to installation of Flood Warning	BCR for 200yr = 0.16 (BCR for 5yr not developed will be revised once detailed design complete). 7 residential and 13 non-residential properties, 3 utilities and 1 road (single access to school and villages for 14 miles).	0.16	9	34	3	3 of 4	1 of 4		C1	The works depend on the provision of flood warning by SEPA. The scheme would be funded by LA.
Stirling	Flood Protection Works (90030006)	Callander	Reduce economic damages to residential and non-residential properties caused by river flooding (9003)	Implementation of flood protection works (flood embankments) in Callander to protect Meadows car park and residential properties from 1:50 year event. Stirling council are keen to implement these works despite the low BCR (0.09). The works would require detailed design and would be implemented in the latter half of the FRMP cycle.	£2,400,000	50yr		BCR = 0.09; 15 residential properties and 15 non-residential properties, Meadows car park and trunk road (A84). PVD of £214,936.	0.09	3	35	4	4 of 4	1 of 4		C1	Relatively small area of protection – cannot protect all of risk area. Progressing to detailed design.

Description of the non-monetised scoring elements can be found in Paper 3 – Method (available via Huddle). It comprises a range of community and environmental criteria that are generally poorly represented within economic appraisal.

The following schemes (listed in alphabetical order by location) were assigned a BCR robustness category ‘C’ and therefore were not ranked:

Local Authority	Selected Action	Location	Notes
Glasgow City	110260006	Camlachie Burn	May report prior to NPWG
Aberdeen City	6019010006	Culter Burn	Detailed design work to commence in 2015 – likely to be ready for construction second half of cycle 1.
City of Edinburgh	100620006	Edinburgh (Water of Leith)	May report prior to NPWG
Falkirk	100400006	Grangemouth	May report prior to NPWG
East Lothian	100820006	Haddington	May report prior to NPWG
Argyll & Bute	110030006	Helensburgh	Further study is required to identify the wider benefits of the proposed actions.
Argyll & Bute	110840006	Kilcreggan	May report prior to NPWG.
West Lothian		Livingston, Broxburn (SUDS legacy project)	There is currently no agreed funding mechanism for surface water management
West Lothian		Livingston, Broxburn (SWMP actions)	There is currently no agreed funding mechanism for surface water management
Highland	1021030006	Mill Burn Inverness	Report issues may be addressed in time for NPWG
East Lothian	100750006	Musselburgh	May report prior to NPWG
Inverclyde	110330006	Quarrier’s Village	Report issues may be addressed in time for NPWG
Fife	70420006	St Andrews (Kinness Burn)	Optioneering carried out in 2007 but further study is required to identify sustainable options. BCR Cat C. LA would like to progress with detailed design / construction this FRMP cycle. This is a potential scheme for mid cycle funding.

Local Authority	Selected Action	Location	Objective	Next Step	Study Cost	Related actions	Economic Benefits	PVD Damages	Mon-Monetised Score	Ranking (evidence based)			Ranking (local preference)	Reason	Proposed delivery cycle
										National	LPD	LA			
West Lothian	Flood Protection Study (100940005)	Whitburn (PVA 10/29c)	Reduce economic damages to residential and non-residential properties in Whitburn caused by flooding from the White Burn. Objective ID: 10094.	A Flood Protection Study should assess Modification of Conveyance, Direct flood Defences and Sediment Management. The assessment should also consider these actions in combination and the impacts on flood risk upstream and downstream of each action.	£30k to £100k		137 residential properties and 1 non-residential properties at risk in a 200 year event with a PVD (damages avoided) of £5.4M	£5,400,000	3	67	11	1	2		1
West Lothian	Flood Protection Study (100470005)	Linlithgow (PVA 10/13)	Reduce economic damages to residential and non-residential properties in Linlithgow caused by flooding from the River Avon and Bell's Burn. Objective ID: 10047.	A Flood Protection Study should assess the following: Modification of Conveyance, Direct flood Defences and Sediment Management. The assessment should also consider these actions in combination and the impacts on flood risk upstream and downstream of each action.	£30k to £100k		56 residential properties and 13 non-residential properties at risk in a 200 year event with a PVD (damages avoided) of £4.1M	£4,100,000	5	90	16	2	3		1
West Lothian	Flood Protection Study (including NFM study) (100490025)	Bathgate (PVA 10/13)	Reduce economic damages to residential and non-residential properties caused by river flooding. Reduce risk to people in Bathgate from river flooding. Objective ID: 10049.	A Flood Protection Study should assess Sediment Management, Direct flood Defences, Property Relocation and Natural flood management. Natural Flood Management Study should investigate runoff control and Sediment Management. The assessment should also consider these actions in combination and the impacts on flood risk upstream and downstream of each action. There is an opportunity for partnership working with the Almond / Avon reconnection project and Bathgate restoration project.	£30k to £120k		11 residential properties and 1 non-residential property at risk in a 200 year event in Bathgate with a PVD of £1.0M. 14 residential properties and 2 non residential properties are at risk for a high likelihood event and could benefit from NFM actions.	£1,022,705	5	139	23	3	1	This is Falkirk Council priority due to ongoing initiatives and opportunity to collaborate. There are also 2 schemes that do not provide much protection.	1
West Lothian	Flood Protection Study (100490027)	Blackridge (PVA 10/13)	Reduce economic damages to residential and non-residential properties caused by river and surface water flooding. Reduce risk to people in Blackridge from river and surface water flooding. Objective ID: 10049.	A Flood Protection Study should assess Sediment Management and Modification of Conveyance with focus on existing culverts. The assessment should also consider these actions in combination and the impacts on flood risk upstream and downstream of each action.	£30k to £100k		5 residential properties and 3 non-residential properties at risk in a 200 year event (fluvial / surface water) in Blackridge with a PVD of £0.05M.	£54,528	4	157	26	4	4		1

Description of the non-monetised scoring elements can be found in Paper 3 – Method (available via Huddle). It comprises a range of community and environmental criteria that are generally poorly represented within economic appraisal.

Local Authority	Selected Action	Location	Objective	Indicators	Next-Step	Cost of Next Step	Related Actions	Economic Impact	Proposed Delivery Cycle	Reason
West Lothian	NFM Study (100490003)	(10/13)	Reduce risk to people in Bathgate, Blackridge, Linlithgow and Slamannan from river flooding. (10049)	241 People at Risk (1 in 200 year event)	A Natural Flood Management Study should assess Runoff control and Sediment Management. The assessment should also consider the potential benefits and disbenefits to locations both upstream and downstream. The study should be carried out in conjunction with the flood protection study and in collaboration with Falkirk Council.	£20k to £50k				

Paper 7 West Lothian Council – Surface Water Management Objectives v2

LPD	Objective	Objective ID	Action Type	Action	PVAs	Action Description	Status and Timing	Local Authority	Comments
10	Reduce economic damages and number of residential properties at risk of surface water flooding as far as practical	10085	SWMP	Bathgate covered by a surface water management plan	10/13, 10/27	The area must be covered by a surface water management plan (SWMP) or plans that set objectives for the management of surface water flood risk and identify the most sustainable actions to achieve the objectives. An integrated catchment study will be carried out to support the SWMP process and improve knowledge and understanding of surface water flood risk and interactions with other sources of flooding e.g. with the sewer network, watercourses and the sea.	Ongoing. Recommended actions agreed by all partners identified by 2019.	West Lothian Council	

10	Reduce economic damages and number of residential properties at risk of surface water flooding as far as practical	10085	SWMP	Broxburn covered by a surface water management plan	10/27.	The area must be covered by a surface water management plan or plans that set objectives for the management of surface water flood risk and identify the most sustainable actions to achieve the objectives.	Ongoing. Recommended actions agreed by all partners identified by 2019.	West Lothian Council	
----	--	-------	------	---	--------	--	---	----------------------	--

10	Reduce economic damages and number of residential properties at risk of surface water flooding as far as practical	10045	SWMP	Linlithgow and Whitecross covered by a surface water management plan	10/13.	The area must be covered by a surface water management plan (SWMP) or plans that set objectives for the management of surface water flood risk and identify the most sustainable actions to achieve the objectives. An integrated catchment study will be carried out to support the SWMP process and improve knowledge and understanding of surface water flood risk and interactions with other sources of flooding e.g. with the sewer network, watercourses and the sea.	Ongoing. Recommended actions agreed by all partners identified by 2019.	West Lothian Council	
----	--	-------	------	--	--------	--	---	----------------------	--

10	Reduce economic damages and number of residential properties at risk of surface water flooding as far as practical	TBC	SWMP	Livingston and Mid Calder covered by a surface water management plan	10/27.	The area must be covered by a surface water management plan or plans that set objectives for the management of surface water flood risk and identify the most sustainable actions to achieve the objectives.	Ongoing. Recommended actions agreed by all partners identified by 2019.	West Lothian Council	
----	--	-----	------	--	--------	--	---	----------------------	--

Surface water actions – supporting information

FRM strategies will identify:

- Where SWMP required
- Where studies will be done to improve understanding of surface water flooding to support the SWMP process (LA or Scottish Water)
- Actions to be implemented that have been identified through the SWMP process (LA measures requiring Scot Government funding and Scottish Water measures agreed through Q&S and any joint measures)

LFRMP will:

- set out the timescales for the delivery of the above and who is responsible for implementing
- describe how functions will be coordinated to implement actions that relate to surface run-off water and urban drainage

Surface water management plans

Surface water flooding by its nature is not likely to be solved over the short term with one or two large interventions as it tends to be more fragmented across an area and not from one single source as with rivers and the sea. Instead surface water management plans must set out a long term vision of how surface water flood risk will be managed and integrated drainage will be delivered then identify and plan the steps needed to achieve the vision. It is an ongoing planning process and should follow the FRM planning 6 year cycle (Figure 1).

Actions identified through the SWMP (including those SWMP areas supported by an ICS) need to be agreed by all partners. The actions may be:

- Scottish Water only
- Local authority only
- Scottish Water / LA Joint actions
- Decision must be made on how agreed actions are funded e.g. through LA or Scottish Water “operational” budgets or if actions need funded and prioritised nationally through Scottish Water Quality and Standards process (Q&S) or Flood Risk Management Strategies (FRMS).

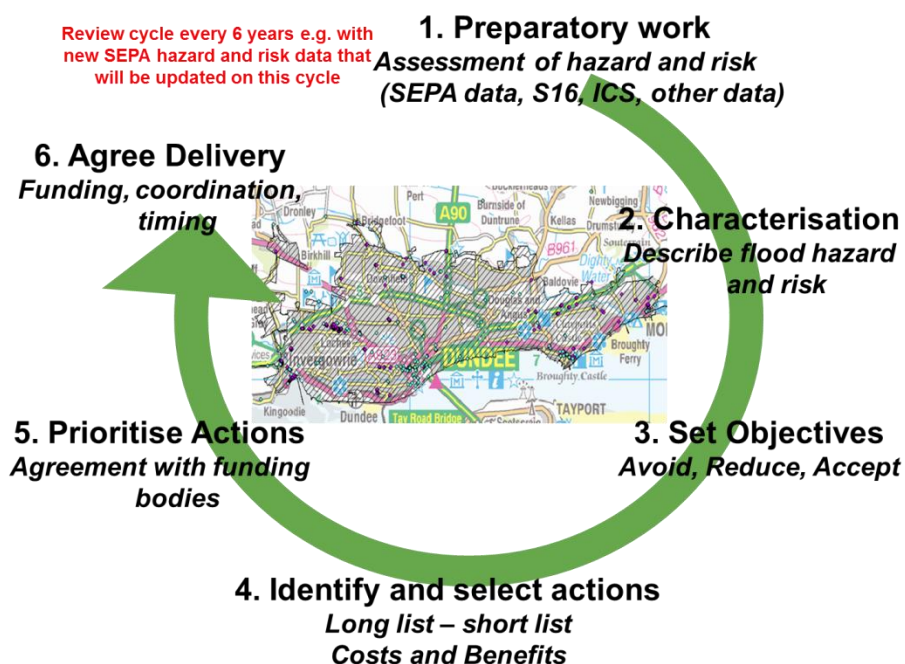


Figure 1. Surface water management plan cycle

Timing for agreeing actions in SWMPs (including those supported by an ICS) in time to input to Q&S and FRM Strategy prioritisation process and funding decisions

Current ICS and the SWMP areas they are within (i.e. Aberdeen, Dundee, Edinburgh, Falkirk, Ayr) have actions to be agreed by 2017. This reflects the ICS timescales for identifying actions (ICS optioneering stage) in time for Scottish Water investment in Interim Review 2018 (IR18).

All other SWMP areas have agreed actions by 2019 in time to input to the 2nd FRMP cycle and Scottish Water investment in Q&S 5.

Timescales for when Q&S 4 ICS will identify actions have still to be determined. The needs stage of the Q&S 4 ICS will be carried out between 2015-2021 and the optioneering phase for these ICS is still to be scheduled. But depending on timing may be in time for the 2nd or 3rd FRMP.

FRMP and Q&S timescales

The figure below shows timescales when agreed actions are required to input to the FRMS and Q&S prioritisation and funding processes (Figure 2).

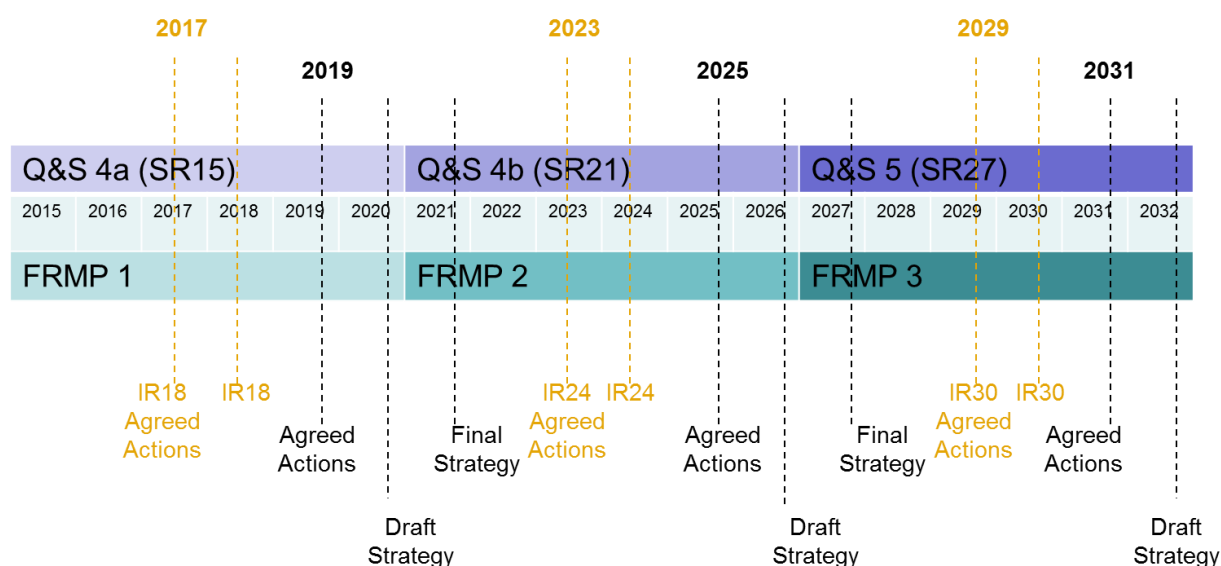


Figure 2. Dates for agreed actions to input to FRMS and Q&S process.

Black text and dates indicate actions required in time to input to the consultation on the draft FRM strategy and also to input to Q&S process. Agreed actions required by 2019, 2025, 2031 etc.

Orange text and dates indicate actions required in time to input to Scottish Waters Interim Reviews where Scottish Water may have an opportunity to reviewing funding of Scottish Water agreed actions. Agreed actions required by 2017, 2023, 2029 etc

Note on ICS.

ICS will not replace the SWMP process, it is a study that will improve the understanding of surface water flood hazard, flood risk and surface water drainage and will support the SWMP process. They may provide a lot of information for the SWMP but it is expected that they will not provide all information that may be required in a SWMP. The FRM strategy will describe both where a SWMP is required and where an ICS will be supporting the SWMP and any measures identified from a SWMP:

- Where SWMP required
- Where studies will be done to improve understanding of surface water flooding to support the SWMP process (LA or Scottish Water)
- Actions to be implemented that have been identified through the SWMP process (LA measures requiring Scot Gov funding and Scottish Water measures agreed through Q&S and any joint measures)

Note on delivery of SWMP

It is up to the local authority to decide how to manage their SWMPs. The FRM strategies state that the area must be covered by a surface water management plan or plans. For example a local authority can therefore decide to have one SWMP covering their whole LA area that will include

their SWMP priority areas, or one SWMP for their SWMP priority area or many SWMPs covering their SWMP area. This management does not have to be described in the FRM Strategy but could be described in the LFRMP if required.

It is up to the local authority to decide how to deliver their SWMPs. For example a local authority may decide to deliver a SWMP in a variety of ways e.g. deliver it in conjunction with other flood studies or NFM studies. In this case the requirement for the SWMP should remain in the FRM strategies to maintain transparency and clarity of where the priorities for surface water management are. How the SWMP are delivered can then be described in the LFRMP if required.



COUNCIL EXECUTIVE

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

REPORT BY DEPUTE CHIEF EXECUTIVE, COMMUNITY HEALTH AND CARE PARTNERSHIP

A. PURPOSE OF REPORT

To update members on the business and activities of St John's Hospital Stakeholder Group.

B. RECOMMENDATION

To note the terms of the minutes of meetings of St John's Hospital Stakeholder Group held on 22 July 2015 in the appendix to this report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.
III Resources - (Financial, Staffing and Property)	None.
IV Consultations	None required.

D. TERMS OF REPORT

On 29 June 2010 the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision the business of St John's Hospital Stakeholder Group was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

E. CONCLUSION

This report ensures that members are kept apprised of the activities of St John's Hospital Stakeholder Group as part of the council's Code of Corporate Governance.

F. BACKGROUND REFERENCES

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

Minute of meeting of the St John's Hospital Stakeholder Group held on 22 July 2015

Contact Person: Jim Forrest, Depute Chief Executive, CHCP

01506 281977

Jim.Forrest@westlothian.gov.uk

Date:

DRAFT

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

Minutes of the Meeting held on Wednesday 22 July 2015 at 2.30pm in Board Room 1, St John's Hospital, Howden South Road, Livingston, West Lothian EH54 6PP (and by video conference call from Waverley Gate)

Present:

Mr Brian Houston	Chairman, Non-Executive Lay Member NHS Lothian (Chair)
Mrs Maureen Anderson	Patient Representative
Councillor Tony Boyle	West Lothian Council Broxburn, Uphall and Winchburgh
Dr Morag Bryce	Non-Executive Lay Member of NHS Lothian
Councillor John McGinty	Leader West Lothian Council
Ms Agnes Ritchie	St John's Hospital Site Chief Nurse, NHS Lothian
Councillor Frank Toner	West Lothian Council East Livingston & East Calder

In Attendance:

Dr Edward Doyle	Associate Medical Director, Women's and Children's Services
Mr Jim Forrest	Director of West Lothian CHCP
Mr Chris Graham	Committee Co-ordinator, NHS Lothian
Ms Carol Harris	Head of Communications, NHS Lothian
Ms Fiona Mitchell	Director of Women's and Children's Services
Ms Anne Smith	General Manager, St John's Hospital Site
14 members of the public	

Apologies:

Ms Jackie Campbell	St John's Hospital Site Manager, NHS Lothian
Mr Jim Crombie	Chief Officer: NHS Lothian University Hospitals & Support Services Division
Professor John Iredale	Non-Executive Stakeholder Member, NHS Lothian
Mr Alex Joyce	Employee Director, Non-Executive Member NHS Lothian
Councillor Anne McMillan	West Lothian Council Livingston North Ward

Declaration of Financial and Non-Financial Interest

The Chair reminded members they should declare any financial and non-financial interests they had in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

Councillor Frank Toner declared a non-financial interest as a non-Executive Director of Lothian Health Board; as Chair of the West Lothian Community Health and Care Partnership and through involvement with the West Lothian Integrated Joint Board.

1. Minutes of Previous Meeting

1.1 The Minutes of the previous meeting held on 24 June 2015 were agreed as an accurate record subject to the following amendment:

- Rewording of Paragraph 6.1.3 -
*Councillor McGinty stated that whilst he appreciated the difficulty in reporting the situation, from the council perspective they **would be strongly opposed to any closure and opposed to any downgrading or reduction in the services of the unit.** The expectation would be for the service to continue. Mr Crombie stated that there was no intention to close the unit and that any first port of call could be a short term change to provision.*
- Typographical errors
 - Page 4 - Catriona Royston should read Catriona Rostron
 - Page 5 – Mr Whitworth should read Dr Whitworth

2. Matters Arising

2.1 Adolescent Psychiatry - The Chair read out the response from Mr Andy Jackson in relation to the point raised by Cllr Toner (Paragraph 3.3 of the June Minutes):

We've investigated this and confirming the following.

The activity for adolescent psychiatry at St John's tailed off from June last year with nothing reported after August 2014. This resulted in the drop observed at the last meeting.

It appears though that the activity did not stop. It was just captured under a different heading of CAMHS as part of community activity as opposed to adolescent activity in the hospital (which is the focus of the presentation to the Stakeholders).

We will get this properly bottomed out for the next performance update but this looks the likely explanation.

3. Paediatric Services

3.1 Ms Mitchell updated the meeting on the medical staffing situation since Mr Crombie's report at the last meeting. Shortly after the meeting on the 24th June the decision was made by NHS Lothian to regrettably close the Paediatric Inpatient part of the ward from 3 July 2015. This decision was taken with consideration of patient safety and acknowledged the real potential for short notice service collapse. All other parts of the Paediatric Service remained running as normal. The Neonatal Service was unaffected and operating as usual.

3.2 Children requiring to be admitted to hospital during this period were being transferred to the Royal Hospital for Sick Children in Edinburgh. A situation such as this last occurred in July 2012. The impact of this decision on the services at St John's and in Edinburgh was being closely monitored. The management of safety and transfers were also being closely watched.

- 3.3 The transfer numbers had been low, with only six children being transferred from West Lothian in the last seven days. In total those admitted and transferred had been 29. 5 of these patients would have been transferred anyway for specialist surgical intervention. These numbers were much the same as was the case three years ago.
- 3.4 Dr Doyle added that there had been no serious medical issues arising out of these transfers and the length of stay had been around 1 or 2 days. Children had then been referred back to the St John's team for local follow up.
- 3.5 Cllr McGinty referred to the six week timescale, and almost three weeks into this what was the target date for returning the service back to what it was before the closure?
- 3.6 Ms Mitchell stated that NHS Lothian would be meeting with the Scottish Government at the beginning of August to review how things had been over July, look at the sustainability of the rota and staffing situation for the months ahead. A decision on the next steps would be taken after this meeting. The key issue would be patient safety and safety of paediatric inpatient service. The guaranteed safety of the maternity neonatal service would also be paramount.
- 3.7 Cllr McGinty expressed grave concern that at the last meeting it was reported the service had been managed over a long period to sustain staffing, and that there were a number of factors over the summer months that questioned whether the service could be sustained. The assumption made at the last meeting was that if anything happened and the service was reduced for a period of around six weeks; it would then return to the normal service. Now three weeks down the road it seems to be whether the service will resume and if it does will this be at the level of service prior to July.
- 3.8 Ms Mitchell confirmed that there will be discussion and a decision made at the beginning of August.
- 3.9 Cllr McGinty stated that it would be helpful to understand what had changed in terms of the variables since the last meeting where these had been expressed as sickness absence, holidays and staff bereavement. It was difficult to accept that the service cannot plan what service would look like in a few weeks time. This would be difficult if the reduction or closure of service continued past the six weeks.
- 3.10 Ms Mitchell commented that the Health Board's concern was the ability to guarantee a safe service with a rota several months ahead. Some of the variables had resolved since the last meeting but new challenges had presented, emphasising the fragility of the service.
- 3.12 Cllr McGinty added that staffing had been fragile for some time. At the last meeting there had been discussion on the possibility of a temporary closure to get over a staffing 'blip'. Three weeks down the track the Health Board should be able to indicate when the service would go back to the position it was at before July.
- 3.13 The Chair stated that from the Board's perspective and from discussion at the Board Development Session held last week, the concerns raised by the Board concerned the ongoing sustainability of the service from August and the safety of patients.

- 3.14 Cllr McGinty asked the Chair if the Board was unable to give assurances that the service would reopen as was before it was reduced or closed. The Chair confirmed that this was the case, pending outcome of the current review.
- 3.15 Cllr Boyle asked why the service had not been reviewed over the past three years following the issues in 2012.
- 3.16 Ms Mitchell stated that various staffing models had been tried in this time but it had been impossible to secure a long term sustainable staffing model. There had been periods over the last three years where the staffing had been better. In 2015 the difficulties have increased, this was brought into sharp focus after the issues with the June rota. The rota had only been available a few days ahead for each month which was extremely fragile and made it difficult to deliver a safe service. There had been three occasions in June where staff had been unable to do the out of hours shift that they had committed to which had meant the service nearly shutting down at very short notice; obviously this was unacceptable on a regular basis. It would never be feasible to shut the Maternity and Neonatal Service.
- 3.17 Attempts to recruit staff were continuous. It was noted that a recent middle grade international recruitment campaign had resulted in two applicants for two posts, one applicant had not been suitable and the other applicant had withdrawn late on in the recruitment process.
- 3.18 Cllr Toner stated that the Board should be minded to take the same position on Paediatrics as it does for the Maternity and Neonatal Service.
- 3.19 Cllr Toner asked how many medical staff there were within Paediatrics. Ms Mitchell stated that there was the equivalent of ten consultants. The problem was at middle grade level. Cllr Toner asked how many middle grade staff there were and for those that were off, why were they off.
- 3.20 Dr Doyle responded that four doctors and two nursing staff contributed to the out of hours middle grade rota. Of these members of staff, one was on maternity leave, two were on sick leave (one return imminent) and one was just about to go on holiday. In the summer there was a reliance on people to take extra shifts. Cllr Toner suggested that annual leave needed to be better managed and questioned whether having couples working in the same ward was appropriate. Dr Doyle replied that the fundamental problem was that there is not enough to staff to cover the rota.
- 3.21 Cllr Toner also asked about staff coming from Edinburgh to cover St John's shifts. Dr Doyle stated that staff have sessions at both the Simpsons and St John's for example. Also posts are advertised as both St John's and Royal Hospital for Sick Children.
- 3.22 Cllr Toner added that in the last three years the concept of a Lothian wide Paediatric Team appeared not to have been looked at. Also would introduction of an additional speciality with more complex cases and patients at St John's lead to more staff providing a safe service? Any review of services needed to have serious consideration of these points.
- 3.23 The Chair stated that Cllr Toner's questions were reasonable and as a Board Member he (Cllr Toner) would be able to contribute these points to any review. The Chair added that a sustainable safe solution needed to be found and the Board were uncertain how to do this without reviewing all factors involved.

- 3.24 There was discussion on the longer term review of NHS Lothian Paediatric Services as a whole and whether this would still take place over a year or would happen sooner. Cllr Toner stated that it would make sense to accelerate this but that the situation in 2012 should have seen an immediate review.
- 3.25 Ms Mitchell reminded the Group that in 2012 the Scottish Government had brought in the 'TWIST' team and others to review the service in Lothian and look at models of care and recruitment. The report from this went to the Board but did not really have any "magic" answer.
- 3.26 Cllr Toner raised the suggestion of rezoning. Ms Mitchell stated that this might stretch staff even further. There were continued efforts to recruit through a series of tools and methods and although there had been some steps forward in the past three years there was still no sustainable answer.
- 3.27 Cllr Toner asked how many children had been admitted to adult wards rather than transferred to Edinburgh during the closure period so far and also how transferring after assessment was running. Dr Doyle stated that he was unaware of paediatric patients being admitted to adult wards (post meeting note: From 3 July to 28 July, there have been 6 teenagers aged between 14-16 years old who have had surgery and been admitted either to the Day of Surgery Unit or the ENT Ward. The Flowchart for teenagers during the Paediatric Inpatient Ward closure is attached at *Appendix 1* for information.) There were twice weekly reviews of the situation which were working well. There had been some minor operational issues which were worked through. It was important to remember that the Lothian Unscheduled Care Service still operated from St John's and children can use this service directly or through NHS24. Ms Mitchell added that it was worth remembering that the Emergency Department service continued to see children aged 16 and under. Cllr Toner stated that the concern would be that if the situation remained difficult after six weeks then it may become an assessment unit.
- 3.28 Cllr McGinty asked for clarification on the way forward in relation to the scope and public consultation of the wider paediatric review if there was to be a meeting in August with the Scottish Government to determine what happens.
- 3.29 The Chair stated that there were two separate things. The longer term review over a number of months was the wider Lothian strategy and the possibility of accelerating that would be examined. The meeting with the Scottish Government in August was to assess as immediately as possible the sustainability and safety of the St John's service.
- 3.30 Cllr McGinty clarified that the review Mr Crombie had previously described was still happening and that the Scottish Government meeting in August was to take stock of what has happened at St John's over the last few weeks and look at the sustainability of service at St John's Hospital. The Chair added that the August meeting was to review the decision taken rather than review the structure which was the role of the wider paediatric services review.
- 3.31 Cllr McGinty asked who in the Scottish Government had agreed to the temporary closure. The Chair confirmed that the decision had been taken by NHS Lothian with the Cabinet Secretary and her Scottish Government officials fully briefed in advance of the decision being taken.
- 3.32 Cllr McGinty pointed out that in June there had been a service which was being sustained. Then the Group were told there may need to be a temporary closure. What

had changed that meant the service could not be sustained out with the previously notified variables of sickness absence, holidays and staff bereavement.

- 3.33 Dr Doyle stated that the experience in June was being unable to cover any short notice gaps and as such in June the service had gone to the wire three times which had been an eye opener. Covering a medical rota day by day is no way to run a safe service.
- 3.34 Cllr McGinty responded that this had not changed and fragility in July and August had always been a risk factor. This was a risk factor before the discussion at the last meeting suggested a temporary closure which was now moving to almost being a permanent situation.
- 3.35 Ms Mitchell outlined that the purpose of the meeting in August with the Scottish Government was to review how things had been going over the last few weeks. The Scottish Government share the Board's concerns over the closure and the impact on patients and families. The meeting will take stock and give a clear risk assessment of where the situation is at.
- 3.36 Cllr McGinty asked if the meeting would determine whether the service would return or if the current situation would remain. The Chair stated that it was unclear if such a decision would take place at that meeting. Cllr Boyle added that disregarding the staffing issues it would be of great concern if any decision was taken for the current arrangements to remain in place. The Chair stated that any decisions would go through the usual Board processes.
- 3.37 Cllr McGinty questioned why the meeting with the Scottish Government was mentioned if it was not of importance in terms of decision making. Ms Mitchell stated that the meeting had been mentioned in the context of the question of when a decision would be made.
- 3.38 Dr Bryce assured the Group that in her role as chair of the Board's Healthcare Governance committee this situation was to be considered at the next Healthcare Governance meeting from a patient safety and quality of care perspective. Cllr Toner is also a member of this committee. Dr Bryce referred to the faculties and academies Scotland report around Lessons to be learned from failings in care and the directive to Scottish Government and to NHS Boards was to ensure the primacy of decision making was based on the quality and safety of care. It was noted that there is also staff governance input at the Healthcare Governance meetings as NHS Lothian also had a responsibility for the welfare of our staff.
- 3.39 Cllr Toner stated that as a Healthcare Governance committee member he supported what Dr Bryce had outlined. Making the situation safe was important but consideration had to be given to how we change how we interact with the ward and what and who we send there. This should be looked at as part of a systematic review, again given paediatrics similar status as maternity.
- 3.40 The Chair thanked everyone for their contributions. The nature of the wider review and processes would be verified and any relevant dates would be communicated. There would be feedback from the Healthcare Governance committee and the Board at the next meeting. Cllr Toner asked for an updated paper showing the situation of staffing in the specialities on the other NHS Lothian acute sites.

4. Work Plan

- 4.1 The Work Plan was noted.¹

5. 2016 Meeting Dates – for agreement

6. Any Other Competent Business

- 6.1 There was no other business.

7. Date of Next Meeting

- 7.1 **The next meeting of the Stakeholder Group is to be confirmed.** The August date to be brought forward to as soon as possible after NHS Lothian's meeting with the Scottish Government in early August to review the delivery of the changes to the children's inpatient service over July and to look at the sustainability of the workforce for the months ahead.

8. Remaining Dates in 2015

23 September	25 November
21 October	16 December

2016 Dates

20 January 2016

17 February 2016

30 March 2016

20 April 2016

18 May 2016

15 June 2016

27 July 2016 - *Chair and administrative support transfer to WLC after this meeting*

24 August 2016

21 September 2016

19 October 2016

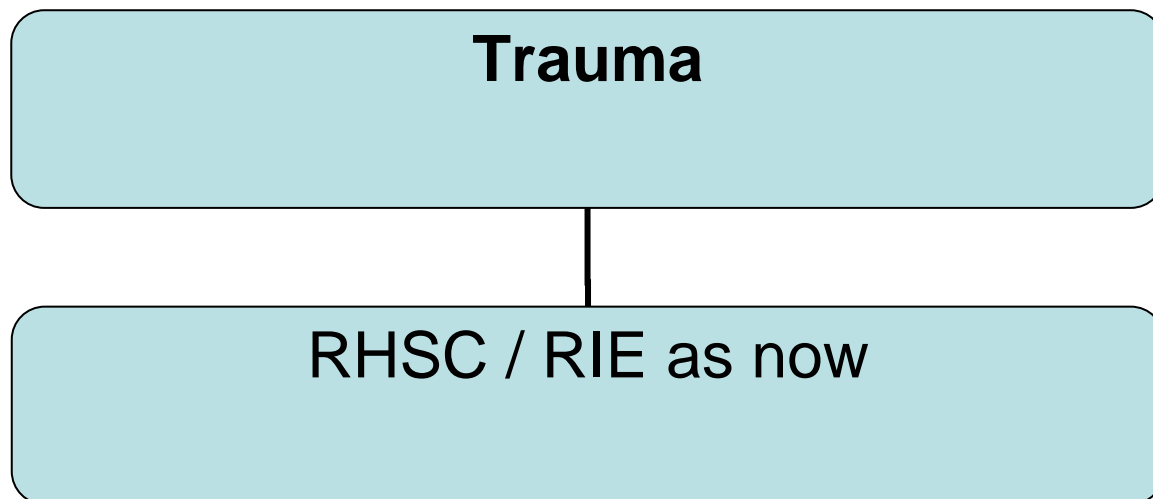
30 November 2016

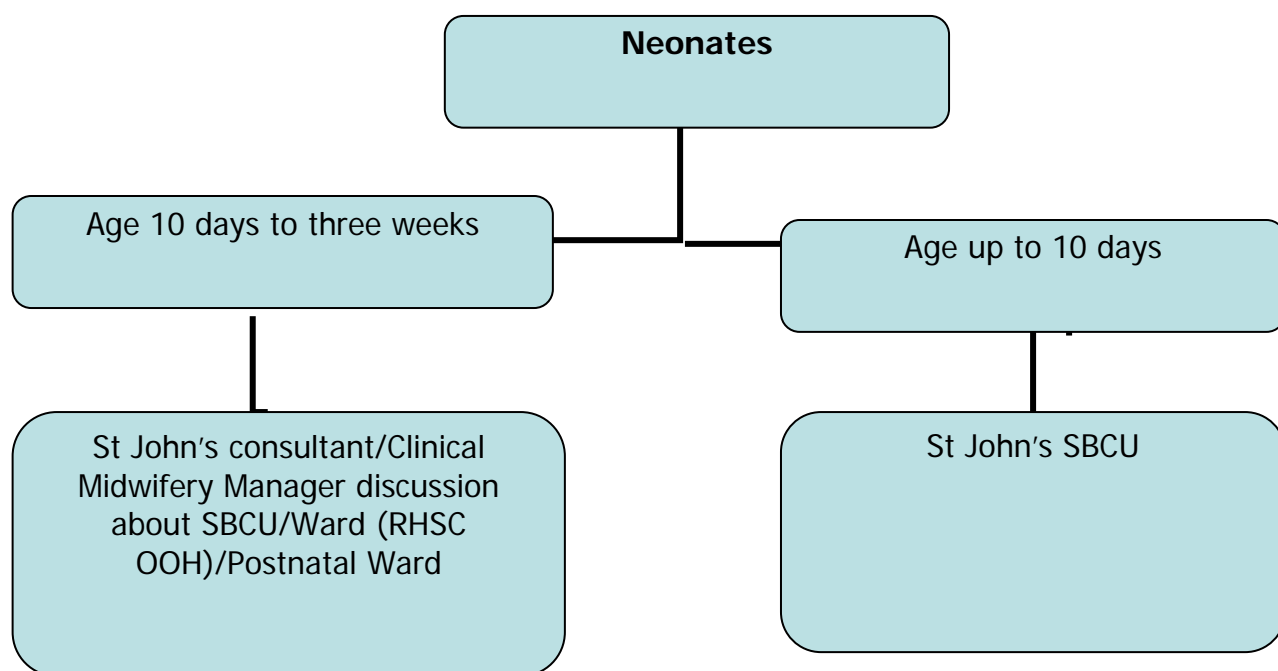
21 December 2016

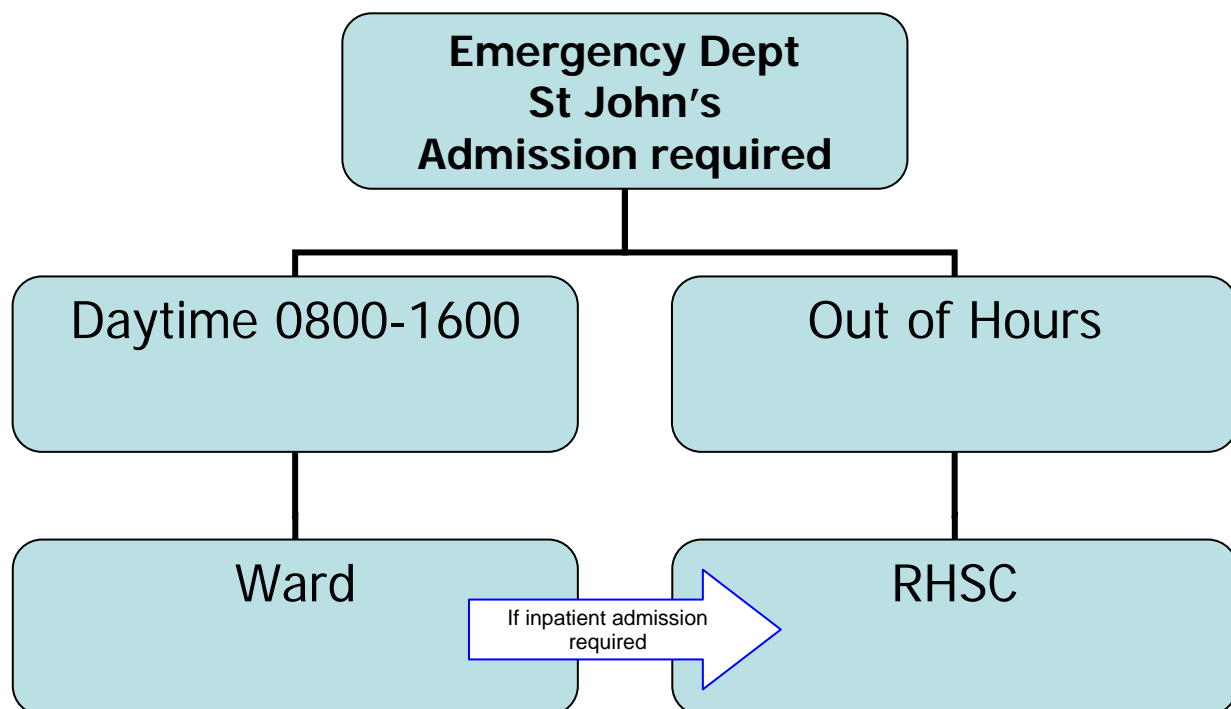
¹ Out with the meeting, 13 new Workplan Items were received from West Lothian Council and these have subsequently been added to the Workplan.

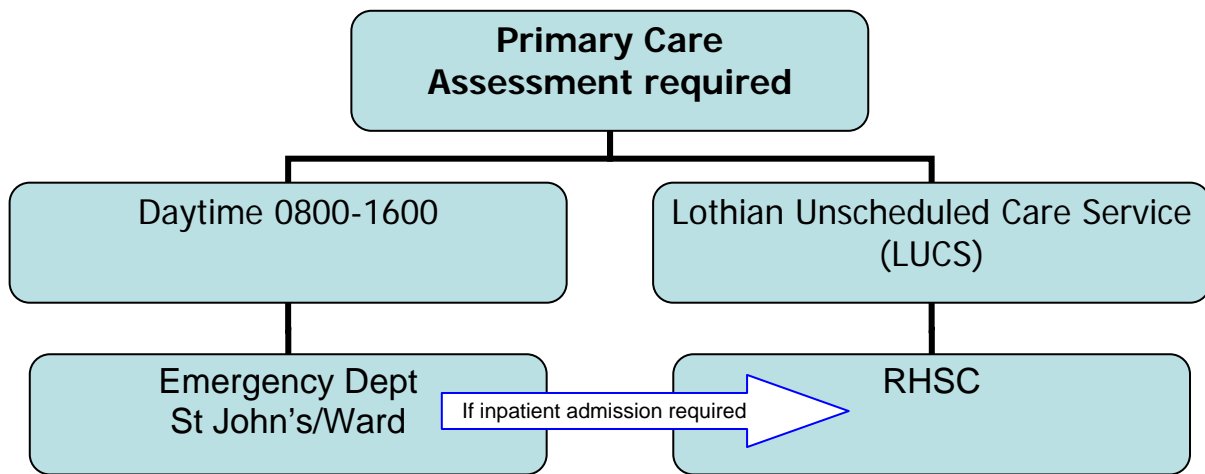
APPENDIX 1

FLOWCHART TO COVER THE CLOSURE OF THE CHILDREN'S WARD AT ST JOHN'S HOSPITAL TO INPATIENTS

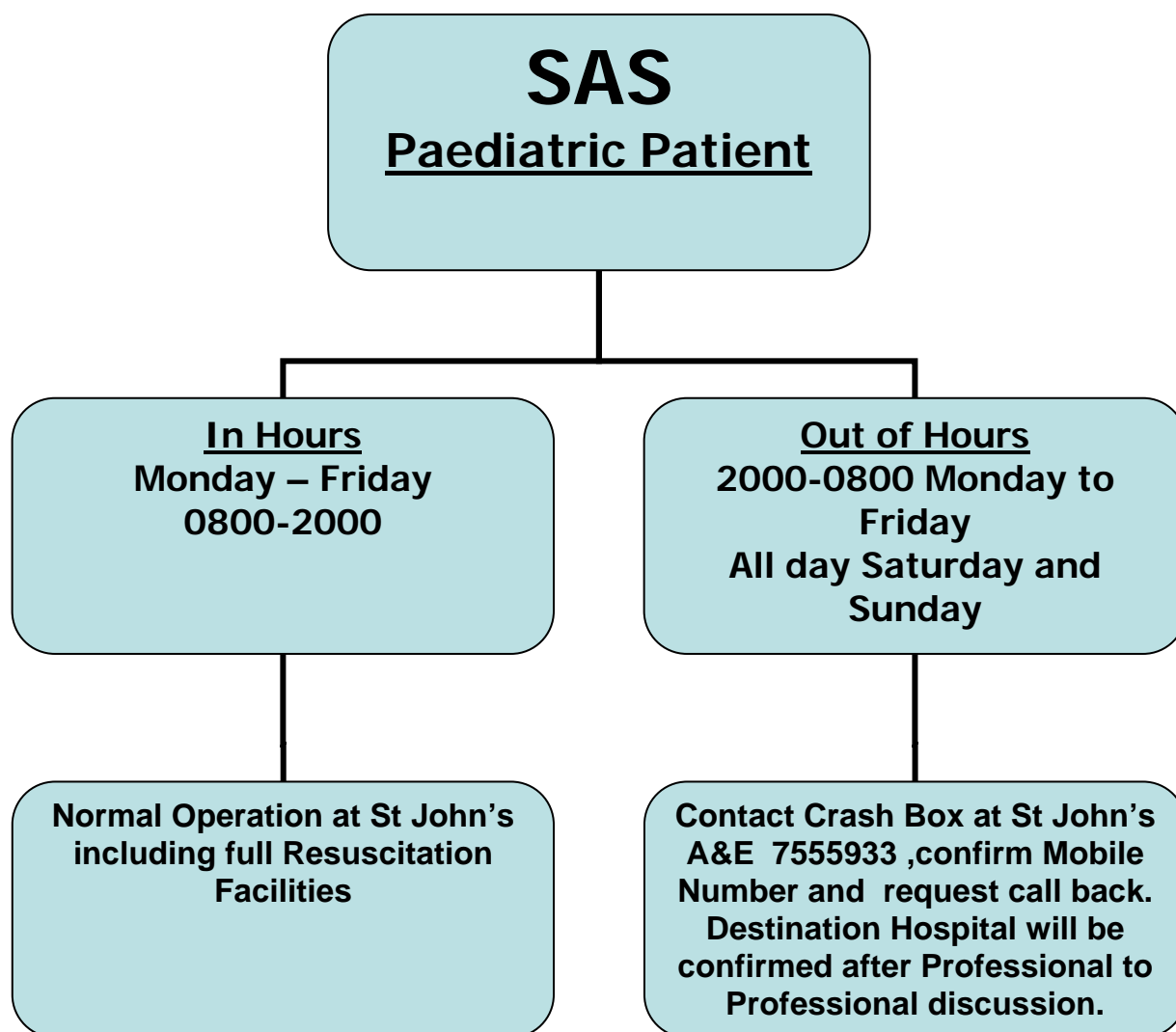




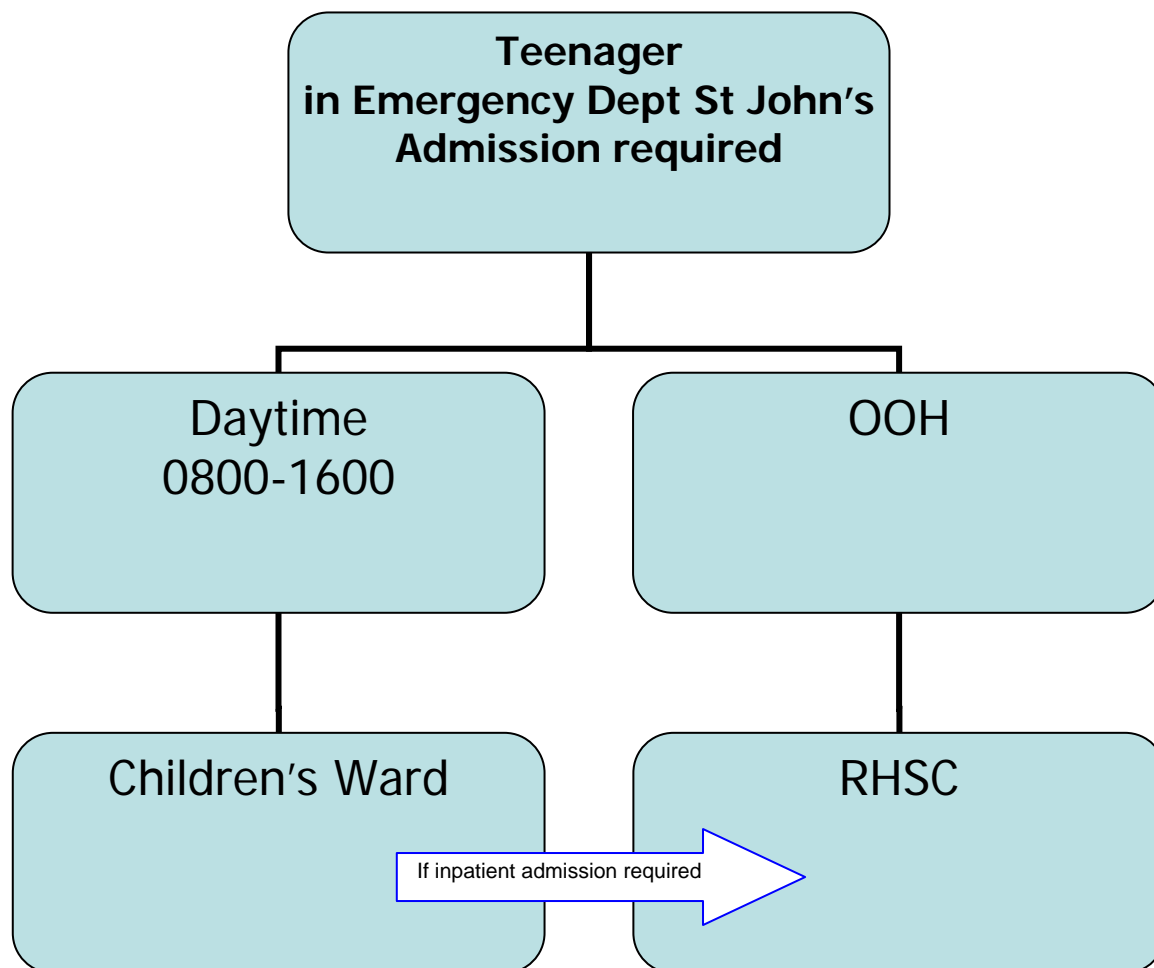




Depending on clinical picture LUCS staff could discuss with St John's consultant paediatrician on call whether discharge with review on the Children's Ward next morning is appropriate.



Out of Hours
Depending on the staffing levels available
Resuscitation facilities may not be available
at St John's, this will be confirmed during
your Professional to Professional discussion



- Teenager means up to 16th birthday
- Surgical patients of any age to follow current patient pathway except Maxillofacial / ENT / Plastics patients who should have a case by case discussion between St John's surgical team and St John's paediatric team (medical and nursing)