

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 AUGUST 2015.

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

Apologies – Councillor George Paul

1. ORDER OF BUSINESS

The Chair ruled in terms of Standing Orders 7 and 11 that an additional item of business would be considered which concerned the Edinburgh and South East Scotland City Deal as approval was required for the submission of a first stage proposition to the UK and Scottish Governments by 4 September 2015.

2. DECLARATIONS OF INTEREST

- 1) Agenda Item 11 (East Calder Partnership Centre) – Councillor Peter Johnston declared a non-financial interest arising from his position as a non-executive director of NHS Lothian, for which a dispensation from the standards commission applied; and
- 2) Agenda Item 13 (Living Wage) – Councillor Peter Johnston declared a non-financial interest arising from his position as Health and Well-Being spokesperson for COSLA who had been assisting the Scottish Government on the matter.

3. MINUTES

- 1) The Council Executive confirmed the Minute of its special meeting held on 29 July 2015; and
- 2) The Council Executive confirmed the Minute of its meeting held on 4 August 2015.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval of a draft response to the Scottish Parliament's Local Government and Regeneration Committee's call for evidence in relation to changes to the law for the number of fixed-odds betting terminals which would be permitted on premises licensed under the Gambling Act 2005.

The Head of Corporate Services explained that fixed-odds betting terminals were gaming machines for which the maximum charge for use was no more than £100 and the maximum prize value was no more than £500. These machines were generally found in betting offices. These machines had been controversial and subject to criticism on the basis that they played a casual role in problem gambling, in the main due to the amount of money which users could lose betting on them.

Under the Gambling Act 2005 there were three types of premises licence available which permitted premises to have fixed-odds betting terminals; these were for betting offices, casinos and tracks. Licensed betting offices were currently permitted to have up to four fixed-odds betting terminals. There were currently 32 betting premises licences issued in West Lothian.

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 licence only would be devolved to Scottish Ministers. This power would only apply to betting premises licences issued after the new law came into effect.

The Scottish Government's position was that the power to limit the number of these machines given to Scottish Ministers should not be limited to betting premises licences only but should extend to all other relevant kinds of gambling premises such as casinos and tracks. Their position was also that once the law came into effect it should apply to existing licences as well as new ones.

A draft response had been prepared to the Local Government and Regeneration Committee's call for evidence and this was attached to the report at Appendix 1.

It was also noted that West Lothian Licensing Board, as licensing authority had also submitted a separate response.

It was recommended that the Council Executive approve the response to the call for evidence as attached to the report at Appendix 1.

Decision

To approve the terms of the report

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval of a draft response to the Scottish Parliament's Finance Committee's call for evidence to the provisions of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill.

The Head of Corporate Services advised that the Alcohol (Licensing,

Public Health and Criminal Justice) (Scotland) Bill was 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 were summarised in Appendix 1 attached to the report and included restrictions on the sale of alcohol, changes to the licence application process, restrictions on the advertising of alcohol and drinking banning orders.

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

It was also noted that West Lothian Licensing Board was considering the further call for evidence would consider submitting a separate response.

It was recommended that the Council Executive approve the response to the call for evidence contained in the appendix attached to the report.

Decision

To approve the terms of the report

6. CONSULTATION ON PROPOSAL FOR A CYBER RESILIENCE STRATEGY FOR SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a draft response to the Scottish Government consultation on a Cyber Resilience Strategy for Scotland

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

The Scottish Government Consultation paper was set out at Appendix 1 to the report and a draft response to the Consultation was attached as Appendix 2. The Council Executive was invited to consider the report and it's appendices as the draft response to the consultation.

The Head of Corporate Services continued to advise that the Scottish Government would collect and collate feedback from the consultation to further develop the Cyber Resilience Strategy which was due for publication in November. 2015.

It was recommended that the Council Executive 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 its submission.

Decision

To approve the terms of the report

7. BROXBURN CONSERVATION AREA BOUNDARY APPRAISAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the proposed variation of the conservation boundary in Broxburn as a result of a Conservation Area Appraisal (CAA) carried out in compliance with Planning Advice Note (PAN) 71 : Conservation Area Management 2004.

The Head of Planning and Economic Development explained that a Conservation Area Appraisal was a management tool which helped identify the special interest and changing needs of an area. An appraisal provided the initial information to develop a development action plan in relation to protecting and managing the factors which had led to the area being designation a conservation area.

The existing conservation area boundary in Broxburn had been in place for approximately forty years. Since being designated there had been many developments in Broxburn, the cumulative effect of which had had an impact on the character and appearance of the conservation area. Therefore the proposed boundary alteration, as detailed in the plan attached to the report, would reduce the area of the Union Canal, retain Port Buchan, omit School Road and include Station Road south to the A89. Other alterations would include changing the boundary line so that it followed the physical nature of the landscape thereby following the natural course of the Brox Burn to make the conservation area more practical and easier to interpret on the ground.

A public consultation had been held for a period of 8 weeks between January and March 2015 to inform the public about the proposed changes. A survey was also created both on-line and in paper form. The results would be split into qualitative and quantitative, an example of which was attached to the report. Appendix 4 set out the detailed comments received from the public along with the council's proposed response and it was noted that a major submission had been received from the owners of Kirkhill House justifying why Kirkhill House and its environs should remain in the conservation area. On further review this rationale had not been accepted due to major changes in the immediate environs around Kirkhill House.

The report concluded that the Planning (Listed Buildings and Conservation Areas) Act 1997 stated that it was the responsibility of the local authority to determine which parts of their district were areas of special historic interest. Therefore in compliance with the act and also SPP (2014) and PAN 71 the existing conservation area boundary had been reviewed and alterations were being proposed due to the new housing development in some areas and on which members of the public had been consulted.

It was recommended that the Council Executive :-

1. Note the content and conclusions of the public consultation

regarding the Conservation Area appraisal of Broxburn; and

2. Agree the proposed changes to the existing Broxburn conservation area boundary that would be advertised and referred to Scottish Ministers.

Decision

To approve the terms of the report

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for a 15 year lease of premises at the former council depot at Unit 6, Greendykes Road, Broxburn.

The Head of Finance and Estates advised that John Nixon Limited had occupied the former council depot since 2002 as a plant hire depot. The premises covered a site of 9,516sqm with a current annual rent of £44,000. The main terms and conditions of the proposed lease were summarised in the report.

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

Decision

To approve the terms of the report

9. DEVELOPMENT SITE HLV111, KIRKTON NORTH, LIVINGSTON - PROPOSED SALE TO BARRATT EAST SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of development site HLv111 at Kirkton North, Livingston to Barratt East Scotland.

The Head of Finance and Estates advised that the development site HLv111 at Kirkton North, Livingston was council owned land extending to 2.96 hectares, located immediately east of the Toll Roundabout in the Kirkton area of Livingston.

The site which was used in recent years for seasonal agriculture lets was identified for disposal as part of the council's 2015-16 capital receipts programme and as such 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 and house builders.

After detailed analysis and comparison of all the offers received and making allowance for a range of abnormal costs it had become clear that the offer which represented the best value to the council was the one received from Barratt East Scotland. The main terms and conditions of the sale were summarised in the report.

It was recommended that the Council Executive :-

1. Approve the sale of development site HLv111, Kirkton North, Livingston to Barratt East Scotland subject to the terms and conditions summarised in the report; and
2. Authorise the Head of Finance and Estates to carry out 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 represented the highest capital receipt available to the council.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

“West Lothian Council SNP Group notes that the greatest demand for council housing is within the Livingston area. This demand is growing and will continue to grow and is currently unmet. There are too many people being accommodated within B&B establishments or having to move away from their community and in many cases their family support network. If we are to mean what we say by maintaining sustainable communities then the SNP Group propose :

That this parcel of land should not be sold and should be retained as part of a “land bank” for future council housing.

We call for a report from officers, for the Executive meeting in October, identifying brownfield sites within West Lothian and a marketing strategy to develop them for housing”.

- Moved by Councillor Anderson and seconded by Councillor Johnston

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

Motion

Tony Boyle

Tom Conn

Jim Dixon

Amendment

Frank Anderson

Peter Johnston

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

Decision

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

10. EAST CALDER PARTNERSHIP CENTRE UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the outcome of the community engagement on the new East Calder Partnership Centre and to seek approval for the submission of a planning application for the new partnership centre and for delegated authority to conclude the transaction associated with the new centre.

The report recalled that 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 new partnership centre.

The partnership centre community engagement and delivery group which was made up of representatives of the Community Council, Community Education Centre Management Committee, Playgroup, Out of School Care and other groups had supported officers and the design team to develop proposals, details of which were attached to the report. The initial design and community engagement process had now been completed and had informed the proposed site layout and this was shown in the appendix attached to the report.

Community engagement would continue to play an active role in the progress and delivery of the project and the next stage of the development process would be to finalise the design details and submit a planning application. Additionally during the construction and commissioning stages the group would be actively involved with the activities, including acting as a conduit for communications to and from the wider community, supporting the development proposals to mitigate any negative impacts during construction and to consider the location of the existing automated public convenience, amongst others.

The timescales for the project were outlined in the report and it was noted that whilst these were challenging, officers were confident that they could be achieved.

The Head of Finance and Estates continued to advise that 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 proposal that could emerge from the NHS and to provide greater flexibility in the layout and extra parking it would be necessary to secure additional land and rights. Therefore it was being proposed to delegate authority to the Head of Finance and Estates to negotiate and conclude the securing of land and rights required to facilitate development.

The report concluded that the development of the partnership centre based on the proposals outlined in the report would provide the community of East Calder with a significant facility that would support improved service delivery.

It was recommended that the Council Executive :-

1. Note the findings of the community and stakeholder engagement undertaken to date, including the agreed outline design that had been developed through this process;
2. Approve the submission of the planning application for the new partnership centre based on the outline proposals contained in the report;
3. Note the planned progress of development through to completion as outlined in the development programme;
4. Note 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 out outlined in the draft site layout; and
6. Note that upon completion of the new Partnership Centre both the existing library and community education centre would no longer be required for the delivery of services and would be subject to approved Surplus Property Procedures.

Decision

To approve the terms of the report

11. CHANCELLOR'S SUMMER BUDGET 2015

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

circulated) by the Head of Finance and Estates providing an update in relation to the announcements contained in the Chancellor of the Exchequer's Summer Budget 2015.

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

The Chancellor announced that savings of £37 billion would be made over the term of the current parliament with £17 million being saved through the Summer Budget - £12 billion from welfare and £5 from tackling tax evasion, avoidance, planning and imbalances in the tax system. The remaining £20 billion would largely come from government departments and would be set out in the Spending Review to be announced on 25 November 2015.

The Head of Finance and Estates provided details of the overall economic position, which included OBR Projections, General Economic Outlook and Unemployment. The report contained tables setting out details of Revenue Expenditure and Capital Expenditure. Information was also provided on the UK Living Wage, Tax & Allowances and, Benefits & Welfare Reform.

With regards to the main implications for West Lothian Council the Head of Finance and Estates explained that although the Summer Budget 2015 did not include any specific changes to the Scottish Block Budget for 2015-16, it was to be noted that a further £20 million of consolidated measures were to be identified over the next five years, which would be largely delivered through departmental budgets. A Spending Review had been announced for 25 November 2015 which would review all government departments including the Scottish Block allocation. It was anticipated that the Scottish Spending Review would follow in due course and this would be reported to Council Executive.

Further information was contained in the report with regards to the Living Wage and welfare spending.

It was recommended that the Council Executive :-

1. Note the latest economic position outlined in the Summer Budget 2015;
2. Note the revised budget figures and other key announcements;
3. Agree that an update on the implications of welfare benefits announced in the Summer Budget was considered in the quarterly welfare reform update report to the Partnership & Resources Policy Development and Scrutiny Panel; and
4. Agree that the Head of Finance and Estates should report to Council Executive on the results of the UK Spending Review, which were expected to be announced on 25 November 2015, on

the results of the Scottish Spending Review and on a detailed local government finance settlement.

Decision

To approve the terms of the report.

12. LIVING WAGE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update on issues related to the Living Wage

The Head of Finance and Estates recalled that, in January 2015, the Council Executive had agreed a motion instructing officers to prepare a report for the Partnership and Resources Policy Development and Scrutiny Panel that considered how the council could strengthen the commitment to promoting the living wage for council contracts and also considered all the associated issues with payment 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 report went on to examine the work of the Anti-Poverty Strategy Development Group. The Group had undertaken a study and it aimed to publish its research in early 2016.

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

It was noted that to become accredited, a business must confirm that all directly employed staff were paid the Living Wage, and had a plan in place for any subcontracted staff that worked regularly on the premises. The Living Wage Employer accreditation did not require employers to provide the Living Wage to apprentices and interns. The accreditation also did not require a business's supply chain to pay the Living Wage, unless they were regularly delivering a service on the business premises.

The Living Wage position for West Lothian was examined in detail in the report. The report also set out the position in relation to Procurement Contracts, Social Care Contracts and Craft and Modern Apprentices.

It was recommended that Council Executive :-

1. Note the work that was being undertaken in relation to low pay;
2. Agree that the council submits an application to the Poverty Alliance for accreditation to the Scottish Living Wage Accreditation Initiative;

3. Note that the council was paying the living wage to all directly employed staff;
4. Note that the council would include workforce matters, including payment of the Living Wage as part of the quality evaluation of council contracts;
5. Note the national progress with measures to tackle low pay in the social care sector;
6. Note the council's contractual arrangements for craft and modern apprentices; and
7. Agree that officers prepare a further report for Council Executive which would consider the implications and costs of introducing payment of the living wage to craft and modern apprentices.

Decision

To approve the terms of the report

13. REVENUE BUDGET STRATEGY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update on the latest revenue budget position for 2015-16 to 2017-18 and to enable the Council Executive to approve additional budget measures for these years.

The report recalled that 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 had materialised over the first half of 2015 resulting in additional cost pressures, including developments on 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 was £3.981 million,

The report then explored the risks that had materialised and also made reference to the recent Chancellor's Summer Budget and proposed Local Government Finance Settlement noting that in light of recent announcements the local government finance settlement for West Lothian in 2017-18 was likely to be less than previously anticipated. Accordingly a £500,000 adjustment had been made to the finance settlement previously assumed in the budget model for 2017-18.

The Head of Finance and Estates continued to explain that to identify if there was scope to generate one off savings to help meet the budget

shortfall in 2015-16 a comprehensive review of remaining time limited expenditure had been undertaken details of which were summarised in the report. Additionally an exercise had been undertaken to assess whether there was scope to accelerate any of the approved savings so that they could be delivered earlier than the timescales outlined in January 2015. Details of the updated rephrasing of budget reduction measures were summarised in the report. Officers had also undertaken an exercise to review all income and expenditure assumptions with the revenue budget model and savings which were deemed deliverable in light of price projects for 2015-16 were detailed in the report.

With regards to proposed additional budget measures officers had considered further recurring savings measures that would provide a balanced position for the three years 2015-16 to 2017-18. These measures would 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 was included in Appendix 1 attached to the report.

The Head of Finance and Estates concluded that in the context of challenging financial circumstances, officers would continue to carry out a risk based monitoring approach and would report progress on the 2015-16 revenue budget position to Council Executive on a quarterly basis. The Head of Finance and Estates also undertook to report to Council Executive on the results of the UK Spending Review which was due to be announced on 25 November 2015 and on the subsequent Scottish Budget and the Scottish Local Government Finance Settlement.

It was recommended that Council Executive :-

1. Note that the council faced additional budget pressures for 2015-16 to 2017-18;
2. Note 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. Note the outcome of a review of time limited investment and other reserves and balances;
4. Agree that the saving of £228,000 in Social Policy limited investment be redirected towards providing preventative care
5. Agree 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. Agree that a one-off insurance fund surplus of £381,000 be used to off-set budget pressures in 2015-16 on a one-off basis;
7. Agree the revised phasing of existing budget measures and the changes to the budget model as set out in the report;

8. Agree the implementation of the proposed additional budget measures to address the revised budget gap of £3.981 million as set out in Appendix 1;
9. Note the Equality Impact Assessment as set out in Appendix 2;
10. Note the key budget risks that would continue to face the council as set out in the report; and
11. Note the further work and reporting that would be undertaken as set out in the report.

Motion

“Council Executive condemns the failure of the Tory UK Government and the SNP Scottish Government to fully fund Local Government thereby forcing Council’s to impose cuts in services for local communities.

Council Executive notes Recommendations 1, 2 and 3.

Council Executive agrees Recommendations 4, 5, 6 and 7.

Council Executive agrees to Recommendation 8 subject to the withdrawal of the proposal to seek additional saving in the commissioning of voluntary sector contracts and the increase in the financial value of the proposed measure concerning reduction in small grants funding available to voluntary organisations to £67K in the 16/17 financial year.

Council Executive notes Recommendations 9, 10 and 11.

Recommendation 12:

Council Executive instructs the Chief Executive to undertake a review of the management structure of the council, to ensure the continuing efficiency and effectiveness of the Council Management Team, and to report back to a future meeting of Council Executive with recommendations for a revised structure.

Recommendation 13:

Council Executive agrees to write to the Scottish Government Cabinet Secretary for Finance calling for a fully funded settlement for Scottish Local Government in 2015/16, 2016/17 and 2017/18, and to write to the Scottish Government Cabinet Secretary for Education calling for the teacher numbers commitment to be fully funded.”

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

“West Lothian Council Executive notes that the finance ministers for Scotland, Wales and Northern Ireland have all warned that UK Government spending cuts are moving **“too fast and too far”**.”

The joint statement on spending has been issued by Scotland's Depute First Minister John Swinney, Arlene Foster of the Northern Ireland Executive and Jane Hutt of the Welsh Government asserting that last month's Westminster budget included elements affecting them for which there was no consultation and making it clear that the three devolved administrations share the view that the UK government's ongoing austerity plans, reflected in both the in-year spending reductions announced on 4 June and in the Summer Budget, continue to reduce public spending in the UK too far and too fast, and present unnecessary risks to our public services and that the UK government's plans were developed and communicated in an unsatisfactory way, with neither advance notice, nor apparent consideration, of the implications for the devolved administrations.

Council Executive notes Mr Swinney said: ***"The UK government's broken austerity programme is reducing household income, damaging economic confidence and weakening public finances. That represents a clear threat to our public services."***

West Lothian Council endorses the views of the finance ministers of Scotland, Wales and Northern Ireland.

Council Executive notes the substantial and consistent efforts made by the SNP Scottish Government to protect Scottish Local Government from the Tory UK Government's austerity programme that was so overwhelmingly rejected by the Scottish electorate in May's Westminster elections

Council Executive further notes:

1. That the SNP Scottish Government continues to provide Scottish Local Government with a higher share of the Scottish budget than it received from the last Labour/Liberal Scottish Executive.
2. That at no time, since 2007, has the Labour Party moved a budget amendment in the Scottish Parliament seeking to provide additional funding for Scottish Local Government.

Council Executive notes with growing concern that the current Labour/Conservative Administration's financial strategy for 2015/2018, voted through this council on 29th January 2015, is already collapsing around them and that additional budget reduction measures totalling £3.981m and costing a further 24.6 FTE jobs are now being sought.

Council Executive notes:

1. That £1.745m of additional budget cuts are proposed to be delivered in the remaining 7 months of 2015/16.
2. That £1.691m of additional budget cuts are proposed for 2017/18.
3. That £617k of additional budget cuts are proposed for 2017/18

4. That the council's democratic process has had absolutely no opportunity to scrutinise any of the proposals in 1-3 above.
5. That the West Lothian community has had absolutely no opportunity to comment on any of the proposal in 1-3 above.

West Lothian Council SNP Group asserts that it is essential for this council's democratic process to fully scrutinise all additional proposed budget cuts.

West Lothian Council SNP Group asserts that it is essential for our community to have a full say in shaping the decisions of this council.

West Lothian SNP Group therefore calls upon the Council Executive to:

1. Write to the Westminster Chancellor supporting the views expressed by the finance ministers in Scotland, Wales and Northern Ireland and condemning the Tory Westminster Government's continuing austerity plans as a clear threat to our vital public services.
 2. Put in place a series of Policy Development and Scrutiny Panel meetings during the month of September to allow full scrutiny and discussion of all proposed additional budget cuts by elected members, trade unions and representatives of our community.
 3. Agree that the PDSP's from 2 above report to the September 29th meeting of West Lothian Council on their conclusions with regards to the Labour/Conservative Administration's proposed additional £3.981m budget cuts.
- Moved by Councillor Johnston and seconded by Councillor Anderson

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

Motion

Amendment

Tony Boyle

Frank Anderson

Tom Conn

Peter Johnston

Jim Dixon

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

Decision

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

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

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Estates and Head of Housing, Construction and Building Services providing 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.

The report recalled that as the full extent of welfare changes became known it was recognised that many people would face challenges in managing their finances. While the council had a Corporate Debt Policy it was noted that it would be appropriate to examine how the council's collection and recovery processes were working in practice. A review was initiated and it was identified that the resources across services involved in collection and recovery work were concentrated on the service specific debts and did not co-ordinate efforts for those customers with multiple debts.

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

- A joined-up approach;
- Early intervention/prevention/sustainability; and
- Best use of resources.

Attached to the report at Appendix 1 was an updated Corporate Debt Policy which articulated the overall aim for dealing with corporate debts and a summary was provided in the report of the main areas to deliver the new arrangements including a joined up IT system and staffing structure and roles.

The report continued to provide details of how the new arrangements would benefit both customers and the council noting that a full suite of performance indicators and targets would be developed which would ensure that debt monitoring was not negatively impacting on the one debt while other debt types benefited, with particular emphasis to ensure that rent collected was not impacted upon.

The report then provided a timeline for key milestones and targets for the roll out of the new arrangements noting that it was proposed to roll-out to two geographical area, which were 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 would start on 16 November 2015 and the approach would allow joint arrangements to be put in place to assist in tackling issues resulting from the changes.

It was recommended that Council Executive :-

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

Decision

To approve the terms of the report

15. WEST LOTHIAN VILLAGES IMPROVEMENT FUND APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Linlithgow Local Area Committee Lead Officer seeking approval of funding for an application made to the Villages Improvement Fund for the Linlithgow

The Council Executive was advised that Linlithgow Local Area Committee had considered an application to the Villages Improvement Fund at its meeting on 18 August 2015. The application had been received from Philipstoun Community Education Association: Fit for Fun who were seeking £20,000 for outdoor play and fitness equipment for the park adjacent to the Community Centre

The two members present agreed with the report which recommended that the application be supported however due to being only two in number could not approve the proposal. In such cases it fell upon the Lead Officer to present a report to the Council Executive for approval taking into consideration the views of the Local Area Committee.

Therefore it was recommended that the Council Executive approve the release of funds from the Village Improvement Fund for the Linlithgow Ward.

Decision

To approve the terms of the report.

16. PROPOSED STOPPING-UP ORDER - FOOTWAY/FOOTPATH AT 1 - 27 STATION ROAD, ARMADALE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop up the footway and footpath at 1-27 Station Road, Armadale to allow development to take place in accordance with approved planning permission.

The Head of Operational Services explained that to enable construction of the new layout to go ahead it was necessary to stop up the existing footpath/footway that were the council's responsibility. On completion of the stopping up procedure there would be alternative routes provided for pedestrians wishing to get around the site.

Police Scotland and local ward members had been consulted on the proposal and had not made any adverse comments on the matter.

It was recommended that the Council Executive approve the initiation of the statutory procedures to stop-up the footway and footpath at 1-27 Station Road, Armadale.

Decision

To approve the terms of the report

17. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an update on the preparation of the business case for a City Deal for Edinburgh & South East of Scotland and to advise on the latest developments regarding a set of propositions to both the UK and Scottish Governments.

The report recalled that on 22 December 2014 Council Executive agreed that the council should participate in the preparation of a business case with a requirement that the business case, identifying benefits and risks, be reported back to Council Executive for further consideration prior to any submission.

In the period since consideration by Council Executive development of the business case had been ongoing in that Ernst & Young, the City Region Deal technical advisers, were currently developing a set of propositions built around the key themes of the bid. An economic model to assess the impact of potential schemes was also being developed.

In parallel to this work it has been identified that an opportunity existed to raise the profile of the potential City Deal submission. Doing so could

increase the chances of the bid securing government support when the bid was submitted. Consequently the City Deal Partnership was working towards the submission of a first stage proposition to the UK and Scottish Governments by 4 September 2015

It was important to emphasise that the interim submission would not constitute the business case would comprise of a set of propositions and would include defining the need for a regional city deal, what it would ask of the government and delivery & governance.

Work would continue on the preparation of the business case which would be informed and framed by the UK Government's response to the first stage proposition. It was anticipated that the full business case would be completed towards the end of this year when it would be considered by the council.

It was recommended that the Council Executive :-

1. Note progress on preparing a city region deal business case for Edinburgh and South East of Scotland;
2. Note the intention of the City Deal partners to make an interim submission to the UK Government by 4 September 2015;
3. Agree that the full business case for any proposed City Deal should be considered by the Council Executive prior to submission; and
4. Require that the business case be supported by an assessment of the benefits and risks to the council in order that these matters could be fully considered prior to any formal agreement to participate in a City Deal if one was subsequently approved.

Decision

To approve the terms of the report.

18. FLOOD RISK MANAGEMENT - PRIORITISATION - REPORT BY HEAD OF OPERATIONAL SERVICES (HEREWITH).

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing details of the national prioritisation measures resulting from the flood risk management planning process.

The Head of Operational Services explained that for the purposes of managing flood risk, Scotland had been divided into 14 Local Plan Districts (LPD's) with each LPD having a partnership and a lead local authority. SEPA had then produced a Flood Risk Management Strategy for each LPD which would set out the most sustainable combination of actions to address flooding in the areas at greatest risk and where the benefits of intervention could have the greatest impact.

SEPA had prioritised actions from the 14 Flood Risk Management

Strategies using data on the costs and impacts of actions alongside information from delivery and funding bodies to set national priorities. Priorities had been set by ranking actions at a national scale, by LPD and by local authority area. Indicative delivery dates had 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 LPD's and officers from each of the member authorities.

A new national prioritisation group had been established to review the outputs of stages one to three with the remit of the group to advise SEPA and LPD's on stages one to three. In addition the national group would also be responsible for confirming funding arrangements for actions requiring national funding.

Attached to the report was a series of appendices explaining the detail of the Local Plan District for the first cycle 2016 to 2022.

It was recommended that the Council Executive note the national prioritisation of measures and the ranking given to measures to reduce the risk of flooding in West Lothian.

Decision

To approve the terms of the report

19. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 22 July 2015, a copy of which was attached to the report.

Decision

To note the contents of the report

20. PRIVATE SESSION

The committee resolved under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 9 of Schedule 7A of the Act.

21. HEARTLANDS BUSINESS PARK, WHITBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the transfer of interests in the Heartlands Business Park by the Royal Bank of Scotland Plc.

The report recalled that in April 2005 the council approved involvement in a joint venture with Land Options West (LOW) to bring forward serviced development land for business and industry at Heartlands Business Park, Whitburn, LOW was a subsidiary of the Royal Bank of Scotland Plc (RBS).

Since the start of 2015, RBS had been seeking a purchaser for its interest in both the Business Park and the wider Heartlands regeneration project. A preferred purchaser had now been identified and RBS were seeking the council's consent to the transfer of the legal agreement.

The current legal agreement for the joint venture for the Business Park consisted of a Development Agreement, a ground lease in favour of the council and a development lease back to LOW. RBS was now seeking the council's consent to the transfer of their interest in the Development Agreement and the development lease. There would be no other changes to the legal agreements.

It was recommended that the Council Executive approve the transfer of the Development Agreement and Development Lease at Heartlands Business Park by the Royal Bank of Scotland Plc.

Decision

To approve the terms of the report

22. HEARTLANDS AND POLKEMMET, WHITBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval, in principle, to modify the planning obligations relating to the Polkemmet opencast coalmining project and the Heartlands regeneration scheme in Whitburn.

The report recalled that planning permission was granted in 2004 for the Polkemmet opencast coal mining project that allowed the extraction of coal and the removal of dereliction from the former colliery site west of Whitburn. Then in 2006 the council granted planning permission for the Heartland regeneration project that permitted the construction of 2000 residential units on the site, together with the adjoining business park, retail uses, open space and golf courses.

Work was well advanced on the restoration of the colliery site with some residual aftercare work still required. Also around 200 houses were now extant on the site, the motorway interchange had been open for two years and construction was well advanced on the first development at the business park.

Both schemes were regulated by separate planning permissions and a suite of planning obligations (section 75 agreements) between the council and parties with an interest in the land.

Earlier this year the Royal Bank of Scotland indicated that it intended to dispose of its interest in the site and the bank commenced marketing the site. That process appeared to be nearing completion and a preferred bidder had been identified.

On the completion of the disposal of the site it was likely that further modifications to the planning consents on the site would be sought. These would be progressed in accordance with normal practice through the submission of applications.

It was recommended that Council Executive :-

1. Note the proposed sale of the Heartland site and the request from the sellers to assign a number of existing obligations to any new owners;
2. Note that the report dealt only with the council's regulatory role with regard to the site;
3. Note that there was a parallel report dealing with the council's financial interests in the site;
4. Note that formal applications to transfer obligations would be required to be submitted and considered by the council;
5. Agree in principle to modify the planning obligations that related to the Polkemmet opencast coalmining project and the Heartlands regeneration scheme, subject to the consideration of detailed matters that would be set out in applications to be made under the Town and Country Planning (Scotland) Act 1997; and
6. Delegates to officers to approve these applications in consultation with the Executive Councillor for Development and Transport, subject to officers being satisfied that the proposed changes afford the same or better levels of protection with respect to the management and restoration of the site as were afforded by the current agreements.

Decision

To approve the terms of the report.

23. CLOSING REMARKS

The Council Executive wished to record a note of thanks to Gordon Blair, Chief Legal Officer who would no longer be clerking meetings of Council Executive.