



West Lothian
Council

West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

4 November 2015

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

For Chief Executive

BUSINESS

NOTE: *THE CHIEF LEGAL OFFICER WILL BE GIVING A PRESENTATION ON THE COUNCILLORS' CODE OF CONDUCT AT 9.00 AM ON 10 NOVEMBER 2015 IN THE COUNCIL CHAMBERS, CIVIC CENTRE.*

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. Provost's Remarks
5. Minutes -
 - (a) Confirm Draft Minute of Meeting of West Lothian Council held on Tuesday 29 September 2015 (herewith)
 - (b) Correspondence Arising From Previous Decisions (herewith)
 - (c) Note Minute of Meeting of Education (Quality Assurance) Committee held on Tuesday 02 June 2015 (herewith)

- (d) Note Minute of Meeting of Audit and Governance Committee held on Tuesday 23 June 2015 (herewith)
 - (e) Note Minute of Meeting of Performance Committee held on Monday 31 August 2015 (herewith)
 - (f) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Thursday 13 August 2015 (herewith)
 - (g) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 21 August 2015 (herewith)
 - (h) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Tuesday 08 September 2015 (herewith)
 - (i) Note Minutes of Meeting of Education (Quality Assurance) Committee held on Tuesday 22 September 2015 (herewith)
6. Election Return - Linlithgow Ward By-Election Held on Thursday 1st October 2015 - Verbal Report

Public Items for Decision

- 7. Election Business
- 8. Treasury Management - Interim Report At 30 September 2015 - Report by Head of Finance and Estates (herewith)
- 9. Notice of Motion - Edinburgh West Lothian Monarchs - Submitted by Councillor John (herewith)
- 10. Notice of Motion - National Testing - Submitted by Councillor Dodds (herewith)
- 11. Notice of Motion - St John's Hospital - Submitted by Councillor Campbell (herewith)
- 12. Notice of Motion - Bags of Success - Submitted by Councillor Mary Dickson (herewith)
- 13. Documents for Execution

Public Items for Information

- 14. Staff Support At Community Facilities - Question to the Executive Councillor for Culture and Leisure Submitted by Councillor Borrowman (herewith)
- 15. Accommodation Needs of Separated Parents - Question to the Executive Councillor for Services for the Community Submitted by Councillor Borrowman (herewith)

16. Undetermined Planning Applications - Question to the Executive Councillor for Development and Transport Submitted by Councillor Borrowman (herewith)
17. Lidl - Question to the Executive Councillor for Development and Transport Submitted By Councillor Dixon and Written Response by the Executive Councillor for Development and Transport (herewith)
18. Taxi-Bus Service - Question to the Leader of the Council Submitted by Councillor De Bold (herewith)
19. Culture and Leisure PDSP - Question to the Leader of the Council Submitted by Councillor Walker (herewith)

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

MINUTE of MEETING of the WEST LoTHIAN COUNCIL held within Council Chambers, Civic Centre, Livingston, on 29 September 2015.

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

Apologies – Provost Tom Kerr, Councillors William Boyle, Jim Dickson, Barry Robertson, Jim Walker

1. DECLARATIONS OF INTEREST

Unison's Ethical Care Charter (Agenda Item 12)

Councillor Toner declared an interest arising from his position as (i) Non Executive Director, NHS Lothian and (ii) Chair of West Lothian Integration Joint Board.

Councillor Logue declared an interest as an employee of NHS Lothian.

2. MINUTES

- (a) The Council confirmed the minute of meeting of West Lothian Council held on 18 August 2015.
- (b) The Council noted the correspondence arising from previous decisions.
- (c) The Council noted the minute of meeting of the Performance Committee held on 29 June 2015.
- (d) The Council noted the minute of meeting of the Employee Appeals Committee held on 8 June 2015.
- (e) The Council noted the minute of meeting of the Employee Appeals Committee held on 11 June 2015.
- (f) The Council noted the minute of meeting of the Employee Appeals Committee held on 19 June 2015.
- (g) The Council noted the minute of meeting of the Employee Appeals Committee held on 25 June 2015.

3. WEST LOTHIAN COUNCIL - STATEMENT OF ACCOUNTS; REPORT TO MEMBERS AND THE CONTROLLER OF AUDIT ON THE 2014/15 AUDIT; AUDIT SCOTLAND REPORT ON THE 2014/15 AUDIT

The Head of Finance and Estates welcomed David McConnell and Alister Perston (Audit Scotland) to the meeting.

The Council then considered a report (copies of which had been circulated) by the Head of Finance and Estates advising members of the outcome of the 2014/15 Audit and providing a brief summary of the key points from the Auditor's Report.

The report explained that the unaudited Annual Accounts for the year ended 31 March 2015 had been considered by the Audit and Governance Committee on 23 June 2015, in advance of the statutory deadline of 30 June. These Accounts had been the subject of a report to the Council Executive on 30 June 2015. The external audit of the Accounts and the signing of the Independent Auditor's Report would be completed by the target date of 30 September 2015 following approval of the Accounts. There were no changes to the figures reported to the Council Executive on 30 June 2015.

The report highlighted the following matters from the 2014/15 audit and the outlook for future audits as follows:-

- There was an unqualified opinion on the financial statements and on the eight charitable trusts administered by the Council;
- The Economic Property Development Significant Trading Organisation failed to achieve its prescribed financial objective of breaking even over a three year period, due to the impact of a technical accounting entry, despite generating a significant operating surplus each year during that period.
- The Council had sound governance arrangements in place, systems of internal control operated effectively and the Council had an effective internal audit function and sound anti-fraud arrangements;
- Financial management remained strong with a robust budget setting process in place, the achievement of the savings set out in the council's three year budget would be significant in ensuring the council's continued sustainability;
- Performance had remained high in 2014/15. The auditor had noted that the council continued to develop its arrangements for monitoring and reporting performance against strategic objectives.

On the outlook for the future, the Auditor highlighted that local authorities faced rising demands for services and continued funding pressures alongside managing major changes in welfare and health and social care.

The report went on to summarise the council's performance in the main areas of Financial Statements, Financial Management and Sustainability, Governance and Transparency and Best Value – which reflected the public sector audit model.

The Council was informed that the Auditor had concluded that, in common with other councils, West Lothian faced the key challenges of reducing budgets, an ageing population with higher levels of need and the public expectation of high quality services. The Auditor noted that as choices on how to address funding gaps became increasingly difficult, councils would have to focus on making the very best use of available resources and to challenge existing ways of doing things. He considered a strong and effective performance management framework would be critical to the success of the Council achieving its key priorities.

The Head of Finance and Estates invited the Council to:-

- Note the Auditor's 2014/15 Annual Audit Report;
- Approve for signature the audited Annual Accounts for 2014/15.

Decision

To note the Annual accounts for 2014/15

To note the Auditors 2014/15 Annual Audit Report

To approve for signature the audited Annual Accounts for 2014/15

4. NOTICE OF MOTION - OPPOSITION TO TORY PARTY TRADE UNION BILL - SUBMITTED BY COUNCILLOR DAVIDSON

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

“West Lothian Council notes the Conservative Government is proposing a Trade Union Bill that will restrict the ability of this council to engage in good industrial relations practices with our workforce and their representatives. Council believes the collection of union dues, through the check-off arrangement, from which the council receives income, is part of our collective and contractual arrangements with the trades unions and one which we will defend and support.

Council commits not to use agency staff to break or weaken industrial action and to continue to support arrangements that afford trade union representatives sufficient resources to enable them to carry out their functions to ensure the continuation of good industrial relations.

West Lothian Council commits to writing to the Secretary of State for Business, Innovation and Skills stating council's opposition to this Bill and our resolve not to co-operate with any attacks on facility time or check-off and to write to the First Minister calling on the Scottish Government to

stand with West Lothian Council and other local authorities in opposing the proposals in this Bill.”

Moved by Councillor Davidson, seconded by Councillor Dodds.

Amendment

“West Lothian Council SNP Group recognises the positive contribution that trade unions and trade union members make in our workplaces. We also value the constructive relationship that we have with our trade unions and we recognise their commitment and the commitment of all our staff, to the delivery of good quality public services.

West Lothian Council SNP Group notes with concern the Trade Union Bill which is currently being proposed by the Westminster Government and which would affect this Council’s relationship with our trade unions and our workforce as a whole. We reject this Bill’s attack on local democracy and the attack on our right to manage our own affairs.

West Lothian Council SNP Group is clear that facility time, negotiated and agreed by this Council and our trade unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by the Government in London.

West Lothian Council SNP Group is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and a cheap and easy to administer system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by the UK Government.

West Lothian Council SNP Group calls on this Council:

To support the campaign against the unnecessary, anti-democratic, and bureaucratic Trade Union Bill.

To seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regards to facility time and the continuing use of check-off, up to and including refusal to comply with the legislation.”

Moved by Councillor Anderson, seconded by Councillor McCarra.

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Stuart Borrowman	Frank Anderson	
Tony Boyle	Diane Calder	
Harry Cartmill	Janet Campbell	
Tom Conn	Robert De Bold	
Alex Davidson	Mary Dickson	
Jim Dixon	Carl John	

David Dodds	Peter Johnston
Lawrence Fitzpatrick	Sarah King
Dave King	Greg McCarra
Danny Logue	Andrew Miller
John McGinty	John Muir
Anne McMillan	
Angela Moohan	
Cathy Muldoon	
George Paul	
Frank Toner	

Decision

The motion was successful by 16 votes to 11 votes, with 5 members absent. The motion was agreed accordingly.

5. NOTICE OF MOTION - PROGRAMME FOR GOVERNMENT - SUBMITTED BY COUNCILLOR JOHNSTON

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

“West Lothian Council welcomes the statement by the First Minister detailing the Scottish Government’s programme for government for the remainder of the current parliamentary terms.

Council notes that this Programme for Government builds on a strong record of achievement, sets out actions for the coming year and a clear vision for the coming decade.

Council welcomes this Programme for Government which lays the foundations for the next decade and beyond and sets out clear plans for:

- A Stronger and Fairer Scotland – demonstrating how the additional powers devolved to the Scottish Parliament to build a fairer and more prosperous Scotland will be used.
- A Strong, Sustainable Economy – making Scotland the best place in the UK to do business by focussing on innovation, skills and productivity to achieve inclusive growth.
- Protecting and Reforming Our Public Services – setting out the next phase of reform in our public services – with a focus on performance, prevention and partnership working.
- Strengthening Our Communities by passing even more power to our communities allowing people to have a bigger say in the decisions that affect them most.

Council further notes that 8 bills will be promoted;

- Abusive Behaviour and Sexual Harm Bill

- Bankruptcy Consolidation Bill
- Budget Bill
- Burial and Cremation Bill
- Lobbying Bill
- Private Tenancies Bill
- Scottish Fiscal Commission Bill
- Scottish Elections (Dates) Bill

Council further notes that 11 further Bills from previous legislative programmes are currently undergoing parliamentary scrutiny;

- Carers Bill (Stage 1)
- Inquiries into Fatal Accidents and Sudden Deaths etc Bill (Stage 1)
- Community Justice Bill (Stage 1)
- Education Bill (Stage 1)
- Health (Tobacco, Nicotine etc. and Care) Bill (Stage 1)
- Land Reform Bill (Stage 1)
- Succession Bill (Stage 1)
- Higher Education Governance Bill (Stage 1)
- Harbours Bill (Stage 2)
- Criminal Justice Bill (Stage 2)
- Human Trafficking and Exploitation Bill (Stage 3)

Council accepts however that this programme for Government is about much more than just the legislative programme, and also sets out a range of new policy initiatives which will deliver benefits for the people of Scotland including;

A Stronger and Fairer Scotland

- A Social Security Bill within in the first year of the new Parliament to pave the way - as soon as Scotland has the necessary powers- for measures to address weaknesses in Universal Credit, mitigate, as far as possible, the impact of UK government welfare cuts and abolish the bedroom tax.
- Enhance opportunities for employment through reform of the Work Programme.
- Abolish fees for employment tribunals.
- Reduce the burden of Air Passenger Duty (APD) by 50% with the reduction beginning with a Scottish APD in 2018.
- Promote equalities by taking early action on gender balance on public boards and extend the duty on public authorities to publish gender pay gap information.

A Strong, Sustainable Economy

- Expand the availability of business finance through the introduction of a new £409 million fund to provide investment to SMEs.
- Work with companies to deliver our strategy on international trade and investment.
- Oversee significant expansion of our digital infrastructure.
- Support our companies to innovate, especially in collaboration with our universities.
- Support regional economic development through Regional Partnership Plans supported by new investment of £200,000.
- Extend the operation of Enterprise Areas for a further three years.
- Boost productivity through a new Manufacturing Action Plan
- Investing in our skills base, and especially in digital capabilities.
- Expanding opportunities for young people to prepare for work through Developing the Young Workforce, our youth employment strategy.

Protecting and Reforming Our Public Services

- Introduce new measures to support victims and witnesses
- Develop and implement a National Improvement Framework for Scottish Education.
- Implement a package of activity to foster aspiration and give young people the experience and access to role models that can help them achieve their ambitions.
- Enhance accountability and scrutiny of policing at a local level and undertake a review of police governance at national level.
- Introduce a Statutory Code of Practice for Stop and Search that puts into practice the recommendations of the independent Advisory Group chaired by John Scott QC.
- Begin the reform of primary and community care by testing new models of primary care over the coming year in at least ten sites across urban and rural Scotland.
- Continue to deploy our £100 million investment in mental health to improve child and adolescent mental health services.
- Improve patient safety by introducing regulation of private healthcare clinics providing services such as Botox.
- Transform Acute Services by introducing a new strategy to deliver

planned care swiftly, effectively and in line with best modern medical practice.

Strengthening Our Communities

- Extend support to homebuyers through a successor to our popular Help to Buy (Scotland) scheme, with a renewed focus on support for affordable home ownership.
- Meet and surpass our 5-year target to deliver 30,000 affordable homes across Scotland by March 2016, including a steadily increasing number of new council homes.
- Review the planning system to increase delivery of high quality housing developments, by delivering a quicker more accessible and efficient process.
- Introduce a new rural housing fund. This fund will aim to increase the supply of affordable housing of all tenures in rural areas of Scotland.
- Manage the assets of the Crown Estate in Scotland to maximise benefits to the Scottish economy and local communities, in particular the coastal and island communities around Scotland.

Council agrees to write to the First Minister congratulating her for a programme for government that is fit for purpose and a significant contribution to building a better, fairer and more equal Scotland.”

Moved by Councillor Johnston, seconded by Councillor Campbell

Amendment

“West Lothian Council notes and welcomes the growing role of the Scottish Parliament in shaping the lives of the people of Scotland since its establishment in 1999 and welcomes the continuing devolution of powers to the Scottish Parliament from Westminster.

Council notes with concern however the failure of successive SNP Scottish Governments to use the full powers of the Scottish Parliament to deliver programmes for government that brings the maximum benefit for the people of Scotland.

Council agrees that this is particularly marked in the areas of fighting austerity, education, performance, health performance and keeping Scotland’s communities safe.

Council notes that under the SNP Scottish Government:

- The SNP has voted against the extension of the Living Wage.
- The SNP has voted against plans to ban rip off rent rises.
- The SNP has voted against fairer taxes for Scotland’s Schools

- More than 6,000 children leave Scottish Primary schools unable to read properly
- Privately educated pupils in Scotland are twice as likely to get an A in their Highers as state secondary school pupils.
- School leavers from richer backgrounds are twice as likely to go on to higher education as those from poorer backgrounds.
- Delayed discharge levels are increasing causing over 200,000 lost bed days every year, a huge waste of vital NHS resources.
- Confidence in policing in Scotland is at an all-time low as a consequence of the SNP botched police centralisation.
- Every household in West Lothian has lost the equivalent of £1,105 in services since 2007.

Council therefore agrees that what is needed is not a self-congratulatory motion from the SNP Group but for the SNP Government to put the day job first and to stop using the Scottish Government Programme as a vehicle to promote grievance in the furtherance of their Independence cause.

Council also agrees to write to the first Minister to demand a fully funded financial settlement for Scotland's Local Authorities."

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

Councillor Cartmill left the meeting prior to a vote being taken on this item of business.

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

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

Decision

On a vote being taken, the Amendment was successful by 15 votes to 11 votes, with six members absent. The amendment was agreed accordingly.

6. NOTICE OF MOTION - SCOTLAND BILL - SUBMITTED BY COUNCILLOR JOHNSTON

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

“West Lothian Council calls upon the Secretary of State for Scotland, David Mundell MP, to set out improvements to strengthen the Scotland Bill as a matter of urgency.

Council asserts that the Scotland Bill, as it stands, falls far short of the proposals set out by the Smith Commission and endorses SNP calls for the Bill to be strengthened in a number of key areas including devolution of power over welfare and equalities and the permanence of the Scottish Parliament and the Scottish Government.

Council notes that, to date, Mr Mundell has failed to set out any plans for amendments to the Bill before it reaches its final stages at Westminster.

Council asserts that the Scotland Bill does not fully deliver, at this point, the spirit and substance of the Smith Commission's recommendations and that the UK government has a responsibility to revisit this and deliver – at the very least – the promises set out in the Smith Commission.

Council therefore agrees to write to Mr Mundell;

- Asserting that the permanency of the Scottish Parliament and Scottish Government has not been acknowledged by the UK Government and this needs rectified.
- Asserting that there has been little or no movement on various areas including key powers over welfare and equalities which the Scottish Parliament needs to help build a fairer and more equal country.
- Asserting that in May 2015 the people of Scotland gave the SNP an unprecedented democratic mandate to pursue and deliver full economic and social powers to the Scottish Parliament and that to respect this democratic mandate the UK Government must commit to implementing the Smith agreement in full, as a bare minimum, before the next stage of The Scotland Bill's reading.”

Moved by Councillor Johnston, seconded by Councillor McCarra.

Amendment

“Council is fully supportive of the Smith Commission proposals and would welcome additional powers which add to the quality of governance in Scotland for the benefit of its people.

Council agrees that the SNP Government have a wide range of extensive devolved powers and its record is that of not using many of them, including allowing its important power to vary tax to lapse.

Council notes Labour’s proposals ahead of the Scottish Parliamentary debate to:

- assign VAT revenues in their entirety which extends to £10 billion
- allow the Scottish Parliament to make payments to benefit recipients who have been sanctioned by giving Scottish Government the power to create new welfare benefits and removing the veto of UK Ministers over welfare powers.

Council notes that when these additional powers are enabled Scotland will have one of the most devolved parliaments in the world and agrees that significant greater powers should be extended to local government.

Council agrees that the SNP Government continue to play the game of grievance instead of working constructively with Labour parliamentary representative to seek to deliver the best outcome for Scotland.

Moved by Councillor Fitzpatrick, seconded by Councillor Logue.

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

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

Decision

On a roll call vote being taken, the Amendment was successful by 14 votes to 11 votes, with 1 abstention and 6 members absent. The Amendment was agreed accordingly.

7. NOTICE OF MOTION - COUNCIL HOUSING - SUBMITTED BY COUNCILLOR ANDERSON

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

“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. There are currently not enough council houses being built within the Livingston area to meet this increasing demand. If we are to mean what we say by maintaining sustainable communities then the SNP Group propose:

A report from officers for the Executive meeting in January, identifying brownfield sites within West Lothian, in particular the Livingston area, and a marketing strategy to develop them for housing. This report to include the anticipated demand for Council houses within the Livingston area over the next 5 years.

A moratorium on the sale of any further 'greenfield areas', especially within Livingston, until this report has been concluded, and we have an indication of the land potentially available for Council house building.”

Moved by Councillor Anderson, seconded by Councillor Calder.

Amendment

“West Lothian Council notes and welcomes the progress being made on delivering the 1000 Council Homes Programme. Furthermore Council agrees that all ward areas in West Lothian should receive a share of the Council House building programme and welcomes the commitment of the Council Administration to build new Council homes for families in every Council Ward.

Council recalls that during the period of the SNP Administration from 2007 to 2012 a total of only 44 new council homes were completed in the Livingston area.

Council therefore welcomes that since the Council Administration took office in 2012 a total of 227 new council homes have been completed in Livingston and that by the end of the current Council administration a total of 833 new build Council Homes will have been commissioned within the Livingston Parliamentary area.

Council congratulate Officers on the progress made to date to deliver

the 1000 New Build Council Housing programme and agrees to write a letter to the Scottish Government demanding that funding must be made available from the Scottish Government to address the shortage of council housing in West Lothian, to maintain sustainable communities and to address the financial pressures arising from B&B usage in West Lothian.”

Moved by Councillor Paul, seconded by Councillor McMillan.

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

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

Decision

The amendment was successful by 15 votes to 11 votes, with 6 members absent, and it was agreed accordingly.

8. NOTICE OF MOTION - REFUGEE CRISIS

At this point in the meeting, Councillor Moohan left the Chambers and took no further part in the meeting.

The Chair ruled that the motion would not be considered as the matter had been considered by the Council Executive on 14 September 2015. It had been unanimously agreed at that meeting that a report would be prepared for the next meeting of Council Executive. Therefore, the issue was in hand under Standing Order 20(2) and one in which a decision had been taken in the previous six months under Standing Order 28.

9. NOTICE OF MOTION - UNISON'S ETHICAL CARE CHARTER - SUBMITTED BY COUNCILLOR MUIR

The Chair ruled that the motion would not be considered as the costs had not been quantified and checked by the Head of Finance and Estates. The motion was therefore ruled out under Standing Order 15 (4).

10. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 97 documents for execution.

Decision

That the deeds be executed.

11. TREASURY MANAGEMENT - ANNUAL REPORT FOR 2014/15 - REPORT BY HEAD OF FINANCE AND ESTATES

The Council considered a report (copies of which had been circulated) by the Head of Finance and Estates informing the Council of the activities and results of treasury management operations for the year to 31 March 2015.

The Treasury Management Annual Report for 2013/14, copies of which were attached to the report, provided the following appendices:-

Appendix 1 Full details of the Council's Current Portfolio

Appendix 2 Full details of borrowing undertaken to date

Appendix 3 Approved organisations for investment

Appendix 4 Statement on Monitoring of Prudential

The action taken during the year complied with the Annual Plan for 2014/15 approved by Council on 18 February 2014 and the Treasury Management Policy Statement in the Financial Regulations.

The Council was asked to note the report on the treasury management operations for 2014/15 and on the exercise of the Head of Finance and Estates delegated treasury management powers.

Decision

To note the terms of the report.

12. SENIOR OFFICER APPOINTMENT COMMITTEE - POST OF HEAD OF SERVICE, EDUCATION - REPORT BY CHIEF EXECUTIVE

The Council considered a report (copies of which had been circulated) by the Chief Executive concerning the decision of the Senior Officer Appointment Committee in relation to the post of Head of Service – Education.

The Council was informed that interviews of three candidates for the post had been held on 11 September 2015 and that it was the committee's decision that Donna McMaster should be appointed to the post. The

Committee delegated to the Chief Executive the making of the necessary arrangements for her to take up the post including the date of commencement of her employment in that post.

The Chief Executive recommended that the Council note that on 11 September 2015 the Senior Officer Appointment Committee had appointed Donna McMaster to the post of Head of Service – Education.

Decision

To note the terms of the report and to congratulate Donna McMaster on her appointment to the post of Head of Service - Education.

13. WARNING LETTERS - QUESTION TO THE EXECUTIVE COUNCILLOR FOR SERVICES TO THE COMMUNITY - SUBMITTED BY COUNCILLOR BORROWMAN

A question to the Executive Councillor for Services for the Community was submitted by Councillor Borrowman in the following terms:-

“Since 1 April 2015, how many warning letters has the Council issued to house tenants in regard to garden maintenance, grass cutting and condition of external environment?”

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

Decision

To note the written question put and verbal answer given.

14. COMPLAINTS - QUESTION TO THE EXECUTIVE COUNCILLOR FOR THE ENVIRONMENT - SUBMITTED BY COUNCILLOR BORROWMAN

A question to the Executive Councillor for the Environment was submitted by Councillor Borrowman in the following terms:-

“Since 1 April 2015, how many complaints has the Council received in regard to grounds maintenance, grass cutting and condition of external environment in parks, roundabouts, road verges and similar areas?”

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

Decision

To note the written question put and verbal answer given.

15. REFUGEES FROM SYRIA AND OTHER AREAS OF CONFLICT - QUESTION TO THE LEADER OF THE COUNCIL - SUBMITTED BY COUNCILLOR SARAH KING

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

“How many of the refugees fleeing from the conflict in Syria and other war-torn nations will be resettled within West Lothian’s communities, and what are the plans for their resettlement?”

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

Councillor Sarah King indicated that she wished to put a supplementary question as provided for in Standing Orders. She did so and the Leader of the Council provided an answer to the supplementary question.

Decision

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

16. BED AND BREAKFAST ACCOMMODATION - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR ANDERSON

A question to the Executive Councillor for Services for the Community had been submitted by Councillor Anderson in the following terms:-

1. “How much, in financial terms, have we spent on Bed and Breakfast since the 1st April this year?
2. On average, how many people are in B&B establishments over a weekend?
3. What is the longest period that someone has been placed in B&B?
4. On average, how many hours a week do housing officials spend trying to arrange B&B accommodation?”

Councillor Anderson indicated that he wished to put a supplementary question as provided for in Standing Orders. He did so and the Executive Councillor advised that he would provide an answer to the supplementary question in due course.

Decision

1. To note the written questions put and verbal answer given.
2. To note the supplementary question put.
3. To note that an answer to the supplementary question would be

provided in due course.

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



Our ref: A11999876
3 November 2015

Dear Mr Hope,

THE DECOMMISSIONING OF WIND TURBINES

Thank you for your letter of 28 July 2015 about the West Lothian Council Meeting resolution seeking legislation and a Scottish Government survey on wind turbine decommissioning. I apologise for the delay in replying to you about this.

It is important that Councils reassure themselves that decommissioning and restoration is appropriately provided for and the planning system retains a key role in that.

I would like to reassure you, and your Members, that Scottish Planning Policy (2014) paragraph 169 is clear that the need for conditions for decommissioning of energy infrastructure and a planning obligation for site restoration are considerations that can be included in determining a planning application. If a planning obligation is pursued for decommissioning it will be a matter for the developer to satisfy the planning authority that a financial guarantee is in place to meet the expected costs of any eventuality at any point during construction, operation, decommissioning and restoration before any site works commence. Equally, planning authorities should have in place a monitoring regime that gives effect to the provisions of the guarantee.

Heads of Planning Scotland published in June this year a 'Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development sites.' This can be accessed on-line at: <http://hopsotland.org.uk/publications/committee-papers/energy-resources/>. The Position Statement is a consolidation of guidance and best practice on the matter to assist practitioners. An appendix to the position statement provides a model legal agreement on the matter and I have enclosed a copy. A further appendix provides a decommissioning costs calculation table.



I don't consider that a survey of planning authorities to ascertain their approach would be appropriate at this point in time, not least because of the likely resource implications for authorities. However, we will shortly be meeting with all Heads of Planning and will raise the issue with them at our session. As you will no doubt be aware, development management, including enforcement, is one of a number of issues that are being considered as part of the independent review of planning. The review will report to Ministers in Spring 2016. I would encourage you to highlight any views you have on this in response to the call for written evidence which is now open until 1 December.

In addition to the recent guidance from Heads of Planning Scotland, Scottish Renewables and the Civil Engineering Contractors Association (CECA) are to work together to develop an agreed set of principles in relation to the decommissioning of wind farms. That work is an outcome of the Minister for Business, Energy and Tourism's Short Life Working Group on Onshore Consents.

Decommissioning is an immediate issue and one which should also be considered in parallel with 'repowering' of sites. When sites are 'repowered' (subject to application & consents), there may be decommissioning of the 'original' infrastructure. The Local Energy and Consents team have started policy development on the repowering of onshore wind to maximise the benefits to Scotland. This work is now reflected in the Renewables Routemap update, which was published earlier this year. The Routemap explains that a policy statement on repowering will be drafted and that it will include recommendations for restoration and aftercare. The policy will also be subjected to full public consultation in due course.

I hope this reassures you that decommissioning can be addressed appropriately through the planning system and that work is ongoing to consider the issues you have raised. Should you wish to discuss the matter further please contact Simon Bonsall, Principal Planner in Planning and Architecture Division's National Policy team (simon.bonsall@scotland.gsi.gov.uk, 0131 244 7546).

Yours sincerely

Fiona Simpson
Assistant Chief Planner

APPENDIX – EXAMPLE SECTION 75 PLANNING OBLIGATION – RESTORATION AND AFTERCARE BONDING

ENERGY AND RESOURCES SUB-COMMITTEE MEETING: BONDS WORKING GROUP

EXAMPLE SECTION 75 PLANNING OBLIGATION – RESTORATION AND AFTERCARE BONDING

Guarantee	means an on demand performance bond substantially in the form of the draft forming part X of the Schedule, or, if such bonds cease to be available on terms which are commercially acceptable to the Operator, such other form of financial guarantee in favour of the Council and the Landowners, on terms and conditions approved in advance in writing by the Council and provided by a cautioner of financial standing acceptable to the Council at its sole discretion.
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RESTORATION AND AFTERCARE GUARANTEE

1. Prior to the Commencement of Development and thereafter until the date of completion of the Restoration and Aftercare Conditions and in security against any failure by the Operator to perform and observe the Restoration and Aftercare Conditions, the Operator will maintain a Restoration and Aftercare Guarantee in favour of the Council and the Landowners.
2. The initial Restoration and Aftercare Guarantee will be for a minimum period of three years from the date of Commencement of Development.
3. The Restoration and Aftercare Guarantee shall be in a sum acceptable to the Council which sum shall in the first instance be £XXXX (XXXXXX POUNDS STERLING) which represents the amounts which the Council, the Landowners and the Operator agree as at the date of this agreement to be a reasonable estimate of the sums required to undertake the Restoration and Aftercare Conditions.
4. The amount of the Restoration and Aftercare Guarantee shall be reviewed at the end of each three (3) year period throughout the duration of the agreement ("the Review Date"). On the occasion of each review, the Operator shall at its own expense submit to the Council a report prepared by an independent consultant which shall set out a fully costed scheme for the implementation and completion of the then outstanding Restoration and Aftercare Conditions, which report shall be submitted to the Council not less than six (6) months prior to each Review Date. The Operator shall thereafter use all reasonable endeavours to agree the amount of any increase or decrease in the said sum with the Council and the Landowners not less than three (3) months prior to each Review Date. Failing agreement, the determination of any such increased or decreased sum shall be referred by the Council to an expert in accordance with the provisions of Clause X.
5. By no later than the date thirty days before each Review Date, the Operator shall deliver to the Council a replacement or top up Restoration and Aftercare Guarantee in the agreed or determined sum. The replacement or top up Restoration and Aftercare Guarantee will be for a minimum period of three years from the Review Date.
6. In the event that the Operator has not fully performed the Restoration and Aftercare Conditions within the relevant timescale set out within Restoration and Aftercare Conditions, then it will be competent for the Council to enter on the relevant part of the Agreement Subjects on giving not less than fourteen (14) days' notice in writing to the Operator and the relevant Landowner or to take such other action as the

Council may deem necessary to carry out any works required to ensure compliance with the whole or any part of the Restoration and Aftercare Conditions.

7. The cost of any works carried out (including professional fees and expenses insofar as properly and reasonably incurred) by or on behalf of the Council to ensure compliance with the whole or any part of the Restoration and Aftercare Conditions either in accordance with Clause 6 or pursuant to its statutory powers may be recovered by the Council under the Restoration and Aftercare Guarantee whereupon the obligations relating to the Restoration and Aftercare Conditions or the relevant part thereof shall cease.
8. In the event that the Operator has not fully performed the Restoration and Aftercare Conditions within the relevant timescale set out within Restoration and Aftercare Conditions and the Council has elected not to exercise its right to make a demand on the Restoration and Aftercare Guarantee under Clause 7:

(A) It will be competent for the Part One Landowner, on receipt of prior written approval from the Council, to make a demand under the Restoration and Aftercare Guarantee and to use those funds only to take such action as it may deem necessary to carry out any works required to ensure compliance with the whole or any part of the Restoration and Aftercare Conditions on Part One of the Agreement Subjects within a reasonable time having regard to the nature of the works to be carried out, whereupon the Restoration and Aftercare Conditions application to Part One of the Agreement Subjects or relevant part thereof shall cease. The Part One Landowner's ability to call upon the Restoration and Aftercare Guarantee is capped at 20% of the total value of the Restoration and Aftercare Guarantee, this being a proportion of the Restoration and Aftercare Guarantee which the Part One Landowner and the Operator agree to be attributable to completion of the Restoration and Aftercare Conditions on Part One of the Agreement Subjects;

(B) It will be competent for the Part Two Landowner, on receipt of prior written approval from the Council, to make a demand under the Restoration and Aftercare Guarantee and to use those funds only to take such action as it may deem necessary to carry out any works required to ensure compliance with the whole or any part of the Restoration and Aftercare Conditions on Part Two of the Agreement Subjects within a reasonable time having regard to the nature of the works to be carried out, whereupon the Restoration and Aftercare Conditions application to Part Two of the Agreement Subjects or relevant part thereof shall cease. The Part Two Landowner's ability to call upon the Restoration and Aftercare Guarantee is capped at 50% of the total value of the Restoration and Aftercare Guarantee, this being a proportion of the Restoration and Aftercare Guarantee which the Part Two Landowner and the Operator agree to be attributable to completion of the Restoration and Aftercare Conditions on Part Two of the Agreement Subjects; and

(c) It will be competent for the Part Three Landowner, on receipt of prior written approval from the Council, to make a demand under the Restoration and Aftercare Guarantee and to use those funds only to take such action as it may deem necessary to carry out any works required to ensure compliance with the whole or any part of the Restoration and Aftercare Conditions on Part Three of the Agreement Subjects within a reasonable time having regard to the nature of the works to be carried out, whereupon the Restoration and Aftercare Conditions application to Part Three of the Agreement Subjects or relevant part thereof shall cease. The Part Three Landowner's ability to call upon the Restoration and Aftercare Guarantee is capped at 30% of the total value of the Restoration and Aftercare Guarantee, this being a proportion of the Restoration and Aftercare Guarantee which the Part Three Landowner and the Operator agree to be attributable to completion of the Restoration and Aftercare Conditions on Part Three of the Agreement Subjects.

9. In the event of the Operator failing to timeously fulfil its obligation to deliver a replacement or top up Restoration and Aftercare Guarantee in terms of Clause 5, then the Council shall be entitled to make a demand under the existing Restoration and Aftercare Guarantee. All amounts paid by the cautioner under the Restoration and Aftercare Guarantee pursuant to such demand will be credited to an interest bearing account in the name of the Council in the United Kingdom with a clearing bank and be free from any encumbrance arising or subsisting in favour of any person other than the Council. Any sums paid to the

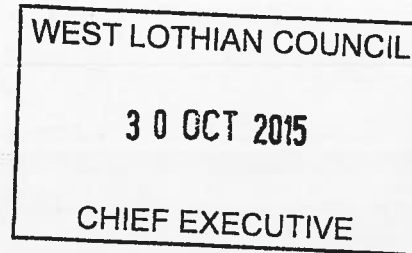
Council in accordance with this Clause 9 (and all interest thereon) shall be held on trust for the benefit of the Council and the Landowners and the bank with which such monies are held shall be notified of the trust. Amounts may be withdrawn from the trust account only in the circumstances where the Council or Landowners would otherwise have been entitled to make a demand under the Restoration and Aftercare Guarantee (as described at Clauses 6 - 8) had such an instrument been issued in its favour at the time of the demand. If at any time during which monies are so held on trust the Operator provides a replacement Restoration and Aftercare Guarantee in a sum and for a period acceptable to the Council, then all monies so held on such trust together with any interest on such amount shall be paid to the Operator forthwith. If at any time following the completion of the Restoration and Aftercare Conditions there are no amounts due and payable by the Operator which are unpaid, the trust created pursuant to this Clause 9 shall be wound up and any monies then held on such trust shall be returned to the Operator together with any interest on the repaid amount.

Cabinet Secretary for Fair Work, Skills and Training
Roseanna Cunningham MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot



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



Our ref: 2015/0036119
28 October 2015

Dear Mr. Hope,

Thank you for your letter to the First Minister, Nicola Sturgeon MSP, regarding the opposition to the Tory party Trade Union Bill. Your letter has been passed to me for reply as this important area falls under my portfolio responsibilities as Cabinet Secretary for Fair Work, Skills and Training.

Scottish Ministers are fundamentally opposed to the changes outlined in this Bill made clear by the First Minister during First Ministers Questions on 17 of September when she announced that: ***"There will be no co-operation from this Government in imposing draconian trade union legislation. The bill has the potential to destabilise the progressive approach that we are taking in Scotland."***

Similarly, the Deputy First Minister has previously made clear our commitment to maintain the Check-Off facility in Scottish Public Services.

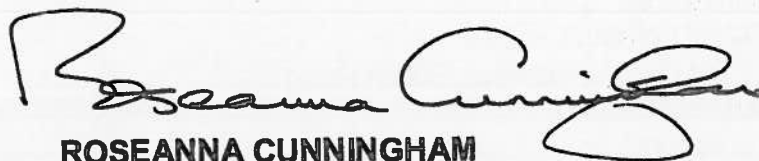
On both 7 August and 9 September, I wrote to Nick Boles MP, Minister of State for Skills and outlined the Scottish Government's opposition to this Bill, which is out of step with the Scottish approach to effective trade unionism. This was followed by a telephone call on 8 October where we discussed the Bill and exemptions for the Scottish Public Sector on "check-off" and "facility time". Most recently, I wrote again to Mr Boles requesting an alternative extent clause that would allow Scotland to be excluded from the entire bill.

As a government, we will seek an exemption for the Scottish Public Sector from UK Government for Facility time. Likewise, we will seek an exemption for the Scottish Public Sector from UK Government for Check-Off. We are also considering adopting a Scottish Government and wider Public Sector policy of not employing any agency workers during a strike.

The Scottish Government recognises the importance of ensuring effective consultation and involvement of staff. To this end, we encourage staff to join and play an active part in an appropriate trade union and the current check-off arrangements facilitate this.

I hope this information is helpful.

Yours


ROSEANNA CUNNINGHAM

Ministerial Correspondence Unit

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Mr Graham Hope
West Lothian Council
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Your ref:
Our ref: 2015/0036119
19 October 2015

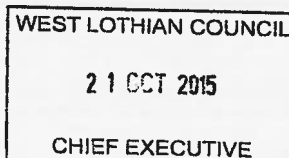
Dear Mr Hope

I am writing to acknowledge receipt of your recent letter to Nicola Sturgeon regarding the UK Govt's Trade Union Bill.

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

Yours sincerely,

Ministerial Correspondence Unit



St Andrew's House, Regent Road, Edinburgh EH1 3DG
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Mr Graham Hope
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Your ref:
Our ref: 2015/0035935
16 October 2015

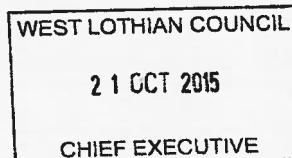
Dear Mr Hope

I am writing to acknowledge receipt of your recent letter to Margaret Burgess regarding council housing.

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

Yours sincerely,

Ministerial Correspondence Unit



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Your ref:
Our ref: 2015/0036155
19 October 2015

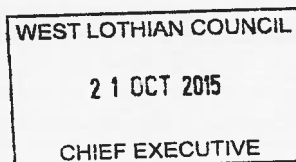
Dear Mr Hope

I am writing to acknowledge receipt of your recent letter to Nicola Sturgeon regarding Programme for Government.

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

Yours sincerely,

Ministerial Correspondence Unit



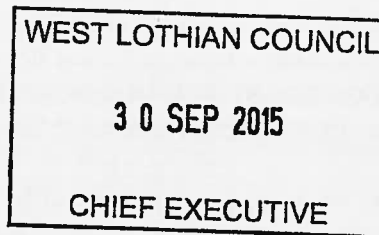
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www.scotland.gov.uk





HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

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



28 SEP 2015

Dear Mr Hope

Thank you for your letter of 25 August to the Chancellor of the Exchequer, relaying concerns from members of West Lothian Council about the recent changes to tax credits. I am replying as Minister responsible for this policy area.

As the Chancellor set out in the Summer Budget, this Government is making changes to tax credits and Universal Credit which will help put welfare spending on a more sustainable path. The Government wants to move from a low wage, high tax, high welfare society to a higher wage, lower tax, lower welfare society. That means placing more emphasis on support to those hardworking families on low incomes by reducing income tax through increases in the personal allowance and increasing wages, than on topping up wages through tax credits.

The notice of amendment claims that many children and working families will be affected. The intended impact of these reforms is to incentivise work, ensure work always pays, and then allow people to keep more of what they earn. Recent analysis from the Office for National Statistics has shown that the link between entering work and leaving poverty is stronger in the UK than in any other EU country. Taking the welfare changes in the Budget together with the record increases in the income tax personal allowance and the introduction of the new National Living Wage, 8 out of 10 working households will be better off in 2017-18.

To help working families and allow them to keep more of what they earn, the Summer Budget announced further increases in the income tax personal allowance to £11,000 in 2016-17 (and £11,200 in 2017-18). This is the first step towards meeting the Government's commitment to raise the personal allowance to £12,500 by the end of this parliament and to ensure that, in future, people working 30 hours on the National Minimum Wage will not pay income tax.

The Government also believes that now is the right time for action to ensure low wage workers take a greater share of the gains from growth. An essential part of this is the introduction of a new National Living Wage (NLW) for workers aged 25 and above. From April 2016, the new NLW will be set at £7.20 and our ambition is for it to reach £9 by 2020. This was also announced in the Government's Summer Budget. It ensures that work pays, and reduces reliance on the State topping up wages through the benefits system.

The Government is also extending the support it provides to working parents for childcare costs, as we know this is sometimes an issue for working families. At the Summer Budget on 8 July we confirmed that, from September 2017, this free entitlement will be doubled from 15 hours to 30 hours a week for working parents of three and four-year-olds. 30 hours of free childcare a week is worth around £5,000 a year per child. This will help families with the cost of living by increasing the affordability of childcare and enable parents who want to return to the workplace or work more to do so. In addition, from early 2017, the Government will introduce the new system of Tax-Free Childcare to give working parents more support with their childcare costs. Tax-Free Childcare will provide up to 1.8 million families across the UK with up to £2,000 of childcare support per year, per child, via a new simple online system.

Taken together, the reforms announced at the Summer Budget will ensure that work will always pay more than a life on benefits and the system is fair to those who pay for it.

Thank you for taking the trouble to make us aware of these concerns.

Yours sincerely



DAVID GAUKE

Rùnaire a' Chaibineit airson Cultar, An Roinn Eòrpa agus Cùisean an taobh a-muigh
Cabinet Secretary for Culture, Europe and External Affairs
Fiona Hyslop BPA/MSP

T/F: 0300 244 4000
E: scottish.ministers@gov.scot

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

Email: anne.higgins@westlothian.gov.uk

Our ref: 2015/0030548

25 September 2015

Dear Mr Hope

Thank you for correspondence on the 25th of August, informing the First Minister of the motion passed by West Lothian Council in support of the BBC. As the Minister responsible for Broadcasting, Ms Sturgeon has asked me to reply on her behalf.

As you will be aware the debate around the future of the BBC is an important one for all of Scotland and I commend West Lothian Council for both taking the time to address this issue and for their consideration in writing out to our party leaders.

Please let me assure you that we not only share your recognition of the important role that the BBC has played in Scottish society, but we are also committed to protecting public service broadcasting and ensuring that it delivers high quality output for the people of Scotland, as well as supporting a sustainable production sector. The Scottish Government is adamant that charter renewal must be used as an opportunity for positive reform that improves services that will help the BBC better deliver for Scotland and protect its independence and not be used as a cover for the UK Government to diminish the BBC.

As you note, through the Smith Commission, the Scottish Government has a formal role during the process of BBC Charter Renewal for the first time. We are consulting widely with interested individuals, organisations and the public, to ensure that a range of perspectives can inform the development of our priorities and I once again thank you for advising us of the views of West Lothian Council.

Kind regards
Fiona Hyslop

FIONA HYSLOP

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



Corporate Services

Margaret Burgess MSP
Minister for Housing & Welfare
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

**Committee Services
Carol Johnston
Chief Solicitor**

Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF
e-mail: elaine.dow@westlothian.gov.uk

Contact: Elaine Dow
Tel: 01506 281594

7 October 2015

Dear Ms Burgess

Council Housing

At a meeting of West Lothian Council held on 29 September 2015, the Council considered a motion concerning the above. An amendment submitted by Councillor George Paul was subsequently agreed. A copy of the amendment is enclosed.

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

Yours sincerely

Elaine Dow

for Graham Hope
Chief Executive

Encl

Corporate Services

Rt. Hon. Nicola Sturgeon MSP
First Minister of Scotland
Office of the First Minister
St Andrew's House
Regent Road
Edinburgh EH1 3DG

**Committee Services
Carol Johnston
Chief Solicitor**

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EH54 6FF
e-mail: elaine.dow@westlothian.gov.uk

Contact: Elaine Dow
Tel: 01506 281594

7 October 2015

Dear First Minister

Opposition to Tory Party Trade Union Bill

At a meeting of West Lothian Council held on 29 September 2015, the Council agreed a motion by Councillor Alex Davidson concerning the above. A copy of the motion is enclosed.

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

Yours sincerely

Elaine Dow

for Graham Hope
Chief Executive

Encl

Corporate Services

The Rt Hon Sajid Javid MP
Secretary of State for Business,
Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET

**Committee Services
Carol Johnston
Chief Solicitor**

Civic Centre
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EH54 6FF
e-mail: elaine.dow@westlothian.gov.uk

Contact: Elaine Dow
Tel: 01506 281594

7 October 2015


Dear Mr Javid

Opposition to Tory Party Trade Union Bill

At a meeting of West Lothian Council held on 29 September 2015, the Council agreed a motion by Councillor Alex Davidson concerning the above. A copy of the motion is enclosed.

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

Yours sincerely



for Graham Hope
Chief Executive

Encl.

Corporate Services

Rt. Hon. Nicola Sturgeon MSP
First Minister of Scotland
Office of the First Minister
St Andrew's House
Regent Road
Edinburgh EH1 3DG

**Committee Services
Carol Johnston
Chief Solicitor**

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e-mail: elaine.dow@westlothian.gov.uk

Contact: Elaine Dow
Tel: 01506 281594

7 October 2015

Dear First Minister

Programme for Government

At a meeting of West Lothian Council held on 29 September 2015, the Council considered a motion concerning the above. An amendment submitted by the Leader of the Council, Councillor John McGinty, was subsequently agreed. A copy of the amendment is enclosed.

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

Yours sincerely

Elaine Dow

for Graham Hope
Chief Executive

Encl

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE on 2 JUNE 2015.

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

Apologies – Councillor George Paul and Appointed Representative Eric Lumsden.

1. ORDER OF BUSINESS

Agenda Item 6 – Education Scotland Report: Meldrum Primary School

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting prior to consideration of Meldrum Primary School report as information was provided which was deemed to be exempt in terms of Paragraph 1 of Section 7A of the Act. Consideration of Meldrum Primary School report was then taken in public session.

2. DECLARATIONS OF INTEREST

Agenda Item 6: Education Scotland Report: Meldrum Primary School

Appointed Representative Lynne McEwen declared an interest in that her daughter was the Acting Head Teacher at Meldrum Primary School and was attending the meeting on behalf of the school. Lynne did not participate in consideration of the item of business.

Agenda Item 10: Wider Achievement at Deans Community High School

Councillor David Dodds declared an interest in that his son was a teacher at Deans Community High School.

3. MINUTE

The Education (Quality Assurance) Committee approved the minute of the meeting held on 21 April 2015. The minute was then signed by the Chair.

4. OPENING COMMENTS

The Chair advised that Councillor Walker had resigned from his position as a member of the Committee and was replaced by Councillor Sarah King. The Committee welcomed Councillor King to the meeting.

5. EDUCATION SCOTLAND REPORT: BRIDGEND PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the action plan to address the areas for improvement identified in the Education Scotland report published on 21 April 2015, details of which were attached as appendices to the report.

The inspection found the following key strengths:

- A positive, respectful ethos in which children behaved well and were eager to learn;
- The productive partnerships with other professionals and agencies which supported children well;
- How well the school knows itself and the willingness of all staff to bring about improvements; and
- The clear direction provided by the acting head teacher.

The Head Teacher, Liz Cassidy, advised the Committee that the outcome of the inspection carried out in February 2015 was considered to be a true validation of the school. Members of staff continued to develop the curriculum, involving all stakeholders, providing a range of experiences for pupils with significant focus on improved attainment. Staff were happy to engage in professional dialogue, sharing information relating to the curriculum with cluster groups and across the authority. Children were more involved in setting personal targets for improvement and were able to talk about their learning experiences with teachers.

The assessment framework implemented in school scrutinised attainment and the strategies outlined within the school's action plan highlighted the steps to be taken to ensure that improvements continued to be made in the school and nursery class. The improvements to be taken forward in school were:

- To continue to develop the curriculum so that learning was deep and challenging and was of a consistently high quality through the school;
- To help children to become more independent learners using high quality feedback from staff to set themselves goals for improvement; and
- To increase teachers' confidence in the use of assessments so that children made better progress.

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

Finally, the Committee noted that inspectors were satisfied with the overall quality of provision and were confident that the school's self-

evaluation processes were leading to improvements. As a result, no further evaluation visits were required in connection to this inspection.

The Committee acknowledged that improvements had been made in school under the leadership of the Head Teacher however a request was made for a progress report to be provided in 12 months to ensure that improvements were being sustained.

Decision

1. Noted the contents of the report and endorsed the school's plan for improvement; and
2. Agreed that an update report be submitted in 12 months to ensure that improvements were being sustained.

6. EDUCATION SCOTLAND REPORT: MELDRUM PRIMARY SCHOOL

Prior to consideration of the report the Committee went into private session to allow the Depute Chief Executive, Education, Planning and Area Services, to provide an update on information which was brought to light during the findings of the Education Scotland inspection, which was exempt under Paragraph 1 of Section 7A of the Local Government (Scotland) Act 1973.

Following conclusion of the update from the Depute Chief Executive the meeting went back into public session.

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of Meldrum Primary School's action plan to address the areas for improvement identified in the Education Scotland report which had been published on 12 May 2015.

The Acting Head Teacher, Jennifer Russell, advised members that she had been in post for four weeks and was working closely with staff, parent council members and the wider community to raise attainment across the school. Members of staff found the inspection to be a positive process which highlighted strong staff collaboration and pupil support. Staff have been trained in the Stages of Early Arithmetical Learning (SEAL) approach which now required to be embedded into practice to further support pupils in their learning. Teachers have an improved understanding of assessment opportunities to better support pupils in their learning. Staff training would continue to be a priority to ensure that increased opportunities were available to staff in their personal development. Ongoing opportunities were available for parents within the school to encourage parental engagement and communication. It was noted that the School Improvement Plan, attached at appendix 3 to the report, was in draft form which was due to the fact that it was still a work in progress. Staff would continue to develop the curriculum focusing on health and wellbeing and modern languages.

The Parent Council representative, Kevin Lloyd, then advised the

Committee that feedback received from parents in relation to the report was disappointing, however, parents were overall happy with the findings of the inspection and the work carried out in school. He stated that work would continue to ensure strong parental support was provided to the school.

In response to a question from Members relating to developing stronger links with the community to enhance the children's learning experiences, the Acting Head Teacher advised that contact had been made with local businesses and churches with a number of visits carried out in the community.

Finally, the Committee noted that the improvements to be taken forward in school were:

- To continue to develop the curriculum to ensure children build on their learning and use what they learn in a range of contexts;
- To continue to use self-evaluation approaches to secure better attainment in literacy and numeracy; and
- To develop stronger partnerships with parents and the local community to enhance learning opportunities for children.

Inspectors were satisfied with the overall quality of provision and were confident that most of the school's self-evaluation processes were leading to improvements. The Education Scotland Lead Area Officer would work with West Lothian Council to build capacity for improvement and monitor progress. Parents would be informed of the extent to which the school had improved.

On behalf of the Committee, the Chair acknowledged that improvements had been made in school which reflected the work by staff with the support of the Parent Council, and was optimistic that improvements would continue to be made in future.

The Committee was asked to note the contents of the report and endorse the school's plan for improvement.

Decision

Noted the contents of the report and endorsed the school's plan for improvement.

7. VALIDATED SELF EVALUATION: SIMPSON PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of the outcomes of the Validated Self Evaluation (VSE) carried out at Simpson Primary School. The focus of the VSE was relating to maths and numeracy.

It was noted that the VSE team affirmed the school's evaluation in almost

all indicators, apart from Improvement through Self-Evaluation (5.9) which was judged to be very good in both the nursery and primary. The school was well-led and demonstrated a very good capacity for ongoing improvement through effective self-evaluation and was well-placed to take forward the actions arising from the VSE evaluation.

The Head Teacher, Lucy MacLean, informed the Committee that the school and nursery would review and update the Standards and Quality Report and School Improvement Plan in line with the VSE findings and continue to ensure that planned actions impacted positively on the quality of the curriculum, pupils' learning experiences and attainment. Strategies from Stages of Early Arithmetical Learning (SEAL) training would be embedded across the school with planned opportunities for staff to participate in moderation activities to ensure consistency of expectation and standards in maths and numeracy. Collaborative working at all levels with staff, pupils and parents/carers promotes a positive identity of the school within the community.

The Committee commended the staff under the leadership of the Head Teacher for the excellent VSE report and was confident that the hard work carried out would continue to develop performance in school.

It was recommended that the Committee note the contents of the report.

Decision

Noted the contents of the report.

8. VALIDATED SELF EVALUATION: WHITDALE PRIMARY SCHOOL AND EARLY YEARS CENTRE

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

The focus of the VSE was on the impact of the school's processes for self-evaluation on the school's capacity for continuous improvement.

A significant number of areas were re-evaluated in both the school and nursery class as the VSE team did not validate the school's judgements about its performance. This was due to a number of recent developments which did not have time to be fully embedded to reflect improved evaluations.

The committee was advised that all staff demonstrated a strong commitment to improvement and were well placed to take forward developments to support and challenge pupils' learning and attainment in both the school and nursery. The Head Teacher and senior management team demonstrated strong leadership and provided opportunities for distributive leadership to take forward school improvement.

The Head Teacher, Iain McDermott, advised that the school improvement

plan contained appropriate areas for development which were beginning to have an impact on school improvement. Progress was being made in reviewing and developing the curriculum using national strategies. Staff were happy to engage in professional dialogue and demonstrated a strong commitment to improvement and challenging pupil's learning.

In response to a question from members regarding the disparity between the school's judgements compared to the VSE team's findings the Head Teacher explained that at the time of the VSE process there were three core members of staff who were absent. The school and nursery would review and update the standards and quality report and school improvement plan in line with the VSE findings and work continued to build staff capacity for improvement through effective self-evaluation.

Members were advised that education services would continue to work with the school to ensure that improvements were made. Systems were in place to monitor the impact of developments and improve the quality of learning and teaching. A further report on the progress to implement the action plan in the Early Years Centre would be provided to the Committee in 12 months.

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

Decision

1. Noted the contents of the report; and
2. Agreed that a further report on the progress to implement the action plan in the Early Years Centre would be provided to the Committee in 12 months.

9. PROGRESS UPDATE OF VALIDATED SELF EVALUATION: WINCHBURGH PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the further progress made following the recommendations for improvement outlined in the Validated Self Evaluation (VSE) report presented to Committee at its meeting of 7 October 2014 and interim report presented in January 2015.

The report explained that at the Education (Quality Assurance) Committee meeting held on 7 October 2014, it was noted that the findings of the VSE indicated that the school required to make significant improvements and that the Head Teacher would be supported by the Quality Improvement team to affect future improvement. The Committee requested that a further report on the outcome of the action plan for the school and the nursery would be provided in June 2015.

The report went on to provide details of the progress made and impact summary in both the nursery class and across the school. The Education Officer, Phyllis Wood, advised members that the Head Teacher and staff were supported by the Quality Improvement team and early year's officers

to address the actions arising from the VSE process. Good progress has been made under the leadership of the Head Teacher, who continues to implement a programme of more robust self-evaluation activity. Members of staff were working collaboratively within the school and with cluster and other authority schools to address the actions required for improvement.

An increased capacity for more effective self-evaluation demonstrates that the school was able to effect continuous improvement. The Quality Improvement team would continue to engage with the school to ensure improvement was sustained.

The Chair, on behalf of the Committee, acknowledged that positive improvements had been made and was hopeful that these would be sustained.

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

Decision

Noted the contents of the report.

10. WIDER ACHIEVEMENT AT DEANS COMMUNITY HIGH SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing details of the range of opportunities in wider achievement available to young people at Deans Community High School. The appendix to the report provided details of the extra-curricular opportunities available offering a variety of options to suit everyone.

The report advised that Deans Community High School has embraced the philosophy of Curriculum for Excellence and firmly believes in collaboration with parents and community groups to support the development and growth of the whole child. To this end, the school has actively and successfully promoted, supported and recognised a range of wider achievement opportunities for the young people.

The report then outlined the curricular achievement opportunities available at Deans Community High School which covered a range of activities and experiences, delivered in a variety of contexts in classes as part of the curriculum, out-with classes and beyond school.

The Head Teacher, Susan Cook, then advised members of the significant achievements in 2014-2015, which included Deans students representing Scotland in the world-wide F1 in Schools challenge. Members of staff were committed to supporting wider achievement engaging with parents, partners and businesses in the community. Staff have a very positive and aspirational ethos that attainment continues to improve at all levels, behaviour is very good and there is a clear culture of aspiration and ambition, resulting in students striving to be the best they can be in all aspects of school life. As a result over 93% of young people in 2014/2015 went on to positive destinations.

The Chair, on behalf of the Committee, commended the Head Teacher for her commitment and the excellent work carried out to improve the opportunities in wider achievements available to young people at Deans Community High School.

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

Decision

Noted the contents of the report.

11. WORKPLAN

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

The Committee agreed that a progress report for Bridgend Primary School be included in the workplan for consideration by the Committee in twelve months.

The Committee also noted that a more detailed list of reports for inclusion on the agenda for the next meeting scheduled to be held on 22 September 2015 would be identified by the end of June 2015.

Decision

- Agreed the contents of the workplan subject to including an update report for Bridgend Primary School for consideration by the Committee in twelve months; and
- Noted that a more detailed list of reports would be identified for inclusion on the agenda for the next meeting scheduled to be held on 22 September 2015.

MINUTE of MEETING of the AUDIT AND GOVERNANCE COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 23 JUNE 2015.

Present – Councillors Harry Cartmill (Chair), John McGinty, William Boyle, Jim Dixon, Carl John and Elaine McAtamney.

In attendance - Graham Hope (Chief Executive); Donald Forrest (Head of Finance and Estates); Julie Whitelaw (Head of Corporate Services); Alan Bell (Senior Manager); Elaine Cook (Head of Education, Quality Assurance); Joanna Anderson (Community Planning Development Officer); Kenneth Ribbons (Audit and Risk Manager); Grant Taylor (Building Services Manager); Elspeth Pawlak (Team Leader, Sports and Outdoor Education); Allister Perston and Inire Evong (Audit Scotland).

1. DECLARATIONS OF INTEREST

Agenda Items 7 (Consideration of 2014/15 Annual Accounts (Unaudited) and 9 (West Lothian Community Planning Partnership Audit Progress)

Councillor Willie Boyle declared a non-financial interest in that he was the Chair of West Lothian Voluntary Sector Gateway.

2. MINUTE

The Audit and Governance Committee approved the minute of its meeting held on 9 February 2015 as a correct record.

3. AUDIT, RISK AND COUNTER FRAUD UNIT ANNUAL REPORT

The Committee considered a report (copies of which had been circulated by the Audit and Risk Manager advising of the work undertaken by the Audit, Risk and Counter Fraud Unit during 2015/15 which included a report on performance. Attached to the report was a copy of the Audit, Risk and Counter Fraud Annual Report 2014/15.

The report explained that the Local Authority Accounts (Scotland) Regulations 2014 required the council to conduct, at least once in each financial year, a review of the effectiveness of its system of internal control. As outlined in the annual report, this requirement has been discharged by the risk based audit work undertaken during 2014/15 and by conducting a high level review of the council's standing orders, policies, procedures and strategies.

Performance during 2014/15 was set out in appendices A and B of the annual report. The Committee was advised that the risk based audit plan for 2014/15 had not been completed for reasons outlined within the report, however, the Unit would continue to monitor significant council risks and progress on completion of the 2015/16 audit plan would be report to the Committee.

In response to questions from members of the committee, officers provided further information in relation to whistleblowing arrangements, section payments in Social Policy, fire safety, staff survey outcomes, and dissemination of the risk strategy.

It was recommended that the Audit and Governance Committee note the Audit and Risk Manager's conclusion that overall, the council's framework of governance, risk and control was satisfactory.

Decision

Noted the contents of the report.

4. ANNUAL GOVERNANCE STATEMENT

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates detailing the contents of the Annual Governance Statement to be included in the statement of accounts for the year to 31 March 2015. The Annual Governance Statement 2014/15 was attached as an appendix to the report.

The report explained the reason for the annual statement being prepared and signed for inclusion in the audited accounts and summarised the contents of the statement.

The report concluded by advising that governance arrangements were operating satisfactorily within the council.

It was recommended that the Audit and Governance Committee approve the Annual Governance Statement.

Decision

Approved the terms of the report.

5. CONSIDERATION OF 2014/15 ANNUAL ACCOUNTS (UNAUDITED)

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates providing details of the 2014/15 Annual Accounts of the Council (unaudited).

The Committee was advised that prior to the 2014/15 Annual Accounts being submitted to the council's auditor the unaudited accounts required to be considered by the council, or a committee whose remit included audit or governance. The annual accounts required to be submitted to the auditor no later than 30 June immediately following the year end to which they related.

On completion of the Audit Scotland review the Audited Accounts would be presented to Council on 29 September 2015, which was compliant with the 2014 Regulations.

In response to questions from members of the committee, officers provided further information in relation to the level of the council's financial reserve, provision for equal pay liabilities, the Modernisation fund, procedures in early severance applications and the cost to the council in connection with non-domestic rates relief.

It was recommended that the Audit and Governance Committee consider the 2014/15 Annual Accounts prior to submission to Audit Scotland for audit.

Decision

Approved the terms of the report.

6. RISK ACTIONS ARISING FROM AUDIT AND INSPECTION REPORTS

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager advising of the progress made in implementing agreed actions arising from audit and inspection reports. A copy of the outstanding audit/inspection recommendations was attached at appendix 1 to the report which highlighted the findings entered into Covalent as risk actions in accordance with the agreed protocol. There were eleven outstanding risk actions outlined in the report.

The Audit and Risk Manager undertook to submit an update report to the next meeting of the Committee scheduled to be held on 28 September 2015.

It was recommended that the Audit and Governance Committee note the outstanding actions.

Decision

1. Noted the contents of the report; and
2. Agreed that an update report be submitted to the next meeting of the Committee.

7. WEST LOTHIAN COMMUNITY PLANNING PARTNERSHIP AUDIT PROGRESS

The Committee considered a report (copies of which had been circulated) by the Head of Area Services providing an update on West Lothian Community Planning Partnership's post audit progress.

The report provided an update on the improvement activity and future plans of the West Lothian Community Planning Partnership. The draft progress report was attached as an appendix to the report which outlined the significant progress made in achieving improvement activities and a well-defined plan for continuous improvements in line with self-assessed development areas and within the audit recommendations. The progress

report would be submitted to Audit Scotland by 2 July 2015 for inclusion in their follow up report.

The Committee was advised that Audit Scotland would include reference to the West Lothian Community Planning Partnership work in the council's annual audit report for 2014/15, which would be issued to the council in September 2015. Audit Scotland would also provide more detailed feedback on its findings in the form of a letter to the CPP Board towards the end of 2015.

It was recommended that the Audit and Governance Committee note the progress made by West Lothian Community Planning Partnership in delivering post audit improvement actions.

Decision

Noted the contents of the report.

8. INTERNAL AUDIT OF THE ADMINISTRATION OF MEDICATION IN SCHOOLS

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager providing details of the outcome of an internal audit of the arrangements for administering medication in schools.

The Committee was advised that in February 2013 a review of the council's policy and procedures for administering medication in schools was carried out by the council's risk consultant, Gallagher Bassett. Education Services then agreed an action plan with the Governance and Risk Board based on the risk consultant's recommendations. The internal audit report on the administration of medication dated 15 June 2015 was attached as an appendix to the report. The action plan appended to the internal report set out the audit findings and the agreed action.

In response to questions from members of the committee, officers provided further information in relation to staff training, dissemination of the policy and procedure to staff, and the installation of defibrillators.

It was recommended that the Audit and Governance Committee note that control in relation to the administration of medication within Education Services required improvement.

Decision

Noted the contents of the report.

9. AUDIT SCOTLAND 2014/15 REVIEW OF INTERNAL CONTROLS

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager detailing the outcome of Audit Scotland's review of internal controls.

The report advised that as part of the 2014/15 audit work, Audit Scotland had conducted a review of the internal controls within the council's main financial systems. The purpose of the review was to evaluate whether the internal controls operating within the main financial systems were adequate so as to enable Audit Scotland to place reliance on them when forming an opinion on the 2014/15 financial statements.

As outlined in Audit Scotland's report on their findings reliance was placed on aspects of the work undertaken by internal audit on the accounts payable and the council tax billing and collection systems. Audit Scotland's review concluded that the council's internal audit work was of good quality. Based on their audit work, no significant control weaknesses were identified. The agreed action plan contained in the report set out the issues and risks identified by the audit work and planned management action.

It was recommended that the Audit and Governance Committee note Audit Scotland's findings and the agreed action plan contained in their report.

Decision

Noted the contents of the report.

10. AUDIT SCOTLAND RISK ASSESSMENT REPORT - AUDIT OF HOUSING BENEFIT

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates which provided a summary of the 'Audit of housing benefit – Risk assessment report', published by Audit Scotland in December 2014. The Audit Scotland report was attached to the report (appendix 1) as well as the Action Plan (appendix 2) and letter from Audit Scotland dated 2 February 2015 (appendix 3).

The report recalled that Council Tax Benefit ceased from April 2013 and was replaced by the Council Tax Reduction Scheme. Benefit performance audits now focused solely on the housing benefit service provided by councils.

The Committee was advised that Audit Scotland carried out a risk assessment audit of West Lothian's benefits service in 2012 and identified twelve risks to continuous improvement. A detailed action plan to address these risks was accepted by Audit Scotland in September 2012, as they were satisfied with the action taken by the council to implement continuous improvement of the council's housing and council tax benefits service. Audit Scotland contacted West Lothian Council in June 2014 to advise that a follow-up risk assessment was to be carried out. Details of the risk assessment process carried out in 2014 were outlined within the report.

Audit Scotland acknowledged that although the Benefits Service had experienced significant challenges since their previous visit carried out in

2012, improved performance was noted in the areas identified and good progress made on some of the actions highlighted with significant improvements made in the level of work outstanding. Audit Scotland has requested further evidence of the council's performance figures for quarter 4 of 2014/15 and quarter 1 of 2015/16, which would be provided by 31 July 2015. Audit Scotland would then decide if any further scrutiny was required.

The council would continue to work on improving the service and would pro-actively address challenges that Welfare Reform would bring for the council in the future.

In response to questions from members of the committee, officers provided further information in relation to the steps taken to address the backlog in payments and the process for identifying and managing significant risks.

It was recommended that the Audit and Governance Committee note the contents of the risk assessment report and the resulting action plan to address the risks identified.

Decision

Noted the contents of the report.

11. AUDIT SCOTLAND REPORT - HOUSING BENEFIT SUBSIDY CLAIM REPORTED ERRORS 2013/14

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a summary of the 'Review of auditors housing benefit subsidy claim reported errors 2013/14' report, published by Audit Scotland in February 2015.

The Committee was advised that local authorities reclaimed most of the housing benefit that they paid to claimants by submitting subsidy claims to the DWP which were certified annually by each authority's appointed external auditor, who would conclude if the subsidy claim was fairly stated and certify it accordingly. Any errors identified were reported to the DWP in a covering letter which accompanied the final claim.

Audit Scotland reviewed the subsidy claim letters of all 32 Scottish local authorities, details of which were outlined in the 'Review of auditors housing benefit subsidy claim reported errors 2013/14' report.

The report by the Head of Finance and Estates outlined the findings of the auditors following the 2013/14 review and the financial implications to Scottish local authorities. The report also set out the main findings from the review which identified areas where the DWP could reclaim subsidy from local authorities. Issued were identified which might be common across a number of local authorities and therefore where attention should be focused in order to maximise subsidy claimed in the future.

The Committee noted that no errors were found in West Lothian's subsidy

claim for 2013/14. In order to ensure the West Lothian continues to maximise the amount of subsidy claimed in the future, the council's procedures would fully incorporate areas of best practice recommended by Audit Scotland.

It was recommended that the Audit and Governance Committee:

1. Note the key messages and recommendations included in the Audit Scotland report; and
2. Note that officers would review the content of the report and the recommendations made to ensure no loss of subsidy to the council.

Decision

Noted the contents of the report.

12. LOCAL SCRUTINY PLAN 2015/16

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager providing details of the Local Scrutiny Plan prepared jointly by the council's external scrutiny bodies. The Local Scrutiny Plan 2015/16 was attached as an appendix to the report which outlined the planned scrutiny activity in West Lothian Council for 2015/16.

The Local Scrutiny Plan was based on a shared risk assessment undertaken by a local area network (LAN) comprising of representatives of all the scrutiny bodies who engaged with the council. The LAN was of the view that the council demonstrated a strong commitment to best value with evidence of strong leadership, a clear vision and a focus on continuous improvement.

It was recommended that the Audit and Governance Committee note that from its risk assessment the local area network of scrutiny bodies identified no specific areas of scrutiny, other than scrutiny that was nationally directed or part of a planned programme of work.

Decision

Noted the contents of the report.

13. AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2015

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a summary of the report 'An Overview of Local Government in Scotland 2015' published by the Accounts Commission on 5 March 2015. Attached to the report was a summary of the local government financial position 2013/14 (appendix 1) and action points for councillors and self-assessment checklist (appendix 2) which could be used by councillors to review the council's progress in implementing the recommendations within the report.

The Committee noted that the Accounts Commission's 'An Overview of Local Government in Scotland 2015' report outlined the main challenges to service delivery in 2015. The report acknowledged that councils had managed financial pressures well but faced increasingly difficult challenges and tough decisions to balance their budgets. The Accounts Commission recommended that councils should have effective long term financial plans to ensure a good understanding of finances and future pressures. In addition, councils were required to ensure that their governance and scrutiny arrangements reflected changes in structures and the way services were delivered. It was important that elected members considered the themes contained within the report and points outlined within the councillors self-assessment tool in appendix 2.

In response to questions from members of the committee, officers provided further information in relation to the level of detail made available in the budget-setting process, including the Delivering Better Outcomes procedures followed.

It was recommended that the Audit and Governance Committee note the key messages and recommendations included in the overview report and the officer responses to the points raised within the councillors self-assessment tool.

Decision

Noted the contents of the report.

14. BORROWING AND TREASURY MANAGEMENT IN COUNCILS

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a summary of the report "Borrowing and Treasury Management in Councils" published by the Accounts Commission on 19 March 2015.

The report recalled that in late 2014 Audit Scotland undertook an audit of borrowing and treasury management activity in Scottish local authorities on behalf of the Accounts Commission to assess how councils demonstrated best value in borrowing and treasury decisions. West Lothian Council was one of the six authorities where fieldwork was undertaken by Audit Scotland.

The report provided a summary of The Accounts Commission report "Borrowing and Treasury Management in Councils". The Accounts Commission believed that council treasury management functions were meeting professional requirements, however more could be done to set out the longer term implications of borrowing. In order to assist elected members in their scrutiny role, a Scrutiny Checklist for Councillors would be circulated to all elected members, a copy of which was attached as an appendix to the report.

In relation to the findings of the Accounts Commission report, officers would arrange treasury management scrutiny training for members of the

Partnership and Resources PDSP. In addition, officers would review the content of the council's annual treasury management plan to assist members in their scrutiny role and ensure that the document was as clear and understandable as possible.

It was recommended that the Audit and Governance Committee note the contents of the report and note that officers would review the content of the annual treasury management plan and other treasury management reports to identify improvements based on best practice and audit feedback.

Decision

Noted the contents of the report.

15. REVIEW OF INTERNAL AUDIT BY AUDIT SCOTLAND

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager advising the Committee of the outcome of Audit Scotland's review of the internal audit function 2014/15. Audit Scotland's letter dated 26 January 2015: Review of Internal Audit 2014/15 was attached as an appendix to the report.

The Audit and Risk Manager advised that Audit Scotland had concluded that internal audit operates in compliance with the Public Sector Internal Audit Standards (PSIAS) and has appropriate documentation standards and reporting procedures in place. Audit Scotland planned to place reliance on certain aspects of internal audit's work, as outlined in their letter.

In conclusion, Audit Scotland's review provided independent assurances as to the effectiveness of the council's internal audit function.

Decision

Noted the contents of the report.

16. SCOTTISH LOCAL AUTHORITIES CHIEF INTERNAL AUDITORS' GROUP (SLACIAG) ANNUAL REPORT

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager on the Scottish Local Authorities Chief Internal Auditors Group (SLACIAG) annual report for 2014/15.

The report explained the purposes of the group and highlighted significant activities from the annual report.

In response to questions from members of the committee, officers provided further information about repeating past joint-working arrangements with Falkirk Council, or other councils.

It was recommended that the Audit and Governance Committee note the

SLACIAG annual report.

Decision

Noted the contents of the report.

17. PRIVATE

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 it involved the likely disclosure of exempt information as defined in paragraphs 1 and 14 of Schedule 7A to the Act.

18. INVESTIGATION INTO NIGHT SHIFT PAYMENTS

The Committee considered a report (copies of which had been circulated) by the Audit and Risk Manager providing details of an investigation into payments to operatives in Roads and Transportation Services in respect of overnight working.

The report advised that an investigation was conducted into payments made to operatives in Roads and Transportation in relation to overnight working. The results of the audit were contained in Appendix 1 to the report.

Following the investigation and in accordance with council policy, appropriate steps were taken and an action plan put in place, together with agreed officer action.

In response to questions from members of the committee, officers provided further information in relation to the number of projects and the duration of the period involved in the incident and the steps that had been taken to make sure that this was an isolated incident.

The report recommended that the Audit and Governance Committee note the weaknesses in control identified by the investigation and the agreed improvement actions contained in the action plan.

Decision

Noted the contents of the report and agreed the recommendation.

MINUTE of MEETING of the PERFORMANCE COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 31 AUGUST 2015.

Present – Councillors Stuart Borrowman (Chair), Tony Boyle, Greg McCarra, Carl John, John McGinty

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 29 June 2015 as a correct record. The Minute was thereafter signed by the Chair.

3. ECONOMIC DEVELOPMENT

The committee considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an overview of Economic Development and service performance.

The report advised that the Economic Development service had a key role in monitoring the West Lothian Economy and providing services to individuals and businesses to help deliver the conditions for economic growth in West Lothian. The Business and Enterprise team delivered support, advice and assistance to individuals starting up businesses assisted existing companies to safeguard jobs and to grow and expand locally and help attract firms to relocate to the area.

The economic Policy & Business intelligence team informed and developed the local economic strategy, monitored the economy and maximised income from external sources to support service delivery.

The report went on to provide details of what the main activities of the service would be for 2015/16.

The Head of Planning and Economic Development explained that the service worked in partnership with key agencies such as the Scottish Government, SDS, DWP, West Lothian College and Scottish Enterprise to ensure a joined up and improved delivery service for customers.

Economic Development's performance was regularly measured through a suite of performance indicators in line with the council's performance management framework using the Covalent system.

The report advised the service had undergone a review of all its performance indicators including the introduction of new indicators to monitor the performance of the Economic growth plan which included

reporting on the number of jobs created as well as the number of companies supported.

In conclusion the report advised that the activities and performance of Economic Development was contained and summarised in appendix 1 to the report.

The report recommended that the committee:-

1. Note the contents of the report and appendix 1;
2. Provide feedback on performance; and
3. Identify any recommendations for performance improvement.

There then followed a number of questions in particular to the review of the service, EU approval of payments and what if any impact this had on budgets, and what role Economic Development played in the support of the Living Wage Coalition.

Decision

To note the terms of the report.

4. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing information on the council's participation in the Local Government Benchmarking Network (LGBN), comparing performance on a number of performance indicators. The data was collated and analysed by the Improvement Service and publish in an Annual Report.

The report advised that the Local Government Benchmarking Network was focused on providing a consistent approach to benchmarking local authority performance with a standard data set reported each year to the public.

The 2015 Local Government Benchmarking Network Overview Report contained the comparative performance of all Scottish Local Authorities in 2013/14 and identified national trends in data.

The Depute Chief Executive explained that the Statutory Performance Indicator Direction of the Audit Commission compelled the local government sector to facilitate benchmarking in support of continuous improvement. Developing Local Government Benchmarking Network was a crucial part of the sector's national response and the council was required to publish details of benchmarking and to promote the Local Government Benchmarking Network locally following the annual publication of the dataset and Overview Report.

The report went on to advise that there were 60 key performance indicators, and that these were grouped under 8 categories as follows:-

- Children's Services
- Corporate Services
- Corporate Assets
- Adult Social Care
- Culture and Leisure
- Environmental Services
- Housing Services
- Economic Development

The report went on to advise that the Local Government Benchmarking Network Overview Report provided analysis and interpretation of key national performance trends and highlighted the importance of local context to council performance and complexity in reconciling national priorities and measures. Table 1 in the report outlined the average ranking by each Local Government Benchmarking Network.

Information in the Overview Report should be read and understood in the context that Scottish councils represented very diverse communities in terms of geography, population, deprivation levels and community needs.

Local Government Benchmarking Network performance was analysed to ensure that the variation and causal impact in relation to local priorities and policy choices were understood. This was facilitated by authorities working as part of "family groups" to interrogate the data. West Lothian was allocated to a family group featuring authorities with similar characteristics. Table 2 provided details of the family group allocation.

It was advised that every council had a duty to effectively report performance to the public and were required to provide benchmarking information as part of public performance reporting arrangements.

To fulfil this commitment the new Local Government Benchmarking Network public reporting tool was embedded in the performance section of the council's website.

In response to the publication data the Executive Management Team asked services to undertake the following actions:-

- Consider how the comparative data could be used to improve performance. Such as undertaking learning and/or networking opportunities with leading performers in their area of family groups to improve the efficiency and effectiveness of the service.
- Use the comparative data to enhance the quality of performance information that was report to the public.

- Build on the Local Government Benchmarking Network activity by identifying other meaningful benchmarks of service performance.

In conclusion the report advised that this was the third year that a report had been published and it was intended that the Local Government Benchmarking Network data set would expand and diversify each year to present a more detailed and representative view of councils' performance.

The report recommended that the committee note the contents of the report.

There then followed a number of questions and in particular further information was requested in relation to the composition and review of Family Groups in the Local Government Benchmarking Framework (LGBF) which the officer undertook to provide.

Decision

To note the terms of the report.

5. PERFORMANCE COMMITTEE WORKPLAN

The committee considered a list of items that would form the basis of the committee's work over the coming months.

Decision

To note the contents of the workplan.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 13 AUGUST 2015.

Present – Councillor John McGinty (Chair), Frank Anderson, Tony Boyle, Anne McMillan, Jim Walker

Apologies – Councillors Harry Cartmill, Tom Conn

1. DECLARATIONS OF INTEREST

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

Councillor Tony Boyle declared a non-financial interest in that he was an ordinary member of Unite.

Councillor Harry Cartmill declared a non-financial interest in that he was an ordinary member of Unite.

Councillor John McGinty declared a non-financial interest in that he was an ordinary member of Unite.

Councillor Anne McMillan declared a non-financial interest in that she was an ordinary member of Unite.

All above named declared an interest but took part in the hearing.

2. PRIVATE SESSION

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

3. CONSIDERATION OF APPEAL

The committee was invited to consider an appeal by a former employee of Operational Services under the council's Disciplinary Code and Disciplinary Procedure.

The management was represented by Jim Jack, Head of Operational Services and Gillian Cairney, Senior HR Adviser. Andy Johnston, Service Manager and Gordon Rolland, Counter Fraud Officer, attended as witnesses.

The appellant was present and accompanied by Derek Ormston, union representative. The appellant called one witness.

The committee heard the management and witnesses speak in relation to

the report.

The appellant and his representative were given an opportunity to question the management and witnesses.

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

The committee heard the appellant, his union representative and witness speak in relation to the report.

The management was given an opportunity to question the appellant, his union representative and witness.

The committee had an opportunity to question the appellant, his union representative and witness.

Finally, each side summed up their case.

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

All parties were invited back in to the meeting room to hear that the committee wished to see some additional documents which had been referred to during the hearing but not produced. The meeting was adjourned to 19 August 2015, and all additional documents were to be circulated prior to that date.

On 19 August the hearing resumed with the parties and witnesses in attendance. The additional document had been circulated, and the committee asked questions in respect of the additional documents.

Each party summed up their respective positions in relation to the additional information.

Motion

The grounds of appeal had not been substantiated and the appeal should not be upheld.

- Moved by Councillor John McGinty and seconded by Councillor Frank Anderson

Amendment

The grounds of appeal had been substantiated in part and the appeal should be upheld to the extent that the punitive action taken was too harsh and should not stand, with the appellant being re-engaged.

- Moved by Councillor Jim Walker and seconded by Councillor Tony Boyle

Decision

Following a vote the motion was approved by 3 votes to 2 and it was

agreed accordingly.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 21 AUGUST 2015.

Present – Councillors John McGinty (Chair) Tony Boyle, Harry Cartmill, Anne McMillan, John Muir, Jim Walker

Apologies – Councillor George Paul

1. DECLARATIONS OF INTEREST

Councillor Tony Boyle declared a non-financial interest in that he was an ordinary member of Unite.

Councillor John McGinty declared a non-financial interest in that he was an ordinary member of Unite.

Councillor Anne McMillan declared a non-financial interest in that she was an ordinary member of Unite.

All above named declared an interest but took part in the hearing.

2. MINUTES

- b) The committee confirmed the Minute of its meeting held on 11 June 2015 as a correct record.
- c) The committee confirmed the Minute of its meeting held on 19 June 2015 as a correct record.
- d) The committee confirmed the Minute of its meeting 25 June 2015 as a correct record.
- a) The committee confirmed the Minute of its meeting held on 8 June 2015 as a correct record.

3. PRIVATE SESSION

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

4. CONSIDERATION OF APPEAL

The appellant was present with his union representative. The Head of Operational Services was present with Gillian Cairney, Senior HR

Adviser.

The committee heard both parties speak in relation to the appeal. The appellant advised he had recently discovered additional documents that he considered were relevant to his appeal and that he wished to lodge them. The Head of Operational Services did not oppose the request but asked that he be allowed time to consider them and lodge anything further he thought was required.

Decision

1. To adjourn the meeting to allow the additional documents to be submitted and for managers to ascertain whether there was a discrepancy with the documents.
2. To delegate the arrangements for the reconvened meeting and the submission of the documents to the Clerk.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 8 SEPTEMBER 2015.

Present – Councillors John McGinty (Chair), Frank Anderson, Tony Boyle, Harry Cartmill, Anne McMillan

Apologies – Councillors John Muir, George Paul

1. DECLARATIONS OF INTEREST

Councillor Frank Anderson declared a non-financial interest in that he was an ordinary member PCS.

Councillor Tony Boyle declared a non-financial interest in that he was an ordinary member of Unite.

Councillor Harry Cartmill declared a non-financial interest in that he was an ordinary member of Unite.

Councillor John McGinty declared a non-financial interest in that he was an ordinary member of Unite.

Councillor Anne McMillan declared a non-financial interest in that she was an ordinary member of Unite.

All above named declared an interest but took part in the hearing.

2. PRIVATE SESSION

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

3. CONSIDERATION OF APPEAL

The committee was invited to consider an appeal by a former employee of Housing, Construction and Building Services under the council's Disciplinary Code and Disciplinary Procedure.

The management was represented by Alistair Shaw, Head of Housing, Construction and Building Services, and Vera Muir, Senior HR Adviser. Richard Green, Contracts Manager, Stuart Smith, Team Co-ordinator, and Marc Garland, Team Co-ordinator attended as witnesses.

The appellant was present with his union representative Derek Ormston, Unite.

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

The appellant and his representative were given an opportunity to question the management and their witnesses.

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

The committee heard the appellant and his union representative speak in relation to the report.

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

The committee had an opportunity to question the appellant and his union representative.

Finally, each side summed up their case.

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

All parties were invited back in to the meeting room to hear the decision from the Chair.

Decision

The committee unanimously agreed that the grounds of the appeal were not substantiated, and therefore the appeal was not upheld.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE on 22 SEPTEMBER 2015.

Present – Councillors Stuart Borrowman (Chair), Lawrence Fitzpatrick, Carl John, Dave King, Sarah King, Danny Logue, John McGinty, Anne McMillan, Andrew Miller, Angela Moohan (substituting for Alexander Davidson) and George Paul; Appointed Representatives Lynne McEwen and Myra MacPherson.

Apologies – Councillor Alexander Davidson and Appointed Representative Eric Lumsden.

Absent – Councillors David Dodds and Tony Boyle

1. DECLARATIONS OF INTEREST

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

2. MINUTE

The Committee approved the minute of the meeting held on 2 June 2015 as being a correct record. The minute was then signed by the Chair.

3. EDUCATION SCOTLAND REPORT: LINLITHGOW PRIMARY SCHOOL

The Committee considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the action plan to address the areas for improvement identified in the Education Scotland report published on 24 August 2015, details of which were attached as appendices to the report.

The inspection found the following key strengths:

- Confident and enthusiastic children who have a very positive attitude to learning and are proud of their school;
- The effective leadership of the headteacher; and
- Children's learning in the local and wider community.

The headteacher, Charlette Robertson, advised the Committee that she was appointed as headteacher in January 2013. A Validated Self Evaluation (VSE) was carried out in school in December 2014 which members of staff found useful in developing the curriculum to meet the needs of the children.

Strategies were put in place to monitor and evaluate the work of the school. These approaches to self-evaluation were leading to improvements in learning and teaching across the school. Members of

staff were working in partnership with parents and the wider community looking at opportunities for children to be involved in the life and work of the school.

Members were advised that one area for development was to create a specific action plan for improvement within the nursery class. The headteacher then provided an update on the work identified within the action plan. Further development of a system was underway to track and monitor children's progress. Special folders were also being created which were personal to each child and included learning at home, which were available for children and parents to access regularly. Floorbooks and learning walls were introduced as a record of child planning.

The school's action plan highlighted the steps to be taken to ensure that improvements continued to be made in the school and nursery class. The improvements to be taken forward in school were:

- Ensure all children were provided with appropriately challenging learning activities;
- Continue to improve approaches to tracking children's progress to ensure they attain as highly as possible;
- Continue with plans to develop the curriculum, taking account of the interests of children.

The headteacher then responded to questions raised by members of the Committee advising that the school's numeracy and literacy curriculum was being developed using SEAL approaches which were also being trialled at the early stages. In response to a request from members the Head of Schools with Education Support undertook to circulate the action plan for improvement for Linlithgow Nursery Class to members following the meeting.

Finally, the Committee noted that the inspectors were satisfied with the overall quality of provision and were confident that the school's self-evaluation processes were leading to improvements and as a result, no further evaluation visits were required in connection with this inspection.

The Committee congratulated the staff, under the leadership of the headteacher, for the work carried out, particularly in relation to the nursery class.

Decision

1. Noted the contents of the report and endorsed the school's plan for improvement;
2. Noted that the Head of Schools with Education Support undertook to circulate to members the action plan for improvement for Linlithgow Nursery Class.

4. WORKPLAN 2015-2016

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

Decision

Approved the contents of the workplan.



WEST LoTHIAN COUNCIL

TREASURY MANAGEMENT – INTERIM REPORT AT 30 SEPTEMBER 2015

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To inform members of the activities and results of the treasury management function for the six months to 30 September 2015.

B. RECOMMENDATION

It is recommended that Council:

1. Notes the attached report on the activities of the treasury management function for the first six months of 2015/16 and on the exercise of delegated treasury management powers;
2. Agrees amendments to the prudential indicators, as set out in Appendix 4.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable Making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	This report complies with the council's Treasury Policy Statement, the requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities, the CIPFA Treasury Management in Public Services Code of Practice and the Local Government Investments (Scotland) Regulations 2010.
III Implications for Scheme of Delegations to Officers	No changes are proposed to the current scheme of delegation for treasury management activities.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Treasury management provides capital resources necessary to help deliver the Single Outcome Agreement.
VI Resources - (Financial, Staffing and Property)	This report is part of a framework for operating treasury management activities designed to minimise risk and the future borrowing costs of the council.

VII Consideration at PDSP

Treasury monitoring reports are presented directly to the Council for consideration.

VIII Other consultations

The council's treasury advisers have been consulted in relation to the forecasts and recommendations included within the treasury plan.

D. TERMS OF REPORT

The interim report for the six months to 30 September 2015 is attached.

Following changes to the forecast capital expenditure and capital resources agreed by Council Executive, Council is asked to approve changes to the following prudential indicators for 2015/16:

- Capital Expenditure
- Capital Financing Requirement
- Ratio of Financing Costs to Net Revenue Stream
- Gross External Borrowing and the Capital Financing Requirement
- Authorised Limit for External Debt
- Operational Boundary for External Debt

The council's updated prudential indicators are included in Appendix 4 of the report.

E. CONCLUSION

The actions taken in the first six months of 2015/16 complied with the annual treasury plan approved by Council on 31 March 2015 and the Treasury Management Policy Statement included in the Financial Regulations.

F. BACKGROUND REFERENCES

West Lothian Council Treasury Policy Statement and Treasury Management Practices

West Lothian Council's Annual Treasury Management Plan for 2015/16 (approved by Council on 31 March 2015)

CIPFA's Code of Practice for Treasury Management in Public Services

CIPFA Prudential Code for Capital Finance in Local Authorities

Local Government Investments (Scotland) Regulations 2010

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Donald Forrest
Head of Finance and Estates
Date: 10 November 2015

WEST LoTHIAN COUNCIL
TREASURY MANAGEMENT

Interim Report for the Six Months to 30 September 2015

Donald Forrest

Head of Finance and Estates

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1.0 Introduction

In accordance with the Standing Orders, Financial Regulations and Local Government Investments (Scotland) Regulations 2010, an interim report on the operation of the treasury management function for the six months to 30 September must be presented to the Council for consideration. The requirement to report to the Council complies with the revised Treasury Management Code and Scottish Investment Regulations.

The 2015/16 Annual Treasury Plan, approved by Council on 31 March 2015, sets out the planned approach to treasury management for 2015/16. This report assesses the application and outcome of the plan for the first six months of the financial year.

2.0 Current Portfolio Position

The council's debt and investment position at the beginning and end of the period is as follows:

31 March 2015			30 September 2015	
Principal £m	Rate %		Principal £m	Rate %
479.4	4.6%	DEBT	469.4	4.6%
-	-	Fixed Rate Funding	-	-
5.0	0.4%	Variable Rate Funding	5.0	0.5%
484.4	4.6%	Temporary Funding	474.4	4.6%
		Total Debt		
	30.9 years	Average Life of Debt		32.5 years
£m	Rate %	INVESTMENTS	£m	Rate %
111.4	0.8%	Cash Deposits	101.3	0.9%

Debt during the period has reduced by £10.0 million. New temporary borrowing of £5 million and new Public Work Loans Board (PWLb) borrowing of £15 million has been offset by maturing PWLB debt of £25 million and maturing temporary borrowing of £5 million.

Investments have decreased by £10.1 million during the first six months of 2015/16 due to cash balances being temporarily used to cover funding of capital investment while long term borrowing rates are monitored during the course of the year. This approach will allow the council to secure new borrowing required to fund capital investment at the most attractive rates during the year. The average rate has increased slightly by 0.1% since the start of the financial year due to higher investment rates being offered in the market. The latest investment benchmarking data from the council's treasury advisors Capita, shows average return on Scottish local authority investments as 0.62%, indicating West Lothian Council is performing well compared to other councils. Full details of the portfolio are provided in Appendix 1.

3.0 Performance Measurement

The CIPFA's Directors of Finance Best Value Working Group and the Treasury Forum Group recommend the reporting of the following performance indicators:

2014/15	Headline Performance Indicator	2015/16
4.21%	Average Cost of Servicing Loans Fund Advances in Year	Year End
0.06%	<ul style="list-style-type: none"> Loans Fund Interest Rate Loans Fund Expenses Rate 	Year End
4.27%		
	Local Performance Indicators	
15.60%	1. Percentage of Debt at period end which is Short Term or Variable	15.93%
23.89%	2. Percentage of Debt at period end repayable in each of the next two years	24.39%
3.66%	3. Average Interest Rate of Borrowing raised in period	2.49%
23.5 years	4. Average Maturity of Borrowing raised in period	27.8 years

The average rate of borrowing undertaken in the first six months of 2015/16 is lower than the rate achieved in 2014/15 due to attractive PWLB rates being available in August 2015. The percentage of debt which is short term or repayable in each of the next two years is at a level which will not expose the council to any loan maturity risks.

4.0 The Strategy

4.1 Interest Rate Forecasts

The plan for 2015/16 was structured around the general forecasts for interest rates, with some flexibility of application dependent on prevailing economic conditions.

When the annual plan was approved, the average City view suggested that bank rates would rise from 0.5% to 0.75% in quarter one of 2016 with low short term rates expected to continue in 2015/16. During the first six months of the year, projections have been updated with the first projected increase in the bank rate to 0.75% postponed to quarter two of 2016. The council's central forecast is in agreement with these forecasts. The forecast for PWLB rates to March 2015 is now 2.5% for five years, 3.2% for ten years and 3.8% for twenty-five years. Both the short term and the longer term PWLB rates have remained in line with the forecast in the treasury plan reported to Council in March 2015.

4.2 Capital Finance Plan

The annual plan in March 2015 reported a new borrowing requirement of £63.9 million with replacement borrowing of £23.5 million. This gave a total borrowing requirement for 2015/16 of £87.4 million.

Forecasts demonstrated a range of options available to implement the borrowing strategy in 2015/16. Short, medium and long term fixed rates were all forecast to increase incrementally over the period, with short to medium term rates being cheaper than long term rates. It was planned to borrow a spread of short and medium term loans from the PWLB at the most opportune times during the financial year. Consideration would be given to longer term borrowing if attractive rates were available. Forward dated Lender Option Borrower Option (LOBO) loans could also be considered for periods of to 15 years to lock in rates without having to incur borrowing costs if the money is not required straight away.

5.0 The Economy and Interest Rates

The following table provides details of interest rates at the start and end of the period. PWLB interest rates have increased slightly during the first six months of 2015/16, for both short and longer term borrowing. However, careful monitoring of the interest rate forecasts has resulted in opportunities to obtain attractive rates at certain points during the year, helping to secure certainty in longer term borrowing rates for the council.

	At 1 April 2015	At 30 September 2015
Bank Rates	0.50%	0.50%
5 Year PWLB	1.90%	1.99%
10 Year PWLB	2.49%	2.59%
50 Year PWLB	3.11%	3.19%

The Bank of England's Monetary Policy Committee (MPC) reduced the bank rate to 0.5% in March 2009. The bank rate has remained at this level since then and it is projected to stay at 0.5% until quarter two of 2016. As the UK economy has continued to grow in 2015, there was no additional quantitative easing in the first six months of 2015/16.

Inflation, as measured by the Consumer Price Index (CPI), has remained at or around zero for the first six months of 2015/16, with a period of deflation in May 2015. There are risks around whether inflation will rise in the near future as strongly as had previously been forecast, given the recent major concerns over the slowdown in the Chinese economy and the knock on impact on emerging countries from falling oil and commodity prices. There has also been considerable volatility in equity and bond markets in the first six months of 2015/16, which could potentially impact on real economies as well as the financial market.

Economic growth registered 0.4% for quarter one of 2015 and 0.7% in quarter two, with latest forecasts predicting that growth will weaken to around 0.5% in quarter three. Falls in business and consumer confidence could be contributing to a dampening of growth through weakening investment and consumer expenditure. For recovery to become more balanced and sustainable in the longer term, it needs to move away from dependence on consumer expenditure and the housing market to manufacturing and investment expenditure.

Strong growth since 2012 has resulted in unemployment falling over the past few years, with latest figures showing a seven year low of 5.4% in the three months to August 2015. As unemployment fell beyond the MPC's initial threshold to consider interest rate increases, the forward guidance for rate increases was broadened by the MPC to include five qualitative principles. Based on growth forecasts, it is expected that unemployment will continue on its downward trend in 2015.

Economic forecasting remains difficult due to the level of external factors influencing the UK. With a high degree of uncertainty in financial markets, international investors continue to view UK government gilts as a safe haven although this is subject to volatility in investor confidence. Gilt yields, and the cost of borrowing available to local authorities, are highly dependent on whether investors favour more risky assets (e.g. equities and shares) or safer government bonds.

During the first six months of 2015/16, there has been a further rise in geopolitical concerns, principally over China and Japan but also some emerging countries, which has caused a further flight into safe havens such as UK gilts. This resulted in PWLB rates dropping temporarily in August. The council has secured some PWLB borrowing in light of these attractive rates, and the council's treasury advisors, Capita, will continue to monitor rates throughout the remainder of the year to identify any further options for attractive borrowing rates in 2015/16.

6.0 Capital Finance Activities

The original forecast new borrowing requirement for 2015/16 of £63.9 million needs to be revised to £57.4 million. The revised borrowing position reflects the updated capital programmes for 2015/16 and the decision of the Council Executive on 30 June 2015 to reprofile borrowing for 2015/16 to 2017/18. Any further updates to the approved programme or accelerated spending against the approved budgets will result in further adjustments to the borrowing requirement for the year. The revised position also incorporates 2014/15 under borrowing, which is the borrowing required to fund the 2014/15 capital programmes that was not secured with external debt. With replacement borrowing of £35.0 million, the total revised borrowing requirement for 2015/16 is £92.4 million.

The council was able to secure some attractive long term loans from the PWLB in May and August 2015. The borrowing undertaken to date in 2015/16 is at an average rate of 2.4% for an average maturity of 27.8 years. This compares favourably to the council's overall debt portfolio which has an average rate of 4.6% for 32.5 years.

Full details of borrowing undertaken to date are shown in Appendix 2.

7.0 Debt Rescheduling

The annual plan stated that due to the introduction of different rates for new borrowing and early repayment of debt, the spread of 1.25% to 1.45% in rates significantly restricted opportunities for debt rescheduling. Based on this there were no opportunities available to reschedule long term fixed PWLB debt to short variable and temporary debt during the six months to 30 September 2015.

8.0 Management of Cash Flows and Investments

8.1 *Internally Managed Investments*

Cash flows are monitored daily to allow temporary investment of any surplus funds. The procedure allows for same day lending of cash surpluses to institutions approved in the Treasury Management Practices and leaves the bank current account balance at the optimum level of zero. The security of the council's funds is paramount. Investment in the period to 30 September 2015 was restricted to the major UK Clearing Banks, including the council's bankers Lloyds Banking Group, certain designated building societies, other local authorities, UK Government treasury bills, and AAA rated money market funds.

8.2 *Investment Plan*

The plan approved by the Council on 31 March 2015 included application of the capital fund to resource the General Services capital programme. Following a review of capital resources, including the profile of borrowing, the Council Executive agreed on 30 June 2015 that use of the capital fund is spread more equally over the remaining programme to 2017/18. This adjustment allows the council to reduce the risk of large peaks in borrowing in future years where borrowing rates are uncertain. Reducing the level of capital fund drawdown to finance the 2015/16 capital investment programme is deemed appropriate in light of the current low interest rate environment. It should ensure that borrowing required for the capital programme is secured at a beneficial rate to the council, ensuring best value in treasury management. This decision automatically requires the retention of investments.

As investment rates for short periods are low, the proposed approach was that a proportion of investments relating to cash backed balances and reserves not required until future years, could be invested for up to two years. The investment plan is to weight investments to longer periods, as much as possible within cash flow considerations, with a view to locking in higher rates of return than may be available from current short term investment rates. This approach is consistent with the plan for 2015/16 and is deemed as appropriate by the council's treasury advisors, Capita. This longer term investment approach is also permitted under the investment regulations implemented in April 2010.

8.3 *Investment Results*

The annual plan highlighted that the council's policy of investing only in appropriately rated money market funds, the UK Government and UK banks and building societies was considered risk averse. The decision of the Council Executive on 30 June 2015 to rephase use of the capital fund and maximise borrowing, automatically required the retention of investments. It is considered, in light of a reduced number of UK financial institutions on the council's approved counterparty list, that any risk to our investments is minimal. Detailed below are the results of the investment strategy undertaken by the council during the period:

Average Investment	Rate of Return	Benchmark Return*
£114 million	0.88%	0.36%

* The benchmark is seven day London Interbank Bid (LIBID) Rate

The majority of investments were fixed for up to twelve months where interest rates are significantly higher. This has resulted in a return of 0.49% above the benchmark. During the six months to 30 September 2015, the amount lent to approved organisations ranged from a low of £94 million to a high of £133 million.

Investments at 30 September 2015 were £101 million which have been invested throughout the period for fixed periods at an average daily rate of return of 0.88%. This represents a robust return on investments as rates have remained low during the first six months of 2015/16.

Authorised institutions and investments at 30 September 2015 are found in Appendix 3.

9.0 Monitoring of Prudential Indicators

The CIPFA Prudential Code ensures the capital plans of local authorities are affordable, prudent and sustainable. To demonstrate compliance with these objectives, the Code establishes nine indicators designed to support and record local authority decision making. The 2015/16 indicators were originally approved by the Council on 29 January 2015 and it was agreed that these indicators would be monitored and revised, if required, throughout the year by the Council. The 2015/16 prudential indicators are included in Appendix 4 along with proposed amendments to the capital expenditure, financing requirement, authorised and operational limits for borrowing and financing costs to net revenue stream indicators. The changes to the prudential indicators are a result of revised capital investment and resources programmes for 2015/16, as approved by the Council Executive.

10.0 Conclusion

This report details the treasury activities undertaken in the six months to 30 September 2015. Actions taken have complied with the annual treasury plan for 2015/16, approved by the Council on 31 March 2015, the decision by the Council Executive on 30 June 2015 to rephase use of the capital fund across the three years 2015/16 to 2017/18 and the Treasury Management Policy Statement. Activities completed during the period also ensured that best value was secured in the delivery of the treasury function of the council.

Donald Forrest
Head of Finance and Estates
 Date: 10 November 2015

WEST LoTHIAN COUNCIL

Current Portfolio

31 March 2015			30 September 2015		
Principal £m	Rate %	DEBT	Principal £m	Rate %	
Fixed Rate Funding					
418.8		• PWLB	408.8		
60.6		• Market	60.6		
0.0	4.6%	• European Investment Bank (EIB)	0.0	4.6%	
Variable Rate Funding					
-		• PWLB	-		
-		• Municipal Bank	-		
-	-	• Covenant	-	-	-
Temporary Funding					
5.0	0.4%	• Market	5.0	0.5%	
484.4	4.6%	Total Debt	474.4	4.6%	
30.9 years			32.5 years		
Average Life of Debt					
£m	Rate %	INVESTMENTS	£m	Rate %	
111.4	0.8%	In-House	101.3	0.9%	

WEST LoTHIAN COUNCIL

Borrowing in 2015/16

Date	Amount Advanced £m	Details	Repayment Period (Years)
<u>PWLB</u>			
28 May 2015	5.0	3.30%	20 years
14 August 2015	10.0	3.08%	45 years
 <u>Temporary Borrowing – Local Authorities</u>			
26 May 2015	2.0	0.50%	1 year
1 June 2015	3.0	0.50%	1 year
 Total Borrowing	<hr/> 20.0 <hr/>		

Long and Short Term Debt Undertaken to Date in 2015/16

Average Rate – 2.4%

Average Life – 27.8 years

APPROVED ORGANISATIONS FOR INVESTMENT

	2015/16 Investment Limit £	Investment at 30 September 2015 £
<u>Council Bankers</u>		
Lloyds Banking Group (inc Bank of Scotland)	70,000,000	70,000,000
<u>WLC Rating Category 1*</u>	20,000,000	
No institutions in this category		
<u>WLC Rating Category 2*</u>	17,500,000	
No institutions in this category		
<u>WLC Rating Category 3*</u>	15,000,000	
HSBC Bank plc		0
<u>WLC Rating Category 4*</u>	12,500,000	
No institutions in this category		
<u>WLC Rating Category 5*</u>	8,000,000	
No institutions in this category		
<u>WLC Rating Category 6*</u>	5,000,000	
Santander UK plc		5,000,000
Nationwide Building Society		5,000,000
Goldman Sachs Bank		5,000,000
<u>Local Authorities, Public Bodies & DMO</u>	10,000,000	
All UK Local Authorities		0
UK Public Bodies		0
Debt Management Office – Deposit Account		0
Treasury Bills		0
<u>UK Nationalised Banks</u>	35,000,000	
Royal Bank of Scotland		10,000,000
<u>Money Market Fund – AAA rated</u>	10,000,000	
Ignis/Standard Life Liquidity Money Market Fund		6,280,000
	TOTAL	101,280,000

* As rated by the lowest credit rating of the three credit rating agencies Fitch, Moody's and Standard & Poors

MONITORING OF PRUDENTIAL INDICATORS – 2015/16

CAPITAL EXPENDITURE INDICATORS (Items 1 and 2)

1. CAPITAL EXPENDITURE

Purpose of the Indicator

The purpose of this indicator is to inform Council of projected capital spending in 2015/16.

	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
General Services	65,324	49,953
Housing	60,581	36,491
Total	125,905	86,444

Performance

The original estimate for this indicator was approved in January 2015 before the revised 2015/16 capital programme for General Services was approved in June 2015. The indicator therefore needs to be updated to bring it in line with estimated spend on the capital programme for 2015/16. The estimate has decreased due to changes to phasing of works.

2. CAPITAL FINANCING REQUIREMENT

Purpose of the Indicator

The capital financing requirement measures the council's underlying need to borrow for a capital purpose. This is, at a high level, the council's total outstanding debt required to finance planned capital expenditure.

	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
General Services	444,592	442,599
Housing	203,099	178,057
Total	647,691	620,656

Performance

The capital financing requirement was approved by the Council on 29 January 2015 and covers the council's total borrowing requirement. The estimate has been revised to incorporate approved capital expenditure and resources programmes. This change also includes the increase in General Services borrowing arising from the decision of the Council Executive on 30 June 2015 to rephase borrowing and use of the capital fund in 2015/16 to 2017/18.

3. RATIO OF FINANCING COSTS TO NET REVENUE STREAM**Purpose of the Indicator**

This indicator provides a measure of the proportion of the budget that is being allocated to financing of capital expenditure. For the General Fund, this is the ratio of financing costs of borrowing against net expenditure financed by government grant and local taxpayers. For Housing, the indicator is the ratio of financing costs to gross house rental income.

	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
General Fund	7.7%	7.1%
Housing	28.5%	24.5%

Performance

The estimate for 2015/16 has been revised to incorporate the changes in the capital investment and resources programme for the financial year as outlined in the indicators above. The actual percentages for 2015/16 will not be available until after the end of the financial year.

4. ESTIMATES OF INCREMENTAL IMPACT OF NEW CAPITAL INVESTMENT DECISIONS ON COUNCIL TAX AND HOUSE RENTS**Purpose of the Indicator**

This is a key affordability indicator which demonstrates the incremental impact that planned capital expenditure and associated borrowing has on Council Tax and Rent levels.

Incremental impact of capital spending on:	2015/16	2016/17	2017/18
Council Tax (Band D)	Nil	Nil	Nil
Average Weekly House Rents	Nil	Nil	Nil

Performance

There are no monitoring implications for these indicators as they were approved by Council prior to the start of the financial year.

FINANCIAL PRUDENCE INDICATOR (Item 5)

5. GROSS EXTERNAL BORROWING AND THE CAPITAL FINANCING REQUIREMENT

Purpose of the Indicator

This indicator records the extent that gross external borrowing is less than the capital financing requirement (indicator 2 above). This is a key indicator of prudence and is designed to ensure that, over the medium term, external borrowing is only for a capital purpose. The values are measures at the end of the financial year. CIPFA updated the Prudential Code changing the indicator from net external borrowing after investments, to gross external borrowing.

	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
Net External Borrowing	647,691	620,656
Capital Financing Requirement	647,691	620,656
Under limit by	-	-

Performance

These figures are measured at the end of the financial year when a comparison will be provided for this indicator. During the course of the financial year, the net external borrowing should be forecast to equal the capital financing requirement as the council only borrows for capital purposes.

TREASURY AND EXTERNAL DEBT INDICATORS (Items 6 to 9)

6. AUTHORISED LIMIT FOR EXTERNAL DEBT

Purpose of the Indicator

The authorised limit for external debt is required to identify external borrowing and other long term liabilities such as covenant repayments, finance lease and PPP obligations. This limit provides a maximum figure to which the council could borrow at any given point during each financial year.

Authorised Limit for:	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
Gross External Borrowing	674,020	587,476
Other Long Term Liabilities	70,071	69,881
External Debt	744,091	657,357

Performance

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the authorised limit for external debt. Currently the council's external debt is substantially below this indicator. This gap will reduce as further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

7. OPERATIONAL BOUNDARY FOR EXTERNAL DEBT

Purpose of the Indicator

This is a key management tool for in year monitoring and is lower than the Authorised Limit as it is based on an estimate of the most likely level of external borrowing at any point during the financial year.

Operational Boundary for:	Council 29 January 2015 2015/16 Estimate £'000	Revised 2015/16 Estimate £'000
Gross External Borrowing	664,020	577,476
Other Long Term Liabilities	69,071	68,881
External Debt	733,091	646,357

Performance

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the operational boundary for external debt. Currently the council's external debt is substantially below this indicator. This gap will reduce as further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

8. ACTUAL EXTERNAL DEBT

Purpose of the Indicator

This is a factual indicator showing actual external debt for previous financial years.

	31 March 2013 £'000	31 March 2014 £'000	31 March 2015 £'000
Actual External Borrowing	475,688	496,924	491,032
Actual Other Long Term Liabilities	74,649	72,677	70,333
Actual External Debt	550,337	569,601	561,365

Performance

The external debt reported in the annual accounts for the previous year is included for comparison purposes only.

9. TREASURY MANAGEMENT INDICATOR

This indicator intends to demonstrate good professional practice is being followed.

9.1 Adoption of the CIPFA Treasury Management Code

The CIPFA Treasury Code was adopted on 25 March 1997 as an indication of good practice. In line with the fully revised Treasury Code, the council's Annual Treasury Plan is reported to full Council for approval.

9.2 Upper limits for fixed and variable rate borrowing

The limit for fixed rate borrowing is 100% and the limit for variable rate borrowing is 35%. These limits mean that fixed rate exposures will be managed within the range of 65 to 100% and the maximum exposure to variable rate borrowing will be 35% of total debt. This is a continuation of current practice.

9.3 Maturity structure of fixed rate borrowing for 2015/16

	Approved Upper Limit	Approved Lower Limit
Under 12 months	35%	0%
12 months and within 24 months	35%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	75%	0%
10 years and over	100%	25%

Excluding LOBO loans shown as maturing in the next 12 months for accounting purposes only, the current maturity levels of debt are within these upper and lower limits.

9.4 Total principal sums invested for periods longer than 364 days

Following changes from the Investment Regulations applicable from 1 April 2010, the council can make investments for periods longer than 364 days. The approved limit for total principle sums invested for periods longer than 364 days is £35 million.

The treasury management indicator confirms sound professional practice is being followed by the council in undertaking treasury management. The approved values and parameters provide sufficient flexibility in undertaking operational treasury management.

CONCLUSION

In monitoring the above prudential indicators, the council is fulfilling its duty under the Prudential Code. The monitoring indicates that spending plans remain affordable, prudent and sustainable, and that treasury management is operating in line with the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services.

West Lothian Council SNP Group

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

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



MOTION TO FULL COUNCIL 10 NOVEMBER 2015

West Lothian Council congratulates Edinburgh West Lothian Monarchs on their successful season in which they won the British Premier Speedway League and League Cup Double and wishes them many more successful years at their Armadale home.

Councillor Carl John
East Livingston & East Calder Ward (SNP)



A Higgins
11.00 am

Notice of Motion from Councillor David Dodds For the Council Meeting on 10 November 2015

National Testing

Council notes the continuing rise in attainment by pupils in West Lothian Schools, both against previous performance and that of comparator schools and authorities, and congratulates all of the staff, pupils and families who have worked to bring this about.

Council believes that this improvement is founded on rigorous self evaluation, including making extensive use of the data from national examinations at secondary level, and of the data gained from our adaptive testing programme at primary level.

Council notes with concern the Scottish government proposals to introduce standardised testing in literacy and numeracy at p1,4,7 and S3 in 2017.

Council believes that the timescale is too short for the development of assessments that are at least as effective as the tests currently being used by West Lothian.

Council instructs the chief executive to write to the first minister, whose initiative this appears to be, to ask her:

- To delay the introduction of the new tests to allow consultation with authorities about the assessments currently being used.
- To guarantee that authorities will not be forced to abandon current assessments unless the data provided by the new assessments can be shown to be equally robust and equally suited for the purposes for which current assessment data is used.

- To change the levels at which the assessments will take place to avoid them being purely summative in nature
- To consider carefully the implementation of the new assessments to take account of the IT capacity of primary schools, to avoid creating a national assessment diet at the primary stage and to ensure that the assessments enhance the children's learning, rather than dictating it.



Councillor David Dodds
West Lothian Council Labour Group



A Higgins
11.16 am

West Lothian Council SNP Group

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

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



Motion to Full Council 10th November 2015

West Lothian Council welcomes the recent announcement by the First Minister of Scotland regarding further investment in St John's Hospital, the jewel in the crown of our local NHS services. This extra investment will see an additional elective treatment centre built on the St. John's site.

The elective treatment centre will specialise in acute care for orthopaedic procedures such as hip and knee replacements and also treatment for cataracts: the centre will also alleviate the pressure from the emergency wards.

This additional investment will mean a record number of local people requiring surgical procedures will be treated more quickly, within their own area meaning less travel for patients and also for families having to visit during times of anxiety. As West Lothian has one of the fastest growing populations in Scotland, I am sure that all residents in West Lothian will welcome the return of these services.

This decision, by a Government committed to the NHS secures the future of our local District General Hospital at St. Johns in Livingston. This decision also secures the jobs and the futures of the thousands of local people who rely on the important role St John's Hospital plays locally in the delivery of well-paid employment.

Proposed

Cllr Janet Campbell



*7/11/15
11.50 am*

West Lothian Council SNP Group

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

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



MOTION TO WEST LOTHIAN COUNCIL BAGS OF SUCCESS

West Lothian Council welcomes the Legislation that was passed by the Scottish Parliament, on 20th October 2014 that requires ALL retailers (food and non-food) to charge a minimum of 5p for each new single-use carrier bag. This has resulted in a reduction in bag use of around 80% which is equivalent to at least 650 million fewer bags being handed out annually.

Shoppers now realise that by re-using their carrier bag it is having a massive effect on the environment and having a huge impact in tidying up our streets and beaches whilst charities are benefitting enormously as most retailers donate the 5p to charity.

Proposed by

Mary Dickson

Councillor Mary Dickson
Whitburn & Blackburn Ward (SNP)



*AKH/gind
11.50 am*

WEST LoTHIAN COUNCIL

10 NOVEMBER 2015

QUESTION TO EXECUTIVE COUNCILLOR

STAFF SUPPORT AT COMMUNITY FACILITIES

What is the total number of staff hours allocated to community facilities at present to each of the four proposed neighbourhoods?

What is the total for each of the four neighbourhoods under the proposed new system of staff support?

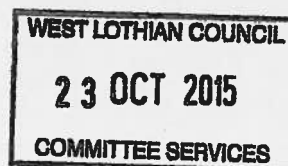
neighbourhood	hours now	hours proposed
Bathgate		
Armadales/Whitburn		
Livingston/Calders		
Linlithgow/Broxburn		



Councillor Stuart Borrowman

Independent

Armadales and Blackridge Ward



*Allegiance
11.30 am*

WEST LoTHIAN COUNCIL

10 NOVEMBER 2015

QUESTION TO EXECUTIVE COUNCILLOR

ACCOMMODATION NEEDS OF SEPARATED PARENTS

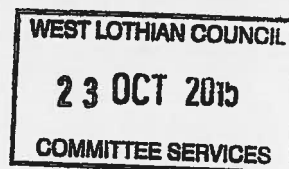
What scope is there for council housing allocation policy better to meet the needs of separated parents to accommodate their children during custody periods where these are extensive and/or frequent?



Councillor Stuart Borrowman

Independent

Armadale and Blackridge Ward



A Higgins
11.30 am

WEST LoTHIAN COUNCIL

10 NOVEMBER 2015

QUESTION TO EXECUTIVE COUNCILLOR

UNDETERMINED PLANNING APPLICATIONS

As at end-October 2015, how many live and undetermined planning applications are there?

Of these, how many were registered:

- more than two months ago
- more than six months ago
- more than one year ago
- more than five years ago
- more than ten years ago?



Councillor Stuart Borrowman

Independent

Armadale and Blackridge Ward



A Huggins
11.30am

WEST LOTHIAN COUNCIL LABOUR GROUP

Questions to the Executive Councillor for
Development & Transport
for the Council Meeting on 10th November 2015

Lidl

Can the Executive Councillor for Development and Transport
please provide an update on the Lidl expansion proposal.



Councillor Jim Dixon
Armada Ward



*Advising
11.15 am*

WEST LoTHIAN COUNCIL LABOUR GROUP

Response to the Question from Councillor Jim Dixon For the Council meeting on 10th November 2015

Thank you for your question.

Q. Can the Executive Councillor for Development and Transport please provide an update on the Lidl expansion proposal?

A. Lidl currently have their Scottish Regional Distribution Centre located in Livingston at Tallend Farm.

As a result of the on-going growth of the company, they have now out grown this site and require a new site which will take a new RDC with future expansion capacity,

As a council we have been proactively engaged with Lidl in promoting sites which would meet their requirements. After looking at various sites in West Lothian, Lidl began engaging with the developer at Southdale in Armadale. We know from previous experiences of working with the private sector that Lidl would be engaging with other areas to get the best deal and we proactively kept in touch with their Property Director.

A planning application was never submitted by Lidl for the Armadale site.

After Lidl announced that the Armadale site no longer met their requirements we once again asked them to look at other sites in West Lothian. The sites which would meet their requirements are all under private ownership. There are no council sites of this development scale.

At this point we were also made aware that Lidl were looking at other locations, as previously stated it is not uncommon for businesses to consider more than one location, especially at such an early stage in the process.

The council can and will fully support and offer assistance to businesses but ultimately the decision rests with the private company who make their decision based upon their own private business needs.

C Muldoon

**Councillor Cathy Muldoon
Executive Councillor
Development and Transport**



*Original
9.45 am.*

West Lothian Council SNP Group

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

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



Question to the Leader of the Council

"A number of my constituents in Livingston North use the taxi-bus service to receive regular treatment at the Western General Hospital. Several have expressed concern that they will no longer be able to receive treatment because of the expiry of the taxi-bus contract at the end of March 2016 - some have no other means of transport and using the many normal bus routes necessary is too arduous for their conditions. Will the Leader of the Council reassure them that the taxi-bus service will continue?"

R. P. De Bold.

Dr Robert De Bold
Councillor for Livingston North (SNP)



*A Higgins
11.30am*

West Lothian Council SNP Group

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

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



Question To the Leader of the Council

Can you advise when the special Culture and Leisure PDSP to discuss the Administration's proposals affecting our community centres is to be held and confirm that representatives of community centre Management Committees and trades unions will be invited to attend this special meeting?

Councillor Jim Walker



*A Higgins
11.50am*