

MINUTE of MEETING of the WEST LOTHIAN COUNCIL held within Council Chambers, Civic Centre, Livingston, on 16 August 2016.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King (Vice-Chair), Council Leader John McGinty, Councillors Frank Anderson, Stuart Borrowman, William Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Tom Conn, Robert De Bold, Jim Dickson, 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, Barry Robertson, David Tait, Frank Toner

Apologies – Councillor Tony Boyle, Alexander Davidson, Jim Walker

1. PROVOSTS REMARKS – ONE MINUTE SILENCE

The Provost referred to the recent death of former Councillor Jim Sibbald and invited the Council to observe one minute's silence in his memory.

Those present at the meeting then joined the Provost in observing one minute of silence.

2. DECLARATIONS OF INTEREST

Notice of Motion – West Lothian Paediatric Services (Agenda Item 7)

Councillor Johnston declared a non-financial interest as a Non-Executive Director of NHS Lothian.

Councillor Logue declared a non-financial interest as an employee of NHS Lothian.

Councillor Toner declared a non-financial interest as he was employed by Neil Findlay, MSP.

3. MINUTE

a) The Council approved the minute of meeting of West Lothian Council held on 14 May 2016.

(b) The Council noted the correspondence arising from previous decisions.

(c) The Council noted the minute of meeting of Performance Committee held on 11 January 2016.

- (d) The Council noted the minute of meeting of the Performance Committee held on 25 February 2016.
- (e) The Council approved the minute of meeting of the Audit and Governance Committee held on 29 February 2016.
- (f) The Council noted the minute of meeting of the Education (Quality Assurance) Committee held on 10 May 2016.
- (g) The Council noted the minute of meeting of the Employee Appeals Committee held on 15 April 2016.
- (h) The Council noted the minute of meeting of the Employee Appeals Committee held on 23 May 2016.
- (i) The Council noted the minute of meeting of the Employee Appeals Committee held on 3 June 2016.
- (j) The Council noted the minute of meeting of the Avoidance of Disputes Committee held on 26 April 2016.

#### 4. ELECTION BUSINESS

##### Audit and Governance Committee

The Council was asked to note the resignation of Elaine McAtamney from the Audit and Governance Committee and that the recruitment of a replacement Lay Member had commenced.

##### St John's Stakeholder Group

The Council was asked to note the resignation of Councillor Toner from the St John's Stakeholder Group and to approve the appointment of Councillor Dave King as his replacement.

##### Decision

1. To note the resignation of Elaine McAtamney from the Audit and Governance Committee and that the recruitment of a replacement Lay Member had commenced.
2. To note the resignation of Councillor Toner and to approve the appointment of Councillor Dave King as his replacement.
3. To record the Council's appreciation of the work undertaken by Councillor Toner as a Council appointee to the St John's

## Stakeholder Group.

5. NOTICE OF MOTION - HATE CRIMES - SUBMITTED BY COUNCILLOR CARTMILL

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

“Amidst increasing reports UK wide of abhorrent hate crimes we here in West Lothian are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in 21<sup>st</sup> century Britain. West Lothian Council therefore condemns racism, xenophobia and hate crimes unequivocally. We will never allow racism or hate to become acceptable.

West Lothian Council will therefore work further to ensure local bodies and programmes have all the support and resources needed to fight and prevent racism and xenophobia of any kind.”

Moved by Councillor Cartmill.

Decision

To unanimously approve the terms of the motion.

6. NOTICE OF MOTION - WEST LOTHIAN PAEDIATRIC SERVICES - SUBMITTED BY COUNCILLOR CAMPBELL

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

“West Lothian Council welcomes the decision of NHS Lothian to commit to implement 24/7 inpatient paediatric services at St John’s Hospital and to commit to a £1 million investment in additional paediatric staffing to fully deliver these services.

West Lothian Council notes NHS Lothian’s commitment to “vigorously” pursue the recruitment required to safely and sustainably deliver 24/7 inpatient services at St John’s and accepts that whilst this recruitment is being delivered interim arrangements for the St John’s Children’s Ward are required.

West Lothian Council asserts however that it is essential that during this interim period 24/7 inpatient services at St John’s are fully maintained and that no reduction in such provision is acceptable.

West Lothian Council notes that at the time of lodging this motion the NHS Lothian Board position in relation to St John’s Children’s Services has still to be determined and resolves therefore to agree an appropriate council response, in line with paragraph 3, to the NHS Lothian decision on these matters at our meeting on the 16<sup>th</sup> August.”

Moved by Councillor Campbell, seconded by Councillor Anderson

Amendment

“West Lothian Council welcomes the decision of NHS Lothian to fully commit to 24/7 inpatient paediatric service care and to pursue the recruitment required to safely deliver 24/7 inpatient services at St John’s Hospital.

West Lothian Council commends the local community campaign to support the retention of the St John’s Children’s Ward, and the work of local politicians to make the case for St John’s despite the SNP Scottish Government having over 4 years to resolve the issue of threatened closure.

West Lothian Council thanks the many people who signed the petition rejecting any downgrading of services at the St John’s Children’s Ward, which was presented to the Scottish Government, and restates its position that there must be no downgrade of services at the St John’s Children’s Ward at any time.”

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

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

Motion

Frank Anderson  
Willie Boyle  
Diane Calder  
Janet Campbell  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Carl John  
Peter Johnston  
Sarah King  
Greg McCarra  
Andrew Miller  
John Muir  
David Tait

Amendment

Stuart Borrowman  
Harry Cartmill  
Tom Conn  
Jim Dixon  
David Dodds  
Lawrence Fitzpatrick  
Tom Kerr  
Dave King  
Danny Logue  
John McGinty  
Anne McMillan  
Angela Moohan  
Cathy Muldoon  
George Paul  
Barry Robertson  
Frank Toner

Decision

The amendment was successful by 16 votes to 14 votes, with 3 members absent. The amendment was agreed accordingly.

7. NOTICE OF MOTION - FORMER COUNCILLOR JIM SIBBALD -  
SUBMITTED BY COUNCILLOR JOHNSTON

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

“West Lothian Council notes with sadness the recent death of former

Armadale Councillor Jim Sibbald.

Council notes that Jim Sibbald served as an elected member for the Armadale community on West Lothian District Council, Lothian Regional Council and West Lothian Council for a period encompassing four decades between 1977 and 2007.

In recognition of Cllr Sibbald's unparalleled service to the Armadale and wider West Lothian community West Lothian Council agrees to:

1. Invite the Provost to formally write to Jim Sibbald's family expressing the council's condolences and our grateful thanks for his lengthy commitment to public service
2. Name, in consultation with the family and local community, an appropriate public building in Armadale in memory of Cllr Sibbald."

Moved by Councillor Johnston.

The Council Leader then suggested an amendment to the final paragraph of the motion. The suggestion was accepted by Councillor Johnston.

#### Decision

To unanimously agree a motion in the following terms:-

"West Lothian Council notes with sadness the recent death of former Armadale councillor Jim Sibbald.

Council notes that Jim Sibbald served as an elected member for the Armadale community on West Lothian District Council, Lothian Regional Council and West Lothian Council for a period encompassing four decades between 1977 and 2007.

In recognition of Cllr Sibbald's unparalleled service to the Armadale and wider West Lothian community West Lothian Council agrees to:

1. Invite the Provost to formally write to Jim Sibbald's family expressing the council's condolences and our grateful thanks for his lengthy commitment to public service
2. Name, in consultation with the family and local community, an appropriate public building, or a room or a hall in a public building, or a street, in Armadale in memory of Cllr Sibbald."

#### 8. NOTICE OF MOTION - SCOTLAND'S FUTURE IN THE EU - SUBMITTED BY COUNCILLOR JOHNSTON

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

"West Lothian Council notes that the First Minister of Scotland, Nicola Sturgeon MSP, has set out clearly Scotland's 5 key interests that, following

the recent EU referendum, the Scottish Government is seeking to protect.

These are:

- Our democratic interest

Scotland voted to remain – by a 24 point margin. Our voice must be heard.

- Our economic interest

Our access to a single market of 500 million people, funding for our farmers and universities, and the ability to travel anywhere within the EU are all vital for jobs and our economy.

- Our interest in social protection.

Scotland benefits from the core rights and protections for workers guaranteed by the EU – like paid holidays, maternity leave, limits to working hours, and health and safety protections.

- Our interest in solidarity

The EU brings independent countries together to protect our security and address big global challenges. EU initiatives also give our young people the chance to study in other countries and deepen their understanding of different countries.

- Influence

Scotland must be able to shape the rules of the single market as well as abiding by them,

West Lothian Council welcomes the clarity of the Scottish Government's position and endorses the 5 key interests, identified by the First Minister, as being fundamental to securing Scotland's best interests.

West Lothian Council asserts that these issues are about jobs and the economy, living standards, fairness and equality and our place in, and contribution to, the wider world.

West Lothian Council asserts these issues matter for, and to, all of us – and further asserts that as the UK seeks to navigate its way through the difficult weeks, months and, perhaps, years ahead, that these are the issues that will define and determine our future relationships with both the UK and EU.

West Lothian Council therefore agrees to write to the First Minister thanking her for the clarity and leadership she is bringing to these ongoing matters and to assure her of this council's support for her endeavours in working to protect Scotland's vital interests."

Moved by Councillor Johnston, seconded by Councillor McCarra.

Amendment

“West Lothian Council notes the outcome of the EU Referendum held on 23 June 2016, and acknowledges the decision taken by the electorate.

Council calls upon the UK Westminster and Scottish Governments to work together to take every step to secure the best possible future agreements to reflect the wishes of the Scottish people to remain a part of Europe and the UK, and to safeguard and promote the social, economic, educational, cultural and national security interest of all citizens of these islands.”

Moved by Councillor McGinty, seconded by Councillor Fitzpatrick.

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

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

#### Decision

The amendment was successful by 16 votes to 14 votes, with 3 members absent. The amendment was agreed accordingly.

#### 9. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 284 documents for execution.

#### Decision

That the deeds be executed.

#### 10. BUS SERVICES - QUESTION TO THE EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT SUBMITTED BY COUNCILLOR BORROWMAN

A written question to the Executive Councillor for Development and Transport had been submitted by Councillor Borrowman in the following

terms:-

“What are the principal quality assurance mechanisms employed by the Council for bus services it supports?

What are the contractual remedies open to the Council in case of deficient performance?”

The Executive Councillor for Development and Transport provided a verbal answer to the written question.

Councillor Borrowman indicated that he wished to put a supplementary question as providing for in standing orders. He did so and the Executive Councillor for Development and Transport provided a verbal 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.