



West Lothian
Council

Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

15 September 2016

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 20 September 2016** at **10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 30 August 2016 (herewith).

Public Items for Decision

5. West Lothian Integration Board - Report by Chief Executive (herewith)
6. Heads of Service - Education Services – Responsibilities and Governance Arrangements
7. Proposed Policy on the Application of Hourly Rates for the Purchase of Registered Agency Services under Self-Directed Support (SDS) : Option 2 - Report by Head of Social Policy (herewith)

8. Strathbrock Place, Broxburn Traffic Flow Change of Direction - Report by Head of Operational Services (herewith)
9. Howden East Road, Livingston - Traffic Calming at Toronto Primary School - Report by Head of Operational Services (herewith)
10. Petition - Beechwood Grove, Uphall Station - Report by Head of Operational Services (herewith)
11. 1 Drovers Road, East Mains Industrial Estates, Broxburn - Proposed Assignment and Extension of Lease to TOM Vehicle Rental Limited - Report by Head of Finance and Property Services (herewith)
12. 2016-17 General Fund Revenue Budget - Month 4 Monitoring Report - Report by Head of Finance and Property Services (herewith)
13. 2016-17 General Services Capital Budget - Month 4 Monitoring Report - Report by Head of Finance and Property Services (herewith)
14. Call for Evidence - A Scottish Approach to Taxation - Report by Head of Finance and Property Services (herewith)
15. Call for Evidence on the Council Tax (substitution of proportion) (Scotland) Order 2016 - Report by the Head of Finance and Property Services (herewith)
16. Consultation Response to Child Poverty Bill for Scotland - Report by Head of Finance and Property Services (herewith)
17. 2016-17 Housing Revenue Account - Month 4 Monitoring - Report by Depute Chief Executive (herewith)
18. 2016-17 Housing Capital Report - Month 4 Monitoring Report - Report by Depute Chief Executive (herewith)

Public Items for Information

19. St John's Hospital Stakeholder Group - Report by Depute Chief Executive (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 30 AUGUST 2016.

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

Apologies – Councillor Jim Dixon

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 8 (Strategic Development Plan 2 & Budget Ratification) – Councillor Muldoon declared a non-financial interest in that she was a council appointed member of SESPlan and SESTran;
- 2) Agenda Item 6 (Call for Evidence on Child and Adolescent Mental Health Services) – Councillor Peter Johnston declared a non-financial interest arising from his position as a non-executive director of NHS Lothian for which a specific exclusion applied. Councillor Johnston also declared an interest as COSLA's spokesperson for the Health and Wellbeing Strategic Group;
- 3) Agenda Item 6 (Call for Evidence on Child and Adolescent Mental Health Services) – Councillor Danny Logue declared a non-financial interest in that he was an NHS Lothian Employee; and
- 4) Agenda Item 10 (Towards a Community Development Finance Institution) – Councillor Angela Moohan declared a non-financial interest in that she was a member of the Credit Union.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 2 August 2016. The Minute was thereafter signed by the Chair.

3. REPORT ON RESPITE PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH A DISABILITY

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy concerning the future provision of respite for disabled children in West Lothian.

The report recalled that West Lothian Council provided social work services via the Child Disability Service (CDS) and was currently working with 180 children/young people. There were increasing numbers of children on the autism spectrum and children who had a combined diagnosis of learning disability, autism and significant challenging

behaviour.

A wide range of support was currently offered to meet the assessed needs of children and their families. Primarily this resulted in CDS providing a break from caring to the parent/family and offering support to access appropriate social opportunities for the child. The break from caring was offered in a variety of ways including a sitting service, activity breaks, holiday activities, weekend short breaks and overnight respite.

Whilst CDS had actively sought to utilise the support/services available locally and work with families on a planned basis, the service continued to see an increase in the number of children and families presenting in crisis. In the majority of these cases the lack of locally available, flexible support had contributed to the deterioration in the situation for the child/family resulting in the need to significantly increase the package of support or the child being accommodated. Additionally an increase on the impact of siblings' mental health and wellbeing had been highlighted, particularly for those where the disabled sibling had significant challenging behaviour.

The current service was delivered within a two bedded building based at the Strathbrock Family Unit site in Broxburn. While this service had enabled a significant increase in the number of children accessing overnights it had not been appropriate for all children and there was an increasing demand for this type of service which could not be met within the existing provision. There had also been a shift with parents now choosing alternative provision via the Self-Directed Support Framework, which allowed people who were eligible for support to make informed choices about what their support looked like and how it was delivered.

The report continued to advise, that in future, access to overnight respite provision was key to reducing the risk of having to provide more expensive interventions or children becoming accommodated. Therefore based on the average use of existing services, use of external placements for both overnight respite/emergency placements and the need for increased outreach it was projected the following services would be required :-

- Overnights – flexible provision and a number available to meet identified needs; and
- Outreach – flexible approach which supported the development of a tiered intervention approach as part of the provision in order to target those at risk of a family breakdown, required intensive intervention and to respond to families in crisis.

An options analysis and the associated risks had been undertaken and it had been agreed that the most appropriate way forward to ensure flexibility of service would be for West Lothian Council to deliver the service internally.

The report concluded that West Lothian Council taking responsibility for developing the provision in house brought its own risks and limitations, however the benefits to this being part of a wider tiered intervention model

of support could significantly improve the outcomes for children as well as improving the quality and quantity of support.

It was recommended that the Council Executive considers the information in relation to the future provision of respite to disabled children in West Lothian and agree the implementation of the model which would bring the provision in house.

Decision

To approve the terms of the report

4. SCOTTISH PARLIAMENT'S HEALTH AND SPORT COMMITTEE - CALL FOR WRITTEN EVIDENCE ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES AND THE MENTAL HEALTH STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for a response to be submitted to the Scottish Parliament's Health and Sport Committee call for written evidence on Child and Adolescent Mental Health Services and the Mental Health Strategy.

The Head of Social Policy explained that on 8 July 2016 the Scottish Parliament's Health and Sport Committee had launched a call for written evidence from all interested parties on Child and Adolescent Mental Health Services and the Mental Health Strategy.

This inquiry was seeking to understand the barriers to accessing children's mental health services and why significant variations in waiting times and accessing treatment continued to occur across Scotland.

The report provided a brief overview of the manner in which the Child and Adolescent Mental Health Service (CAMHS) operated and some of the difficulties in meeting demand that the service had encountered.

Attached to the report at Appendix 1 was the proposed response and the Council Executive was invited to consider the draft response for submission to the Scottish Parliament's Health and Sport Committee.

Decision

- 1) To approve the terms of the report; and
- 2) To agree the terms of the motion as follows :-

“At item 3 of the response add a bullet point below

The Scottish Government should launch an urgent review of the over 7000 rejected referrals to the CAMHS service since December 2014 to ensure no child or young person in Scotland is missing out on treatment they should be receiving”.

5. EDINBURGH AIRPORT "LETS GO FURTHER" CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a consultation on potential future flightpath changes and to seek approval for the proposed consultation response, a copy of which was attached to the report.

The Council Executive was advised that in June 2016 Edinburgh Airport launched "Let's Go Further", its airspace change programme. The stated aim was to examine the potential impact of altering flightpaths *"to allow for maximum operational benefits and to minimise community impact"*. Following these initial activities the airport had now embarked on a two phase public engagement and consultation process :-

- Phase 1 aimed to gather views from communities involved; and
- Following feedback on local sensitivities gathered at Phase 1, Phase 2 would consult in detail over specific flightpaths developed within each of the "envelopes".

The report then provided an overview of Phase 1 of the consultation detailing the specific question being posed and the proposed response noting that the objective of Phase 1 was to gather feedback from stakeholders on the broad design "envelopes" to inform the design of all Edinburgh Airport departure and arrival routes up to 7,000ft.

In responding to the consultation question, *"What local factors should be taken into account when determining the position of the route within the design envelope given the potential impacts, and why?"* the following matters were considered :-

- The wishes of the community
- Established routes and impact of changes on those not currently subject to aircraft noise
- Overflight noise impact on general community
- Overflight noise impact on specific communities/establishments
- Location of existing settlements/population density
- Planned location of future settlements
- Times of flights and frequency

Notwithstanding the potential for Edinburgh Airport to discount responses out with the immediate scope of the consultation a number of other matters relating to noise were also highlighted in the consultation response.

Whilst concerns over noise existed it was also to be recognised that the

proximity of Edinburgh Airport provided an economic benefit to West Lothian allowing for easy connectivity to new markets and providing a benefit to the people and businesses of West Lothian. This also included the potential long-term benefits for the Scottish labour market by enabling West Lothian to retain senior executive talent that could otherwise migrate elsewhere.

The report concluded that Edinburgh Airport wished to revise its arrival and departure routes to make use of new technology and to increase capacity which in turn would allow for increased flight numbers. West Lothian did benefit from the proximity of Edinburgh Airport making it a more attractive place from which to do business however West Lothian residents had raised concerns during the trial change of flightpath which demonstrated significant negative impact for many residents.

It was recommended that the Council Executive :-

1. Note the content of the report and the accompanying proposed consultation response; and
2. Approve the proposed consultation response

Decision

To approve the terms of the report

6. STRATEGIC DEVELOPMENT PLAN 2 AND BUDGET RATIFICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the preparation of the Strategic Development Plan 2 (SDP2) which had been prepared by the SESPlan Joint Committee and now required endorsement by each of the constituent council's before consultation could commence.

The report also advised of the need to ratify SEPlan's 2016-17 operating budget following its approval by the SESPlan Joint Committee on 14 December 2015.

Attached to the report at Appendix 1 was the SDP2 which had been approved by the SESPlan Joint Committee on 20 June 2016. SDP2 covered a twenty year period from 2018-2038 and set out the spatial strategy which would direct growth corridors, principally transport corridors, which were already subject to development as set out in SDP1. SDP2 would also develop the spatial strategy under key themes of a place to do business, a place for communities and a better connected place and would also set out a vision for the area.

A number of supporting documents sat alongside the SDP2 and included the Housing Background paper, Transport Appraisal, Green Network, an Action Plan, Environmental Reports & Habitats Regulation Appraisal and an Equalities and Human Rights Impact Assessment. The report also provided details of the timeline for progressing the SDP2 noting that once

approval had been provided by each of the constituent council's it would be published for consultation in late summer 2016.

Also attached to the report at Appendix 2 was the SESPlan operating budget for 2016-17 which had been approved by the SESPlan Joint Committee. This too required ratification by the six member authorities.

Each council's contribution for 2016-17 was £46,550. This represented no change on budget contributions for 2015-16 and the Joint Committee had agreed to maintain this contribution over the next three years. The council's contribution to the SESPlan Operating Budget was provided for through the General Services Revenue Fund.

It was recommended that Council Executive notes and approves the following recommendations:-

1. Ratifies the decision of the SESPlan Joint Committee of 20 June 2016 to publish SDP2 Proposed Plan for public consultation;
2. Note the terms of the Environmental Report prepared in support of the SDP2 Proposed Plan;
3. Note the terms of the Equalities and Human Rights Impact Assessment prepared in support of SDP2 Proposed Plan;
4. Note the terms of the draft Action Programme prepared in support of SDP2 Proposed Plan;
5. Note the terms of the background papers prepared in support of SDP2 Proposed Plan;
6. Note the proposals for engagement and consultation on SDP2 Proposed Plan;
7. Note that minor editorial changes of a non-policy nature to the SDP2 Proposed Plan and the supporting documents were delegated to the SDP Manager in consultation with the SESPlan Chair; and
8. To ratify SESPlan's 2016-17 operating budget and approve the payment of £46,550 as the council's contribution.

Decision

To approve the terms of the report

7. CONSULTATION ON THE SCOTTISH GOVERNMENT RESPONSE TO THE UK APPRENTICESHIP LEVY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking agreement to submit a response to the Scottish Government in relation to the options for the use of the Apprentice Levy

funding that was being transferred to the Scottish Government.

The report recalled that in July 2015 the UK Government announced its plans to introduce a UK wide Apprenticeship Levy from April 2017. Employers would pay 0.5% of their annual pay bill in excess of £3m through the PAYE system. Those with an annual pay bill of £3m or less would be exempt. The Levy would apply to employers in the public, private and third sectors.

It was estimated that West Lothian Council would pay £1.2m per year in levy.

The UK Government had stated that it would use the funding generated through the levy to support its commitment to deliver apprenticeships in England during the lifetime of the current UK Parliament and would allocate a share to the Scottish Government through the existing Barnett arrangements.

The consultation was asking for the views on options for the use of the Apprenticeship Levy funding that the Scottish Government would receive.

The consultation document consisted of six questions and a response to each had been drafted with input from a range of services and was attached to the report.

The draft submission supported, in principle, the areas of provision that the Scottish Government had proposed to support with the levy. The response also highlighted the fact that the levy would add pressure to the current council budget.

The report concluded that the Apprentice Levy would have a significant impact on West Lothian Council and it was critical that the use of the levy, by the Scottish Government, was done in a way to support the current local employability provision and at no additional cost to the council.

It was recommended that the Council Executive agree to submit the response to the Scottish Government's consultation on the UK Apprenticeship Levy as detailed in Appendix 2 attached to the report and summarised in section D.3 of the report.

Decision

To approve the terms of the report

8. TOWARDS A COMMUNITY DEVELOPMENT FINANCE INSTITUTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the findings of research undertaken on financial exclusion and to set out proposed actions in relation to the creation of a Community Development Finance Institution (CDFI) in West Lothian.

The report recalled that as agreed by Council Executive in October 2014

and as part of the proposals to promote financial inclusion in West Lothian, a detailed Community Development Finance Initiative (CDFI) feasibility study was carried out in conjunction with Fife Council and Falkirk Council. A CDFI offered affordable loans and budgeting advice and helped people access other financial services, such as savings and bank accounts.

The three local authorities came together to explore the option of establishing CDFI arrangements through a shared interest in extending the range of financial inclusion services. After a tendering exercise the contract for the feasibility study was awarded to consultancy firm IS4. The final version of the feasibility study provided in summer 2015 confirmed that there was a strong case for intervention via a CDFI and that the options to develop an in-house solution or expand credit unions were not a viable means of delivering the objectives of the project.

The feasibility study also recommended that a business case be completed which would review in more detail the costs associated with each delivery option and recommend a preferred supplier. Fife Council would lead on the business case. The study also found working alongside existing CDFI providers such as Scotcash, based in Glasgow or Moneyline, based in Lancashire would be the best option.

The report continued by providing further details on the case for a CDFI and how it would help those from low income households, the challenges arising from welfare reform and assisting with the barriers to borrowing from standard lenders.

It was to be noted that no agreement was being sought on the commitment of funding for the CDFI at this stage however it was important to recognise that there would be some pump priming resources required in setting up a CDFI and which would cover running costs in the early years of establishment and would also include capital costs to act as its lending resource.

The figures being used were based on costs estimates provided by the IS4 consultation and these were summarised in the report. The West Lothian, Fife and Falkirk model was therefore based on four outlets (two of which would be in Fife) with an initial aspiration of making 2,516 loans per annum at an average value of £464 across the three areas.

It was also proposed that the contract for the CDFI provider would last for an initial three years with the option of a two year extension. After this it was anticipated the CDFI would be self-sustaining and ongoing local government support would no longer be required.

The next steps in the process were to obtain confirmed costs and to provide more detail on the delivery model a tendering exercise would be required to be completed. It was intended that the procurement process would be led by Fife Council in collaboration with procurement services in West Lothian and Falkirk Councils and would focus on the service requirements that had been agreed by the three councils. If approval was provided then it was anticipated that the tender would be issued in

September 2016 and the tender awarded in December 2016. The CDFI would then be launched in early Spring 2017.

It was recommended that Council Executive :-

1. Note the approach taken to investigating the benefits of implementing a CDFI;
2. Agree to progress to a tendering exercise for the procurement of a CDFI service for West Lothian; and
3. Agree that a report on the outcome of the tendering exercise be presented to the Council Executive.

Decision

To approve the terms of the report.

9. SCOTTISH GOVERNMENT CONSULTATION ON MODERNISING THE WATER INDUSTRY'S USE OF RATEABLE VALUE TO CHARGE NON-HOUSEHOLDS FOR WATER AND SEWERAGE SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of a Scottish Government consultation on the future use of updated rateable values for charging non-domestic customers for water and sewerage services.

The report explained that water industry charges for some premises in Scotland were based on the most recently assigned rateable value. However, for many the charges were based on an historic rateable value – in some cases dating back to 1995. These values could be higher or lower than the value most recently assigned by the Assessor. The inconsistency of charging had been addressed in the Principles of Charging of Water Services 2015-21, issued in October 2014. This confirmed that the Scottish Government would require, from a date specified by Ministers, that water industry charges which were based on rateable values must be based on those most recently assigned by the Assessor.

The Council Executive noted that the consultation was in the form of a questionnaire consisting of five questions. A completed copy of the consultation was attached at Appendix 1. As Ministers had already made it clear that it was their intention to move to a system of charging on the most recent rateable value, the questionnaire focused on the dates of implementation and the length of any transitional period.

It was recommended that Council Executive :-

1. Note the proposed response to the consultation attached to the report at Appendix 1; and
2. Approve the proposed response for submission to the Scottish

Government.

Decision

To approve the terms of the report

10. PUMPHERSTON JUNIOR FOOTBALL CLUB

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for granting a 25 year lease to Pumpherston Junior Football Club.

The report recalled that at its meeting on 30 June 2015 Council Executive approved a report on modernising leases at less than market rental. The report outlined proposed new arrangements for the lease of assets to voluntary and community groups that both complied with recent legislation and maintained the ability of these groups to enjoy concessionary rentals. The report also agreed to delegate powers to the Head of Finance and Property Services to offer new leases of up to ten years, or for the unexpired term of existing leases longer than ten years.

The implementation of the new arrangements had been progressing incrementally. However in discussions with some groups it had become apparent that a longer lease would be of interest. In particular, Pumpherston Juniors had asked for a lease of 25 years.

The club had indicated that they were intending to seek external funding for the maintenance and improvement of facilities and that a lease of 25 years would provide added security that would meet the requirements of funding bodies.

The Head of Finance and Property Services continued to advise that the ground at Pumpherston was unlikely to be considered for alternative use by the council and a long lease would not significantly inhibit the council's future options for the area. The lease would be at an initial rental of £1,000 per annum subject to review at five yearly intervals. However, in accordance with Council Executive instructions, it would include a community benefit clause that would allow Pumpherston Juniors to secure a discount on the rent due if they could prove that they delivered a community benefit as a result of their activities.

It was recommended that Council Executive agree to the lease of the football ground at Pumpherston to Pumpherston Juniors for a period of 25 years and delegate powers to the Head of Finance and Property Services to conclude the lease.

Decision

- 1) To approve the terms of the report; and
- 2) To agree that the Head of Finance and Property Services would clarify with local ward members if the lease with the football club

allowed for sub-leases.

11. PROPOSED ARMADALE PARTNERSHIP CENTRE

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Property Services and the Head of Housing, Building and Customer Services providing an update on progress made with the community consultation in Armadale for the development of a Partnership Centre in the town.

The report recalled that over the last ten years West Lothian Council had worked with a range of partners to develop partnership centres in Bathgate, Broxburn and Fauldhouse. Construction work was also well underway to create partnership centres in Blackburn and Linlithgow.

The Council Executive in May 2015 considered a report about the development of a partnership centre in Armadale. The report proposed that to facilitate the wide ranging consultation, a community engagement group would be established with invitations extended to representatives from the Community Council, Community Education Centre Management Committee, sports clubs and local community groups together with council services. The group would engage with the project team and support the development of the proposals from design through to construction and completion.

Over the course of a number of meetings, since the Council Executive decision in May 2015, the group had considered a number of options and condensed these into one preferred option that was shared with the wider Armadale community. A detailed community engagement plan was formulated and implemented during May and June 2016.

Over a period of six weeks during May and June 2016 576 people completed a survey postcard or online survey. The consultation team ensured that a broad mix of people was targeted to gather their views and in particular an effort was made to gather the views of young people. The full results of the engagement activity were attached to the report at Appendix 1.

The outcome of the extensive community engagement confirmed the preferred option which would see council services co-located at the existing community centre, with an extension and internal alteration proposal to accommodate early years, further meeting space and greater flexibility of use. Additionally CIS Services and Housing Services would also be located here.

The second aspect of the development would involve the building at the Cross which would see a new youth space developed on the ground floor of the building. The use of the first floor remained under review with the community and council services. The community centre management committee had expressed an interest in managing this area with the option of leasing or asset transferring the whole building. It was to be noted however that the development of this building was subject to

securing external funding and an initial funding bid had been made. The proposed plan was attached to the report at Appendix 2.

Subject to Council Executive approval the next steps would be to engage architects, quantity surveyors and other technical advisers to finalise plans and submit a planning application. The planning application would take cognisance of issues that had been raised at meetings of the Local Area Committee including parking and pedestrian crossings on North Street.

The report concluded that West Lothian had a good track record of creating partnership centres that delivered positive benefits for the communities in which they were based and the opportunity to re-invigorate the community centre whilst delivering a modern focused service in Armadale would add to the vibrancy of the town centre.

It was recommended that Council Executive :-

1. Note the outcomes of the successful community engagement activity which supported the development proposals;
2. Note that initial plans and costs had been developed and consulted upon with the community;
3. Agree the development of a Partnership Centre in Armadale which would be delivered through the alteration and extension of the existing Community Centre;
4. Agree that finalised plans and costs were progressed and statutory applications made;
5. Agree that further work would be undertaken to develop the youth space project in the council building at the Cross in Armadale which would be dependent on securing external funding; and
6. Agree that any opportunities to secure additional external funding to support the overall programme would be pursued.

Decision

To approve the terms of the report

12. COSLA AND IMPROVEMENT SERVICE ANNUAL CONFERENCE 2016

The Council Executive considered and agreed attendance to the following attendance :-

COSLA and Improvement Service	Attendance by 3 members of the
Annual Conference & Exhibition	Administration and 2 members of
2016	the Opposition

13. CODE OF CORPORATE GOVERNANCE - ANNUAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager providing the outcome of the annual review of the council's compliance with its Code of Corporate Governance.

The council in June 2010 adopted a revised Code based on a new framework, *Delivering Good Governance in Local Government*, produced by CIPFA/SOLACE. The Code was built around six over-arching principles of good governance for councils and beneath these principles there were further sub-divisions in a hierarchy, at the bottom of which sat specific standards against which compliance with the Code could be measured.

Each year a report was brought to Council Executive to provide assurance in relation to the extent of compliance with the Code, to provide information about steps taken to address areas of concern identified in the past and to identify areas of concern requiring future attention. As well as consideration by Council Executive the report would also be considered by the Audit & Governance Committee and the Governance & Risk Board, details of which were summarised in the report.

The report then provided a summary of the evidence of compliance for 2015-16 and included details of individual statements of compliance and issues addressed during 2015-16. Also attached to the report was a series of appendices which provided further information on compliance with the Corporate Code of Governance.

Council Executive was asked :-

1. To note that the information provided in relation to compliance with the Code in 2015-16 and related issues concerning corporate governance;
2. To note that the standards of the Code had continued to be substantially met in 2015-16; and
3. To note that the report would be referred to the Audit and Governance Committee for consideration in accordance with established procedures.

Decision

To note the contents of the report

14. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minutes of St John's Hospital Stakeholder Group meetings held on 30 March, 20 April, 18 May and 15 June 2016, copies of which were attached to the report.

Decision

To note the contents of the report

15. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Education and Planning Services, inviting the Council Executive to note the terms of the Minutes of the Community Planning Partnership Board meetings held on 17 August 2015, 16 November 2015 and 15 February 2016, copies of which were attached to the report.

Decision

To note the contents of the report

16. AUDIT OF VOLUNTARY SECTOR GATEWAY WEST Lothian

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the outcome of the internal audit of the Voluntary Sector Gateway West Lothian.

The report recalled that on 12 January 2016 West Lothian Council approved a motion in relation to the Voluntary Sector Gateway West Lothian (VSGWL) which included an instruction to the Chief Executive to *“deploy the council’s Internal Audit Service to work with the new Board to ensure that all sums previously allocated to VSGWL were properly spent and accounted for”*.

The resultant audit report was attached to the report at Appendix 1. The main findings were summarised in paragraph 1.8 of the executive summary and in Section three of the report. The detailed audit findings were set out in Section 4 and Section 6 contained a response from the current Board of VSGWL. A completed Action Plan was also included.

It was recommended that the Council Executive notes the outcomes of the audit as detailed in the audit report.

Decision

To note the contents of the report

17. PRIVATE SESSION

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

paragraph 6 of Schedule 7A of the Act.

18. AUDIT OF VOLUNTARY SECTOR GATEWAY WEST LoTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing details of the severance terms for the post of Chief Executive at the Voluntary Sector Gateway West Lothian (VSGWL). This was a companion report to one that had been considered earlier by the Council Executive and which concerned an audit that had been carried out by the council's Internal Audit Service

The report provided details of the contract of employment for the post of Chief Executive for the VSGWL and details of the payment made on exit to the then Chief Executive.

It was recommended that that the Council Executive note the contents of the report.

Decision

To note the contents of the report



COUNCIL EXECUTIVE

WEST LOTHIAN INTEGRATION JOINT BOARD

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To advise the Council Executive of the resignation of Councillor Frank Toner as Chair of the West Lothian Integration Joint Board (IJB) and to invite the Committee to appoint a replacement.

B. RECOMMENDATION

It is recommended that the Council Executive notes Councillor Toner's resignation from the position of Chair of the IJB and appoints a replacement.

C. SUMMARY OF IMPLICATIONS

I	Council Values	- Focusing on our customers' needs; - being honest, open and accountable; - working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Compliance with Public Bodies (Joint Working) (Scotland) Act 2014 and associated regulations.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Supports the delivery of high level performance indicators.
V	Relevance to Single Outcome Agreement	Supports the delivery of local and national health and wellbeing outcomes.
VI	Resources - (Financial, Staffing and Property)	Within existing resources.
VII	Consideration at PDSP	None required.
VIII	Other consultations	None required.

D. TERMS OF REPORT

At the meeting of 24 March 2015 Council Executive approved the Integration Scheme for submission to the Scottish Government in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

On 28 April 2015 Council Executive agreed to appoint four representatives to the IJB and agreed that, of these, Councillor Frank Toner would be the first Chair of the IJB.

The Chair holds office from 21 September 2015 for two years, and will remain as a member and Vice-Chair for a further year. As such, the council shall retain Chairmanship of the IJB until September 2017.

Councillor Toner has written to the Chief Executive informing him of his decision to resign as Chair of the IJB.

It is recommended that Council Executive notes Councillor Toner's resignation and considers the vacancy which has arisen as a result.

E. CONCLUSION

Following the resignation of Councillor Toner as Chair of the IJB, it is recommended that the Council Executive considers the vacancy which has arisen.

F. BACKGROUND REFERENCES

Public Bodies (Joint Working) (Scotland) Act 2014

Council Executive, 24 March 2015

West Lothian Integration Scheme

Council Executive, 28 April 2015

Appendices/Attachments: None

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Graham Hope
Chief Executive

Date of meeting: 20 September 2016



COUNCIL EXECUTIVE

HEADS OF SERVICE – EDUCATION SERVICES – RESPONSIBILITIES AND GOVERNANCE ARRANGEMENTS

REPORT BY DEPUTE CHIEF EXECUTIVE (PLANNING AND EDUCATION SERVICES)

A. PURPOSE OF REPORT

To inform the Council Executive of the realignment of the responsibilities of the Heads of Service within Education Services, and governance arrangements within the service.

B. RECOMMENDATION

To recommend to the Council Executive that it:-

- 1) Agrees to the realignment of the responsibilities of the Heads of Service within Education Services as set out in appendix 1 to this report;
- 2) Notes that, if agreed, Ms Donna McMaster will undertake the role of Head of Education (Curriculum, Quality Improvement and Performance) and that Mr James Cameron will undertake the roll of Head of Education (Learning, Policy and Resources);

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Providing greater clarity and focus to the remits of the two Heads of Service within Education Services will ensure effective and efficient implementation of the council's statutory responsibilities, and council policy.
III Implications for Scheme of Delegations to Officers	The proposed changes would alter the current Scheme of Delegation to Officers. The Scheme of Delegation will be updated to reflect the revised division of responsibilities and duties.
IV Impact on performance and performance Indicators	The proposed changes are intended to create a sharper focus on raising performance across the service

V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed. We are better educated and have access to increased and better quality learning and employment opportunities.
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	No
VIII	Other consultations	None

D. TERMS OF REPORT

Education Services currently has two heads of service who share responsibility for the discharge of the council's statutory responsibilities in relation to education, and the implementation of the council's corporate and education policies. At present responsibility for primary and secondary schools is split between the two heads of service, as it responsibility for the services which support and enable effective education.

The adoption and implementation of the Attainment Strategy, which provides clear strategic direction for the service, presented an opportunity to review governance arrangements within the service, with a view to ensuring that these arrangements facilitate the successful implementation of the strategy.

Recent national developments, in particular the development and implementation of a National Improvement Framework, the increasing importance given to securing positive destinations for school leavers and for Developing the Young Workforce, the implementation of Getting it Right for Every Child, and the expansion of Early Learning and Childcare also necessitated consideration of how the governance of the service could best support successful implementation of these initiatives.

Taken together, these drivers have prompted a review of the allocation of responsibilities and duties within the service to ensure a sharp focus on raising attainment in schools, the delivery of improvement, and the implementation of programmes such as Developing the Young Workforce, GIRFEC and the expansion of early learning and childcare.

The traditional sectoral split with one head of service taking responsibility for primary education, and the functions relating to that sector, and the other taking similar responsibility for the secondary sector is not deemed to be appropriate for the delivery of key council and service outcomes. The proposed split of responsibilities is therefore functional rather than sectoral, increasing clarity of the responsibility for key outcomes across the service, and for each of the functions within the service.

Acting under delegated powers, the Chief Executive has agreed the following division of duties, and allocation of duties and responsibilities to the two heads of service within Education Services.

The Head of Education (Curriculum, Quality Improvement and Performance) will take responsibility for and focus on raising attainment, improving the quality of education, and delivering the 3-18 curriculum in early learning and childcare and primary and secondary schools.

The Head of Education (Learning, Policy and Resources) will take responsibility for and focus on the range of services which contribute to developing the young workforce and therefore increasing the percentage of pupils progressing to positive destinations, additional support needs, the planning and financial drivers which contribute to the efficiency of the service, the support services which contribute to the effectiveness of the service, community learning and development for adults and young people, and school and community cultural and sporting services.

A summary of the revised responsibilities and governance arrangements is attached as Appendix 1. The Scheme of Delegation will be updated to reflect the revised division of responsibilities and duties.

Ms Donna McMaster will undertake the role of Head of Education (Curriculum, Quality Improvement and Performance) and Mr James Cameron will undertake the roll of Head of Education (Learning, Policy and Resources).

These changes will take effect from 1 October 2016.

E. CONCLUSION

The proposed realignment of responsibilities and duties will increase focus on the delivery of key outcomes, and the efficiency and effectiveness of the service.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: 1. Summary of Revised Responsibilities and Governance Arrangements

Contact Person: Andrew Sneddon, Service Manager – Policy and Performance

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*Elaine Cook,
Depute Chief Executive*

Date of meeting: 20 September 2016

APPENDIX 1 – Summary of Proposed Revised Scheme of Delegation to Officers and Governance Arrangements

HEAD OF EDUCATION (CURRICULUM, QUALITY IMPROVEMENT AND PERFORMANCE)

Education Quality Assurance Committee (Lead Officer)

Planning, delivering and reviewing the 3-18 Curriculum in mainstream early learning, primary and secondary schools

Ensuring the quality of early learning, primary and secondary schools

Supporting early learning, primary and secondary schools to improve their performance

Maintaining teacher numbers

Providing a child protection service for schools and other educational services and establishments

Delivering and reviewing the councils responsibilities in relation to the provision of Gaelic medium education

Delivering and reviewing the Parental Engagement Framework

Supporting the election, operation and training of school representative bodies

Delivering and reviewing the Home Education Policy

Delivering and reviewing the School Excursion Policy (including in particular the power to make minor administrative changes to the policy)

HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)

Community and Leisure PDSP (Lead Officer)

Providing an additional support needs and educational psychology service to ensure the inclusion and well-being of early learning, primary and secondary pupils

Planning, delivering and reviewing the 3-18 Curriculum in additional support needs early learning, primary and secondary provision

Planning, delivering and reviewing services to implement Getting it Right for Every Child (GIRFEC) in partnership with the Head of Social Policy.

Planning and providing early learning and childcare, including wraparound care and out-of-school care

Delivering and reviewing the council's responsibilities for Developing the Young Workforce

Providing an ICT Service to support learning and teaching

Providing a strategic resources service for education, including planning, instructing and monitoring the improvement of school and pre-school infrastructure and environment

Providing a business management service to schools.

Providing financial planning and management for schools and other educational services and establishments, including setting schools devolved budgets.

Admitting pupils to schools and pre-school establishments and transferring pupils between primary and secondary schools

Providing policy advice for schools and other educational services and establishments,

Providing education maintenance allowances, free school meals, and school clothing grants in support of the Council's Anti-Poverty Strategy

Consulting on and setting school term dates

Providing a school instrumental music service

Providing community sporting activities including managing and co-ordinating funding support for such facilities

Providing school sporting activities, including the Active Schools Programme

Providing a community arts service including managing and co-ordinating funding support for community arts

Providing a community learning and development service for adults and young people



COUNCIL EXECUTIVE

PROPOSED POLICY ON THE APPLICATION OF HOURLY RATES FOR THE PURCHASE OF REGISTERED AGENCY SERVICES UNDER SELF-DIRECTED SUPPORT (SDS): OPTION 2

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to:

- Provide the Council Executive with an overview of the proposed policy on the application of hourly rates for the purchase of registered services under Self-directed Support (SDS): Option 2 within adults and older people's services
- To seek Council Executive approval to implement the proposed policy

B. RECOMMENDATION

It is recommended that the Council Executive:

- Notes the contents of the proposed policy on the application of hourly rates for the purchase of registered services under SDS: Option 2 within adults and older people's services
- Approves the implementation of the proposed policy

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Providing equality of opportunities• Developing employees• Making best use of our resources• Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Compliance with the Social Care (Self-directed Support) (Scotland) Act 2013 which came into effect on 1 April 2014
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None at this time
V Relevance to Single Outcome Agreement	Older people are able to live independently in the community with an improved quality of life.

We live longer, healthier lives and have reduced health inequalities

VI Resources - (Financial, Staffing and Property)

The council care budgets which relate to Self-directed Support eligible care and support have been identified for adults and older people's services. Based on these available budgets, a Resource Allocation Model was developed for Community Care Services as a means of fairly allocating resources to service users. This policy is designed to support the equitable allocation of resources irrespective of the SDS option chosen by the service user.

VII Consideration at PDSP

This draft policy was considered at Social Policy PDSP on 1st September, 2016. The panel supported the key principles of the proposed policy and agreed that the report be forwarded to an appropriate meeting of the Council Executive for consideration.

VIII Other consultations

The West Lothian Self-directed Support Steering Group which includes representatives from corporate finance and corporate procurement as well as Senior Managers

D. TERMS OF REPORT

D.1 Self-directed Support – Social Care (Self-directed Support) (Scotland) Act 2013

The Social Care (Self-directed Support) (Scotland) Act 2013 (the Act) came into effect on 1 April 2014. The Act makes legislative provisions relating to the arranging of care and support in order to provide a range of choices to individuals as to how they are to be provided with their support. The Act introduces the terminology of Self-directed Support (SDS) into statute and places a range of legal duties on local authorities.

The statutory duties within the Act include giving people assessed as eligible for support the choice of the SDS options; enabling people to make informed choices by explaining the nature and effect of the SDS options and making information and advice available and ensuring people have an appropriate level of assistance to make an informed choice of SDS option.

The four SDS options are:

Option 1 – Direct Payment – a cash payment for the provision of support

Option 2 – Individual Budget – the person selects their support and the council makes the arrangements

Option 3 – Council arranged support – the council selects and arranges the support

Option 4 – A combination of the above – the person selects different options for each type of support

D.2 Self-directed Support: Option 2

This report is in relation to Self-directed Support: Option 2 only.

SDS: Option 2 allows a person assessed as eligible for support to meet their needs and outcomes to select the service or support that they wish to receive and to ask the local authority to then make the relevant administrative arrangements on their behalf. The statutory guidance accompanying the Act states that the purpose of Option 2 is:

'...to facilitate greater choice and control, making it easier for people to choose the provider of their choice...The authority should take as flexible an approach as possible to Option 2...'

D.3 The Purchase of Registered Agency Services under SDS: Option 2 for Adults and Older People – West Lothian Policy on the Application of Hourly Rates

The proposed policy which is the subject of this report relates to only one aspect of arranging support on behalf of people under SDS: Option 2, namely, the purchase of registered care agency services and the application of hourly rates for this.

In line with the Act, the council cannot routinely exclude or endorse particular providers under SDS: Option 2, for example on the basis of pre-existing Framework Agreements or contracts. As long as the preferred provider is operating legally, safely and effectively, people can seek to select their preferred provider under SDS: Option 2.

The Act requires the council to advise the person of their support budget – this is called the 'relevant amount' and is defined as 'the amount that the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person'. It is important to note that this means the council must offer the person a level of funding which could reasonably be expected to be enough for them to arrange sufficient support to meet their eligible needs under SDS: Option 2 – it does not mean that SDS: Option 2 is a mechanism for the person to choose to arrange their level of support by any means irrespective of the cost.

D.4 Rationale for the West Lothian Policy on the Application of Hourly Rates

The proposed policy has been developed to promote the equitable allocation of resources across the range of SDS options and to assist officers with decision-making when collaborating on the support plan with people who have chosen SDS: Option 2.

A supported person will have been advised of their support budget and if they wish to use a registered provider, the hourly rate charged by the provider should be taken into account when developing their support plan and utilising their available budget.

In West Lothian, under SDS: Option 3 (council selected support), services delivered by registered providers are purchased at a range of set hourly rates under Framework Agreements – in the interests of equity, it is reasonable to expect that the range of hourly rates at which services are purchased under SDS: Option 2 should be broadly in line with these. This policy has been developed to reflect this position and provides guidance on maximum hourly rates for registered services and support arranged under SDS: Option 2 that would *ordinarily* be expected to be applied – these are based on the agreed rates for similar provision under current Framework Agreements.

D.5 West Lothian Policy on the Application of Hourly Rates – Guidance

The proposed policy includes a framework which provides guidance on the range of hourly rates for the purchase of services from registered providers and the type of services and support which it would be expected could be provided under each of these hourly rates. There are three hourly rates and these are defined as standard care and support; enhanced care and support and exceptional care and support – these definitions are in line with the definitions under SDS: Option 1 (Direct Payments) and the hourly rates will be in line with the rates for similar provision under current Framework Agreements under SDS: Option 3.

The proposed policy also provides guidance for officers in circumstances where the person wishes to either access a more costly provider by paying a top up from their own funds or to consider a reduced level of support to enable the payment of a higher hourly rate. The proposals also recognise that there may be occasions when the needs of a person require the services of a provider whose hourly rate is greater than those outlined in the policy and describes the action to be taken in relation to this.

The hourly rates linked to the three levels of support will be adjusted, if required, to maintain consistency with agreed hourly rates for standard care at home and community support and care under any current Framework Agreements.

E. CONCLUSION

The implementation of Self-directed Support and the provision of the range of options for support outlined in the Act have required significant changes in service delivery and, as new processes have been initiated, additional complexities have been identified.

The proposed policy on the application of hourly rates for the purchase of registered agency services under SDS: Option 2 seeks to support a consistency of approach to the delivery of Option 2 within a context of a range of SDS options; to address the need to promote the equitable allocation of resources regardless of the SDS option chosen by the person and to support council officers working in collaboration with supported people on their support plans.

F. BACKGROUND REFERENCES

Social Care (Self-directed Support) (Scotland) Act 2013

Statutory guidance to accompany the Social Care (Self-directed Support) (Scotland) Act 2013

Appendices/Attachments: Appendix 1 – (Draft) Policy on the application of hourly rates for the purchase of registered agency services under Self-directed Support (SDS) – Option 2

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Jane Kellock, Head of Social Policy (Interim)

Date of meeting: 20 September 2016

SELF-DIRECTED SUPPORT – OPTION 2

ADULTS AND OLDER PEOPLE’S SERVICES

**POLICY ON
THE APPLICATION OF HOURLY RATES FOR THE PURCHASE OF
REGISTERED AGENCY SERVICES
UNDER SELF-DIRECTED SUPPORT (SDS) – OPTION 2**

Date: September 2016
Version: Jill Derby

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1. Introduction

The Social Care (Self-directed Support) (Scotland) Act 2013 (the Act) came into effect on 1st April 2014. The Act makes legislative provisions relating to the arranging of care and support in order to provide a range of choices to individuals as to how they are to be provided with their support. The Act introduces the language and terminology of Self-directed Support (SDS) into statute and places a range of legal duties on local authorities.

2. Self-directed Support (SDS) – Definition

SDS is a term that describes the ways in which individuals and families can have informed choice about the way support is provided to them. The aim is to achieve better quality care and support and an improvement in the outcomes people achieve by giving them greater choice and control over how their support needs are met and by whom.

3. The Wider Legislative Framework

The Act has an impact on the following legislation in relation to adults and older people:

- Section 12A of the Social Work (Scotland) Act 1968 – duty to assess an adult's need for care and support
- Section 12AA of the Social Work (Scotland) Act 1968 – the basis for the assessment of carers

4. Background and Context

The Act places the following new legal duties on local authorities:

- The local authority must have regard to the principles of involvement, informed choice, collaboration, dignity and participation established by the Act when carrying out its functions
- A person must have as much involvement as they wish in the assessment of their needs for support or services and in the provision of their support or services
- A person must be provided with any assistance that is reasonably required to enable them to express any views about the SDS options and to make an informed choice when choosing an option for SDS
- The local authority must collaborate with the person in relation to the assessment of their needs for support or services and the provision of support or services
- Where a person has been assessed as eligible for services or support, the local authority must offer them the choice of the four SDS options for how the support or services will be provided and, in so doing, inform the person of the amount that is the relevant amount for each of the options for SDS from which the person has the opportunity to choose and the period to which the amount relates
- The local authority must explain the nature and effect of the four SDS options and 'signpost' to other sources of information and additional support (e.g. advocacy)

- The local authority must take reasonable steps to facilitate the general principles that the person's right to dignity is respected and their right to participate in the life of the community in which they live is respected
- The local authority must take steps to promote the availability of the SDS options
- In order to make available to supported people a wide range of support when choosing from the SDS options, the local authority must, in so far as is reasonably practicable, promote a variety of providers of support and the variety of support being provided

5. The four SDS Options

Option 1	The making of a Direct Payment by the local authority to the supported person for the provision of support
Option 2	The selection of support by the supported person, the making of arrangements for the provision of it by the local authority on behalf of the supported person and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of that provision
Option 3	The selection of support for the supported person by the local authority, the making of the arrangements for the provision of it by the authority and, where it is provided by someone other than the authority, the payment by the authority of the relevant amount in respect of the cost of that provision
Option 4	The selection by the supported person of Option 1, 2 or 3 for each type of support and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of the support

6. Self-directed Support – Option 2

SDS – Option 2 describes an arrangement where a person assessed as eligible for support to meet their needs and outcomes selects the support that they wish to receive and the local authority, or subsequently a provider acting under the person's direction, makes the relevant administrative arrangements on the person's behalf.

The statutory guidance to accompany the Act states that the purpose of Option 2

'...is to facilitate greater choice and control, making it easier for people to choose the provider of their choice, with the authority making arrangements on their behalf. The authority should take as flexible an approach as possible to Option 2.....'

The local authority is required to develop a flexible range of options under Option 2 and the statutory guidance makes it clear that

'...a 'service' should be interpreted as meaning any intervention which helps to make a positive difference to the person's assessed needs, delivered under the broad concept of social welfare.'

The local authority's arrangements should not

'...seek to exclude particular types of service provision or particular providers from the full range of supports available to the person. ...The authority ... should not seek to impose restrictions or limitations over and above any that are reasonably defined in the person's assessment or support plan.'

Option 2 arrangements are intended to provide additional choice and control beyond what would ordinarily be available under Option 3 ('arranged services').

7. The Purchase of Registered Agency Services Under SDS Option 2 for Adults and Older People – West Lothian Policy on the Application of Hourly Rates

a) Requirements under the Act

As outlined above, SDS Option 2 is designed to be as flexible and inclusive as possible in order to maximise supported people's choice and control over their support plan and how their assessed eligible needs and outcomes will be met.

This policy document relates to only one aspect of arranging support on behalf of supported people under SDS Option 2 – the purchase of registered care and support agency services and the application of hourly rates for this.

In line with the Act, West Lothian Council recognises that it can neither routinely exclude nor endorse particular providers under SDS Option 2, for example on the basis of the existence of Framework Agreements for the provision of agency services in relation to SDS Option 3. As long as the preferred provider is appropriately registered and meeting its registration requirements and the service provision to be delivered is legal, safe and effective, the supported person can seek to select this provider under SDS Option 2.

The local authority is required to inform the supported person of their relevant amount for SDS Option 2 and Section 4 (2) of the Act defines the relevant amount as 'the amount that the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person.' This means that the local authority must offer the person a level of funding which could reasonably be expected to be enough for them to arrange sufficient support to meet their eligible needs and outcomes under SDS Option 2 – it does not mean that SDS Option 2 is a mechanism for the person to choose to arrange their level of support by any means irrespective of the cost.

b) West Lothian Position

This policy has been developed to assist staff with decision-making when they are collaborating on the support plan with supported people who have chosen SDS Option 2.

As part of the support planning process, the supported person will have been advised of their Indicative Budget ('relevant amount'). If the supported person wishes to use a particular registered provider or providers for their care and support delivery, the hourly rate charged by the provider or providers should be

taken into consideration when developing the support plan and utilising the available budget.

In West Lothian under SDS Option 3, services and support delivered by registered providers are purchased at a range of hourly rates under Framework Agreements or contracts. In order to promote the equitable allocation of resources irrespective of the SDS option chosen, it is reasonable to expect that the range of hourly rates at which services and support are purchased under SDS Option 2 should be broadly in line with the range of hourly rates at which services and support are purchased under SDS Option 3. To reflect this position, the following guidance on maximum hourly rates for services and support would *ordinarily* be expected to be applied to services and support arranged under SDS Option 2. Hourly rates will be based on, and consistent with, the agreed rates for standard care at home and community support and care under current Framework Agreements.

c) Guidance on Hourly Rates

This section outlines:

- the range of hourly rates for the purchase of services and support from registered providers
- the type of services and support which it would be expected could be provided by registered providers under each of these hourly rates

i. Standard Care and Support

This level of care and support is sometimes referred to as 'mainstream care at home' and is for people whose eligible needs and outcomes show that they require support with non-complex care and tasks.

The type of care and support expected to be delivered under standard care.

Meeting personal care and support needs / supporting to keep well ('All About Me' Assessment Outcome – 'Meeting Personal Needs and Looking After Myself')	Support to maintain personal hygiene: <ul style="list-style-type: none"> ♦ Bathing / showering; hair washing; shaving; oral hygiene
	Support to meet toilet needs: <ul style="list-style-type: none"> ♦ Assistance to go to the toilet ♦ Catheter / stoma care ♦ Continence skin care ♦ Continence management – confirming availability of continence products / safe disposal of continence products ♦ Emptying / cleaning commodes and chemical toilets ♦ Incontinence laundry / bed changing
	Support to maintain tissue viability: <ul style="list-style-type: none"> ♦ Dry or fragile skin care
	Support with nail and foot care (unless the person has a condition which requires these to be undertaken by a medical practitioner, e.g. chiropodist, district nurse)
	Support with general health and wellbeing including: <ul style="list-style-type: none"> ♦ Monitoring dental health and promoting regular check ups ♦ Monitoring eye health / sight and promoting regular tests ♦ Monitoring hearing / promoting hearing tests and monitoring hearing aid use / regular battery checks ♦ Encouragement to meet / address health and wellbeing needs

Meeting personal care and support needs / supporting to keep well (cont.) (‘All About Me’ Assessment Outcome – ‘Meeting Personal Needs and Looking After Myself’)	Support to manage medication / health interventions including: <ul style="list-style-type: none"> ♦ Prompting / administration of prescribed medication and recording ♦ Application of external treatments: creams, dressings, etc. ♦ Application of ear and eye drops ♦ Oxygen therapy
	Support with food, diet and nutrition including: <ul style="list-style-type: none"> ♦ Assistance to prepare food / meals ♦ Assistance with different meal service provision ♦ Compliance with specialist dietary or nutritional needs / regimes (e.g. allergies, medical conditions) ♦ Assistance with eating and drinking ♦ Encouragement and motivation to eat and drink ♦ Preparation and storage of snacks, food and drinks for later consumption
Supporting people to stay safe / personal assistance (‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)	Support to mobilise including: <ul style="list-style-type: none"> ♦ Assistance with moving and transfers ♦ Use of equipment – aids and hoists, etc.
	Support to get up and to go to bed
	Support with dressing and undressing including: <ul style="list-style-type: none"> ♦ Assistance with appropriate indoor and outdoor clothing ♦ Assistance with prostheses, surgical appliances and mechanical and manual aids
	Support to maintain a safe environment including: <ul style="list-style-type: none"> ♦ Monitoring for falls risks (including use of stairs) ♦ Monitoring fire risks (including use of cooker and other appliances)
Running and maintaining a household (‘All About Me’ Assessment Outcome – Running and Maintaining the Household I am Living in)	Support to maintain kitchen and bathroom hygiene
	Support with laundry
	Support to identify routine maintenance requirements
Supporting decision making (‘All About Me’ Assessment Outcome – Making Decisions and Organising My Life)	Offering choices and seeking views and preferences
	Raising awareness of independent advocacy provision

ii. Enhanced Care and Support

This level of care and support is for people whose eligible needs and outcomes show that they require support with additional aspects of their lives or who have specific communication needs or complex support needs

The type of care and support expected to be delivered under enhanced care.

Meeting personal care and support needs / supporting to keep well ('All About Me' Assessment Outcome – 'Meeting Personal Needs and Looking After Myself')	As Standard Care and Support above plus: <ul style="list-style-type: none"> ♦ Support and encouragement to adopt and maintain a healthy lifestyle and to make choices and decisions which have a positive impact on health and wellbeing ♦ Support to access health services and other professional services, including dentists and opticians, in order to promote, maintain and enhance health and wellbeing ♦ Support to access routine health checks ♦ Monitoring of health and behaviour and maintaining a level of awareness which enables recognition of indicators of pain or ill health
Supporting people to stay safe / personal assistance ('All About Me' Assessment Outcome – Staying Safe and Complex Needs and Risks)	As Standard Care and Support above plus: <ul style="list-style-type: none"> ♦ Provision of a flexible and rapid service response at times when people may need intensive support ♦ Support to retain, maintain, learn or develop day to day living skills to promote and maximise independence both inside and outside the home ♦ Intensive support, as required, to promote and maximise independence ♦ Adoption of a risk-enabling approach whenever possible when delivering support
Running and maintaining a household ('All About Me' Assessment Outcome – Running and Maintaining the Household I am Living in)	As Standard Care and Support above plus: <ul style="list-style-type: none"> ♦ Support to develop and maintain independent living, including: <ul style="list-style-type: none"> – Support to manage household affairs such as dealing with correspondence and tenancy issues – Support to manage household financial affairs such as paying bills and insurance – Use of equipment
Supporting decision making / organising daily life ('All About Me' Assessment Outcome – Making Decisions and Organising My Life)	As Standard Care and Support above plus: <ul style="list-style-type: none"> ♦ Support to manage financial affairs including: <ul style="list-style-type: none"> – Budgeting – Claiming benefits ♦ Support to travel safely or to develop independent travel skills, including using public transport ♦ Support to manage significant communication requirements utilising a range of supports including BSL; Makaton; Talking Mats; picture / symbol systems and electronic communication devices ♦ Ensure awareness and access to independent advocacy provision

Support to manage complex needs and risks ('All About Me' Assessment Outcome – Staying Safe and Complex Needs and Risks)	<ul style="list-style-type: none"> ♦ Delivery of crisis intervention and support ♦ Support in an emergency ♦ Support to minimise conditions which may lead to conflict with, or distress to, the service user and to de-escalate conflict should it arise
Support with social and friends and family relationships and with community activities ('All About Me' Assessment Outcome – Social Relationships and Community Activities)	Support to: <ul style="list-style-type: none"> ♦ Develop and/or maintain family and social relationships ♦ Minimise social isolation by developing and/or maintaining community contacts, activities and recreation ♦ Enhance quality of life by community participation and engagement and by building relationships
Support with personal and skills development and with employment and volunteering ('All About Me' Assessment Outcome – Employability / Volunteering and Personal / Learning Development)	Support to: <ul style="list-style-type: none"> ♦ Explore opportunities for learning and skills development ♦ Access opportunities for learning and skills development ♦ Explore and access activities linked to hobbies and interests ♦ Explore and access opportunities for volunteering ♦ Explore and access opportunities for training / preparing for employment ♦ Explore and access opportunities for work placement / employment

iii. Exceptional Care and Support

This level of care and support is for people whose eligible needs and outcomes show that they require support with additional complex aspects of their lives such as lengthy or complex relationship building due to specific conditions or communication needs or for people who have complex support needs due to high risk or complex conditions, treatment or medication regimes.

The type of care and support expected to be delivered under exceptional care.

Meeting personal care and support needs / supporting to keep well ('All About Me' Assessment Outcome – 'Meeting Personal Needs and Looking After Myself')	As Enhanced Care and Support above plus: <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
---	--

Supporting people to stay safe / personal assistance ('All About Me' Assessment Outcome – Staying Safe and Complex Needs and Risks)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs
Running and maintaining a household ('All About Me' Assessment Outcome – Running and Maintaining the Household I am Living in)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs
Supporting decision making / organising daily life ('All About Me' Assessment Outcome – Making Decisions and Organising My Life)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs
Support to manage complex needs and risks ('All About Me' Assessment Outcome – Staying Safe and Complex Needs and Risks)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs
Support with social and friends and family relationships and with community activities ('All About Me' Assessment Outcome – Social Relationships and Community Activities)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs
Support with personal and skills development and with employment and volunteering ('All About Me' Assessment Outcome – Employability / Volunteering and Personal / Learning Development)	As Enhanced Care and Support above plus: ♦ the supported person has additional complex support needs

8. Use of the Indicative Budget and Higher Hourly Rates Under SDS Option 2

a) Top Up by the Supported Person

If the supported person wishes to use a particular registered provider whose hourly rate is higher than the hourly rate linked to their assessed eligible needs and outcomes, the supported person can choose to make up the difference from their own funds. It will be for the supported person, provider and care manager to agree the arrangements for the payment of this top up by the supported person.

b) Reduction of Support based on Payment of a Higher Hourly Rate Under SDS Option 2

There may be occasions when a supported person wishes to use a particular registered provider whose hourly rate is higher than the hourly rate linked to their assessed eligible needs and outcomes and to take a reduction in the amount of support or time they receive from the provider in order to be able to accommodate this higher rate within their indicative budget.

Ordinarily, it would be expected that in order to choose to use a provider with a higher hourly rate than the rate linked to their eligible needs and outcomes, the supported person would make up the difference from their own funds.

However, if a care manager has determined that the circumstances in an individual case warrant consideration of agreeing to the use of the indicative budget to arrange a reduced level of support at a higher hourly rate, they can request approval for this from a Group Manager.

Care Managers should only consider agreeing to the use of the indicative budget to arrange a reduced level of support at a higher hourly rate if *all* the supported person's assessed needs and outcomes can still be met using the rest of their budget. Group Managers will not approve plans where this cannot be shown to be the case.

9. Exceptions to the Application of Hourly Rates Under SDS Option 2

This policy details the maximum hourly rates for services and support which would *ordinarily* be expected to be applied to services and support arranged under SDS Option 2. However, it is recognised that the circumstances and needs of supported people are extremely varied and there may be occasions where the situation and support needs of an individual require the provision of a registered service or provider whose hourly rate is greater than those outlined in this policy.

Where the care manager wishes to arrange a service or support with a greater hourly rate than those outlined, authorisation must be sought from a Group Manager and signed approval must be given prior to the care manager proceeding to arrange such provision.

10. Hourly Rates

The hourly rates linked to the three levels of support will be adjusted, if required, to maintain consistency with agreed hourly rates for standard care at home and community support and care under any current Framework Agreements.



COUNCIL EXECUTIVE

STRATHBROCK PLACE, BROXBURN TRAFFIC FLOW CHANGE OF DIRECTION.

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To initiate statutory procedures to reverse the traffic flow direction on Strathbrock Place, Broxburn and ban the left turn into Strathbrock Place from East Main Street., such that vehicles travel only in a southerly direction, from East Main Street to Almondell Road.

B. RECOMMENDATION

It is recommended that Council Executive approves the initiation of the statutory procedures to reverse the traffic flow of Strathbrock Place to travel in a southwards direction and ban the left turn into Strathbrock Place from East Main Street.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs: and Being honest, open and accountable
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy – none Legal – The introduction of the one way traffic flow will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	The introduction of the traffic order will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	Promotion of the traffic regulation order and amendments to the signalised junction shall be funded by developer contributions.
VII Consideration at PDSP	None
VIII Other consultations	Considered by Local Area Committee on 25 February 2016 to recommend to Council Executive that statutory process is started.

Police Scotland, Senior Environmental Health

Officers have been consulted on this report and have no comments. Local members' comments are covered in the report.

D. TERMS OF REPORT

This proposal has been discussed in depth at previous Broxburn, Uphall and Winchburgh Local Area Committees (LAC) on 10 September 2015, 26 November 2015, and on 25 February 2016 regarding a proposal to reverse the direction of the one way system on Strathbrock Place, Broxburn.

The Broxburn Draft Air Quality Action Plan was presented to Council Executive on 1 March 2016. The report identified that queuing traffic has a significant influence on NO_x concentrations at the traffic lights on East Main Street, accounting for up to half of the measured NO_x concentrations. Modelling of the mitigation scenarios indicated that targeting of congestion, and where possible reduction of traffic queuing times, at the traffic lights will likely provide the best reductions in annual mean NO₂ and PM₁₀ concentrations. The note that broad consultation on the draft action plan has now concluded with no adverse comments being received and this was reported to the LAC on 8 September 2016.

The operational efficiency of the traffic signals at Greendykes Road / East Main Street is restricted due to incorporating the low flow from Strathbrock Place at the junction. Queuing on the three main approaches is a constant occurrence, increasing in length during peak times. As development progresses especially at Winchburgh queuing will only increase as capacity is stretched.

The junction was modelled to identify the impact development traffic would have on the existing operation. The results showed that the junction was over capacity during peak times and queuing would get worse with the addition of the development traffic.

To provide improved efficiency and reduce queuing on the three main approaches at the signal junction, it is recommended that a traffic order be promoted to reverse the one way order on Strathbrock Place. This would mean that traffic would have to travel in a southerly direction from the signals on East Main Street to Almondell Road.

Given the tight geometry of the signalised junction with East Main Street it is now recommended that the left turn into Strathbrock Place remains banned and therefore access to Strathbrock Place from the east will be via either Station Road and East Main Street or Easter Road and Almondell Road.

This proposed mitigation measures were modelled with results showing that the junction would now be within capacity and therefore can accommodate the proposed development and reduces traffic congestion.

With the redirection of traffic on Strathbrock Place improvements to the signal timings on East Main Street / Greendykes Road will reduce queue lengths and help towards reducing harmful air quality levels. Traffic calming would also be added to Strathbrock Place in the form of a further road hump.

Local members have been consulted. Councillor Campbell does not support the proposal concerned about vehicle speeds and pedestrian safety issues at the south end of Strathbrock Place. Councillors Calder and Davidson wish to ensure that the statutory consultation ensures the views of local residents are secured.

The consultation will ensure the residents' views are sought on the specific traffic management proposal and as stated above a road hump is identified to mitigate road safety concerns at the south end of Strathbrock Place.

E CONCLUSION

The promotion of the one way southward and additional road hump on Strathbrock Place and banning the left turn into Strathbrock Place will help relieve the congestion at the traffic signals on East Main Street / Greendykes Road junction and will help by improving the air quality issues currently in the town centre.

F. BACKGROUND REFERENCES

Broxburn LAC 10/09/2015: Report

Broxburn LAC 26/11/2015: Report

Broxburn LAC 25/02/2016: Report

Council Executive 01/03/2016: Report

Appendices/Attachment: Drawing No. DP/Brox/01

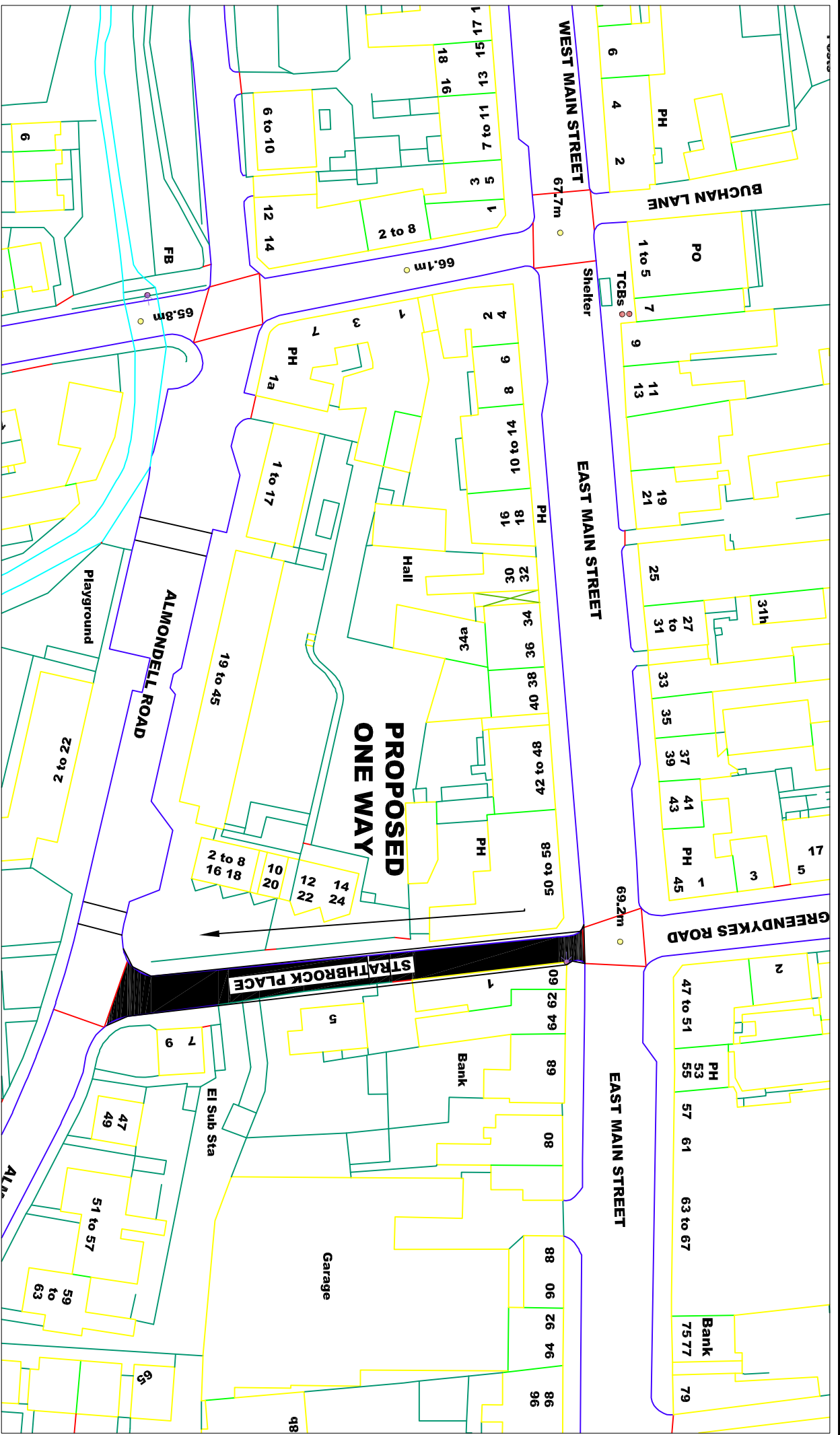
Contact Person: Jim Stewart, Development Management & Transportation Planning
Manager, Operational Services, Whitehill House, Bathgate.

Tel: 01506 282327, e-mail: jim.stewart@westlothian.gov.uk

Jim Jack

Head of Operational Services

Date: 20 September 2016



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WEST LOTHIAN COUNCIL
OPERATIONAL SERVICES

TRANSPORTATION MANAGER
WHITEHILL HOUSE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2HA

TRANSPORTATION
& Development Management
Transport Planning

Strathbrock Place
Broxburn
Proposed One Way

DATE:- **August 2015**
SCALE:- **1:2000**
Drg. No.:- **DP/Brox/01**

DRAWN BY:- **Chris Nicol**
CHECKED BY:- **Jim Stewart**



COUNCIL EXECUTIVE

HOWDEN EAST ROAD, LIVINGSTON – TRAFFIC CALMING AT TORONTO PRIMARY SCHOOL

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to approve the initiation of the statutory procedures to relocate the existing traffic calming to facilitate the new parking area for the extension to Toronto primary school, Livingston.

B. RECOMMENDATION

It is recommended that the Council Executive approves the initiation of the statutory procedures to relocate one road hump 22 metres eastward of its current location to improve the new car park extension to Toronto primary school.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: None
	Legal: A restricted roads order is required under powers conferred by the Road Traffic Regulation Act 1984.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	The introduction of the stopping-up order will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	Financial: The cost of promoting and implementing the traffic calming will be entirely funded by the developer.

VII Consideration at PDSP	None
VIII Other consultations	Lothian and Borders Police, Local ward members.

D. TERMS OF REPORT

Under the Roads (Scotland) Act 1984 section 36 the council has the authority and power to construct road humps maintained by them. This report seeks authorisation to start statutory procedures to relocate one existing road hump 22 metres east of its existing position to facilitate the construction of a new car park at Toronto primary school.

Planning permission was granted for a new main entrance, staff offices, changing facilities and multi-purpose games hall which required the addition of a new car park. The proposed vehicle access is directly in line with the eastern road hump and therefore requires to be relocated. This will allow with safe access and egress from the car park.

The statutory procedure requires the council to consult with road user organisations that will be affected and then advertise publically for a 4 week period. If there are no objections then the road hump can be relocated.

E. CONCLUSION

Relocating the existing road hump on Howden East Road, by 22 metres east will allow safe access and egress from the newly constructed car park which was part of the Toronto school extension project.

It is therefore considered that authorisation to start the statutory procedure to relocate the road hump is given.

F. BACKGROUND REFERENCES

Planning Approval (Ref: 0438/FUL/15)

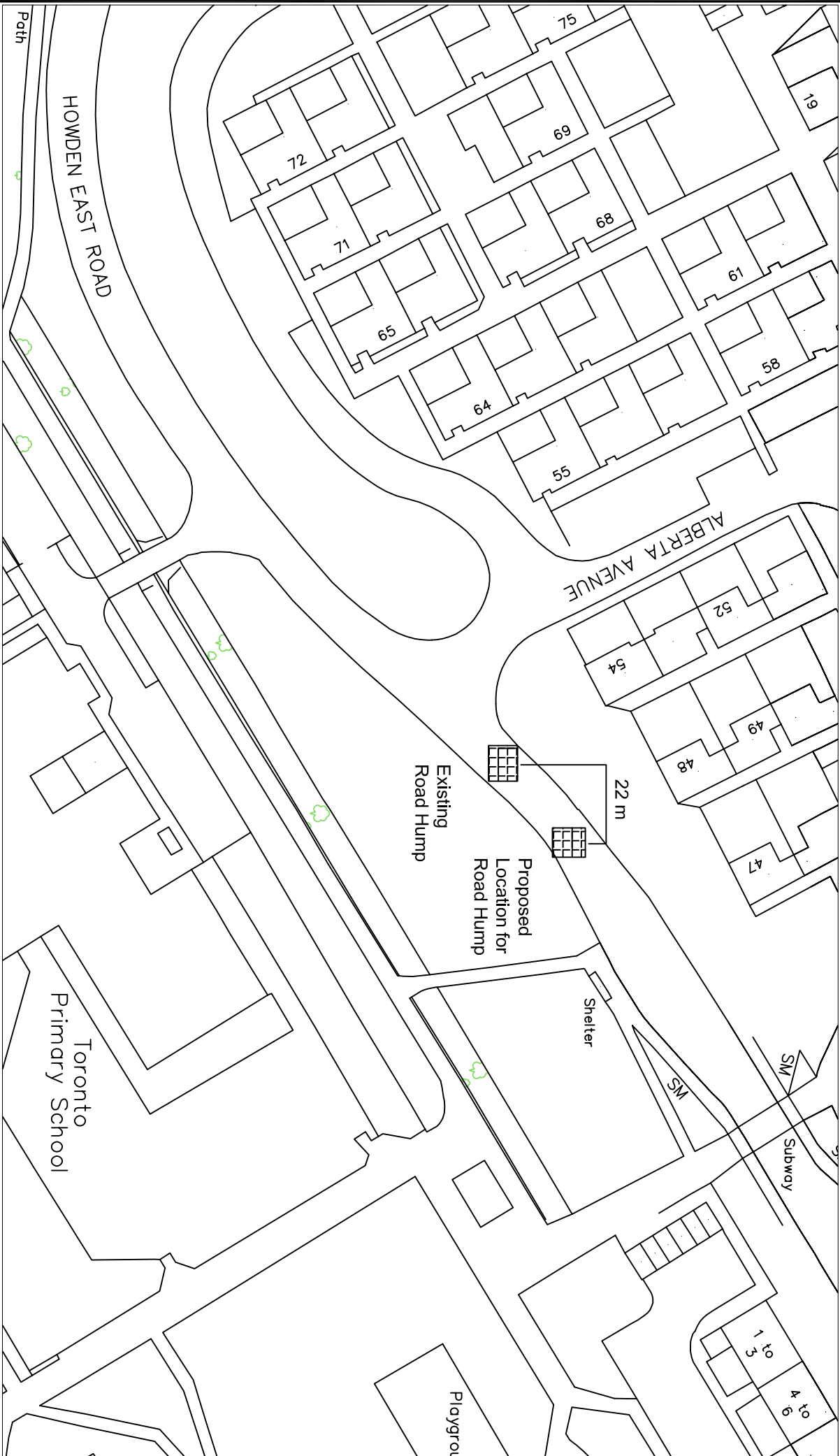
Appendices/Attachments: Drawing no. DP/LIV/05

Contact Person: Jim Stewart, Development Management & Transportation Planning Manager, Operational Services, Whitehill House, Bathgate.

Tel: 01506 282327, e-mail: jim.stewart@westlothian.gov.uk

Jim Jack, Head of Operational Services

Date: 20 September 2016



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WEST LOTHIAN COUNCIL OPERATIONAL SERVICES		HOWDEN EAST ROAD, LIVINGSTON ROAD HUMPS RELOCATION PROPOSAL	
ROADS & TRANSPORTATION MANAGER WHITEHILL HOUSE WHITEHILL INDUSTRIAL ESTATE BATHGATE EH48 2HA TEL 01506 282351	TRANSPORTATION DEVELOPMENT MANAGEMENT IMPLEMENTATION	DATE:- SCALE:- AUGUST 2016 NTS	DRAWN BY:- CHECKED BY:- CHRIS NICOL CHRIS NICOL
		Dwg. No.:-	DP/LV/05



COUNCIL EXECUTIVE

PETITION – BEECHWOOD GROVE, UPHALL STATION

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to report back to Council Executive on the Environment PDSP's consideration of the petition from residents of Beechwood Grove, Uphall Station.

B. RECOMMENDATION

It is recommended that the Council Executive notes the petition and write to Network Rail / ScotRail highlighting the success of Uphall train station but identifying the lack of parking infrastructure.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs; and• Being honest, open and accountable;
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: The council's procedures on dealing with petitions require that petitions are considered by the Council Executive. Legal: None
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Financial: None Staffing: None.

Property: None.

VII Consideration at PDSP The petition was considered at Environment PDSP on 9 June 2016.

VIII Other consultations None

D. TERMS OF REPORT

A petition signed by 79 people, mainly residents of Beechwood Grove and Marrfield Terrace, Uphall Station, has been received, by the council. A copy of the petition is attached to this report as Appendix 1.

The petition states the following:

“We, the undersigned, are concerned citizens who wish to bring to your attention the parking in our area. Rail commuters are using our streets to park all day whilst using the station at Uphall Station. These are narrow roads and cars are being parked all down one side making it possible for only one car to pass at a time. They are also parking close to and across junctions, making it hazardous for pedestrians many of whom are elderly or children and of course residents cannot park their cars near to their homes. There is a waste area nearby which could be utilised as a car park to facilitate the train users.”

Concerns regarding the effects of commuter parking on the residents of Beechwood Grove and Marrfield Terrace have previously been raised with the council. Officers have examined parking on these streets on a number of occasions, including during March 2015, October 2015 and April 2016. During these visits there was parking on Marrfield Terrace and Beechwood Grove which was likely to be associated with commuters using Uphall Station; however, there was no evidence that this parking was leading to congestion or parking that would be construed as obstructive.

The council has limited tools available to manage the situation. Parking restrictions could be introduced to protect junctions and maintain traffic flow. There may come a time when such restrictions are needed around Uphall Station but on the basis of recent visits, this is not the case at present. Removing commuter parking completely from around stations requires a residents permit parking scheme. However, following on from the results of an experimental residents parking scheme in Linlithgow, the council has no plans for any other residents parking schemes at the present time. Since receiving the petition, officers have highlighted to Police Scotland the concerns of the community and have asked for attention to any areas giving safety or congestion concerns.

With regard to the waste area identified by residents to be utilised as a car park for commuters, the ground to the east of the existing car park is not under the ownership of the council. The council has worked with the rail authorities previously to provide additional parking at stations, including Uphall Station but there is no funding, nor plans for any further works.

The petition was considered by the Environment PDSP on 9 June. The panel suggested that the Council Executive should write to Network Rail / ScotRail to highlight the success of Uphall train station but to identify the lack of parking infrastructure.

E. CONCLUSION

A petition has been received from the residents of Beechwood Grove, Uphall Station raising concerns regarding commuter parking in the area and requested a nearby area of ground be converted into a car park. The ground required for the construction of the car park is not owned by the council and there are no plans to construct an additional car park at this location.

F. BACKGROUND REFERENCES

None

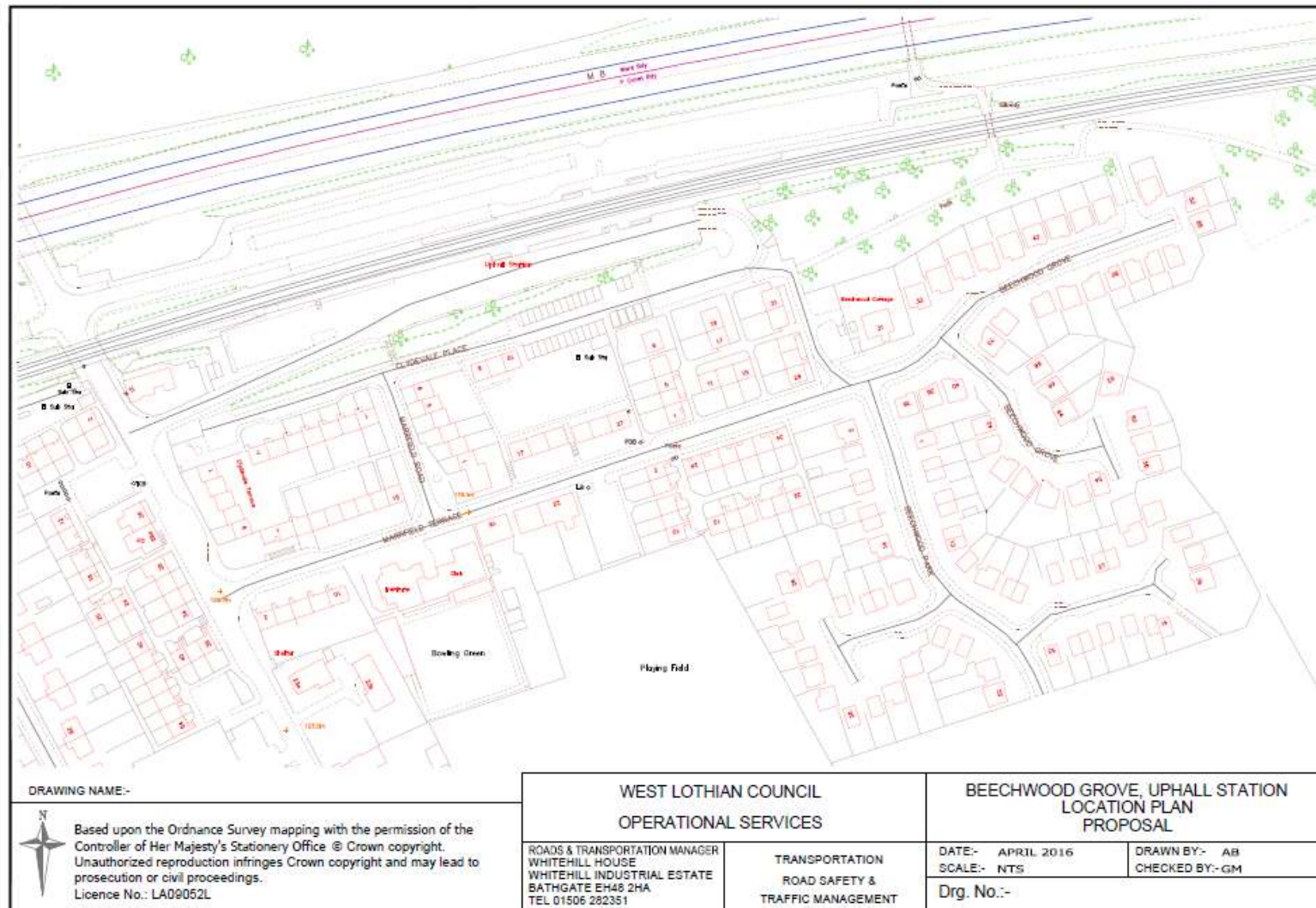
Appendices/Attachments:

Appendix 1 - Plan

Contact Person: Gordon Brown, Senior Engineer - Road Safety and Traffic Management tel: 01506 282340, e-mail: Gordon.Brown@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 20th September 2016





COUNCIL EXECUTIVE

1 DROVERS ROAD, EAST MAINS INDUSTRIAL ESTATE, BROXBURN **PROPOSED ASSIGNATION AND EXTENSION OF LEASE TO TOM VEHICLE RENTAL LIMITED**

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for a ten year lease extension together with consent to an assignation of the lease at 1 Drovers Road, Broxburn.

B. RECOMMENDATION

It is recommended that Council Executive approves a ten year lease extension of the yard premises to TOM Vehicle Rental Limited at an initial rental of £21,000 per annum, subject to the detailed terms and conditions set out below.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	Contributes to the performance indicators for income received from the Tenanted Non-Residential Portfolio. (TNRP).
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	The security of ten years income with an increase in the rent to £23,000 per annum.
VII Consideration at PDSP	Not applicable.

VIII Other consultations

The elected members for the ward have been provided with a copy of this paper for information.

D. TERMS OF REPORT

JWR Holdings Limited is the current tenant of 1 Drovers Road under a lease that expires on 8 March 2017.

As part of a corporate restructure, the tenant has sought the council's consent for an assignation of the lease to another company within the group, TOM Vehicle Rental Limited. TOM Vehicle Rental Limited is capable of meeting the lease obligations and therefore the council has no reason to withhold consent to the assignation.

In conjunction with the consent to an assignation, the following terms for a lease extension have provisionally agreed between the parties:

Tenant – TOM Vehicle Rental Limited

Subjects – 1 Drovers Road, East Mains Industrial Estate, Broxburn as shown hatched black on the attached plan.

Term – From an entry date in October 2016 until 8 March 2026.

Rent - £21,000 per annum (current rent) rising to £23,000 per annum on 9 March 2017. With an open market rent review on 9 March 2022.

Other terms – As in the existing lease.

E. CONCLUSION

It is considered to be in the council's best interests to grant consent to an assignation of the lease to TOM Vehicle Rental Limited and conclude a lease extension to 8 March 2026 on the basis of the recommendation given in this report and in accordance with council's current policies.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Location Plan

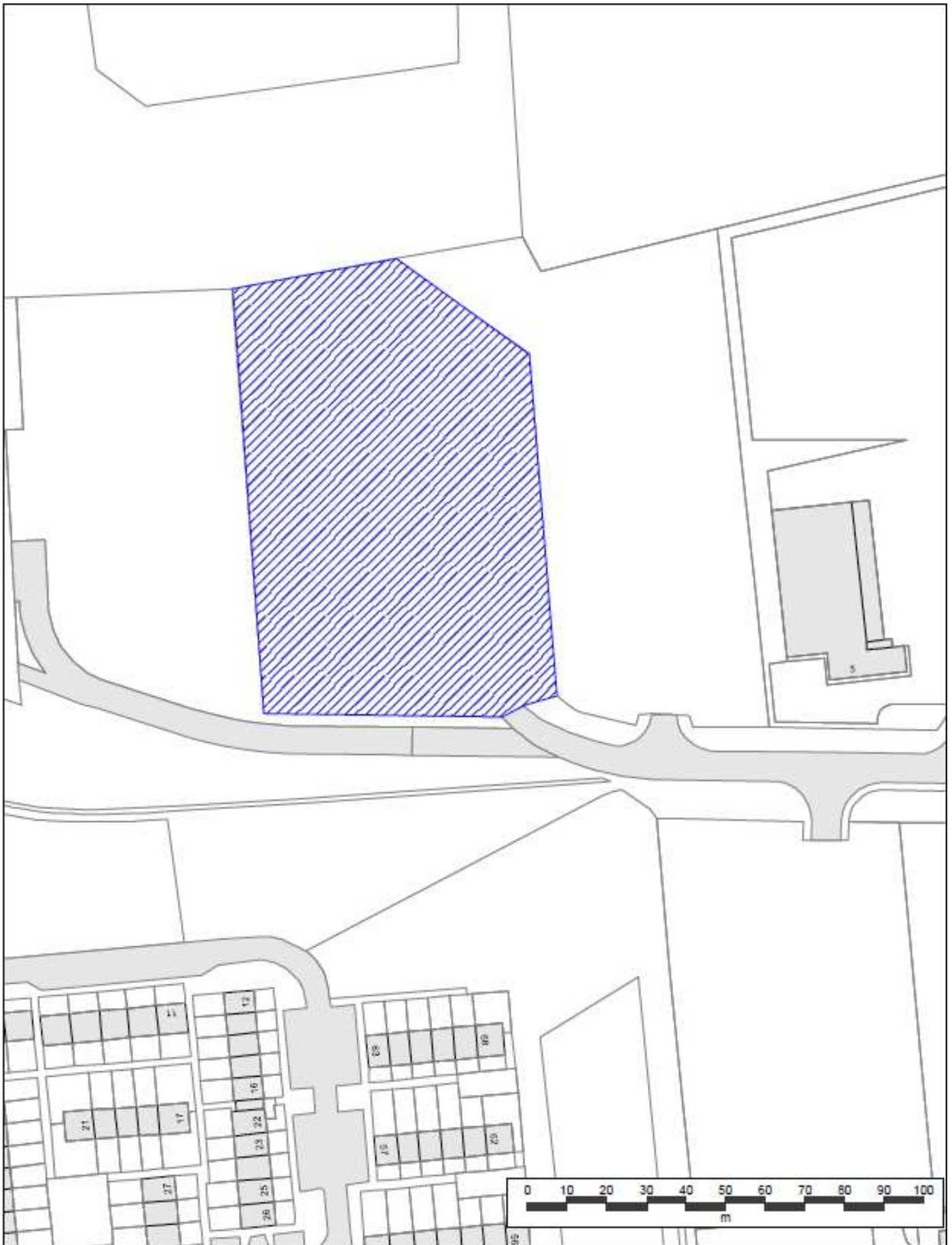
Contact Person: Stephen Letch, Commercial Property Surveyor

Email: stephen.leitch@westlothian.gov.uk Tel: (01506) 281122

Donald Forrest

Head of Finance and Property Services

Date: 20 September 2016



1 Drovers Road Broxburn - Lease Plan

6 Sept 2016

Property Management & Development, West Lothian Civic Centre, Livingston, EH54 8FF

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COUNCIL EXECUTIVE

2016/17 GENERAL FUND REVENUE BUDGET – MONTH 4 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the General Fund Revenue Budget, following the completion of the month 4 monitoring exercise.

B. RECOMMENDATIONS

It is recommended that Council Executive agrees that Heads of Service take all management action necessary to ensure 2016/17 budgets are managed within budget, and approved budget reductions are achieved

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs; providing equality of opportunities; developing employees; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources – (Financial, Staffing and Property)	<p>A breakeven position against budget is forecast in 2016/17.</p> <p>A number of risks and pressures have been identified but these are currently being managed through savings elsewhere in the budget.</p>
VII Consideration at PDSP	Not applicable.
VIII Other Consultations	Depute Chief Executives and Heads of Service.

D. TERMS OF REPORT

D.1 Introduction

This report sets out the overall financial performance of the General Fund Revenue Budget for the period to 31 July 2016 and provides a year-end financial forecast which takes account of relevant issues identified in individual service budgetary control returns. The report also considers the position regarding the delivery of approved budget reduction measures.

The revenue budget monitoring process for 2016/17 is undertaken in line with the council's budgetary control framework and procedures. This places particular focus on a risk based and pro-active approach to budget monitoring including the position on delivery of approved savings. Increasingly constrained budgets mean it is vital that spend is managed within available budget resources and approved savings are fully delivered.

D.2 Month 4 Summary Financial Information for 2016/17

The table below summarises the position in relation to service expenditure and provides a forecast outturn. As noted, a breakeven position is forecast for 2016/17 but as part of the monitoring exercise undertaken, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service	2016/17 Budget £'000	Commitment at Month 4 £'000	Forecast Outturn £'000	Projected Variance Over / (Under) £'000
Education	147,470	139,831	147,110	(360)
Planning, Econ Development & Regeneration	5,839	5,578	5,839	0
Operational Services	55,336	40,600	55,824	488
Housing, Customer and Building Services	7,282	8,317	7,740	458
Corporate Services	12,229	12,591	12,127	(102)
IJB – Adult and Elderly Services	66,666	54,969	66,666	0
Non IJB – Children's Services	28,963	8,370	28,963	0
Chief Executive, Finance and Property	23,675	26,854	23,191	(484)
Joint Valuation Board	1,215	1,215	1,215	0
Non Service Expenditure	38,685	38,685	38,685	0
TOTAL EXPENDITURE	387,360	337,010	387,360	0

D.3 Summary of Main Issues in Service Budgets

Education

The Education budget is forecast to underspend by £360,000 largely due to early delivery of approved 2017/18 budget reduction measures, relating to increased use of council nursery places in place of partner provider places and workforce planning savings as chartered teachers retire.

In line with the approved scheme of Devolved School Management, school resources have been allocated based on projected pupil numbers and will be subject to revision following completion of the annual school census. Schools have indicated that the carry forward balance at 31 March 2017 is likely to be approximately £1 million, which will be consistent with the 2015/16 position.

West Lothian Leisure has indicated a projected deficit position for 2016/17. West Lothian Leisure are currently identifying actions that will address the deficit and a further report detailing these actions will be presented at the next West Lothian Leisure Advisory committee.

Planning, Economic Development & Regeneration

A break-even position is forecast for Planning, Economic Development and Regeneration. However, there is a risk that there is a slowdown in housing activity as a result of the Brexit vote and the impact of this will be monitored closely.

Social Policy

The overall Social Policy budget is forecast to breakeven. There are however a number of pressure areas throughout the service.

Within West Lothian Integration Joint Board (IJB) functions, the key risks are adult residential placements which are fully committed. Any additional high tariff placements will place additional pressure on the budget. Client numbers and spend commitments are showing an increase in Older People residential care which is reflecting the increasing frail elderly population in West Lothian. The pressures noted are being offset against staffing underspends in excess of the staff performance factor largely due to the early delivery of 2017/18 approved budget.

Work is continuing to progress around increases to external care providers in respect of payment of the Living Wage rate of £8.25 from 1 October 2016. Assumptions have been built into the forecast based on the costing agreed as part of the 2016/17 revenue budget, but the additional costs that will be required to deliver the Living Wage commitment will continue to be closely monitored.

Within non IJB delegated functions, there are risks around the cost of external residential and disabled school placements. In addition, external fostering and growth in kinship care placements are being closely monitored.

Corporate, Operational and Housing Services

Corporate Services

Corporate Services is forecast to under spend by £102,000 in 2016/17. There is a pressure forecast in respect of the Occupational Health scheme and this will require to be managed to ensure appointments do not exceed contracted levels. There are also risks around the costs associated with the new mobile phone contract. These pressures are being fully offset by overall staff savings within the service.

Operational Services

An overspend of £488,000 is forecast within Operational Services. In Public Transport there are emerging pressures forecast of £168,000 in homeless transport provision and there are staffing pressures of £144,000 forecast in Facilities Management. In addition, there is a revenue overspend forecast in Roads due to lower than anticipated allocation of works to capital projects. Action is being taken to manage the mix of work undertaken between capital and revenue works over the remainder of this financial year to ensure the pressure does not increase further.

Within Waste Management, there are risks around tonnages and gate fees. Recycling markets are volatile and further increases to gate fees may impact on the forecast position and saving assumptions connected with diversion of waste from landfill to recycling.

The Head of Operational Services and relevant budget holders are identifying actions required to mitigate overspend pressures in the current year and on a recurring basis.

Housing, Customer & Building Services

An overspend of £458,000 is forecast for Housing, Customer & Building Services. In homelessness, an overspend of £200,000 is forecast. The service is aiming to increase the availability of temporary accommodation and reduce the requirement for bed and breakfast placements. Bed and breakfast usage and costs will be closely monitored for the remainder of the financial year.

A staffing overspend of £216,000 is forecast within Customer and Communities. Options to manage this overspend and bring staffing spend in line with budget availability will require to be identified by the service.

Chief Executive, Finance & Property Services

An underspend of £484,000 is currently forecast. This relates largely to positive rental income forecasts, utility savings and staff vacancies across the service. The impact of welfare changes continues to be a key risk and will be closely monitored during the remainder of the year.

Staff Performance Factor

A staff performance factor saving of £2.139 million was approved by the council as part of the 2016/17 budget. This saving will require close consideration and monitoring of staff costs and decision making around staffing vacancies and recruitment.

The budget position at Head of Service level, taking account of the staff performance factor savings, is reflected in the forecasts contained in this report. Given the nature of how this saving will be delivered, progress towards the achievement of the saving will require to take account of ongoing staffing changes throughout the year.

Based on the position at month 4, the majority of service areas are forecasting that the staff performance factor saving will be achieved through staffing underspends although this will require to be closely monitored over the remainder of the financial year. However, within Operational and Housing, Customer and Building Services, further action is required to ensure that this saving is achievable.

Joint Valuation Board

The requisition to the Joint Valuation Board is expected to breakeven.

Non Service Expenditure

The budgets for non service expenditure are forecast to breakeven. Housing Benefit subsidy is a key risk area which will require to be closely monitored during the year to minimise the risk of overspend. In line with usual practice, any in year underspends on the council's insurance account will be transferred to the Insurance Fund at the year end and any treasury surplus arising at the year-end will be transferred to the Capital Fund.

Funding in 2016/17

The council's revenue grant is forecast to be on budget. Any additional grant funding for 2016/17 announced during the year will be reported in future monitoring reports. Council tax income is forecast to breakeven for the year.

Revenue grant funding and council tax income is supplemented by non recurring funding of some activities such as employability, some local bus services and fixed term staff, and it is important that future service spend commitments take account of the duration of funding available.

Approved Budget Reduction Measures

A review of the delivery of budget reductions was completed by Heads of Service and has demonstrated that satisfactory progress is being made. There are several measures where the timing of the saving being implemented has resulted in a one off pressure for 2016/17. This is taken account of in the overall monitoring position. While these savings are anticipated to be fully achieved, the one off pressures arising in 2016/17 are being met through one off savings identified. Progress towards the delivery of budget savings will be closely monitored and further information is set out below.

2016/17 Budget Reduction Measures

There are budget reductions of £12.529 million to be achieved in 2016/17. Based on the latest review of delivery, £9.874 million (79%) have been categorised as green. This reflects that there is an agreed plan in place which will achieve the recurring saving required. A further £2.665 million have been categorised as amber (21%) meaning these measures are still anticipated to be achievable and further ongoing action is being taken to ensure they are fully delivered.

2017/18 Budget Reduction Measures

There are a further £8.426 million of budget reduction measures approved for 2017/18. The review of these measures has shown that satisfactory progress is being made although substantial further work is required on a number of measures to enable the savings to be fully achieved in 2017/18.

Summarised Budget Position for 2016/17

The month 4 monitoring indicates that a breakeven position is forecast against the 2016/17 budget. However, it is evident that the cumulative impact of funding constraints and significant savings targets are resulting in an increased risk of overspends. The report highlights a number of overspends where action is required to identify options to sustainably manage spend with budget resources available. In addition there remain a number of risks in the current year and demand led service delivery areas in particular will require to be closely monitored over the remainder of the financial year.

Given the likelihood of further very constrained funding settlements for coming years, it is clear that the requirement to manage within funding available will require ongoing changes to how council services are currently delivered. As part of this, it will be important that necessary action and decisions are taken to contain spend within available resources.

E. CONCLUSION

The projected outturn at month 4 indicates a breakeven position in the budget for 2016/17, although a number of overspends have been highlighted which will require to be managed in the current year and future years. Monitoring of delivery of the 2016/17 and 2017/18 budget reductions has demonstrated that satisfactory progress is being made although there remain various risks and it is important that Heads of Service pro-actively manage budgets over the financial year to ensure spend is managed within available resources.

F. BACKGROUND REFERENCES

None

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Donald Forrest
Head of Finance and Property Services
Date: 20 September 2016



COUNCIL EXECUTIVE

2016/17 GENERAL SERVICES CAPITAL BUDGET – MONTH 4 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the General Services Capital Programme following the completion of the month 4 monitoring exercise.

B. RECOMMENDATIONS

It is recommended that the Council Executive:

1. Notes the outcome of the month 4 monitoring exercise and the projected outturn;
2. Agrees that asset lead officers and the Head of Finance and Property Services continue to take necessary action to deliver the overall programme.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's General Services Capital Programme is managed within the stringent requirements set out in the Prudential Code. Expenditure has been in compliance with the council's Best Value Framework, approved on 10 June 2014, aimed at ensuring compliance with the provisions contained within the Local Government in Scotland Act 2003.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	Effective capital implementation is vital to service performance.
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	Capital expenditure of £64.873 million is projected in 2016/17, assuming over programming of £4 million.
VII Consideration at PDSP	Not applicable.
VIII Other consultations	The capital monitoring exercise has involved consultation with Depute Chief

D. TERMS OF REPORT

1. Background

The report provides an update on the 2016/17 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The capital budget monitoring process for 2016/17 is undertaken in line with the council's budgetary control framework and procedures. The approved 2016/17 capital budget is £64.873 million which assumes £4 million of overprogramming.

2. Month 4 Summary Financial Information for 2016/17

The summarised actual and projected asset expenditure at month 4 is shown in the table below:

Asset Type	2016/17 Budget £'000	Commitment at Month 4 £'000	Forecast Outturn £'000	Projected Variance Over/ (Under) £'000
Property	45,776	28,123	45,802	26
Roads	11,034	2,897	10,429	(605)
Open Space	6,046	3,635	6,146	100
ICT	6,017	1,634	6,017	0
	68,873	36,289	68,394	(479)
Remaining Overprogramming	(4,000)	N/A	(3,521)	479
TOTAL	64,873	36,289	64,873	0

Good progress is being made on the capital programme with the committed expenditure as a percentage of projected outturn at 56%. In overall terms, the monitoring exercise indicates that the projected outturn is £64.873 million. Over-programming of £3.521 million is still assumed. However, if the programme progresses with no further slippage, the balance in resources will be funded by accelerated borrowing, which can be accommodated within Treasury Management forecasts.

3. Summary of Forecasts and Pressures

Projected expenditure in 2016/17 is on budget at £64.873 million. A summary of the forecast for each asset type, including details of material movements and pressures that have been identified, is set out below:

Property

In overall terms, the monitoring exercise indicates that projected outturn property expenditure in 2016/17 is £45.802 million, with £28.123 million of expenditure incurred to date, representing 61% of the projected outturn. A number of projects are progressing more speedily than anticipated; with a few projects reporting slippage, resulting in a small overall accelerated spend of £26,000. A summary of significant projects is set out below:

Toronto Primary School

As a result of the good progress being made with the renovation works, asbestos removal and accessibility improvements at Toronto Primary School, accelerated spend of £800,000 has been identified for 2016/17.

Pinewood Primary School

The extension to Pinewood Primary School encompassing new classrooms and general purpose space is complete.

Schools Developer Funded Projects

Developer funded projects are continuing to make good progress this year, with accelerated spend totalling £320,000 being identified for St Nicholas' Primary School, and Southdale Primary School in Armadale, with the latter now complete and opened as planned on 23 August 2016. The phase 2 extension at St Anthony's Primary School in Armadale has been completed this year, with the second phase of St Nicholas Primary School in Broxburn nearing completion.

Linlithgow Academy

The planned improvements for Linlithgow Academy, including new Home Economics classrooms, have been completed.

Housing with Care – Bathrooms and Kitchens

Building Services are progressing well with this project with a small accelerated spend of £10,000 identified for this year.

Whitdale Care Home

The refurbishment of the kitchen at Whitdale Care Home has been completed this year as planned. The kitchen refurbishment at Burngrange Care Home will be undertaken in 2017/18.

Schools General Projects

The completion date for the nursery replacement in East Calder has been revised to September 2016, due to design issues and subsequent value engineering that has been undertaken. The current issues at East Calder relate to the discovery of previously undetected asbestos, which has resulted in additional time being required to complete the project and will result in increased project costs.

West Calder High School

Financial close has been programmed for November 2016, and it is planned that £1 million will be accelerated from 2017/18 to facilitate site establishment, utilities diversions and grouting in advance of this date. In addition, £25,000 acceleration has been identified for the offsite works which relate to the new access road and rail bridge which will serve the new school.

The council understands that further guidance is to be issued at the end of September from the Office of National Statistics on their interpretation of the European System of Accounts (ESA 10) requirements relating to public/private funded projects. Officers will provide an update on this guidance and any potential implications for projects, in particular the new West Calder High School, when the guidance is issued.

Operational Building Projects

Good progress is being made with works at East Calder Partnership Centre. Rosemount Court and West Calder Library and Housing Office projects are both due to complete this financial year.

Blackburn Partnership Centre

The NHS, who are the primary participants delivering this project, have confirmed that the council cannot fund its contribution to the project through a capital payment due to changes to the European System of Accounts 2010. As a result, the council's capital contribution has been converted to revenue. This is at no cost to the council.

Whitehill Service Centre

The contract has been let to Balfour Beatty and works have commenced on site. The project is progressing and is due for completion in Summer 2017.

Schools Summer Programme of Works

As in previous years, a significant programme of works has been progressed to improve education buildings across West Lothian during the summer holiday period. The total value of these planned improvements was approximately £5 million which

covered over sixty projects ranging from roof replacements, accessibility enhancements and asbestos remedial works to school extensions and refurbishments. Staff from Construction Services, Building Services, Education Services and Finance and Property Services, together with external contractors, worked closely to ensure the programme was effectively delivered.

Roads and Other Related Assets

Projected outturn expenditure in 2016/17 is £10.429 million, resulting in net slippage of £605,000. In terms of actual spending, £2.897 million of expenditure, representing 28% of the 2016/17 projected outturn, has been incurred at period 4.

Roads and Footways

Commitment to date currently sits at 18% of the forecast outturn, which is less than expected at month 4. The Asset Lead Officer and project managers are taking actions to ensure the forecast outturn is achieved.

£230,000 of slippage has been highlighted for projects within Non-Adopted Roads and Footways. Projects in this category are proposed to be undertaken in two phases, with the second phase incorporating primary school playgrounds in and around Livingston. Although slippage has been forecast, every effort will be made to accelerate works to ensure that the projects are delivered in this financial year.

Roads Safety

Slippage of £200,000 has been identified for the Cycling, Walking and Safer Streets project as a result of issues encountered in the acquisition of land for a scheme in Armadale. The council has been involved in negotiations with the landowner since mid-2014 and a Compulsory Purchase Order (CPO) was approved by Council Executive on 21 June 2016 to minimise any further delays. The CPO is currently with legal services and negotiations are continuing with the landowner.

Town Centres and Villages Improvement

The Town Centres and Villages Improvement projects are collectively forecasting slippage of £176,000 for 2016/17. Approval for some proposed projects is pending and there are ongoing challenges in identifying projects to be undertaken.

Beecraigs Reservoir – Safety Compliance

Beecraigs Reservoir is a high-risk reservoir under the Reservoirs (Scotland) Act 2011 and is therefore subject to a regime of statutory supervision and inspection. A recommendation has been made following the most recent inspection by an independent All Reservoirs (Scotland) Panel Engineer, that the existing drawdown capacity of the reservoir should be increased in the interests of safety. The legislation requires for this work to be completed by November 2018, so in order to meet this deadline, it is proposed that the design work for this is undertaken within the current year. The design costs for this will be £25,000 and this will be funded through the utilisation of existing budgets within the Roads capital programme.

Open Space

The monitoring exercise indicates that projected outturn expenditure in 2016/17 is £6.146 million with £3.635 million of expenditure incurred to date, representing 59% of the 2016/17 projected outturn.

Open Space and Sport Facility Planned Improvements

Place making exercises have been carried out in the early part of this year for numerous projects that are programmed to be carried out in 2017/18. £40,000 of accelerated spend is being forecast as a result of these works.

A saving of £39,000 has been identified for Quarry Park Dedridge with the project now being funded externally.

St Kentigern's Academy 3G Pitch Replacement

This project is due to go out to tender, and the objective is for the works to be undertaken as soon as possible. The works should take approximately four weeks to complete and there is a possibility that the works could be scheduled to be carried out over the October School holidays to reduce the number of weeks during term that the pitch would be inaccessible, however, the completion of the works during this period will be weather dependent.

ICT

Projected outturn expenditure in 2016/17 is £6.017 million. In terms of actual spending to date, £1.634 million of expenditure, representing 27% of the 2016/17 projected outturn, has been incurred at month 4. A breakeven position is anticipated at month 4, although a number of risks have been identified which may affect this position.

4. Risks

Effective management of risks is a key element of effective delivery of a large and varied capital investment programme. There are a number of risks summarised as follows:

Property Assets

A number of projects in the operational buildings category have been highlighted as risks due to delays that have been encountered for various reasons including design development issues and community consultation and engagement requirements. Project teams are working to minimise delays and will endeavour to achieve project completion dates as close as possible to the original timescales.

Roads and Other Related Assets

There are risks that have been identified in the roads programme within Structures and Transportation, Roads and Footways and Town Centres and Villages. These projects have been previously identified in this report as projects with forecast slippage.

Open Space Assets

Tender prices greater than the approved budget for open space projects has been identified as a risk at month 4 monitoring. If tenders are returned higher than the allocated budget for projects, value engineering will be carried out to bring the works into line with the project budgets.

ICT

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

5. Resources

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2016/17 capital programme is funded from a variety of sources comprising:

Revised Funding Source	£'000
Borrowing	11,243
Capital Grants	13,533
Other Contributions (Developer Contributions & Capital Fund)	36,003
Capital Receipts	4,094
Total Resources	64,873

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

6. Developer Contributions Update

During the first four months of 2016/17, developer contribution income of £480,767 was received. Further details can be found in appendix 2. The balance in the developer contribution accounts at the end of month 4 is £17.617 million. Developer contributions will be drawn down from the Armadale Primary School developer contributions cost centre for the works undertaken at Southdale Primary School.

7. Other Strategic Issues

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans and these are set out below:

Risk Management and Uncertainty

The budget monitoring process focuses attention on risks to the performance of the capital programme.

Affordability, Prudence and Sustainability

In overall terms, I would assess that the capital plan remains affordable, subject to identified risks being managed. Capital receipts have been amended to reflect challenging market conditions but they will be kept under close review.

Stewardship of Assets

The council's strategic approach to capital planning involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members in a Scrutiny Panel.

Value for Money and Best Value

All aspects of the programme are geared towards securing Best Value.

E. CONCLUSION

Following the month 4 monitoring process, the 2016/17 outturn forecast is £64.873 million. Good progress is being made on delivery of the programme and, at the end of month 4, expenditure to date accounts for 56% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have also been identified and will continue to be managed by asset lead officers and monitored by the CMT.

F. BACKGROUND REFERENCES

General Services Capital Programme 2016/17 to 2017/18 – Report by Head of Finance to Council Executive 21 June 2016

Appendices/Attachments: 1. General Services Capital Monitoring Update Month 4
 2. Developer Contributions Update Month 4

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Donald Forrest
Head of Finance and Property Services
20 September 2016

APPENDIX 1

2016/17 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4 MONITORING	2016/17 Budget £'000	Commitment at Month 4 £'000	Outturn forecast £'000	Projected variance over/ (under) Variance £'000 Analysis
PROPERTY ASSETS				
Planned Improvements and Statutory Compliance				
Nursery Schools	125	96	145	20 Overspend
Primary Schools	2,525	3,108	3,603	1,078 Accelerated/ Overspend
Secondary Schools	685	129	705	20 Overspend
Special Schools	50	4	50	0 On Budget
School Estate Wide Improvements (Kitchens)	75	(1)	75	0 On Budget
Arts Venues	85	15	85	0 On Budget
Care Homes	510	396	510	0 On Budget
Cemeteries	25	0	25	0 On Budget
Community Centre and Halls	135	32	150	15 Overspend
Country Parks	0	4	0	0 On Budget
Depots	10	0	10	0 On Budget
Diability Day Centres	5	1	5	0 On Budget
Family Centres	5	(1)	5	0 On Budget
Libraries	5	0	5	0 On Budget
Operational Industrial/ Business Units	100	0	200	100 Overspend
Partnership Centres	20	3	20	0 On Budget
Youth Residential Units	53	2	58	5 Overspend
Social Policy	100	103	110	10 Accelerated
Sport Pavilions	60	7	65	5 Overspend
Miscellaneous	105	81	106	1 Overspend
Operational Offices	35	0	35	0 On Budget
Tenanted Non Residential Properties	150	(24)	150	0 On Budget
General Statutory Compliance	2,075	827	2,120	45 Accelerated
Total Planned Improvements	6,938	4,782	8,237	1,299
Property Projects				
Schools General Projects				
Additional Support Needs Review	1,200	1,154	1,200	0 On Budget
Children and Young People Bill - Two Year Olds Provision	20	558	20	0 On Budget
Free School Meals - Production Kitchens & Halls	2,300	2,223	2,365	65 Accelerated/ On Budget
Blackridge Primary School	800	925	800	0 On Budget
Renewables (School Estate)	100	116	100	0 On Budget
East Calder Nursery Replacement	700	804	800	100 Overspend
Mid Calder Nursery Replacement	925	962	800	(125) Slippage
St Mary's Primary School Bathgate Sports Provision	300	16	300	0 On Budget
Torphichen Primary School - Extension and Improvements	250	23	250	0 On Budget
West Calder High School	0	23	1,000	1,000 Accelerated
West Calder High School - Inspired Learning	250	0	250	0 On Budget
West Calder High School - Offsite Works	3,975	4,000	4,000	25 Accelerated
Whitdale Early Years Centre	200	0	400	200 Accelerated
Other School Projects	295	77	335	40 Overspend/ Slippage
	11,315	10,881	12,620	1,305
Schools Projects - Developer Funded				
Southdale Primary School	2,480	1,517	2,750	270 Accelerated
St Anthony's Primary School Armadale - Phase 2 extension & classroom	2,050	1,791	2,050	0 On Budget
St Nicholas Primary School Broxburn Extension	350	267	400	50 Accelerated
Various Projects	119	352	85	(34) Slippage
	4,999	3,927	5,285	286
Operational Buildings				
Community Property Integration and Modernisation	100	220	100	0 On Budget
Rosemount Court, Bathgate	950	191	950	0 On Budget
KGV Pavilion Whitburn	175	111	175	0 On Budget
Blackburn Partnership Centre	1,280	0	0	(1,280) Slippage
East Calder Partnership Centre	2,600	2,600	2,600	0 On Budget
Linlithgow Partnership Centre	2,400	2,188	1,500	(900) Slippage
Other Operational Buildings	1,325	1,222	1,470	145 Accelerated
	8,830	6,532	6,795	(2,035)
Office and Depot Modernisation Projects	12,250	1,086	11,301	(949) Slippage/ Overspend
Energy Savings and Spend to Save	500	769	620	120 Accelerated
Miscellaneous Projects	944	144	944	0 On Budget
Total Property Projects	38,838	23,341	37,565	(1,273)
TOTAL PROPERTY ASSETS	45,776	28,123	45,802	26

2016/17 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4 MONITORING	2016/17 Budget £'000	Commitment at Month 4 £'000	Outturn forecast £'000	Projected variance over/ (under) £'000	Variance Analysis
<u>ROADS AND RELATED ASSETS</u>					
<u>Roads and Footways</u>					
A Class Roads	793	206	979	186	Accelerated/ Overspend
B Class Roads	259	83	258	(1)	Saving
C Class Roads	329	27	266	(63)	Saving
U Class Roads	950	136	978	28	Accelerated
Non Adopted Roads & Footways	753	132	523	(230)	Slippage/ Saving
Adopted Footways	955	174	853	(102)	Slippage/ Overspend
General Roads Projects	302	27	302	0	On Budget
	4,341	785	4,159	(182)	
<u>Flood Prevention and Drainage</u>					
Broxburn Flood Prevention Scheme	30	10	30	0	On Budget
Other Flood Prevention and Drainage Schemes	300	16	300	0	On Budget
	330	26	330	0	
<u>Road Lighting</u>					
	2,197	664	2,197	0	On Budget
<u>Structures and Transportation</u>					
<u>Road Safety</u>					
Cycling, Walking and Safer Streets	400	6	200	(200)	Slippage
Road Casualty Reduction Schemes	436	16	300	(136)	Slippage
School Travel Schemes	20	7	20	0	On Budget
	856	29	520	(336)	
<u>Traffic Management</u>					
Disabled Parking Act Implementation	63	12	63	0	On Budget
Drumshoreland Distributor Road	500	537	500	0	On Budget
Linlithgow Parking Strategy	25	0	25	0	On Budget
St Nicholas Primary School, Broxburn, Extension	45	46	46	1	Overspend
Other	101	30	126	25	Overspend
	734	625	760	26	
<u>Structures</u>					
Adopted and Non Adopted Bridges - Backlog and Lifecycle Investment	1,529	546	1,592	63	Overspend/ Accelerated
	3,119	1,201	2,872	(247)	
Total Structures and Transportation					
	1,047	221	871	(176)	Slippage
Town Centres and Villages Improvement Fund					
	11,034	2,897	10,429	(605)	
<u>Open Space Assets</u>					
Open Space and Sports Facility Projects	3,092	1,769	3,515	423	Overspend/ Accelerated
Open Space and Sports Facility Planned Improvements	1,501	1,171	1,518	17	Accelerated/ Saving
Open Space Parks Drainage	107	0	159	52	Overspend
Children's Play Areas	479	462	481	2	Overspend
Synthetic Turf Pitches	705	44	345	(360)	Saving
Cemeteries	108	158	108	0	On Budget
Land Decontamination	54	31	20	(34)	Saving
	6,046	3,635	6,146	100	
TOTAL OPEN SPACE ASSET					
<u>ICT Assets</u>					
Corporate and Modernisation	4,575	1,623	4,575	0	On Budget
School Specific Spend	1,442	11	1,442	0	On Budget
	6,017	1,634	6,017	0	
TOTAL ICT ASSET					
TOTAL	68,873	36,289	68,394	(479)	
Overprogramming	(4,000)	0	(3,521)	479	
TOTAL - ALL ASSETS	64,873	36,289	64,873	0	

DATA LABEL: PUBLIC

APPENDIX 2
2016/17 DEVELOPER CONTRIBUTIONS - MONTH 4 MONITORING

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/16	Income 2015/16	Draw downs 2016/17	Balance at 31/07/16	Details of Committed Funds
	£	£	£	£	
Affordable Housing	1,749,740	430,827	0	2,180,567	Resource for council house building
Armada Academy	0	27	0	27	Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	5,374,009	0	0	5,374,009	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	46,033	0	0	46,033	Will be used to fund travel co-ordinator post
A801 Dualling	104,002	0	0	104,002	Committed to dualling of A801
Cemetery Provision	53,950	1,902	0	55,852	Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	242,499	0	0	242,499	Committed to provision of public art
St Nicholas PS, Broxburn	4,427	0	0	4,427	Will be used to fund extension to St. Nicholas Primary School. Refund has been paid for planning permission no longer required
St Paul's PS, East Calder	298,750	48,011	0	346,761	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	181,544	0	0	181,544	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	593,107	0	0	593,107	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	28,335	0	0	28,335	Will be used to fund extension of St Mary's Primary School
Pumpherstons & Uphall PS	287,250	0	0	287,250	Will be used to fund the extension of Pumpherstons & Uphall Primary School
Drumshoreland Dist Road	2,430	0	0	2,430	Will be used to fund the Drumshoreland Distributor Road
A71 Developer Contributions	7,169	0	0	7,169	Committed to A71 Works
Parkhead PS	0	0	0	0	Used to fund extension to Parkhead Primary School
Linlithgow Academy	162,492	0	0	162,492	Fund for extension of Linlithgow Academy
Bathgate Academy	504,157	0	0	504,157	Will be used to fund Bathgate Academy extension
Whitburn Academy	405,780	0	0	405,780	Will be used to fund Whitburn Academy extension
Kirknewton PS	4,475	0	0	4,475	Will be used to fund extension of Kirknewton
A71 Wilkie Bypass	123,957	0	0	123,957	Committed to A71 Works
Almondell & Calderwood Country Park	33,974	0	0	33,974	Committed to improving Almondell & Calderwood Country Park
East Calder Park	157,719	0	0	157,719	Committed to improving East Calder Park
East Calder Public Car Park	6,795	0	0	6,795	Committed to improving East Calder Public Car Park
Public Transport	189,950	0	0	189,950	Will be used to fund Public Transportation works
St Paul's Primary School Footpath	32,697	0	0	32,697	St Paul's Primary School Footpath
East Calder Primary School	239,668	0	0	239,668	East Calder Primary School
Town & Village Centre Policy	42,444	0	0	42,444	Town & Village Centre Policy
A71 Bus Priority Measures	14,987	0	0	14,987	Committed to A71 Bus Priority works
Denominational Primary, Armadale	1,283	0	0	1,283	Will be used to fund extension of St Anthony's Primary School
Armadale Primary School S75	340,370	0	0	340,370	Will be used to fund works required at Armadale Primary School
Wester Inch, Bathgate	375,731	0	0	375,731	Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Civic Centre Roads/BMX Park	462	0	0	462	Funding for BMX / skate park in Livingston
Off site environmental works, West Mains	163,651	0	0	163,651	Will be used to fund off site works
Livingston Town Centre Waiting Restrictions	30,385	0	0	30,385	Will be used in Livingston town centre
Non-denominational Primary, Armadale	1,890,042	0	0	1,890,042	Will be used to fund education infrastructure in Armadale
Non-denominational Primary, Bathgate	1,080	0	0	1,080	Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	89,793	0	0	89,793	Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	942,323	0	0	942,323	Calders Non Denominational Secondary School
Linlithgow Bridge PS MUGA	61,206	0	0	61,206	Will be used to fund Multi Use Games Area (MUGA)
Winchburgh Secondary	1,269,516	0	0	1,269,516	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	313,862	0	0	313,862	Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School
Our Lady of Lourdes	20,939	0	0	20,939	Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Mill Roundabout, Eliburn	90,448	0	0	90,448	Will be used to fund improvements at the roundabout
Open Space Cont S69	602,054	0	0	602,054	Will be used to fund Open Space projects in various sites
Kirknewton Park & Ride	50,877	0	0	50,877	Kirknewton Park & Ride
TOTAL	17,136,362	480,767	0	17,617,129	



COUNCIL EXECUTIVE

CALL FOR EVIDENCE – A SCOTTISH APPROACH TO TAXATION

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek approval from the Council Executive for a submission from the council in response to the call for evidence from the Scottish Parliament Finance Committee on a Scottish Approach to Taxation.

B. RECOMMENDATIONS

It is recommended that Council Executive agrees the proposed response to the Scottish Parliament Finance Committee, as set out in Appendix one of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs; providing equality of opportunities; developing employees; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance indicators	None
V Relevance to Single Outcome Agreement	Effective prioritisation of council resources is essential to achieving the targets contained in the Single Outcome Agreement.
VI Resources – (Financial, Staffing and Property)	The current system of Council Tax accounts for over £70 million of the council's revenue budget funding, equivalent to 18% of annual revenue budget of the council.
VII Consideration at PDSP	Due to the 30 September deadline for responses, there is not time for the report to be reported to both the PDSP and Council Executive meetings.
VIII Other Consultations	None

D. TERMS OF REPORT

D.1 BACKGROUND

As a result of the devolution of taxation powers via the Scotland Act 2012 and 2016, the Scottish Parliament Finance Committee wishes to initiate a debate on the approach which should be followed in developing a Scottish approach to taxation.

The Committee has invited views on the approaches and principles which should guide the development of a Scottish approach to taxation. Accordingly, the Finance Committee has agreed to undertake an Inquiry on this approach. The Inquiry was launched on 30 June 2016 and the closing date for responses is Friday 30 September 2016. Due to the timescales for responses, the draft report has not been considered by the Partnership and Resources PDSP.

D.2 CALL FOR EVIDENCE

The Scottish Government has stated that four principles will underpin its approach to taxation policy. These are that taxation policy should:

- Be proportionate to the ability to pay
- Provide certainty to the taxpayer
- Provide convenience / ease of payment, and
- Be efficient.

The Finance Committee have invited views with regard to the following issues:

- How can the Scottish Government's four principles to underpin Scottish taxation policy be best achieved?
- How does the current taxation regime and proposals for newly devolved taxes align against these four principles?
- Is there scope for a fundamentally different approach to taxation in Scotland?
- Should future tax changes be ring-fenced and if so, how? If not, why?
- To what extent do potential behavioural responses limit options for tax changes in Scotland?
- To what extent do the mechanisms for administering the Scottish income tax system via HMRC limit the scope for a different tax system in Scotland to develop?
- Are there any other administrative limitations to the emergence of a Scottish tax system?

D.3 PROPOSED RESPONSE TO THE FINANCE COMMITTEE

In formulating the council's proposed response to the Finance Committee, officers have taken account of evidence previously submitted by the council to the Commission on Strengthening Local Democracy, and the Commission on Local Taxation. The proposed response to the questions set by the Finance Committee focuses on more fiscal powers at local level in order to provide more local democratic accountability and choice to communities. The proposed response also highlights that there should be no limitations or ring fencing of taxes raised locally by councils, and that local taxes should not be used to directly fund central policy decisions.

The proposed response is attached in Appendix one.

E. CONCLUSION

The Scottish Parliament Finance Committee has invited responses on the Scottish Government's development of a Scottish approach to taxation. The Council Executive is asked to agree the proposed response in order that the council can meet the deadline for responses of 30 September 2016.

F. BACKGROUND REFERENCES

None

Appendices: One – Proposed West Lothian Council response to call for evidence

Contact Person: David Maule, Corporate Finance Manager david.maule@westlothian.gov.uk - Tel No. 01506 281302

Donald Forrest
Head of Finance and Property Services
Date: 20 September 2016

Proposed West Lothian Council response to Call for Evidence: A Scottish approach to taxation

How can the Scottish Government's four principles to underpin Scottish taxation policy be best achieved?

Proposed Response: The council recognises the changes to the funding landscape in Scotland with new devolved powers for taxation, including a Scottish rate of Income Tax, new borrowing powers for the Scottish Government, and powers for a number of former UK taxes. It is therefore an appropriate time to consider how Scottish taxation should be approached. The four principles set out by the Scottish Government are all relevant, and are supported by the council. Furthermore, it is worth noting that they correspond with some of COSLA's principles of local taxation, in that taxation should be fair and easy to understand, and should be administratively efficient and difficult to avoid.

To best achieve the four principles, it is necessary to consider the impact of all taxation impacting on taxpayers in Scotland, including taxes from the UK and Scottish Governments, and local government.

The council proposes that a Scottish approach to taxation should also take cognisance of local taxation, and therefore fiscal policy should take account of the current lack of fiscal powers at local level which places a significant limitation on local democratic choice and control. A local taxation system should have the freedom to raise additional resources in a way that recognises the local needs of communities. Therefore, in order to achieve its principles around ability to pay, certainty, ease of payment and efficiency, a Scottish approach to taxation should reflect the requirements for local democracy and community empowerment.

How does the current taxation regime and proposals for newly devolved taxes align against these four principles?

The current taxation regime and newly devolved taxes do not address the fiscal deficit that exists where over 80% of council funding is provided centrally. The impending change to the Council Tax multiplier for the top four bands falls does not provide a wholly progressive reform of local tax. Furthermore, the intention of the Scottish Government to ring-fence the additional £100 million raised from this taxation change to fund national policies removes accountability between local taxation and local communities. In addition the 3% cap on council tax increases, effective from 1 April 2017, does not facilitate local democratic decision making.

Is there scope for a fundamentally different approach to taxation in Scotland?

Proposed Response: The council proposes that there should be more tax raising powers devolved to a local level. As previously outlined by the Commission on Strengthening Local Democracy, there is a current lack of fiscal powers at local level which places a significant limitation on local democratic choice and control. Council Tax currently accounts for approximately 18% of the funding local government has available to invest in services for its communities, whereas across Europe the most empowered local governments can raise more than 50% of their own income.

Should future tax changes be ring-fenced and if so, how? If not, why?

Proposed Response: The council is not in favour of local taxation income being ring-fenced for a prescribed area of spend. In particular, the council is concerned that it is the Scottish Government's intention to use local taxation to pay for central government policies, by distributing £100 million of taxation revenues raised locally by the changes to the Council Tax multiplier to fund educational attainment, in a way that will mean money received within a council area is not all spent in that area.

The ability of each individual local authority to set and collect a local tax is a key factor in effective local democracy and key to establishing a solid accountability relationship between councils and their local communities. The central distribution of funding raised by the Council Tax re-banding will seriously erode this link between local taxation and accountability to our local communities.

The Scottish Government should therefore look to its own central tax raising powers, such as income tax, to fund central policy decisions.

To what extent do potential behavioural responses limit options for tax changes in Scotland?

Proposed Response: The merits of any proposed tax changes in Scotland should be considered and an assessment made of the potential behavioural impacts of each change. However, the overriding concept of any tax changes should be based on fairness and equity. A tax that is based on the ability to pay and treats all equitably is more likely to deliver stable revenues, not just because it will, by definition, be affordable, but also because it is likely to benefit from greater public acceptance.

To what extent do the mechanisms for administering the Scottish income tax system via HMRC limit the scope for a different tax system in Scotland to develop? Are there any other administrative limitations to the emergence of a Scottish tax system?

Proposed Response: There is no reason why the Scottish Rate of Income Tax continuing to be administered by HMRC should limit the scope for a different tax system to develop. In terms of other administrative arrangements for tax collection in Scotland, local authorities have a good track record of administering and collecting local taxes such as Council Tax, Water and Sewerage charges and Non Domestic Rates and are well placed to adapt to any proposed local taxation changes. Similarly, Revenue Scotland is now established and well placed to administer and collect devolved taxes in Scotland.



COUNCIL EXECUTIVE

CALL FOR EVIDENCE ON THE COUNCIL TAX (SUBSTITUTION OF PROPORTION) (SCOTLAND) ORDER 2016

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek approval from the Council Executive for a submission from the council in response to the call for evidence on the Council Tax (Substitution of Proportion) (Scotland) Order 2016.

B. RECOMMENDATIONS

It is recommended that Council Executive agrees the proposed response to the Scottish Parliament's Local Government and Communities Committee, as set out in Appendix one of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs; providing equality of opportunities; developing employees; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance indicators	None
V Relevance to Single Outcome Agreement	Effective prioritisation of council resources is essential to achieving the targets contained in the Single Outcome Agreement.
VI Resources – (Financial, Staffing and Property)	The current system of Council Tax accounts for over £70 million of the council's revenue budget funding, equivalent to 18% of annual revenue budget of the council.
VII Consideration at PDSP	Timescales did not allow for the proposed response to be presented to a PDSP.
VIII Other Consultations	None

D. TERMS OF REPORT

D.1 BACKGROUND

Council Tax is the system of local taxation that is used to part-fund local authorities. Council Tax was introduced in 1993 to replace the Community Charge and has remained unchanged since its introduction. The Scottish Government and COSLA established the Commission on Local Tax Reform, which reported in December 2015 and in March 2016, the Scottish Government published its proposals for reform of the Council Tax.

The main areas of reform proposed by the Scottish Government are as follows:

- To increase the ratios of the upper Council Tax bands (E to H) relative to Band D. This will mean that bills for Band E will increase by 7.5%, Band F by 12.5%, Band G by 17.5% and Band H by 22.5%. No additional bands have been added and the ratios for Bands A to D will remain unchanged.
- No plans to hold a revaluation of council tax properties, so Council Tax will remain based on values of property in 1991.
- To end the Council Tax freeze, with any future rises to be capped at a maximum of 3% per year.

The Scottish Government intends to implement its Council Tax reforms through Secondary Legislation. This will be implemented in a Scottish Statutory Instrument (SSI) entitled the Council Tax (Substitution of Proportion) (Scotland) Order 2016. The Local Government and Communities Committee has been designated as the lead Committee to consider this SSI.

The LGCC launched a call for views on the Scottish Government's proposals for Council Tax reform on 8 September 2016. The closing date for responses to the Committee is 28 September 2016. Due to the extremely short timescales, it has not been possible to discuss the proposed response at the Partnership and Resources PDSP.

D.2 CALL FOR EVIDENCE

The call for evidence focuses on the following five questions:

1. Overall, do you support the principles of the Government's plans to reform Council Tax?
2. To what extent will the Government's proposed reforms make the system of Council Tax fairer?
3. To what extent will the changes be straightforward for local authorities to implement?
4. Do you support the Government's planned changes to Council Tax reductions?
5. Please add any other comments on any aspect of the proposed reforms.

D.3 PROPOSED RESPONSE TO THE COMMITTEE

In formulating the council's proposed response to the Local Government and Communities Committee, officers have taken account of evidence previously submitted by the council to the Commission on Strengthening Local Democracy, and the Commission on Local Taxation. The proposed response is also consistent with proposed comments which the Council Executive is asked to consider in the call for evidence on a Scottish approach to taxation, which is subject to a separate Council Executive report.

The proposed response is attached in Appendix one.

E. CONCLUSION

The Scottish Parliament's Local Government and Communities Committee Finance Committee has invited responses on the Scottish Government's proposed changes to Council Tax. The Council Executive is asked to agree the proposed response in order that the council can meet the deadline for responses of 28 September 2016.

F. BACKGROUND REFERENCES

None

Appendices: One – Proposed West Lothian Council response to the Call for Evidence

Contact Person: David Maule, Corporate Finance Manager david.maule@westlothian.gov.uk - Tel No. 01506 281302

Donald Forrest
Head of Finance and Property Services
Date: 20 September 2016

PROPOSED WEST LOTHIAN COUNCIL RESPONSE TO CALL FOR EVIDENCE ON THE COUNCIL TAX (SUBSTITUTION OF PROPORTION) (SCOTLAND) ORDER 2016

Overall, do you support the principles of the Government's plans to reform Council Tax?

Proposed Response: In our submission to the Commission on Local Tax Reform, in June 2015, the council set out that it believed that the current system of council tax required modernisation, in order that there was a more progressive property based local taxation system. The council set out a number of ways in which this could be approached, including a restructuring of the current banding arrangements, a revaluation of properties, and a retention of a local discount and reduction scheme for individuals most in need.

Therefore, in principle, the council agrees that a reform of Council Tax is required, but does not believe that the impending changes to the Council Tax multiplier provide a comprehensive or wholly progressive reform of Council Tax.

To what extent will the Government's proposed reforms make the system of Council Tax fairer?

Proposed Response: In our submission to the Commission on Local Tax Reform, our council's view was that a review of local taxation should support the principles of local taxation previously agreed by COSLA, which were around fairness, ease of understanding, efficiency, local accountability, and collectability.

The Commission on Local Tax Reform's published findings outlined three alternatives which could raise a similar level of funding to Council Tax, and make local taxation fairer, more progressive, more stable, more efficient and more locally empowering. The predominant view of the commission was that local government's tax base should, if it could be proved feasible, be broadened to include income. The commission outlined three alternatives to the current council tax system which could help to achieve a fairer local taxation system:

1. a replacement property tax, which would be based on the value of land and buildings;
2. a land value tax, based on the value of land only
3. and a local income tax which would raise revenue based on a householder's taxable income

The proposed changes to Council Tax do not represent a thorough modernisation of the current council tax system, as recommended by the Commission, and do not seek to explore any of the options for a fairer system put forward as alternatives by the Commission, which could have made more of an impact in addressing the regressive nature of council tax.

In addition, the council believes that using the additional locally raised taxation income that will be raised by the council tax re-banding to fund national policy will seriously erode the link between local taxation and accountability to our local communities and will place a significant limitation on local democratic choice and control.

To what extent will the changes be straightforward for local authorities to implement?

Proposed Response: The changes to the ratios of the bands for the properties in bands E to H will be straightforward to implement in terms of administration and software development.

However, the Council Tax Reduction Scheme (which is similar to the previous Council Tax Benefit Scheme) is complex, both in terms of administration and also the software that drives the scheme.

In terms of administration, the full detail that will allow the council to assess how the scheme will be administered in practical terms is not yet available. Until this detail is available, it is not possible to undertake a full appraisal of how straightforward implementation will be. There will be a requirement to provide information to all households affected by the increase in band ratios along with the detail of the reduction scheme inviting applications from those that may qualify for the

Council Tax Reduction. If the detail of the scheme is delayed beyond December 2016 the opportunity to invite, receive and assess applications from households prior to the issue of the 2017/18 bills in February/March 2017 will result in the council having to undertake a rebilling exercise for those households that subsequently qualify for the reduction. Any rebilling exercise will require additional administrative resource incurring additional costs and could potentially impact on collection rates in the first few months of the 2017/18 financial year whilst applications are invited, received and assessed.

Software providers will have a significant challenge to deliver the required software development linked to the Council Tax Reduction Scheme changes. The scheme is complex in terms of the software that drives delivery of it. Software providers have suggested a lead in time for development of up to six months. It is therefore vital that software providers are aware of the full details of the scheme as soon as possible to allow sufficient time for development and comprehensive testing of the software. Any delays or issues with the development of the software that mean it is not available in time for the issue of the 2017/18 bills in February/March 2017 will impact on the implementation of the changes for 1 April 2017 and will result in the need for the council to undertake a rebilling exercise for those households that subsequently qualify for the reduction.

Do you support the Government's planned changes to Council Tax reductions?

Proposed Response: The council supports the principle of a scheme to reduce/mitigate the impact of the increased Council Tax charges for households on lower incomes. However due to the existing complexity of the Council Tax Reduction Scheme, the council has reservations on whether using the scheme to administer the reduction will be efficient and easily understood.

It is possible that a more straightforward way to administer reductions may be through the use of a statutory Council Tax reduction in banding (similar to the current disabled person's reduction). Households that fall within the set criteria for the reduction would have this administered through a reduction in banding equivalent to the increase as a result of the change to the banding ratios in bands E to H.

Please add any other comments on any aspect of the proposed reforms.

Proposed Response: The council believes that there should be a national publicity and awareness campaign to explain the impending changes to the re-banding system and to explain to the public that the additional income raised will be used nationally to fund policy decisions. This is required to avoid confusion with council tax payers, and to make clear that in some local authorities, not all of the additional income raised from their council tax will necessarily be re-invested in their own local authority area.

The council proposes that there should be more tax raising powers devolved to a local level. As previously outlined by the Commission on Strengthening Local Democracy, there is a current lack of fiscal powers at local level which places a significant limitation on local democratic choice and control. Council Tax currently accounts for approximately 18% of the funding local government has available to invest in services for its communities, whereas across Europe the most empowered local governments can raise more than 50% of their own income.



COUNCIL EXECUTIVE

CONSULTATION RESPONSE TO CHILD POVERTY BILL FOR SCOTLAND.

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to inform the Council Executive of the Scottish Government's consultation on a Child Poverty Bill for Scotland which closes on 30 September 2016, and to agree a West Lothian Council response.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the contents of the report and the accompanying proposed consultation response (appendix 1); and
2. Approves the proposed consultation response

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	There are no Strategic Environmental Assessment, Equality, Health or Risk assessment issues associated with this report, however, should the Bill proceed, then these may be required.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	There may be a statutory requirement to have performance indicators.
V Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed. We are better educated and have access to increased and better quality learning and employment opportunities. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. We live longer, healthier lives and have reduced health inequalities.

VI Resources - (Financial, Staffing and Property)	Resource implications are not clear at this stage.
VII Consideration at PDSP	Given the short timescale on the consultation it has not been possible to consider this at PDSP.
VIII Other consultations	West Lothian Council Legal Services and CPP Anti-Poverty Development Group have been consulted on this response.

D. TERMS OF REPORT

Background

In 2010, the UK government committed to eradicate child poverty by 2020; as part of this Act, Scottish Government articulated a Child Poverty Strategy for Scotland (2014-17). The strategy comprised four elements: maximising household resources, improving children's life chances, focusing on communities and place and driving change through working with local partners.

Local authorities and Community Planning Partnerships have been key partners in achieving its goals and tackling child poverty locally in Scotland specifically through Single Outcome Agreements. Overall, there has been a downward trend in the rates of child poverty in Scotland.

In July 2015, the UK Secretary of State for Work and Pensions gave notice of a new approach to tracking the life chances of Britain's most disadvantaged children which would involve repealing the Child Poverty Act 2010 and its commitments to eradicate child poverty by introducing the Welfare Reform and Work Bill which removes the four income based targets.

The Scottish Government is bringing forward proposals to introduce a Child Poverty Bill for Scotland which will aim to eradicate child poverty by 2030, include income based targets and a 'Team Scotland' delivery plan.

Child Poverty

Children are considered to be living in poverty if they live in households with less than 60% of median household income. Families can be said to be in poverty when they lack resources to obtain the type of diet, participate in the activities and have the living conditions and amenities which are customary, or at least widely encouraged and approved, in the societies in which they belong. Poverty is complex with a wide range of underlying causes and, whilst for some families experiencing poverty will be short lived, for others there will be an extended period dipping in and out and there are some families who will experience persistent, long term poverty.

Around one in five children live in poverty in Scotland and the Institute for Fiscal Studies has projected (March 2016) that relative child poverty will rise by 8% at UK level over the next five years.

Child Poverty Bill for Scotland

The Child Poverty Bill for Scotland consultation commenced on 8 August, 2016, with eight weeks for consultation, closing on 30 September. The paper outlines the policy context and summarises recent work to tackle child poverty in Scotland. The key commitment is to eradicate child poverty by 2030. It has three main aims:

- Legislate the Scottish Government's ambition to eradicate child poverty;
- Place a duty on Scottish Ministers to publish a Child Poverty Delivery Plan every five years, and to report on that Plan annually; and
- Set statutory income targets.

The consultation (appendix 1) has eleven questions in total. The draft West Lothian submission supports, in principle, the measures contained in the Bill. However, it has expressed concerns about:

- The lack of time for meaningful consultation;
- The lack of detail on 'Team Scotland' action plan;
- The reporting framework;
- How the objectives of the Bill be achieved without additional resources.

E. CONCLUSION

The ambition to eradicate child poverty is welcomed. There are concerns about how this will be delivered given the continuing challenging economic circumstances and the implications on budgets at a local authority level.

The Council Executive is asked to agree that the submission to the consultation should be made as proposed in Appendix 1.

Appendices/Attachments: Appendix 1: Response to Consultation

Contact Person: Elaine Nisbet, Anti-Poverty and Welfare Advice Manager,
elaine.nisbet@westlothian.gov.uk Tel: 01506 282921

Donald Forrest
Head of Finance and Property Services
20 September 2016

West Lothian Council

Response to Consultation on a Child Poverty Bill for Scotland

1. Do you agree with the Scottish Government including in statute an ambition to eradicate child poverty?

Yes. However, given the current constraints on public services, economic uncertainty and continuing welfare reform, all indications are that the numbers experiencing poverty may increase. It would be beneficial to have targets which would set out milestones as part of the five year action plan and which gives details of resources which will support its achievement. It would have been helpful for the consultation to have considered how the Bill fitted with the Fairer Scotland Action Plan which is not due to be published until October 2016.

2. What are your views on making income targets statutory?

Yes income targets should be statutory. However, whilst making income targets statutory will continue to give some measure of child poverty, they should not be used in isolation. The consultation document makes clear that many of the levers for change do not lie with the Scottish Government. Therefore, in order to have a better understanding of child poverty, the Bill should streamline outcomes from other strategies and frameworks to reduce the burden of reporting and create a more rounded view of child poverty. The consultation document does not make clear who will collect the data and who will be responsible for reporting on this.

3. How do you think the role of the Ministerial Advisory Group on Child Poverty can be developed to ensure that they play a key role in developing the legislation?

The Advisory Group needs to be widened to be more representative of Scotland, for example, how does it ensure that local government and the voluntary sector are able to provide insight and evidence of people experiencing poverty? The consultation document mentions a 'Team Scotland' Delivery Plan but there is no information on the plan and what remit, influence and purpose the Advisory Group will play in the delivery of the plan. There is no mention of the role of the private sector in supporting this agenda. A key role for the Advisory Group should be in ensuring that children are consulted and their views taken into account.

4. How can links between the national strategy and local implementation be improved? What could local partners do to contribute to meeting these national goals? This might include reporting and sharing best practice or developing new strategic approaches.

Community Planning Partnerships play a key role in integrating national policies and delivering at a local level. The objectives of the Fairer Scotland agenda have been embedded in all Community Plans for many years by individual planning partnerships. This is a strong foundation on which to build. Local partnerships have the knowledge, skills and expertise to provide solutions which meet local needs. At a time when public services are under considerable pressure, adequate resources will be required to deliver local actions.

Local partnerships have a role in co-ordinating and compiling local information however there requires clarity on the data that needs to be collected. It would be helpful if outcomes from the various national strategies were streamlined with a consistent and clear reporting

framework. The Advisory Board should provide guidance and leadership on how to report and share best practice.

- 5. What are your views on the income-based measures of poverty proposed for Scottish child poverty targets? For example, are there any additional income-based measures you think we should also use (and if so, why)? Are there any alternative approaches to measuring income – for example, as used in other countries – that you think could apply in Scotland?**

Local authorities do not have any influence or control on income. However, there is currently consultation on the Social Security Bill for Scotland and the ambition to eradicate child poverty should be linked to measures contained in the Bill given the Scottish Government has the power to introduce new benefits.

The focus of the Bill appears to be on income based measures and there is no detail on the 'Team Scotland' action plan. It is therefore difficult to assess whether there will be actions to tackle poverty, to consider preventative measures and to support long term planning. All of this is needed to realise the 2030 target at a time when there are considerable competing priorities on funding at a local government level.

- 6. What are your views on the Scottish Government's proposals for the levels of child poverty that the targets will be set at?**

The Scottish Government's proposals are extremely ambitious. The Institute of Fiscal Studies projected that relative child poverty will rise by eight percentage points at a UK level by 2020. It is unclear what evidence base has been used to determine the targets. All local authority areas will be starting from different points and therefore local targets would be a better gauge of progress being made.

- 7. What are your views on the Scottish Government's proposal to set targets on an after housing costs basis? For example, are there any disadvantages to this approach that we have not already considered?**

The proposal gives a realistic measure of disposable income. Given that many families have higher housing costs for a number of complex reasons, it would be beneficial to consider keeping both before and after targets. This would allow information to be collected on the impact of the Scottish Government's Affordable Housing Strategy. Consideration should be given to integrating fuel poverty measures to provide a more rounded view of household income. There needs to be more emphasis on maximising income and increasing financial capability linked with employability strategies.

- 8. What are your views on the Scottish Government's proposal to set targets that are expected to be achieved by 2030?**

The Bill does not make clear who is expected to achieve the targets and without detail on the 'Team Scotland' action plan, it is difficult to know how this will be achieved. Setting the target date of 2030 to align with other Scottish Government action plans and strategies should provide synergies of approach and create a common timeframe with which to measure progress.

9. What are your views on the proposal that Scottish Ministers will be required by the Bill to produce a Child Poverty Delivery Plan every five years, and to report on this plan annually?

A five year Child Poverty Delivery Plan will support setting stretch targets and if this is integrated into local planning mechanisms, it will focus action on delivery to meet local needs and priorities. It is not clear what would be reported annually and how this would reflect what could be achieved in a year. If this was only income based targets, then there is a concern that this would become a 'league' table approach to measuring child poverty. It may be more beneficial to have a 'progress report' half way through each five year delivery plan which takes into account of changing circumstances, shares good practice and analyses what the information is telling us in order to develop new strategic approaches.

10. Do you have any suggestions for how the measurement framework could usefully be improved? For example, are there any influencing factors that are not covered by the measurement framework? Or are there any additional indicators that could be added?

The measurement framework needs to review its use of language and align with the consultation being undertaken as part of the Social Security Bill for Scotland on the use of language.

The Performance Framework is very cluttered and there is a danger of the focus being on reporting rather than doing. It is also difficult to know how this information is being collected, who is responsible for reporting and how this information is being analysed. There is no indication on what outcomes are being measured. The framework needs to be streamlined to report on fewer indicators.

The framework should consider in-work poverty and living wage indicators alongside measures which reflect the changing social norms in relation to digital skills.

11. Do you have any additional views on a Child Poverty Bill for Scotland?

The focus on child poverty is welcomed by West Lothian Council. It is important that this is considered alongside the wider poverty agenda. Given the importance of the Bill, it would have been helpful to have had more time to consult partners and other key stakeholders at a local level. West Lothian Council would also support local authorities being viewed as key partners in the proposals. There needs to be stronger links to maximising household income, increasing financial capability and employability strategies.



COUNCIL EXECUTIVE

2016/17 HOUSING REVENUE ACCOUNT – MONTH 4 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on financial performance in relation to the Housing Revenue Account (HRA) following the month 4 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the outcome of the month 4 monitoring exercise and projected out-turn.
2. Agrees that officers continue to take the necessary action to deliver a balanced budget.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Expenditure has been in compliance with the council's Best Value Framework, approved on 10 June 2014, aimed at ensuring compliance with the provisions contained within the Local Government in Scotland Act 2003.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need.
VI Resources - (Financial, Staffing and Property)	West Lothian Council approved an HRA Budget of £46.686 million on 23 February 2016. A breakeven position is predicted at this stage.
VII Consideration at PDSP	Not applicable
VIII Other consultations	Head of Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The Council approved a £46.686 million HRA Revenue budget on 23 February 2016. This report provides information on the financial position in relation to the HRA as at 31 July 2016 and provides a projection to the year end.

D.2 Summary of Month 4 Financial Information

The table below summarises the position for the main expenditure heads and provides a projected out-turn:

	2016/17 Budget £'000	Committed Expenditure to 31 July £'000	2016/17 Projected Out-turn £'000	2016/17 Projected Variance £'000
Employee Costs	4,469	4,253	4,286	(183)
Premises Costs	15,001	4,948	14,758	(243)
Transport Costs	153	137	153	0
Supplies & Services	3,418	2,762	3,102	(316)
Third Party Payments	82	561	82	0
Transfer Payments	900	300	949	49
Support Services	2,552	851	2,552	0
Capital Financing	13,888	4,629	13,888	0
CFCR	6,223	2,074	6,223	0
Total Expenditure	46,686	20,515	45,993	(693)
Income	(46,686)	(20,300)	(45,993)	693
Net Expenditure	0	215	0	0

Employee Costs

Employee costs are forecast to underspend by £183,000 mainly as a result of vacant posts and staff turnover.

Premises Costs

Based on current information, premises costs are anticipated to underspend by £243,000. Property insurance indexation was lower than the budgeted provision and less is being spent on services provided by external contractors e.g. to secure property. House reactive repairs, gas servicing & maintenance and estates management services provided by Building Services are forecast to breakeven. However, expenditure on repairs is a key risk area. Expenditure is demand led and reactive to customer requirements. This volatility will require this budget to be closely monitored during 2016/17 and appropriate action to be taken to control expenditure within available resources.

Supplies & Services

Supplies and Services are forecast to underspend by £316,000 due to savings across a number of budget headings. The main areas of underspend are IT costs £83,000, legal fees £42,000, consultancy costs £50,000 and bad debt provision £65,000.

Third Party Payments

The forecast overspend of £49,000 relates to increased void loss, which in part is

explained by new build property completions and secondary lets created when the new tenant vacates the existing property.

Capital Financing & CFCR

The mix between borrowing and Capital Funded from Current Revenue (CFCR) is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account. It is noted that capital financing projections are due to be updated following the conclusion of month 4 monitoring and updated forecasts will be provided for month 6.

The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and collection levels for housing rent.

At this stage, it is proposed that the CFCR contribution be retained at £6.223 million in line with current capital financing projections. This will be reviewed for future monitoring exercises.

Income

Income budgets for 2016/17 relate to the estimated level of rent and other miscellaneous charges due to the HRA revenue account as at February 2016. Forecast income has been projected based on the latest information relating to housing stock, taking account of mortgage to rent, council house sales and new build completions. The right to buy ended on 31 July 2016 and in the run up to the deadline there was a significant increase in the number of applications. As sales are completed the rental income to HRA will reduce accordingly. On this basis, achievable income is forecast to be £693,000 less than originally budgeted.

The value of current tenant arrears at 31 July 2016 stood at £1.616 million (5,339 cases), with the equivalent position at 2 August 2015 of £1.744 million (5,428 cases). Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

E. CONCLUSION

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

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Graeme Struthers
Depute Chief Executive
20 September 2016



COUNCIL EXECUTIVE

2016/17 HOUSING CAPITAL REPORT – MONTH 4 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 4 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the outcome of the month 4 monitoring exercise and projected out-turn.
2. Agrees that officers continue to take the necessary action to deliver the overall programme.

C. SUMMARY OF IMPLICATIONS

I	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
II	Implications for Scheme of Delegations to Officers	None
III	Impact on performance and performance Indicators	None
IV	Relevance to Single Outcome Agreement	<i>"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."</i>
V	Resources - (Financial, Staffing and Property)	Council Executive approved a revised Housing Capital budget of £62.45 million on 21 June 2016.
VI	Consideration at PDSP	Not applicable
VII	Other consultations	Consultation has taken place with Housing Building & Construction Services and Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The council approved a five year programme for Housing capital investment in January 2013. A revised 2016/17 Housing Capital budget, comprising a £62.45 million investment programme, was approved by Council Executive on 21 June 2016 to take account of the 2015/16 out-turn and updated phasing profiles. This report contains detail of expenditure to date in the Housing Capital programme and provides a projected out-turn for the financial year.

D.2 Summary of Month 4 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows investment of £12.260 million in our housing stock as at 31 July 2016. The forecast expenditure for the year is £57.739 million. The investment programme comprises the creation of new build social housing and refurbishment of existing stock, which includes large scale housing projects, energy efficiency works and planned programmes, the majority of which is undertaken by Building Services.

	2016/17 Revised Budget £'000	Actual Expenditure at Month 4 £'000	2016/17 Projected Out-turn £'000	2016/17 Projected Variance £'000
New Build 1,000 Houses	44,598	7,775	39,813	(4,785)
Major Refurbishment	4,246	1,495	4,246	0
Major Elemental Repair	3,202	618	3,202	0
Planned Programmes	6,952	1,424	6,952	0
Environmental / External	670	84	705	35
Miscellaneous	2,782	864	2,821	39
Total	62,450	12,260	57,739	(4,711)

New Build 1,000 Houses

Significant expenditure, totalling £7.775 million has been incurred on new build expenditure, with progress on 11 of the remaining 23 sites. Several statutory consents are required for some of the sites and as a consequence, a number of sites have not yet started.

The projected out-turn reflects delays in site starts that have occurred. Work is currently underway at Raw Holdings, Lammermuir, Kirkhill, Almond Link, Mill Road, Eastfield, Redhouse, Glasgow Road, Philpstoun, Bathville and West Main Street. This major investment will provide new houses in areas across West Lothian of different sizes and styles, with many designed to support the occupation by people with limited movement ability including wheelchair users.

Six homes at Adelaide Street were completed during 2014/15, with a further 19 houses at Pumpherston and Auldhill, Bridgend, handed over by the contractors in June 2016. The first handovers at Kirkhill are expected in September 2016, and at Redhouse in November 2016.

Major Refurbishments

Major refurbishment works include Main Street Fauldhouse, where there is extensive disrepair and failing structure, and are expected to complete in autumn 2016. Investment at Bathville Cross, Armadale is linked in with new build flats. Works at Mayfield, Armadale include work to address rising damp, retention of stale air and work to solums and substructure walls where required.

Major Elemental Repair

The budget for roof and roughcasting works in 2016/17 is £3.202 million, with the projects being undertaken or managed by Building Services. Works in Fauldhouse and Whitburn continue from previous years, and there are new programmes in Uphall and Newton.

Planned Programmes

Planned programmes including a range of energy efficiency measures, central heating replacements, P.V. panels, electrical testing and repairs, painting, window replacements, new kitchens and bathrooms, and fencing programmes. These projects are generally progressing well and expenditure will be contained within available budgeted resources.

Environmentals / External Upgrades

There are a number of tenant led environmental projects and street improvement projects planned. These projects are expected to be completed this year and budgets will be fully spent, with works at St Helens Courtyard Armadale is projected to overspend by £30,000. Programmed drainage and bin store improvements will also be carried out.

Miscellaneous

The final account is being agreed for the projects at Blackburn Homeless Unit. Work continues at Deans South to enable development of this site. It is expected the Aids and Adaptations, and Asbestos Management will fully spend against budget in 2016/17.

D.3 Capital Resources

The table below shows the capital resources available to fund the housing capital programme in 2016/17. The investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from council house sales, government grants and council tax on second homes. The mix between borrowing and CFCR is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account.

	2016/17 Revised Budget £'000	Income to Month 4 £'000	2016/17 Projected Out-turn £'000	2016/17 Projected Variance £'000
House Sales	1,500	1,128	5,040	3,540
Borrowing	42,447	6,788	34,179	(8,268)
CFCR	6,223	2,074	6,223	0
Government Grants	10,345	2,068	10,345	0
Council Tax 2nd Homes	185	202	202	17
Developer Contributions	1,750	0	1,750	0
Total Income	62,450	12,260	57,739	(4,711)

House Sales

As at 31 July 2016, receipts from house sales totalled £1.128 million from the sale of 26 properties. Sales projections are estimated at £5.040 million for the year, for approximately 120 properties. Demand from tenants wishing to purchase their houses was high, with Right to Buy legislation ending on 31 July 2016, although applications made prior to that date will continue to be processed. It should be noted that house sales will generate an additional capital receipt, but will result in less rent due to the HRA.

Borrowing

The programme approved in June 2016 required borrowing of £42.447 million. At this stage it is anticipated that £34.179 million of borrowing will be required to meet projected expenditure levels.

CFCR

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £6.223 million. It should be noted the final contribution can be subject to capital borrowing requirements and related cost, as well as affordability within the Housing Revenue Account subject to pressures such as rent arrears and reactive repair costs, and the anticipated CFCR contribution will be reviewed when Treasury forecasts are updated.

D.4 Other Strategic Issues

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans and these are set out below:

Risk Management and Uncertainty

The budget monitoring process focuses attention on risks to the performance of the capital programme. The impact of housing rent arrears will continue to be closely monitored.

Affordability, Prudence and Sustainability

In overall terms, I would assess that the capital plan remains affordable, subject to identified risks being managed.

Stewardship of Assets

The council's strategic approach to housing capital planning takes into account progress against Scottish Housing Quality Standards.

Value for Money and Best Value

All aspects of the programme are geared towards securing Best Value.

E. CONCLUSION

Progress is being made in the Housing Capital 2016/17 programme. Within the 1,000 Houses New Build project, there have been a number of completions and construction work is progressing well on a number of sites. As New Build progresses from pre-contract to construction phases, the profile of expenditure will correspondingly increase.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock, meet energy efficiency standards and to increase the number of available houses for West Lothian residents.

Much of the focus of this work in 2016/17 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services.

All project budgets will continue to be closely monitored and the position managed by appropriate lead officers.

Appendices/Attachments: 1

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Graeme Struthers
Depute Chief Executive
20 September 2016

Housing Capital Programme
Month 4 Monitoring

Detailed Project Analysis	Annual Budget 2016/17 £000's	Actual to Date 2016/17 £000's	P12 Forecast 2016/17 £000's	P12 Forecast Variance 2016/17 £000's
<u>Expenditure</u>				
New Build Council Housing Programme:	44,598			(44,598)
Lot 1		1,473	4,697	4,697
Lot 2		2,990	8,813	8,813
Lot 3		1,525	7,332	7,332
Lot 4		810	7,706	7,706
Lot 5		831	9,954	9,954
Other New Build:				
Broxburn Old School New Build Council Housing Programme		0	375	375
Winchburgh Day Centre Conversion		3	5	5
Armada, Station Road, (Bathville Cross Phase 5)		3	3	3
Fees 1,000 houses		140	928	928
NEW BUILD TOTAL	44,598	7,775	39,813	(4,785)
<u>Major Refurbishment</u>				
Mayfield Area, Armadale Roof and render repair. Multiple year programme.	1,200	609	1,200	0
Main Street, Fauldhouse Major upgrades. Multiple year programme.	1,249	626	1,249	0
Park Road Flats, Blackridge Roof, roughcast and structural repairs with open space management. (8788	200	9	200	0
Bathville Flats, Armadale Roof and render repairs etc.	1,597	250	1,597	0
MAJOR REFURBISHMENT TOTAL	4,246	1,495	4,246	0
<u>Major Elemental Repair</u>				
Paterson Court Broxburn	45	0	45	0
Lanrigg Ogilvie, Fauldhouse Roof and render repair. Multiple year programme.	400	128	400	0
Empire St, Baillie St, Bog Rd, Park View, Dean St New roofs and external repairs. Multiple year program	400	88	400	0
Riddochill Area, Blackburn Roof and render repairs.	60	21	60	0
Miscellaneous Whitburn*(Glebe Union Jubilee Manse)	600	194	600	0
Cuthill, Stoneyburn Roof and render repairs.	270	134	270	0
Crossgreen Drive, Wyndford & Kirkflat Uphall & Holygate Place Broxburn Roof and render repairs	333	0	333	0
Strathlogie, Westfield	50	0	50	0
Beech Place / Dean Place, Seafield Roof and render repairs	100	0	100	0
Orchardfield Terrace Wilkieston	231	0	231	0
Auldhill Bridgend	0	0	0	0
St Helen's Place Roof and render	125	39	125	0
Felt Roofs (School Place, Uphall)	250	13	250	0
Rashiehill Roofs Roughcast	0	0	0	0
Newton Roofs	150	0	150	0
Ladeside, Blackburn	188	0	188	0
MAJOR ELEMENTAL REPAIR TOTAL	3,202	618	3,202	0
<u>Planned Programmes</u>				
Firewalls	50	0	50	0
Repairs to walls & footpaths	139	18	139	0
Periodic testing and repairs / Electric Wiring Carry out electrical tests	700	96	700	0
Kitchens and Bathrooms Renewal of Kitchens & Bathrooms previously omitted	445	77	445	0
Window Replacement	485	88	485	0
Hard wired smoke detectors Programme of upgrade beginning in off-gas properties	225	62	225	0
Painting: External painting of timber and render	275	30	275	0
Painting: Decoration scheme for older people	300	70	300	0
Common Stair Upgrades Floor, stair and wall repair and decoration	250	62	250	0
Rhone Cleaning and Repair Cleaning and local repairs of rainwater goods	250	30	250	0
Fencing Provision of new and replacement fencing	200	7	200	0
Central Heating Upgrade and replacement of boilers and distribution systems	2,212	525	2,212	0
Energy Efficiency PV panels	361	37	361	0
Insulation	100	0	100	0
External Wall Insulation	460	109	460	0
Planned Reactive / HIO Investment High value urgent upgrades.	500	214	500	0
PLANNED PROGRAMMES TOTAL	6,952	1,424	6,952	0
<u>Environmental / External Upgrading</u>				
Tenant Led Projects -Street Improvement,	236	0	236	0
Environmental Projects - Area Schemes	5	3	10	5
Programmed Drainage Joint Housing & Roads Services programme to address drainage issues	66	24	66	0
Play Areas Play areas in council housing areas.	40	51	40	0
St Helen's Courtyard, Armadale	105	2	135	30
Almondell	50	0	50	0
Bin Store Improvements Access, condition and suitability improvements	168	4	168	0
ENVIRONMENTAL / EXTERNAL UPGRADING TOTAL	670	84	705	35

Detailed Project Analysis

Miscellaneous

	Annual Budget 2016/17	Actual to Date 2016/17	P12 Forecast 2016/17	P12 Forecast Variance 2016/17
	£000's	£000's	£000's	£000's
Homelessness Upgrade of Blackburn Homeless Unit	152	0	152	0
Deans South Maintenance of site, including services.	443	228	482	39
Aids and Adaptations Aids and alterations to assist in active living	700	206	700	0
Asbestos Management Survey, removal and reinstatement costs of disturbed asbestos	550	157	550	0
Legionella Upgrades Survey and removal of risk in common storage systems	90	0	90	0
Feasibility Surveys Consultant surveys and reports to support current or future work	106	38	106	0
Home Safety Service Supporting independent living	170	170	170	0
Home Security for Senior People Supporting improved security measures	45	9	45	0
Demolitions	21	2	21	0
Capita Housing System New IT system	105	21	105	0
Mortgage to Rent Supporting Government private house purchase scheme	400	34	400	0
MISCELLANEOUS TOTAL	2,782	864	2,821	39

TOTAL EXPENDITURE

62,450	12,260	57,739	(4,711)
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Resources

Capital Receipts - Council House Sales	1,500	1,128	5,040	3,540
Borrowing	42,447	6,788	34,179	(8,268)
CFCR	6,223	2,074	6,223	0
Government Grants	10,345	2,068	10,345	0
Council Tax on Second Homes	185	202	202	17
Developer Contributions	1,750	0	1,750	0
TOTAL INCOME	62,450	12,260	57,739	(4,711)



West Lothian
Council

COUNCIL EXECUTIVE

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To update members on the business and activities of St John's Hospital Stakeholder Group.

B. RECOMMENDATION

To note the terms of the minute of the meeting of St John's Hospital Stakeholder Group held on 27 July 2016

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.
III Resources - (Financial, Staffing and Property)	None.
IV Consultations	None required.

D. TERMS OF REPORT

On 29 June 2010 the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision the business of St John's Hospital Stakeholder Group was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

E. CONCLUSION

This report ensures that members are kept apprised of the activities of St John's Hospital Stakeholder Group as part of the council's Code of Corporate Governance.

F. BACKGROUND REFERENCES

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

Minute of meeting of the St John's Hospital Stakeholder Group held on 27 July 2016

Contact Person: Jim Forrest, Depute Chief Executive

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Date: 20 September 2016

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

Minutes of the Meeting held on Wednesday 27 July 2016 at 2.30pm in the Pentland Room, Education Centre, St John's Hospital, Howden South Road, Livingston, West Lothian EH54 6PP (and by video conference call from Waverley Gate).

Present:

Mr Brian Houston	Chairman, Non Executive Lay Member NHS Lothian (Chair)
Mr Alex Joyce	Employee Director, Non Executive Member NHS Lothian
Cllr John McGinty	Leader West Lothian Council
Cllr Dave King	West Lothian Council: East Livingston and East Calder Ward
Mr Jim Forrest	Director, West Lothian CHCP
Ms Fiona Mitchell	Director of Women's and Children's Services, NHS Lothian
Ms Jackie Campbell	St John's Hospital Site Director, NHS Lothian
Ms Agnes Ritchie	St John's Hospital Site Chief Nurse, NHS Lothian
Mrs Maureen Anderson	Patient Representative
Ms Carol Harris	Head of Communications and Public Affairs, NHS Lothian
Ms Caroline McDowall	Partnership Lead St John's Hospital

In Attendance:

Mr Chris Graham	Secretariat, NHS Lothian
Ms Elaine Dow	West Lothian Council Corporate Services
Ms Val Johnston	West Lothian Council Corporate Services

Apologies:

Ms Anne Smith	General Manager, St John's Hospital Site, NHS Lothian
Ms Lynsay Williams	Non Executive Member NHS Lothian (Teleconference)
Cllr Anne McMillan	West Lothian Council: Livingston North Ward
Mr Jim Crombie	Chief Officer, University Hospitals and Support Services
Cllr Frank Toner	West Lothian Council: East Livingston and East Calder Ward

5 Members of the Public

Declaration of Financial and Non Financial Interest

There were no declarations made.

1 Welcome and Introduction

The Chair welcomed members to the meeting.

2 Minutes of the Previous Meeting

- 2.1 The Minutes of the previous meeting held on 15 June 2016 were approved as a correct record.

3 Matters Arising from the Minutes

- 3.1 Top Three Complaints – Ms Campbell reported that the main three themes related to:

- Waiting Times and Appointments
- Communication, all forms including staff attitude
- Clinical Treatment concerns

- 3.2 Cllr McGinty asked if there were any more specific themes within these three areas. Ms Campbell stated that for each of the concerns raised an improvement action is taken and a local action plan would be developed.
- 3.3 Cllr McGinty also asked if there were particular services where waiting times were of greater challenge. Ms Campbell outlined that the more challenging services tended to be around outpatient areas such as:
- Ophthalmology
 - Plastics
 - ENT
- 3.4 Cllr McGinty asked if the reasons behind the challenges related to volume or the capacity to deal with it. Ms Campbell replied that for some areas the volume was more than the capacity. For ENT the service demand was greater than the capacity but there was full staffing. Different ways at closing the gaps were now being considered, for example, direct access to audiology to reduce consultant demand.
- 3.5 The Chair asked why catering or noise issues were not included in the top three complaints. Ms Campbell stated that these issues were normally raised through the 'tell us 10 things' scheme rather than through the complaints process.

4 Ward 20 Development and Refurbishment Programme

- 4.1 The report was noted. Ms Campbell outlined that there was an opportunity to now look at the redesign of Ward 20 in order to create additional theatre capacity.
- 4.2 A lot of work had been carried out to develop specs and plans for the additional theatre; this would provide ten additional theatre sessions for ophthalmology; plastic surgery hand service and trauma. It was noted that there was currently no trauma theatre on site.
- 4.3 It was noted that the Business Case had been through the NHS Lothian Governance Process. The Finance and Resources Committee had supported the Business Case at their July meeting but had deemed that the partners' costs to be higher than market cost. It had been agreed to go to mini tender to get a cost more aligned to market cost.
- 4.4 Ms Campbell explained that it would take approximately six months to get Ward 20 developed and that there would be reprovision of the services using the current theatre across other sites and areas within St John's.
- 4.5 The Chair asked for clarity around the tendering process delay effect. Ms Campbell stated that the Framework Scotland mini tender could see a three month delay in the start of the construction work.
- 4.6 Cllr McGinty welcomed the investment in the services at St John's and asked if the intention would be for all services to go to other sites and then return to St John's once the additional capacity was in place. Ms Campbell confirmed this would be the case.

5 Implementation of the Royal College of Paediatrics and Child Health (RCPCH) Recommendations

- 5.1 Ms Mitchell gave a brief recap of the current position following the NHS Lothian Board meeting held on 22 June 2016. It was noted that the Board had endorsed the RCPCH report recommendation to keep the 24/7 paediatric inpatient service at St John's. The challenge now was to work with the existing team and consider ways of working that will allow the implementation of the recommended model which was a resident consultant staffing model. It was likely that the implementation process would take some time and the Board had agreed that as an interim measure, Option 2 in the report or a variation of it would have to be temporarily introduced. This Option would maintain the overnight inpatient service for lower acuity children only at St John's and have any serious cases transferred to the Royal Hospital for Sick Children in Edinburgh. The recommended resident model would require considerable additional investment in medical and nursing staff recruitment at both St John's Hospital and the Sick Kids and this was being progressed urgently.
- 5.2 It was noted that there were weekly meetings taking place between St John's, Simpsons and Sick Kids to go over the implications and consider how best to recruit. It was noted that the clinical teams at St John's and at Sick Kids had concerns about the RCPCH interim model and that alternatives were being considered. It may even be possible to move to a resident type model sooner as recruitment is built up.
- 5.3 It was also noted that the Board had now set up a Paediatric Programme Board as per Royal College recommendation. The Programme Board would be chaired by Mr George Walker, Non Executive Director of the Board. There would be representation from St John's Hospital; Royal Hospital for Sick Children; Neonatal medical team; partnership and finance. The focus of the Programme Board would be to establish what any interim model may look like while progressing the longer term resident model and the first meeting of the Programme Board was taking place that day.
- 5.4 Ms Mitchell also reported that there would be new consultant posts advertised shortly and that these posts would be advertised as Pan Lothian positions, with a requirement to provide resident out of hours cover at St John's as well as covering the acute service at the Sick Kids. The challenge would be to make these jobs attractive and there was a balance to be had in how much out of hours work could be expected of people and still make the jobs attractive.
- 5.5 There was also recruitment ongoing for trainee advanced paediatric practitioner posts as well as trained up advanced nurse practitioners; these posts were all Pan Lothian covering all areas on a rotational basis.
- 5.6 Cllr McGinty asked about the current inpatient rota situation. Ms Mitchell confirmed that the rota for August was covered as there was still a locum staff member in place. The consultant previously on maternity leave had now returned to work. There was however one consultant currently on sick leave. The current situation was still relying on volunteers to cover shifts and receiving treble time for this, these excessive hours and pay was not a sustainable model.
- 5.7 Cllr McGinty asked if Option 3 had now been dismissed and was off the table. The Chair stated that dismissed was the wrong term to use as it had been clear that the Board decision was for Option 1 with Option 2 on an interim basis, as per the Review's recommendation. The Board had therefore not considered Option 3 as a permanent option at this time.

- 5.8 With regards Option 2, Cllr McGinty asked about implications, Ms Mitchell clarified that this would see some children being cared for overnight at Sick Kids rather than St John's. Cllr McGinty wondered if any thought had been given to Sick Kids staff coming to St John's and then patients transferring the other way. Ms Mitchell felt that this was not a feasible option as this would increase the number of diverted children whilst leaving children at the Sick Kids which would also be short of staff.
- 5.9 Cllr McGinty stated that it seemed that it was always St John's that suffered and that this review was meant to have been for the whole of Lothian. Ms Mitchell stated that with changes in ENT, MRI, Day Surgery and setting up a new fracture clinic, there were probably more children being treated now at St John's than had been before. It was important to remember that the use of Option 2 would be a temporary measure for an interim period. In response to a question from Cllr McGinty, Ms Mitchell said that the timescale for implementation of Option 1 was uncertain, the RCPCH had suggested full implementation could take up to two years; however this would depend on the ease of recruitment and local teams adapting to different ways working.
- 5.10 The Chair stated that the Paediatric Programme Board would need to take a clear view for putting Option 1 in place and bring a precise timescale back to the Board.
- 5.11 Cllr McGinty stated that it had been helpful to see the outcome of the review and get the chance to read what the Board had concluded. Cllr McGinty noted that there were a number of things which had been asked for earlier such as Pan Lothian recruitment. The commitment to the St John's site from the Board had also been asked for on several occasions previously and had never been given. It appears that it had to take a study to convince the Board of things people in West Lothian were asking for two years ago.
- 5.12 Ms Mitchell stated that this had not been the case, and that after the temporary closure in 2012; the Board had made clear its commitment to the service at St John's by investing heavily in the recruitment of more staff, both medical and nursing. However, in spite of this very significant effort, 3 years on, it had still not been possible to secure a sustainably staffed service, which is why the Board had commissioned the RCPCH Review.
- 5.13 Cllr McGinty pointed out that there had been the opportunity two years ago for the Board to give the commitment to the unit staying open on a 24/7 basis and that even last year Mr Crombie had refused to give a commitment that the 24/7 service would be sustained. The commitment was welcomed now but it has taken the Royal College report to get this.
- 5.14 The Chair reminded the meeting that it was the Board that had commissioned the independent review; that the Board had made every possible effort to achieve a safe sustainable solution; and that the Board's commitment to that end had led it to seek independent review of the options and its efforts. It had not been prepared to make commitment to any option until conclusion of that review.

6 Workplan

- 6.1 The work plan was noted.

7 Changeover of Chairing and Clerking of Stakeholder's Group

- 7.1 The Chair informed the Stakeholder Group that after today's meeting both the Chair and servicing would pass over the West Lothian Council. The Chair added that over the past two years the Stakeholder Group meetings had been interesting and occasionally challenging.
- 7.2 Cllr McGinty thanked the Chair for his role over the last couple of years and noted thanks to the NHS Lothian team in supporting the Group. He added that he would welcome the Chair remaining on the Group for continuity but appreciated that time to reflect was required before a decision is made.

8 Any Other Competent Business

- 8.1 Stroke Unit Ward 4 Rehabilitation – Cllr McGinty stated that he had been contacted by a patient about the apparent lack of physiotherapy service at weekends. Ms Ritchie stated that physiotherapy and rehabilitation requirements would have been part of the clinical assessment carried out by the multi-disciplinary team. Physiotherapy is available at weekends for those patients deemed to require the service as part of their treatment plan. Cllr McGinty would pass this information back to the patient concerned.

9 2016 Meeting Dates

24 August 2016
21 September 2016
19 October 2016
30 November 2016
21 December 2016