

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 20 SEPTEMBER 2016.

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

Apologies – Councillor Frank Anderson

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 5 (West Lothian Integration Board) – Councillor Peter Johnston declared a non-financial interest arising from his position as non-executive director of NHS Lothian for which a specific exclusion applied; and
- 2) Councillor Danny Logue declared a non-financial interest in that he was a NHS Lothian Employee.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 30 August 2016. The Minute was thereafter signed by the Chair.

3. WEST LOTHIAN INTEGRATION BOARD

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the resignation of Councillor Frank Toner as Chair of the West Lothian Integration Joint Board (IJB) and to invite committee to appoint a replacement.

The report recalled that at the meeting on 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 would hold the office from 21 September 2015 for two years and would remain as a member and Vice Chair for a further year.

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

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

Decision

To note the resignation of Councillor Frank Toner noting that he would remain a member of the IJB and appoint Councillor Danny Logue as Chair of the IJB.

4. HEADS OF SERVICE - EDUCATION SERVICES - RESPONSIBILITIES AND GOVERNANCE ARRANGEMENTS

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive advising of the realignment of the responsibilities of the Heads of Service within Education Services and the governance arrangements within the service.

The Depute Chief Executive explained that Education Services currently had two heads of service who shared 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 was split between the two heads of service.

The adoption and implementation of the Attainment Strategy presented an opportunity to review governance arrangements within the service. Also recent national development, in particular the development and implementation of a National Improvement Framework had prompted a review of the allocation of responsibilities and duties within the service to ensure a sharp focus on raising attainment in schools.

Attached to the report at Appendix 1 was the proposed division of duties and allocation of duties and responsibilities for the two heads of service within Education noting that the proposed split of responsibilities was functional rather than sectoral, increasing clarity of the responsibility for key outcomes across the service.

The Scheme of Delegation would be updated to reflect the revised division of responsibilities and duties.

It was recommended that Council Executive :-

1. Agree to the realignment of the responsibilities of the Heads of Service within Education Services as set out in the Appendix attached to the report; and
2. If agreed note that Ms Donna McMaster would undertake the role of Head of Education (Curriculum, Quality Improvement and Performance) and that Mr James Cameron would undertake the roll of Head of Education (Learning, Policy and Resources)

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing an overview of the proposed policy on the application of hourly rates for the purchase of registered services under self-directed support: option 2 within adults and older people's services and to seek approval to implement the proposed policy.

The report recalled that the Social Care (Self-Directed Support) (Scotland) Act 2013 came into effect on 1 April 2014. The Act made legislative provision related to the arranging of care and support in order to provide a range of choices to individuals as to how they were to be provided with their support.

The four SDS options were :-

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

Option 2 – Individual Budget – the person selected their support and the council made the arrangements

Option 3 – Council Arranged Support – the council selected and arranged the support.

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

The report then provided an overview of Self-Directed Support – Option 2 which allowed a person assessed as eligible for support to meet their needs and outcomes to select the service or support that they wished to receive and to ask the local authority to then make the relevant administrative arrangements on their behalf.

The proposed policy, a copy of which was attached the report, related 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. It was noted that in line with the Act the council could not routinely exclude or endorse particular providers under SDS Option 2, for example on the basis of pre-existing Framework Agreements. As long as the preferred provider was operating legally, safely and effectively, people could ask to select their preferred provider under SDS Option2.

The proposed policy had been developed to promote 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 had chosen SDS Option 2. Additionally in West Lothian, under SDS Option 3 services delivered by registered providers were purchased at a range of set hourly rates under Framework Agreements. Therefore it reasonable to expect that the range of hourly rates at which services were

purchased under SDS Option 2 should be broadly in line with these.

The report continued by providing details of how the policy would be implemented in West Lothian noting that there would be three hourly rates, defined as Standard Care & Support, Enhanced Care & Support and Exceptional Care & Support with the hourly rates broadly in line for similar provision under the Framework Agreement for SDS Option 3. The proposed policy would also provide guidance for officers in circumstances where the person wished 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 report concluded that the proposed policy on the application of hourly rates for the purchase of registered agency support under SDS Option 2 sought to support a consistent approach to the delivery of Option 2 within a context of a range of SDS options and to address the need to promote the equitable allocation of resources regardless of the SDS option chose by the person.

It was recommended that the Council Executive :-

1. Note 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; and
2. Approve the implementation of the proposed policy.

#### Decision

To approve the terms of the report.

#### 6. STRATHBROCK PLACE, BROXBURN TRAFFIC FLOW CHANGE OF DIRECTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiative the 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 could only travel in a southerly direction from East Main Street to Almondell Road.

The Head of Operational Services explained that the Broxburn draft Air Quality Action Plan which had been presented to the Council Executive on 1 March 2016 identified that queuing traffic had a significant influence on NOx concentrations at the traffic lights on East Main Street, accounting for up to half of the measured NOx concentrations. Modelling of the mitigation scenarios indicated that the targeting of congestion, and where possible reduction of traffic queuing times at the traffic lights, would likely provide the best reductions.

The operational efficiency of the traffic signals at Greendykes Road/East Main Street was restricted due to incorporating the low flow from Strathbrock Place at the junction. Queuing on the three main approaches

was a constant occurrence, increasing in length during peak times. As development progressed especially at Winchburgh queuing would only increase as capacity was 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 development traffic.

Therefore to provide improved efficiency and reduce queuing on the three main approaches at the signal junction it was being 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, it was also being recommended that the left turn into Strathbrock Place remained banned and therefore access to Strathbrock Place from the east would be via either Station Road and East Main Street or Easter Road and Almondell Road.

The proposed mitigation measures were modelled with results showing that the junction would now be within capacity and therefore could accommodate the proposed development and reduce traffic congestion.

In conclusion with the redirection of traffic on Strathbrock Place improvement to the signal timings on East Main Street/Greendykes Road would 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 ward members had been consulted on the proposals on a number of occasions through the local area committee and their comments were contained within the report.

It was 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.

### Decision

To approve the terms of the report

## 7. HOWDEN EAST ROAD, LIVINGSTON - TRAFFIC CALMING AT TORONTO PRIMARY SCHOOL

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to relocate one road hump 22 metres eastward of its current location to improve the new car park extension to Toronto Primary School.

The committee were advised that planning permission had been granted

at Toronto Primary School 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 was directly in line with the eastern road hump and therefore required to be relocated. This would allow for safe access and egress from the car park.

The statutory procedure required the council to consult with road user organisations that would be effected and then advertise publically for a four week period. If there were no objections then the road hump could be relocated.

It was recommended that the Council Executive approve 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.

#### Decision

To approve the terms of the report

### 8. PETITION - BEECHWOOD GROVE, UPHALL STATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing a report on the Environment Policy Development and Scrutiny Panel's consideration of the petition from residents of Beechwood Grove, Uphall Station.

A petition signed by 79 people, mainly residents of Beechwood Grove and Marrfield Terrace, Uphall Station had been received by the council. The petition raised concerns about parking in the area by those commuters using the railway station citing concerns about pedestrian safety and advocating that nearby wasteland could be used for additional car parking.

Concerns about parking in this area had previously been raised on a number occasions and council officers had examined parking in the area, including in 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 however there was no evidence that the parking was leading to congestion or parking that could be construed as obstructive.

The council had limited tools available to manage the situation. Parking restrictions could be introduced to protect junctions and maintain traffic flow but on the basis of recent visits this could not be justified at this time. To remove commuter parking completely from around railway stations would require a residents parking scheme. However, following on from the results of an experimental scheme in Linlithgow, the council had no plans for any other residents parking scheme at the present time. Since receiving the petition officers had highlighted to Police Scotland the concerns of the community and had asked for any attention to be given to areas where there could be safety or congestion concerns.

With regard to the waste area identified by residents for additional car parking, the ground to the east of the existing car park was not in the ownership of the council. Whilst the council had worked with rail authorities previously to provide additional car parking at stations, including Uphall Station, there was no funding or plans for further work at this time.

The petition had been considered by the council's Environment Policy Development and Scrutiny Panel with the panel suggesting that the Council Executive consider contacting Network Rail to highlight the success of Uphall Station but identify the lack of parking infrastructure.

Therefore it was recommended that the Council Executive notes the petition and write to Network Rail/ScotRail highlighting the success of Uphall train station but identify the lack of car parking infrastructure.

### Motion

"Council Executive commends the residents of the Beechwood Grove area, Uphall Station, for their community activism in highlighting the issues and impact of inconsiderate street parking in the village.

" Council Executive requests that Council Officers now meet with senior management of Network Rail to discuss the concerns raised by local residents and options for resolution, investigate statutory and non-statutory approaches to this problem taken in other areas and bring a further report back to a future meeting of Council Executive".

- Moved by Councillor King and seconded Councillor McGinty.

### Decision

To approve the terms of the motion

Having moved an alternative position which did not receive a seconder Councillor Johnston wished to have his dissent to the decision recorded.

9. 1 DROVERS ROAD, EAST MAINS INDUSTRIAL ESTATES, BROXBURN  
- PROPOSED ASSIGNATION AND EXTENSION OF LEASE TO TOM  
VEHICLE RENTAL LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a ten year lease extension together with consent to an assignation of the lease at 1 Drover's Road, Broxburn.

JWR Holdings were the current tenant of 1 Drovers Road under a lease that would expire on 8 March 2017.

As part of a corporate restructure the tenant had 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 was

capable of meeting the lease obligations and therefore the council had no reason to withhold consent to the assignation.

The main terms and conditions of the proposed assignation and lease extension were summarised in the report.

It was recommended that the Council Executive approves a ten year lease extension of the yard premises to TOM Vehicle Rental Limited at an initial rent of £21,000 per annum, subject to the detailed terms and conditions contained within the report.

#### Decision

To approve the terms of the report

#### 10. 2016-17 GENERAL FUND REVENUE BUDGET - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the financial position in relation to the General Fund Revenue Budget, following completion of the 4 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 31 July 2016 and provided a year-end financial forecast which took account of relevant issues identified in individual service budgetary control returns.

The report also provided a table summarising the position in relation to service expenditure and provided a forecast outturn. A breakeven position was forecast for 2016-17 but as part of the monitoring exercise a number of key risks and service pressures were identified and noted in the narrative for the relevant service areas.

It was recommended that the Council Executive agree that Heads of Service take all management action necessary to ensure 2016-17 budgets were managed within budget and approved budget reductions were achieved.

#### Decision

To approve the terms of the report

#### 11. 2016-17 GENERAL SERVICES CAPITAL BUDGET - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing information on the financial position in relation to the General Services Capital Programme following completion of the month 4 monitoring exercise.



The report provided an update on the 2016-17 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2016-17 capital budget was £64.873 million which assumed £4 million of over programming.

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

The report provided a summary of the forecast for each asset type and details of material movements and pressures that had been identified.

It was recommended that the Council Executive :-

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

### Decision

To approve the terms of the report

## 12. CALL FOR EVIDENCE - A SCOTTISH APPROACH TO TAXATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the submission of a response to the Call for Evidence from the Scottish Parliament Finance Committee on a Scottish Approach to Taxation, a copy of which was attached to the report.

The Head of Finance and Property Services explained that as a result of the devolution of taxation powers via the Scotland Act 2012 and 2016, the Scottish Parliament Finance Committee wished to initiate a debate on the approach in developing a Scottish approach to taxation.

The Finance Committee had invited views on a number of issues and these were summarised in the report.

In formulating the response officers had 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 focused more on fiscal powers at a local level in order to provide more local democratic accountability and choice to communities. The proposed response also highlighted 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.

It was recommended that Council Executive agrees the proposed response to the Scottish Parliament Finance Committee as set out in Appendix 1 attached to the report.

### Decision

To approve the terms of the report

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Service seeking approval for a submission to be made in response to a Call for Evidence on the Council Tax (Substitution of Proportion) (Scotland) Order 2016.

The Head of Finance and Property Services explained that Council Tax was the system of local taxation that was used to part-fund local authorities and was introduced in 1993 to replace the Community Charge. The Scottish Government and COSLA had established the Commission on Local Tax Reform, which reported in December 2015 and then 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 were as follows :-

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

The Scottish Government intended to implement Council Tax reforms through secondary legislation. The Local Government Community Committee (LGCC) had launched a call for views on the proposals on 8 September 2016 with a response to be submitted by 28 September 2016.

The Call for Evidence focused on five questions and these were summarised in the report.

In formulating the council's proposed response officers had 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 was also consistent with proposed comments which the Council Executive was asked to consider in the Call for Evidence on a Scottish approach to Taxation, which was subject to a separate report on the Council Executive agenda.

The proposed response was attached to the report at Appendix 1 and the Council Executive was asked to agree the proposed response for submission to the Scottish Parliament's Local Government and Communities Committee.

#### Decision

To approve the terms of the report

#### 14. CONSULTATION RESPONSE TO CHILD POVERTY BILL FOR SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the Scottish Government's consultation on a Child Poverty Bill for Scotland and seeking approval of a council response.

The report recalled that in 2010 the UK Government committed to eradicate child poverty by 2020; as part of this Act the Scottish Government articulated a Child Poverty Strategy for Scotland (2014-2017). The strategy comprised four elements; maximising household resources, improving children's life chances, focusing on communities & place and driving change through working with local partners.

Local Authorities and Community Planning Partnerships had been key partners in achieving its goals and tackling child poverty locally in Scotland specifically through Single Outcome Agreements. Overall there had 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 Welfare Reform and Work Bill which removed the four income based targets.

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

The Child Poverty Bill for Scotland consultation, which was launched on 8 August 2016 had 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 consisted of eleven questions in total. The draft response from the council was attached to the report at Appendix 1 and the following concerns were contained within the response :-

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

The report concluded that the ambition to eradicate child poverty was welcome however there were concerns about how this would be delivered given the continuing challenging economic circumstances and the implications on budgets at local authority level.

It was recommended that Council Executive :-

1. Note the contents of the report and the accompanying proposed consultation response attached to the report at Appendix 1; and
2. Approve the proposed consultation response.

#### Decision

To approve the terms of the report

#### 15. 2016-17 HOUSING REVENUE ACCOUNT - MONTH 4 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing financial performance in relation to the Housing Revenue Account (HRA) following the month 4 monitoring exercise.

The report provided a summary of the position for the main expenditure heads and provided a projected out-turn.

It was noted that employee costs were forecast to overspend by £183,000 as a result of mainly vacant posts and staff turnover.

The report concluded that a breakeven position was forecast on the basis of the information available.

It was recommended that the Council Executive note the outcome of the month 4 monitoring exercise and the projected outturn.

#### Decision

To approve the terms of the report.

16. 2016-17 HOUSING CAPITAL REPORT - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following the completion of the month 4 monitoring exercise.

A table contained within the report demonstrated that there had been investment of £12.260m in housing stock as at 31 July 2016. The forecast expenditure for the year was £57.548m. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

Also contained in the report were details of the capital resources available to fund the housing capital programme in 2016-17. It was to be noted that the investment programme was 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.

With regards to house sales, this totalled £1.128m from the sale of 26 properties. Sales projections were estimated at £5.040m for the year for approximately 120 properties.

The report concluded that good progress was being made in the Housing Capital 2016-17 programme and significant investment was being made in housing stock to both improve the overall standard of the stock and to increase the number of available houses for West Lothian residents.

It was recommended that the Council Executive note the outcome of the month 4 monitoring exercise and projected out-turn.

Decision

To approve the terms of the report

17. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive inviting the Council Executive to note the terms of the Minutes of the St John's Hospital Stakeholder Group meeting held on 27 July 2016, a copy of which was attached to the report.

Decision

To note the terms of the report

