

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 6 DECEMBER 2016.

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

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 7 to accept the late deputation request.

The Council Executive thereafter agreed to hear the deputation after consideration of the Minute.

2. DECLARATIONS OF INTEREST

Agenda Item 12 – Autumn Statement Councillor Peter Johnston declared a non-financial interest in that he was COSLA spokesperson for Heath & Wellbeing.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 22 November 2016 as a correct record. The Minute was thereafter signed by the Chair.

4. PETITION - CALLING ON WEST LOTHIAN COUNCIL TO PHASE OUT GLYPHOSATE/GLYPHOSATE BASED HERBICIDES AND BRING IN ALTERNATIVE AND SAFER METHODS OF WEED CONTROL

Deputation

The Council Executive heard from Sue Friel in relation to a petition that had been submitted in respect of the use of Glyphosate and Glyphosate Based Herbicides.

Ms Friel advised the Council Executive in 2015 the International Agency for Research on Cancer declared that glyphosate was probably carcinogenic to humans and called on the council to adopt precautionary principle that there was evidence of harm or potential harm to people or the environment and asked that the council investigate alternatives to glyphosate based herbicides as methods of weed control.

Petition

The Council Executive considered the petition and noted that a report on Glyphosate was being submitted to the next Environment PDSP0.

Decision

To note that a report on glyphosate was being considered at the next meeting of the Environment PDSP.

5. UPDATE ON THE PROVISION OF LINLITHGOW AND BATHGATE INTEGRATED CATCHMENT STUDIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the cost of services provided by Scottish Water and third parties appointed by Scottish Water for the provision of Linlithgow and Bathgate Integrated Catchment Studies.

The report advised that as part of the processes carried out under the Flood Risk Management Act (Scotland) 2009, four priority areas were identified in the West Lothian Council area where surface water flooding was a particular concern. The council with the assistance of sewer flooding data reviewed the flooding issues in these areas and prepared a Surface Water Management Plan for the four areas.

Of the four priority areas, two were identified by Scottish Water as requiring Integrated Catchment Studies. The studies would be looking at the types of flooding, determine the interactions between each type and look at the best option to manage and reduce the flooding.

The report went on to advise that a report was submitted to the Council Executive on 10 March 2015 which sought approval and the grant of an exemption from Standing Orders in the award of the contract by Scottish Water for the council's share of the two studies.

Subsequent to approval of the report to Council Executive on 10 March 2015, Scottish Water with input from the council had completed a scoping exercise for each study which highlighted a number of items where the initial costs were omitted. Scottish Water had now provided the council with a revised estimate of costs.

The Head of Planning, Economic Development and Regeneration explained that Operational Services had reviewed the cost increases and accompanying data and was satisfied with the explanation provided. The studies would be delivered fully over the next three to four years and Operational Services confirmed that capital funding would be in place to meet the expenditure over the period.

The report further advised that Scottish Water had conducted procurements, and were required to continue procuring on the council's behalf for third party services in connection with the Integrated Catchment Studies. Scottish Water's procurement activities must comply with the relevant EU Procurement Directives and Utilities Contracts (Scotland) Regulations as stated in the Collaboration Agreements.

In conclusion the report advised that collaboration with Scottish Water

would enable the council to meet its statutory obligations under the Flood Risk Management (Scotland) Act 2009. The council had entered into Collaboration Agreement with Scottish Water regarding these projects and was statutorily obliged by Flood Risk Management (Scotland) Act 2009 to cooperate with Scottish Water.

The report recommended that Council Executive approve the increased cost of services provided by Scottish Water and third parties appointed by Scottish Water for the delivery of the Integrated Catchment Studies for Bathgate and Linlithgow.

Decision

To approve the terms of the report.

6. FOOTWAY PROVISION B8064 AT CAPPERS BRIDGE, ARMADALE - OPTIONS TO PROVIDE IMPROVED PEDESTRIAN SAFETY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing feedback on the consultation exercise undertaken to consider the proposed options for the provision of improved pedestrian safety in the Cappers Bridge area of Armadale.

The report advised that a report was presented to Council Executive on 21 June on the provision of improvements to pedestrian safety in the Cappers Bridge area of Armadale. At this meeting a motion was passed instructing officers to consult further with Armadale Community Council and the wider school community, appropriate local residents, and report back to Council Executive with an option to establish a traffic management scheme.

Following the consultation the following options were considered to be achievable taking into consideration the different road users and the width restriction across the bridge.

Option 1 (Priority system with cycle provision)

The installation of a road narrowing over the bridge controlled by a priority system with a 1.5m wide cycle lane and 2.0m wide area for pedestrians segregated from the traffic by a 0.5m kerbed island.

Option 2 (Traffic signals with advice stop lines for cyclists)

The installation of a road narrowing over the bridge controlled by traffic signals with advanced stop lines for cyclists and a 2.0m wide area for pedestrians segregated from the traffic by a 0.5m kerbed island.

Option 3 – (Priority system with no cycle provision)

The installation of a road narrowing controlled by a priority system with a 3.0m wide area for pedestrians segregated from the traffic by a 0.5m wide kerbed island but with no additional provision for cyclists.

The Head of Operational Services explained that the impact of providing traffic signals or a priority system was tested using Paramics traffic model. The data used was taken from the morning and evening peak hours of a traffic survey carried out on Tuesday 30 August 2016. The report went on to provide a summary of the survey results.

The report went on to advise that on balance the preferred option was considered to be Option 2, as it could cope with future additional capacity as a result of development in the area and manage traffic better. It also provided a more balanced provision for the various modes of user.

The estimated cost of the options ranged from £19,000 to £66,000 and the preferred option was £66,000.

In conclusion the report advised that the development of the area around Cappers Bridge had brought increased pressure to provide improved pedestrian safety measures for those wishing to use this route to walk or cycle.

Any measures that were to be implemented should consider the balance of providing improved safety for pedestrian/cyclists against the impact on other types of road users and residents around the bridge.

The report recommended that the Council Executive:

1. Note the content of the report; and
2. Agree that Option 2 be taken forward as the preferred option.

Decision

To approve the terms of the report.

7. OPEN MARKET ACQUISITIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval to extend the number of Open Market Acquisitions 2016/17.

The report advised that on 11 October 2016 the Council Executive approved the changes to the policy by buying back former local authority and LDC houses and flats and allocated budget to allow 15-20 properties to be acquired for use as temporary tenancies.

Since the change of policy was approved the council acquired five houses and a further 15 acquisitions were in the pipeline. Information on the location of the properties that were acquired was contained in Appendix 1 to the report.

The Head of Housing, Customer and Building Services explained that in mid-October 2016, Scottish Government confirmed that it would increase

grant funding for Open Market Acquisitions in West Lothian in 2016/17 from £0.45 million to £0.9million. There was also a possibility of additional grant funding being made available before the end of the financial year which would allow the council to increase the number of houses and flats acquired during 2016/17 to 30, subject to council resources being identified to support the increase in the supply of affordable housing.

The report went on to advise that to support the expansion of the Open Market Acquisition Scheme during 2016/17 and into 2017/18, it was recommended that £1 million of council house sale income 2016/17 be earmarked for Open Market Acquisitions. This increase would allow the council to acquire at least 30 former local authority and LDC houses and flats during 2016/17. The balance of receipts could be used to defer the £1.3million borrowing requirement in 2016/17 for purchase of temporary tenancies, which would enable further consideration to be given to extending the option for open market acquisitions during 2017/18, subject to available government grant funding.

In conclusion the report advised that excellent progress had been made acquiring former local authority houses and flats since the policy changed on 11 October 2016.

Decision

The report recommended that the Council Executive:

1. Note that since the Council Executive approved changes to the council's Open Market Acquisitions Scheme on 11 October 2016, five former local authority houses were purchased by the council and a further 15 were in the process of being purchased;
2. Note that Scottish Government had confirmed that the amount of grant money for Open Market Acquisitions in West Lothian for 2016/17 would increase from £0.45 million to £0.9 million and that further grant funding may be available before the end of the financial year; and
3. Agree that £1 million of the income received during 2016/17 from council house sales should be added to the budget for open market acquisitions during 2016/17 to ensure that at least 30 former local authority houses could be acquired this financial year.

Decision

To approve the terms of the report.

8. WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2017-2022

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising on the main points of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2017-2022.

The Council Executive was informed that the Scottish Government had requested that all Local Authorities submit a 5 year Strategic Housing Investment Plan (SHIP) which would augment their current Local Housing Strategies. Previously SHIPs had to be submitted annually but since 2014 SHIPs were to be prepared every two years.

In terms of progress since SHIP 2014, 74 homes had been developed by RSLs and West Lothian Council had completed 175 homes. The total number of new build council houses in West Lothian since 2009 was 838.

The report provided details of the Scottish Government confirmed funding position. It was expected that updated levels of grant funding would be confirmed by Scottish Government before the end of December 2016 and that the amount of grant funding for West Lothian would be increased. Indicative planning figures were provided in Appendix 1 to the report.

The main priorities identified in the SHIP were outlined in the report.

The Head of Housing, Customer and Building Services concluded that RSL partners had identified a number of development opportunities and the council also had an ambitious programme of new build council housing. The provision of resource planning assumptions enabled the council and RSL partners to develop a more strategic approach to the development of sites in West Lothian. However, the funding available was limited and priorities for the funding had to be identified.

It was reasonable to assume that the council's demonstration of housing need and track record of providing affordable housing through partnership working would be seen as positive in the allocation of future resources.

The report recommend that the Council Executive

1. Approve the Strategic Housing Investment Plan (SHIP) attached as appendix 1;
2. Note that it was anticipated that the levels of grant funding for affordable housing delivery for the period 2017-2022 would be increased and that this would facilitate new affordable housing by a variety of housing providers;
3. Approve £813,792 funding from the West Lothian Affordable Housing Supply Programme for a Wheatley Group project at Jarvey Street, as a priority project to commence in 2016/17 and note that further grant funding of £406,896 for this project would be provided from the Scottish Government Wheatley budget;
4. Note the infrastructure projects identified for future consideration by Scottish Government for grant and loan funding;
5. Approve the acquisition of general fund sites at Guildyhaugh depot, Bathgate and Eagle Brae, Livingston by Housing Revenue Account (HRA) using Scottish Government grant funding in 2016/17 and agree that these sites be included in a future new build council

housing programme. The sites were valued at £1.1 million and £0.6 million respectively; and

6. Note that a more detailed report on potential sites for a future new build programme would be reported to Services for the Community PDSP and the Council Executive in due course.

Decision

To approve the terms of the report and to write to the Scottish Government requesting more flexibility on how funds could be used.

9. CONSULTATION ON PROPOSALS FOR REGULATION AND POLICY SUPPORTING THE PRIVATE HOUSING (TENANCIES (SCOTLAND) ACT 2016

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services concerning proposals for regulation and policy supporting the Private Housing (Tenancies) (Scotland) Act 2016.

The Council Executive was informed that the Council had been invited to respond to a consultation on the proposals, and that the consultation was due to end on 26 December 2016. A copy of the council's proposed response was attached as Appendix 1 to the report.

The new tenancy was expected to come into force in December 2017 and was part of the Scottish Government's broader approach to reforming the private rented sector. The policy proposals outlined in the consultation document were complementary to the provisions in the 2016 Act.

The report went on to summarise the proposed response. It was noted that representatives from Legal Services had been consulted and had provided comments on areas requiring further clarification. These were noted on the response form.

The report recommended that the Council Executive approve the proposed response to the consultation which was set out in Appendix 1 to the report.

Decision

To approve the terms of the report.

10. ABBOTSFORD RISE, DEDRIDGE, LIVINGSTON - HEAD LEASE RENT REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services which sought approval to a settlement of the head lease rent review in respect of Abbotsford Rise Business Units, Dedridge, Livingston.

The report advised that Abbotsford Rise was located at Williamston

Interchange on the A71 and comprised of 10 small business units of varying sizes with a total lettable area of 16,572 sq ft. The council's predecessor Livingston Development Corporation agreed a 35 year head lease commencing on 10 June 1981 and the council assumed responsibility for the lease in 1996.

The lease included a landlord's option to extend the term for a further 25 years from 10 June 2016, which was exercised by the landlords in 2008. The head lease expiry date was 9 June 2041.

The Head of Finance and Property Services informed the Council Executive that the head lease provided for a review of the rent review period and a provisional agreement had been reached for a five yearly review pattern on 10 June 2016, 2021, and 2026.

The head rent review mechanism assessed the total market value of the units assuming all were let individually at the date of the review. The total value was discounted to reflect the council's lease length relative to the lease length of the sub tenants. A Further 12.5% discount was applied to reflect the council's cost and risk of managing the whole development.

The report went on to advise that since the last head rent review in June 2011, there had been no material growth in the rent levels agreed with the sub tenants and therefore the landlord's proposed increases had been resisted. In an effort to avoid a lengthy arbitration process a nominal £1,500 per annum increase was agreed. This was conditional on the council being able to use its two generic styles of lease without seeking landlords consent.

In conclusion the report advised that the provisionally agreed new rental of £75,500 per annum, together with the lease variations that would give the council greater flexibility, was considered a fair and reasonable settlement of the head lease rent review.

The report recommended that the Council Executive authorise an increase in the head rent payable from £74,000 per annum to £75,500 per annum with effect from 10 June 2016 together with the following lease variations:

1. The council style of full repairing and insuring lease could be used on sub lettings of less than five years without reference to the landlord;
2. The council style of internal repair, month to month lease could be used on sub lettings of less than one year without reference to the landlord; and
3. The lease provided for a review of the rent review period and it is agreed that the five yearly pattern continues with rent reviews on 10 June 2016, 2012, 2026 with a further review of the review period on 10 June 2016.

Decision

To approve the terms of the report.

11. AUTUMN STATEMENT 2016

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the announcements contained in the Chancellor of the Exchequer's Autumn Statement 2016, and to provide an indication of the measures that may have financial implications for the council.

The report advised that Autumn Statement 2016 built on actions previously announced by the UK Government in Spending Review 2015 and the March 2016 Budget announcement, and responded to analysis of the UK's fiscal position. The Chancellor confirmed that the economy and Government faced challenges to protect the UK economy and respond to warnings of challenging times ahead.

The Autumn Statement prioritised high-value capital investment, specifically in infrastructure and innovation, with the aim of raising innovation. The Budget also included an assessment and forecast from the Office for Budget Responsibility on borrowing, growth and employment, and in light of EU Referendum result, the Government's objective of delivering a budget surplus by 2019/20.

The Chancellor's Autumn Statement 2016 included the OBR's updated projections for the economy, growth and Government borrowing. The report went on to summarise the key economic announcements.

The Head of Finance and Property Services explained that the OBR forecast for GDP growth was slightly improved in 2016 from what was forecast in March 2016; however the OBR forecast for 2017 and 2018 had been revised downwards reflecting a new set of circumstances for the UK economy as a result of the decision to leave the EU.

The OBR Highlighted some key risks and uncertainties to the economic forecasts as part of its Economic and Fiscal Outlook, with the key risk being global and domestic risks associated with the economy.

The report went on to advise that in light of the EU Referendum result the Chancellor confirmed that the Government's objective for fiscal policy was now to return the public finances to balance at the earliest possible date in the next parliament and published a new draft Charter for Budget Responsibility, with three fiscal rules.

- First – Public finances should be returned to balance as early as possible in the next Parliament, and that borrowing should be below 2% of GDP by the end of this Parliament in 2020/21
- Second – Public Sector net debt as a share of GDP to be falling by the end of this Parliament.
- Third – Maintain welfare spending within a cap set by the UK

Government and monitored by the OBR

The report also contained details of revenue expenditure and capital expenditure. The report provided brief details on other key announcements such as City Deal, Benefits and Welfare Reform, Insurance Premium Tax, National Living Wage, Pensions, National Insurance, Income Tax, Corporation Tax, and Fuel Duty.

The Head of Finance and Property Services informed the Council Executive that the Chancellor confirmed that the spending plans set out in the 2015 Spending Review last autumn, would remain in place and that departmental expenditure would grow in line with inflation in financial year 2020/21.

Based on the budget figures the Scottish Block revenue grant paid to the Scottish Government in 201/18 would increase by £400 million on a cash basis. These figures would be subject to adjustment to reflect the devolution of Stamp Duty, Land Tax and Land Fill Tax from 1 April 2015 and the creation of the Scottish Rate of Income Tax from 1 April 2016; however it was assumed at this stage that these changes would be cost neutral to the Scottish Budget.

The report went on to advise that as a result of the UK Government capital investment announced in the Autumn Statement 2016, it was confirmed that the Scottish Government would receive an additional £800 million of Capital DEL over the five year period, however further confirmation on the phasing of these additional capital resources was awaited.

It was expected that the Scottish Budget 2017 and the Local Government Finance Settlement 2017/18 would both be announced on 15 December 2016, which would provide further detail on department spending allocations for Scotland and individual local authorities grant settlements.

In conclusion the report advised that the Chancellors Statement 2016 was intended to build on measures previously set out in the Spending Review 2016 and March 2016 budget. The economic forecasts contained in the statement outlined a challenging position for the UK economy, with downward revisions to growth and borrowing reflecting a new set of circumstances for the UK economy as a result of the decision to leave the EU.

Changes to public sector expenditure plans set out would be passed on to the Scottish budget through the Barnett Formula and it was for the Scottish Government to decide how to allocate the Total Scottish Block budget.

In the context of the challenging economic outlook and its effect on public sector expenditure, it remained imperative that the council continued with its strategic and integrated approach to corporate and financial planning so that outcomes were achieved and balanced budgets delivered.

The report recommended that the Council Executive:

1. Note the latest economic position outlined in the Autumn Statement 2016, as set out in Section D2 of the report;
2. Note the revised UK public spending figures for Revenue and Capital, as set out in D3 of the report;
3. Note the other key announcements, as set out in D5;
4. Note that the total 2017/18 Scottish block revenue grant would increase by £400 million on a cash basis;
5. Agree that the Head of Finance and Property Services reports to the Council Executive on the outcome of the Scottish Budget and Local Government finance settlement which were due to be announced on 15 December 2016.

Motion

Council Executive notes the details of the Autumn Budget Statement and that the Scottish Government will receive a cash increase in Revenue Grant in 2017/18

Council Executive welcomes the initiative undertaken by COSLA to highlight the impact of SNP Scottish Government cuts in services and job losses across Scotland's Councils and the serious potential impact of further SNP cuts in 2017/18.

Council therefore agrees to recommendations 1, 2, 3, 4 and 5 as detailed in the paper, agrees to write to the Scottish Government Finance Secretary to call for full and fair funding for West Lothian Council in 2017/18, highlighting the potential impact of further SNP cuts, and agrees to copy the Council's view to all West Lothian Constituency MP's and MSP's and Lothian list MSP's.

- Moved by Councillor John McGinty and seconded by Councillor Cathy Muldoon

Amendment

To approve the recommendations of the report.

- Moved by Councillor Peter Johnston and seconded by Councillor Frank Anderson

On a vote taken the motion was successful by 10 votes to 2 and it was agreed accordingly.

12. FIRST WORLD WAR COMMEMORATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on the commemorative activities which had taken place to mark the centenary of

the First World War.

The report recalled that 4 August 2014 marked the 100 year anniversary of the start of the First World War and West Lothian Council undertook to co-ordinate a programme of events in partnership with other relevant organisations to commemorate the centenary of the Great War through to the centenary of Armistice Day on 11 November 2018.

The report listed a number of events that had taken place since August 2014 and provided details of ongoing commemorative activities including school educational visits to the Western Front battlefield, remembrance assemblies and participation in community remembrance activities,

The Local History Library produced a resource pack for schools which focused on the local impact of the war and life on the home front in West Lothian. West Lothian Archives tweeted stories in real time from 4 August 2014 and would continue for four years.

Community Arts held a series of exhibitions, performances and workshops at Howden Park Centre which were themed around the First World War, and had undertaken projects with schools to explore the war effort going on in West Lothian.

The Chief Executive advised that a number of future events were currently being considered to mark significant centenaries and was co-ordinating a future programme in collaboration with local organisations.

The report recommended that the Council Executive note the summary of activities which had taken place to commemorate the centenary of the First World War and advise of any further action to be taken.

Decision

To approve the terms of the report.