



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

23 February 2017

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 28 February 2017** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. 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.
3. Order of Business, including notice of urgent business
4. Confirm Draft Minute of Meeting of Council Executive held on Tuesday 14 February 2017 (herewith).

#### **Public Items for Decision**

5. West Lothian Villages Improvement Fund - Applications - Report by Fauldhouse & Breich Valley Lead Officer (herewith).
6. Procurement Arrangements - Whitburn Partnership Centre - Report by Head of Corporate Services (herewith)
7. Procurement Arrangements - Provision of Domestic Furniture and

Furnishings - Report by Head of Corporate Services (herewith).

8. Appointments to West Lothian Leisure Board - Report by Chief Executive (herewith).
9. First World War Commemoration - Report by Chief Executive (herewith).
10. Developing a Museum Strategy for West Lothian - Report by Head of Housing, Customer and Building Services (herewith).
11. Accessibility Schemes 2016/17 - 2017/18 (Tranche 2) - Report by Head of Operational Services (herewith).
12. Tables and Chairs Permits - Report by Head of Operational Services (herewith).
13. Litter Policy 2017/18 - Cleaner Communities - Report by Head of Operational Services (herewith).
14. Policy on Release of Chinese / Sky Lanterns and Balloons - Report by Head of Operational Services (herewith).
15. Surface Water Action Plans - Report by Head of Operational Services (herewith).
16. Sustainable Drainage Retrofitting in Industrial Estates - Report by Head of Operational Services (herewith).
17. South East of Scotland Regional Transport Partnership - Report by Head of Operational Services (herewith).
18. Consultation on Universal Credit (Claims and Payments) (Scotland) Regulations 2017 - Report by Head of Finance and Property Services (herewith).
19. Establishing a Community Development Finance Institution (CDFI) in West Lothian - Report by Head of Corporate Services (herewith)

**Public Items for Information**

20. St John's Hospital Stakeholder Group - Report by Depute Chief Executive (herewith).
21. PRIVATE SESSION - The Clerk considers that the following business is likely to be taken in private (exempt under the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973).

**Private Items for Decision**

22. Single Status - Equal Pay Cases - Report by Head of Corporate Services (herewith).

DATA LABEL: Public

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NOTE     **For further information please contact Eileen Rollo on 01506 281621  
or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**



MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 14 FEBRUARY 2017.

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

Apologies – Councillor Danny Logue

1. DECLARATIONS OF INTEREST

- Agenda Item 18 (West Lothian Leisure Management Fee 2017-18)  
– Councillor Jim Dixon declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board of Management but would participate in the item of business;
- Agenda Item 18 (West Lothian Leisure Management Fee 2017-18)  
– Councillor Dave King declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board of Management but would participate in the item of business; and
- Agenda Item 23 (Kettilstoun Mains Linlithgow Community Development Trust) Councillor Tom Conn declared a non-financial interest in that he was a member of the Linlithgow Community Development Trust Board and therefore he would not participate in the item of business

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 17 January 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions of the Council Executive.

4. COUNCILLORS' CODE OF CONDUCT - CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of a consultation on changes to the Councillors' Code of Conduct.

The report advised that the Scottish Government was consulting about a change to the rules about members appointed to outside bodies

participating in council business affecting that outside body.

The report explained that the Code currently gave a “specific exclusion” to allow members appointed to particular types of outside body to take part. The appointment must be declared but there was no need to withdraw unless it was regulatory or quasi-judicial business.

The consultation stemmed from an issue concerning NESTrans who had asked the Standards Commission for a dispensation to allow their NESTrans appointed members to take part in regulatory business like this within their councils. There had been cases where NESTrans had lodged objections from its perspective as regional transport strategy and policy maker. NESTrans members were then prevented from taking part in the decision making on those planning applications.

The Commission refused the request since it would go directly against the terms of the statutory Code. The consultation covering paper made specific reference to that decision. The consultation paper and draft proposed response were contained in the appendices to the report.

The Chief Executive explained that the proposed draft response had been prepared on the basis that changes should not be made but if the changes were to be made, they should apply to all bodies otherwise covered by the specific exclusion and not just “public bodies”

The report recommended that the Council Executive approve the proposed consultation response contained in Appendix 2 for submission to the Scottish Government.

#### Decision

To approve the terms of the report.

#### 5. PROCUREMENT ARRANGEMENTS - FRAMEWORK AGREEMENT FOR CONSTRUCTION CONTRACTORS IN CONNECTION WITH THE RIVERLIFE:ALMOND AND AVON PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering for the procurement of construction contractors under a four year framework agreement, employing the evaluation methodology and criteria detailed in the report.

The report advised that the River Forth Fisheries Trust had been awarded £1.65m from the Heritage Lottery Fund to help deliver a number of projects in the central belt of Scotland within the catchments for the Rivers Almond and Avon. The programme was developed alongside communities over the past year and would be delivered over a four year period from 2016 – 2020.

The RiverLife: Almond & Avon Programme was made up of a number of projects which included the Almond Barriers Project and Bathgate Water Restoration Project.

The report went on to advise that to meet the objectives of the RiverLife Programme, the council was required to procure construction contractors to carry out the necessary works. Given the four year RiverLife Programme timescale, it was proposed that a four year framework agreement be created which would provide coverage for the construction works necessary to deliver the RiverLife Programme objectives.

A framework would be created by a single tender, which would establish a pool of suppliers that were then eligible to bid for subsequent capital construction requirements over the term of the framework agreement. Subsequent requirements would be competed for by a more efficient “mini-competition” process that would eliminate the need for repeated qualification, as the suppliers would have qualified when the framework was established.

The report continued to provide information on in-house capability, procurement issues including the proposed award criteria of 70% for price and 30% for quality, sustainability and budget implications.

The report recommended that the Council Executive approve:

1. The use of the Open Procedure whereby all suppliers expressing an interest in the framework would be invited to tender; and
2. The award criteria as set out in Section D of the report.

#### Decision

To approve the terms of the report.

### 6. PROCUREMENT ARRANGEMENTS - PROVISION OF TAXI AND MINIBUS SCHOOL TRANSPORT SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering for the procurement of a four year framework agreement for taxi and minibus school transport services, employing the evaluation methodology and criteria detailed in the report.

The report advised that the services being tendered for were the provision of taxi and minibus passenger transport services; vehicles with a capacity of 16 passenger seats or more. The majority of the contract would be generated by Public Transport Unit (PTU) for provision of home to school transport services.

The report went on to advise that at present within 2016-17 academic year, the service supported approximately 980 pupils across 297 separate contracts awarded under the current framework agreement. The four year framework agreement was in its fourth academic year of operation and was due to expire on 1 August 2017 with no scope to extend further.

The report continued to provide information on the tender process noting

that it would be broken down into two lots reflecting key differences in service :-

Lot 1 – transport services requiring driver and escort provision

Lot 2 – transport services requiring drive only provision

For Lot 1 the criteria would be 80% price and 20% quality whereas for Lot 2 the criteria would be 90% price and 10% quality.

The report also provided details on in-house capability, sustainable considerations and budget implications.

The report recommended that the Council Executive:

3. Agree the use of the Open Procedure whereby all suppliers expressing an interest in the framework agreement would be invited to tender; and
4. The award criteria as set out in Section D of the report.

#### Decision

To approve the terms of the report.

#### 7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - REVIEW OF STANDARD CONDITIONS FOR PROCESSIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the outcome of the review of the council's standard conditions for processions.

The report recalled that under section 62 of the Civic Government (Scotland) Act 1982 a person proposing to hold a procession in public was required to give written notice of that proposal to the council no later than 28 days before the date on which the procession was to be held. Under section 63(1) of the 1982 Act the council may, after consulting with the Chief Constable, make an order prohibiting the holding of the procession or impose conditions on the holding of it.

Following changes to the council's procedures for processing notifications in relation to processions, the council's current standard conditions were being reviewed in order to ensure that they were fit for purpose and up to date.

A proposed framework of amended standard conditions was prepared by officers after consultation with Police Scotland and a period of consultation was undertaken. A number of specific consultees were contacted and were listed in Appendix 1 to the report.

The report went on to advise that a copy of the proposed framework of amended standard conditions was attached as Appendix 2 to the report.



Conditions 1 and 2 were proposed new standard conditions which were connected to the Safety Advisory Group (SAG). All other proposed amendments were to conditions currently in the council's standard conditions which had been renumbered. Most changes were minor and were for clarification purposes only. Appendix 3 explained the proposed changes to the conditions.

The convening of SAG for some processions was in line with what was happening in other local authority areas and best practise suggested by COSLA and was consistent with the approach being taken by Police Scotland to the organising and planning of events taking place on public roads following the tragedy at the Jim Clark rally in Scottish Borders in 2014.

The Head of Corporate Services explained that the changes to the processing of processions notifications which were already in place meant that after a SAG had taken place, Police Scotland and Roads Services would indicate to the Licensing Team which of the standard conditions they considered should be applied to the procession and in appropriate circumstances what additional conditions were required.

Following receipt of that correspondence, copies would be sent to the organisers and if they were agreeable to the conditions an Order imposing these would be granted. Alternatively if the suggested conditions were not accepted by the organiser the notification would be referred to the Licensing Committee to make a decision on which conditions should be imposed.

Appendix 4 to the report contained a summary of the consultation responses and the Licensing Team comments on these responses.

In conclusion the report advised that the council as local authority was responsible for making an order prohibiting the holding of processions or imposing conditions on the holding of them. The application of a framework of proposed standard conditions as described in the report was designed to ensure that, rather than being applied as a whole to all processions, specific conditions were applied to individual processions as appropriate on a case by case basis.

The report recommended that Council Executive:

1. Note that a consultation had been undertaken regarding proposed amended standard conditions and the comments which had been received from stakeholders; and
2. Approve the framework of amended standard conditions to be used with immediate effect.

### Decision

To approve the terms of the report.

8. UPDATE ON HOME ENERGY EFFICIENCY PROGRAMMES FOR SCOTLAND : AREA BASED SCHEMES (HEEPS:ABS) AND SEEP PROJECTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval on the proposed 2017/18 HEEPS:ABS programme of energy efficiency measures to be implemented and to provide an update on the current SEEP pilot project and potential future projects.

The report advised that the 2017/18 proposed HEEPS programme would be the fifth year HEEPS funding was available to West Lothian Council. The HEEPS programme had been successfully managed in-house since 2016 following the end of the management contract with Changeworks.

The Scottish Government indicated that approximately £900,000 of funding would be made available to the council and was therefore being applied for to perform external wall insulation (EWI) on private sector homes. A programme of works details of which were summarised in the report was designed to suit this budget allocation.

The Head of Housing, Customer and Building Services advised that the council's first application for the SEEP pilot project was successful and was scheduled to commence on site at Templar Rise and the Lanthorn Community Centre in April 2017.

The Scottish Government indicated that they aimed to launch a second call for pilot projects for SEEP that would combine domestic and non-domestic properties together under one project. There would also be a separate HEEPS: ABS programme within the SEEP project which could provide funding for further EWI work.

The report concluded that the projects proposed to be performed as part of the 2017/18 HEEPS programme had changed to those detailed as part of the 2016/17 bid due to additional HEEPS funding being made available in 2016/17 which allowed projects to be completed ahead of schedule.

Additionally in 2018/19 SEEP would replace HEEPS:ABS as the funding mechanism for this type of work, however officers were not proposing specific areas of EWI work for owner-occupiers in 2018/19 as there was insufficient information from the Scottish Government to develop an approach.

The report recommended that Council Executive:-

1. Agrees that the outline 2017/18 HEEPS:ABS programme for West Lothian was considered by Services for the Community PDSP on 7 February 2017 and that the proposed programme had been altered to reflect additional progress made in 2016-17;
2. Agrees that the HEEPS:ABS budget for 2017/18 was £900,359 which was lower than the £1.224 million awarded for 2016/17;

3. Agrees that the Peveril Rise pilot project was able to be extended to the whole street in 2016/17 due to additional HEEPS funding being provided to the council and therefore would not be part of the 2017/18 programme;
4. Agree that the proposed projects for the 2017/18 programme in the Knightsbridge and Armadale Areas and that the number of council houses included in the contract would depend on the level of funding for EWI to be confirmed in the 2017/18 Housing Capital Programme;
5. Agrees that should additional HEEPS:ABS funding be provided the first priority would be to use this to complete Woodend Walk and the second priority would be to offer EWI to owner-occupiers in the Howden area; and
6. Agrees that Craigshill was proposed as the designated area for a SEEP pilot project, should funding be secured to support the EWI project of Almond Housing Association.

#### Decision

To approve the terms of the report.

#### 9. SCOTTISH POLICE AUTHORITY - ANNUAL REVIEW OF POLICING 2016-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the Scottish Police Authority (SPA) consultation with Local Authorities on the Annual Review of Policing 2016/17.

A proposed response to the consultation was attached as Appendix 1 to the report and it was noted that the deadline date for the response was 15 February 2017.

The report recommended that the Council Executive approve the response to the consultation.

#### Decision

To approve the terms of the report.

#### 10. OBJECTIONS TO DISABLED PERSONS' PARKING PLACES ORDER (PTO-16-01) UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising that objections had been received in respect of 1 of the 82 proposed new enforceable parking places, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2009.

The report advised that in line with decisions made at Council Executive on 24 April 2012 and 13 November 2012, the power to start the statutory legal process in relation to residential disabled parking bays had been delegated to the Head of Operational Services.

Over the period April 2016 to May 2016 the Head of Operational Services approved the commencement of the statutory procedure to provide 82 new enforceable disabled parking bays in residential areas.

During the statutory advertisement period one written objection which was contained in Appendix 1 to the report was received relating to one proposed parking bay. As there were no objections to any of the other 81 advertised new bays, the order was made in part on 5 December 2016.

The objector cited the lack of available parking and the current provision of disabled parking bays as the reason for the objection.

The report then went on to provide an officer's response in that there was no prescribed number of disabled parking bays within any given street within either the Disabled Persons' Parking Places (Scotland) Act 2009 or West Lothian Council Residential On-street Parking Places Implementation Policy.

As the applicant was a "qualifying person" as defined within the 2009 Act West Lothian Council was required to provide a disabled parking place with convenient access to the applicant's property. Consideration was given to the level of on-street parking and in addition to the marked bays within the street there were further marked parking bays in the immediate vicinity that were available for non-blue badge holders. The bay in question was not considered to be contrary to the council's duties under the Road Traffic Regulation Act (1984) as it did not impede the free movement of traffic nor obstruct access to premises.

The report concluded that during the statutory advertisement period for the provision of 82 new enforceable parking bays; the council received a total of one objection.

The report recommended that the Council Executive:-

1. Refuse to uphold the objection submitted during the statutory objection period to the making of the traffic regulation order to provide a disabled persons' parking bay in the vicinity of 137 Birkenshaw Way (1 parking bay); and
2. Note that the traffic regulation order (PTO-16-01) had been made in part to designate the remaining 81 parking bays.

### Decision

To approve the terms of the report.

11. CONTRACTING FOR A REAL WORLD VEHICLE EMISSIONS MONITORING PILOT SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development & Regeneration seeking approval to contract Hager Environmental & Atmospheric Technologies to deliver a pilot project monitoring real world vehicle emissions. The contract value exceeded the £50,000 limit on pilot schemes which could be authorised under delegated authority.

The report advised that the Scottish Government currently funded the East of Scotland Vehicle Emission Testing Partnership, which was delivered by staff employed by West Lothian Council to East Lothian, Midlothian and Falkirk councils. The activities focused on reducing vehicle emissions and their impact on air quality and health.

Part of the activities included the provision of testing facilities at various locations within the partnership areas, however due to changes in staffing and emphasis from single point testing to promotion and education, testing had not been carried out during a significant part of 2016/17.

The Scottish Government and partners in SEPA and Transport Scotland were keen to explore the use of real time vehicle monitoring systems which would carry out live measurements of emissions from moving vehicles. Information gathered from such monitoring would be used by partners for traffic and pollution modelling purposes, which were identified as priorities in the “Cleaner Air for Scotland – The Road to a Healthier Future” strategy.

The report explained that in terms of the council’s standing orders, a business case exemption to use a particular contractor for the trial could be obtained through existing procedures, however for expenditure in excess of £50,000 standing orders dictated that the Council Executive had to grant approval where works could not be competitively tendered.

Three potential suppliers were identified and were outlined in the Business Case exemption. Hager Environmental & Atmospheric Technologies (HEAT) was selected due to the unique capabilities of the equipment, the recent successful trial to examine the equipment’s performance by the Department of Transport and the degree to which the supplier managed the installation.

In conclusion the report advised that this was an application to incur expenditure in excess of current delegated limits within the standing orders to facilitate a trial of real time vehicle emission monitoring funded by the Scottish Government. The results of the trial would allow consideration of the value of such activities and could direct future deployments and transport and emission policies.

The report recommended that the Council Executive:-

1. Note the contributions of the pilot to both local and national objectives relating to air quality.

2. Approve the expenditure to appoint contractors to deliver the pilot.
3. Approve the business case exemption for the pilot and sole supplier.

### Decision

To approve the terms of the report.

## 12. DEVELOPER CONTRIBUTIONS TOWARDS TOWN AND VILLAGE IMPROVEMENTS IN CORE DEVELOPMENT AREAS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a proposal for a means of disbursing funding from developers for town and village improvements in Core Development Areas (CDAs).

The West Lothian Local Plan required developers within core development areas (CDAs) to contribute £250 per house towards town and village centre improvements within the CDA in which they were operating. Developers had the option to propose a package of equivalent value improvements or to make a financial contribution of £250 into an improvement fund, with that fund being administered by the council.

The contribution of £250 was index linked from the first quarter in 2006 so actual contributions would be in excess of £250 per house.

Developers were now making contributions into the improvement fund. However no governance arrangements for disbursing funds had been agreed by the council

The Head of Planning, Economic Development and Regeneration continued by advising that the council already provided funding for town and village improvements through its own capital programme and that the scope of works which could be funded via the existing scheme was similar to works that could be funded through developer contributions.

Therefore given the similarity of the schemes it was proposed that governance arrangements for the developer funded improvements would be based on the arrangements currently used for the council's village improvement fund. There would be a slight difference in that with the developer funded scheme it would be recognised that the council itself would have the option to develop projects. Therefore only a proportion of the improvement fund in each CDA would be available for community led projects in that CDA.

The key stages for assessing funding applications for community led projects were proposed as follows :-

1. An application, using a standard application form (as per the council village improvement fund) would be submitted to the

council's Community Planning and Regeneration Team;

2. The application would be assessed by officers, against the eligibility of the scheme whilst having regards to other projects being progressed in the CDA. Applications deemed not to meet the criteria, or those that were similar to or duplicate to other projects, would be rejected at this stage;
3. The availability of funding would be assessed by the Head of Planning, Economic Development and Regeneration having regard to the balance of the fund available for that CDA, taking account of other committed projects or projects being developed by the council;
4. The application would be reported to the relevant local area committee (LAC) indicating the Head of Services' intention with regards to the application. The LAC would have the opportunity to comment on the application; and
5. A decision on funding would be taken by the Head of Planning, Economic Development and Regeneration having regards to the view of the LAC.

Council promoted projects intended to be funded from the scheme would be set out in the council's capital programme and the Head of Planning, Economic Development and Regeneration would have regard to the likely cost of these projects when assessing the availability of funding for community led projects.

It was also to be noted that Supplementary Planning Guidance set out how the funding gathered in each part of the CDA would be spent in that part of the CDA. Consequently separate funds would be established for Armadale, Broxburn, East Calder, Polbeth, Winchburgh and West Calder.

It was recommended that the Council Executive :-

1. Notes the establishment of a fund for town and village improvements within the CDA's; and
2. Approves the proposed means of disbursing monies from the fund or town and village improvements within the CDAs.

#### Decision

To approve the terms of the report

### 13. SCOTTISH GOVERNMENT CONSULTATION ON RAISING PLANNING FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a Scottish Government consultation on proposed changes to planning application fees.

The Head of Planning, Economic Development and Regeneration explained that the Scottish Government had issued a consultation on some elements of planning application fees. The consultation recognised the importance of the planning system in supporting economic growth and it set out the intention to move the service towards full cost recovery.

The consultation was seeking views on a new maximum fee of £125,000 for major applications for most categories of development but also introduced a reduced unit charge for certain sizes of development. Through the consultation the Scottish Government had restated its view that any increase in fees was to be linked to sustained improvements in performance.

A summary of the proposed changes to the planning application fees were detailed in the report as follows with a full schedule of changes together with some examples of how the new fees would work in practice contained in Appendix 1 attached to the report :-

- The maximum planning application fee would be raised to £125,000;
- There was no change proposed to the current planning fee per housing unit of £401 for developments up to 50 units. Housing developments containing 50 residential units would pay £20,050 and any additional unit would be charged at £200 per unit until the fee maximum of £125,000 for 575 houses had been reached;
- There was no change proposed per hectare up to the current fees maxima and additional hectares were proposed to be charged at a lesser rate until the fee maximum of £125,000 (4.3 hectares) was reached. The introduction of a lower rate which would apply over a specified amount would help moderate the impact on major projects of the higher fee maximum; and
- For applications for planning permission in principle (PPP) similar changes per house or by 0.1 hectare were proposed. The maximum for PPP would be raised to £62,500.

A proposed response to the consultation had been prepared and this was attached to the report at Appendix 2 noting that whilst the changes to planning application fees were to be welcomed it was disappointing that the government was only suggesting changes to major applications and had not taken the opportunity to review all fees at this stage.

It was recommended that the Council Executive :-

1. Note the intention to increase some planning application fees;
2. Note that the intention at this stage was only to review the fees for major applications;
3. Note that further changes to planning application fees would be proposed as part of the forthcoming Planning White Paper; and



4. Approve the report and Appendix 2 as the council's response to the consultation

#### Decision

To approve the terms of the report

#### 14. WEST LOTHIAN LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME NO.9

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of an updated Development Plan Scheme No.9 for the West Lothian Local Development Plan (LDP).

The Council Executive were advised that Section 20B of the Planning, etc (Scotland) Act 2006 required planning authorities to prepare a development plan scheme (DPS) at least annually for the local development plan (LDP). The purpose of a DPS was to set out the programme for preparing, reviewing and consulting on the LDP. The DPS was to be in place by 31 March each year.

A draft DPS (No.9) had been prepared and was attached to the report at Appendix 1. This would replace the timetable for the preparation of the West Lothian DPS as previously set out in DPS No.8

The Head of Planning, Economic Development and Regeneration continued to advise the Council Executive that delays in preparing the LDP were as a consequence of the timetable for the SDP being significantly disrupted by Scottish Ministers mandating SESPlan to prepare Supplementary Guidance on housing land requirements and the LDP could not be taken forward until this issue had been resolved as it would have posed a risk to the content of the plan.

Additionally whilst the Proposed Plan, representations and the council's response had been submitted to the DPEA for examination in October 2016, the appointment of a reporter had not been confirmed until late December 2016. Furthermore it had also be intimated that the reporter would not be in a positon to commence the examination until later in January 2017 due in part to other commitments. In view of this the earliest date for adoption of the LDP was anticipated to be late 2017.

It was recommended that Council Executive approve the content of the Development Plan Scheme No.9

#### Decision

To approve the terms of the report

15. LOCAL LANDSCAPE AREAS - REVISED GUIDANCE 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 by Scottish Natural Heritage and Historic Environment Scotland on draft Guidance on Local Landscape Areas (GLLA 2016).

The report advised that the Local Landscape designations were a cornerstone in the preparation of local development plans. Paragraph 197 of Scottish Planning Policy (SPP, 2014) advised that these non-statutory designations should be limited to areas designated for their local landscape value.

Guidance on Local Landscape Designations was published jointly by Scottish Natural Heritage and then Historic Scotland in 2006. It set out the methodology based on assessment of landscape character for reviewing, defining and designating local landscape designations.

The report recalled that in early 2013 the council employed Land Use Consultants to undertake a review of adopted local landscape designations in West Lothian. The steering group for the review included advisors from Scottish Natural Heritage. The review was completed in June 2013 and was consistent with the requirements of national guidance set out in the Guidance on Local Landscape Designations 2006 and Scottish Planning Policy 2014.

Based on the Local Landscape Designations Review and earlier work on landscape character, the council published its own revision of landscape character areas known as the West Lothian Landscape Character Classification (LCC 2014).

The Head of Planning, Economic Development and Regeneration advised that the proposed revised Guidance on Local Landscape Areas was published for consultation in December 2016 by Scottish Natural Heritage Historic Environment Scotland. The revised guidance aimed to help Planning Authorities identify or review their local landscape designations and maximise their benefits.

The report advised that in respect of the increased cultural and historic landscape weighting in the draft guidance, the council's Local Landscape Designations Review strongly supported the industrial heritage landscapes of West Lothian; however, there was no reference to or examples given. Landscape features of country estates such as policy woodland were cited as well as Historic Battlefields, Gardens and Designated Landscapes.

The revised guidance did not make reference to linkages to draft Scottish Government policy documents with potential to lead to significant impacts on local countryside, landscape and identified Special Landscape Areas. The three draft documents all released in January 2017 which should be referred to in the guidance were :-

- Scottish Government's Draft Climate Change Plan 2017 – 2032
- Scottish Government's Draft Energy Strategy; and
- Scottish Government's Draft Onshore Wind Policy Statement

Whilst addressing climate change was a global imperative, if there was a strong possibility that significant landscape impacts may result in change to local landscape designation and landscape character, particularly in upland areas and areas lacking national designations, the revised landscape guidance should make reference to the potential impact on Local Landscape Areas.

The report went on to advise that the Scottish Natural Heritage review of landscape character areas was anticipated to be made available in late 2017. Inconsistencies with the council's Local Landscape Designations Reviews could arise if changes were proposed.

In conclusion the report advised that the draft guidance raised a number of concerns given its timing shortly after many local authorities including West Lothian had concluded local landscape designation reviews using the name Special Landscape Areas for identified designations.

The report recommended that the Council Executive agrees to forward the proposed response to the consultation, as set out in Appendix 1 to the report, to Scottish Natural Heritage/Historic Environment as the council's response to the consultation.

### Decision

To approve the terms of the report.

## 16. WEST LOTHIAN LEISURE MANAGEMENT FEE 2017-18

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the proposed management fee for West Lothian Leisure for 2017/18, including services and facilities transferring from the council to West Lothian Leisure on 1 April 2017.

The report recalled that West Lothian Leisure was established in 1998 and was a company limited by guarantee with the council as the sole member. The organisation was managed by the senior management team and a Board comprised of volunteers who provided strategic direction.

West Lothian Leisure provided sports facilities and services across West Lothian in conjunction with partners including the council, NHS Lothian and Sportscotland, contributing to outcomes in West Lothian Community Planning Partner's Single Outcome Agreement.

On 25 October 2016 the Council Executive agreed to the transfer of

certain sports, leisure and cultural functions to the modernised trust, West Lothian Leisure on 1 April 2017. Delegated authority was granted for the Depute Chief Executive to progress and conclude all actions to ensure implementation of the transfer with the exception of the management fee and West Lothian Leisure representation on the West Lothian Leisure Board.

The Head of Finance and Property Services advised that officers from the council and West Lothian Leisure were working in partnership to finalise arrangements for the transfer of services to West Lothian Leisure on 1 April 2017. Areas discussed included staffing, property, legal and IT matters relating to the transfer of services.

The council's Revenue Budget for 2017/18 included budget savings of £532,000 relating to Non Domestic Rates following the transfer of facilities to West Lothian Leisure. The charitable status of West Lothian Leisure allowed Non Domestic Rates relief to be claimed thus allowing for the saving to be made.

The report went on to advise that the management fee which was paid to West Lothian Leisure would include the fee paid for the current provision of leisure facilities. For 2017/18 this was a total funding package of £1.985 million.

The budget transferring relating to the transfer of services to West Lothian Leisure were in respect of Lowport Outdoor centre, Howden Park centre, Polkemmet golf facilities and the sports and leisure activities at West Lothian Secondary Schools which included the community and leisure facilities in two community high schools.

A robust process was undertaken to review the budgets for transferring services and appropriate due diligence was undertaken. The budgets being transferred were equivalent to the budgets which would have remained under West Lothian Council if the transfer had not been proposed with the exception of £532,000 Non Domestic Rates saving.

Further discussions were ongoing in relation to insurance arrangements and appropriate budget transfers would be made when the lease and insurance arrangements for these facilities concluded.

In conclusion the report advised that the proposed management fee to be paid to West Lothian Leisure in 2017/18 was £2.455 million which was comprised of £1.985 million for the existing management fee arrangements and an additional £470,000 for the services and facilities transferring from the council to West Lothian Leisure on 1 April 2017.

The report recommended that Council Executive:-

1. Agree with the proposed management fee for services transferring from the council to West Lothian Leisure on 1 April 2017, as set out in section D4 of the report; and
2. Agree that delegated authority for any minor adjustments to the proposed management fee was granted to the Head of Finance

and Property Services.

Decision

To approve the terms of the report.

17. 2016-17 GENERAL SERVICES CAPITAL BUDGET - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing information on the financial position in relation to the General Services Capital Programme following completion of the month 9 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 £63.593 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 91%. In overall terms the monitoring exercise indicated that the projected outturn was £65.479m assuming there was slippage of £4 million between now and the year end.

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. Notes the outcome of the month 9 monitoring exercise and projected outturn;
2. Agrees that Asset Lead Offices and the Head of Finance and Property Service continue to take necessary action to deliver the overall programme;
3. Approve the inclusion of James Young High School Tennis Courts project in the capital programme.

Decision

To approve the terms of the report

18. 2016-17 GENERAL FUND REVENUE BUDGET - MONTH 9 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 9 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 31 December 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 Head of Services 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

### 19. 2016-17 HOUSING CAPITAL REPORT - MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, providing the financial performance in relation to the month 9 monitoring exercise as at the end of 31 December 2016.

A table contained within the report demonstrated that there had been investment of £30.119m in housing stock as at 31 December 2016. The forecast expenditure for the year was £50.337m. 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 and developer contributions.

With regards to house sales, this totalled £4.335m as at the end of December 2016 with sales projected to reach £6.450m for the whole year for approximately 150 properties.

The report concluded that although there had been slippage in the Housing Capital programme, material investment had been made in the Housing Capital 2016-17 programme with unprecedented expenditure in excess of £30.119m as of the end of December 2016.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and projected out-turn.

It was recommended that Council Executive :-

1. Note the outcome of the month 9 monitoring exercise and projected out-turn; and
2. Agrees that officers continue to take the necessary action to deliver a balanced budget.

Decision

To approve the terms of the report.

20. 2016-17 HOUSING REVENUE ACCOUNT - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, providing the financial performance in relation to the month 9 monitoring exercise as at the end of 31 December 2016.

The report provided a summary of the position for the main expenditure heads.

It was noted that employee costs were forecast to underspend by £203,000 mainly as a result of vacant posts and staff turnover.

It was recommended that Council Executive :-

1. Note the outcome of the month 9 monitoring exercise and projected out-turn; and
2. Agrees that officers continue to take the necessary action to deliver a balanced budget.

Decision

To agree the terms of the report.

21. KETTLISTOUN MAINS - LINLITHGOW COMMUNITY DEVELOPMENT TRUST

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the proposal by the Linlithgow Community Development Trust (LCDT) to deliver a multi-sport community sports facility at Kettilstoun Mains, Linlithgow.

The report recalled that Council Executive had previously considered a petition which was requesting support from the council for a 1km cycle circuit in Linlithgow which was being planned by LCDT. As officers were already in discussion with representatives of LCDT it was agreed to await the outcome of those discussions. Council Executive also noted that the

council had invested significant resources at the Kettilstoun Mains site over the years allocating £390,000 in 2011-12 to enable road access works to be undertaken in order for the site to be developed and more recently the council had delivered new football facilities in partnership with sportscotland and West Lothian Leisure at a site adjacent to Kettilstoun Mains.

The report continued by providing an overview of LCDT and how they had been seeking to develop a multi-sports community facility since its formation back in 2012. This project had evolved over time and in 2014 LCDT had produced a masterplan for the creation of new facilities for cycling, athletics, football and skateboarding at the Kettilstoun Mains site. In 2015 LCDT produced a business plan which proposed a phased delivery of new facilities for regional and community cycling, athletics and skateboarding as the first phase in the delivery of community sports facilities.

A revised business case, costed at approximately £969,000 excluding VAT was submitted to the Council in December 2015. The funding package for the project was based on three main sources; the council, sportscotland and external funders. In assisting the LCDT to develop the masterplan and business case, resources were allocated from the £390,000 capital budget on the understanding that the resources available from the council were fixed at the level of the original budget. The current outstanding level of available resources was £312,000.

LCDT advised that approximately £350,000 would be available from sportscotland which when combined with the £312,000 would require a further £300,000 to be raised from external funders. Sportscotland and the external funders had also indicated that LCDT would need to have security of tenure on the site in the form of a lease from the council.

In June 2016 LCDT submitted a Stage 2 Asset Transfer Application to the council advising that they had decided to explore alternative methods of procuring and delivering the project and sought to discuss a number of issues with the council; these were summarised in the report. Officers met with LCDT representatives to discuss the detail of the Stage 2 Asset Transfer Application and to request additional information in support of the proposal. A key aspect of the discussions related to project funding, VAT costs and affordability.

In August 2016 LCDT advised that they had reviewed the project scope and were now proposing a revised project costed at approximately £650,000 excluding VAT and professional fees. The revised project would focus on delivering the core cycle track and LCDT would progress a separate fund raising strategy at a later date to secure funds to deliver the athletics and skatepark elements of the original proposal. The revised business case was also modelled on the basis that operating costs for the facility would be met from income generated at the facility and it was also being proposed by LCDT that West Lothian Leisure would manage the facility similar to the existing arrangements for the football pitch.

Further discussions have confirmed that the funding from sportscotland



would be capped at a percentage of the overall capital cost and as such the maximum funding was likely to be £250,000 and not the £350,000 associated with the higher project cost. Consequently the minimum funding gap on the revised project, excluding the council budget was estimated at round £100,000. LCDT had recently confirmed that they would now seek the council to procure and deliver the project, for the facility to be managed by West Lothian Leisure with external funding provided via the LCDT.

The report concluded that the project had reached a stage where the LCDT required each of the prospective funders to provide a commitment to enable the project to move forward to the next stage and LCDT were now seeking a letter of support from the council confirming that it was prepared to undertake the procurement and delivery of the project and to provide security of tenure in the form of a lease of the site. However there remained a number of risks associated with the project and these were detailed in the report.

Further discussions would therefore be required with LCDT to finalise the terms of a detailed legal agreement before the council could commit to procure and deliver the project. It was also to be noted that by diverting the £312,000 budget there would be no other council funds available to undertake any works required to enable any road access required to the site.

It was recommended that the Council Executive :-

1. Note the update on the proposal by LCDT to deliver a multi-sport community sports facility at Kettistoun Mains, Linlithgow; and
2. Agree any further action to be taken.

#### Decision

1. To agree that officers continue negotiations with LCDT with regards to the lease of the site at Kettistoun Mains;
2. To agree that the existing capital budget of £312,000 could be used as support funding for the project;
3. To instruct officers to continue a dialogue with LCDT and the West Lothian Clarion Cycling Club with regards to the provision of external funding resources; and
4. To report back to a future meeting of the Council Executive with a progress report.





## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

#### **REPORT BY FAULDHOUSE AND THE BREICH VALLEY LEAD OFFICER**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval of the attached report which was heard at Fauldhouse and the Breich Valley Local Area Committee on 21 February 2017. Members agreed with the report but could not approve it as the meeting was inquorate.

##### **B. RECOMMENDATION**

1. It is recommended that Council Executive approves the report.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; making best use of our resources; and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The project meets the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development and Transport PDSP.

## **VIII Other consultations**

The report was considered at the Fauldhouse and the Breich Valley Local Area Committee on 21 February 2017. Members of the Local Area Committee agreed that the report should be forwarded to Council Executive for approval.

## **D TERMS OF THE REPORT**

### **D1 Background**

The Fauldhouse and the Breich Valley Local Area Committee considered the attached report on 21 February 2017. The report recommends distribution of funds from the Village Improvement Fund for the Fauldhouse and the Breich Valley ward. The two members present agreed with the report; however, as the meeting was inquorate, the committee could not approve the proposals. In such cases, the Lead Officer is required to present the report to the Council Executive asking that the views of the Local Area Committee be considered. This report fulfils that requirement.

## **E. CONCLUSION**

The members of the Fauldhouse and the Breich Valley Local Area Committee agreed the content of the attached report; however, due to the meeting being inquorate, it could not approve the proposals. Council Executive is now requested to approve the report on behalf of the Fauldhouse and the Breich Valley Local Area Committee.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013 and 15 April 2014).

Appendices/Attachments: One

Appendix 1: Fauldhouse and the Breich Valley Local Area Committee -  
West Lothian Villages Improvement Fund applications

Contact Person: Laura Wilson, Regeneration Team Leader, Tel. 01506 281085,  
laura.wilson2@westlothian.gov.uk

**Alice Mitchell, Lead Officer, Fauldhouse and the Breich Valley Local Area Committee**  
28 February 2017



**FAULDHUSE AND THE BREICH VALLEY LOCAL AREA COMMITTEE**

**WEST LOTHIAN VILLAGES IMPROVEMENT FUND - APPLICATIONS**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND  
REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Local Area Committee of the applications received from within the local area committee area seeking funding from the West Lothian Villages Improvement Fund (WLVIF) in 2016/17.

**B. RECOMMENDATION**

It is recommended that the Local Area Committee:

1. notes that five applications have been received for funding;
2. notes that the proposals meet the eligibility criteria for supported projects;
3. supports funding for the projects;
4. increases funding to Breich Community Association; and
5. agrees that the Head of Planning, Economic Development and Regeneration should make an offer of funding as per the details set out in this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs. Making best use of our resources. Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The projects meet the funding eligibility criteria. There is no requirement for a strategic environmental assessment and the projects do not raise any equality or health issues.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	- Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

- We live in resilient, cohesive and safe communities.

<b>VI Resources - (Financial, Staffing and Property)</b>	A total of £1.65m capital fund is available for projects and the proposal can be met from within this budget.
<b>VII Consideration at PDSP</b>	These projects have not been considered by a PDSP. The overall Villages Improvement Fund was considered by Development & Transport PDSP.
<b>VIII Other consultations</b>	None.

## **D TERMS OF THE REPORT**

### **D1 Background**

In 2012 the Council Executive agreed the eligibility criteria for a West Lothian Villages Improvement Fund (WLVIF). Funding of £1.65m is available to support eligible schemes with the funding phased over five years. The fund has the following two work streams:

**1) A shop frontage/shop improvement scheme**, to which local independent retailers can apply. This operates in a similar way to the shop frontage improvement schemes for traditional town centres i.e. a grant of up to £750 and no more than 50% of the cost of the shop front improvement.

**2) Small scale village improvements and initiatives**, this can include a number of types of investment, including both physical improvements to the streetscape and investment in community provision:

- Provision of street furniture such as seating, cycle stands and direction signs.
- Improved village gateways (e.g.; through planting, landscaping and/or signage).
- Improved sense of place in village centres through hard landscaping, planting and soft landscape improvements.
- Tidying and landscaping of gap sites within villages.
- Access improvements in and around villages.
- Investment in projects that engage and support young people.
- Investment in other local community facilities.

Eight villages in the Fauldhouse and the Breich Valley ward are eligible under the scheme. Distribution of funding is based on village size. Total allocations per village are as follows, with the remaining budgets in brackets:

Fauldhouse	£125,000 (£88,014)
West Calder	£125,000 (£81,357)
Longridge	£55,000 (£47,500)
Stoneyburn	£55,000 (£1136.56)
Addiewell	£55,000 (£49,700)
Polbeth	£55,000 (£39,968)
Breich	£20,000 (£10,000)
Harburn	£20,000 (£0)

## **D2 Applications**

The following application has been received for this round of funding:

Four applications have been received from WC&HCDT:

### West Calder to Birchwood Right of Way

An application for £9000 has been submitted to open up the first section of an old right of way between West Calder and Harburn, specifically linking West Calder to the Hermand Birchwood; a Site of Special Scientific Interest (SSSI).

At present this right of way is practically inaccessible due to muddy paths, overgrown vegetation and a bottleneck caused by the coming together of a thorn hedge and barbed wire fence. These factors mean that current users are forced to wade through mud or climb a fence to walk over farm land. The project will improve muddy areas of the path by installing drainage and laying aggregate, remove the bottleneck by moving the fence further from the thorny hedge, and improve accessibility by cutting back and removing vegetation encroaching on the path.

This project is a partnership between the Trust and the local farms that own the land. The farmers are supportive of the project and have given permission for these improvements to the old right of way. One of the farmers has agreed to help by laying aggregate on one section of the path.

### West Calder Lighting

WC&HCDT are applying for £8480 to improve the lighting at the Remembrance Garden and on Union Square. Specifically, two new heritage lamp posts will be installed in the Remembrance Garden and the heads on the lights in Union Square will be replaced to match. All new lights will use energy saving LED bulbs.

Officers in Street Lighting have been consulted on these proposals.

### West Calder Gateways

An application for £33,000 will allow the CDT to enhance and improve the four gateways into West Calder. This will be achieved through creating new gateway signage at the four entrances to the village, improving a wooded gap site by clearing and tidying, and enriching the environment by planting native shrubs and bulbs, particularly in the cleared woodland area.

The project will be carried out by a mix of skilled workers, Community Development Trust employees and local volunteers, including the local primary schools of Parkhead and St. Mary's.

### Heritage and Signage

WC&HCDT are applying for £25,500 to improve access and navigation around the village. Specifically:

- Erecting map boards at key locations of the railway station and Union Square.
- Putting up finger posts at various locations such as Union Square, the community centre and the start of local footpaths.
- Using signage and waymarkers to highlight and raise awareness of local footpaths around West Calder.
- Improving the use of local paths and facilities by producing paper maps of the village based on work done by West Lothian Council Active Travel.
- Improving ease of access for visitors and local residents with improved signage to areas for car parking.

### West Calder Community Centre – Toilet Refurbishment

The West Calder Community Education Centre Management Committee are requesting £12,000 towards a total project cost of £24,000 to enable them to refurbish all of the toilet facilities within the centre (ladies, gents and disabled). The project includes installation of hand dryers, which the toilets don't currently have, and LED lighting, both of which will help to reduce future running costs of the building.

The other 50% funding required will be contributed from the committee's own funds.

### Breich Community Association

In addition to these five new projects, the committee is asked to increase the grant allocation of £10,000 made to Breich Community Association in June 2016.

The association require £26,800 to allow them to purchase and install additional equipment at the village play park. They have secured £10,000 from West Lothian Development Trust but were unsuccessful in their application to Banks Mining for the remaining £6800. The committee is asked to support this additional amount being awarded from the Village Improvement Fund.

## **E. CONCLUSION**

Eight villages within the Fauldhouse and the Breich Valley ward are eligible to apply to the Villages Improvement Fund. The applications detailed above meet the eligibility criteria of the fund and the Local Area Committee is asked to support them.

## **F. BACKGROUND REFERENCES**

Reports to Development and Transport PDSP (April 2013), Council Executive (May 2013, April 2014) Fauldhouse and the Breich Valley Local Area Committee (August and November 2013; February, June and November 2014; February, May and September 2015, April and June 2016).

Appendices/Attachments: Five

Appendix 1: WC&HCDT Right of Way

Appendix 2: WC&HCDT Lighting

Appendix 3: WC&HCDT Gateways

Appendix 4: WC&HCDT Heritage and Signage

Appendix 5: West Calder Community Centre - Toilets

Contact Persons:

Laura Wilson, Regeneration Team Leader, Tel. 01506 281085,  
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Hazel Hay, Town Centre Manager, Tel. 01506 283079,  
[hazel.hay@westlothian.gov.uk](mailto:hazel.hay@westlothian.gov.uk)

**Craig McCorriston**

**Head of Planning, Economic Development and Regeneration**

21 February 2017



## Appendix 1

### West Lothian Villages Improvement Fund Application form

- Please refer to the guidance notes when completing this form
- Please complete in the form in **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 1. Applicant Organisation Details

<b>Organisation Name</b>	West Calder & Harburn CDT
<b>Project title</b>	Opening up an old Right of Way between West Calder and Hermand Birch Wood.
<b>Contact person</b>	[REDACTED]
<b>Position</b>	Development officer
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	Community Development Trust
<b>What date was your organisation formed?</b>	2013
<b>What is your charity number? (if applicable)</b>	SCO43914
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100 words)</b>	<p>The Trust aims to supports West Calder and Harburn in developing as a place where residents are proud and happy to live and where others visit, enjoy, return, spend and contribute.</p> <p>We will achieve this by</p> <ul style="list-style-type: none"> <li>• Environmental and facility improvements.</li> <li>• Celebrating our heritage.</li> <li>• Presenting the area positively.</li> <li>• Arranging local events and activities.</li> <li>• Championing the community.</li> <li>• Making the area a noted destination</li> </ul> <p>Initiatives include:</p> <ul style="list-style-type: none"> <li>• Improvements to the Remembrance garden.</li> <li>• Initiating West Calder in Bloom.</li> <li>• Delivering Christmas and Spring Fayres.</li> <li>• Improving walking paths.</li> <li>• Producing local maps.</li> <li>• Providing a greenhouse for the care home.</li> <li>• Organising the Burngrange Disaster memorial and exhibition.</li> </ul>

Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>Yes / No</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>Yes / No</b>
Are you applying for other funding? If so, please detail:  <b>No.</b>	<b>Approved                      Anticipated</b>

## 2. Project details

<b>Council ward</b>	Fauldhouse and the Breich Valley
<b>Project location</b>	Path between West Calder and Hermand Birch Wood.
<b>Project start date</b>	1/3/2017
<b>Project finish date</b>	30/12/2017
<b>Estimated Outcome</b>	An established right of way that is in danger of being lost will be re-opened. Re-opened right of way will make it easier for villagers and visitors to get out and about improving mental and physical well being.

### Project description

Describe fully the project for which grant is being sought (background and context of the project, description of works).

In 2016 Sustrans conducted a local survey that asked villagers what they would like to see on a local map. Nearly 50% of comments related to improving local leisure routes and paths.

This project opens up the first section of an old right of way between West Calder and Harburn, specifically linking West Calder to the Hermand Birchwood – Site of Special Scientific Interest (SSSI).

At present this right of way is practically inaccessible due to muddy paths, overgrown vegetation and a bottleneck caused by the coming together of a thorn hedge and barbed wire fence. These factors, along with poor signposting (money for signposting is requested in a separate application), means that current users are forced to wade through mud or climb a fence to walk over farm land.

The project will

- Improve muddy areas of the path by installing drainage and laying aggregate.
- Remove the bottleneck by moving the fence further from the thorny hedge.
- Improve accessibility by cutting back and removing vegetation encroaching on the path.

This project is a partnership between the Trust and the local farms that own the land. The farmers are supportive of the project and have given permission for these improvements to the old right of way. One of the farmers has agreed to help by laying aggregate on one section of the path.

#### **Partners involved**

(other local organisations you are working with)

- Owners Westmuir and Gavieside farms
- West Lothian Council including Community Regeneration and Active Travel
- Sustrans
- The Conservation Volunteers (TCV)
- Polbeth & West Calder Community Garden

#### **Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

Of the 10 projects identified in the West Calder and Harburn Design Study (2014) improving routes around West Calder was ranked 4<sup>th</sup> most important by local residents.

Nearly 50% of the comments from the recent Sustrans survey related to improving walking paths around the village.

This project opens up a 3km walking route linking West Calder to the attractive Scottish Wildlife Trust woodland of Hermand Birchwood – a popular destination for local people.

#### **Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites, improved Area of landscaping

Re-open part of an important walking link between West Calder and Harburn.

Local people will have access to an improved range of local walking routes that will lead to improved health and wellbeing.

A group of our volunteers will become skilled in this type of activity and will maintain the path and help with the development of the rest of the right of way.

Community Facilities: e.g number of facilities improved  
-Projected usage

3km of an important right of way will be re-opened. There has been shown to be a strong demand locally for improved local footpaths, so we expect useage to be high, especially if we are able to properly signpost and advertise the route. (See Maps & Signposting application.)

### 3.Project Costs

<b>Amount of funding requested</b>	<b>£ 9,000</b>
------------------------------------	----------------

<b>Item of expenditure</b>	<b>Cost</b>
<b>300T Type 1 aggregate</b>	<b>£ 4,000</b>
<b>150m wire fencing</b>	<b>£ 2,500</b>
<b>Drainage pipe and Gravel</b>	<b>£ 500</b>
<b>Cutting back vegetation and clearing trees from path through woods.</b>	<b>£ 2,000</b>

#### **Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

The overall project will be managed by the Community Development Trust Board with ongoing project management by the paid development officer.

The paid worker will co-ordinate sourcing materials and liaise with the farmers for laying aggregates. Much of the work will be carried out by volunteers supported by The Conservation Volunteers (TCV) with contractors brought in for skilled tasks such as fence erection and tree felling.

### 4. Declaration

We wish to apply for a Village Improvement Fund Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn if all the conditions are not adhered to. We are willing to co-operate in the

monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.	
<b>Name</b>	[REDACTED]
<b>Position</b>	Community Development Officer
<b>Organisation</b>	West Calder & Harburn CDT
<b>Date</b>	2/2/2017

## Appendix 2

### West Lothian Villages Improvement Fund Application form

- Please refer to the guidance notes when completing this form
- Please complete in the form in **black ink**
- No project should start or commit expenditure before receiving the approval of grant

### 3. Applicant Organisation Details

<b>Organisation Name</b>	West Calder & Harburn CDT
<b>Project title</b>	Improving lighting at key sites on the main street.
<b>Contact person</b>	[REDACTED]
<b>Position</b>	Development officer
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	Community Development Trust
<b>What date was your organisation formed?</b>	2013
<b>What is your charity number? (if applicable)</b>	SCO43914
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100</b>	<p>The Trust aims to supports West Calder and Harburn in developing as a place where residents are proud and happy to live and where others visit, enjoy, return, spend and contribute.</p> <p>We will achieve this by</p> <ul style="list-style-type: none"> <li>• Environmental and facility improvements.</li> <li>• Celebrating our heritage.</li> </ul>

<b>words)</b>	<ul style="list-style-type: none"> <li>• Presenting the area positively.</li> <li>• Arranging local events and activities.</li> <li>• Championing the community.</li> <li>• Making the area a noted destination</li> </ul> <p>Initiatives include:</p> <ul style="list-style-type: none"> <li>• Improvements the Remembrance garden.</li> <li>• Initiating West Calder in Bloom.</li> <li>• Delivering Christmas and Spring Fayres.</li> <li>• Improving walking paths.</li> <li>• Producing a local map.</li> <li>• Providing a greenhouse for the care home.</li> <li>• Organising the Burngrange Disaster memorial and exhibition.</li> </ul>	
Do you have an equal opportunities policy or statement? If yes please provide a copy		<b>Yes / No</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?		<b>Yes / No</b>
Are you applying for other funding? If so, please detail:  <b>No.</b>	<b>Approved</b>	<b>Anticipated</b>

#### 4. Project details

<b>Council ward</b>	Fauldhouse and the Breich Valley
<b>Project location</b>	Remembrance Garden and Union Square, West Calder.
<b>Project start date</b>	1/3/2017
<b>Project finish date</b>	30/12/2017
<b>Estimated Outcome</b>	There will be increased usage of these locations at night and a reduction of risk to pedestrians at the Remembrance garden.

<p><b>Project description</b></p> <p>Describe fully the project for which grant is being sought (background and context of the project, description of works).</p>
<p>This project relates to two key sites along the main street, the Remembrance garden and Union Square and involves improving lighting at both locations.</p>

The project builds on our successful improvements to the Remembrance garden that have proved very popular with villagers. Feedback from villagers has indicated that the path through the garden is a popular route to the railway station that avoids the busy junction between the A71 and B7008. Installing lighting will allow the route to be used after dark and improve the look of the garden in the evenings.

The public consultation conducted during the West Calder and Harburn Design Study (2013) ranked 'Improving Main Street' (project 4) very highly.

Improving lighting to the square is the next step in the development of this project. The relatively inexpensive improvements that we propose will significantly improve the atmosphere of the square by installing lighting that blends in with the overall village identity being developed.

Specifically we will be installing two new heritage lamp posts in the Remembrance Garden and replacing the heads on the lights in Union Square to match.

#### **Partners involved**

(other local organisations you are working with)

- West Lothian Council including Community Regeneration and Street Lighting.

#### **Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

In 2012 a major survey was carried out by the West Calder & Harburn Community Council which led to the creation of our Community Action Plan. 25% of respondents from the survey thought the village looked run-down and dull.

The West Calder & Harburn Design Study (2014), which expanded on the 2013 Community Action Plan, ranked works to Union Square as 1<sup>st</sup> and Improving Main Street as 2<sup>nd</sup> in the list of public priorities. This project addresses parts of both these priorities.

#### **Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites, improved Area of landscaping

The appearance of two key sites within the village will be enhanced with improved lighting.

The improved lighting at Union Square will create a more inviting atmosphere, encouraging better use of the space.

Improved lighting at the Remembrance Garden at night will allow pedestrians to avoid a busy and dangerous junction by safely using the already popular route to and from the station during the hours of darkness.

Community Facilities: e.g number of facilities improved  
-Projected usage

Two key sites on the main street will be improved with new lighting that will encourage usage and access in the evenings and extend our new village identity.

### 3. Project Costs

<b>Amount of funding requested</b>	<b>£ 8,480</b>
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<b>Item of expenditure</b>	<b>Cost</b>
<b>Heritage LED Lamps</b>	<b>£ 4,800</b>
<b>Heritage Style lamp post</b>	<b>£ 480</b>
<b>Installation</b>	<b>£ 3,200</b>

### Project management

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

The overall project will be managed by the Community Development Trust Board with ongoing project management by the paid development officer.

We have identified the suppliers of the lamps and posts. Installation will be carried out by professional contractors.

### 5. Declaration

We wish to apply for a Village Improvement Fund Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn if all



the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	[REDACTED]
<b>Position</b>	Community Development Officer
<b>Organisation</b>	West Calder & Harburn CDT
<b>Date</b>	2/2/2017

### Appendix 3

#### West Lothian Villages Improvement Fund Application form

- Please refer to the guidance notes when completing this form
- Please complete in the form in **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 5. Applicant Organisation Details

<b>Organisation Name</b>	West Calder & Harburn CDT
<b>Project title</b>	Improving the Gateways to West Calder
<b>Contact person</b>	[REDACTED]
<b>Position</b>	Development officer
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	Community Development Trust
<b>What date was your organisation formed?</b>	2013
<b>What is your charity number? (if applicable)</b>	SCO43914
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100</b>	The Trust aims to supports West Calder and Harburn in developing as a place where residents are proud and happy to live and where others visit, enjoy, return, spend and contribute.  We will achieve this by <ul style="list-style-type: none"> <li>• Environmental and facility improvements.</li> </ul>

<b>words)</b>	<ul style="list-style-type: none"> <li>• Celebrating our heritage.</li> <li>• Presenting the area positively.</li> <li>• Arranging local events and activities.</li> <li>• Championing the community.</li> <li>• Making the area a noted destination</li> </ul> <p>Initiatives include:</p> <ul style="list-style-type: none"> <li>• Improvements to the Remembrance garden.</li> <li>• Initiating West Calder in Bloom.</li> <li>• Delivering Christmas and Spring Fayres.</li> <li>• Improving walking paths.</li> <li>• Producing local maps.</li> <li>• Providing a greenhouse for the care home.</li> <li>• Organising the Burngrange Disaster memorial and exhibition.</li> </ul>	
Do you have an equal opportunities policy or statement? If yes please provide a copy		<b>Yes</b> / <del>No</del>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?		<b>Yes</b> / <del>No</del>
Are you applying for other funding? If so, please detail:  <b>No.</b>	<b>Approved</b> <b>Anticipated</b>	

## 6. Project details

<b>Council ward</b>	Fauldhouse and the Breich Valley
<b>Project location</b>	Gateways to West Calder at <ul style="list-style-type: none"> <li>• A71 – Burngrange</li> <li>• A71 – Polbeth</li> <li>• B792 – Tenants March &amp; Cleuch Brae</li> <li>• B7008 – Hermand Cemetery</li> </ul>
<b>Project start date</b>	1/3/2017
<b>Project finish date</b>	30/09/2017
<b>Estimated Outcome</b>	<p>The work will improve the appearance and amenity at the entry points to the village, making them more attractive with a cared for appearance.</p> <p>The work will improve the feeling of identity and pride in the community felt by the local residents.</p>

**Project description**

Describe fully the project for which grant is being sought (background and context of the project, description of works).

The project improves the appearance of 4 key entrances to West Calder along the A71, B792 and B7008.

This will be achieved through

- Creating new Gateway signage at the four entrances to the village.
- Improving a wooded gap site by clearing and tidying.
- Enriching the environment by planting native shrubs and bulbs, particularly in the cleared woodland area.

The project will be carried out by a mix of skilled workers, Community Development Trust employees and local volunteers, including the local primary schools of Parkhead and St. Mary's.

This project follows on from the successful enhancement works carried out in the war memorial garden in 2016 and will extend the feeling of pride that the local inhabitants have in their community.

The project is part of our wider theme to improve the green, built and cultural environment of West Calder.

This is a pivotal phase in developing the identity of West Calder identified in the Community Action Plan (2012) and Public Realm Study (2014) initiated by the Community Development Trust.

**Partners involved**

(other local organisations you are working with)

- Polbeth & West Calder Community Garden.
- Mark Hamilton Landscapes
- Parkhead Primary School
- St Mary's Primary School
- West Lothian Council including Community Regeneration and Roads

**Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

In 2012 a major survey was carried out by the West Calder & Harburn Community Council that led to the creation of our Community Action Plan.

25% of respondents commented on 'The Look of The Place', for example the run-down appearance of the village, dull unpleasant parks and poor quality public spaces.

This specific Gateways project was initially highlighted by the Breich Valley Village Gateways Project Report that showed a number of

improvements that could be made to the gateways into West Calder. This was expanded by WC&HCDT with help from Collective Architecture in their Public Realm study of West Calder.

### **Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites, improved Area of landscaping

This project will improve the overall image of the community by concentrating on 4 key entrance sites to the village.

The project will specifically lead to

- Major improvements at the gateways to the village by replacing dated signage with locally inspired artwork reflecting the rich heritage of the community. This will significantly improve the local environment and image of the community.
- The development of an attractive wooded area at Cleuch Brae, creating a more open and welcoming environment.
- Development and use of a village brand and identity to inspire the gateway signage. This will improve the overall image of the community as it gets used on an ongoing basis.

Community Facilities: e.g number of facilities improved  
-Projected usage

The improved signage at the entrances will be seen by everyone entering the village.

All road and pavement users passing Cleuch Brae (the busiest junction in West Calder) will see the impact of opening up the woodland on this site and providing enrichment planting under the trees.

### **3.Project Costs**

<b>Amount of funding requested</b>	<b>£33,000</b>
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<b>Item of expenditure</b>	<b>Cost</b>
<b>Design of Village Identity</b>	<b>£ 3,000</b>
<b>Making &amp; Installing Signs</b>	<b>£16,000</b>
<b>Lighting Signage</b>	<b>£ 4,000</b>
<b>Woodland Improvements</b>	<b>£ 4,400</b>
<b>Purchase and Plant Shrubs &amp; Bulbs</b>	<b>£ 2,200</b>
<b>Extend Fencing on Cleuch Brae</b>	<b>£ 3,400</b>


### **Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

The overall project will be managed by the Community Development Trust Board with ongoing project management by the paid development officer.

The Trust will engage an experienced graphic designer to design and produce a West Calder logo along with a general identity and design look for the community. (This logo and identity will continue to be used on an ongoing basis.) The graphic designer will also design the gateway signs keeping within the new identity.

We will engage an experienced engineering firm to produce these signs.

Woodland thinning and enrichment planting that has been designed by a professional landscape design consultant will be carried out by a company specialising in this work. We have permission for this work from the owners of the land, West Lothian Council.

## **6. Declaration**

We wish to apply for a Village Improvement Fund Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	Community Development Officer
<b>Organisation</b>	West Calder & Harburn CDT
<b>Date</b>	2/2/2017

## Appendix 4

### West Lothian Villages Improvement Fund Application form

- Please refer to the guidance notes when completing this form
- Please complete in the form in **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 7. Applicant Organisation Details

<b>Organisation Name</b>	West Calder & Harburn CDT
<b>Project title</b>	Maps and Signage – Finding your way round West Calder.
<b>Contact person</b>	[REDACTED]
<b>Position</b>	Development officer
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	Community Development Trust
<b>What date was your organisation formed?</b>	2013
<b>What is your charity number? (if applicable)</b>	SCO43914
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100 words)</b>	<p>The Trust aims to supports West Calder and Harburn in developing as a place where residents are proud and happy to live and where others visit, enjoy, return, spend and contribute.</p> <p>We will achieve this by</p> <ul style="list-style-type: none"> <li>• Environmental and facility improvements.</li> <li>• Celebrating our heritage.</li> <li>• Presenting the area positively.</li> <li>• Arranging local events and activities.</li> <li>• Championing the community.</li> <li>• Making the area a noted destination</li> </ul> <p>Initiatives include:</p> <ul style="list-style-type: none"> <li>• Improvements to the Remembrance garden.</li> <li>• Initiating West Calder in Bloom.</li> <li>• Delivering Christmas and Spring Fayres.</li> <li>• Improving walking paths.</li> <li>• Producing local maps.</li> <li>• Providing a greenhouse for the care home.</li> <li>• Organising the Burngrange Disaster memorial and exhibition.</li> </ul>

Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>Yes / No</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>Yes / No</b>
Are you applying for other funding? If so, please detail:  <b>No.</b>	<b>Approved          Anticipated</b>

## 8. Project details

<b>Council ward</b>	Fauldhouse and the Breich Valley
<b>Project location</b>	Various key locations in and around West Calder.
<b>Project start date</b>	1/3/2017
<b>Project finish date</b>	30/12/2017
<b>Estimated Outcome</b>	It will be easier for locals and visitors to find their way around the village, enhancing their experience of West Calder. Easier to park near the main shopping street of West Calder.

### Project description

Describe fully the project for which grant is being sought (background and context of the project, description of works).

Feedback from local residents and traders is that it is difficult to get around due to a lack of signage to landmarks, paths & parking (see also evidence of need).

A community consultation in 2012 that lead to the publication of our Community Action Plan identified traffic and transport and the look of the place as major negative issues in West Calder.

28% of respondents didn't like the present traffic and transport situation.  
25% of respondents didn't like 'The look of the place.'

The project improves access and navigation around the village by:

- Erecting map boards at key locations of the railway station and Union Square.
- Putting up finger posts at various locations such as Union Square, the community centre and the start of local footpaths.

<ul style="list-style-type: none"> <li>• Using signage and waymarkers to highlight and raise awareness of local footpaths around West Calder.</li> <li>• Improving the use of local paths and facilities by producing paper maps of the village based on work done by West Lothian Council Active Travel.</li> <li>• Improving ease of access for visitors and local residents with improved signage to areas for car parking.</li> </ul>	
<b>Partners involved</b>  (other local organisations you are working with)	<ul style="list-style-type: none"> <li>• West Calder Traders Association</li> <li>• The Conservation Volunteers</li> <li>• West Lothian Council including Community Regeneration, Roads and Active Travel.</li> </ul>

### **Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

In 2012 a major survey was carried out by the West Calder & Harburn Community Council which lead to the creation of our Community Action Plan.  
 28% of respondents from the survey were concerned about parking and moving about the village.  
 25% thought the village looked run-down and dull.

The West Calder & Harburn Design Study (2014) which expanded on the 2013 Community Action Plan specifically highlights 10 key projects. 3 of these cover routes in town, parking, and strategic footpaths and links to the wider area.

### **Outcomes**

Describe what your project will deliver.

Village Improvements; e.g Number of sites, improved Area of landscaping

The project will improvements at various locations in the village that will

- Improve mental and physical wellbeing by encouraging visitors and local residents to get out and about around the village and its environs.
- Make walking and cycling easier and more pleasant by highlighting safe routes.
- Relieve congestion and reduce stress for visitors by improving visibility of local parking.



- Help the CDT to deliver on projects 1-3 in the West Calder Design Study relating to strategic connections, routes through town and parking strategy. These fit into two of the five themes of the West Calder Community Action Plan: The Environment and Roads and Transport.

Community Facilities: e.g number of facilities improved  
-Projected usage

The project will benefit everyone who lives in or visits the village by providing maps and signage to help people get around more easily.

It improves facilities by signposting recreational paths available locally.

### 3.Project Costs

<b>Amount of funding requested</b>	<b>£25,500</b>
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<b>Item of expenditure</b>	<b>Cost</b>
<b>Central Map Boards – Manufacture</b>	<b>£ 4,700</b>
<b>Finger Posts – Manufacture</b>	<b>£10,500</b>
<b>Print paper maps showing parking &amp; footpaths</b>	<b>£ 1,000</b>
<b>Parking Signs – Manufacture</b>	<b>£ 3,000</b>
<b>Installation of Map Boards and Signs</b>	<b>£ 3,800</b>
<b>Design of Maps and Signage</b>	<b>£ 2,500</b>

#### **Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

The overall project will be managed by the Community Development Trust Board with ongoing project management by the paid development officer.

The Trust will engage an experienced graphic designer who, using existing village identity material, will design map boards, maps and signage to be used in the project.

We have quotes for manufacture of the various items. Installation will be carried out by professional contractors, aided by local volunteers where appropriate.

### 7. Declaration

We wish to apply for a Village Improvement Fund Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	[REDACTED]
<b>Position</b>	Community Development Officer
<b>Organisation</b>	West Calder & Harburn CDT
<b>Date</b>	2/2/2017

## Appendix 5

### West Lothian Villages Improvement Fund

#### Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

#### 9. Applicant Organisation Details

<b>Organisation Name</b>	WEST CALDER COMMUNITY EDUCATION ASSOCIATION
<b>Project title</b>	UPGRADE OF TOILET FACILITIES
<b>Contact person</b>	[REDACTED]
<b>Position</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Type of organisation</b>	CHARITY
<b>What date was your organisation formed?</b>	CIRCA 1970
<b>Are you a charity, please quote your</b>	SCO10478

<b>number</b>	
<b>What are the main activities of your organisation?</b>  <b>(please answer in no more than 100 words)</b>	<p>THE OBJECTS OF THE ASSOCIATION ARE:</p> <p>TO ADVANCE THE EDUCATION AND TO PROVIDE, OR ASSIST IN THE PROVISION OF FACILITIES FOR RECREATION OR OTHER LEISURE TIME OCCUPATION WHERE SUCH PROVISION OR ASSISTANCE IN PROVISION (I) IS IN THE INTERESTS OF SOCIAL WELFARE; AND (II) IS MADE WITH THE OBJECT OF IMPROVING THE CONDITIONS OF LIFE OF THE MEMBERS OF THE COMMUNITY IN THE AREA OF BENEFIT</p> <p>AND FOR THOSE PURPOSES TO ASSOCIATE WITH THE WEST LOTHIAN COUNCIL (HEREINAFTER REFERRED TO AS "THE COUNCIL", VOLUNTARY ORGANISATIONS AND THE INHABITANTS IN THE AREA OF BENEFIT</p> <p>B) TO COOPERATE WITH THE COUNCIL AND ITS SUCCESSORS IN OFFICE IN ESTABLISHING, MAINTAINING AND MANAGING ANY COMMUNITY CENTRE SITUATED IN THE AREA OF BENEFIT WHICH IS PROVIDED OR GRANT AIDED BY THE COUNCIL IN SO FAR AS IT IS ESTABLISHED MAINTAINED AND MANAGED FOR THE ATTAINMENT OF OBJECT (A) OF THE ASSOCIATION</p>

Do you have an equal opportunities policy or statement? If yes please provide a copy	<b>Yes / No</b>
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	<b>Yes / <del>No</del></b>

Are you applying for other funding, if so, please detail	<b>Approved</b>	<b>Anticipated</b>

## 10. Project details

<b>Council Ward</b>	FAULDHUSE AND BREICH VALLEY
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<b>Project location</b>	WEST CALDER COMMUNITY CENTRE
<b>Project start date</b>	FEB/MAR 2017
<b>Project finish date</b>	FEB/MAR 20147 (2-3 WEEKS AFTER START DATE)
<b>Estimated Outcome</b>	IMPROVED TOILET FACILITIES

### **Project description**

Describe fully the project for which grant is being sought (background and context of the project, description of works).

TO FULLY REFURBISH TOILETS WITHIN THE COMMUNITY CENTRE.

#### **MALE TOILET:**

TOTAL REFURBISHMENT INCLUDING INSTALLATION OF HAND DRYERS AND LED LIGHTS TO REDUCE COST OF RUNNING AND REDUCE CARBON FOOTPRINT.

#### **FEMALE TOILET:**

TOTAL REFURBISHMENT INCLUDING INSTULLATION OF HAND DRYERS AND LED LIGHTS TO REDUCE COST OF RUNNING AND REDUCE CARBON FOOTPRINT. WE WOULD ALSO INCLUDE HEATING IN THIS AREA AS MEMBERS COMPLAIN THAT IT IS TOO COLD IN THE WINTER IN THIS AREA.

#### **DISABLED/BABYCHAGE AREA:**

TOTAL REFURBISHMENT INCLUDING INSTULLATION OF HAND DRYERS AND LED LIGHTS TO REDUCE COST OF RUNNING AND REDUCE CARBON FOOTPRINT.

<b>Partners involved (other local organisations you are working with)</b>	WEST LOTHIAN COUNCIL
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### **Evidence of need**

What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey.

THE COMMUNITY CENTRE FACILITIES HAVE NOT BEEN UPGRADED FOR A NUMBER OF YEARS AND ARE IN NEED OF SOME ATTENTION.

THE COMMITTEE PROCEEDED TO OBTAIN QUOTATIONS FOR THE UPGRADGE OF THE FACILITIES.

WE CONSULTED THE CENTRE USERS IN 2015 BY DOING A SURVEY TO

SEE WHAT THEY THOUGHT WAS NEEDED. 93.4% OF SURVEYS RETURNED INDICATED THAT THEY WOULD LIKE TO SEE THE AREA UPGRADED/REFURBISHED. SURVEY RESULTS ARE ATTACHED.

WE HAVE HAD COMPLAINTS FROM USER GROUPS THAT THE FACILITIES ARE NOT UP TO THE GOOD STANDARD THAT THEY WOULD EXPECT FROM A PUBLIC BUILDING.

### Outcomes

Describe what your project will deliver.

Village Improvements; e.g Number of sites improved  
Area of landscaping

IMPROVED TOILET FACILITIES FOR THE COMMUNITY AND CENTRE GROUPS TO USE.

THE NUMBER OF SITES WOULD BE:

MALE TOILET  
FEMALE TOILET  
DISABLED TOILET/BABYCHANGE AREA.

Community Facilities: e.g number of facilities improved  
-Projected usage

THESE PROPOSED UPGRADES, WILL GREATLY IMPROVE THE FACILITIES ON OFFER AT THE CENTRE.

IT WILL ADDRESS WHAT THE CENTRE USER GROUPS REQUIRE AND WILL ALSO WILL MEET THE EXPECTATIONS OF THE MEMBERS OF THE COMMUNITY.

### 3. Project Costs

<b>Amount of funding requested</b>	<b>£12,000</b>
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<b>Item of expenditure</b>	<b>Cost</b>
FULL UPGRADE OF MALE FACILITIES	£ 8,238
FULL UPGRADE OF FEMALE FACILITIES	£ 11,118
FULL UPGRADE OF DISABLED/BABYCHANGE FACILITIES	£ 4,609.20

**Project management**

Describe how your project will be managed and administered including details of any:

- Design / plans
- Implementation arrangements e.g contract tenders
- Planning Approval

**DESIGN AND PLANS:**

CONTRACTORS HAVE PUT TOGETHER A PLAN TO MAKE BEST USE OF THE SPACE. THEY HAVE PROVIDED SAMPLE BOOKS AND RECOMMENDATIONS FROM PREVIOUSLY COMPLETED JOBS.

**IMPLEMENTATION ARRANGEMENTS:**

THE PROJECT WILL BE OVERSEEN BY A DESIGNATED MEMBER OF THE COMMITTEE AND ONSITE STAFF BASED AT THE CENTRE. CONTRACTORS WERE SELECTED TO SUBMIT PRICES BASED ON WHAT WE WERE LOOKING FOR, IN LINE WITH THE COMMITTEES "3 QUOTE RULE", AND TO ENSURE THAT WE WERE GETTING THE BEST VALUE FOR MONEY.

**PLANNING APPROVAL:**

PROPERTY SERVICES ARE AWARE OF THE COMMITTEES INTENTION TO UPGRADE THESE FACILITIES.

**8. Declaration**

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

<b>Name</b>	
<b>Position</b>	
<b>Organisation</b>	
<b>Date</b>	16/01/17



**COUNCIL EXECUTIVE**

**PROCUREMENT ARRANGEMENTS – WHITBURN PARTNERSHIP CENTRE**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To seek Council Executive's approval to commence tendering for the procurement of a contractor to complete the works for the Whitburn Partnership Centre project, employing the evaluation methodology and criteria detailed in the recommendation below.

**B. RECOMMENDATION**

It is recommended that the Council Executive approves:

1. The use of the Restricted Procedure whereby a pre-qualification process will be used to select a maximum of six appropriately qualified and experienced organisations to tender for the contract.
2. The following award criteria be applied at the tender stage:

Price	- 70%
Quality	- 30%

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Providing equality of opportunities Making best use of our resources Working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	A council budget of £4.945 million has been approved as part of the General Services Capital Budget for 2017/18.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	The specification will be provided by Construction Services and their external design team, who will also participate in the evaluation. The Corporate Finance Manager was consulted on budget implications. The Community Benefits Officer was consulted on inclusion of community benefit clauses.

#### **D. TERMS OF REPORT**

##### **Background**

Whitburn is one of the five main towns within West Lothian. There are currently three buildings delivering councils services; the Burgh Halls, Library and Museum and Community Centre. There is also a gym and swimming pool operated by West Lothian Leisure, a Police station and a health centre.

There is major expansion for Whitburn underway at Polkemmet, known as Heartlands. This will see over 2,000 houses built over the next 20 years. It is anticipated that the growth in population will lead to regeneration of the town centre and the Partnership Centre will have a key role to play in this process.

West Lothian has a track record of developing and delivering Partnership Centres in key locations, with Strathbrock (Broxburn), Civic Centre (Livingston), Bathgate Partnership Centre, Fauldhouse Partnership Centre and Linlithgow Partnership Centre. Blackburn Partnership Centre is also in the planning stage. As one of the key towns in the area, it is considered vital that Whitburn is afforded the same opportunity.

The current cost indications for the construction work are £3.6m - £3.8m. Given the proximity of the revised budget to the threshold for works contracts at £4,104,394, as defined by the EU Procurement Directives, it is recommended that the tender is conducted in accordance with the Restricted Procedure for tenders over the threshold.



### **In House Capability**

In line with the Council's Best Value Framework, this project will be tendered to appoint an external contractor. Part of the design team has been resourced in-house with a previous procurement exercise outsourcing engineering and cost disciplines.

### **Procurement Issues**

The requirement will be tendered in accordance with the European Union Directives. It is proposed that the Restricted Procedure is used, whereby a pre-qualification questionnaire will be issued to all interested parties and the results will be used to select a maximum of six appropriately qualified and experienced organisations to invite to tender for the contract

The following award criteria will be applied at the tender stage:

Price	- 70%
Quality	- 30%

The evaluation criteria are proposed following consultation with the service areas concerned

The anticipated start date for the contract is February 2018.

### **Sustainability Considerations**

Following the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to follow the Construction Industry Training Board (CITB) National Skills Academy guidance for Community Benefits

Following consultation with the Community Benefits Lead Officer, initial investigations indicate that there is scope to incorporate a CITB Community Benefits clause into the contract documentation. As a minimum, the Council will expect the successful Contractor to deliver such benefits as part of the Contract, and will be monitored as such.

### **Budget Implications**

The outline budget costs for the works are within the capital allocation of £4.945 million.

## **E. CONCLUSION**

Procurement of a contractor to complete the works for the Whitburn Partnership Centre project via restricted procedure as proposed in the report will meet the council's requirements over the contract term; deliver best value and community benefits. It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D above for the tendering of works to complete the Whitburn Partnership Centre project.

## **F. BACKGROUND REFERENCES**

A copy of the strategy for this contract is available on request from Corporate Procurement.

Appendices/Attachments: None

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**Julie Whitelaw**

**Head of Corporate Services**

Date: 28 February 2017



## **COUNCIL EXECUTIVE**

### **PROCUREMENT ARRANGEMENTS – PROVISION OF DOMESTIC FURNITURE AND FURNISHINGS**

#### **REPORT BY HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To seek Council Executive's approval to commence procurement of new domestic furniture and furnishings from the Scotland Excel Framework, employing the evaluation methodology and criteria detailed in the recommendation below.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive approves:

- 1) The use of a mini-competition procedure for new domestic furniture and furnishings in accordance with the framework rules, whereby all suppliers on the relevant framework lot will be invited to submit a bid.
- 2) The award criteria as set out in Section D of the report.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Providing equality of opportunities Making best use of our resources Working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The mini-competition will be issued, received and analysed in accordance with Scotland Excel's framework rules, the Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Related contract expenditure over the four years of the framework agreement is anticipated to be approximately £4 million. Resources will be funded through the Scottish Welfare Fund and other General Services and Revenue budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	The Corporate Finance Manager was consulted on budget implications. The Community Benefits Lead Officer was consulted on Community Benefits. Consultation with Finance and Property Services, Housing, Customer and Building Services on the supplies required and the criteria to be used.

## **D. TERMS OF REPORT**

### **D.1 Background**

This report sets out the proposal for the future procurement of domestic furniture and furnishings. The current contract is with Broxburn based First Furnishing Ltd, who are appointed to Scotland Excel's current and previous framework agreements.

The council awarded a contract via a further competition called a "mini-competition" to First Furnishing Ltd on the previous Scotland Excel framework. The contract term is from September 2014 to May 2017. The current contract is for new furniture only, as the previous framework had no provision for "reuse" furniture.

Since contract award, the First Furnishing Ltd contract has been the primary source of domestic furniture and furnishings provided in connection with the Scottish Welfare Fund via Crisis Grants and Community Care Grants. The contract is also used for furnishing homeless temporary tenancies by Housing, Customer and Building Services and is used by other services for the provision of domestic furniture and furnishings, including white goods.

Community Grant recipients receive a wide range of goods via the contract such as floor coverings, white goods, beds and bedding, three piece suites, kitchen utensils, curtains and blinds.

The budget profile and distribution of Scottish Welfare Fund grant awards from 2013/14 to 2016/17 can be seen in the table below.

Year	Total Budget	Crisis Grants		Community Care Grants	
		Number of claimants	Value of awards	Number of claimants	Value of awards
2013/14	£1,066,391	2227	£207,364	1198	£802,941
2014/15	£1,066,391	2597	£172,975	1310	£909,921
2015/16	£1,066,391	2732	£205,773	1238	£898,520
2016/17	£1,064,220	2463	£179,282	910	£604,362

The current contract model has been successful in delivering a number of key objectives for council:-

- fixed pricing, which aids budget monitoring and minimises invoicing issues
- electronic ordering and invoicing
- flexibility of service delivery, including emergency cover
- single supplier, reducing contract management and administration

The new Scotland Excel framework was awarded in November 2016 for an initial term of two years with the option to extend for a further two years. The current framework consists of two lots; lot 1 – new domestic furniture and lot 2 – reuse domestic furniture.

## **D.2 Benefits of new domestic furniture and furnishings**

The current contract with First Furnishing Ltd is for the provision of new domestic furniture and furnishings only. There are a number of advantages to retaining this approach:-

- Fire safety of new furniture is certified by the manufacturer and meets current safety standards. Reuse furniture may meet current safety standards as stated on an item's labelling but items may have been subject to circumstances which may affect the fire retardation rating, such as fabric stain treatment or other contaminants. By using new furniture only, the council has assurance it is offering the safest option to vulnerable client groups, such as grant recipients.
- Monthly satisfaction surveys indicate grant recipients are happy with the quality and level of service provided and have a preference for new furniture. The survey indicates that recipients feel there are negative connotations to receiving reuse furniture.
- New furniture has consistency of design e.g. bedroom furniture will be from a matching product line, whereas reuse furniture may have significantly different designs, finishes etc. which may not be appealing to customer.
- Specifications for new furniture can be modified to address a specific grant recipient's requirements. This cannot be achieved with re-use furniture.
- Lot 1 – new furniture suppliers can meet emergency timescales, Lot 2 –

reuse furniture suppliers cannot.

- Contract management, e-commerce and service benefits identified in D1.
- Lot 1 suppliers can meet all requirements, including window coverings, which offers the council a single source solution with enhanced efficiencies.

### **D.3 Procurement Issues**

The SXL framework offers two procurement options; direct award and mini-competition. Direct award is permissible where an authority can determine the best value proposition from the information already available on the framework catalogue. A mini-competition reopens the competition, which allows the framework suppliers to consider the total value of business on offer over the contract term and revise their current pricing and community benefit proposition to offer the most competitive bid. It is highly likely a mini-competition will result in improved pricing over the current framework catalogue pricing and offer enhanced community benefits.

A mini-competition based on a framework has to be made or conducted in such a way that it does not distort competition. It is recommended that the original framework award criteria is retained in accordance with SXL's recommendations as follows:-

- Quality - 20%
- Service Provision - 20%
- Price - 60%

### **Sustainability Considerations**

In accordance with the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to detail any social, economic and environmental benefits provided as part of their offer.

All council services will have access to the contract.

### **D.4 Budget Implications**

The indicative budget for Community Care Grants and Crisis Grants for 2017/18 is reducing to £1,058,252 and for 2018/19 to £1,052,283.

## **E. CONCLUSION**

Procurement of domestic furniture and furnishings via mini-competition as proposed in the report will meet the council's requirements over the contract term, deliver best value, enhanced community benefits and ensure a positive experience for grant recipients and other recipients.

## **F. BACKGROUND REFERENCES**

Appendices/Attachments: None

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**Julie Whitelaw**

**Head of Corporate Services**

Date: 28 February 2017







## **COUNCIL EXECUTIVE**

### **APPOINTMENTS TO WEST Lothian LEISURE BOARD**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

This report invites the Council Executive to appoint an additional two elected members as Council Directors on the West Lothian Leisure Board from 1 April 2017.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive appoints an additional two elected members as Council Directors on WLL Board from 1 April 2017, in anticipation that WLL Board has approved the proposed amendments to its Articles of Association relating to board membership and composition.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable Working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy, legal and governance considerations are set out in Appendix 2 to the 'Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure' report, which was approved by Council Executive on 25 October 2016.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance indicators</b>	Supports the delivery of performance indicators linked to single outcome agreement indicators 4 and 7.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	SOA4 – We live in resilient, cohesive and safe communities.  SOA7 - We live longer, healthier lives and have reduced health inequalities.
<b>VI</b>	<b>Resources (Financial, Staffing and Property)</b>	None required.

<b>VII</b>	<b>Consideration at PDSP</b>	None required.
<b>VIII</b>	<b>Other consultations</b>	Governance Manager

## **D TERMS OF REPORT**

### **D.1 Background**

On 17 January 2017, the Council Executive agreed that West Lothian Leisure (WLL) Board be asked to approve amendments to WLL's Articles of Association relating to board membership and composition.

One such amendment was to increase the maximum number of Council Directors which could be appointed to WLL Board from three to five.

The revised membership and composition of WLL Board requires to be in place for 1 April 2017, in line with the implementation date for the transfer of facilities and functions to WLL agreed by the Council Executive on 25 October 2016. There are already three member appointments in place and an additional two appointments are required.

On 23 February 2017, WLL Board will consider the proposed amendments to its Articles of Association and a verbal update on the decision taken at that meeting will be provided at the Council Executive meeting on 28 February 2017.

It is recommended that the Council Executive appoints an additional two elected members as Council Directors on WLL Board from 1 April 2017, in anticipation that WLL Board has approved the proposed amendments to its Articles of Association relating to board membership and composition.

### **D.2 Considerations**

WLL is recognised as this council's only ALEO. The status and governance arrangements for ALEOs have been highlighted in a series of recent reports. The main ones are listed in Part F of this report. In addition, in November 2016 the Standards Commission issued advice for councillors and councils on appointments to ALEOs. It referred to and adopted recommendations drawn from those same reports.

Councils should take into account these considerations in making ALEO appointments:

- Representation on ALEOs by councillors can help ensure they are being properly run and that all funds are being used appropriately and in accord with best value principles.
- There is potential for conflicts of interest and risks to arise and councils and members should consider arrangements for funding and scrutiny that, for example, minimise potential conflicts.
- Councils should ensure they are considering both the advantages and risks of having representatives on boards at all.
- There can be a risk if a councillor has a role on both an ALEO Board and also on the council committee that governs or scrutinises it. Such a councillor would have an inherent conflict between the interest in how the ALEO is governed and the interest in holding it to account and potentially taking decisions over funding.
- Councils should not entirely rely on those who sit on ALEO boards to scrutinise and monitor them.

- Members appointed to ALEOs should be aware of the skills and abilities required of any board position, and assure themselves that they can meet that requirement.
- Councils should have regard to those considerations when making appointments.
- Councils should try to ensure the right mix of skills and experience required to govern the organisation, and to ensure that councillors and officers are advised of their responsibilities.
- Members appointed should have sufficient information, training and support to enable them to fulfil their role on the ALEO.

## **E. CONCLUSION**

Appointing two additional members to the WLL Board will complete the council's representation there in terms of the amended Articles of Association.

## **F. BACKGROUND REFERENCES**

Council Executive, 25 October 2016 - Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure.

Council Executive, 17 January 2017 - Council Representation on West Lothian Leisure Board.

Councillors' Code of Conduct (Standards Commission, 2010), and related Guidance

Code of Guidance and Funding External Bodies and Following the Public Pound (Accounts Commission/COSLA, 1996, and subsequent report and findings, 2004).

Reports to the Accounts Commission: ALEOs - Following the Public Pound (Audit Scotland, 2015).

How Councils work series: ALEOs: are you getting it right? (Accounts Commission, 2011).

How Councils Work Series: Roles and working relationships (Accounts Commission, 2010).

Arm's Length External Organisations (OSCaR, 2015).

Inquiry into arm's length external organisations (Scottish Parliament Local Government and Regeneration Committee, March 2016).

Appendices/Attachments: None

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**Graham Hope, Chief Executive**

**Date: 28 February 2017**





## **COUNCIL EXECUTIVE**

### **FIRST WORLD WAR COMMEMORATION**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To provide Council Executive with an update on the commemorative activities which are due to take place in 2017 to mark the centenary of the First World War, and to consider a commemoration of the Battle of Arras.

##### **B. RECOMMENDATIONS**

Council Executive agrees the planned activities for 2017 to commemorate the centenary of the First World War and advise of any further action to be taken.

##### **C. SUMMARY OF IMPLICATIONS**

I	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; working in partnership
II	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None
III	<b>Implications for Scheme of Delegations to Officers</b>	None
IV	<b>Impact on performance and performance Indicators</b>	None
V	<b>Relevance to Single Outcome Agreement</b>	N/A
VI	<b>Resources - (Financial, Staffing and Property)</b>	Not applicable
VII	<b>Consideration at PDSP</b>	Not applicable
VIII	<b>Other consultations</b>	None

##### **D. TERMS OF REPORT**

## **D.1 Background**

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

## **D.2 2017 Commemorative Events**

### **Battle of Arras Commemoration – 9 April 2017**

A service is being arranged by the Chief Executive Office in conjunction with Legion Scotland Livingston Branch to commemorate the centenary of the start of the Battle of Arras.

The event will be held in the morning of Sunday 9 April 2017 at the War Memorial at the entrance to West Lothian Civic Centre in Livingston. The service will be led by Reverend Nigel Anderson, Legion Scotland Livingston Branch Chaplain, and will include readings and a recital of the Arras WW100 Scotland Prayer, which was composed by The Moderator to commemorate the centenary. A minute silence will be held at 9.30am.

This will be a public event and people from all over West Lothian are welcome to attend. In addition, the Lord-Lieutenant, West Lothian Council elected members, representatives from armed services organisations and the council's partner agencies will be invited to attend.

## **D.3 Ongoing Commemorative Activities**

Schools have undertaken educational visits to the Western Front battlefields and have held remembrance assemblies and participated in community remembrance activities as a matter of routine. In addition, curricular activity in 2017 will focus on the centenary of the Battle of Passchendaele which was fought from 31 July to 6 November 1917.

West Lothian Archives have tweeted stories in real time, from 4 August 2014 and are continuing throughout the four years, about what was happening in West Lothian and to the local regiment, the 2nd 10th Royal Scots, during the conflict. The council's Libraries and Museums Service have arranged a touring exhibition using collections / archives to be used in displays across West Lothian, throughout 2014 to 2018.

### **Future Events**

A number of future events are currently being considered to mark significant centenaries. The Chief Executive's Office is coordinating a future programme in collaboration with local organisations.

## **E. CONCLUSION**

The report provides Council Executive with an update on the commemorative activities which have taken place to mark the centenary of the First World War.

## **F. BACKGROUND REFERENCES**

- Commemoration of the Great War, Culture and Leisure PDSP, 21 August 2014
- Commemoration of the Great War Update, Culture and Leisure PDSP, 10 December 2015
- First World War Commemoration, Council Executive, 6 December 2016

Appendices/Attachments: None

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**Graham Hope, Chief Executive**

Date of meeting: 28 February 2017







## **COUNCIL EXECUTIVE**

### **DEVELOPING A MUSEUM STRATEGY FOR WEST LOTHIAN**

#### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

This report advises the Council Executive of proposals to commission a study to develop plans for a museum based heritage service for West Lothian in partnership with the third sector organisations that operate in the area and seek agreement that the council will part fund the study.

##### **B. RECOMMENDATION**

The Council Executive is asked to;

1. Note the progress made with delivering the agreed savings;
2. Note the scope of the project brief detailed in appendix 1;
3. Agree that a bid to Museums and Galleries Scotland is progressed by Almond Valley Heritage Trust and Council's Museums Service for project funding, and
4. Agree that the council will fund 25% of the project cost up to £2,500.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	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
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>An Equality Impact Assessment relevance assessment was carried out prior to the original report going to the Council Executive.</p> <p>A number of risks have been highlighted as part of this proposal and they are discussed in section D3.</p>
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Performance is monitored and reported on monthly through Covalent. Performance is also reported through the Culture and Leisure and Partnership and Resources PDSPs.

The council currently reports on two national indicators relating to the museums service. This position would not change. The change is unlikely to affect performance, as the greater amount of data is supplied currently by the voluntary sector heritage trusts.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We make the most efficient and effective use of resources by minimising our impact on the built environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	An additional grant of £2500 is sought from the council to match the funds being applied for from Museums and Galleries Scotland.
<b>VII</b>	<b>Consideration at PDSP</b>	The Culture and Leisure PDSP considered this report on 2 February 2017 and agreed to recommend to the Council Executive that the project was supported.
<b>VIII</b>	<b>Other consultations</b>	<p>The Council Executive on 26 April 2016 agreed to implement the proposed changes to the delivery of Heritage Services in consultation with the relevant third sector organisations.</p> <p>The West Lothian Museums Forum has been consulted on the proposals to develop a Museum Strategy.</p>

## **D. TERMS OF REPORT**

### **D1 Background**

The Council's Museums Service (1.5FTE) is located at the Kirkton Service Centre. The service stores and manages historic artefacts belonging or gifted to the council which are relevant to West Lothian. The council does not have a central museum to display these artefacts, but uses a number of community museum spaces located in libraries: Armadale, Blackridge, Broxburn, and Whitburn. In addition the service supports voluntary-led museums run by Almond Valley Heritage Trust, Linlithgow Heritage Trust and the Bennie Museum.

In April 2016 the council agreed to reshape the heritage service delivery in order to achieve an agreed saving of £102,000. The Council Executive remitted to officers to negotiate with relevant third sector heritage organisations to achieve the agreed changes.

### **D2 Progress**

The Archives and Records Management Service has transferred to Corporate Services achieving a saving of £33,910. Changes have been made to the Local History Library and non staffing budget removed from the Museums Service achieving a saving of £57,240.

Over several meetings with the Almond Valley Heritage Trust, officers have explored the possibility of transferring the museums service in order to widen access to museums and local history across West Lothian and ensure that greater synergies are developed. The Trust agreed that this is something they would be keen to explore further and see opportunities to develop further its outreach and family learning activities.

During discussions it was felt that an independent study exploring options for partnership delivery of effective and engaging museums would allow opportunities to be maximised, and would provide a framework for future service delivery.

Almond Valley Heritage Trust are keen to lead this development and have engaged with the other museum organisations; Linlithgow Heritage Trust; Bennie Museum Trust; Hopetoun House; and Linlithgow Canal Society that form the Museums Forum to progress this. Almond Valley is suggesting a bid for funding from Museums and Galleries Scotland (MGS) to support an independent museums consultant to explore options for a museums based heritage service.

MGS has indicated that they would welcome a joint funding application to their Partnerships Fund, which would potentially contribute a 75% grant towards a project estimated to cost £10,000. MGS have stated that they would wish to see financial and written commitment to the project from the Council. Whilst the Council and the Trust would be principal stakeholders in the study MGS would wish to see the Bennie and Linlithgow Heritage Trusts represented on a project steering group. Other heritage interests, such as the Local History Library could be similarly involved.

Details of the scope of the study are included in appendix 1.

It is expected that the study would provide a framework, and agreed plan of action, that would enable an extended service agreement between the Trust and the Council to be progressed. It might also create opportunities to secure project grant funding towards new and re-shaped services.

The council currently gives grant funding to the three organisations that run museums.

For 2017/18 the level of funding is as follows:

Almond Valley Heritage Trust	£65,407
Bennie Museum	£7,712
Linlithgow Heritage Trust	£27,751
<b>Total</b>	<b>£100,870</b>

### **D3 Risks associated with this proposal**

1. The council does not achieve the full saving attributed to the changes to heritage services project. There is a current shortfall of £10,800 in the savings target. This is being met within current budgets whilst agreement is reached on how to deliver the museums service going forward.
2. The project team is not successful in gaining MGS funding. Detailed discussions with MGS and council commitment to support and co-fund the proposal means the bid stands a good chance of being successful.
3. The results of the study do not meet the council's needs. The council will be represented on the project group and be co-author of the project tender to ensure the council's needs are incorporated.
4. Other heritage organisations are not included in the proposal. All heritage organisations in West Lothian will have input to the proposal and project team that oversees the work.

## **E. Conclusion**

In order to fully deliver the vision for a joined up Museums / Heritage service within West Lothian there is a need to develop a framework within which the new service can be structured.

Working in partnership with the third sector museum organisations the council can support a bid for an independent study to explore options, and make recommendations, for a museums based heritage service. This should lead to a comprehensive museums / heritage service.

## **F. BACKGROUND REFERENCES**

Culture and Leisure PDSP 14 April 2016  
Council Executive 26 April 2016  
Culture and Leisure PDSP 2 February 2017

Appendices/Attachments: 1

Project Brief

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Alistair Shaw

Head of Housing, Customer and Building Services

Date of meeting: 28 February 2017

**Almond Valley Heritage Trust in partnership with West Lothian Council, Linlithgow Heritage Trust and Bennie Museum**

**Identifying Options for a Museum-Based Heritage Service for West Lothian**

**Brief for a Consultancy Study.**

West Lothian has a number of significant heritage assets that are promoted and currently managed by a variety of groups including West Lothian Council, Almond Valley Heritage Trust, Linlithgow Heritage Trust and Bennie Museum. The three independent museums are accredited and receive grant funding from the council to deliver heritage services. These organisations work together via a Museums Forum and wish to explore opportunities for maximising the impact of these combined assets.

In 2016 the council changed the way it delivers its museum and heritage functions and this change prompted discussions with Almond Valley Heritage Trust about how to make best use of the councils reducing resources whilst maintain a vibrant museum and heritage service within the area.

The Museums Forum wish to develop services in the context of a wider framework and feel that a fundamental review of heritage services in West Lothian is required. The desire is to create a seamless modern heritage service. This user-focused and responsive service would make best use of new technologies and encourage community participation to integrate museum and local heritage functions.

This study is being promoted by the Museums Forum with grant support from Museums Galleries Scotland.

The scope of the work is likely to include:

- Detailed discussion with partners both individually and on a group basis with the Museums Forum as a whole.
- Considering the definition of “heritage” in this context, outlining its significance and value, and the ways in which it can contribute towards the Community Planning Partnership objectives
- Considering the current extent of community engagement with heritage, identifying existing key audiences and participants in heritage activities, and reflecting on how these might be extended in the future.
- Examining the objectives, ambitions, strengths and capabilities of existing museum and heritage organisations in West Lothian.
- Reviewing the activities and services currently delivered by heritage organisations, commenting on their impact, audience, and the resources invested in each instance.
- Highlighting relevant examples of good practice elsewhere in Britain, and commenting on opportunities to extend the effectiveness and impact of services through innovative practices and technologies
- Presenting scenarios for delivering services within current resources, clearly identifying relative merits and the decisions that will need to be made.
- Identifying the practical challenges and obstacles likely to be encountered when integrating services, commenting on how these might be overcome, and identifying any one-off investments that would assist this re-structuring process.

We would anticipate that the successful consultant would be able to draw on wide experience of the museum and heritage sector, have special insight into organisational development and have experience of different models of service delivery.

We would expect any tender response to include:

- a full description of the proposed approach to the work, and methods to be applied.
- a breakdown of the time allocated to each part of the study
- information on relevant experience of the consultancy practice.
- details of the individuals who would carry out the work
- information on the likely time scale following appointment.

The maximum budget for the work is £10,000, including VAT and all incidental costs

Responses should be returned to (person) by (date)



## **COUNCIL EXECUTIVE**

### **ACCESSIBILITY SCHEMES 2016/17 - 2017/18 (TRANCHE 2)**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval to proceed with the implementation of the accessibility schemes identified within Appendix 1.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive agrees the recommendation of officers and Disability West Lothian Access Group (DWLAG) and the programme of schemes.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs, providing equal opportunities, making best use of our resources and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Schemes promoted under The Equality Act 2010.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	<p>The proposals will contribute to outcomes:</p> <ul style="list-style-type: none"><li>• We live in resilient, cohesive and safe communities.</li><li>• Older people are able to live independently in the community with an improved quality of life.</li><li>• We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</li></ul>

<b>VI Resources - (Financial, Staffing and Property)</b>	The schemes will be funded from the Roads and Transportation Accessibility Schemes capital budget which has an allocation of £75,000 and £100,000 for 2016/17 and 2017/18 respectively.
<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	Consultation has been carried out with DWLAG

## **D. TERMS OF REPORT**

### **D.1. Background**

At its meeting on 17 January 2017, the Council Executive approved the programme of accessibility schemes for Tranche 1.

This report brings forward the programme for schemes that have been recommended to proceed as part of Tranche 2.

### **D.2. Consultation**

Officers attended a meeting of DWLAG on 8 February 2017 to agree the programme of works for Tranche 2 of Accessibility Schemes. Appendix 1 lists the requests recommended to proceed by DWLAG at its meeting.

Officers are already assessing a further tranche of schemes that will complete the current list of requests. This will be presented to DWLAG in March and a report presented to the Council Executive thereafter.

## **E. CONCLUSION**

The programme of works will deliver improvements to the road and footway network by removing obstacles to those with mobility difficulties.

## **F. BACKGROUND REFERENCES**

Council Executive Committee on 17 January 2017 – Accessibility Schemes 2016/17 – 2017/18 (Tranche 1)

Appendices/Attachments:

Contact Person: Ronald Fisher, Design Engineering Manager Tel: 01506 282330

**Jim Jack, Head of Operational Services**

**28 February 2017**



Programme of Works

Ref No.	Location	Ward	Details	Cost Est.	Engineer Cost Banding	Benefit	Recommendation
80	Harburn Avenue, West Calder	6	Dropped kerbs to be installed in vicinity of property.	£700	<£1,500	Individual/ Property	Proceed
84	Durward Rise, Livingston	4	Handrail to be installed on steps leading to car parking area.	£1,000	<£1,500	Street	Proceed
95	Manse Rd to Clarendon Road, Linlithgow	1	Handrail to be installed on steps leading to garages.	£1,000	<£1,500	Street	Proceed
98	Vancouver Ave, Howden, Livingston	4	Dropped kerbs to be installed and footpath extended.	£5,000.00	£3,000 - £5,000	Street	Referred to DWLAG & Agreed to Proceed
99	Nelson Avenue, Howden, Livingston	4	Handrail to be installed at steps.	£5,000.00	£3,000 - £5,000	Street	Referred to DWLAG & Agreed to Proceed
100	Vicinity of Heatherfield Roundabout, Armadale	9	Dropped kerbs to be installed.	£2,500	£1,500 - £2,999	Street	Proceed
105	Beechbank Crescent, East Calder	5	Handrail to be installed at steps.	£1,000	<£1,500	Street	Proceed
106	Sydney Street, Livingston	5	Dropped kerbs to be installed in vicinity of property.	£1,000	<£1,500	Individual/ Property	Proceed
107	B9080 Bridgend to Linlithgow, Bridgend	1	Dropped kerbs to be installed.	£2,000	£1,500 - £2,999	Wider Community	Proceed
110	Marches Drive at Ferrier Crescent, Armadale	9	Handrail to be installed at steps.	£2,000	£1,500 - £2,999	Street	Proceed
112	Avon Drive, Linlithgow Bridge	1	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
124	Tay Walk, Livingston	5	Handrail to be installed on steps leading to bus stop.	£2,000	£1,500 - £2,999	Wider Community	Proceed
125	Beech Walk, Whitburn	7	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
129	Yule Terrace, Blackburn	7	Dropped kerbs to be installed along length of road.	£6,000	>£5,000	Street	Referred to DWLAG & Agreed to Proceed

Programme of Works

Ref No.	Location	Ward	Details	Cost Est.	Engineer Cost Banding	Benefit	Recommendation
133/144	Huntly Avenue, Livingston	3	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
139	Sutherland Way near bus stop, Livingston	3	Dropped kerbs to be installed.	£1,500	£1,500 - £2,999	Street	Proceed
140	Royston Road at Royston Roundabout, Livingston	3	Dropped kerbs to be installed.	£1,500	£1,500 - £2,999	Street	Proceed
145	Marjoribanks Street at School Lane, Bathgate	8	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
146	Preston road, Linlithgow	1	Dropped kerbs to be installed.	£1,500	£1,500 - £2,999	Street	Proceed
148	Community Centre, Seafeld	7	Dropped kerbs to be installed.	£1,500	£1,500 - £2,999	Street	Proceed
151	Sedgebank, Livingston	4	Handrail to be installed at steps.	£1,000	<£1,500	Street	Proceed
154	Bedlormie Drive, Blackridge	9	Handrail to be installed at steps.	£1,500	£1,500 - £2,999	Street	Proceed
156	Grange View, Linlithgow	1	Handrail to be installed at steps.	£1,000	<£1,500	Street	Proceed
158	Water Yett, Linlithgow	1	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
162	Calderburn Road at Langside Crescent, Polbeth	6	Handrail to be installed at steps.	£7,000	>£5,000	Street	Referred to DWLAG & Agreed to Proceed
170	Manse Road, Torphichen	9	Dropped kerbs to be installed and footpath extended in vicinity of school.	£6,000	>£5,000	Wider Community	Referred to DWLAG & Agreed to Proceed
171	Whitehill Drive, Boghall	8	Dropped kerbs to be installed along length of road.	£6,000	>£5,000	Street	Referred to DWLAG & Agreed to Proceed
173	Knightsridge East Road at Logan Way, Livingston	4	Dropped kerbs to be installed and footpath extended in vicinity of bus stop.	£5,000	£3,000 - £5,000	Wider Community	Proceed

## Programme of Works

Ref No.	Location	Ward	Details	Cost Est.	Engineer Cost Banding	Benefit	Recommendation
174	Hawthorn Bank, Seafield	7	Dropped kerbs to be installed in vicinity of property.	£700	<£1,500	Individual/ Property	Proceed
176	Mid Hope Place, Winchburgh	2	Dropped kerbs to be installed in vicinity of property.	£700	<£1,500	Individual/ Property	Proceed
177	Davidson Way, Livingston	3	Dropped kerbs to be installed in vicinity of car parking area.	£700	<£1,500	Street	Proceed
178	Quarrywood Court, Livingston	3	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
181	Fergus Avenue, Howden, Livingston	4	Dropped kerbs and bollards to be installed.	£7,000.00	>£5,000	Street	Referred to DWLAG & Agreed to Proceed
183	Balbardie Avenue, Bathgate	8	Handrail to be installed.	£1,000	<£1,500	Street	Proceed
184	Highfield Crescent and Ashley Court, Linlithgow	1	Dropped kerbs to be installed.	£700	<£1,500	Street	Proceed
185	Forrest Walk, Uphall	2	Dropped kerbs to be installed in vicinity of car parking area	£1,500	£1,500 - £2,999	Street	Proceed
187	Ash Grove, Bathgate	8	Handrail to be installed in vicinity of property.	£1,000	<£1,500	Individual/ Property	Proceed
<b>Cost Estimate for Tranche 2 Measures</b>				<b>£80,200</b>			





**COUNCIL EXECUTIVE**

**TABLES AND CHAIRS PERMITS**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

To seek approval for a scheme of conditions pertaining to permits for tables and chairs on the public road.

**B. RECOMMENDATION**

That Council Executive approves the Tables and Chairs Annual Agreement (appendix 1).

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Roads (Scotland) Act 1984 Town and Country Planning Act 1990
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 4: We live in resilient, cohesive and safe communities.  Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Officers will assess the administration/inspection costs of running the permit scheme over the next 12 months, with the intention of introducing a permit fee to recover such costs.
<b>VII</b>	<b>Consideration at PDSP</b>	The report was considered and approved by the Environment PDSP on 16 February 2017.

## **VIII Other consultations**

The Financial Management Unit, Planning Services and Legal Services have been consulted.

## **D. TERMS OF REPORT**

### **Background**

Section 59 of the Roads (Scotland) Act 1984 prohibits the placement of anything on the public road that could constitute an obstruction, unless the written consent of the Roads Authority is given. This legislation also allows the Roads Authority to attach any reasonable conditions to a consent that they see fit.

A request was recently received from a business to place tables and chairs on the footway outside their premises. Investigation established that the council, as Roads Authority, does not have a formal permit process in place for such instances. In order to consistently deal with future requests and to ensure that access to the public road is not inappropriately restricted, it is proposed to introduce a scheme of conditions.

### **Scheme of conditions**

The proposed scheme of conditions is attached as appendix 1 to this report. These have been developed in consultation with Legal Services, Planning Services and the Financial Management Unit and follow established Local Authority practice.

### **Cost recovery**

The introduction of permits for tables and chairs will result in additional administration and site inspection costs being incurred by the council.

Initially, it is not proposed to charge for such permits, however, officers will monitor costs incurred over the 12 months following introduction, with an intention to introduce a fixed annual permit fee in April 2018 to recover costs incurred.

### **Consideration at PDSP**

The report was considered and approved by the Environment PDSP on 16 February 2017.

## **E. CONCLUSION**

The proposed scheme of conditions for the granting of permission for the placement of tables and chairs on the public road sets out a framework that will ensure that applications for permission are handled consistently and do not adversely affect road users. The council's costs will be monitored in order to establish an appropriate scale of charge to ensure that the scheme is cost-neutral in the long-term.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix 1: Scheme of conditions: Tables and Chairs permits

Contact Person: Jason Halliday

Public Utilities and Road Works Officer

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*Jim Jack*

*Head of Operational Services*

28 February 2017

## APPENDIX 1: SCHEME OF CONDITIONS- TABLES AND CHAIRS PERMIT

### SCHEME OF CONDITIONS- TABLES AND CHAIRS PERMIT

We, West Lothian Council a local authority constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Civic Centre, Howden South Road, Livingston EH54 6FF (hereinafter “the Council”) hereby in terms of section 59 of the Roads (Scotland) Act 1984 as amended offer to grant permission to you (name and address of individual, partnership, company, organisation) for the occupation of the footway shown outlined in red on the plan annexed and signed as relative to this agreement and referred to as “the extended area”, subject to the following conditions and obligations:

(FIRST) The extended area must be delineated by a removable barrier designed so as to allow access and egress for disabled persons. All tables, furniture, equipment and barriers will be removed from the footway when the extended area is not being used by you.

(SECOND) The plan of the extended area shall be prepared by you and shall be, to scale and show footway widths, positions of any street furniture (i.e. posts, columns, bollards, cabinets etc.), fire exits and dimensions for the premises at (address of premises)(hereinafter “the premises”) You shall at all times leave sufficient footway space for use by members of the public, as agreed with the Council, and indicated on the plan of the extended area. You shall also ensure that the use of the extended area does not interfere with the use of bus stops by members of the public.

(THIRD) No permanent structure shall be placed in or on the extended area and no part of the extended area shall obstruct direct egress from any fire exits to the public road.

(FOURTH) The extended area shall at all times be kept in a clean and tidy manner.

(FIFTH) You shall obtain and exhibit to the Council a policy of public liability insurance to a value of £5 million over the extended area covering all risks of damage, loss or injury howsoever arising from the use of the extended area, and shall indemnify the Council in respect of all claims arising from such damage, loss or injury.

(SIXTH) The extended area shall at all times remain part of the public road and accessible to members of the public, utilities and representatives of the Council.

(SEVENTH) The Council reserves the right, as its sole option, to terminate your use of the extended area by giving you seven days written notice to be sent by First Class Recorded Delivery post to your address as detailed in this agreement if at any time the extended area requires to be restored to use for vehicular or pedestrian traffic or if you fail to comply with the terms of this agreement. In the event of such termination, you shall vacate the extended area and shall take such steps as the Council shall require in the said notice to restore the extended area to a condition suitable for such traffic including (without prejudice to the foregoing generality) the removal of all tables, chairs and other furniture and equipment. If you fail to comply with the said notice, the Council shall be entitled (without prejudice to its power under the Roads (Scotland) Act 1984) to take such steps as are necessary to restore the extended area as aforesaid. In all cases all costs arising from such restoration shall be borne by you.

(EIGHTH) You shall take whatever steps are necessary to ensure that the proposed use of the extended area is permitted in terms of the Town and Country Planning



(Scotland) Act, and all other related legislation. If the proposed use is not permitted you shall ensure that all necessary consents are in place before the use commences.

(NINTH) No billboards, A-Boards, illuminated signs or lights or other items of furniture or equipment will be located in such a manner as to distract or confuse drivers or pedestrians at any adjacent roadway or road junction or pedestrian crossing. The Council shall be the sole judge of what will distract or confuse drivers or pedestrians.

(TENTH) This agreement shall be valid only in respect of the premises while occupied by you.

(ELEVENTH) You must advise the Council of any change in the ownership, directorship or partnership of the business occupying the premises; any change in name of the business or of the sale of the premises at any time.

(TWELFTH) If any of the events in Clause ELEVENTH take place, this agreement will terminate and a fresh application for a new agreement (if requested) must be submitted to the Council. It shall be your responsibility to advise the new owner of this.

(THIRTEENTH)

In the event that the Council requires alteration to the road to be carried out in order to enable the road to safely accommodate your proposals then you will be required to obtain the consent of the Council under section 56 of the Roads (Scotland) Act 1984 and all other consents required.

(FOURTEENTH) A copy of this agreement and the approved drawing must be retained on the premises and produced for inspection if required.

(FIFTEENTH)

Where it has been necessary to seek consent for the use of the extended area under the Town and Country Planning (Scotland) Act, use of the extended area shall be restricted to the hours of operation set out in the relevant planning consent. Where it has not been necessary to seek consent for the use of the extended area under the Town and Country Planning (Scotland) Act, use of the extended area shall be restricted to between the hours of 10.00 and 20.00

(SIXTEENTH)

Should use of the extended area result in reports of anti-social behaviour, the Council reserves the right to suspend use of the extended area. In such cases, the Council will give written notice to be sent by First Class Recorded Delivery post to your address as detailed in this agreement write to the applicant explaining the reasons for suspension and the duration of the suspension. The applicant will be required to clear the area of all tables, chairs and other items associated with the extended area. The Council shall be the sole judge of what constitutes anti-social behaviour





## **COUNCIL EXECUTIVE**

### **LITTER POLICY 2017/18 – CLEANER COMMUNITIES**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to inform the Council Executive of the details of Cleaner Communities proposed Litter Policy for 2017/18.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive notes the performance in relation to Street Cleansing and approves the proposed Litter Policy for 2017/18 as set out in Appendix 1.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs.</li><li>• Being honest, open and accountable.</li><li>• Providing equality of opportunities.</li><li>• Making best use of our resources; working in partnership.</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Environmental Protection Act 1990 Code of Practice on Litter and Refuse (Scotland) 2006
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	The Policy will ensure that the service is delivered in a consistent and efficient manner which will meet existing performance targets and service standards.
<b>V Relevance to Single Outcome Agreement</b>	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

<b>VI Resources - (Financial, Staffing and Property)</b>	Cleaner Communities have an annual budget of £2.3m to carry out their statutory duties under the Environmental Protection Act 1990 (Section 89).
<b>VII Consideration at PDSP</b>	Considered at PDSP on 20 <sup>th</sup> February 2017. The Panel noted the performance of street cleansing and supported the submission of the proposed Litter Policy for 2017/18 to the Council Executive for approval.
<b>VIII Other consultations</b>	Roads and Transportation

## **D. TERMS OF REPORT**

### **D1 Background.**

The Environmental Protection Act 1990 imposes a statutory duty on local authorities and certain other landowners and occupiers to keep specified land clear of litter and refuse so far as is practicable. The Act also places a duty on local authorities or Scottish Ministers to keep public roads clean so far as is practicable. The Act is supported by The Code of Practice on Litter and Refuse issued under section 89 of The Act.

### **D2 Code of Practice – Practical Application**

The objective of the Code of Practice is to provide practical guidance on the discharge of the duties by establishing reasonable and generally acceptable standards of cleanliness which those under the duty should be capable of meeting.

The Code of Practice defines standards of cleanliness which are achievable in different locations and under differing circumstances. It is concerned with how clean land is, rather than how often it is swept.

The Code of Practice also recommends that Local Authorities develop a Litter Policy to show how they will deliver the requirements of the Act and that this should be reviewed and approved annually.

At present, this is achieved through a system of zoning, which when combined with a scoring mechanism, currently the Local Environmental Audit and Management System (LEAMS) system, provides a measurable benchmark to apply service levels based on the operational availability of resources.

In order to ensure compliance with the principles of the Act and the Code of Practice, a general set of service standards and frequencies of service has been developed that has been framed around the operational capability of the service to deliver.

The proposed Litter Policy for 2017/18 (Appendix 1) is based on the Code of Practice guidance and the current service standards and frequencies of service. Appendix 1 also explains the application of this in the West Lothian Council area and the service levels provided to ensure operational planning provides a routine level of service to the zoned areas.

The proposed service standards and service frequencies set out in Appendix 1 were fully implemented in 2015/16 and proved successful in dealing with the removal of litter across the area.

### **D3 Overview of Service**

The Cleaner Communities section was introduced in late 2016 following a service re-organisation and is an amalgamation of the former Street Cleansing and Environmental Enforcement sections. This service unit is solely focussed on delivering the Litter Action Plan aimed at making West Lothian the cleanest place in Scotland.

The creation of larger dedicated squads of Cleaner Communities staff has improved the visibility of the service whilst enabling resources to be more focused in each area, improving the efficiency and effectiveness of the service. The additional benefit of this structure going forward will be a reduction in the requirement for vehicles in comparison to the previous Street Cleansing structure.

Dedicated verge squads have focused on the key approach roads into West Lothian to ensure that visitors have a positive first impression. This has allowed the council to reduce the impact of vehicle litter in particular. The same approach roads have also been cleansed by the two large mechanical sweepers.

The introduction of two dedicated reactive teams later in 2017 will allow the service to improve response times to reactive incidents such as fly-tipping. This resource will be well-advertised as a recognised brand and will allow the majority of the Cleaner Communities resource to be able to focus solely on the cyclical cleansing of West Lothian.

### **D4 Performance**

#### **LEAMS**

The Local Environmental Audit Management System (LEAMS) is a statutory performance indicator of street cleanliness for local authorities in Scotland.

During the 2014/2015 and 2015/2016 periods a total of 775 streets were audited across the West Lothian Council Area. This represents a 15% sample of all streets within West Lothian for each of the years.

West Lothian's Statutory Performance Indicator for periods 2014/15 and 2015/16 was found to be 93.45%.

The national target for cleanliness is set at 90% for local authorities and the average Statutory Performance Indicator for all local authorities in Scotland for this period was 93.4%

## Local Government Benchmarking

Local Government Benchmarking Framework results for 2014/2015 and 2015/16 show a significant percentage of adults are satisfied with street cleansing within West Lothian.

Customer satisfaction for 2014/2015 was 87% with West Lothian Council being ranked first in Scotland. In 2015/2016 customer satisfaction remained at 87%. However, the methodology for calculating the ranking for local authorities changed to an average performance over the last three year period. Using the new methodology, West Lothian Council ranked second in Scotland for 2015/16.

## Performance Indicators

Following the introduction of the reactive teams in 2017, performance indicators will be developed and introduced to monitor the performance of the teams and their response times to incidents and returning streets to the required standard.

### **D5 National Review of Code of Practice**

The Scottish Government, as part of its strategy paper “Zero Waste – Towards a Litter Free Scotland – A Strategic Approach to Higher Quality Local Environments” has commenced a review of the current code of practice to assist in preventing litter and fly-tipping and aims to encourage personal responsibility.

In support of this, Zero Waste have undertaken to review and implement a more standardised zoning approach across Scotland that will allow like for like areas to be compared in a consistent way allowing clearer distinction to be made between land usage and the risk of litter accumulating.

It is intended that the review will be complete by September/October 2017. Thereafter, local authorities will have a period of up to 18 months to implement any changes to their policies and/or services standards once the revised Code of Practice has been introduced.

### **E. CONCLUSION**

The Code of Practice on Litter and Refuse issued under section 89 of The Environmental Protection Act 1990 recommends that Local Authorities develop a Litter Policy to show how they will deliver the requirements of the Act and that this should be reviewed and approved annually.

The proposed Litter Policy for 2017/18 is based on the Code of Practice guidance and the current service standards and frequencies of service and will ensure that West Lothian Council complies with the requirements of the Act

West Lothian Council have delivered a high and consistent level of performance over a number of years in relation to Street Cleanliness and have been ranked nationally as first in 2014/15 and second in 2015/16 for customer satisfaction for the service.

It is recommended that the Panel notes the performance in relation to Street Cleansing and supports the submission of the proposed Litter Policy for 2017/18 as set out in Appendix 1 to Council Executive for approval.

## **F. BACKGROUND REFERENCES**

None

Appendices:

Appendix 1 – Cleaner Communities – Litter Policy 2017/18

Attachments: None

Contact Person: Andy Johnston, NETs, Land and Countryside Manager.

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**Jim Jack**

**Head of Operational Services**

Date of meeting: 28 February 2017





## **Cleaner Communities – Proposed Litter Policy 2017/18**

### **Background**

#### **Code of Practice on Litter and Refuse (Scotland) 2006**

The Environmental Protection Act 1990 (the act) imposes a duty on local authorities and certain other landowners and occupiers (the duty bodies) to keep specified land clear of litter and refuse so far is practicable. The Act also places a duty on local authorities or Scottish Ministers to keep public roads clean so far is practicable.

The Code of Practice on Litter and Refuse issued under section 89 of The Environmental Protection Act 1990 defines standards of cleanliness which are achievable in different locations and under differing circumstances. It is concerned with how clean land is, rather than how often it is swept. The Code of Practice does not, therefore suggest cleaning frequencies. Rather it sets out how quickly different types of land should be returned to a set cleanliness standard.

The objective of the Code of Practice is to provide practical guidance on the discharge of the duties under section 89 of the Environmental Protection Act 1990 by establishing reasonable and generally acceptable standards of cleanliness which those under the duty should be capable of meeting.

The Code of Practice is based on the following two principles:

- Areas which are habitually more heavily trafficked should have accumulations of litter cleared away more quickly than less heavily trafficked areas; and
- Larger accumulations of litter and refuse should be cleared more quickly than smaller accumulations.

The Code of Practice provides a cleanliness standard based on land use. It sets out grades of cleanliness and divides land into zones according to usage and volume of traffic. If the cleanliness of an area falls, the Code of Practice sets out a response time that is the target for the duty body to restore the land to a particular grade of cleanliness.

#### **Grades of Cleanliness**

The Code of Practice is based on the concept of four standards, or grades, of cleanliness:

**GRADE A:** no litter or refuse;

**GRADE B:** predominantly free of litter and refuse, apart from a few small items

**GRADE C:** consistent distribution of litter and refuse with minor accumulations; and

**GRADE D:** heavily littered with significant accumulations.

Whilst Grade A is the ideal, it is not reasonable to expect that standard to be maintained at all times in all places; technical difficulties may make it impossible to achieve in some circumstances, and it is unlikely to be maintained for long periods in the most heavily trafficked areas. Grade A should be seen as the standard which thorough conventional sweeping should achieve in most circumstances.

## Zones

Zoning is based on location and land use. The Code of Practice divides land types into broad categories or zones according to land use and volume of traffic. Within the broad range of zones it will be the local authority or other duty body to allocate geographical areas to a particular zone. Zones within West Lothian are as follows:

**Zone 1:** town centre

**Zone 2:** high density residential

**Zone 3:** low density residential

**Zone 4:** areas not falling into zones 1–3

**Zones 5 and 6:** these zones relate to beaches and motorways that are either not applicable to, or not maintained by West Lothian Council.

**Zone 7:** rural roads and verges

## Cleanliness Standards

The Code of Practice defines the maximum response times when a litter problem is reported within or to a local authority. The standard of street cleanliness is assessed in terms of 'litter' and measured using the 4 grades as A, B, C and D. An example would be when a grade D is identified within a Zone 1, the council has 1 hour to respond and return the grade D to a grade A.

Category Zone		Time taken to respond to cleanliness standard			
		A	B	C	D
1	Town Centre	N/A	6 hours	3 hours	1 hour
2	High density residential	N/A	12 hours	6 hours	3 hours
3	Low density residential	N/A	2 weeks	12 hours	6 hours
4	Areas not falling into zones 1–3	N/A	2 weeks	1 week	60 hours
5	Amenity Beaches	N/A	N/A	N/A	N/A
6	Motorways	N/A	N/A	N/A	N/A
7	Rural roads and verges	N/A	N/A	2 weeks	5 days

In summary, these maximum response times will only ensure minimum standards as defined by the Code of Practice on Litter and Refuse (Scotland) 2006. The Cleaner Communities service endeavour to maintain all sites to an acceptable standard which requires the service to achieve either a grade A or B.

## SERVICE FREQUENCIES

As previously indicated, the code of practice does not stipulate the frequency of sweeping, and is more concerned with the cleanliness standard. However in order to provide a degree of operational planning, service frequencies have been designed around resource availability, the code of practice and the zoning methodology to ensure that cleanliness standards are maintained and are as follows:.

Zone / Category	Zone Summary / Remarks	Litter Picking	Road Sweeper (Compact)	Road Sweeper (HGV)
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1	Town Centre	This would include areas of high footfall associated with educational establishment, particularly secondary schools	Daily	Monthly	NA
2	Residential (high density)	Terraced, tenemental and flatted housing	Weekly	Quarterly	Quarterly
3	Residential (low density)	Detached and semi-detached housing.	Weekly	Quarterly	Quarterly
4	Areas not falling into zones 1–3	The service applied to these areas will be dependent on Operational knowledge specific to the area concerned	NA	NA	NA
5	Amenity Beaches	Not applicable to West Lothian Council	N/A	N/A	N/A
6	Motorways	Not maintained by West Lothian Council	N/A	N/A	N/A
7	Rural roads and verges	These areas have specific health and safety requirements to ensure safe operation	3 x annually	NA	Quarterly

## REACTIVE SERVICE

The above service frequencies provide an operational cycle that ensures the general coverage of the authority area required to maintain cleanliness standards. However the service retains the operational capacity to react to ad hoc events that require a more speedy response to improve the standard of cleanliness of an area within the maximum timelines detailed in the code of practice. The balance of routine and adhoc works is influenced by many factors and can result in the need to reprioritise routine works on a needs basis, but in general terms include reaction to issues such as:

- Sharps and needle removal
- Dead animals
- Flytipping
- Winter emergencies

Following the introduction of the reactive teams in 2017, performance indicators will be developed and introduced to monitor the performance of the teams and their response times to incidents and returning streets to the required standard.





## **COUNCIL EXECUTIVE**

### **POLICY ON RELEASE OF CHINESE / SKY LANTERNS AND BALLOONS**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to set out the hazards posed by the release of Chinese/sky lanterns and helium filled balloons and the growing evidence of the damage they cause. Other local authorities and organisations, such as Keep Scotland Beautiful and the National Farmers Union Scotland (NFUS) are supporting calls for bans of all such releases.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive support and approve::

- (i) the Policy Statement set out in (Appendix 1) and prohibit the use of all council land and property for the release of helium filled balloons and Chinese style lanterns and
- (ii) that West Lothian Council will raise awareness of environmental consequences of balloon and Chinese/sky Lantern releases and promote alternatives.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	West Lothian Council Open Space Strategy Duty of Care – Occupiers Liability
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	SOA 8. We make the most efficient and effective use of resources by

minimising our impact on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)** None

**VII Consideration at PDSP** Considered at PDSP on 16<sup>th</sup> of February 2017. The Panel supported the submission of the report to the Council Executive for approval.

**VIII Other consultations** Property Management and Development  
Legal Services  
Risk and Insurance Services  
Fire and Rescue Services  
NFU

## **D. TERMS OF REPORT**

### **D.1 Background**

Following intimations to the Council by the National Farmers Union Scotland (NFUS) to consider a ban on the release of helium filled balloons and Chinese/sky lanterns an internal consultation exercise was undertaken to determine the effects of their release across a variety of council service areas and a policy in support of the request from NFUS devised.

The release of helium filled balloons and Chinese/sky lanterns have increased in recent years. These balloons and lanterns pose hazards to wildlife and livestock causing injury and death. Lanterns can also cause injury to humans, damage to buildings, woodland, agricultural land and cause callouts to the Fire and Rescue Services.

Under section 87 of the Environmental Protection Act 1990 it is an offence to throw down, drop or otherwise deposit, and then leave litter in a public open place. Local authorities have the ability to enforce this Act with fixed penalty notices.

### **D.2 Balloons**

Within this policy the term “balloon” refers to any inflatable flexible bag filled with gas, such as helium, hydrogen, nitrous oxide, oxygen or hot air made from materials such as rubber, latex, natural latex, paper, polychloroprene, foil, mylar or a nylon fabric. This includes all biodegradable balloons.

Once a balloon has been released it rises to a height of 5 miles where the pressure and the temperature cause the balloon to undergo brittle fracture. The balloon pieces then float back down but 5-10% do not burst, and float back down whole and partially deflated. These balloons are often cited to “degrade as fast as an oak leaf”, which is reported as 6 months. However they can cause significant harm in these six months by entanglement and choking, and take considerably longer to degrade in the marine environment. (Background Reference 1).

### **D.3 Lanterns**

“Chinese” or “Sky” lanterns are made of thin paper held by a wire or bamboo frame and lifted by heat from a naked flame. They pose similar choking threats to wildlife and livestock as balloons do and they also cause false callouts to the coastguard. They pose a fire hazard to dry standing crops, stacks of hay or straw, forestry and farm buildings, and thatched cottages. Recent examples are the recycling plant blaze in the Midlands and a caravan park in Worcestershire, both attributed to lanterns. (background reference 3)

In Scotland, NFUS staff and members have reported finding lantern remains on or near farmland in Renfrewshire, Bute, Aberdeenshire, Wigtownshire and near Edinburgh. While injury to animals or damage to property has yet to be reported in Scotland (there have been cases in England), the fear with NFUS is that this is just a matter of time. (background reference 4)

### **D.4 Threats to Wildlife and Domestic Livestock**

The following species, all of which occur in the waters off the UK, have been reported with latex balloons in their digestive system: Common Dolphin, Risso's Dolphin, Loggerhead Turtle, Leatherback Turtle, Blue Shark and Northern Fulmar. (background reference 1) Common Dolphin, Risso's Dolphin and Northern Fulmar are all present off our coasts.

The Marine Conservation Society co-ordinate regular beach cleans and litter surveys, as part of their Beachwatch campaign, on beaches throughout the UK on the third weekend of September. In 2005, balloons and their ribbon and string accounted for 4% of entanglements of marine creatures recorded over a single weekend. ( background reference 2)

Aberdeenshire Council Ranger Service have led Beachwatch events on Aberdeenshire beaches since the 1990s. Evidence in 1996 from Balmedie show that anything between 6 and 106 balloons or balloon pieces have been found during any one survey. The average number of balloons and balloon pieces found on UK beaches on Beachwatch surveys almost tripled in 2011 when compared to figures in 1996. (background reference 1)

Balloons can also cause a choking hazard for livestock as the pieces of balloon, ribbon, string and plastic holder cups fall into grazing fields or fields of hay or straw which are subsequently ensiled.

Enquiries to the Scottish Fire and Rescue Service indicate that there have been 4 instances relating to the release of Chinese/sky lanterns in the last 5 years in West Lothian, one of which was a false alarm. However the Fire and Rescue Service believe this may be under reported due to the categorisation of the source of fires and the way they search their data.

## **D.5 Practice of Other Authorities**

A growing number of local authorities in the UK now have balloon / lantern release policies including Angus, Aberdeen City, Aberdeenshire, Perth & Kinross, Highland, Falkirk and Shetland Islands. Regional authorities in Canada, USA and Australia have banned balloon releases. Lantern releases are banned in Australia, Malta, Vietnam, Spain and most parts of Germany, and it is also illegal to import or sell them in Austria.

Keep Scotland Tidy, National Farmers Union Scotland, Royal National Lifeboat Institution, Royal / Scottish Society for the Protection of Birds, Royal / Scottish Society for the Prevention of Cruelty to Animals and the Marine Conservation Society all support and call for bans.

Some of the organisations that have balloon release policies or have cancelled events are Barclays, Marks & Spencer, Sainsbury's, Norwich Union, TGI Fridays, The Co-operative Group and Guinness Book of Records.

## **D.6 Alternatives**

Many balloon and lantern release events are planned for fundraising and celebrations. West Lothian Council can support alternatives whilst enforcing the ban.

The Marine Conservation Society has provided alternatives:

- Flags, banners & pop-ups – When budgets are tight many businesses are realising the benefits of using reusable eye-catching signage. Colourful streamers, flags, banners and other signs save money and time over balloons, string, helium and lanterns.
- Balloon sculpture - Turn balloons into something stunning with a hired-in balloon artist or try your own.
- Virtual balloons & races - The RSPB have launched a new virtual balloon race where you can design and personalise your balloon and then track it on Google maps.
- Pop a balloon - Put a raffle ticket in a few balloons before blowing them up...let them go (indoors) and ask people to pop them...the raffle ticket indicates the prize.
- How many? - Fill up a car with blown up balloons and then get people to guess how many there are. The closest guess wins a prize.

## **D.7 Policy Statement**

A Policy Statement has been prepared (Appendix 1) detailing how West Lothian Council propose to ban the release of both lanterns and helium filled balloons on council owned and leased land and property, by council staff, leaseholders and the public. The ban will also apply at events endorsed or supported by the council.

The policy will be enforced through the issuing of fixed penalty notices under the Environmental Protection Act 1990 for littering, where positive identification is made. In addition, leasing arrangements will incorporate the policy into their conditions of use.



## **E. CONCLUSION**

Releases of balloons or lanterns can make an impressive sight but pose hazards to wildlife, livestock, humans and property. They are on the increase, often for fundraising, commemorative or celebratory events. Evidence is growing of the damage they cause and it is recommended that West Lothian Council join with an increasing number of local authorities in introducing a policy banning all such releases on council property, council owned or leased land, by council staff, leaseholders or the public and at council endorsed or supported events, including those not on council owned land. Often the organisers of these events are unaware of the issues so the policy should be publicised as fully as possible, to maximise awareness. It is hoped that publicising the policy and promoting alternatives will also lead to a reduction in smaller scale private releases, especially of lanterns, as the public become more aware of the dangers they pose.

## **F. BACKGROUND REFERENCES**

1. Marine Conservation Society Pollution Policy and Position Statement:  
[http://www.mcsuk.org/downloads/pollution/beachwatch/MCS\\_balloons\\_and\\_chinese\\_lanterns\\_policy.pdf](http://www.mcsuk.org/downloads/pollution/beachwatch/MCS_balloons_and_chinese_lanterns_policy.pdf)
2. Entanglement:  
<http://www.keepsotlandbeautiful.org/media/1556461/balloon-and-flying-lantern.pdf>
3. Midlands fire:  
<http://www.bbc.co.uk/news/uk-england-birmingham-23123549>  
Worcestershire fire:  
<http://www.bbc.co.uk/news/uk-england-hereford-worcester-25100406>
4. NFUS:  
<http://www.nfus.org.uk/news/2011/january/happy-lantern-free-chinese-new-yearNone>

### **Appendices/Attachments:**

Appendix 1: Policy Statement – West Lothian Council - Prohibition of Balloon and Chinese / Sky Lantern Releases

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andy.johnston@westlothian.gov.uk

Jim Jack, Head of Operational Services  
Date of meeting: 28 February 2017

## **APPENDIX 1**

### **Policy Statement – West Lothian Council Prohibition of Balloon and Chinese /Sky Lantern Releases**

#### **1. Introduction**

- 1.1 The release of helium filled balloons and Chinese/sky lanterns have increased in recent years. This Policy Statement guards against the hazards balloons and lanterns pose to wildlife and livestock causing injury and death. Lanterns can also cause injury to humans, damage to buildings, woodlands and agricultural land and cause false callouts to the coastguard.
- 1.2 This Policy Statement covers all balloons and lantern releases on West Lothian Council owned or leased property and land, by West Lothian Council employees, leaseholders and the public and at West Lothian Council endorsed or supported events, including those not on council owned land.
- 1.3 Within this policy the term “release” refers to the intentional act of releasing a balloon or lantern into the general environment.
- 1.4 Under section 87 of the Environmental Protection Act 1990 it is an offence to throw down, drop or otherwise deposit, and then leave litter in a public open place. Local authorities have the ability to enforce this Act with fixed penalty notices.

#### **2. Policy Actions**

- 2.1 All balloon and lantern releases on council owned and leased land and property, by council staff, leaseholders and the public and at events endorsed or supported by the council, including those on non-council land, will be prohibited.
- 2.2 Fixed penalty notices, for littering, will be issued where positive identification of those failing to adhere to the policy is established.
- 2.3 In addition to fixed penalties, organisations or individuals who fail to comply with the policy may have their approval to hold events on Council owned or leased land revoked or Council support or endorsement of events withdrawn.
- 2.4 West Lothian Council will raise awareness of environmental consequences of balloon and Chinese/sky Lantern releases and promote alternatives.
- 2.5 It is the responsibility of all Services to comply with and implement this policy as appropriate to their Service, including stipulating the policy in licencing and leasing arrangements for service users.

#### **3. Summary**

- 3.1 This policy will ensure a consistent approach by West Lothian Council in dealing with requests for the release of balloons and Chinese / sky lanterns



**COUNCIL EXECUTIVE**

**SURFACE WATER ACTION PLANS**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive that officers have been invited to work collaboratively with Scottish Water in respect of six Surface Water Action Plans proposed for industrial estates across the Council's administrative area.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

- (i) notes the request from Scottish Water to work collaboratively on surface water action plans: and
- (ii) approves the proposal to accept the invitation.

**C. SUMMARY OF IMPLICATIONS**

- |   |  |
|---|--|
| <b>I Council Values</b>   | Focusing on our customers' needs; being honest, open and accountable; and making best use of our resources and working in partnership.   |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p><b>Legal:</b></p> <ul style="list-style-type: none"><li>• The Water Environment &amp; Water Services Act 2003 requires local authorities to carry out their statutory functions and duties in a way, which adheres to the principles of the European Water Framework Directive;</li><li>• The Flood Risk Management (Scotland) Act 2009 places a duty on the Council, as a Responsible Body, to reduce overall flood risk, act in the way best calculated to manage flood risk in a sustainable way and promote sustainable flood management.</li><li>• The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity.</li></ul> |
| <b>III Implications for Scheme of Delegations to Officers</b>   | None   |

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Action to reduce the impact of pollution from industrial estates should contribute positively towards improvements in SOA PI ‘% water bodies in West Lothian achieving high or good overall status’
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>SOA 3. Our economy is diverse and dynamic and West Lothian is an attractive place for doing business</p> <p>SOA 4. We live in resilient, cohesive safe communities;</p> <p>SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p><b>Financial:</b> No financial contribution required.</p> <p><b>Staffing:</b> Work associated with the proposed SWAP partnership would be undertaken from within the existing establishment</p> <p><b>Property:</b> The Council owns land forming part of a number of the industrial estates which are to be subject of Surface Water Action Plans. Each of the industrial estates in question are served by roads adopted by the Council and included in the List of Public Roads (L of PR)</p>
<b>VII</b>	<b>Consideration at PDSP</b>	This report was considered at the meeting of the Environment Policy Development & Scrutiny Panel on 16 February 2017.
<b>VIII</b>	<b>Other consultations</b>	

## **D. TERMS OF REPORT**

### **1.0 Background**

1.1 The water environment provides us with opportunities, directly and indirectly, to improve and enrich our quality of life, get close to nature and interact with our open spaces. It provides the chance for outdoor learning, relaxation and many kinds of recreation. River water quality is also an important indicator of sustainable development.

1.2 There are five status classes – High, Good, Moderate, Poor or Bad. Water bodies in a near natural condition are at ‘high status’ while those with ecological quality that has been severely damaged by human activity are at ‘bad status’. Most of our poorer quality rivers are affected by urbanisation, agriculture or hydro-power schemes. Ambitious targets have been set for rivers, with an objective of 94% to be of good or high status by 2027 or recovering to good soon after. Many watercourses in Scotland

are relatively undisturbed by human activity, compared with the majority in the UK & Europe. River Quality has improved over the last 25-years and just under half are of good or high status. There are still significant problems, however, that need to be addressed through collaborative approaches involving water users and land managers.

1.3 Based on monitoring data, the Scottish Environment Protection Agency (SEPA) has identified that the Bog Burn, Boghead Burn, Bathgate Water and Couston Water, Brox Burn and Lochshott Burn are each failing to achieve Good status as required by the European Water Framework Directive. Polluted runoff from industrial estates is considered to have an adverse impact on water quality.

1.4 As a result of regulatory pressure from SEPA, Scottish Water is currently scoping six Surface Water Actions Plans (SWAPs) which it proposes to prepare for implementation in its next investment period, commencing 2018. The SWAPs identified for West Lothian are for industrial estates at Whitehill, Bathgate; East Mains, Broxburn; Houston North and South and Deans North and South in Livingston which are each having an adverse impact on the quality of water of receiving watercourses.

1.5 The Council has been invited to collaborate with Scottish Water and the Scottish Environment Protection Agency (SEPA) on a number of projects, which aim to identify sources of pollution and put in place action plans to improve water quality and the water environment in respect of those watercourses to which these industrial sites discharge.

## **2.0 Meeting with officials**

2.1 An exploratory meeting has been held between officers from both Scottish Water and the Council to establish the extent to which there may be potential for collaboration on this project and where there may be particular synergies. There were separate discussions with officers from SEPA.

2.2 At the meetings, officers acknowledged the Council's interest as a significant landowner and operator within Whitehill Industrial Estate, Bathgate and noted the Council's existing involvement with SEPA and the River Forth Fisheries Trust on the Bathgate Water Restoration Project, downstream.

2.3 Current joint development interests for both the Council and Scottish Water were discussed associated with the Caw Burn and the constructed wetland at Drumshoreland to which the new distributor road, Pumpherston & Uphall Station Community Primary School and a first phase of council housing discharge.

2.4 Scottish Water's attention was also drawn to Council land ownership and current operational interests at Deans North where change can be expected once the Council's new Service Centre opens at Whitehill Industrial estate. The Council also highlighted its interest, as local Roads Authority, for the public road network serving each of the industrial estates subject to SWAPs.

## **3.0 The current situation**

3.1 Officers have already been able to assist Scottish Water with the provision of data associated with some of the industrial estates in question. It was also tentatively suggested that the River Forth Fisheries Trust might potentially have a role in some of the project's engagement activities, particularly at Whitehill Industrial Estate given the extent of its current involvement with the Bathgate Water and River Avon catchments.

## **4.0 The way forward**

4.1 The invitation to work alongside Scottish Water on these projects is welcome. It is currently unclear exactly what will be expected of the Council beyond the cooperation of relevant officers. Irrespective of whether the Council accepts the invitation to collaborate with Scottish Water there are likely to be implications for the Council as landowner and local roads authority as well as being an operator on some of the estates.

4.2 In view of the foregoing it is considered beneficial to accept Scottish Water's invitation to collaborate such that officers can, perhaps, influence the format of the SWAPs and the implications for stakeholders.

## **E. CONCLUSION**

Our rivers and the water environment generally enrich our quality of life. Indeed, the status of the water environment and the quality of the water in our rivers are important indicators of a health community.

There are a number of watercourses in West Lothian failing to achieve 'Good' status as required by the European Water Framework Directive. Runoff from industrial estates is having an adverse impact on water quality.

As a result of regulatory pressure from SEPA, Scottish Water is currently scoping six Surface Water Actions Plans for industrial estates in West Lothian, which it proposes to prepare for implementation in its next investment period, commencing 2018.

The Council has been invited to collaborate with SEPA and Scottish Water on the preparation and implementation of the SWAPs.

The Council already has considerable interests in several of the industrial estates in question and the improvement of water quality and the water environment is aligned with its own objectives, it is considered beneficial to accept the invitation, join the partnership and influence the format of the Surface Water Action Plans.

This report has been considered by the Environment Policy Development & Scrutiny Panel on 16 February 2017, which agreed to commend acceptance of the invitation to the Council Executive.

## **F. BACKGROUND REFERENCES**

Public Body Reporting on the Scottish Biodiversity Duty: 2011-2014 – Report by Head of Planning & Economic Development to the Council Executive – 16 December 2014

Bathgate Watercourse Restoration Project - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 12 February 2015

Bathgate Watercourse Restoration Project - Report by Head of Operational Services to the Council Executive – 10 March 2015

Consultation on SEPA's Second River Catchment Management Plan for the Scotland River Basin District – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 23 April 2015

RiverLife: Almond & Avon - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 13 September 2016

RiverLife: Almond & Avon - Report by Head of Operational Services to the Council Executive – 11 October 2016

Surface Water Action Plans - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 16 February 2017

Appendices/Attachments:

Contact Person: Graeme Hedger, Senior Professional Officer, Flood Risk Management

01506 776537

Jim Jack, Head of Operational Services

28 February 2017







## **COUNCIL EXECUTIVE**

### **SUSTAINABLE DRAINAGE RETROFITTING IN INDUSTRIAL ESTATES**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive that officers have been invited to collaborate in a research study into the potential retrofitting of source control and sustainable drainage systems into existing industrial estates.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

- (i) Notes the invitation to participate in a research study looking at retrofitting source control and sustainable drainage systems into existing industrial estates; and
- (ii) Approves the proposal to accept the invitation.

##### **C. SUMMARY OF IMPLICATIONS**

###### **I Council Values**

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership.

###### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

###### **Legal:**

- The Water Environment & Water Services Act 2003 requires local authorities to carry out their statutory functions and duties in a way, which adheres to the principles of the European Water Framework Directive;
- The Flood Risk Management (Scotland) Act 2009 places a duty on the Council, as a Responsible Body, to reduce overall flood risk, act in the way best calculated to manage flood risk in a sustainable way and promote sustainable flood management.
- The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Action to reduce the impact of pollution from industrial estates should contribute positively towards improvements in SOA PI ‘% water bodies in West Lothian achieving high or good overall status’
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	SOA 3. Our economy is diverse and dynamic and West Lothian is an attractive place for doing business SOA 4. We live in resilient, cohesive safe communities; SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<b>Financial:</b> No financial contribution is required to participate in this research study.  <b>Staffing:</b> Work associated with the proposed partnership would be undertaken from within the existing establishment  <b>Property:</b> The Council owns land forming part of a number of the industrial estates which are to be subject of Surface Water Action Plans. Each of the industrial estates in question are served by roads adopted by the Council and included in the List of Public Roads (L of PR)
<b>VII</b>	<b>Consideration at PDSP</b>	The report was considered by the Council’s Environment Policy Development & scrutiny Panel at its meeting on 16 February 2017.
<b>VIII</b>	<b>Other consultations</b>	Business Gateway

## **D. TERMS OF REPORT**

### **1.0 Invitation**

The Council has been invited to work together on a study with Edinburgh University, School of Geosciences (Professor Kate Heal), Heriot-Watt University, School of Energy, Geosciences, Infrastructure & Society (Dr Scott Arthur) and Brian D’Arcy, independent Environmental consultant and former Diffuse Pollution Project Manager with the Scottish Environment Protection Agency (SEPA), on a study looking at the potential to retrofit sustainable drainage systems into existing industrial estates.

### **2.0 Proposal**

The proposal for the study along with a bid for funding has been submitted to Scotland’s Centre for Expertise for Waters (CREW), which is a Scottish Government funded partnership between James Hutton Institute and Scottish Universities and

coordinates funding, research, analysis and interpretation. It also supports the development of water policy in Scotland.

### **3.0 Project aims**

The project aims to review the potential for the retrofit of source control and conveyance sustainable drainage systems (SUDS) in industrial estates through the use of a carefully selected case study site, which represents typical issues that are common to other industrial estates.

### **4.0 Role of officers**

If the bid were successful, its author anticipates establishing a short-life advisory group to help with issues of ownership, access, pollution history and risks. It is hoped that the group would comprise officers from the Council as well as SEPA and Scottish Water.

### **5.0 Case study selection**

A number of potential case study industrial sites exist within West Lothian. These sites are easy to access by research staff from Edinburgh and several already have a great deal of relevant research data associated with them. Houston Industrial Estate, Livingston has been identified as being potentially suitable.

### **6.0 Public engagement**

Should the study proceed, it is expected that there would be extensive engagement with the stakeholders trading or operating from the selected site. There has already been a tentative approach by one of the researchers to the Business Gateway for help in this regard.

### **7.0 Alignment with Council objectives**

Officers were consulted in the preparation of the bid and have been supportive in so far as the aims of the study are aligned with the Council's own objectives to reduce flood risk, improve the quality of water in our rivers and enhance the water environment. West Lothian Council also has a long-established reputation of working successfully with other agencies, including academic institutions to further knowledge in this area of work.

## **E. CONCLUSION**

Officers were consulted in the preparation of a bid for funding to Scotland's Centre for Expertise for Waters. The proposal, backed by leading Scottish universities, aims to study the potential to retrofit source control and conveyance sustainable drainage systems into existing industrial estates through the use of a case study site. It is expected that the selected site will be located in West Lothian due to its close proximity to the research base and the rich history of previous research data associated with several of its industrial estates. If the bid were successful, the team hopes that officers from the Council would support the study and would join those from SEPA and Scottish Water on a short-life advisory group helping with a number of practical matters.

The Council's Environment Policy Development & Scrutiny Panel considered the report at its meeting on 16 February and agreed to commend acceptance of the invitation to the Council Executive.

## **F. BACKGROUND REFERENCES**

Sustainable Drainage Retrofitting in Industrial Estates - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 16 February 2017.

Appendices/Attachments:

Contact Person: Graeme Hedger, Senior Professional Officer, Flood Risk Management

01506 776537

Jim Jack, Head of Operational Services

28 February 2017



**COUNCIL EXECUTIVE**

**SOUTH EAST OF SCOTLAND REGIONAL TRANSPORT PARTNERSHIP**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Panel of a formal consultation by the South East of Scotland Regional Transport Partnership (SESTRAN) seeking the view of the council on a proposal for SETRAN to change to a "Model 3" Regional Transport Partnership (RTP) in accordance with the provisions of the Transport (Scotland) Act 2005.

**B. RECOMMENDATION**

It is recommend that Council Executive should advise SESTRAN that :

1. it is premature to support the proposed change to a "Model 3" authority at this time because the case for a change has not been made; and
2. that detailed information on the benefits locally and on a regional basis of the proposed change to a "Model 3" authority should be provided to allow partnership authorities to make an informed decision.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	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
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Transport (Scotland) Act 2005. SEStran would need to carry out an equality impact assessment at the appropriate stage.
<b>III Implications for Scheme of Delegations to Officers</b>	Yes. Delegated powers relating to Public Transport and roads traffic regulations would be transferred to SESTRAN
<b>IV Impact on performance and performance Indicators</b>	Public transport performance indicators would be affected.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>Outcome - 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business</p> <p>Outcome – 8 We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Move to Model 3 Regional Transport partnership could result in increased financial contributions to SESTRAN to deliver the transferred functions.
<b>VII</b>	<b>Consideration at PDSP</b>	Environment PDSP discussed and agreed the content of this report on 16 February 2017.
<b>VIII</b>	<b>Other consultations</b>	None

## **D. TERMS OF REPORT**

### **D.1 Background**

Regional Transport Authorities are statutory bodies established by the powers contained in the Transport (Scotland) Act 2005. The current South East of Scotland Transport Partnership (SESTRAN) is made up of the from following local authorities:

Clackmannanshire, East Lothian, Edinburgh, Falkirk, Fife, Midlothian, Scottish Borders and West Lothian.

The vision of SEStran is for a regional transport system that:

"Provides all citizens of South East Scotland with a genuine choice of transport which fulfils their needs and provides travel opportunities for work and leisure on a sustainable basis."

Currently SESTRAN operates as a "Model 1" Regional Transport Partnership Transport Authority and has as its base function, the requirement to produce a regional transport strategy. This strategy identifies regional priorities. SESTRAN has no statutory powers to deliver any public transport functions but does deliver a number of softer initiatives with other partners and Scottish Government such as:

- TRIPSHARE
- Real Time Passenger Information systems throughout SE Scotland
- One-ticket
- Cycling resources and limited funding to encourage the development of the cycle network throughout the region.

The Transport (Scotland) Act 2005 (2005 Act) permits by means of an order under section 10 of this act for the transfer of powers from local authorities to the Regional Transport Partnership. "Model 2" and "Model 3" Regional Transport Partnership are possible under the transfer powers permitted by the 1985 Act.

A "Model 2" RTP starts again, with the regional transport strategy, the RTP would identify those parts of the strategy that it was to deliver and the powers that it would require to achieve that. A transfer of functions could then take place from the local authorities in the partnership to the RTP itself. This would be through secondary legislation and can only take place following consultation.

A “Model 3” RTP has powers to deliver all public transport functions at a regional level. This is akin to the current arrangements in the Strathclyde Partnership for Transport (SPT) area in west-central Scotland. However, further transfer of powers to integrate roads and public transport functions at the regional level in a way that goes further than the SPT model can be considered and can be enabled by means of an order under section 14 of the 1985 Act. Again delivery of this approach would be through secondary legislation and can only take place following consultation.

## **D.2 SESTRAN Proposal**

At the meeting of the SESTRAN Partnership Board on 2 December 2016 the board considered the matter of SESTRAN moving to a “Model 3” RTP. The partnership board paper is a background paper to this report.

The driver for the move to a “Model 3” RTP originates from discussions held relating to the Edinburgh Region City Deal.

The partnership board also considered a paper *“PTA models of organisation for regional transport governance”* commissioned by SESTRAN from Professor Tom Rye of the Transport Research Institute of Napier University.

The report by professor Rye is a very high level assessment of the function and delivery performance of “Model 3” RTP, Combined Authorities (CA) and Transport for London/Continental PTA. In conclusion it states there is evidence that “Model 3” RTP deliver more transport improvements than their unitary authority and “Model 1” RTP equivalents and they can offer a wider range of ticketing, information and interchange facilities.

However, there are a number of key points identified in the report which need to be considered in the context of the broad statement above, before the council replies to SESTRAN’s Board consultation request, and determines which if any functions should transfer to a new governance model. These include;

- There is evidence that the role of historical funding improves the performance of CAs and the creation of a new “Model 3” RTP will not automatically replicate this situation;
- Overall, there is limited evidence that “Model 3” RTPs and CAs necessarily provide much better performance against outcomes than do their unitary counterparts; and
- Systematic evidence is lacking to be able to demonstrate unequivocally that they [Model 3 RTP’s] exercise their functions more efficiently and effectively, and that those functions are delivering more on outcomes, than in non PTA areas.

In summary the partnership board report is incomplete in a number of areas;

- The report to the partnership board does not discuss or quantify the merits or otherwise of the proposed change;
- The detail of functions to be transferred are not specified;

- The collaboration or sharing of services under section 14 of the Transport (Scotland) Act 1985 is raised but no detail of what this would involve;
- The funding arrangements for a Model 3 RTP are not discussed; and
- Neither the SESTRAN report nor Professor Rye's paper make comment on or assessment of the current arrangements between authorities.

The Environment PDSP discussed and agreed the content of this report on 16 February 2017.

## **E. CONCLUSION**

The proposed change to a Model 3 RTP has developed through discussions around facilitating the City Deal Project, with a view that taking a different regional approach to transport planning is more likely to deliver cross-regional improvements in public transport connectivity.

A "Model 3" RTP could offer organisational resilience in public transport coordination and planning that a number of smaller authorities, with very small numbers of staff, will find it hard to provide.

However, whilst the benefits mentioned above may be realised the range and change of functions needs to be fully identified at the very least before the change could be supported. There is insufficient detail to seek approval to anything other than the principle of a "Model 3" RTP and the most critical part of any proposal will be the detail and the financial implications of such a change.

Based on the information to date a case has not been made to support the change to a "Model 3 RTP".

## **F. BACKGROUND REFERENCES**

Letter 9 December from SESTRAN to West Lothian Council.

SESTRAN Partnership Board Meeting 2 December 2016. (Item 5).

PTA models of organisation for regional transport governance. Transport Research Institute <http://www.sestran.gov.uk/files/1482242589.pdf>

None

Appendices/Attachments:

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**Jim Jack**  
**Head of Operational Services**  
**16 February 2017**





Area 3D (Bridge), Victoria Quay, Edinburgh, EH6 6QQ, Tel: 0131 524 5150

Chairperson: Cllr Lesley Hinds      Partnership Director: George Eckton

Councillor John McGinty  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Friday 9<sup>th</sup> December 2016

Dear Councillor McGinty

**Consultation in respect to transfer of functions pursuant to Section 10 of the Transport (Scotland) Act 2005**

Further to recent discussions at the September and December 2016 South East of Scotland Transport Partnership (SEStran) Board meetings. I write to inform you that at the meeting on Friday 2 December, the Board agreed to undertake a consultation under Section 10(6) of the Transport (Scotland) Act 2005 ("the Act") in regard to SEStran moving from a Model 1 to a Model 3 regional transport partnership. Further information on the process is contained in annex 1.

At the meeting the Board of SEStran collectively viewed it to be in the best interests of the partnership to undertake this consultation. I have included a copy of the Board report and associated research report by Professor Tom Rye on the proposal tabled at the 2 December meeting for your reference.

The benefits from the Board's standpoint is focussed on the need to connect more people to jobs, promote greater inclusion, sustainability and integration of public transport and the potential improvements to services by having a combined transport authority for the SE of Scotland.

The fuller potential benefits of making SEStran in to a Model 3 RTP are laid out in annex 2 which is a summary of Professor Rye's report.

I'm aware that discussions and correspondence have been undertaken with your Chief Executive on this matter either within the context of the Edinburgh Region City Deal or separately and your Head of Service/Chief Officers over recent months. I have copied this letter to your Chief Executive and Head of Transportation for information. Myself, the Vice Chairs and Partnership Director would be happy to meet with you and your Chief Executive to discuss matters further if helpful.

I would be grateful if you could consider the request and the functions your council would wish to consider for transfer to SEStran so that at either the 2 March SEStran Board meeting or if possible a special meeting before or after that date, we can

consider and seek to agree a request to Scottish Ministers to support the request from some or all constituent councils. I realise that this decision may require a decision by your full Council and/or Executive body.

Yours sincerely

A handwritten signature in black ink, reading 'Lesley Hinds' in a cursive script.

Cllr Lesley Hinds  
**Chair of SEStran**

## Annex 1

Section 10 (6) of the Act outlines that the first stage of consultation is required to be with constituent councils around the proposed contents of the request to Scottish Ministers to support an order transferring wholly or concurrently a function/functions.

Currently SEStran is a Model 1 Regional Transport Partnership (RTP), with a primary duty to produce a Regional Transport Strategy. A Model 3 RTP is an enhanced method of partnership delivery with the collective delivery of some or all the functions listed in section 10 of the Act. Section 10 (4) outlines the main functions which may be subject of such an Order, albeit this is not an exclusive list:

- Part 2 of the Transport (Scotland) Act (bus services) and Part 3 of that Act (road-user charging)
- Management or maintenance of a bridge;
- Section 1 to 4 of the Road Traffic Regulation Act 1984 (c.27) (traffic regulation orders) and local traffic authorities by section 19 of that Act (regulation of use of roads by public service vehicles);
- Sections 63 and 64 of the Transport Act 1985 (c.67) (securing the provision of passenger transport and related consultation and publicity)

The Act also outlines as examples some of the functions which may be the subject of an order under Section 10 (4):

- entering into quality partnership schemes;
- entering into quality contract schemes;
- entering into ticketing arrangements and ticketing schemes;
- providing information about bus services;
- installing bus lanes; providing subsidised bus services;
- making and implementing road user charging schemes;
- operating ferry services;
- managing tolled bridges;
- operating airports and air services; and
- entering into public service contracts.

The Chief Officers group of SEStran's constituent councils have agreed to consult member councils on the transfer of all functions listed in section 10 to SEStran. Section 14 of the Act also provides for arrangement for performance by RTPs of certain transport functions etc., on behalf of local authorities, albeit this part of the Act does not provide an exhaustive definition of statutory functions relating to "transport." This route offers an opportunity for SEStran to deliver functions and services on behalf of local authorities and others without having to undergo the full process of a Parliamentary Order under section 10. Alternatively, the two routes could be used in combination.

Accordingly, officers of SEStran's constituent councils have agreed to consider as part of this consultation to seek your views on the potential for collaborations around the Audit Scotland proposals for wider network maintenance/management and other transportation functions, in terms of section 14.

If there were appropriate levels of support for a request to Scottish Ministers to support a Transfer of Functions Order and subsequent support from Scottish Ministers, the detail of the functions to be transferred would need to be set out in a letter outlining in clear legal terms the specific of the requests for a wholly or concurrently transfer of functions. This would then form the basis for support from Ministers. Then there would be a further 3 month parliamentary consultation period on a statutory instrument laid in Parliament which if passed would allow SEStran moving from a Model 1 to a Model 3 RTP. Your council would be consulted again at that stage.

## **Annex 2**

### **Potential Benefits of making SEStran into a Model 3 Regional Transport Partnership**

A Model 3 partnership would take on powers and functions from its constituent local authorities and exercise these functions either exclusively, or in parallel with those authorities. If it were to be funded in a similar way to existing Model 3 RTPs then its funding would come from levies on its constituent authorities. Its governance would be similar to that of the current SEStran Model 1 RTP. Likely benefits, based on a review of existing Model 3 RTPs and similar Combined Authority/PTE organisations in the English metropolitan regions, could be as follows:

- Improved cross-regional mobility for regional labour, education and training, and employability; and improved community connectivity, due to higher levels of subsidised socially necessary bus services and demand responsive transport.
- This could then open up more and better employment opportunities to the region's communities that currently have high unemployment, by ensuring that key employment sites are well connected regionally; by providing bus services that correspond with working patterns; and providing more integrated information and advice that may encourage people to look for job opportunities across a wider area.

- Reduced/free bus fares for those attending job interviews and then for the first month in employment, in order to reduce this barrier to getting into work. This is a typical service in English CA areas, but not in comparable unitary authority areas.
- Planning and delivering transport solutions for all modes of transport across the region: English combined authorities have consistently delivered more transport investments such as new busways, new light rail and statutory quality partnerships compared to their unitary council counterparts. They have also delivered multi-modal ticketing over many years at a scale not found in other areas of England or outside the SPT area in Scotland.
- As advocates for improved public transport on behalf of a greater level of population and an entire region, Model 3 authorities tend to have more effective engagement with national agencies and, often major operators.
- TfGM, the transport arm of the Greater Manchester Combined Authority, is delivering transport investments worth £1.5 billion over 10 years funded from the GM Transport Fund. It is likely that its ability to secure permission from central government to borrow this additional money was in part because of its status as an organisation with sufficient capacity to be able to deliver these schemes. It is more difficult for smaller unitary authorities to demonstrate this.
- A larger regional public transport authority has more organisational resilience in general than single unitary authorities delivering the same services individually. SEStran and council expertise and resources could be pooled and shared with clear benefits arising. The procurement process could also benefit from being centralised and from large scale tenders.
- Better integration of land-use planning with existing public transport networks, walking and cycling routes and encouraging town centre locations is a probable benefit of a stronger RTP due to the integration of strategic public transport planning and strategic land use planning at the city region level.
- Research by KPMG (2015) indicates that every £1 spent on investment in bus priority measures delivers an average of £3.32 of net economic benefit. A Model 3 RTP would be better placed to lobby for and plan region wide bus priority measures to deliver these benefits.
- Passenger transport authorities in other EU countries are able to limit fare increases and set fares in relation to affordability or in comparison with motoring costs. (It should be noted that in the Scottish context new primary legislation would be needed to bring this about.)

### **Potential costs of moving to a Model 3 RTP**

The primary disbenefit of moving to a Model 3 RTP would be the organisational costs of moving services currently provided by individual unitary authorities to a single organisation. This organisational change would require very careful planning and management in order to minimise any discontinuities in service delivery.

Secondly, debates about the correct spatial distribution of limited resources to support socially necessary bus services that occur now within individual authorities would move to the regional level. A very robust mechanism would need to be developed to ensure that these resources were distributed across the region in a way that would maximise their impact on a set of pre-agreed outcomes.

## **MODEL 3 SESTRAN PROGRESS REPORT**

### **1. INTRODUCTION**

- 1.1** The report provides the Board with an update on the progress with “Model 3” discussions undertaken by Partnership Director and/or Secretary since the September Board meeting and an appended copy of Professor Rye’s report, which will be the subject of a verbal presentation to the Board on 2 December.

### **2. PROF RYE’S RESEARCH REPORT**

- 2.1** The Board at their September 2016 meeting recognised that further discussions could benefit from specific research into the strategic and any specific high-level implications for the SEStran area. Therefore, the SEStran Board agreed to engage Prof Rye for a short piece of research to test at a high-level all potential impacts/risks such a change on the following issues, alongside any further criteria agreed at the Board meeting, for the SEStran area:

- Planning and delivering transport solutions for all modes of transport across the region;
- The short, medium and long-term impacts and benefits of a change to a Model 3 Regional Transport Partnership and within this a high-level analysis of the prioritisation of actions to address current constraints on regional transport outcomes;
- Impact on positive pricing, multi-modal journey integration and economies of scale through regional travel planning, procurement and asset management;
- Improved cross-regional mobility for regional labour, training and employability;
- Improved community connectivity where there are no commercial services presently or services are under pressure;
- Provision of transport for people with disabilities and intersectionality across groups; and
- Contribution to the health, employability and welfare reform agendas.

- 2.2** In the context of Scotland’s Economic Strategy and its policy framework for Inclusive Growth the SESTRAN Board also requested that any research also considered the impact of a model three RTP on the multidimensionality of Inclusive Growth in the South East of Scotland. This could lead to the inclusion of well-being, equality of opportunity/social mobility, participation, economic geography and environmental sustainability assessment criteria. The impact of a PTA/RTP on wealth and inequality alongside potential innovation benefits and infrastructure/enterprise benefits for the South East of Scotland. There could be a particular impact on the labour market, long-term enterprise trends, accessibility to more and better quality jobs and ensuring that all

have the opportunity to contribute to all sectors of the economy.

**2.3** At the SEStran September Board meeting, there was also requests from Board members for the following issues to be investigated by Professor Rye, albeit with a recognition that they couldn't be fully scoped within the present research timescales and funding:

- Scale of full funding for concessionary fares: comparisons between England and Scotland levels of Bus Service Operator Grants (BSOG) levels;
- The potential impact of further regulation on outcomes;
- A request for a commentary on whether a larger organisation have resilience benefits alongside the issues of political priority and purpose;
- Comparison of SEStran to other PTAs in Europe and UK;
- Examples of road network and maintenance powers exercised by other PTAs.
- A request for a summary of the main forms of Governance of PTAs in terms of committee structure and proportions of political and non-executive representation.
- What the relationship would be between Transport for Edinburgh and SEStran;
- The relationship between strategic Land-Use and Transport Planning;
- Benefits to Falkirk and Clackmannanshire of joining a City Deal PTA, and the potential impact on Stirling as a neighbouring authority given Clackmannanshire's joint public transport unit with Stirling.

**2.4** Prof Rye's research was finalised on 24 November and is attached as a separate appendix and there will also be a verbal presentation by Prof Rye at the 2 December SESTRAN board meeting of his findings.

### **3. Model 3 Order Consultative Process**

**3.1** The SESTRAN Partnership Director and Secretary met with Transport Scotland on the 6<sup>th</sup> October to seek guidance on the details of the "form", as detailed in Section 10 (4) of the Transport (Scotland) Act 2005 "the Act", of any request for Scottish Ministers to support an Order (3 month statutory instrument laid in Parliament and assumed to be negative) SEStran moving from a Model 1 to a Model 3 RTP. The response from Transport Scotland officials was that the request could be in the form of a letter with an associated annex outlining in clear legal terms the specific of the requests for a wholly or concurrently transfer of functions. This would then form the basis for support from Ministers, as the process of change is not based on consent of Ministers but of Parliament.

**3.2** Transport Scotland officials were on initial reflection minded to view the 2005 guidance<sup>1</sup> as primarily a time specific piece of guidance focussed on the setting up of the authorities and that a majority of the guidance is "non-binding" given it's about having regard. Therefore, the absence of an explicit statement of intent of moving to a Model 3 authority within the

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<sup>1</sup> <http://www.gov.scot/Publications/2006/03/06145237/0>



current Regional Transport Strategy is not a constraint on pursuing such a move. It would require justification narratively and strategically in any letter to Scottish Ministers. This is not currently a completely considered view and officials undertook to provide further clarification, ahead of a further meeting scheduled for 5 December to discuss the outcome of the 2 December Board meeting.

**3.3** Section 10 (4) of the Act outlines the main functions which may be subject of such an Order albeit this is not an exclusive list:

- Part 2<sup>2</sup> of the Transport (Scotland) Act (bus services) and Part 3<sup>3</sup> of that Act (road-user charging)
- Management or Maintenance of a bridge;
- Section 1 to 4<sup>4</sup> of the Road Traffic Regulation Act 1984 (c.27) (traffic regulation orders) and local traffic authorities by section 19<sup>5</sup> of that Act (regulation of use of roads by public service vehicles);
- Sections 63<sup>6</sup> and 64<sup>7</sup> of the Transport Act 1985 (c.67) (securing the provision of passenger transport and related consultation and publicity)

**3.4** The Act outlines as examples some of the functions which may be the subject of an order under Section 10 (4): entering into quality partnership schemes; entering into quality contract schemes; entering into ticketing arrangements and ticketing schemes; providing information about bus services; installing bus lanes; providing subsidised bus services; making and implementing road user charging schemes; operating ferry services; managing tolled bridges; operating airports and air services; and entering into public service contracts.

**3.5** Chapter 2 Transport Functions: Further Provisions, Section 14 of the Act also provides for arrangement for performance by RTPs of certain transport functions etc., albeit this part of the Act does not provide an exhaustive definition of statutory functions relating to “transport” and given SESTRAN Chief Officers request at the August meeting for a discussion on the potential for collaborations around the Audit Scotland proposals for wider network maintenance/management and other transportation functions this may allow scope for consideration of wider “network management” functions. SESTRAN Chief Officers discussed on 27 October whether as part of a move towards a Model 3 partnership SEStran should be considering other functions as part of an Order request to Scottish Ministers and considered that those functions outlined in paragraphs 3.4-3.5 should be the basis of the initial proposal to the Board for agreement and subsequent formal consultation with constituent councils.

**3.6** The Secretary also sought clarification of the requirements of Section 10 (6) of the Act regarding consultation with constituent councils around the proposed contents of the request to Scottish Ministers to support an order

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<sup>2</sup> <http://www.legislation.gov.uk/asp/2001/2/part/2>

<sup>3</sup> <http://www.legislation.gov.uk/asp/2001/2/part/3>

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/1984/27/part/1/crossheading/outside-greater-london>

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/1984/27/section/19>

<sup>6</sup> <http://www.legislation.gov.uk/ukpga/1985/67/section/63>

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/1985/67/section/64>

transferring wholly or concurrently a function. The Secretary was clear in his view that any “consultation” needed to be clear and distinct from the SEStran meeting, committee or board process and needed to be direct with each council rather than through the mutual engagement with the regional transport partnership. This would be the first stage of formal consultation on SEStran moving to a Model 3.

- 3.7** Transport Scotland officials did highlight that any order supported by Scottish Ministers would be before making an Order and it passing through Parliament, requiring a 3 month public consultation on the proposals. This would be the second stage of consultation, after a decision by the Partnership at a future Board meeting to progress after Stage 1 consultation with the process of making SEStran a Model 3 RTP.
- 3.8** The current proposed timescale for this consultation, is between the December 2<sup>nd</sup> board meeting and either a special board meeting which could be scheduled January/February 2017 or the 4 March 2017 Board meeting if a decision is required prior to the 2017 Local Government elections to form part of the Edinburgh Region City Deal.
- 3.9** This would then enable a request to support an order to be made to Scottish Ministers prior to them launching the review of transport governance (Recommendation 21 of the Independent Review of Planning) as part of National Transport Strategy 2 consultation in early 2017. However, this timescale will be depend upon further opinion on the relevant committee within each constituent council which is required to be consulted upon the proposal for the transfer of functions, wholly or concurrently, to SEStran prior to a formal submission to Scottish Ministers seeking their support for an Order.
- 3.10** A paper has been tabled to the Edinburgh Region City Deal Chief Executive’s meeting on 15<sup>th</sup> November and Chief Executives of 6 out of the 8 councils had a good discussion about SESTRAN Model 3 proposal. Currently they wish the PTA proposal to remain as part of the city deal process and the achievement of it is seen as highly relevant to the objectives around inclusion, reduce welfare dependency and increase employability especially within areas of deprivation and close to other City Deal intervention/investment projects. Chief Executives were sighted on the issues of other councils and engagement, and the need for clarity of consultation process post December Board. Further correspondence has been undertaken with the Chief Executives of Clackmannanshire and Falkirk councils in November.
- 3.11** In conclusion, It is for the members as SEStran, acting in its best interests, to decide whether to proceed with a request for an order under section 10. Should the matter not be unanimous, then only councillor members can participate in a vote on the matter.

#### **4. RECOMMENDATION**

- 4.1** The Board are invited to:
- Receive a presentation from Professor Rye and comment upon his final report on Passenger Transport Authorities;

- Agree that all 8 constituent councils should be formally consulted on the proposal for SESTRAN to change to a “Model 3” authority by means of an order under section 10 of the Transport (Scotland) Act 2005, (“the Act”) and, specifically, in terms of section 10(6), what the order might do;
- Consider the functions which they would wish to see wholly or concurrently exercised by SEStran as a Model 3 authority as detailed within the report, officers have suggested functions outlined in paragraphs 3.3-3.4 should be the basis of the consultation order.
- Additionally consult the constituent authorities on possibilities for collaboration or sharing of services under section 14 of the Act around wider network management as outlined within paragraph 3.5. of the report;
- Dependent upon the results of the consultation, to subsequently receive a paper to the 2 March 2017 Board meeting to enable consideration and a decision on the proposal for SESTRAN to move to a Model 3 authority and subsequent request for consent from Scottish Ministers to support an order under section 10.
- Note the Stage 2 consultation process which would be required to change SEStran from a Model 1 to a Model 3 partnership in terms of the Act;
- Agree that Stage 1 of the consultation process should begin after the meeting and that if required a special Board meeting should be convened in early 2017.

George Eckton  
**Partnership Director**  
 25<sup>th</sup> November 2016

Andrew Ferguson  
**Secretary**

**Appendix 1** – Professor Tom Rye’s PTA models of organisation for regional transport governance final report

Policy Implications	None
Financial Implications	None
Race Equalities Implications	None
Gender Equalities Implications	None
Disability Equalities Implications	None
Climate Change Implications	None

#### 4. Passenger Transport Authority Presentation

### **Passenger Transport Authority Presentation**

#### **1. INTRODUCTION**

- 1.1 The paper provides context for a presentation by Professor Tom Rye of the Transport Research Institute at Napier University. Professor Rye has recently carried out work comparing the Dutch, German and Swedish models of passenger transport authority and is also now working on a project for the Urban Transport Group on the regulation and franchising of urban and regional public transport in Norway, Sweden and Denmark.
- 1.2 In the current context of the City Deal it was viewed as an opportunity for the Board to receive an initial presentation on a current issue and seek to engender a debate, informed by independent research, on the benefits and risks of moving towards a Passenger Transport Authority for the SEStran area.
- 1.3 The paper also seeks the Board's approval to engage Professor Tom Rye in a short piece of research to scope out the implications of SEStran moving to a some form of passenger transport authority model and to be reported back to the December 2016 Board meeting.

#### **2. BACKGROUND**

- 2.1 At the June 2016 meeting, there was discussion, in the context of a Planning Review and the emerging Programme for Government, of SEStran moving from a Level 1 to a Level 3 RTP and becoming a passenger transport authority. The proposals for the Edinburgh Region City Deal would facilitate such a transition.
- 2.2 The Board has previously highlighted the increasing disaggregation of strategic transport planning across Scotland. Identifying that, with the expected growth of Edinburgh City Region up to 2050 there should be active consideration and evaluation of some form of strategic integrated authority for all forms of transport for the SEStran area to ensure prosperity and accessibility into wider North of England labour markets. The recent Edinburgh City Region Deal proposals include the suggested creation of a Passenger Transport Authority.
- 2.3 The Board has previously recognised that collaboration in the design and delivery of services moving forward will be critical to tackling these challenges successfully, including an acceptance that in some forms of public services, intelligent centralisation of services through joined up approaches are the only way forward if we are to continue to deliver best value public services in Scotland. This may involve service aggregation from more local tiers of governance currently. Crucially required is an acceptance of the need for further devolution from nationally held and delivered services to deliver responsive outcomes vital for future economic, social and environmental prosperity.

### **3. PASSENGER TRANSPORT AUTHORITIES**

- 3.1 Previously, there were seven main UK metropolitan areas outside London which had a Passenger Transport Authority/Executive (PTAs/PTEs) of some form, including Strathclyde Partnership for Transport, which was formed by combining Strathclyde Passenger Transport Authority and Executive and the voluntary WESTRANS partnership under the Transport (Scotland) Act 2005. London currently has Transport for London which implements the Mayor of London's transport strategy and manages transport services.
- 3.2 PTAs in England were replaced by Integrated Transport Authorities (ITAs), late last decade and ITAs are now changing once again into Combined Authorities (CAs). Most ITAs/CAs retain a PTE as an implementation arm, although in some cases the PTE has been absorbed into the CA completely. Previously there were rail powers for PTAs but these were removed by the Railways Act 2005.
- 3.3 ITAs/CAs are responsible for setting out transport policy and public transport expenditure plans in their regions. These are then implemented by PTEs.
- 3.4 Other outcomes or outputs delivered by PTEs are as follows:
- Production of a strategy or strategies for the development of regional public transport networks;
  - Plan and fund socially necessary bus routes;
  - Work in partnership with private operators to improve bus services through bus priority schemes or quality partnerships;
  - In certain UK areas they run concessionary travel schemes for older, disabled or young people;
  - Planning and implementation of investment in local public transport networks including new bus, rail or active travel stations/hubs;
  - Provide impartial and comprehensive public transport information services or regional integrated ticketing schemes; and
  - Manage and maintain bus interchanges, bus stops and shelters
- 3.5 It is very important to remember that bus services in ITA/CA areas in England remain deregulated and thus in the main provided in the same way as they are in Scotland, although there are additional powers to manage bus services available to all transport local authorities in England (Counties, Unitarians and ITAs/CAs) under the Local Transport Act (2008) that are not available in Scotland. In other parts of northwest Europe, passenger transport authorities normally franchise bus services in a regulated context in much the same way as happens in London.

### **4. MODEL 3 AUTHORITY**

- 4.1 Currently SEStran is a Model 1 RTP, with a primary duty to produce a regional transport strategy. A Model 3 is an enhanced method of partnership delivery as described in previous paragraphs. In the light of the City Region Deal proposals relating to transport and infrastructure, active consideration by Chief Officials is being given to utilising the provision in the

Transport (Scotland) Act 2005 for the Regional Transport Authority to become a model-three authority. In effect this would mean assuming the powers of a Passenger Transport Executive. This would require agreement between the member authorities and consent from the Scottish Government. However, crucially from initial legal analysis would not require new legislation or reserved legislative decisions, given the devolved issues outlined in the Scotland Act 1998 concerning transport.

## **5. FURTHER RESEARCH**

- 5.1 Whilst there is a reasonable level of clarity on the legislative and legal implications of moving to a Model 3 authority, it is recognised that further discussions could benefit from specific research into the strategic and any specific high-level implications for the SEStran area.
- 5.2 The Partnership Director recommends to the Board that commissioning a short study on the potential benefits for the SEStran area in transitioning to a Model 3 Regional Transport Authority should be undertaken and subject of a further report to the December 2016 meeting of the SEStran Board.
- 5.3 It is proposed that this piece of research should seek to test at a high-level all potential impacts/risks such a change on the following issues, alongside any further criteria agreed at the Board meeting, for the SEStran area:
- Planning and delivering transport solutions for all modes of transport across the region;
  - The short, medium and long-term impacts and benefits of a change to a Model 3 Regional Transport Partnership and within this a high-level analysis of the prioritisation of actions to address current constraints on regional transport outcomes;
  - Impact on positive pricing, multi-modal journey integration and economies of scale through regional travel planning, procurement and asset management;
  - Improved cross-regional mobility for regional labour, training and employability;
  - Improved community connectivity where there are no commercial services presently or services are under pressure;
  - Provision of transport for people with disabilities and intersectionality across groups; and
  - Contribution to the health, employability and welfare reform agendas.
- 5.4 In the context of Scotland's Economic Strategy and its policy framework for Inclusive Growth it may also be that the Board wish any research to consider the impact of a model three RTP on the multidimensionality of Inclusive Growth in the South East of Scotland. This could lead to the inclusion of well-being, equality of opportunity/social mobility, participation, economic geography and environmental sustainability assessment criteria. The impact of a PTA/RTP on wealth and inequality alongside potential innovation benefits and infrastructure/enterprise benefits for the South East of Scotland. There could be a particular impact on the labour market, long-term enterprise trends, accessibility to more and better quality jobs and ensuring that all have the opportunity to contribute to all sectors of the economy.

## 6. **NEXT STEPS**

- 6.1 Given the timescales and level of expertise of Professor Rye on the issue of Passenger Transport Authorities, the Partnership Director would recommend to the Board that best value could be achieved from directly engaging him in the delivery of initial independent research report focussed on the SEStran area. It is the view of the Partnership Director that given Professor Rye's existing involvement in this area of research, knowledge of the current political and legislative landscape and the timescale involved in the City Deal, that the work would not be readily obtainable from another supplier within the next 4-6 weeks given the lead in times for a competitive process for a contract which will be significantly below delegated expenditure limits.

## 7. **RECOMMENDATION**

- 7.1 The Board is invited to receive the presentation from Professor Rye on Passenger Transport Authorities and following discussion of the paper agree to the recommendation to commission a short focused piece of research from Professor Rye on the implications of SEStran moving to the Model Three Regional Transport Authority for further consideration at the December board meeting.

George Eckton  
**Partnership Director**  
September 2016

Policy Implications	None
Financial Implications	Small cost within budget to employ Prof. Rye if Board agree.
Race Equalities Implications	None
Gender Equalities Implications	None
Disability Equalities Implications	None
Climate Change Implications	None

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**Southeast Scotland Transport  
Partnership**

**PTA models of organisation for  
regional transport governance**

Report

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Project No: 67751  
November 16

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## **1. PURPOSE AND STRUCTURE OF THIS REPORT**

### **1.1 Purpose**

This report has been produced by the Transport Research Institute, Edinburgh Napier University (TRI) on behalf of SEStran. The main purpose is to provide evidence and expert opinion on the benefits and possible disbenefits for the SEStran area in transitioning to a Model 3 Regional Transport Partnership (RTP), as defined under the 2005 Transport (Scotland) Act. In so doing, it describes the various models of passenger transport authority (PTA) that exist in Britain and elsewhere in Europe, and as far as possible based on evidence, discusses the advantages and disadvantages of each model.

### **1.2 Report structure**

The report first considers what a Model 3 RTP is, and how this differs from SEStran's current statutory basis. It then describes the various other forms of (passenger) transport authority that exist in Scotland and England at present, and a generic model from northwestern countries of continental Europe. (The word "passenger" is in parentheses since a limited number of such bodies also have some powers over roads and/or land use planning.) From this it distills six models of (P)TA which are each described in terms of their responsibilities, finances and governance.

The six models are then discussed in relation to a number of challenges faced with regard to transport by the SEStran region at the present time. The purpose of this section is to consider which models are best placed to deal with these challenges, which were outlined in the client's project specification.

Finally, some specific issues related to the possible make-up of a SEStran Level 3 Partnership are discussed, as is the experience of local authorities in the north east of England that have recently voluntarily moved to a Combined Authority model (effectively, a form of PTA).

## **2. DIFFERENT FORMS OF (P)TA**

### **2.1 What is a Model 3 Regional Transport Partnership and how does it differ from what SEStran is now?**

Regional Transport Partnerships were created by the Transport (Scotland) Act 2005. The RTP elements of this legislation were intended to create an effective regional level of transport governance in Scotland that was perceived by the then government to have been missing since the creation of an entirely unitary district model of transport governance in 1996, and the abolition of the then regional councils. However, rather than move to a single model of regional transport governance, the 2005 Act set up RTPs as "Model 1" partnerships with limited powers; but with the option for Ministers to make orders to turn RTPs into organisations with a wider range of powers ceded from and with the agreement of their constituent local authorities – so called Model 2 and Model 3 partnerships.

The key statutory duty of a Model 1 RTP is to produce a Regional Transport Strategy (RTS). A Model 1 RTP could be granted some powers to run concurrently with local authorities in the region to enable it to implement aspects of the RTS. The example cited in the 2004 Scottish Government consultation paper on RTPs was where the RTP might take powers to implement bus priority measures as part of regional Quality Bus Corridors, but the local authorities also retain road maintenance powers for those same corridors. In the case of SEStran and other Model 1 RTPs, however, they have to date taken on no additional powers or functions that run concurrently with those of their constituent local authorities.

In the 2005 Transport (Scotland) Act the additional functional (as opposed to administrative) duties and powers of a Model 1 RTP are listed as follows:

- Acquiring and disposing of land, including by compulsory purchase, where this is required for the discharge of its duties;
- Promoting or opposing private legislation;
- Participating in community planning; and
- Creating a company.

In addition, the functions that may be taken on by a Model 2 or Model 3 RTP are described as follows in Section 10 of the Transport (Scotland) Act:

“The functions which may be the subject of an order under subsection (1) above may, without prejudice to the generality of that subsection, include any of the following—

- (a) those conferred on local transport authorities by or under Part 2 of the Transport (Scotland) Act 2001 (asp 2) (bus services) and Part 3 of that Act (road user charging);
- (b) those conferred by or under any enactment and which relate to the management and maintenance of a bridge constructed in pursuance of functions conferred by, or by an order made under or confirmed by, any enactment;
- (c) those conferred on traffic authorities by sections 1 to 4 of the Road Traffic Regulation Act 1984 (c.27) (traffic regulation orders) and on local traffic authorities by section 19 of that Act (regulation of use of roads by public service vehicles);
- (d) those conferred on councils by sections 63 and 64 of the Transport Act 1985 (c.67) (securing the provision of passenger transport and related consultation and publicity).

The following are examples of the functions which may be the subject of an order under this section—

- (a) entering into quality partnership schemes;
- (b) entering into quality contract schemes;
- (c) entering into ticketing arrangements and ticketing schemes;
- (d) providing information about bus services;
- (e) installing bus lanes;
- (f) providing subsidised bus services;
- (g) making and implementing road user charging schemes;
- (h) operating ferry services;
- (i) managing tolled bridges;
- (j) operating airports and air services;
- (k) entering into public service contracts.”

Whilst other the granting of other transport functions (e.g. road maintenance, road safety or parking enforcement) are not explicitly prohibited by Section 10, it is clear that the intention of the Act was that Model 2 and Model 3 RTPs would primarily concern themselves with public transport, and road pricing.

Currently in Scotland three Model 3 RTPs exist, SPT in much of the former Strathclyde area, SWESTRANS and ZETTRANS. These latter two RTPs have only one constituent council, respectively Dumfries and Galloway, and Shetland Islands. The functions ceded by these Councils to their RTPs are defined in relevant Statutory Instruments (passed in 2006) and are as follows:

For ZETTRANS and SWESTRANS, the functions transferred wholly to the RTP include those relating to local travel concessionary schemes, making quality partnership and quality contract schemes, ticketing arrangements and ticketing schemes. The function of making traffic regulation orders (TROs) and functions relating to the provision and maintenance of bus shelters are held concurrently by both organisations.

For SPT, all the functions that were previously held by the former PTA and PTE transferred to the new Model 3 RTP, with the exception of rail powers, which moved to the Scottish Government. SPT does not have the functions of making TROs and the other bus shelter related functions of the two other Model 3 RTPs.

It can be seen that the functions actually ceded to these three RTPs are much more limited than the alphabetically numbered list in Section 10 of the Act.

## 2.2 Capacity of RTPs in Scotland

In the absence of other data the capacity of RTPs is measured here as the number of FTE staff that they employ, and their annual spend on staff. It can be seen that the two Model 3 partnerships do not employ more staff than their Model 1 partnerships, with the exception of SPT, which of course has many staff employed in operational roles in bus stations, on the Clyde ferries, in travel inquiry bureaux and on the Glasgow Underground.

Partnership	Staff numbers
SWESTRANS	Employs no staff directly. Four staff from D&G Council run the partnership.
ZETTRANS	Employs no staff directly. Staff from Shetland Islands Council run the partnership.
Tactran	6
Nestrans	8
SEStran	10
HITRANS	9
SPT	551 people, £22.386 million staff related costs (as of 31/03/2016, taken from SPT 2016 Annual Report). Central support functions cost approximately £2.7 million per year.

## 2.3 Governance and Finance of RTPs

There is no difference in the Act between the governance arrangements for Level 1 and Level 3 partnerships.

In terms of finance, all RTPs lost all direct Scottish government funding in 2010. They are all dependent on a levy on their constituent local authorities. It is not clear from the limited research that was conducted for this piece of work as to whether the funding available for the functions ceded to ZETTRANS and SWESTRANS increased when they took on those functions, in comparison to the situation when their constituent councils carried out those functions.

In Scotland, RTPs have no responsibility for concessionary fares schemes for older people, nor for the distribution of bus operators' service grant to bus companies: these are exclusively national government functions. SPT runs an integrated ticketing scheme, Zonecard, accepted by all operators of all modes in its area, but this was set up many years ago when SPT was a PTA/E. In addition, RTPs, whether Model 1, 2 or 3 have no responsibility for securing rail services (whereas, prior to 2006, SPT was a signatory to the Scotrail franchise).

## 2.4 Other forms of passenger transport authority

### 2.4.1 Passenger Transport Authorities and Executives in England (PTAs and PTEs)

#### *History and current functions*

The 1968 Transport Act created Passenger Transport Executives as public transport coordinating and operating bodies in the metropolitan areas of West and South Yorkshire, Greater Manchester, Tyne and Wear, Merseyside and the West Midlands. In the regulated and publicly owned bus system that obtained prior to 1986, these PTEs were the main bus operator in their area, set service levels, subsidised fares and secured additional local rail services from the publicly owned operator, British Rail. They owned and operated bus stations, bus depots, and other transport infrastructure such as ferries, the Glasgow Underground and the Tyne and Wear Metro. They also promoted the construction of new transport infrastructure such as the Tyne and Wear Metro and many new railway stations.

From 1974, when metropolitan counties were created in England and regions in Scotland, the PTEs became accountable to and in part funded by their respective county or regional council. When the counties were abolished in England in 1986, the PTEs became accountable to and part-funded by a Passenger Transport Authority made up of elected members from their constituent district councils. At the same time they gradually stopped being bus operators (as their bus companies were subject to management buyouts) and could no longer specify bus services or fares in their areas due to bus deregulation under the 1985 Transport Act. They remained responsible for public transport coordination and securing socially necessary bus services, continued to run all operator integrated ticketing schemes, and continued to promote schemes such as Manchester Metrolink and Sheffield Supertram. From 2006 onwards they became the coordinating bodies for local transport strategy in their area in the English Local Transport Plan regime, a role that became statutory under the 2008 Local Transport Act in England. Also in 2006 all PTEs except for the one in Merseyside lost the role in assisting in specifying their

local rail franchise that they had had since 1993; although they still receive subsidy from DfT to pass on to rail operators running local rail franchises in their areas.

The Local Transport Act was also very important in creating the successor to PTAs, called Integrated Transport Authorities (ITAs). These ITAs could in theory take on more functions from their constituent local authorities, in the same way as RTPs are able to, subject to the agreement of those local authorities, and could also include more local authorities from beyond the original PTA/E boundary. In practice, none did so. In the 2009 Local Democracy Act (as amended by the Cities and Local Government Devolution Act 2016) the ITAs were themselves superseded by Combined Authorities (CAs) and in some cases the separate PTEs were subsumed into the CAs. Compared to the PTAs that existed before 2008, CAs:

- Cover a bigger area (e.g. West Yorkshire CA includes the City of York, which was never part of the ITA or PTA before it).
- Can take on additional functions from Unitary District Councils such as highways (roads) functions – although as yet this has been limited only to a few powers in Greater Manchester.
- Advise on the specification of relevant rail franchises – although the statutory role remains exclusively that of DfT and ORR.
- **In future** they **may** have bus regulation powers over and above those in the 2000 Transport Act and the 2008 Local Transport Act (both pieces of legislation cover England and Wales only).
- Have some responsibilities and competence in the areas of economic development and training. The legislation that enables CAs to be set up is very broad in the scope of functions that could move to a CA, and they could move from either national or local government, but they are to be stipulated in the order setting up each CA.

CAs have led on the development of City Deal equivalents in England for their regions. They have been instrumental in securing additional transport infrastructure funding and permission to borrow; for example, in the case of Greater Manchester, some £1.5 billion over 10 years.

Since the creation of the national concessionary minimum fares entitlement in England in 2006, PTEs have been responsible for operating the concessionary fares scheme for bus in their area, for which they receive grant from central government. If this grant does not cover their expenditure on the nationally determined entitlement, they must make savings in other areas in order to continue to deliver free concessionary travel on bus. They are not responsible for the distribution of BSOG (bus service operator's grant, formerly known as fuel duty rebate).

### *Capacity*

PTEs and their descendants in England have much greater organisational capacity in relation to public transport than the county and unitary councils in other areas. The reasons for this are primarily historical: set up as new organisations in 1968 with a specific remit to improve (socially necessary) public transport in their area, they were resourced accordingly. This level has been eroded over the years due to reductions in government spending but it remains greater than in non-CA areas.

### *Governance*

The legislation for Combined Authorities does not stipulate precisely their governance, other than that they must be run by board composed of at least one elected politician from each of the constituent local authorities. In practice, the CAs now in existence have one to two members from each constituent local authority (in West Yorkshire, for example, there are 9 elected members from 6 councils), and a representative of the Local Enterprise Partnership as a non-voting member. Votes are not weighted by population and in the event of a tie a vote is deemed not to have passed. In the future some CAs will have an elected Mayor.

### *Finance*

In the main at present CAs receive funding directly from national government, related to their former role as PTAs and PTEs. They also place a levy on their constituent local authorities. Transport capital investment comes from national government but it must compete with other training and economic development spending priorities – transport infrastructure funding previously allocated under the Local Transport Plan regime is no longer ring-fenced to transport. Mayors of CAs will have powers to increase council tax by up to 2 percentage points (if this is specified in the order establishing his/her CA).

#### 2.4.2 Transport for Greater Manchester

This organisation is the transport arm of the Greater Manchester Combined Authority. As well as the public transport functions of the former ITA and PTE (similar to those of other CAs as described in the previous section), TfGM incorporates other transport functions, primarily related to data, modelling and performance monitoring of the regional and local road network. It also manages traffic signals across Greater Manchester, delivers some road safety activities, provides travel information for road users, and coordinates road works. Many of these functions transferred from joint units (funded by the 10 GM local authorities) that existed before TfGM was created, that were themselves created after the abolition of the former Greater Manchester County Council in 1986 in recognition of the value of and economies of scale achievable from a conurbation-wide approach to the provision of these services. Finally, TfGM owns the Metrolink light rail system, which is operated by a contractor, currently Transdev.

TfGM is governed by a committee of the Combined Authority, made up of 33 councillors from the 10 Manchester districts. Certain key decisions, primarily related to finance, are referred up to the CA governing board.

The scale of funding available to TfGM is significantly greater than for the transport arms of other Combined Authorities. This is primarily because Greater Manchester secured with the previous Chancellor of the Exchequer agreement for the Greater Manchester Transport Fund. This released additional funding from central government, and permissions to borrow, for investment in transport projects that are intended to increase regional gross value added (GVA) more than it would have increased in the absence of these projects. The total value of the fund is around £1.5 billion at 2012 prices, over ten years. The borrowing is to be repaid from an additional Council tax levy and from Metrolink fares surpluses. The investments cover mainly extensions to the Metrolink network, public transport interchanges, new bus links, a busway and some limited road construction.

The revenue budget for TfGM is outlined in Figure 1, below.

How money is spent	2011/2012
Support for concessionary travel	£66.4m
— Concessionary support is the money we pay to all operators, including bus, rail and Metrolink, to compensate them for the income they lose in providing free or reduced fares for those entitled to concessionary travel. In 2011/2012, we spent £66.4 million on concessionary support.	
Supported bus services	£31.2m
— We provide bus services when it is not considered economically viable for operators to provide commercial services, and if there is a need for communities to have access to jobs, health and education. We do this by designing and subsidising bus services to fill gaps in commercial operators' services. We also subsidise demand-responsive transport services (branded "Local Link") using community transport operators or taxi companies. We also provide dedicated school services throughout Greater Manchester for young people.	
Accessible transport	£6.1m
— Not everyone in Greater Manchester can use conventional public transport services so TfGM invests in services such as Ring and Ride which help to get more people to where they need to go. The expenditure also includes additional grants for travel training and a travel voucher scheme.	
Passenger facilities, services and support	£38.5m
— We use this money for a range of services to help passengers, such as the provision of passenger information, the operation and maintenance of bus stations, safety and security, Travelshops and bus shelters. It also covers activities such as consultations and support costs for TfGM Committee and since April 2011 has included traffic signal maintenance.	
Rail grant	£82.0m
— This money is given to us by the Department for Transport. We then pass on these funds to Northern Rail, the main rail franchise operator in Greater Manchester, and keep a small amount to support our activities in promoting and monitoring train services in the area.	
New responsibilities	£1.4m
— The change to TfGM in April 2011 meant new functions were added to the role of the organisation and which needed to be funded. The specialist teams which performed these tasks as parts of other public bodies are now part of the TfGM organisation.	
Financing	£57.0m
— This is the cost of investment in major transport capital programmes for Greater Manchester, such as Metrolink and the other schemes included in the Greater Manchester Transport Fund. This includes the cost of borrowing repayments and interest.	
	<b>£282.6m</b>

**Figure 1 – revenue spending by TfGM, 2011/12 (from TfGM Annual Report 2011/12)**

#### 2.4.3 Transport for London (TfL)

TfL was set up under the 1999 Greater London Act, which also created the elected body, the Greater London Authority (GLA), of which TfL is the transport executive arm. TfL brought together the former London Transport and the Office of the Traffic



Director for London which prior to the creation of the GLA were accountable to boards appointed by the Department for Transport. TfL is responsible for all aspects of highway management and development on London's strategic road network, for the underground, for buses, for light rail and for rail services operating wholly within Greater London. It directly owns and operates the underground, whilst other public transport services are operated by private companies under contract to TfL in a regulated environment in which TfL sets fares and services, both routes and frequencies.

TfL is accountable to a board appointed by the Mayor of London and it takes its strategic direction from the Mayor's Transport Strategy, a document prepared by the GLA. The GLA also has a strategic land use planning function, meaning that there is some institutional alignment between strategic land use and transport planning. The Mayor governs the GLA with its nine elected members acting as a scrutiny body, although also one that approves the Mayor's budget.

The GLA receives government grant for its operations and permission to borrow for its investments. In addition the Mayor levies an additional Council tax.

For 2016/17 TfL's total turnover is budgeted to be around £10.4 billion. Some £4.8 billion of this is planned to come from fares (46%). Of the balance:

- £1.4 billion will come from government grant (for capital and operations);
- £1 billion will come from local business rates (including some £159 million from incremental business rates from a specific enterprise zone used to part-finance an extension of the northern Line into that zone) and council tax;
- £2.1 billion will come from borrowing and cash reserves; and
- Around £900 million will come from property, advertising and congestion charge income.

The grant, business rate and council tax income equates to about £300 per head, given a Greater London population of 8 million (compared to £72 per head in Greater Manchester, although bear in mind that TfGM has no roads functions). The direct government grant for general operations (£447 million) is due to be phased out over the next 2-3 years and due to this TfL is aiming to be self-financing in its operations by 2019. Nonetheless, its funding from tax will remain high in relation to other public sector public transport bodies in Britain. (Source of all financial data: TfL Annual Report and accounts 2016.)

#### 2.4.4 Continental northern European PTAs

In countries such as Denmark, Netherlands, Sweden, Norway, France and Germany it is typical to have a form of regional passenger transport authority. These vary as follows:

- Some report to directly elected regional councils whilst others are accountable to a board made up of elected members from constituent districts and cities.
- Some are funded by direct government grant, whilst others receive funding from regional taxation, and others from a levy on constituent authorities.
- Some are responsible for bus, tram and rail, whilst others cover only bus and tram.

The important commonality is that there is a public sector regional public transport body that runs public transport in its region either by awarding competitively tendered contracts to private operators to run public transport services or by a directly awarded concession. This body sets fares, routes and frequencies, is responsible for (integrated) ticketing, and coordinates services and carries out marketing. This body is in some way politically accountable and it receives a portion of its operating costs from taxation, and the rest from fares. Since none of these countries ever previously deregulated their local or regional public transport services, these regional public transport bodies have developed from an earlier public sector model – typically ownership and direct operation of local public transport by individual local authorities.

An example of such a body for which financial information is readily available is the PTA in the Skåne region of southwest Sweden. The PTA is part of Region Skåne which is a directly elected regional council. It sets public transport policy and finance. Planning, tendering, ticketing and marketing of local and regional buses and regional trains is carried out by its 100% owned executive arm, Skånetrafiken, which also owns the rail depots and trains needed to run regional rail services. Services are provided by private operators running under gross cost contracts to Skånetrafiken. Some 1.25 million people live in Skåne and around 152 million public transport trips per year are made. A monthly all modes season ticket costs around £120. Operations are subsidised at an annual cost of £177 million (2013, cash prices, 10.5SEK=£1 (excluding annualized capital costs of rail depots)). This subsidy amounts to £1.16 per trip across bus and rail combined. (Source: Region Skåne, 2015.)

### 3. CURRENT CHALLENGES AND HOW DIFFERENT PTA MODELS COULD ADDRESS THEM

#### 3.1 Introduction and caveat

The client has asked how well different models of PTA, and specifically a Model 3 Regional Transport Partnership, are equipped to deal with current challenges and to deliver outcomes that are important for its constituent authorities and relevant to the planned City Deal. In this section, each of the five models of PTA described in the previous section of the report is evaluated in relation to the challenges specified by the client. The wording of this challenges as set out in the brief for this report is reproduced in the subheadings of the report's following sections.

The evaluation here is based on the form and organisational capacity of each of these 5 models of PTA currently in existence. This is an important point: it should not be assumed that a *new* Model 3 RTP in the SEStran area (or other model of PTA, should new legislation permit this) will necessarily have the same organisational capacity as PTAs of the same model that currently exist. This is because, as pointed out earlier, much of the capacity of existing forms of PTA results from their history. However, since it is outwith the scope of this report to try to predict the capacity of a new PTA of a given type, this report has to take the capacity of existing PTAs of each type as its starting point. This issue should be borne in mind when interpreting the results.

#### 3.2 Planning and delivering transport solutions for all modes of transport across the region

The ability of an organisation to deliver “transport solutions” depends on its functions, finance and capacity. A limited number of transport solutions thought by the authors to be of particular interest to this study are listed in the following table, together with the numbers of each solution delivered in different areas of Britain in the since 2000, and showing the number delivered in Model 3 RTP or CA areas. Given the scope of the study and in view of data availability, the list of transport solutions covers only public transport. The table excludes London because of its high level of public finance and very different powers but includes Scotland and Wales.

**Table 1 – Transport solutions and where they have been delivered**

Transport solution	Number delivered since 2000 (of those, number in CA or Model 3 RTP areas)
New tram and light rail lines (including extensions of existing networks)	11 (7)
New busways of any length	11 (6)
Railway lines reopened to passengers	12 (4)
New railway stations	58 (12)
Statutory quality bus partnerships	6 (1)
Multi-operator ticketing	Many urbanised counties/unitaries in England (7)
Public sector control of bus routes, fares and frequencies through franchising	0

It can be seen that in cases relating to new busways, light rail and quality partnerships, the CAs have been most active. However, rail is a rather different story, with the majority of new stations and railway lines (re-)opening in non-CA areas, particularly since 2005, when CAs lost their direct rail powers. Scotland and Wales have predominated in the new railway line and station statistics since then, reflecting the greater powers acquired by their national administrations over rail in 2005. In addition only one area, a CA, Tyne and Wear, made an attempt in 2015 to get formal permission from central government to move to a franchised system for its bus network, but its application was refused. In contrast, the TfL area and continental PTAs have this power.

In relation to multi-operator ticketing, the Local Transport Act (2008) in England and Wales marked a major change as it allowed operators to collaborate on delivering ticketing without fear of breaking competition law. Since then, a large number of multi-operator ticketing schemes have developed in English areas outside the CA areas. Prior to 2008, other than the CA (then PTE) areas there were very few such schemes. Those within CA areas are multi-modal whereas outside CA areas they are limited mostly to bus; and the market share for these tickets is higher in CA areas, with Tyne and Wear's multi-modal multi-operator ticket used by around 10% of passengers. However, in no case in any area is the multi-operator ticket cheaper than a comparable single-operator product.

In the TfL and continental PTA areas, multi-modal ticketing does not distinguish between operators – fares are the same regardless of operator used and are usually based on the number of fare zones travelled through. (London makes a distinction between fares for rail/underground and bus travel; other areas usually do not.) In northern continental Europe, period passes generally offer far better value for money than single tickets; an adult monthly pass for all modes in Skåne, SW Sweden, costs around £120, whilst an annual all modes (tram, metro, train and bus) pass for the Munich metropolitan region costs €795.

It is not possible to be definitive about the reasons why CA areas deliver more in some areas but it is likely a combination of greater capacity, some additional finance, and the fact that they speak to national government on behalf of a very large number of people in each region, in comparison to most unitary authorities outside CA areas. (This has particularly been the case in Greater Manchester.) It is also clear that changes in national legislation relating to rail and to ticketing have influenced CAs' ability to deliver in comparison to non-CA areas. The ability of TfL and continental models to deliver is because they have similar organisational capacity but in addition they contract operators to run their services in a regulated environment, and the PTA retains the fares revenue which it can use to cross-subsidise from more profitable to unprofitable routes.

### 3.2.1 Economies of scale in delivery and Resilience

An argument for delivering transport services at a regional rather than local level is the potential to achieve economies of scale – more or the same service delivered with less financial input. The workforce size of each of the English CAs, including their transport arms, and their salary bills, are shown in the table below (sourced from the annual report and accounts of each organisation). These data may not be 100% accurate because of the definition of which staff work for which organisation, but they provide an order of magnitude impression and should be compared with the

data in Table 1 regarding the number of staff employed in the Scottish RTPs. Of course, the majority of the CAs below employ relatively large numbers of staff involved in operations such as Tyne and Wear Metro (which employs 330 of the staff at Nexus). Nonetheless, a relatively large number of staff are employed in strategy and planning roles also.

**Table 2: Staff costs and numbers at English CAs and PTEs or equivalent**

<b>Authority</b>	<b>Salary bill 2015/16 (£000's)</b>	<b>Total employees</b>
WYCA including former WYPTE	11,740	454
Nexus (Tyne and Wear PTE)	27,775	597
South Yorkshire (SCRCA) including SYPTE	5,477	230
Merseyside CA (LCRCA) including former Merseyside PTE	22,511	819
West Midlands CA and former PTE	14,002	341
Transport for Greater Manchester	24,023	707

In terms of staff employed to plan and procure tendered bus services compared to the budget spent, it is helpful to compare Nexus (Tyne and Wear PTE) with SEStran. In five authorities in the SEStran area, CEC, Fife, Falkirk, SBC and Midlothian, some 12 staff are employed to work solely or partly on this task. In total they allocate a budget of some £9.93 million (2016/17) although it should be noted that this is dominated by Fife, with £5.5 million. At Nexus some 12 staff are employed to work solely or partly on the same task and to manage a budget of £7.9 million. Obviously these are only two examples and a more thorough analysis would have to be undertaken to draw full conclusions about the economies of scale or otherwise arising from the two governance models.

In addition to the resilience aspects, one further advantage of concentrating the staff responsible for this function within one organisation in a region is, as organisations lose staff in funding cutbacks, to retain some level of knowledge and specialisation in this function within the organisation. Where only one member of staff in an organisation is responsible for the function, if they are lost, their knowledge and skills are lost to the organisation. With respect to the function of tendering bus services, this loss of organisational knowledge is less likely to happen in Nexus than it is in a small unitary authority.

### **3.3 Positive pricing and fares integration**

Fares integration in terms of multi-operator multi-modal ticketing was discussed in the previous section. The term “positive pricing” is taken to mean, for example, limits to fares increases, or fares set in relation to affordability, or to their comparability with motoring costs. With respect to bus fares, the only powers that any public authorities in Britain outside London have over the fares set by operators on commercial services are contained in the 2008 Local Transport Act (England and Wales only). This permits a statutory quality bus partnership to include stipulations on maximum fares. To the author’s knowledge, the only QBPs to do this are in the

Bristol Bath and Northeast Somerset area, an area with exceptionally high fares – for example, £5 single to travel 15km.

In areas such as SWESTRANS and ZETTRANS, where there are few or no commercial services, then the Model 3 partnership has a big influence over fares levels as it procures the vast majority of bus services in its area, for which it sets fares. Elsewhere, where subsidised tendered services form a small proportion of a much larger network, the tendering authorities must set fares on their subsidised services that are broadly in line with those on commercial services in the same area (i.e. they are not permitted by the 1985 Transport Act to “undercut” commercial fares). Where CAs are owners and/or operators of metros and light rail, as in the West Midlands, Manchester and Tyne and Wear, they have direct control of the fares on these services.

As noted above, TfL and continental European PTAs **do** set fares in their specific regulatory environments. Politically they are able to make the choice as to the proportion of public transport operating cost that comes from fares, and the proportion from tax. It is notable that over the past 10 years public transport fares in Norway, for example, have broadly mirrored changes in motoring costs, whilst those in Britain on both bus and rail have increased much faster. This has been achieved without significant increases in subsidies due to increases in efficiency driving down operating cost; however, now these efficiencies have been achieved, it may not be possible to keep down fares without additional subsidy.

### 3.3.1 Positive pricing for certain groups of travellers

#### *People of retirement age*

People of state retirement age and over, and disabled people, receive a national minimum concessionary bus fare of free travel on local bus services in England. They cannot travel in the morning peak on weekdays but otherwise travel is unlimited. In Scotland, the entitlement is more generous, as it starts at aged 60 and has no time restrictions. There is some evidence that the free concession has increased social inclusion for the poorest pensioners (e.g. Rye and Mykura 2006) and led wealthier pensioners to drive less.

CAs in England negotiate their own agreements with operators on reimbursement for the concessionary scheme in their area. They receive money from government to pay the reimbursement. However this often does not fully cover the cost of the scheme (due to its popularity, and its open-ended nature) such that the CA must either change the reimbursement mechanism to pay less to the operators, or it must take finances from other functions. The former mechanism can backfire since operators may respond by cutting services. In Scotland, the concessionary fares scheme is national and operators are reimbursed by Transport Scotland.

#### *Unemployed people*

Jobseekers across Britain are eligible for the JobSeeker plus card and major bus operators give a 50% discount on their fares with this card.

However, in addition, most CAs operate schemes providing jobseekers with free bus (and where available metro/tram) travel to interviews, plus a month's free travel

once a job has been secured, so that people can afford to travel to work before their first pay packet comes in. This scheme was nationwide for a period around 2013 for anyone with a JobSeeker plus card, but has since been scaled back. The only area that appears to operate it currently that is **not** a CA is the City of Nottingham. Between 2003 and 2014 this scheme is estimated to have helped 13,000 jobseekers back into work in the West Midlands alone (source: Centro, 2014). Another evaluation in one part of the West Midlands found that over 80% of those who used the scheme would have found it extremely difficult to access job opportunities without the scheme (Urban Transport Group, 2015).

### **3.4 Improved cross-regional mobility for regional labour, training and employability; and improved community connectivity**

In Britain outside London the primary power that CAs, Model 3 RTPs and local authorities all share in regard to these outcomes is the ability to secure “socially necessary” services under subsidised contracts with bus operators, to run services in places and/at times where there are no commercially provided routes. For example, in the West Midlands (personal communication, October 2016):

*Subsidised bus services – a range of tendered ‘socially necessary’ bus services provided by Transport for the West Midlands (TfWM) under successive Transport Act duties – top-up the commercial network at certain times/places, and add around 11% more bus kilometres to the network.*

*TfWM assesses local needs for tendered services, using Accessibility Planning techniques for large changes to the network, and also ensuring a maximum 400m walk from urban households to their nearest bus stop. Tendered service needs are also prioritised on journey purpose – with work and school journeys given highest priority, all subject to a minimum level of demand, and value for money (cost/demand) test.*

*Operating tendered services cost £7.4M in 2015/16, a small reduction from the previous year, reflecting continued pressure on funding. The funds purchased 11.8m bus kilometres, which saw 10.9m boardings. Bus kilometres and boardings figures have also reduced year-on-year, but boardings on tendered services are still 4% of the total.*

There is evidence from individual case studies that CAs have used their subsidised bus service budgets to take very specific and successful steps to improve access to employment. An example, taken from Urban Transport Group (2015, p 7) is as follows:

*SOS is the largest online fashion store in both the UK and Europe. ASOS partnered with Unipart to manage its European distribution centre when it relocated to South Yorkshire. ASOS Unipart began recruiting in early 2011, teaming up with Jobcentre Plus they sought to draw candidates from a jobseeker market of largely semi-skilled people aged 19-25 from the local area.*

*Initial survey data showed that more than 75% of candidates did not drive or have access to vehicles. This made it nearly impossible to get to the site, where buses were infrequent and there were no evening or Sunday services. Jobcentre Plus was finding that up to 92 potential candidates per week were unable to accept or apply for a role at ASOS. In response, South Yorkshire*

*PTE, in partnership with local bus operators, altered bus routes stopping at the site and adjusted and expanded timetables to match shift patterns.*

*Following the alterations, bus patronage on the enhanced services grew from 108 in the first week of service in late June 2011, to 831 per week in September 2011. The bulk of this increase is likely to represent people connected to jobs that they otherwise could not have reached.*

However, it is not clear whether schemes like this are more likely to be provided in CA than non CA areas. From the point of view of this report, the key general issue is whether CAs and Model 3 RTPs can deliver more socially necessary bus services, and if so whether they do so more efficiently, than their unitary authority counterparts. Whether they can deliver more is primarily related to funding, although also to the competitiveness of the local market for tendered services as well as its operating conditions; and whether they can do it more efficiently relates to their capacity, expertise and ability to achieve economies of scale and secure a better deal from their bidders.

An analysis of Bus and Coach Statistics for Great Britain (DfT, 2015) shows that the CAs in England deliver exactly the same proportion of the total socially necessary bus mileage in England as they have population: 26% of the supported bus mileage and 26% of the population (excluding London) in 2015 (down from 38% of the total supported bus mileage in 1987). By virtue of course of their small geographical area, this means that the density of this service is higher in the CA areas than in counties and unitaries outside, but this will not necessarily be the case if the CAs grow geographically (as the northeast CA already has) without a growth in their supported services budget. In terms of spend, the CAs account for 41% of the total £302 million spent on supported services in England outside London in 2014/15. They spent £10.50 per person on these services in that financial year, whilst non-CA areas spent £8.10.

On top of this should be added revenue support to metro services Tyne and Wear of around £35 million per year; and to rail services in all CA areas (which is a grant direct from DfT which the CAs then pass on to operators). In general these figures imply that more is spent on subsidy to public transport services in CA areas than outwith these areas, supporting a denser network of socially necessary services.

The Merseyrail franchise is rather unique in the British rail system and therefore worthy of note. Although run by private operators, they provide a service under gross cost contract to the transport arm of the Merseyside CA, which then takes the revenue risk for the network. The network consistently achieves levels of service, service quality, investment and customer satisfaction that are well above average. However, the subsidy (which comes from the DfT, to Merseytravel) is the highest in the industry, at £86.2 million in 2014/15 – around £80 per year for each person in the CA area, and 12.4 pence per passenger km (compared to a national average negative subsidy (i.e. payment to DfT) of 1.3 pence per passenger km).

Because several CA areas have light rail or metro, and in most of these they control the fares and because, for historic reasons, rail networks are denser in the CA areas than outside them (except for in London), they receive more rail subsidy than non CA areas, then in total the density of the subsidised public transport network is far higher than outside the CA areas. However, without extremely detailed analysis it is not possible to quantify this density, but all other things being equal it means that



access to jobs and community connectivity will be higher in the CA areas than outside them. Nonetheless, it is crucial to remember the role of historical funding decisions in producing this situation; creation of a new CA or similar will not automatically replicate the situation in existing CAs.

### **3.5 Provision of transport for people with disabilities and intersectionality across groups**

Disability, race and gender often overlap to create and interdependent systems of discrimination or disadvantage; this is intersectionality. Public transport services that meet the needs of one group of people, for example disabled people, are also likely therefore to have beneficial impacts on people suffering from other forms of disadvantage. Demand responsive public transport created primarily for disabled people will also help people without a disability but living in poverty in areas without conventional public transport to reach the services, and jobs, that they need, for example. Another example of intersectionality is in relation to gender. In almost all parts of the world – and Scotland is no exception to this - women are more likely than men to use public transport, and more likely to need public transport to balance work and caring responsibilities. However as Bramley et al (2016) also highlight, getting women into greater full time employment has significant positive impacts on the gender pay gap and in-work poverty

There is evidence from falling use of Dial a Ride services across Britain that disabled people may be moving to conventional public transport as those services become more accessible, and also to car, as evidenced by increasing use of Motability services (see Hunter, 2015). Nonetheless, there remains a large group of people whose disabilities mean that they cannot use conventional public transport vehicles or that they cannot walk to and from the stops/stations due to long walking distances and/or walking environments that have not been subject to the reasonable improvements that roads authorities have a duty to make under the Equality Act 2010 to make them accessible. In addition, in some areas there are simply no conventional scheduled public transport services. Therefore, these people depend on their car, if they have one and can drive; or on friends and family; and/or on flexible and demand responsive accessible transport services.

There is unfortunately no single “directory” of the services offered in different areas of the UK for people who have problems using, or have no access to, conventional public transport. It is also not always clear what type of service is provided in an area, since different service providers provide different services and information about them is not always coordinated. This also means that the information provided here may not be fully complete. However, based on the information available to the authors, three areas’ provision of flexible and accessible transport are described in the table below, which covers one unitary authority, one Model 3 RTP and one CA area. (This table does not show any such transport that is provided or funded by another public sector body, such as a Health Board.)

**Table 3 – comparison of accessible transport services in different PTA areas**

Area	Type of service and fare	Overall cost/year to authority	Trips/year (approx)	Cost/trip to public sector	Trips and funding per head of population
SPT	MyBus – scheduled and infrequent accessible services that divert from route to provide door to door service in an area or corridor. Must be booked. Free to concession holders.	Unclear – up to £4 million?	490,000	£8 (excludes capital costs of vehicles at least some of which are owned by SPT)	0.22 trips £1.81
City of Edinburgh	Dial a Ride fully accessible fully flexible bookable up to 1 hour in advance, £5 for 5 mile trip Dial a Bus similar to MyBus in SPT area, £1.25 per trip	Total for both £757,000	110,000	£6.88	0.23 trips £1.64
TfG Manchester	Ring and Ride, very similar to Edinburgh Dial a Ride but trip lengths limited, low/free fare Local Link – bookable shared minibus running in certain local areas	Around £5 million per year	1,327,000	£3.76	0.47 trips £1.79

Table 3, above, shows some evidence that a better and cheaper service is provided in Greater Manchester than the other two areas, one a unitary and one a Model 3 RTP. SPT's service is well used and its cost per trip is not excessive but it is not very flexible. Edinburgh's service is flexible but at a high cost to the user that does not appear to be reflected in a lower public subsidy per trip than the other two schemes where users pay much lower charges. Transport for Greater Manchester appears to be providing the best combination of value for money to the public purse, and to the user, whilst providing a flexible service. However, whether this is the result of it being a combined authority or some other factor such as the organisation having had more bids for the relevant contract(s) is unclear.

In PTAs in other northern European countries the availability and right to accessible transport varies widely and there is not scope in this report to give a full review. However, to take the example of Sweden, here some 3.3% of the total population has the right to use a low cost, fully accessible, fully flexible demand responsive form of public transport which must be provided by law by local authorities (called *färdtjänst*). Users must book, they have to pay between £2 and £7 per trip and there is a limit on the number of trips that they can take. The average number of trips taken per eligible person per year is 35 (11 million in total across Sweden), at a cost to the public purse of £300 million (a cost that is separate from the subsidy for

conventional public transport). This ridership is much higher than in comparable British schemes, but cost coverage from fares is also, and cost per trip to the public purse is several orders of magnitude greater.

In addition, most regional public transport authorities run demand responsive services on semi-flexible routes in areas without conventional public transport for people who are not eligible for *färdtjänst*. These cost no more than the equivalent bus fare, but may run only once or twice a day. (All data from Wretstrand, personal communication, November 2016.) They are funded from within the regional public transport budget which is able to do so more effectively than in the British system since the regional PTAs keep the revenue from all public transport operations and can therefore use the profits from more profitable routes to cross-subsidise less profitable and demand responsive routes.

### 3.6 Contribution to the health, employability and welfare reform agendas –

The links between transport, health and employability are complex but it is clear from academic evidence that mental and physical health are negatively affected if an individual is not able to participate fully in society, and lack of transport can be a factor in this (Currie et al, 2010; OECD, 2016). The question for this report is whether a Model 3 RTP would be better placed to reduce these transport-related barriers than the current governance situation can do and better promote Inclusive Growth as outlined in Scotland's Economic Strategy:

*The Scottish Government's Inclusive Growth policy framework captures the multidimensionality of IG. The fulcrum of these areas is in the labour market. As a long term enterprise, inclusive growth is about promoting more and better quality jobs; and ensuring that all have the opportunity to contribute to the economy.*

There are also the challenges of projected high levels of population growth in the region; an effective regional transport planning organisation is likely to be required to respond to these.

An analysis of the likelihood that a PTA could deliver benefits in these areas boils down once again to the evidence that Model 3 and other forms of PTA are able to more efficiently provide a higher level of subsidised bus service and specialist transport for disabled and other socially disadvantaged people than their Model 1 and Unitary Authority counterparts. The information presented above in Sections 3.4 and 3.5 indicates that the evidence that Model 3 RTPs and English CAs are more able to do this than their unitary and Model 1 counterparts is not clear. More service may be provided, but this is at a cost, and it is not clear that efficiency increases with the scale of the operation.

The recent emerging findings of the Royal Society of Art's Inclusive Growth Commission was published in September 2016<sup>1</sup>. The report focussed on a definition of Inclusive Growth as a broad based growth that enables the widest range of people and places to both contribute to and benefit from economic success.

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<sup>1</sup> <https://www.thersa.org/discover/publications-and-articles/reports/emerging-findings-of-the-inclusive-growth-commission/>

One of the key messages was the need to invest in social as well as physical infrastructure. Specifically in a transport context, this debate focussed on the need to prioritise connecting people to economic opportunities, through better skills planning and provision, through the provision of better local transport services as much if not more so that traditional physical road network infrastructure improvements. The report clearly highlights that simply building transport links is not enough to change patterns of economic mobility and cultures.

The report also stresses that whilst transport connectivity is important for realising the benefits of agglomeration, its effectiveness is predicated on connecting high-skilled workers with high-skilled jobs and investment to drive up productivity and growth. However, the report highlights that there are numerous communities across the UK within a few miles of such improvements to transport opportunities that do not always benefit. These opportunities can be denied by an ingrained mindset the report observes against working in the city centre or the sheer cost of travel to a low paid or zero-hour contract role. Whilst some communities and people will clearly benefit from places becoming, in effect, commuter towns for bigger city centre focussed labour markets, other people and places typically low skilled or economically inactive, risk being further excluded.

Therefore, the report observes, transport services and accessibility can be a preventative measure as part of a wider integrated economic strategy if actions go beyond traditional capital-based transport investment. However, it also highlights that prevention is an elusive business, where investment generates returns that fall into someone else's budget, thereby discouraging the original investment. They suggest moving beyond a "cookie-cutter" approach to segmentation of policy responsibility and focussing on genuinely geographically inclusive place-based strategies tailored to the needs, ambitions and nuances of a place's economic geography. This would help address a key Commission finding that inequalities are driven partly by distance from public services and decision making.

The Infrastructure workstream of the Edinburgh Region City Deal is to undertake further work on the investment proposal to understand the impact on areas of high deprivation and unemployment up to 30 minutes travel time from the individual projects. This is intended to provide an evidence base to underpin the potential impact on inclusion and also to support the regional Employability and Skills Programme to improve the employment rate and reduce welfare dependency. Because PTAs have traditionally and continue to focus on public transport services and fares just as much as infrastructure provision, it would be useful if this research could look further at the impact of a PTA on accessibility to employment or training opportunities.

### **3.7 Summary**

Table 4, below, tries to summarise the findings of this chapter by rating the different possible forms of PTA according to their ability to deliver on the outcomes set out in the client's specification for this report.

**Table 4: Summary showing different PTA models and their possible impacts on outcomes**

<b>Outcome</b>	<b>Model 3 RTP</b>	<b>Combined authority</b>	<b>TfL or continental PTA</b>
<i>Planning and delivering transport solutions for all modes of transport across the region</i>	Clear that SPT offers a wider range of transport solutions (e.g. multi-modal ticketing; busway; Subway; extensive rail network) than found in Model 1 RTP areas	English CAs have delivered consistently more of many types of new schemes and transport solutions than have unitary areas. This likely due to greater capacity and funding, mainly for historic reasons	Easier to deliver schemes and other solutions due to greater funding and regulatory control. Greater organisational capacity for historic reasons
<i>Economies of scale in delivery</i>	Little evidence but data limited	Little evidence but data limited	Little evidence but data limited
<i>Positive pricing and fares integration</i>	SPT runs Zonecard – pretty much unique in Scotland	All CAs have run multi-modal multi-operator ticketing for many years; but more expensive than single operator ticketing Outside CA areas, multi-operator ticketing appearing due to change in competition law  GB's only quality bus partnership with fares caps is in non-CA area	These types of authority have control over fares.  TfL seeking to eliminate operating deficit. Fares therefore not especially low.  Elsewhere in northern Europe, fares for regular travellers extremely cheap.  Multi-mode and multi-operator tickets standard
<i>Positive pricing for certain groups of travellers</i>	Subject to national concessionary fare	All CAs run special fares deals for job seekers, not available in non-CA areas (except Nottingham).  Subject to national concessionary fare	Due to control of fares and revenue, PTA can choose to set lower fares for certain groups. No need to negotiate with operators regarding compensation for any concessions.
<i>Improved cross-regional mobility for regional labour, training and employability; and improved community connectivity</i>	Little evidence that SPT runs more tendered bus services per head than do local authorities in Model 1 RTP areas	Higher spending per head on tendered bus services in these areas than in unitary authorities. Denser service. Certain services specifically designed to enable access to employment for people on low wages.	Ability to cross-subsidise unprofitable services with revenue from profitable services (due to gross cost contracts in regulated environment) allows provision of more service on low demand routes than in equivalent areas of Scotland.
<i>Provision of transport for people with disabilities and intersectionality across groups</i>	No evidence to suggest that provision better in these areas than in unitary or Model 1 areas	More work required to demonstrate that CAs achieve economies of scale and better provision than unitary counterparts.	As above; cross-subsidy can be used to support demand responsive services in rural areas
<i>Contribution to the health, employability and welfare reform agendas</i>	Evidence limited	Evidence limited. If more services provided in these areas than outside, ceteris paribus then travel should be less of a barrier to health and employability in CA areas	Levels of service higher and (except TfL) fares lower in these areas compared to PTA and unitary areas. Transport therefore less of a barrier to social inclusion.

Overall, then, this table shows that there is limited evidence that Model 3 RTPs and CAs necessarily provide much better performance against outcomes than do their unitary counterparts. They are not necessarily more efficient in what is delivered per £ spent or person employed. They do offer resilience benefits, as there are more people working on the same issue in an RTP or CA compared to in a local authority. In addition there is evidence that the English CAs deliver more and more different types of scheme than their unitary counterparts, but this is most likely due to greater organisational capacity and knowledge, which is something that they have acquired over time. Their greater funding also allows them to provide special fares for jobseekers, and for investment in light rail; and the greater funding is itself partly a product of greater organisational capacity and the ability that comes with that to lobby central government more effectively for funds. However, to deliver major changes in regional public transport affordability and service the CAs would have to be funded differently and operate in a regulatory context more akin to that in the rest of northwest Europe. The difficulty with that would be the transaction costs and general organisational upheaval.

### **3.8 Relationships between a Model 3 SEStran and other organisations; and Model 3 SEStran membership**

#### *Other regional public transport organisations*

At present in the SEStran area there is another public transport organisation that has some aspirations to operate at a more regional level: Transport for Edinburgh (TfE). TfE, an arm's length company 100% owned by the City of Edinburgh Council, was created as a holding company for Lothian Buses and Edinburgh Tram in order that they could operate without competing with each other and still comply with competition law. TfE has also become a brand for public transport in Edinburgh and on Lothian Buses services (and those of its subsidiaries) in East and Midlothian in particular, and TfE does have aspirations, as set out in its draft Strategy, to operate and manage other parts of the local and regional transport network, but currently there it has no statutory basis other than as a holding company.

It would be possible for a Model 3 SEStran RTP to be created without any formal reference to or agreement with TfE, but a more positive option would be to agree on functions that TfE might carry out (ceded to it by City of Edinburgh and potentially other Councils under a Service Level Agreement) and those that SEStran might carry out. In the longer term, SEStran might take a largely policy and strategy role, akin more to a combined authority in England, and TfE could be an executive arm, more akin to TfGM or Nexus. However, this would be complex to set up given TfE's main and key role as a holding company for Lothian Buses and Edinburgh Tram.

#### *Clackmannanshire, Falkirk and Stirling as members of a Model 3 SEStran*

The principal benefit to these authorities of being part of a Model 3 SEStran created under current legislation would be to be part of a larger organisation responsible for public transport coordination and procurement of certain services, with the organisational knowledge, capacity, skills and resilience that this could bring. It could potentially ease the challenges of coordinating transport across unitary authority boundaries in these parts of the region and others.

## 4. CONCLUSION

This report has first described the form, governance, functions and financing of different forms of passenger transport authority, before trying to analyse their relative ability to deliver on the outcomes from public transport that are required by the authorities within the SEStran region and the Edinburgh City Deal. There is evidence that they do deliver more transport improvements than their unitary authority and Model 1 RTP equivalents, and that they offer a wider range of ticketing, information and interchange facilities; they also spend more per head on tendered bus services than do their unitary counterparts. However, systematic evidence is lacking to be able to demonstrate unequivocally that they exercise their functions more efficiently and effectively, and that those functions are delivering more on outcomes, than in non PTA areas. This may of course be more a function of the lack of evidence than actual proof that PTAs *are* no more efficient/effective.

On the other hand, of the nine City Deals to be brokered by the Government in the first wave of the initiative, seven are in areas with a passenger transport authority. In this sense there is a clear link between having this form of regional public transport governance and being in the first tranche of city regions to be offered this form of financing of infrastructure and revenue spending for economic growth. Having a PTA also allows the region to speak with one voice to central government about its needs for (public) transport; and to show that it has the expertise required to deliver on these large spending commitments. Taking a regional approach to transport planning is also more likely than a more fragmented approach to be able to deliver cross-regional improvements in public transport connectivity. A PTA also offers organisational resilience in public transport coordination and planning that a number of smaller authorities with very small numbers of staff will find it hard to provide.

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## **COUNCIL EXECUTIVE**

### **CONSULTATION ON UNIVERSAL CREDIT (CLAIMS AND PAYMENTS)(SCOTLAND) REGULATIONS 2017.**

#### **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, which commenced on 16 January 2017, on its proposed Regulations regarding Universal Credit Payments, and to agree a West Lothian Council response to be returned by 13 March 2017.

##### **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**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	There are questions on equality impact assessment contained in the consultation.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	There may be a statutory requirement to have performance indicators.
<b>V Relevance to Single Outcome Agreement</b>	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.
<b>VI Resources - (Financial, Staffing and Property)</b>	Resource implications are not clear at this stage.
<b>VII Consideration at PDSP</b>	Given the limited amount of time for responding to the consultation it has not been possible to consider this at PDSP.
<b>VIII Other consultations</b>	West Lothian Council: Legal Services, Social Policy, Housing, Customer & Building services, Finance and Property Services and Employability service. CPP Anti-Poverty Development Group, Universal Credit Working Group and West Lothian Advice Network have been consulted on this response.

## **D. TERMS OF REPORT**

### **D.1 Overview**

The Scotland Act, which received Royal Assent on 23 March 2016, includes provisions to devolve eleven benefits to Holyrood, and also to give Holyrood the power to top up any benefits, reserved or devolved, provided the funding is met by the Scottish Government.

Benefits being devolved to Scotland are:

- Ill health and disability benefits – including Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severe Disablement Allowance and Industrial Injuries Disablement Benefit
- Carer's Allowance
- Sure Start Maternity Grants
- Funeral Payments
- Cold Weather Payments and Winter Fuel Payments
- Discretionary Housing Payments

In addition, although Universal Credit (UC) is reserved to the UK Government, some powers in relation to the Housing Support element of Universal Credit and issues concerning payment of UC are devolved.

UC involves the integration of six core benefits and tax credits into a single payment. The UC payment brings together: income-based (means-tested) Job Seekers' Allowance; income-based Employment Support Allowance; Income Support; Housing Benefit; Child Tax Credit and Working Tax Credit.

## **D.2 Universal Credit Payments**

The Scottish Government plans to introduce a Social Security Bill, in the first year of this Parliament, and start work to establish a new Scottish Social Security Agency.

It is recognised that some elements of devolved welfare may take some time to implement and that the relationship between devolved and reserved benefits will necessitate close working with the DWP and other local partners over a period of time. However the Scottish Government are already proposing some changes now.

In January 2017 the Scottish Government published, in draft form, *The Universal Credit (Claims and Payments) (Scotland) Regulations 2017*.

The draft Regulations cover two flexibilities:

The customer having the option of being paid Universal Credit twice a month rather than monthly; and having the option of any Universal Credit housing support element being paid direct to landlords. These changes are intended to provide more choice and control over UC payments.

Neither option will affect the overall amount of UC that is payable and both will be delivered by the Department for Work and Pensions (DWP) as part of that Department's overall responsibility for delivering UC.

## **D.3 The Draft Regulations**

Regulation 1 provides a definition of a "Scottish claimant" to whom the Regulations apply.

Regulation 2 allows Scottish claimants to be able to request twice-monthly payments.

Regulation 3 provides that every Scottish claimant must be advised that they can request to have UC paid twice-monthly.

Regulation 4 allows Scottish claimants who are tenants and have a Housing Support element of UC to have this paid direct to their landlord.

Regulation 5 provides that Scottish claimants who are tenants must be advised that they can request to have such payments made direct to their landlord.

## **D.4 The Consultation**

On 16 January 2017 the Scottish Government issued the draft regulations and invited partners and others to respond to a consultation exercise by 13 March 2017.

There are two questions in the Consultation Document:

Do the Regulations meet the policy intent of offering a choice to applicants on having their UC payments made twice-monthly?

Do the Regulations meet the policy intent of offering a choice to UC applicants on managed payments of rent direct to landlords?

The consultation document also asks for comments.

The answer to both questions is yes. In the comments section it is proposed that the council states its agreement that more frequent payment will ease the budget difficulties and demands faced by claimants not used to a monthly payment – a difficulty already evident in UC.

Officers would also agree that paying landlords direct will be better than the existing UC circumstances which have led to further budgeting difficulties for tenants, increasing rent arrears, especially in the areas that have “Full System” UC which West Lothian Job Centres will not implement until February 2018, and increasing difficulties caused to landlords.

Consultation carried out in West Lothian with Advice Shop staff, local landlords, and other third sector bodies confirmed that managed payments of rent to landlords, and more frequent payments of Universal Credit have been two issues that stakeholders have repeatedly raised.

## **E. CONCLUSION**

The proposed new payment arrangements for Universal Credit are welcomed.

The Council Executive is asked to agree the submission to the consultation as set out 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](mailto:elaine.nisbet@westlothian.gov.uk) Tel: 01506 282921

**Donald Forrest**  
**Head of Finance and Property Services**

**Date of Meeting: 28 February 2017**

# **Consultation on Universal Credit (Claims and Payments) (Scotland) Regulations 2017**

**January 2017**



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Please refer to the consultation document to give context to the questions.

Send your completed response to:

Universal Credit Flexibilities Consultation  
Scottish Government  
Victoria Quay  
Area 2H North  
Edinburgh  
EH6 6QQ

Please complete and return the **Respondent Information Form**. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Martyn Lindsay  
Scottish Government  
Victoria Quay  
Area 2F South  
Edinburgh  
EH6 6QQ

## RESPONDENT INFORMATION FORM

Consultation on Social Security in Scotland to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016.

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

☐ Individual

X Organisation

Full name or organisation's name

West Lothian Council

Phone number

01506 282921

Address

Civic Centre Howden Road South, Livingston, West Lothian

Postcode

EH54 6FF

Email

Donald.forrest@westlothian.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

X Publish response with name

☐ Publish response only (anonymous)

☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

X Yes

☐ No

## **CONSULTATION QUESTIONS**

1. Do the draft regulations meet the policy intent of offering a choice to applicants on having their UC payments made twice monthly?

<b>Yes</b>	<b>x</b>
<b>No</b>	

### **Comments**

There has been a significant amount of evidence to the Social Security Committee of the Scottish Parliament, to the Work and Pensions Committee at Westminster, and in reports from the Resolution Foundation and others, that the waiting times and the once per month payment of Universal Credit are causing difficulties for many claimants.

West Lothian Council, and our Community Planning Partners, agree that a more frequent payment arrangement will help to ease the budget difficulties and demands faced by claimants not used to managing a monthly budget.

Evidence given to the Social Security Committee of the Scottish Parliament repeatedly made the point that it is really important that there are safeguards in the system, recognising that some people are vulnerable and not everybody has robust money skills. Many local authorities and other third sector organisations offer personal budgeting support and other help but the frequency of payment is clearly a significant issue for many customers.

As Frank Field MP, chair of the Work and Pensions Committee at Westminster, warned: "Clearly, there are some basic features of its design – the initial six-week wait for a first payment, or the monthly lump sums thereafter, that are paid directly to tenants, for example – that give Universal Credit the unintended effect of pushing some poorer households towards the twin horrors of eviction and homelessness."

The Director of the housing and homelessness charity, Shelter Scotland, as well as welcoming the proposals to give tenants the option of having the Housing Support element paid direct to their landlord, has also said that "The idea of bi-monthly payments instead of monthly is also a helpful move forward".

West Lothian Council agrees with this proposal.



2. Do the draft regulations meet the policy intent of offering a choice to UC applicants on managed payments of rent direct to landlords?

Yes	x
No	

The Scottish Government will be aware of the concerns raised by the evidence given to the Social Security Committee of the Scottish Parliament on 10 November 2016. A number of representatives of social landlords, local authorities, welfare rights and support groups, and other third party organisations raised concerns about the current operation of Universal Credit.

Social landlords are concerned that tenants struggle to cope with a lump sum payment from which they are required to make their rent payments and, as a result, will be at risk of accruing rent arrears. Similarly, new claimants will experience a delay in receiving their first UC payment which means that they may struggle to make prompt rent payments. Rent is generally charged in advance, rather than in arrears. Delayed payments and the introduction of a waiting period are widely thought to be contributing to increased levels of rent arrears for those receiving the housing element of UC.

East Lothian Council gave evidence showing that in the “Live Service”, which deals with mainly simple cases from single new jobseekers, the impact of UC on rent arrears was not great. However, the live service involved only a small volume and the step change did not really happen until the “Full Service”, which is now operated by Musselburgh Job Centre, came in. Now that the full service is operating, 82 per cent of council tenants in East Lothian, who receive Universal Credit, have some level of rent arrears. “The average arrear is higher by about £300 than the typical arrear in East Lothian”.

Inverclyde, which does not have its own housing stock reported on the situation for some of the Registered Social Landlords in the area where 69 per cent of tenants in receipt of UC are in rent arrears with an approximate arrear of £700 per claimant.

Highland, which also has the “Full Service” operating in Inverness Job Centre, report that the average rent arrear in mainstream tenancies, is £627, which is the equivalent of about eight weeks’ rent. That is for 367 tenants.

Although the Job Centres in West Lothian will not implement the “Full Service” until February 2018, the council is very concerned about these issues and, together with social landlords in West Lothian, would welcome the Scottish Government proposals.

## Comments

Despite WLC only experiencing 'Live service' which affects a limited number of council housing tenants (just over 200), the revenue and income from rents collected has already seen an impact, and the profile of the majority of UC claimants demonstrates that this group experience significant arrears before and as a result of UC. 88% of all existing claimants are already in arrears following them being placed on UC. The average debt of this group of tenants is £661, compared with a figure of £308 for all other tenants.

Similar issues were raised at the meeting of the Work and Pensions Committee at Westminster on 23 January 2017 and 8 February 2017 and it was reported that, "some favour the proposals being considered by the Scottish Government, such as fortnightly payments and allowing claimants to have their rent paid directly to landlords".

West Lothian Council also favours those proposals.

In addition to putting in place arrangements to address the specific risks for payment of rents to the social sector, allowing managed payments to private landlords may also help to sustain tenancies and prevent homelessness. This would support the Scottish Government's use of the private sector to meet affordable housing demand.

Managed Payments of rent should be a matter of choice for claimants and landlords. Allowing managed payments of rent to private landlords may open access to other housing options for claimants. Private landlords can be reluctant to accept tenants in receipt of benefit income. Having the option for rent to be paid directly to landlords, without the need to demonstrate a history of poor financial management and/ or arrears of rent, may encourage private landlords to accept tenants in receipt of benefit income. This could result in greater choice for people in where, and what type of property, they chose to live in.

The Council also agrees with the concerns raised by the Work and Pensions Committee at Westminster regarding the number of waiting days and whether claimants will still have to wait a minimum period of five weeks before Universal Credit payment is actioned. As payments are paid in arrears then the waiting period could be as high as seven weeks before a client receives payment. This in turn has the potential to create significant rent arrears regardless of whether there are more frequent payments or whether the housing element is paid direct to the landlord. Although these arrangements are still reserved, it would be useful if the issue could be raised at the joint ministerial meeting with DWP and Scotland Office.

The Council also looks forward to further action on the Housing Support element of UC, including the Scottish Government plans to "effectively abolish" the bedroom tax, and to reinstate Housing Support for 18-21 year olds.



## **COUNCIL EXECUTIVE**

### **ESTABLISHING A COMMUNITY DEVELOPMENT FINANCE INSTITUTION (CDFI) IN WEST Lothian**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

This report updates the Council Executive on the procurement exercise to commission a Community Development Finance Institution (CDFI) provider to establish a not-for-profit lending operation in West Lothian, recommends a preferred provider and sets out the funding position including potential funding from the Money Advice Service.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive agrees to:

1. Approves the award of a contract to Five Lamps to deliver CDFI services in West Lothian subject to a formal ten day procurement standstill period being observed;
2. Agrees that officers shall continue to work together with Falkirk and Fife councils, pending their own decisions, to implement and manage this initiative;
3. Notes the potential for up to 15 local jobs being created across the three local authority areas including a modern apprentice in each area;
4. Notes the potential social impact of £2.5m which is the amount saved for customers against using other credit providers; and the opportunity to support vulnerable households to become more financially included.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focussing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Equality Relevance Assessment has been completed and there are no negative impacts expected. Local Government in Scotland Act 2003, section 20, and related statutory guidance – will secure the advancement of the economic and social well-being of affected and eligible residents
<b>III Implications for Scheme of Delegations to Officers</b>	None.

<b>IV Impact on performance and performance Indicators</b>	Indicators will be agreed as part of the performance reporting and will be reported to the CPP Anti-Poverty Board.
<b>V Relevance to Single Outcome Agreement</b>	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 We live in resilient, cohesive and safe communities We have tackled significant inequalities in West Lothian society.
<b>VI Resources - (Financial, Staffing and Property)</b>	Funding and estimated costs are set out in section D5.
<b>VII Consideration at PDSP</b>	On 28 October 2014, Council Executive agreed to carry out CDFI feasibility study. On 30 August 2016, Council Executive agreed to progress a tendering exercise.
<b>VIII Other consultations</b>	With affected council services and through the CPP Anti-Poverty Board, including ongoing consultations with other partners on specific issues arising.

## **D. TERMS OF REPORT**

### **D1 Background**

Following the recommendations in the 'Proposals to Promote Financial Inclusion' report agreed at Council Executive on 28 October 2014, a feasibility study was commissioned into the creation of a Community Development Finance Institution (CDFI) in conjunction with Falkirk and Fife Councils.

A CDFI is a social enterprise which offers affordable loans and budgeting advice and supports people to engage with other financial services, such as savings with other institutions like credit unions, income maximisation, and debt management. A CDFI provides an affordable alternative to high cost short term lenders and mainstream financial service providers whom financially excluded persons cannot access. The customer base of a CDFI tends to be those on incomes lower than £15,000 with no record of savings and who have an extremely poor or no credit rating.

Access to affordable credit is a core element to help the most vulnerable to become financially included. The Scottish Government stated:

'The Scottish Government is keen to support measures that address the financial exclusion of the poorest in society; and as such commend Fife, Falkirk and West Lothian Councils in particular for their initiative in trying to introduce a CDFI for that purpose'.

The feasibility study confirmed there is 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 this project. Following this, a business case was produced which also recommended intervention via a CDFI and that a formal tendering process be undertaken for the contract.

It was agreed at Council Executive on 30 August 2016 that a tendering exercise be completed and that a report on the outcome be presented back to Council Executive.

## **D2 Developments**

### Tender for CDFI Services

The procurement process was led by Fife Council's Procurement Service on behalf of the three councils.

The tender documentation requested information on the proposed operating model, customer journey, lending expectations – rates and volume, partnership work and complementary services, implementation process, governance, management controls and procedures, and risk management. The tender's mandatory requirements included:

- confirmation of experience in the social enterprise lending sector
- confirmation of experience of providing loans in the personal credit sector
- the supplier having appropriate permissions from the Financial Conduct Authority
- being prepared to lend within four outlets across three local authorities within three months of tender award
- confirmation that the successful bidder will open two shops/outlets in Fife, one shop/outlet in West Lothian and one shop/outlet in Falkirk (the exact locations will be subject to further discussion and negotiation at the next stage of the procurement process)
- confirmation that all initial lending capital will be returned to Fife, Falkirk and West Lothian Councils by the contract end date
- confirm that there will be a multi-channel lending approach – face to face, telephone or via internet
- annual and audited management accounts to be held
- the supplier having appropriate policies on lending, affordability, and forbearance

The tender attracted a number of expressions of interest that resulted in two formal bids received in mid-December 2016.

The bid assessment process involved two officers from each of Falkirk, Fife and West Lothian Councils. Each of the bidders was asked to present on their bids and answer questions as part of the process.

The formal assessment scoring process identified 'Five Lamps' as the preferred supplier.

Five Lamps is an experienced CDFI lender with wider social, economic and financial inclusion roles. It is headquartered in Stockton, in the Tee Valley. It was established as a social enterprise in 1985 and became a CDFI in 2004 with an initial focus on enterprise lending. It has been delivering personal lending since 2007 and since that time has made nearly 80,000 loans with a loan value of over £28 million. It has extended its geographical reach via tendering and partnership working and has diversified its CDFI portfolio to personal, enterprise and home improvement lending allied to experience in welfare assistance and lending to prevent homelessness. Five Lamps customer feedback survey conducted in January 2017 indicates that

99.43% (703 responses) of customers would recommend its services.

### Funding

The Money Advice Service (MAS) is collaborating with our CDFI initiative through its 'What Works' programme. Its interest is to work with us through establishment of the CDFI and to gather learning for sharing across the UK particularly on outcomes around improved financial capability, improved access to mainstream banking and increased confidence in making good financial decisions. We are at the final stage of a funding bid to cover the set up costs, first year costs and project evaluation costs. We expect a decision on their commitment and funding in late February or early March 2017.

The Carnegie UK Trust has committed to establishing an initial capital loans fund of £1 million for UK affordable credit initiatives with a view to supporting a CDFI in our areas and other UK initiatives. They are presently working with other charities and social lenders to increase the size of that fund. The fund would be managed on their behalf by a third party. The loan capital would be a loan to be repaid to cover costs but not to generate profit. Carnegie's initiative is a response to the difficulties that social credit lenders have in establishing a 'lending pot'. It would promote the opportunity with our preferred supplier who would bid for loan capital which would be added to the initial repayable loan capital supplied by the consortium.

### **D3 CDFI Supplier**

Key features of the CDFI operation in West Lothian, Fife and Falkirk would be:

- Four shops covering Fife (2), Falkirk, and Bathgate for face-to-face service. These would operate 10am to 4pm Monday to Friday, and 9am to 12pm on Saturday. Each shop staffed by two whole time equivalent staff and with capacity for partners to 'hot desk'
- Local recruitment of up to fifteen new staff (nine whole time equivalents) and one apprentice per shop
- A pop up presence across local areas to raise awareness of the service
- A call centre to take telephone loan applications and to facilitate referrals to other local advice and support services
- Promotion of its online loan application operation
- Arrangements with credit unions and local banks to support the establishment of savings accounts
- Full participation in local anti-poverty and financial inclusion partnership work across the three areas

Five Lamp's main business will be responsible lending. It will actively refer those who have not been successful in their loan application to other local advice and support services but will not itself deliver those services.

It expects in its early years of operation in the three local authority areas to turn down a disproportionately high number of loan applications compared to areas where its services are already established. This is because it expects to receive a number of speculative applications from people attracted by lower interest rates than available from profit-orientated high interest lenders or illegal money lenders. Volume of loans

will build to around 7,000 per annum by the end of year three rising to 25,500 by the end of year five.

The lending rate will be 89.9% for all loans across all channels and over all terms. This is significantly lower than the lending rates offered by commercial high-cost credit lenders where interest rates can be over 1000%. It is also lower than the interest rates offered by comparable CDFI organisations where the typical total interest rate payable is over 100%.

Five Lamps anticipates the following results through its first five years of operation in the three areas:

- Over 25,000 loans made totalling £10.1 million
- 15,600 loans to first time customers totalling £4.7 million
- Demonstrable social impact of at least £2.5 million (the amount saved for customers against using other credit providers)
- Increased numbers of customers accessing complementary services including credit unions, advice services and mainstream financial services
- A presence at the heart of partnerships recognising the gateway role of the CDFI

#### **D4 Complementary Services**

The proposed customer groups for the CDFI are those who are earning less than £15,000 and who do not necessarily meet the criteria for either a bank or credit union loan. This group is often hard-to-reach, vulnerable and not readily willing to seek advice and support. The CDFI proposal will embed good quality money advice including budgeting, debt management and maximising income as a core part of the offer which is made to all prospective customers. Through on-going support, it will help adults and families to build financial resilience, become financially included by utilising mainstream banking options and build financial capability to manage their money on a day-to-day basis.

Improving financial capability will enable more people to navigate changes in their financial circumstances and to help them manage their money more effectively. This is a key element in supporting people to mitigate the effects of poverty.

##### Complementing the work of Credit Unions

The establishment of a CDFI in West Lothian would run in parallel with the work of the credit union sector. The credit union movement provides a sustainable route to save and borrow as an integral part of a financial inclusion approach.

For the majority of potential CDFI customers, loans from credit unions are not accessible due to issues around membership, savings and credit criteria. One of the advantages of the CDFI approach is that it can help build future credit union support.

Any CDFI in West Lothian would be required to work with credit unions as key partner organisations, promoting their services and supporting CDFI customers to open credit union accounts.

#### **D5 Costs and Funding**

Project costs were calculated from information contained in the feasibility study,

available data and input from Carnegie UK Trust. The project costs remain as set out in the Council Executive report of 30 August 2016. The contribution required from West Lothian Council includes one off loan capital of £100,000. The preferred supplier has confirmed this would be repaid back to the council at the end of the project. In addition, there would be set up costs of £50,000 and annual running costs in each of the first three years of £40,000. Funding for this is available from existing time limited budgets: £100,000 time limited money previously set aside for financial inclusion projects and £70,000 one off money previously earmarked for anti-poverty work. The loan capital of £100,000 would be from the treasury budget.

The preferred supplier has indicated that those contributions would be sufficient for its operation. It will commit to supplementing those contributions through its own resources and, as the operation develops, its own income.

It is proposed that the contract for the CDFI provider would involve payments in the first three years as set out above. The CDFI supplier would then provide another two years service provision as part of the contract with no additional funding from the council. It is anticipated the CDFI would be self- sustaining and ongoing local government financial support would no longer be required.

As outlined above, we are awaiting confirmation of revenue funding from the Money Advice Service. If awarded this would cover the set up costs and first year running costs. A decision on funding is expected in late February or early March 2017.

## **D6 Managing Risks**

West Lothian, Fife and Falkirk councils will enter into a contract with the preferred supplier if the decision to proceed is taken by each council. The contract will set out the service expectations, fund management and capital repayment and effectively transfer the risk to the supplier.

The preferred supplier has identified its own risks and has indicated that it has the appropriate insurance in place. The supplier will maintain a risk register to monitor project risks. The supplier will also maintain a Business Continuity and Disaster Recovery Plan.

## **D7 Sustainability**

The procurement brief led on a commitment from the consortium to provide initial set-up and loan funding and a contribution to recurring costs for the first three years. In return a successful bidder would be expected to provide a CDFI operation for up to five years.

It is anticipated that the collaboration with the Money Advice Service will establish a strong evaluation approach and through that the council and the provider will be better placed to make informed judgements on the success of the initiative.

The preferred supplier has made clear its longer term commitment and a future that is not dependent on grant income. Based on the expansion it has achieved it considers that there are ready and affordable routes to re-capitalisation and that its evolving operational model will be affordable at its loan rates and anticipated loans volumes.

The evolution of that operation model is an important element to achieve loan volume expectations and sustain the business. Five Lamps is committed to a shop presence but sees a re-balancing over the first five years of its operation in our areas. It makes the case for the importance of a shop front in the early years to raise awareness of its services and its part in the local advice and support sector but, in



keeping with digital service transformation, considers that the majority of loans will be made online by year three.

*Proportion of loans by lending channel:*

	Year 1	Year 2	Year 3
Online	40%	50%	60%
Telephone	35%	30%	25%
Face-to-face	25%	20%	15%

Sustainability will be promoted as the operation increases income generated through increasing loan volumes.

## **D8 Governance**

It is proposed that a local board consisting of key stakeholders and local partners, including credit union representation, will monitor the project in each of the three local authority areas. This would feed into an Advisory Level Board with senior representation from each of the local authority partners including elected members.

## **E. CONCLUSION**

The provision of a CDFI across Falkirk, Fife and West Lothian is intended to complement and support existing money management services, including credit unions and the wider support services in these geographic areas and to offer a competitive, socially responsible alternative to non-standard lenders for our most vulnerable residents.

Continued austerity related measures, economic and labour market challenges, and welfare reform related changes are forecasted to assert greater pressures on low income households and personal budgets and increase the likelihood of income poverty and indebtedness. This will likely lead to greater pressures on council services. The project would be intended to deliver value for money through preventative spend and the provision of support.

## **F. BACKGROUND REFERENCES**

Proposals in Response to the impact of Welfare Reform Changes – Report to Council Executive by Head of Finance and Property Services – 29 October 2013

Proposals to Promote Financial Inclusion in West Lothian – Report to Council Executive by Head of Finance and Property Services -28 October 2014

Towards a Community Development Finance Institution – Report to Council Executive by Head of Finance and Property Services – 30 August 2016

IS4 Feasibility Study – 12 May 2015

Gateway to Affordable Credit – Carnegie Report – February 2016

Appendices/Attachments: Appendix 1 - Equality Impact Assessment

Contact Person:

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Tel. 01506 281295

**Donald Forrest**  
**Head of Finance and Property Services**  
**28 February 2017**

## Appendix 1 - Equality Impact Assessment

### 1. Details of project to establish a Community Development Finance Institution over three years with a possible extension to five years.

The proposal is to establish a Community Development Finance Institution (CDFI) across three local authority areas of Falkirk, Fife and West Lothian. A CDFI is a social enterprise which offers affordable loans, budgeting advice and supports people to engage with other financial services such as savings, income maximisation and debt management. A CDFI provides an affordable alternative to high cost short term lenders and mainstream financial service providers whom financial excluded people cannot access. A CDFI targets households in Scottish Index of Multiple Deprivation areas, which are on low incomes and which will be excluded from accessing mainstream lending options. The proposal is to award a contract to an external provider for three years with an option of a further two across all three local authorities. It is anticipated that this would result in over 25,000 loans being made with a value of £10million and with a social impact of around £2.5 million (the amount saved for customers against using other credit providers). There will be increased numbers accessing support services including credit unions, advice services and mainstream financial services. It is anticipated that at the end of five years, the CDFI will be self-sustaining and be embedded into local credit provision.

Details of others involved	Elaine Nisbet, Anti-Poverty & Welfare Advice Manager Chris Rhodes, Accountant Donald Forrest, Head of Finance & Property Services Representatives from Fife and Falkirk Councils.
Date assessment conducted	February 2017

### 2. Aims of the proposed change to council policy or resources

The aim of establishing a CDFI is to support those households with a low income, no record of savings and who have an extremely poor or no credit rating to access affordable credit, build financial capability skills and support them to become financially included. The increasing numbers of low income households, on-going welfare reforms and increasing demand for short term borrowing and barriers to accessing credit has meant that households are increasingly turning to council services in a crisis. There has been a significant increase in the number of applications for crisis grants to help buy food and fuel.

This proposal aligns with the West Lothian Community Planning Partnership's Anti-Poverty Strategy and Single Outcome Agreement, as well as the council's Corporate Plan priorities, in particular aspiring to "minimise poverty, the cycle of deprivation and promote equality".

### **3. What equality data, research or other evidence has been used to inform this assessment?**

Council and partners have considered evidence from Joseph Rowntree Foundation, Carnegie Trust, Scottish Parliament Welfare Reform Committee, Financial Inclusion Commission, The Affordable Credit Working Group, and Money Advice Service around financial exclusion, access to affordable credit and the poverty premium. The poverty premium is when low income households pay more for goods, services and credit. Council and partners have analysed a range of data gained from internal sources alongside national statistics to build up a picture of need.

Continued austerity related measures, economic and labour market challenges, and welfare reform related changes are forecast to assert greater pressures on low income households and increase the likelihood of income poverty and indebtedness.

There is a body of evidence which recognises that helping households become financially included enables people to navigate changes in their financial circumstances and helps them manage their money more effectively. This, in turn, makes them less reliant on public services, improves health and well-being and mitigates the effects of poverty.

The council commissioned a feasibility study on the viability of establishing a CDFI. This concluded that there was a strong case for a CDFI but that it would only be feasible and viable if a consortium approach was used. Falkirk, Fife and West Lothian Councils have formed a consortium. The aim of the CDFI is to increase access to affordable credit for households on low incomes, with little or no credit history and who do not have access to mainstream lending. The CDFI will offer a multichannel lending approach – face to face, telephone or via the internet. There will be one shop front (probably based in Bathgate) but there will be ‘pop up’ sessions in key locations across West Lothian to support access.

### **4. Details of consultation and involvement**

There has been consultation with a range of partners: credit unions, anti-poverty strategy board, Advice Shop Money & Housing team, Carnegie Trust alongside colleagues in Fife and Falkirk councils. Discussion on affordable credit with customers as part of an initial assessment to ascertain their views to help inform the proposal. If the proposal to contract a CDFI provider is accepted by the Council Executive, there will be consultation with disability groups on the development of the CDFI.

## **5. Issues identified and 'protected characteristics' impact**

**(Covering: age; disability; gender; gender identity; pregnancy and maternity; race; religion or belief and sexual orientation equality)**

The assessment considered the location of the shop front. However, analysis of the available data suggested that Bathgate and the west of the county have a higher level of households on low incomes. The shop front will not be in a council building as evidence suggested that hard-to-reach households would not engage if it was in a council building.

There may be accessibility issues related to the 'shop front' being in Bathgate which might have particular implications for those with disabilities, older adults those with caring responsibilities and certain ethnic groups. Individuals who have caring responsibilities may not be able to access services in 'peak' times, due to having no one available to look after their dependents.

The assessment considered the implications of this on service provision due to a concern over access for people with disabilities, older people and single parents, who are more likely to have transport issues. The 'shop front' will be in the main town centre in Bathgate to support people who will travel by bus or car.

The proposal aims to widen access by offering a service via the internet and through telephone channels. The assessment considered there are over 300 public access computers in a range of council buildings which would support access via the internet and that the majority of council buildings hosting public access computers are open during the day, Saturdays and some evenings.

The pop up sessions will be delivered after consultation with potential service users, stakeholders and other partners and to ensure that outlying areas have access to face-to-face service.

It was concluded that the particular impact of this measure for those protected groups will be low given that the CDFI will offer telephone and internet access alongside 'pop up' sessions in outlying areas of West Lothian.

## **6. What measures are in place to monitor the actual impact following implementation?**

Following implementation, a local board consisting of key stakeholders and partners (eg. council services, voluntary sector, credit unions) will monitor the project in each of the three local authority areas. This will feed into an Advisory Level Board with senior representation from each of the local authority partners, Carnegie Trust, Council Leaders and customer representation) to monitor and evaluate. Annual reports will be produced and be submitted to the West Lothian Community Planning Partnership's Anti-Poverty Board and thereafter to the CPP Board.

The proposal is in the final stages of a funding bid to the Money Advice Service 'What Works' programme and the bid will provide extensive evaluation which will include analysis on customers with protected characteristics and the impact this service has. It is proposed that the evaluation is carried out by an external organisation and the evaluation service will work closely with the CDFI provider and Advisory Board to ensure that the data collected supports legislative compliance with equality monitoring.

### 7. Recommendation

- ☐ Implement proposal with no amendments
- ☒ Implement proposal taking account of mitigating actions (as outlined below)
- ☐ Reject proposal due to disproportionate impact on equality

### 8. Mitigating actions and additional outputs

The CDFI provider will be working with support services and offering desk space within the shop to ensure that there is additional advice and support on site and will refer customers to partners for additional support. Pop up sessions will be integral to delivery to ensure access and availability across West Lothian.



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 minutes of meetings of St John's Hospital Stakeholder Group held on 21 December 2016 and 18 January 2017 attached to the report as a series of appendices.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	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.
<b>III Resources - (Financial, Staffing and Property)</b>	None.
<b>IV Consultations</b>	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 21 December 2016 and 18 January 2017.

Contact Person: Jim Forrest, Depute Chief Executive, CHCP

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Date: 28 February 2017



MINUTE of MEETING of ST JOHN'S HOSPITAL STAKEHOLDER GROUP held within BOARD ROOM 1, ST JOHN'S HOSPITAL, LIVINGSTON (AND BY VIDEO CONFERENCE CALL FROM WAVERLEY GATE) on 21 DECEMBER 2016.

Present

Councillor John McGinty, Leader of West Lothian Council (Chair)  
Councillor Dave King, Appointed Representative, West Lothian Council  
Councillor Anne McMillan, Appointed Representative, West Lothian Council  
Martin Hill, Non-Executive member, NHS Lothian  
Jim Forrest, Depute Chief Executive, West Lothian Council  
Jacqui Campbell, Interim Chief Officer, Acute, NHS Lothian (by video link)  
Fiona Mitchell, Director of Women's and Children's Services, NHS Lothian (by video link)  
Anne Smith, Site General Manager, St John's Hospital (by video link)  
Agnes Ritchie, Associate Nurse Director, NHS Lothian  
Linda Rumbles, St John's Hospital Depute Partnership Lead  
Maureen Anderson, Patient Representative

Apologies

Alex Joyce, Non-Executive member, NHS Lothian  
Lynsay Williams, Non-Executive member, NHS Lothian  
Andrew Jackson, Associate Director: Information Services, Strategic Planning  
Aris Tyrothoulakis, St John's Hospital Interim Site Director, NHS Lothian

In attendance

Elaine Dow, Committee Officer, West Lothian Council

1. ORDER OF BUSINESS

The Chair agreed that Agenda Item 6 (Activity and Performance update) be carried forward to be considered at the next scheduled meeting of St John's Hospital Stakeholder Group on 18 January 2017 as Andrew Jackson had submitted his apologies.

2. DECLARATIONS OF INTEREST

Agenda Item 6 – Paediatric Services/Paediatric Outpatient Clinic Waiting Times

Martin Hill declared an interest due to him being a member of the Paediatric Programme Board.

3. MINUTE

The group confirmed the minute of the meeting held on 19 October 2016 as being a correct record subject to noting that Linda Rumbles attended the meeting as Depute for Caroline McDowall, Partnership Lead St John's Hospital.

4. PAEDIATRIC SERVICES/PAEDIATRIC OUTPATIENT CLINIC WAITING TIMES

The Stakeholder Group noted the update provided by Fiona Mitchell, Director of Women's and Children's Services, on the current position within the paediatric service at St John's Hospital.

Ms Mitchell reported that staff continued to support the rota within the Children's Ward at St John's Hospital which has had a slight impact on the Paediatric Outpatient Clinic waiting times. Details of the number of paediatric outpatient appointment waiting times for September and November 2016 were then provided. It was noted that the number of children referred to St John's Hospital waiting for an appointment for more than twelve weeks had reduced in November compared to September, with more than half of the number of children referred seen within four weeks.

Six new Paediatric Consultants had been successfully appointed and would take up their positions from February 2017 onwards. One candidate had withdrawn their application leaving two positions outstanding. These had been advertised in November 2016 and it was hoped that interviews would be carried out in February 2017. The appointment of the Paediatric Consultants would provide significant support within the service which was excellent news for both St John's Hospital and NHS Lothian. In the meantime, Paediatric Consultants would continue to provide out of hours cover and further updates would be provided to the next meeting.

Ms Mitchell then responded to questions from members of the group.

Decision

Noted the update provided.

5. CLEANING POLICIES FOR ST JOHN'S HOSPITAL SITE

The Stakeholder Group considered a report (copies of which were tabled) by Margaret Christie, Domestic Services Manager, providing details of the domestic services carried out within West Lothian.

The report advised that domestic services were governed by the NHS Scotland National Cleaning Services Specification, which had recently undergone a full review. The result of the review would be implemented in the coming months, which was now 'Risk Based', utilising the assessment approach of Infection Prevention Control Risk versus Public Perception Risk, which allowed a specific and individual work schedule to be defined for every area in order to respond to varying clinical needs such as Outbreak and Increased Activity. Standard Risk Assessments were developed for each cleaning task with the priority being to reduce Healthcare Associated Infections whilst at the same time providing a safe, clean environment for patient recovery. The Domestic Services Department provides a cleaning service within St John's Hospital, across 24 hours a day, 7 days a week.

The report outlined the work carried out to provide a cleaning service at St John's Hospital, St Michael's Hospital, Craigshill Care Development and fourteen Health Centres and Clinics in West Lothian. Excellent communication between nursing colleagues, the Infection Prevention Control Team and Domestic Services Staff ensured that the cleaning of all areas of the ward/department were assessed and issues addressed as they were highlighted. The report outlined the monitoring results for the period 16 October to 16 December 2016.

Audit Consistency Training was provided by NHS Lothian on 27 October 2016 to ensure the consistent appliance of the Audit Tool across all Auditors. The key findings from the training were outlined within the report which highlighted that the standard of auditing was high and that the training was useful to those who attended.

Agnes Ritchie then provided the group with an update advising that as well as the daily cleaning schedules that were in place, daily task sheets were signed off by the nurse in charge at the end of each shift to confirm satisfaction with the cleaning carried out and weekly Senior Management walk rounds were undertaken on a spot check basis. Weekly rounds were also carried out by micro biologists to ensure that all processes and protocols were being carried out to reduce the risks of infections. The cleaning processes and policies in place at St John's Hospital led to excellent feedback being received following an HEI inspection.

The group acknowledged the cleaning policies in place at St John's Hospital and the excellent work carried out by the teams involved.

#### Decision

1. Noted the contents of the report; and
2. Noted the update provided by the Associate Nurse Director.

#### 6. HOSPITAL CAR PARKING

The Stakeholder Group considered a report (copies of which had been circulated) by the Interim Hospital Director, providing details of the car parking on site at St John's Hospital. .

Anne Smith, Site General Manager, advised that car parking continues to raise issues for staff, visitors and patients on a daily basis. The main issues were lack of parking spaces at peak times for patients and visitors, a large number of staff on the waiting list for a car parking pass and also the number of staff using Car Park P which should only be used by patients and visitors.

The report confirmed that the Traffic Management Group (TMG) meet on a monthly basis to look at master planning, on-site developments affecting car parking, issues or initiative on other West Lothian sites, traffic management incidents, traffic management risk assessments as well as referring to any traffic management site inspections. Traffic management

site inspections were carried out quarterly with representatives from the TMG and Police Scotland to review any risks and address what plans could be put in place to reduce these risks. A paper was produced by the TMG to look at ways to improve the availability of parking for patients and visitors. The preferred option was to install automatic number plate recognition cameras with the intention of removing staff who were parking in Car Park P on a daily basis. Car Park P was recently re-surfaced and re-lined which has made a substantial improvement to the area. Plans were also in place to have Car Parks A and D re-surfaced and re-lined which would also improve these two areas.

Linda Rumbles, Depute Partnership Lead, advised that the Healthy Working Life Group was focusing on the 'Active Travel Initiative', also supported by West Lothian Council. Members of staff were being encouraged to use pool bicycles and the trip share scheme was being reinvigorated to encourage car sharing. Local bus companies had also been contacted to allow information to be available on public transport.

Martin Hill then suggested that information regarding public transport be shared with patients, staff and visitors to the hospital to support the active travel initiative. Linda undertook to pass on his suggestion to the Healthy Working Life Group for consideration.

#### Decision

1. Noted the contents of the report and the update provided; and
2. Noted that Ms Rumbles undertook to pass on the suggestion to the Healthy Working Life Group that information regarding public transport to St John's Hospital be shared with patients, staff and visitors.

### 7. ACCIDENT & EMERGENCY APPOINTMENT TREND ANALYSIS

At the meeting of St John's Hospital Stakeholder Group held on 19 October 2016 a request was made for an update on the trend analysis for patients attending the Accident & Emergency (A&E) Department at St John's Hospital.

Agnes Ritchie, Associate Nurse Director, provided an update on the number of patients presenting at the A&E Department at St John's Hospital with either major or minor conditions. A comparison was given on the number of attendees presenting on 9 December compared to the 13 December 2016. It was noted that there was an increase in the number of attendees during this time which was mainly due to winter related illnesses. Activity trends varied however the peak period was reported to be 7.00 p.m. The number of patients waiting less than 4 hours from arrival to admission or discharge was lower than the Scottish Government target of 95%, which was due to the number of resuscitations/stroke patients admitted at this time.

A number of reasons were given relating to the trends for people attending A&E over this period which included frail, elderly falls, foot

injuries and other minor ailments. A small injury clinic was also set up to try to reduce the number of people attending A&E.

In response to a question from Martin Hill regarding how information on patients attending A&E was reported to care homes, etc. Ms Ritchie advised that information relating to patients was captured on arrival at A&E and reported via the frailty pathway.

#### Decision

Noted the update in relating to A&E appointment trends.

### 8. ST JOHN'S HOSPITAL QUALITY DASHBOARD - NOVEMBER 2016

The Stakeholder Group considered a report (copies of which had been circulated) by Agnes Ritchie, Associate Nurse Director, which provided a summary of process and outcome quality measures for the month of November 2016.

Patients were being encouraged to complete surveys on their hospital experience by completing inpatient ward participation surveys or by completing the 'tell us ten things' survey to allow outcomes to be measured.

It was noted that the St John's Hospital staff absence level was slightly above the 4% target and the number of complaints received had reduced, which was positive. The group was then provided with details of the outcome measures outlined in the report.

In response to a question from the group in relation to the cardiac arrest rate, Ms Ritchie advised that work was required in relation to measuring outcomes for cardiac arrest rates. The Stroke Performance Quality Improvement Programme for NHS Lothian was one of the key areas for quality improvement to assess the impact on performance in this area.

A reduction was reported in the number of patient falls. Work was also due to commence to pilot a new methodology to identify and help reduce the risks at an earlier stage for patients suffering from pressure ulcers, particularly in frail, elderly patients being admitted to hospital. The goal was to reduce the number of Grade 2 or above pressure ulcers in hospitals by 50% by December 2017. It was agreed that an update report providing details of the new methodology being used to identify and reduce pressure ulcers would be submitted to the meeting of St John's Hospital Stakeholder Group scheduled to be held on 15 March 2017.

The Chair acknowledged the detailed report presented and thanked Ms Ritchie for the update.

#### Decision

1. Noted the contents of the report and the update provided; and
2. Noted that the Associate Nurse Director undertook to provide an

update report on the methodology being used to identify and reduce the risks to patients caused by pressure ulcers to the meeting scheduled to be held on 15 March 2017.

9. NURSING STAFF/BANK STAFF REQUIREMENT

The Stakeholder Group noted an update from Agnes Ritchie, Associate Nurse Director, on the number of registered nursing bank shifts filled between the period 1 June to 1 December 2016.

The number of registered bank nurses available was 274. It was noted however that where a funded substantive position was available steps would be taken for this position to be filled. Unfortunately, there was a shortage of trained nursing staff at this time, which led to a requirement for 'bank staff' to be used to fill nursing positions. This was due to a number of reasons, which included staff sickness absences, maternity leave, vacancies or individual patient needs.

NHS Lothian was recruiting regularly and St John's Hospital was proactive in promoting the site. A number of nursing staff were recruited following a successful recruitment day held in August 2016, twenty-two of which were recently qualified nurses. Over the past few weeks three members of staff were appointed from outwith the Lothian area, which was positive. As nurses were being recruited to permanent positions there has been a reduction in the requirement to use nursing bank staff.

In response to a question from the Chair in relation to the average vacancy rate, Ms Ritchie advised that the average vacancy rate for trained nurses was 24 full time posts. She was then asked how this compared to the percentage of staff at St John's Hospital. Ms Ritchie undertook to email the percentage running average vacancy rate for St John's Hospital to E. Dow to be circulated to Stakeholder Group members.

Decision

1. Noted the update on nursing staff bank requirements; and
2. Noted that the Associate Nurse Director undertook to provide details of the percentage running average vacancy rate to be circulated to Stakeholder Group members.

10. WORKPLAN

The group considered the contents of the workplan (copies of which had been circulated).

It was agreed that the following items be included in the workplan:

- Activity and Performance update by Andrew Jackson to be considered on 18 January 2017;

- Identifying ways to reduce pressure ulcers in hospital patients update by Agnes Ritchie to be considered on 15 March 2017.

Decision

Noted the workplan subject to including the items highlighted above.

11. DATE OF NEXT MEETING

The group noted the date of the next meeting scheduled to be held on 18 January 2017.

MINUTE of MEETING of the ST JOHN'S HOSPITAL STAKEHOLDER GROUP of WEST LoTHIAN COUNCIL held within BOARD ROOM 1, ST JOHN'S HOSPITAL, LIVINGSTON , on 18 JANUARY 2017.

Present

Councillor John McGinty, Leader of West Lothian Council (Chair)  
Councillor Dave King, Appointed Representative, West Lothian Council  
Councillor Anne McMillan, Appointed Representative, West Lothian Council  
Martin Hill, Non-Executive member, NHS Lothian  
Alex Joyce, Non-Executive member, NHS Lothian  
Jacquie Campbell, Interim Chief Officer, Acute, NHS Lothian (by video link)  
Fiona Mitchell, Director of Women's and Children's Services, NHS Lothian  
Andrew Jackson, Associate Director: Information Services, Strategic Planning  
Caroline McDowall, Partnership Lead St John's Hospital.  
Aris Tyrothoulakis, St John's Hospital Interim Site Director, NHS Lothian  
Maureen Anderson, Patient Representative

Apologies

Lynsay Williams, Non-Executive member, NHS Lothian

In attendance

Lorraine McGrorty, Committee Officer, West Lothian Council

1. DECLARATIONS OF INTEREST

Agenda Item 5 – Paediatric Services/Paediatric Outpatient Clinic Waiting Times

Martin Hill declared an interest due to him being a member of the Paediatric Programme Board.

2. MINUTE

The group confirmed the minute of the meeting held on 21 December 2016 as being a correct record subject to noting that Linda Rumbles had attended the meeting as Depute for Caroline McDowall, Partnership Lead St John's Hospital and that pool bikes were not yet available although a funding had been submitted, the outcome of which was awaited.

3. PAEDIATRIC SERVICES/PAEDIATRIC OUTPATIENT CLINIC WAITING TIMES

The Stakeholder Group noted the update provided by Fiona Mitchell, Director of Women's and Children's Services, on the current position within the paediatric service at St John's Hospital.

The Group heard that the six new Paediatric Consultants were on track to take up their positions from February 2017 onwards. In accordance with NHS procedures, an external adviser from outwith NHS Lothian had been appointed to oversee the selection of the two outstanding Paediatric



Consultant posts. It was hoped that issues raised by the external adviser around supporting professional activity would shortly be resolved and the posts could be advertised in February. A date for interviews had been set aside in March.

Ms Mitchell then explained that Paediatric Consultants who were due to graduate in August 2017 were eligible to apply for consultant posts no more than 6 months prior their graduation. It was therefore hoped that some of the Lothian's trainees would express an interest in the vacant posts.

Ms Mitchell reported that paediatric staff continued to support the rota within the Children's Ward at St John's Hospital which continued to have a slight impact on the Paediatric Outpatient Clinic waiting times. Details of the number of paediatric outpatient appointment waiting times for December 2016 were provided. It was noted that the number of children referred to St John's Hospital waiting for an appointment for more than 12 weeks had increased slightly in December when compared to November. Overall however, 93% of children had been seen within 12 weeks and around 97% within 16 weeks. Ms Mitchell was confident that once all of the new consultants were in place, the number of children waiting more than 12 weeks for an outpatient appointment would back revert to levels last seen in April 2016 when only 3 children had waited more than 12 weeks for an appointment.

Ms Mitchell then responded to questions from members of the Group.

#### Decision

Noted the update provided.

#### 4. CARDIOLOGY SERVICES ST. JOHN'S HOSPITAL

The Stakeholder Group received a very interesting presentation (copies of which were tabled) by Aris Tyrothoulakis on cardiology services at St. John's Hospital.

The presentation gave the Group with an overview of the cardiology services provided at St. John's Hospital which provided an inpatient and outpatient service for people with heart disease from across West Lothian. It also provided the group with an overview of the current staffing compliment of the cardiology team and an understanding of the levels and methods of services delivered to inpatients and outpatients.

A relatively new Heart Failure Service had been introduced which was being led by a Consultant Cardiologist and supported by a heart failure nurse. The service was primarily an outpatient service involving close working with GPs and medical teams within St. John's Hospital as required. The significant success of the service had been recognised and ways to expand the service were currently being explored. The report then moved on to provide a summary of the Lothian wide cardiac rehabilitation service.

Mr Tyrothoulakis' presentation then provided the group with a list of the challenges to providing cardiology services on site and concluded with information on the planned future direction of cardiology services across NHS Lothian. He explained that a review of Acute Medical Services was currently being undertaken by Brian Cook, Acute Medical Director which he expected cardiology to be part of. Ms Campbell confirmed that the review being undertaken by Mr Cook was the start of an extensive piece of work that would be the driver of ensuring the correct models were in place for a sustainable NHS workforce in the future.

In response to questions from members of the Group, Mr Tyrothoulakis agreed to include the potential requirement for additional consultant cover in the future direction of the service. He took on board that there was a growing elderly population who required services to be provided in the right place to serve the needs of the population.

#### Decision

Noted the contents of the presentation and the update provided.

### 5. ACTIVITY AND PERFORMANCE UPDATE

The Stakeholder Group considered the terms of an informative presentation (copies of which were tabled) by Andrew Jackson, Associate Director, Information Services Strategic Planning, on the activity review for Accident and Emergency, Outpatients and Inpatients/Day cases at St. John's Hospital for the period April-December 2016.

At the outset of his presentation, Mr Jackson stressed to the Group that data contained within his report was provisional and would not feature in national data for a number of months.

Mr Jackson spoke the Group through the variety of graphs within the presentation. In relation to A&E, he noted that the number of patients being seen within the department within 4 hours had been relatively stable in 2016, with around 95% receiving treatment within 4 hours. Likewise, outpatient activity had been remarkable stable in the past 18 months, with only a very slight rise in return outpatient waiting times in the past couple of months.

Despite stability in the A&E and outpatients, the next graph within Mr Jackson's presentation revealed that there had nevertheless been an increase in the number of outpatients waiting over 12 weeks for an appointment. The proceeding slide gave the Group a breakdown of figures for December 2016, from which the key specialist areas impacting on the delay could clearly be identified. The Group heard from Mr Jackson that the position was the similar across all of Lothian.

Mr Jackson's presentation then moved on to provide graphical details on the inpatient and daycare activity, including the number of inpatient and daycare cases who had waited more than 12 weeks for an appointment. Mr Jackson explained that these figures had also grown since March

2016 and again, the position was reflected across all of Lothian. The final slide in the presentation provided information on the areas of speciality where patients had waited more than 12 weeks for an appointment.

Arising from discussion, Ms Campbell confirmed that there were a few key areas impacting on the figures. She explained that demand was outstripping capacity and that urgent demand was impacting on routine appointments. The picture was the same across Scotland with around 82,000 patients waiting more than 12 weeks for an appointment. The NHS would have to ensure that future capacity was as appropriate and as efficient as possible.

In responding to a question about waiting times at St. John's A&E, Ms Campbell explained that whilst the number of cases at St. John's had not risen greatly in recent months, on the ground the staff had experienced noticeable peaks on certain days. She explained that the frailty and complexity of cases presenting at A&E meant staff were dealing with a sicker cohort of patients and gave credit to the clinical and management team for their excellent handling of the situation.

#### Decision

Noted the contents of the presentation and the update provided.

### 6. WORKPLAN

The group considered the contents of the workplan (copies of which had been circulated).

#### Decision

Noted the workplan.

### 7. DATE OF NEXT MEETING

The group noted the date of the next meeting scheduled to be held on 15 February 2017.

### 8.. URGENT BUSINESS - WARD 20, ST. JOHN'S HOSPITAL

In response to a suggestion from Ms Campbell, the chair allowed a verbal update to be provided to the Group by Mr Tyrothoulakis on Ward 20.

Mr Tyrothoulakis explained that works had commenced earlier in the week to extend Ward 20 which would see the ward expanded to provide 2 operating theatres and the creation of a new day surgery unit for hand trauma surgery, hand elective surgery and ophthalmology surgery patients. The expanded ward would support pre and post-operative care for patients. The refurbishment would provide additional capacity and reduce the need for overnight stays for patients from throughout Lothian. The works were a major investment in the hospital with the expanded

ward expected to be completed by the end of June.

Decision

Noted the verbal update and welcomed the additional investment in St. John's Hospital.