

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 2 FEBRUARY 2016.

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

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 7 (Urgent Business) that an additional item of business, concerning the Local Government Finance Settlement 2016-17, would be dealt with as an urgent item as the contents of the settlement had only just been made known to the council in a letter from the Deputy First Minister and had not been available in time for a report to be prepared for inclusion on the Council Executive agenda. The item would be considered following Agenda Item 10.

2. DECLARATIONS OF INTEREST

- 1) Agenda Item 7 (Paediatric Services at St John's Hospital) – Councillor Peter Johnston declared a non-financial interest as a Non-Executive Director of NHS Lothian, for which a specific exclusion applied. He also declared an interest as COSLA's spokesperson for the Health and Well-Being Strategic Group; and
- 2) Agenda Item 7 (Paediatric Services at St John's Hospital) – Councillor Danny Logue declared a non-financial interest in that he was an employee of NHS Lothian.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 19 January 2016 as a correct record. The Minute was thereafter signed by the Chair.

4. 2015-16 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 Estates 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 2015 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 2015-16 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.

1. It was recommended that the Council Executive note the outcome of the month 9 revenue monitoring exercise and the resulting £1.010 million underspend forecast in the core revenue budget; and
2. Agree that Heads of Service take all management action necessary to ensure 2015-16 budgets were managed within budget and approved budget reductions achieved.

Motion

“Council Executive notes Recommendation 1, agrees Recommendation 2 and adds a further recommendation :

3. Agree to allocate the reported £1.010m underspend over the financial years 2016/17 and 2017/18 to offset cost pressures in the provision of Local Bus Contracts”.

- Moved by the Chair and seconded by Councillor Muldoon.

Decision

To unanimously approve the terms of the motion.

5. 2015-16 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 2015-16 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2014-15 capital budget was £49.953 million which assumed £4 million of over programming.

Good progress was being made on a number of capital projects with the committed expenditure as a percentage of projected outturn at 89%. In overall terms the monitoring exercise indicated that the projected outturn was £55.005m, which represented accelerated spend of £5.052m.

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

A number of key risks in relation to the delivery of the General Services capital programme had been identified and would continue to be managed by asset lead officers and monitored by the CMT.

It was recommended that the Council Executive :-

1. Note the outcome of the month 9 monitoring exercise and the projected outturn; and
2. Agree that asset lead officers and the Head of Finance and Estates continue to take necessary action to deliver the overall programme

Decision

To approve the terms of the report

6. PAEDIATRIC SERVICES AT ST JOHN'S HOSPITAL

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update in relation to the Council Executive's decision on 19 January 2016 regarding the review by NHS Lothian of paediatric services and to consider whether any further action should be taken.

The report advised that NHS Lothian had invited the Royal College of Paediatrics and Child Health (RCPCH), an independent organisation, to conduct a review of paediatric services at St John's Hospital and the Royal Hospital for Sick Children. The review was now underway. As part of the review, the Review Team would gather documentation and information by conducting surveys, interviews and focus groups with staff, patients/families and stakeholders from outside organisations.

West Lothian Council had an established policy position in relation to the Paediatrics Unit at St John's Hospital, namely that there should be no downgrade in services at the unit. It was also the council's position that the Review of Paediatrics Services at St John's Hospital should be completed with relevant findings published in advance of May 2016.

On 19 January 2016 Council Executive agreed to ask NHS Lothian to include general public meetings as part of the public consultation process and to call again for the consultant's report to be published ahead of the Scottish Parliamentary elections in May 2016. In the event that the request for public meetings was not accepted committee agreed that the council should organise public meetings.

NHS Lothian had responded to say that public meetings would be held, but no detailed information had been provided about what they would involve. The council had received no indication of any change of position in relation to the publication of the review report.

It was recommended that Council Executive :-

1. Note the response by NHS Lothian to the council's decision on 19 January 2016 in relation to the review of paediatric services; and
2. Consider the council's position and any further action which should be taken.

Motion

"Council Executive notes the response from NHS Lothian.

Council Executive restates the position of the Council that there should be no reduction in services at the Children's Ward at St John's Hospital.

Council Executive agrees to request an additional meeting of the St John's Stakeholder Group to consider the information, as it relates to the establishment of the Paediatric Review process, obtained through a Fol request by Neil Findlay MSP.

Council Executive further agrees that the Head of Service for Social Policy be requested to complete a submission for the review from West Lothian Council in conjunction with the Executive Councillor for Health and Care and that this be submitted to the Review Team before the closing date for submission on 14 February 2016.

- Moved by Councillor McMillan and seconded by Councillor Conn

Amendment

"Council Executive notes the response from NHS Lothian.

Council Executive restates the position of the Council that there should be no reduction in services at the Children's Ward at St John's Hospital.

Council Executive agrees to request an additional meeting of the St John's Stakeholder Group to consider the information, as it relates to the establishment of the Paediatric Review process, obtained through a Fol request by Neil Findlay MSP.

Council Executive further agrees that the submission be sent to the appropriate PDSP for consideration before being finalised for onward submission to the Review Team by the deadline of 14 February 2016"

- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that a Roll Call Vote be taken which resulted as follows :-

Motion

Tom Conn

Jim Dixon

Lawrence Fitzpatrick

Amendment

Frank Anderson

Peter Johnston

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

George Paul

Decision

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

7. PUBLIC TRANSPORT SAVINGS UPDATE AND LOCAL BUS SERVICE CONTRACTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the progress to date in achieving the £1.94m of savings required in 2016-17 from passenger transport services and to seek approval for a package of revised council bus service contracts.

The Head of Operational Services explained that a revised Public Transport Strategy had been agreed by Council Executive on 30 June 2015 together with a plan to meet approved savings for 2015-16 and 2016-17. The strategy set the parameters for service provision and the priorities for resourcing services within the available budget in the future with the principle of minimising the impact on local bus services.

The approved savings plan commenced implementation with the revision of the local rail concessionary travel scheme which took effect on 6 September 2015 with a savings target of £272,000. Costs of the revised scheme were being closely monitored to ensure that savings were on target and initial indications were that this saving could be achieved in full from 2016-17.

The remaining approved saving of £1.94m was to be delivered in 2016-17 and the proposed allocation of savings was spread across five separate proposals and covered the following :-

1. Review of taxi and minibus operations;
2. Guidance for granting transport entitlement;
3. School bus income;
4. Review of large vehicle operations; and

5. Review of supported local bus services

Each of these proposals was explored in the report noting the savings to be made under each one. It was also noted that as a result of the savings to be made under proposals 1 through to 4 (noted above) the remaining balance of £913,000 would require to be achieved from local bus services.

All of the local bus service contracts were due to expire on 31 March 2016 and the council had undertaken a procurement exercise to tender for a framework contract for local bus service contracts. Details of the tenders returned and their ranking for the services included were summarised in Appendices 2 and 3 attached to the report.

The Head of Operational Services continued to explain that the tender evaluation for the framework was now complete and the necessary standstill period had ended without any challenges to the procurement process. The framework award letters had been accepted by suppliers and on approval by Council Executive, the council would start a mini-competition process for the list of contracts that indicative tender prices suggested could be afforded within available resources.

The report concluded that further work undertaken had revised the level of savings to be achieved under each of the proposals and consequently the level of savings required from the review of local bus services had increased.

It was recommended that Council Executive :-

1. Note the revised savings targets for the proposed changes to passenger transport services and local bus service contracts;
2. Note the current position on the framework contract for local bus services;
3. Approve the list of revised local bus service contracts as set out in Appendix 2 attached to the report so that mini-competitions could be undertaken to secure the council's contract local bus services within available resources; and
4. Note the implications for local bus service changes on a ward by ward basis as set out in Appendix 4 attached to the report.

Motion

"Council Executive notes the severe financial pressure applied to West Lothian Council by the failure of the SNP Scottish Government to adequately fund local Council Services.

Council Executive therefore notes Recommendations 1 and 2 in the report, agrees to amend Recommendation 3, to include contract numbers LBS/26E, LNS/8, LBS/20, LBS27, LBS20E, LBS/30, LBS/21, LBS/31S Opt B, LBS/11/12, LBS449, LBS/26 for 2016/17 and 2017/18 in the mini

competition, at an estimated cost of £830,357.

Council Executive recognises that the inclusion of the additional contracts will lessen the impact on communities and requires officers to report back following the outcome of the mini competition process with an amended version of appendix 4.

Council Executive agrees a further recommendation :

5. Agrees that the balance of £179,643 be retained to support subsidised bus services over the period 2016/17 and 2017/18.”

- Moved by Councillor Muldoon and seconded by Councillor King

Amendment

“Council Executive note the recommendations of the report, accepts that there was now £1 million extra available but agrees to hold a series of public meetings to allow West Lothian communities a say on which services would be affected”.

- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that Roll Call vote be taken which resulted as follows :-

Motion

Tom Conn

Jim Dixon

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

George Paul

Decision

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

Amendment

Frank Anderson

Peter Johnston

8. PROCUREMENT ARRANGEMENTS - PROVISION OF LOCAL BUS SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update on the tender outcome and setting up of a four year framework agreement for council funded local bus services.

The Head of Finance and Estates explained that the tender was carried out following approval of the weighted evaluation criteria by Council Executive in October 2015. The tender was divided into 49 separate lots, each lot representing one full or part local bus service currently under contract and all due to expire on 31 March 2016.

Current expenditure on local bus services was £2.278 million per year and budget savings of £1.94m for 2016-17 in relation to Public Transport were approved by Council on 29 January 2015. Therefore total budget savings for local bus services was £913,000 to be delivered in 2016-17. This meant that there was a budget of £1.211 million available in 2016-17 against existing costs of £2.278 million

The procurement process was intended to support council efforts to achieve the required savings whilst ensuring that as many areas continued to be served. The tender asked for offers to be submitted for direct replacements of current council funded local bus services as well as for revised and redesigned services.

The tender closed on 14 December 2015. There were seven tenders submitted but one was deemed non-compliant and the tenderer later withdraw from the tender process. The remaining six tender submissions were assessed against the set selection and award criteria and were successful in being invited onto the framework agreement for the services they bid for. Only one lot for various services over the Christmas and New Year period received on bid, whilst the remaining 48 lots received bids from two or more tenderers as shown in Appendix 1 attached to the report.

The framework agreement set out the terms and conditions under which legally binding contracts would be made throughout the term of the agreement. The framework did not bind the council to purchase services; the council could decide to use the framework agreement.

The Head of Finance and Estates continued to provide details of the net cost findings and option appraisals including like for like services, revised and redesigned services and revised and redesigned services plus the remaining 35 unchanged services. To summarise none of the optional appraisals, providing service provision comparable with current service provision would be able to operate within a budget of £1.211 million in 2016-17.

The awarding of contracts would commence once approval was given for the final compliment of local bus services to be provided. Also in order to

allow local bus operators sufficient time to register services and commence service provision from 1 April 2016, the latest date for completion of contract awards was 18 February 2016.

It was recommended that Council Executive :-

1. Note the tender outcome and setting up of a four year framework agreement for council funded local bus services;
2. Note the net cost findings and option appraisal exercise carried out;
3. Note that a separate report was being considered by Council Executive recommending changes to the current service provision, commencing 1 April 2016; and
4. Agree the necessary procurement action should be taken to implement the service provision agreed by Council Executive.

Decision

To approve the terms of the report

9. REFUGEE RESETTLEMENT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the refugee resettlement programme and related issues.

The Depute Chief Executive explained that the council had submitted accommodation details to the Home Office and was currently waiting receipt of the case summaries. Officers were expecting early confirmation and on receipt the council would review in order to determine the range of support services required to accommodate the refugees offered by the Home Office.

The Home Office had confirmed that flights were scheduled for February 2016 and March 2016, with further flights during the rest of the calendar year. As previously advised the lead time was normally six weeks and as such officers were currently planning for arrivals in March 2016.

There were many aspects and issues to consider for the resettlement and integration of the refugees arriving in Scotland for a period of at least five years and local services and communities would also need to be supported as they received, welcomed and integrated refugees.

The Scottish Refugee Council offered specialist support, services and consultancy in the settling and integration of refugees in Scotland and officers had held preliminary discussions on a range of services and support that would be available from the Scottish Refugee Council. Discussions would also be held with other Voluntary Sector Organisations following receipt of the case summaries.

It was recommended that Council Executive note the update on the refugee resettlement programme.

Decision

To note the terms of the report

10. LOCAL GOVERNMENT FINANCE SETTLEMENT 2016-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update in relation to the revised 2016-17 Local Government Finance Settlement offer letter from the Deputy First Minister to local authorities on 27 January 2016.

The members were advised that the Depute First Minister, in a statement to the Scottish Parliament on 16 December 2015, announced the Scottish Draft Budget 2016-17. The Scottish Government also published the Local Government Finance Circular No.7/2015 on 16 December 2015, whose content formed the basis of the annual consultation between the Scottish Government and COSLA.

The Deputy First Minister wrote to the COSLA President and the Leaders of all Scottish local authorities on 27 January 2016 to confirm the final details of the Local Government Finance Settlement for 2016/17. The measures set out in the settlement offer were to be viewed as a package to protect shared priorities and intensify a journey of reform. In order to access all of the funding involved, of £408 million, local authorities must agree to deliver the three measures set out in the report and which included Integration Fund, Teacher Numbers and Council Tax Freeze.

The Head of Finance and Estates continued to explain the conditions of the offer from the Deputy First Minister and the specific implications for West Lothian Council noting that if the council did not deliver any of the commitments set out by the Deputy First Minister then the Scottish Government could claw back £12.255 million funding from the council.

It was recommended that the Council Executive :-

1. Note the content of the letter from the Deputy First Minister on 2016-17 Local Government Finance Settlement; and
2. Agree the action that should be taken regarding the 2016-17 funding offer.

Motion

“Council Executive condemns the failure of the SNP Scottish Government to fully fund Council Services and the disgraceful and discourteous manner in which the Cabinet Secretary for Finance has handled the issue of the 2016/17 Local Government Finance Settlement.

Council Executive agrees that the SNP Scottish Government is forcing Council's to cur vital public services and that the behaviour of the SNP Scottish Government is nothing short of an attack on local democracy in Scotland.

Council Executive agrees that the Leader of the Council should respond to the requirement made by the Deputy First Minister, referred to in Paragraph D.3 of the report, taking into account the content of the letter from the Deputy First Minister and any other relevant information that emerges prior to the deadline to respond."

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

"Council Executive accepts recommendations 1 and 2 as presented in the report.

Council Executive notes that Councils are required to confirm to the Scottish Government by 9th February their agreement to :-

1. Freeze the Council Tax for 2016
2. Maintain teacher pupil ratio's locally and contribute to the maintenance of a national level of 13.7
3. Agree to utilise the £250m integration fund to support additional spend on social care to support the objectives of integration including :-
 - Making progress on charging thresholds for all non-residential services to address poverty
 - Ensuring that all adult social care workers are paid the Living Wage (£8.25 per hour) from 1st October at the latest
 - Agreeing not to reduce the budget contribution to the West Lothian Health and Care Partnership by more than this council's share of the additional £125m provided through the integration fund.

Council Executive further notes that any Council which fails to agree to the above will not receive their share of :-

1. Integration funding - £250m
2. Support for teachers - £88m
3. Council Tax subsidy - £70m

Council Executive therefore agrees to write to the Scottish Government confirming West Lothian Council's full agreement to all of the above."

It was agreed that a Roll Call Vote be taken which resulted as follows:-

Motion

Tom Conn

Jim Dixon

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Cathy Muldoon

George Paul

Decision

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

11. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 16 December 2015, a copy of which was attached to the report.

Decision

To note the contents of the report