

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 26 FEBRUARY 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Cathy Muldoon, George Paul, Damian Timson, Pauline Clark (substituting for Peter Johnston), Tom Kerr (substituting for Charles Kennedy).

Apologies – Councillor Peter Johnston, Charles Kennedy

1. DECLARATION OF INTEREST

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Frank Anderson declared an interest in Agenda Item 15 in that he was the Chair of Open Door and a member of Craigshill Good Neighbour Network and advised he would leave the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Harry Cartmill declared an interest in Agenda Item 15 in that he was a Board Member of Homeaid and advised he would leave the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Tom Conn declared an interest in Agenda Item 15 in that he was a council appointee to Linlithgow Heritage and advised he would remain during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor George Paul declared an interest in Agenda Item 15 in that he was a member of West Lothian Youth Foundation and advised he would leave the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor David Dodds declared an interest in Agenda Item 15 in that he was a member of Fauldhouse Development Trust and advised he would leave the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Lawrence Fitzpatrick declared an interest in Agenda Item 15 in that he was a member of Livingston Cricket Club and left the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Tom Kerr declared an interest in Agenda Item 15 in that he was a council appointed member to West Lothian Leisure Board of Directors for which a specific dispensation applied.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Chris Horne declared an interest in Agenda Item 15 in that he was a council appointed member to West Lothian Leisure Board of Directors for which a specific dispensation applied.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 that an urgent report concerning Procurement Arrangements – Tender for Additional Private Early Learning and Childcare Providers would be considered as a decision was required to allow Education Services to progress the early year's expansion programme.

This item of business would be considered at the end of the agenda.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 5 February 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. FORTH ESTUARY LOCAL PLAN DISTRICT - FLOOD RISK MANAGEMENT INTERIM REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the progress made against the actions agreed by the council in the Forth Estuary Local Plan District's Local Flood Risk Management Plan.

The report advised that as required by the Flood Risk Management (Scotland) Act 2009, progress against the actions would be published in the Interim Report. The council's progress was summarised in the report and included an update on the recently completed Whitburn study.

In addition the report advised of the recent publications of the 2018 National Flood Risk Assessment (NFRA), the Cycle 2 (2016-2022) Potentially Vulnerable Areas and the impact this had on the council.

As required under s37 of the Act, Falkirk Council had prepared the Draft Interim Report in collaboration with the other Responsible Authorities in the area which consisted of 13 local authorities, The Scottish Environment Protection Agency, Scottish Water, Network Rail, Transport Scotland and Forestry Commission Scotland. The statutory deadline for publication of the final Interim Report was June 2019.

The report went on to provide a summary of the status of the actions which were categorised as follows:

Red – The action was behind programme and/or over budget with key dates unlikely to be met.

Amber – The action was behind programme and/or over budget, but the key dates were expected to be met.

Green – The action was on programme and within budget.

A series of appendices was attached to the report, with Appendix 1 showing a summary of the status of all actions across the Forth Estuary and Appendices 2-4 detailing progress which all responsible authorities had made against each action in the PVA (Potentially Vulnerable Areas).

It was recommended that the Council Executive :-

1. Notes the progress which had been made by the council towards the actions agreed in the 2016 Forth Estuary Local Flood Risk Management Plan; and
2. Approves the draft Interim Report for publication.

### Decision

To approve the terms of the report.

## 5. CONSULTATION ON PRISONER VOTING

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive informing the members of the Scottish Government consultation on prisoner voting, which set out proposals for ensuring compliance with the European Convention on Human Rights on the matter of prisoners voting.

The European Court of Human Rights (ECHR) found in 2005 that the UK's ban on any convicted prisoners voting in elections breached their human rights.

The Scottish Parliament's Equalities and Human Rights Committee published a report on Prisoner Voting in Scotland on 14 May 2018. The committee asked the Scottish Government to consider a wide range of views on this issue going forward and to consult as many stakeholders as possible.

The consultation set out the background to the issue and sought views on a proposal to allow only those prisoners sentenced to short sentences to vote. The Scottish Government's view was that it was not appropriate to give all prisoners the right to vote.

The options examined in the consultation paper were as follows :-

- To link disenfranchisement to the length of a prisoner's custodial sentence;
- To make disenfranchisement an additional sentencing option, to be applied at the discretion of the sentencing judge;
- To link disenfranchisement to the type of crime committed; and
- To link a prisoner's regaining the right to vote to the length of time remaining on this custodial sentence.

The report continued by providing a summary of the questions being posed in the consultation. It was also noted that the consultation paper was proposing that prisoners would not be able to vote in person but would need to register for a postal or a proxy vote in the same way that prisoners on remand currently did.

The Council Executive was further advised that electoral administrators had offered no view on whether prisoners should be entitled to vote as that was a matter of policy for legislatures to determine. However they had previously highlighted a number of issues and these were outlined in the report.

The Electoral Management Board for Scotland was collating feedback on a number of practical issues from electoral administrators across Scotland and would respond to the consultation from this perspective.

It was not anticipated that there would be any significant impact on council resources. There could be a very small proportionate increase in the number of postal votes to be issued and counted and awareness raising activities would have to take into account any changes in voting rights.

The Council Executive was asked to consider the Scottish Government's consultation and determine the terms of any response by the council.

#### Motion

Council Executive notes the Scottish Government's proposal for ensuring compliance with the European Commission on Human Rights on the matter of prisoner's voting.

At present it is recognised that voting rights extended to prisoners on remand, parole or home detention curfew.

Council Executive understands that the UK Parliament legislates on voting rights for UK elections and agrees that there should be total consistency on voting rights for prisoners between UK Parliament, Scottish Parliament and local government elections in Scotland.

Council Executive agrees that the consultation response should be sent in these terms.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Decision

To approve the terms of the motion.

### 6. CORPORATE PROCUREMENT STRATEGY 2019/20 TO 2022/23

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the Corporate Procurement Strategy 2019/20 to 2022/23, a copy of which was attached

to the report.

The Head of Corporate Services explained that the Corporate Procurement Strategy 2019/20 to 2022/23 had been developed to support the delivery of the priorities in the council's Corporate Plan. The Strategy was intended to ensure that there was sound governance and a framework to help the council meet national and local obligations including targets defined by the Scottish Government.

The Strategy supported the council's vision for procurement to achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders.

The Corporate Procurement Strategy built upon previous strategies. There were five outcomes in the strategy and these were set out in the report under the headings of Contracts; Compliance; Accessibility; Community Benefits; and Sustainability. The Outcomes would also target an increased percentage of council suppliers paying the living wage however it was to be noted that the council was not authorised to enforce payment of the living wage by suppliers.

Key measures of the success for each outcome had been identified and these would be used to track, monitor and report on performance throughout the lifetime of the strategy. An annual review would be undertaken and reported to the council's Corporate Management Team and to the Partnership and Resources Policy Development and Scrutiny Panel.

There were 31 actions that had been identified to support the delivery of the Corporate Procurement Strategy outcomes. Progress against these actions would be included in the monitoring arrangements for the strategy.

It was recommended that the Council Executive approves the strategy attached as an appendix to the report.

### Decision

To approve the terms of the report

## 7. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO OLM SYSTEMS LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to make a direct award of a contract to OLM Systems Ltd for a 3 year support and maintenance contract to the existing SWIFT social care case management system.

The Council Executive was advised that SWIFT was the system used by Social Policy as its case management system which contained details of client referral assessments, care plans and related financial information and was therefore critical in terms of ensuring appropriate information was recorded and shared with other staff in the service. The current contract

with OLM was due to expire on 30 April 2019.

A report seeking approval to commence tendering procedures for the supply and support of a replacement Social Care case management system was approved by Council Executive on 21 August 2018. However due to shifts in market conditions, resource and change issues within Social Policy, the SWIFT Replacement Project Board sought approval from the ICT Programme Board to fully consider implications of options and agree the next steps.

The SWIFT system was currently being supported on version 29, which was now out of date. There was a risk that should WLC continue to operate with v29, the OLM could at any time withdraw support for this outdated version and insist West Lothian Council upgrade to v32 for support.

In addition the Swift Replacement Project Board has noted that Scotland Excel had published a Procurement Information Notice (PIN) advising of their intention to procure a framework that would allow local authorities to buy a replacement Social Policy system. Given that West Lothian Council have not as yet commenced tendering for a new system, the time taken to upgrade the current system would also allow time to review how the Scotland Excel procurement progresses and may at a later point be a more appropriate vehicle with which to purchase a new Social Policy system.

As the current contract with OLM expires in April 2019 there was a requirement to enter into a new contract with them. Discussions had taken place with OLM to ascertain the possibility of agreeing a 2 year contract with option to extend for 1 further year. OLM have advised that due to the risk and cost a shorter contract poses for them they would only consider a 3 year agreement. If a 3 year contract was secured with OLM at this point, to upgrade the current system to the latest version (v32), support and maintenance costs had been quoted as £78,112.15 per annum, which was a reduction from previous year's payments of £87,000. OLM have also previously advised that should the council proceed to market without a new support and maintenance contract in place then the council should budget for £500,000 to cover the costs over a minimum 3 year term.

Dependent on the procurement route, the process to the point of contract signing could take 6 months, which would allow 2 years to implement a new system. It was to be noted that the council did not have the in-house capability to provide the requirements.

Other procurement issues and budget implications were also explored in the report.

It was recommended that the Council Executive approves a direct award of a contract to OLM Systems Ltd, for a 3 year support and maintenance contract to the existing SWIFT social care case management system with a total value not exceeding £350,000

### Decision

To approve the terms of the report

8. PROPOSED 30MPH SPEED LIMIT EXTENSION A89 WEST OF ARMADALE ACADEMY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to reduce the existing 50mph speed limit to 30mph on A89 Armadale to the west of Armadale Academy.

The Head of Operational Services explained that planning permission 0047/FUL/16 was granted on 23 November 2017 for the erection of 110 houses at Standhill South, Armadale. The site was allocated in the Local Development Plan and formed part of the Armadale Core Development Area.

Access was proposed to be taken from A89 west of Armadale Academy. Initially access for the south site would be from a priority junction but enough land had been set aside for a roundabout as there was a proposal for a further 290 housing units to the north of the A89.

The extension to the 30mph speed limit would reflect the ongoing development on the western approach to Armadale and relates to the urban boundary identified in the Local Development Plan.

A location plan attached to the report identified the area where the 30mph speed limit was proposed.

It was recommended that Council Executive approves the initiation of the statutory procedures to reduce the 50mph speed limit to 30mph speed limit extension on A89 to the west of Armadale Academy.

Decision

To approve the terms of the report subject to the additional wording being added to the recommendation of the report as follows:

“as per the extent delineated in appendix 1”

9. CONSULTATION ON PROPOSALS TO IMPROVE THE OUT OF HOME FOOD ENVIRONMENT IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing the proposed response to the Food Standards Consultation on proposals to improve the out of home food environment in Scotland. Appendix 1 to the report contained a copy of the proposed response

The report recalled that on 22 November 2018, Food Standards Scotland (FSS) issued a consultation on proposals to improve the Out of Home

Food Environment in Scotland. The proposal to develop the strategy was included in the Scottish Government Diet and Health Weight Delivery Plan.

The consultation document recognised that the Scottish Government had already issued a consultation on proposal covering the promotion and marketing of foods high in fats, sugar or salt. The FSS consultation proposal were not intended to duplicate these but looked at means of providing better information to consumers.

The proposals in the FSS consultation covered a range of measures with a range of establishments details of which were included in the report.

In conclusion the report advised that the national resources and finances required to address the issues of poor diet on personal health were significant. The report noted that the proposals in the consultation were well intentioned but would not be implemented without adequate resource, clarity and practicality.

It was recommended that the Council Executive :-

1. Notes the content of the report and the proposed consultation response detailed in Appendix 1 attached to the report; and
2. Approves the proposed response contained in Appendix 1 attached to the report.

### Decision

To approve the terms of the report

## 10. SESPLAN BUDGET UPDATE 2018/19, RATIFICATION OF OPERATIONAL BUDGET FOR 2019/20 AND STRATEGIC DEVELOPMENT PLAN 2 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the SESPlan Operating Budget for 2019/20 following its approval by the SESPlan Joint Committee in November 2018 and to provide an update on the preparation of the Strategic Development Plan 2 (SDP2)

The Council Executive was advised that the SESPlan Financial Rules set out that Operating Budgets for the next financial year should be proposed by the SDP Manager, approved by the SESPlan Joint Committee and that decision ratified by the member authorities by the end of the calendar year.

In compliance with these rules, the SESPlan Joint Committee, at its meeting on 27 November 2017 agreed to approve the Operating Budget for 2018/19 in principle and intimated that a review of SESPlan expenditure and future budgets would be brought to a future meeting. Fulfilling this undertaking, the latest position on the SESPlan Operating



Budget for 2018-19 as at November 2018 was attached to the report at Appendix 1.

Across the entire Operating Budget for 2018/19, the updated position was for a forecast underspend of £79,686. This represented a 43% saving on the approved Operating Budget for 2018/19.

Over the first few months of the 2019/20 financial year, the SESPlan work programme would be focussed on finalising Supplementary Guidance on the Green Network Priority Area for submission to Ministers, preparation of draft Supplementary Guidance on Transport and Developer Contributions and preparation of post approval documents such as the post adoption SEA statement, Habitats Regulation Appraisal and the Action Programme. The latter was required to be prepared within three months of the approval of the second Strategic Development Plan (SDP2).

The report continued by providing details of where the main expenditure costs would come from in the budget for 2019/20.

The Council Executive was also advised of the consultation that was underway on the future of the Scottish Planning System, which set out that strategic development plans should be removed from the system. The Planning Bill was published on 16 November 2018 and whilst this bill was being progressed the work, role and remit of SESPlan beyond 2019/20 was not yet clear.

It was also noted that following a year of nil contributions, unless SESPlan as an authority was formally wound down over the next year, member contributions would be required for 2020/21, as the reserves built up would have been used in 2019/20. However more would be known as the Planning Bill progressed.

The report also provided an overview of progress on the second Proposed Strategic Development Plan (SDP2), noting that 800 representations had been received in relation to this and responses prepared. It had also been agreed by the Joint Committee not to make any modifications to the Plan and it was subsequently submitted for examination on 26 June 2017. That process concluded just over 12 months later and the report on examination considered 25 issues arising from the representations and for the most part was only recommending minor modifications to wording to provide clarity. Ministers then had a further 2 months in which to consider the report on examination, but this was indicative only. The two month period concluded in September 2018 but a decision had yet to be issued.

It was recommended that Council Executive :-

1. Notes the decision by the SESPlan Joint Committee on 26 November 2018 to agree the update forecast expenditure against the approved Operating Budget for SESPlan over the financial year 2018/19;

2. Ratifies the Operating Budget for SESPlan for the financial year 2019/20, as agreed by the SESPlan Joint Committee on 26 November 2018;
3. Notes that no member authority contributions were required for financial year 2019/20;
4. Notes that an Operating Budget for 2020/21 would be brought to a meeting of the SESPlan Joint Committee in late 2019; and
5. Notes progress made to date on the preparation of the second South East Scotland Strategic Development Plan (SDP2)

### Decision

To approve the terms of the report

#### 11. PROPOSED AMENDMENTS TO SUPPLEMENTARY GUIDANCE: RESIDENTIAL DEVELOPMENT GUIDE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of proposed changes to the council's Residential Development Guide (RDG) in advance of it being submitted to Scottish Ministers.

The Council Executive was advised that the RDG had been prepared as statutory Supplementary Guidance (SG) to support the new West Lothian Local Development Plan and was approved by Council Executive at its meeting on 24 October 2017. However it had not been possible to submit the SG to Scottish Ministers at that time as the LDP had still to be formally adopted and this hiatus had created the opportunity to make refinements to some elements of the text.

The RDG, a copy of which was attached to the report at Appendix 1, identified many different requirements to be addressed by developers of new build residential development but there were three areas which it was proposed to amend prior to submission to the Scottish Government, one of which had already been agreed by Council Executive on 18 December 2018 and concerned electric vehicle charging facilities. The other changes related to household waste collection provision in new residential developments and the development thresholds relating to the submission of a Health Impact Assessment; the report provided a summary on these two issues.

The report concluded that the RDG would be amended to incorporate the changes described in the report and would then be submitted to Scottish Ministers for approval as Statutory Guidance and part of the Local Development Plan.

It was recommended that Council Executive :-

1. Agrees revisions to the RDG in relation to developer obligations relative to the provision of domestic household waste facilities in new residential development;
2. Agrees revisions to the RDG in relation to the threshold for requiring applicants for planning permission to submit a Health Impact Assessment (HIA) to align it with separate approved Planning Guidance on Health Impact Assessments;
3. Agrees that the RDG (as amended) should be the definitive version submitted to Scottish Ministers for approval as part of the statutory development plan; and
4. Delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA was required, having taken into account the views offered by the Consultation Authorities.

#### Decision

To approve the terms of the report

### 12. 2018/19 HOUSING CAPITAL - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following the completion of the month 9 monitoring exercise.

A table contained within the report demonstrated that there had been investment of £24.429 million in housing stock as at 31 December 2018. The forecast expenditure for the year was £40.806 million. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

The report advised that significant resources continued to be invested in the creation and acquisition of new homes with budget resources of £22.207 million in 2018/19. New housing supply included the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and projected out-turn for 2018/19.

#### Decision

To approve the terms of the report

### 13. 2018/19 HOUSING REVENUE ACCOUNT - MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been

circulated) by the Depute Chief Executive providing financial performance in relation to the Housing Revenue Account (HRA) following the month 9 monitoring exercise.

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

It was noted that employee costs were forecast to underspend by £306,000 mainly as a result of vacant posts and staff turnover. Other costs were also summarised in the report and included premises costs, supplies & services, third party payments, capital borrowing and income.

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

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

#### Decision

To approve the terms of the report

#### 14. DISCRETIONARY NON DOMESTIC RATES RELIEF SCHEME

Having declared an interest Councillors Anderson, Cartmill, Dodds, Fitzpatrick and Paul left the meeting during consideration of this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the criteria relating to the current Discretionary Non Domestic Rates Relief Scheme in relation to charitable organisations and those who were assisting in the delivery of the Anti-Poverty Strategy.

The Head of Finance and Property Services explained that West Lothian Council was responsible for the administration of Non Domestic Rates as the rating authority. Relief was available to ratepayers under both mandatory and discretionary schemes and the council was required to determine a scheme for discretionary relief.

The Local Government (Financial Provisions, etc) (Scotland) Act 1962 provided for discretionary rate relief to be given to :-

- Registered Scottish charities where the ratepayer was entitled to 80% mandatory relief
- Organisations not established or conducted for profit; and
- Clubs or societies not established or conducted for profit

The current grant scheme was amended following the Council meeting on 20 November 2018 to provide relief from rates for Foodbanks. The current scheme was effective from 1 April 2018 and was set out in Appendix 1

attached to the report. A detailed list of organisations that currently received discretionary non domestic rates relief was set out in Appendix 2, also attached to the report.

The Head of Finance and Property Services continued to provide details of organisations that received either discretionary or mandatory rates relief of either 80% or 100% and included organisations such as West Lothian Credit Union, Open Door Accommodation Project and The Bridge Community Project.

It was proposed that the current scheme be amended from 1 April 2018 to provide a 20% discretionary relief top up to an 80% mandatory relief entitlement as a Scottish registered charity for :-

- ❖ Organisations who were a Community Development Financial Institution (CDFI) registered with the Financial Conduct Authority (FCA) and whose charitable objects included the prevention of relief of financial hardship through the provision of affordable personal loans to financially excluded individuals; and
- ❖ Citizens Advice Bureau West Lothian

The additional cost of just under £2,000 in 2018-19 could be met from the existing revenue budget.

The report concluded that the proposed amendment to the current discretionary non domestic rates relief scheme would allow the council to continue to assist those organisations previously targeted, as well as targeting other partners assisting in the delivery of the Anti-Poverty Strategy.

It was recommended that Council Executive :-

1. Agrees the proposed amendment to the current Discretionary Non Domestic Rates Relief Scheme to allow a 20% “top up” relief for those organisations registered as a Scottish charity and with the Financial Conduct Authority as a Community Development Financial Institution whose charitable objects include the prevention or relief of financial hardship through the provision of affordable personal loans to financially excluded individuals.
2. Agrees the proposed amendment to the current Discretionary Non Domestic Rates Relief Scheme to a 20% “top up” relief for Citizens Advice Bureau West Lothian.

#### Decision

To approve the terms of the report

#### 15. 2018/19 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 2018 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. A number of pressures had previously been reported to Council Executive and as agreed monitoring reports to Council Executive would continue to have a significant focus on the extent of recurring pressures, how these were being managed and action required to address the pressures. An update from the relevant Head of Service on progress against agreed actions was contained in the appendix to the report.

Since month 6, the value of the recurring pressure had increased from £3.894 million to £4.047 million, mainly as a net increase in the cost of homelessness and confirmation of recurring pressures in relation to recycling gate fees. In all cases actions had been agreed and were being progressed, some of which were expected to be fully mitigated by 1 April 2019.

The report continued by providing a summary of the main issues in service expenditure budgets.

The report concluded that a net overspend of £200,000 was forecast for 2018/19 after taking account of significant early achievement of savings within Social Policy and a one-off underspend as a result of lack of care home capacity from external providers. Good progress was being made in the delivery of approved budget reductions, in particular for 2018/19 with 90% of approved savings considered achieved or achievable.

It was recommended that Council Executive :-

1. Notes that the outcome of the month 9 monitoring exercise was a forecast overspend of £1.252 million for 2018/19, which was partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £200,000, a decrease of £100,000 from the position reported to Council Executive at month 6;
2. Notes the level of recurring pressures of £4.047 million and the update from Heads of Service on progress against agreed actions to mitigate these measures;
3. Notes the potential additional pressure estimated from the last pay award offers was included within the forecast for the current year and the requirement to meet these costs for future years through recurring staffing savings in each service;

4. Notes the progress in delivering approved savings for 2018/19 to 2020/21; and
5. Agrees that Heads of Service take all necessary actions to control spend and ensure that, wherever possible, expenditure was managed within the 2018/19 forecast position, take all possible opportunities to deliver agreed savings as early as possible, and deliver mitigating actions so that recurring cost pressures were addressed in line with agreed action plans.

#### Decision

To approve the terms of the report

#### 16. 2018/19 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 Property Services 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 2018/19 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2018/19 capital budget was £29.811 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 68%. In overall terms the monitoring exercise indicated that the projected outturn was on budget at £29.811 million based on further over-programming of £375,000 being assumed. However if the programme progressed with no further slippage, the balance in resources would be funded by accelerated use of the capital fund, which could be accommodated within Treasury Management forecasts.

The report provided a summary of the forecast for each asset type and details of material movements and pressures that had been identified under the headings of Property, Roads and Other Related Assets, Open Space, and ICT.

Risks, resources, developer contributions and other strategic issues were also covered in the report.

It was recommended that Council Executive :-

1. Notes the outcome of the month 9 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on

delivery of the approved capital programme; and

3. Agrees the allocation of an additional £60,000 in 2018/19 to West Lothian Leisure for Broxburn and Livingston Pools.

#### Decision

To approve the terms of the report

#### 17. FORMER DEANS FLEET CLEANSING DEPOT, NAIRN ROAD, LIVINGSTON - PROPOSED SALE TO LOTHIAN BUSES LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of Former Deans Fleet and Cleansing Depot, 5 Nairn Road, Livingston to Lothian Buses Ltd.

The report advised that the property located at 5 Nairn Road, Livingston was vacated in 2018 as part of the council's modernisation of depots and stores. The services relocated to the new Whitehill Service Centre, Bathgate. The disposal receipt contributed to the business case for the new Whitehill Service Centre.

The site had been marketed since November 2017 with limited interest due to its former use and condition. In 2019 three parties expressed an interest and a closing date was set for 21 February 2019 with two offers received.

After evaluation officers were recommending the offer from Lothian Buses for £700.000 as it represented the best value offer received.

The main terms and conditions of the sale were summarised in the report.

The report recommended that the Council Executive:-

1. Approve the sale of the former depot at 5 Nairn Road, Livingston to Lothian Buses Ltd for £700,000 subject to terms and conditions set out in the report.
2. Authorises the Head of Finance and Property Services to carry out further negotiations with the purchaser, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

#### Decision

To approve the terms of the report.

#### 18. PROCUREMENT ARRANGEMENTS - TENDER FOR ADDITIONAL PRIVATE EARLY LEARNING AND CHILDCARE PROVIDERS WITHIN WEST LOTHIAN



The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the provision of additional private early learning and childcare for a one year contract term.

The Head of Corporate Services explained that the Scottish Government published “Funding Follows the Child” and the National Standard for Early Learning and Childcare Providers: Principles and Practice” on 18 December 2018. This joint publication with COSLA set out the final version of the Funding Follows the Child approach and the National Standard that underpinned it.

This new approach was designed to be “provider neutral”. All providers would be required to meet the National Standard and have a contractual relationship and quality assurance relationship with a local authority. Scotland Excel had been engaged by the Scottish Government to report on possible procurement arrangements with new guidance expected to be published in March 2019.

The report went on to advise that Education Executive approved the second phase of early learning and childcare expansion on 15 January 2019 which required officers to progress with enabling additional private early learning childcare providers to offer funded places if they met the National Standard.

The new invitation to tender would supplement the council’s existing contract for Early Learning and Childcare and would enable the council to continue to offer parents/carers more flexibility and choice of care for their children.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure was used whereby all suppliers expressing an interest in the contract would be invited to tender. The provisions offered by the Light Touch Regime would be applied to allow service providers who could meet the entire quality requirements to apply to be awarded a place on the framework at defined intervals.

Criteria of 100% for Quality would be applied at the tender stage. The existing hourly rate would be stipulated within the tender with the anticipated start date for the contract was 1 August 2019.

### Decision

To approve the terms of the report