MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 12 NOVEMBER 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Angela Doran (substituting for George Paul), Peter Johnston, Charles Kennedy, Cathy Muldoon and, Damian Timson

Apologies – Councillor Peter Heggie, Chris Horne and George Paul

1. DECLARATIONS OF INTEREST

1) Agenda Item 8 (Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing) – Councillor Harry Cartmill declared an interest in that he was a council appointed member to West Lothian Leisure Board of Directors but would participate in the item of business; and

2) Agenda Item 8 (Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing) – Councillor Angela Doran declared an interest in that she was a council appointed member to West Lothian Leisure Board of Directors but would participate in the item of business

2. MINUTE

The Council Executive approved the Minute of its meeting held on 22 October 2019. The Minute was thereafter signed by the Chair.

3. APSE PERFORMANCE NETWORKS SEMINAR 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the attendance of appropriate elected members to the APSE Performance Networks Seminar 2019, incorporating the APSE Network Awards, being held in Blackpool on 5 and 6 December 2019.

It was recommended that the Council Executive approves the attendance of the Executive Councillor for Services for the Community and Councillor Frank Anderson at the APSE Performance Networks Seminar 2019, with appropriate officer support from Housing, Customer and Building Services.

Decision

To approve the terms of the report

4. PROCUREMENT ARRANGEMENTS - TENDER FOR PUPIL EQUITY FUNDING AND WEST LOTHIAN REGIONAL IMPROVEMENT COLLABORATIVE EXPENDITURE

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 a three year framework with an option to extend for one further year for the provision of goods and services for Pupil Equity Funding and West Lothian Regional Improvement Collaborative expenditure.

It was recommended that the Council Executive approves commencement of procurement for a three year framework and a possible one year extension for the provision of goods and services for Pupil Equity Funding and West Lothian Regional Improvement Collaborative expenditure using the evaluation methodology and award criteria set out in section D of the report at an annual value of £2,500,000.

Decision

To approve the terms of the report

5. MEMBERS' TRAINING - "THE EFFECTIVE AUDIT & RISK COMMITTEE"

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the attendance of the Chairs of Audit Committee and Governance and Risk Committee to an external training event on the “The Effective Audit and Risk on 10 December 2019.

It was recommended that Council Executive authorises attendance by the Chair of Audit Committee and Governance & Risk Committee to an external training event on “The Effective Audit & Risk Committee” on 10 December 2019 at a cost of £225 each.

Decision

To approve the terms of the report

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PUBLIC ENTERTAINMENT AND THEATRE LICENSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme.

It was recommended that Council Executive :-

1. Notes the new legislative power for the council as Licensing Authority regarding theatre licensing which will impact on the public

entertainment licensing scheme;

2. Notes that the public entertainment licensing resolution requires to be amended in light of other new legislation;

3. Considers authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees; and

4. Notes that a report containing the responses to the consultation would be referred to the Environment Policy Development and Scrutiny Panel for its comments before a report recommending changes to the public entertainment licensing scheme was considered by the Council Executive.

Decision

1. To note the contents of the report; and

2. To instruct the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SEXUAL ENTERTAINMENT VENUE LICENSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEV's) and to ask the Council Executive to consider undertaking a consultation regarding the licensing of SEV's in West Lothian.

It was recommended that the Council Executive notes the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEV's and that the Council Executive should consider undertaking a consultation and evidence gathering process to establish views on the following :-

1. Whether SEV's in West Lothian should be licensed;

2. If licensed, what the appropriate number of SEV's for West Lothian should be; and

3. If licensed what should be included in a SEV policy statement

Decision

1. To note the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEV's; and

2. To agree that a consultation exercise should be undertaken by officers to establish a variety of views on the introduction of such legislation.

8. SCOTTISH GOVERNMENT'S PRE-LEGISLATIVE PUBLIC CONSULTATION ON FINANCIAL REDRESS FOR HISTORICAL CHILD ABUSE IN CARE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the Scottish Government's pre-legislative consultation for Financial Redress for Historical Child Abuse in Care and to seek approval of a response to the consultation.

It was recommended that Council Executive :-

1. Notes and considers the proposed response to the Scottish Government's pre-legislative consultation on Financial Redress for Historical Child Abuse in Care; and

2. Approves the proposed response and agrees to its submission to the Scottish Government.

Decision

To approve the terms of the report

9. TOWN CENTRE FUND CAPITAL GRANT 2019/20 - APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposals for the delivery and operation of the Town Centre Fund Capital Grant 2019/20 underspend in the wards of Armadale and Blackridge, Fauldhouse and the Breich Valley and Whitburn and Blackburn totalling £18,896.98.

It was recommended that the Council Executive agrees to the distribution of the unallocated sum.

Motion

1. Council Executive notes the recommendations of this report and the value of unallocated funds in the Armadale and Blackridge, Whitburn and Blackburn and Fauldhouse and Breich Valley wards.

2. In relation to recommendation 1 of this report Council Executive agrees :-

    - To allocate the balance in Armadale and Blackridge to the Blackridge New Planting Scheme

- To allocation the balance in Whitburn and Blackburn to the Inclusive Play Project in Whitburn

- To retain the un-allocated balance in the Fauldhouse and Breich Valley ward for eligible projects within the ward, including any new council led projects, with the Head of Planning, Economic Development and Regeneration delegated to approve funding for such projects up to the balance of the unallocated funding.

3. Council Executive also instructs the Head of Planning, Economic Development and Regeneration to provide a report on the approved projects to the next meeting of the Fauldhouse and Breich Valley Local Area Committee and Council Executive.

Decision

To unanimously approve the terms of the motion

10. TRANSIENT VISITOR LEVY - PROPOSED CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of a response to the Scottish Government's consultation on the Principles of a Local Discretionary Transient Visitor Levy (TVL) or Tourist Tax.

It was recommended that Council Executive notes the terms of the consultation and agrees the report as the council's response to the consultation.

Motion

To approve the officer's response to questions 1-3, 5, 9 and 12-33; to agree that the response to Q4 was to be "Flat rate per person per night"; to agree that the response to both Q5 and Q6 was to be "Decided by local authorities"; to agree that the response to Q10 was to be "Some exemptions should be set at a national level, and some should be set at the local authority's discretion; and to agree that the response to Q11 should clarify that children of a certain age should refer to those under the age of 5 and those under the age of 18 and were in full time education.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To approve the officer's response to questions 1-3, 5, 9 and 12-33; to agree that the response to Q4 was to be "Flat rate per room per night"; to agree that the response to both Q5 and Q6 was to be "Decided by local authorities"; to agree that the response to Q10 was to be "Some exemptions should be set at a national level, and some should be set at

the local authority's discretion; and to agree that the response to Q11 should clarify that children of a certain age should refer to those under the age of 5 and those under the age of 18 and were in full time education.

- Moved by Councillor Damian Timson and seconded by Councillor Charles Kennedy.

A roll call vote was taken. The result was as follows :-

Motion	Amendment
Frank Anderson	Harry Cartmill
Charles Kennedy	Tom Conn
Damian Timson	David Dodds
	Angela Doran
	Lawrence Fitzpatrick
	Peter Johnston
	Cathy Muldoon
	Kirsteen Sullivan

Decision

Following a vote, the amendment was successful by 8 votes to 3 and it was agreed accordingly.

11. SCOTLAND'S CLIMATE CHANGE DECLARATION - ANNUAL REPORT 2018/19

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of West Lothian's annual Scottish Climate Change Declaration Report for 2018/19 and to seek approval for its submission to the Sustainable Scotland Network and Scottish Government.

It was recommended that Council Executive :-

1. Notes the contents of the Declaration at Appendix 1;

2. Notes that the council has exceeded the emission reduction target set out in its Climate Change Strategy and Carbon Management Plan; and

3. Approves the Declaration for submission to Sustainable Scotland Network and the Scottish Government.

Decision

To approve the terms of the report

12. WEST LOTHIAN COMMUNITY CHOICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services setting out the

council's proposals on participatory budgeting, which was being developed under the heading "West Lothian Community Choices".

It was recommended that Council Executive :-

1. Notes the one percent target for West Lothian using the Community Choices Framework;

2. Agrees that the Scheme of Delegation should be updated to include responsibility for administering West Lothian Community Choices for the Head of Finance and Property Services;

3. Agrees that Community Choices should apply to the identified budgets as set out in Sections D.3 and D.4 of the report;

4. Agrees that following the development and design of the Community Choices approach a report will be presented to the relevant PDSP for the service area to provide scrutiny and feedback on the proposed approach;

5. Agrees that an update report should be presented to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) in April 2020, with a further report presented to Council Executive in October 2020, highlighting areas of learning and best practice from the West Lothian Community Choices processes.

Decision

To approve the terms of the report

13. 2019/20 GENERAL SERVICES CAPITAL BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property providing a report on the financial position in relation to the General Services capital programme following completion of the month 6 monitoring exercise.

It was recommended that Council Executive :-

1. Notes the outcome of the month 6 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. Notes the progress on the delivery of the overall programme.

Decision

To approve the terms of the report.

14. 2019/20 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a report on the financial position in relation to the General Fund Revenue Budget following completion of the month 6 monitoring exercise.

It was recommended that Council Executive :-

1. Notes that the outcome of the month 6 monitoring exercise was £1.388 million underspend for the General Fund revenue budget in 2019/20;

2. Notes that Council agreed on 24 September 2019 that a one-off £1.388 million underspend in 2019/20 should be retained pending the announcement of the Scottish Budget and local government settlement;

3. Agrees that the additional one-off windfall of £540,000 in relation to the appeals process for non-domestic rates (NDR) and the Business Rates Incentivisation Scheme was retained pending the announcement of the Scottish Budget and local government settlement;

4. Notes the level of recurring pressures of £1.738 million and agrees that Head of Service progress additional actions to mitigate these pressures, with further detailed updates to be provided to Council Executive as part of the month 9 monitoring exercise and that Heads of Services take all management action necessary to ensure that 2019/20 expenditure was managed within budgeted resources available; and

5. Notes the good progress in delivery of budget savings for 2019/20 to 2022/23.

Decision

To approve the terms of the report

15. 2019/20 HOUSING REVENUE ACCOUNT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing financial performance following the month 6 monitoring exercise.

It was recommended that Council Executive notes the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To approve the terms of the report

16. 2019/20 HOUSING CAPITAL REPORT - MONTH 6 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 completion of the month 6 monitoring exercise.

It was recommended that Council Executive notes the outcome of the month 6 Housing Capital monitoring exercise and the projected outturn for 2019/20.

Decision

To approve the terms of the report

17. COMPLIANCE WITH DIRECTIONS FOR WEST LOTHIAN INTEGRATION JOINT BOARD - 6 MONTHYL PROGRESS REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of progress made in complying with the 2019/20 Directions issued to the council by West Lothian Integration Joint Board.

It was recommended that Council Executive :-

1. Notes the Directions issued to the council by the IJB on 10 May 2019;

2. Notes the council's legal duty to comply with the Directions; and

3. Notes the progress made to date in complying with the Directions.

Decision

To note the contents of the report