

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 28 January 2020.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King (Vice Chair), Councillors Alison Adamson, Stuart Borrowman, William Boyle, Diane Calder, Janet Campbell, Pauline Clark, Tom Conn, Robert De Bold, David Dodds, Angela Doran, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Carl John, Peter Johnston, Charles Kennedy, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Cathy Muldoon, George Paul, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Councillors Harry Cartmill, Jim Dickson, Bruce Fairbairn, Andrew Miller and Moira Shemilt

Absent – Councillor Frank Anderson

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that item 16 on the Supplementary Agenda would be taken at item 5, following approval of the Minutes.

Councillor Fitzpatrick advised the Council that he was withdrawing his Motion (Agenda Item 8 – Local Government Finance Settlement) as circumstances had changed since he had submitted the Motion.

Councillor Fitzpatrick also advised Council that in relation to Agenda Item 11 (Question on Westfield Village) Councillor Cathy Muldoon would respond to the question.

The Provost then invited the Governance Manager to provide an explanation in relation to the additional statement that was provided at “Order of Business”. The Governance Manager explained that the statement which was being included on all committee agendas referred to reports that had been identified as “Public Items for Information”. He continued to explain that as those items identified on this agenda were questions, they would be dealt with in the usual manner and members did not have to specifically have to ask for them to be dealt with.

3. MINUTES :-

- a) The Council approved the minute of West Lothian Council held on 19 November 2019;
- b) The Council noted correspondence arising from previous decisions;

- c) The Council noted the minute of the Audit Committee held on 7 October 2019;
- d) The Council noted the minute of the Education Quality Assurance Committee held on 5 November 2019;
- e) The Council noted the minute of the West Lothian Leisure Advisory Committee held on 24 October 2019; and
- f) The Council noted the minute of the Performance Committee held on 11 November 2019.

4. ELECTION BUSINESS

- a) To agree the change to the Conservative appointment to the Cross-Party Climate Emergency Working Group in that Councillor Damian Timson would replace Councillor Chris Horne.
- b) To agree the change to the SNP appointment to Audit Committee in that Councillor Carl John would replace Councillor David Tait.
- c) To agree the change to the Labour appointment to Development Management Committee in that Councillor Tom Conn would replace Councillor Harry Cartmill.

Decision

To agree the membership changes proposed.

5. CONSIDERATION OF STANDARDS COMMISSION FINDINGS

The Council considered a report (copies of which had been circulated) by the Monitoring Officer advising of the findings of the Standards Commission following a hearing on a complaint against a West Lothian Councillor, Frank Anderson.

It was recommended that Council :-

- 1. Note the findings of the Standards Commission in relation to a complaint against councillor Frank Anderson contained in Appendix 1 to the report; and
- 2. Consider those findings as required by section 18(2) of the Ethical Standards in Public Life, etc (Scotland) Act 200 and note that the outcome will be reported back to the Standards Commission.

Decision

To note the contents of the report

6. NOTICE OF MOTION - ARMED FORCES POLICY FORUM -
SUBMITTED BY COUNCILLOR CHARLES KENNEDY

The Council considered a motion (copies of which had been circulated) submitted by Councillor Charles Kennedy in the following terms: -

“It is evident from discussions had with representatives of Armed Forces Support services as well as councillors in other areas that there are serious concerns with regards a lack of consistency, across all local authorities, in respect of delivery of support to Armed Services personnel as well as veterans. We also understand that the Veterans Minister has expressed concern about the variations in Covenant Delivery and that the Defence Policy Unit is in discussions with Cosla with regards to this.

Feedback from councillors, following correspondence with Cosla, is that to date Cosla have shown an unwillingness and lack of enthusiasm to implement a specific veterans board which is disappointing and concerning.

To ensure that we move away from the current patchwork support system, which results in widely varying standard and quality of support in different Local Authority Areas, it is essential that Cosla takes a leading role in standardising the understanding of the commitment made to our Armed Forces Personnel and Veterans in the Covenant by setting up a learning and training package in all areas and setting up a policy forum to ensure policies are developed and implemented which are current and ensure equal and beneficial implementation throughout Scotland.

Council therefore instructs the CEO to write to Cosla advising that,

“West Lothian Council calls on Cosla to set up a policy forum specifically related to developing policies and policy adjustments aimed at supporting serving and former members of the Armed Forces and their families in accordance with the commitments made by all Local Authorities in support of Armed Forces Covenant”.

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

Amendment

“West Lothian Council notes the recent publication of the UK Government and Scottish Government responses to the 2018 consultation document 'Strategy for our Veterans', and welcomes both documents.

Furthermore, Council notes the ongoing partnership work led by the West Lothian Armed Forces Community Covenant Group under the auspices of the West Lothian Community Planning Partnership, the update provided to the West Lothian Community Planning Partnership Board on 16 December 2019, and welcomes the recent publication of the West Lothian version of the pan Lothian Service Leavers Guide and E Learning tool.

Council further welcomes the acknowledgement by the U.K and Scottish

Governments that Veterans and Armed Forces personnel are an asset to our society and agrees that Council should review our approach to Veterans and Armed Forces issues in the light of the UK and Scottish Government consultation responses.

Council therefore instructs Officers to prepare a report for the 3 April 2020 Partnership and Resources PDSP and to incorporate consideration of the issue of a proposed COSLA led Veterans and Armed Forces Policy Forum”.

- Moved by Councillor John McGinty and seconded by Councillor David Dodds.

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Alison Adamson	William Boyle	Stuart Borrowman
Peter Heggie	Diane Calder	
Chris Horne	Janet Campbell	
Charles Kennedy	Pauline Clark	
Tom Kerr	Tom Conn	
Damian Timson	Robert De Bold	
	David Dodds	
	Angela Doran	
	Lawrence Fitzpatrick	
	Carl John	
	Peter Johnston	
	Dave King	
	Sarah King	
	John McGinty	
	Andrew McGuire	
	Dom McGuire	
	Cathy Muldoon	
	George Paul	
	Kirsteen Sullivan	
	David Tait	

Decision

Following a vote, the amendment was successful by 20 votes to 6, with 1 abstention and 6 members absent.

7. NOTICE OF MOTION - IHRA DEFINITION OF ANTISEMITISM - SUBMITTED BY COUNCILLOR CHARLES KENNEDY

The Council considered a notice of motion (copies of which had been circulated) submitted by Councillor Charles Kennedy in the following terms: -

“In my first visit to Israel just over a year ago I was struck by the friendliness, the vibrancy, the courage and the optimism of the nation as well as the incredible sense of history.

It has become all too clear, however, that in the UK a sense of unease abounds in the Jewish Community and history demonstrates clearly why there could be such a feeling. Sadly, nowadays, we don't have to look to the past to learn, you just have to look around our communities to realise why there is such a feeling.

It is all too evident that across Europe, anti-Semitism is on the rise yet it is too easy to dismiss.

We, however, cannot lack the courage to stand up, to stand together, and say we will not tolerate intolerance. So, whether you're of any faith or none, whatever political party you are a part of, let's all join in the fight against extremism and anti-Semitism".

It does sadden me that I felt the need to look, to see what we can do to combat the rise in antisemitism in our country.

We must however fight racism in all its forms – and local government must lead.

The IHRA definition provides specific and contemporary examples of antisemitism in public life, the media, schools, the workplace and in the religious sphere.

The motion therefore proposes that this local authority leads our community by agreeing to adopt the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism"

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

Amendment

"Delete last sentence of motion and add:

Council notes and remembers with solemnity, the 75th Anniversary of the liberation of Auschwitz on 27th January by Soviet forces.

In the spirit of the Stockholm Declaration that states "with humanity still scarred by antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils" the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism, which was formally adopted on 26th May 2016 at the Plenary in Bucharest albeit a non-legally binding working definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

Council agrees as a matter of policy to adopt this definition including all 11

examples provided by IHRA from contemporary public life”.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

In response to a Point of Order by Councillor Charles Kennedy, and after hearing advice from the Governance Manager, the Provost ruled that the amendment was different to the motion since it moved the adoption of the IHRA examples from contemporary public life as well as the definition itself.

Second Amendment

“To invite a representative of the Fair Justice System for Scotland to present to full council”.

- Moved by Councillor Pauline Clark.

Prior to the second amendment having received a seconder, the Provost invited all the parties to agree a composite motion and briefly adjourned the meeting for that purpose. When the meeting resumed a position had been agreed as follows :-

Composite Motion

“In my first visit to Israel just over a year ago I was struck by the friendliness, the vibrancy, the courage and the optimism of the nation as well as the incredible sense of history.

It has become all too clear, however, that in the UK a sense of unease abounds in the Jewish Community and history demonstrates clearly why there could be such a feeling. Sadly, nowadays, we don’t have to look to the past to learn, you just have to look around our communities to realise why there is such a feeling.

It is all too evidence that across Europe, anti-Semitism is on the rise yet it is too easy to dismiss”.

We, however, cannot lack the courage to stand up, to stand together, and say we will not tolerate intolerance. So, whether you’re of any faith or none, whatever political party you are a part of, lets all join in the fight against extremism and anti-Semitism”.

It does sadden me that I felt the need to look, to see what we can do to combat the rise in antisemitism in our country.

We must however fight racism in all its forms – and local government must lead.

The IHRA definition provides specific and contemporary examples of antisemitism in public life, the media, schools, the workplace and in the religious sphere.

The motion therefore agrees that this local authority leads our community

by agreeing to adopt the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism, agrees as a matter of policy to follow all 11 examples provided by IHRA from contemporary public life and agrees to invite a representative of the Fair Justice System for Scotland Group to a meeting of West Lothian Council to deliver a presentation on their work."

Decision

To unanimously agree the terms of the composite motion.

8. NOTICE OF MOTION - LOCAL GOVERNMENT FINANCE SETTLEMENT - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

To note that the motion had been withdrawn by Councillor Lawrence Fitzpatrick at the start of the meeting as the circumstances had changed since it had been submitted.

9. NOTICE OF MOTION - MBE CONGRATULATIONS TO TOM BROWN - SUBMITTED BY COUNCILLOR ALISON ADAMSON

The Council considered a motion (copies of which had been circulated) by Councillor Alison Adamson in the following terms:

"West Lothian Council extends its congratulations to Tom Brown MBE on becoming a member of the Most Excellent Order of the British Empire by Queen Elizabeth II, recognising his lifetime of service to the Arts and Community in the Monarchs New Year's Honours.

Tam Brown is a Whitburn Downie and has dedicated his life to excellence in pipe band drumming both playing and teaching at the highest levels, leading People's Ford Boghall & Bathgate Caledonia Pipe Band Grade 1 to four World Drum Corps Championships.

Since his retirement from the Grade 1 band, now in the capable hands of his son Gordon, Tam's reputation has increased throughout the pipe band world and is thought highly of within the community.

His tutoring of 4 bands up to 3 times weekly on a voluntary basis shows the dedication and passion he has for teaching. His status amongst students is world renowned.

West Lothian Council requests the Provost and Chief Executive to send a letter of congratulations in recognition of his lifetime achievement."

Decision

To unanimously approve the terms of the motion.

10. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 102 documents for execution.

11. WESTFIELD - QUESTION TO COUNCIL LEADER - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A written question to the Council Leader, Councillor Lawrence Fitzpatrick was submitted by Councillor Stuart Borrowman in the following terms: -

“The village of Westfield has seen the loss of its shop and its bus connection to Armadale/Bathgate and Falkirk.

Can the Council do more to support residents of the village, especially those of more limited financial means or with other disadvantages ?.”

As advised earlier in the meeting, Executive Councillor Cathy Muldoon provided a verbal answer to the written question.

Councillor Borrowman indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and the Executive Councillor provided verbal answers.

Decision

1. To note the written question and the verbal answer given; and
2. To note the supplementary questions put and the verbal answers given.

12. BATHVILLE FLATS - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A written question to the Executive Councillor for Services for the Community, Councillor George Paul was submitted by Councillor Stuart Borrowman in the following terms: -

“What was the original timeframe and budge for this project?

When is it now expected to be complete?

What is the anticipated outturn spend?

What were the original planned outcomes in terms of refurbished and new dwellings and what are they now anticipated to be?”

Executive Councillor George Paul provided verbal answers to the written questions.

Councillor Borrowman indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor

Paul undertook to provide written answers in due course.

Decision

1. To note the written questions and the verbal answers given; and
2. To note the supplementary questions put and that written answers to the supplementary questions would be provided in due course.

13. FLY TIPPING COSTS - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT - SUBMITTED BY COUNCILLOR DIANE CALDER

A written question to the Executive Councillor for the Environment, Councillor Tom Conn, was submitted by Councillor Diane Calder in the following terms: -

“Can you please advise what the total cost to West Lothian Council was for fly tipping before the introduction of charges for bulky uplifts and the introduction of reduced hours at CRC sites?

Can you also advise the latest total figure to date for fly tipping?”

Executive Councillor Tom Conn provided verbal answers to the written questions.

Councillor Calder indicated that she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Conn provided a verbal answer to the second question and undertook to provide a written answer to the first supplementary question.

Decision

1. To note the written questions and verbal answers provided; and
2. To note the supplementary questions put, the verbal answer to the second supplementary and that a written answer to the first supplementary would be provided in due course.

14. B&B ACCOMMODATION COSTS - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR SARAH KING

A written question to the Executive Councillor for Services for the Community, Councillor George Paul, was submitted by Councillor Sarah King in the following terms: -

“How much, in financial terms, has this Council spent on B&B accommodation in the past calendar year, from all sources?

What is the current arrears position and how does that compare to previous years?”

Executive Councillor George Paul provided verbal answers to the written

questions.

Decision

To note the written questions and verbal answers provided.

15. CONTINGENCY PLANS FOR CARE PROVIDER FAILURE - QUESTION TO EXECUTIVE COUNCILLOR FOR SOCIAL POLICY - SUBMITTED BY COUNCILLOR DIANE CALDER

A written question to the Executive Councillor for Social Policy, Councillor Angela Doran, was submitted by Councillor Diane Calder in the following terms: -

“What contingencies does this Council have in place to replace any Care Provided which is “failed”, or downgraded to an unacceptable level, by the Regulator?

What provision, if any, is made for a “retention policy” whereby this Council can withhold payment to any contractor who is failing to provide the level of service they promised when tendering for a contract?”

Executive Councillor Angela Doran provided verbal answers to the written questions.

Councillor Calder indicated that she wished to put supplementary questions as provided for in Standing Orders. She did so and the Executive Councillor for Social Policy provided verbal answers.

Decision

1. To note the written questions and the verbal answers provided; and
2. To note the supplementary questions put and the verbal answers given.