

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 18 MAY 2021.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Tom Conn, David Dodds, Damian Doran-Timson, Peter Heggie, Chris Horne, Charles Kennedy, Cathy Muldoon and George Paul

Apologies – Councillors Janet Campbell and Harry Cartmill

At the start of the meeting, the Chair allowed participants a minute of reflection on Councillor Dave King, following his recent passing.

## 1 DECLARATIONS OF INTEREST

### Agenda item 9 - Former Library, 6-7 The Vennel, Linlithgow - Proposed Lease

Councillor Tom Conn declared an interest as a Trustee of Linlithgow Community Development Trust. He would not participate in this item of business.

Councillor Chris Horne declared an interest as a Trustee of Linlithgow Community Development Trust. He would not participate in this item of business.

## 2 ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 8 that agenda item 9 (Former Library, 6-7 The Vennel, Linlithgow - Proposed Lease) would be considered as the last item of business.

The Council Executive noted that agenda items 16 (Covid-19 Support Payments - Timescales and Process), 17 (Publication of Elected Members Remuneration, Expenses and Allowance Information 2020/21) and 18 (Action taken in terms of Standing Order 31 (urgent business) - West Lothian Applications to Scottish Government Vacant & Derelict Land Investment Programme) were for information only. Members intimated they wished to ask questions on agenda item 18. Therefore, agenda items 16 and 17 were to be taken as read, with their recommendations noted.

## 3 MINUTES

The Council Executive approved the minute of its meeting held on 20 April 2021.

## 4 EQUALITY MAINSTREAMING AND EQUALITY OUTCOMES

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

circulated) by the Head of Corporate Services providing an update on progress on delivering the Council's Equality Outcomes and Mainstreaming Progress Report 2019–2021 and presenting the draft Equality Outcomes and Mainstreaming Framework 2021–2025.

It was recommended that the Council Executive:

1. Note the terms of the Council's Equality Outcomes and mainstreaming Progress Report 2019-2021; and
2. Approve the draft Equality Outcomes and Mainstreaming Framework 2021–2025.

#### Decision

To approve the terms of the report.

### 5 THE PUBLIC RECORDS (SCOTLAND) ACT 2011 AND SUBMISSION OF THE COUNCIL'S RECORDS MANAGEMENT PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the changes to the Public Records (Scotland) Act 2011 (PRSA) Model Records Management Plan and presenting a draft of the Council's updated Records Management Plan for approval.

It was recommended that the Council Executive:

1. Note the changes made to the Public Records (Scotland) Act 2011 Model Records Management Plan;
2. Approve the draft of the Council's updated Records management Plan; and
3. Note that the council's updated Records Management Plan would be submitted to the Scottish Government agent the Keeper of the Records of Scotland (the Keeper) for agreement.

#### Decision

To approve the terms of the report.

### 6 REVISED COMPLAINT HANDLING PROCEDURE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive presenting the council's revised Complaint Handling Procedure for approval.

It was recommended that the Council Executive approve the revised Complaint Handling Procedure.

#### Decision

To approve the terms of the report.

7 SCOTTISH POLICE AUTHORITY - REVIEW OF POLICE SCOTLAND'S PERFORMANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing the response to questions posed by the Scottish Police Authority regarding the review of Police Scotland Performance in 2020/2021. The response would inform the Scottish Police Authority in their assessment process for the development of their Annual Report and Accounts 2020/2021.

It was recommended that the Council Executive approve the report and submit to the Scottish Police Authority by 1 June 2021.

Decision

To approve the terms of the report.

8 PROPOSED LEASE - 36A INCHMUIR ROAD, WHITEHILL INDUSTRIAL ESTATE, BATHGATE TO WEST LOTHIAN FOODBANK

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the proposed lease of premises at 36A Inchmuir Road, Whitehill Industrial Estate, Bathgate to West Lothian Foodbank.

It was recommended that the Council Executive:

1. Approve the lease of the property at 36A Inchmuir Road, Bathgate to West Lothian Foodbank on the terms set out in the report; and
2. Authorise the Head of Finance and Property Services to undertake further negotiations and to vary the terms of the lease, provided that variations were not material and continued to represent best value.

Decision

To approve the terms of the report.

9 PROCUREMENT APPROVAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where Committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approve:

1. A direct award of a contract to Wellbeing Scotland for independent counselling for a period of 2 years from 1 June 2021 to 31 May 2023, with an estimated value of £222,000;
2. A direct award to Real Life Options for Day Care Provision for a period of 18 months from 01/10/2021 to 31/03/2023, with an estimated value of £557,820;
3. A direct award of a contract to Northgate for a 2-year contract for support and maintenance of the GLAMIS system from 1 July 2021 to 30 June 2023 with a total estimated cost of £31,000;
4. A direct award of a contract for 5 years to Northgate for support and maintenance of the COINS system from 1 August 2021 to 31 July 2026 with a total estimated cost of £40,000;
5. A direct award of a contract for an upgrade of the IKEN system, together with 2 years support and maintenance of the IKEN system to IKEN Business Ltd from 1 November 2021 to 31 October 2023 with a total estimated cost of £30,000; and
6. a) An extension to the Large Vehicle School Transport Framework for a period of 12 months from 1 July 2021 to 30 June 2022, with an estimated value of £2.9m; and  
b) An extension to the Taxi and Minibus School Transport Framework for a period of 12 months from 1 July 2021 to 30 June 2022, with an estimated value of £4.7m.

### Decision

To approve the terms of the report.

## 10 REVIEW OF THE PLANNING ENFORCEMENT CHARTER

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of the proposed revisions to the Planning Enforcement Charter. The charter set out the duties and responsibilities of the planning enforcement service within Planning Services.

It was recommended that the Council Executive:

1. Note that enforcement was a discretionary power and that formal enforcement action should be seen as a last resort in terms of dealing with unauthorised development and activities;
2. Note the detail of the proposed Planning Enforcement Charter (Appendix1);
3. Agree the proposed responses to the comments received during consultation on the revised charter (Appendix 2); and

4. Approve the content of the reviewed Enforcement Charter.

Decision

To approve the terms of the report.

11 NATIONAL PLANNING FRAMEWORK (NPF4) - CALCULATING THE 10-YEAR MINIMUM ALL-TENURE HOUSING LAND REQUIREMENT (MATHLR)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the Scottish Government's intimation of initial Default Estimates of Minimum All-tenure Housing Land Requirement (MATHLR) figures for West Lothian, the starting point for establishing the housing allocation figures to be set out in the forthcoming National Planning Framework (NPF4), and seeking approval of the council's response.

It was recommended that the Council Executive:

1. Note the terms of the engagement from the Scottish Government's Chief Planner and Director for Housing and Social Justice, as set out in Appendix 1 to the report; and
2. Approve and agree to submit the Response Template to Scottish Government as the council's response to the engagement exercise, as set out in Appendices 2 and 3.

Decision

To approve the terms of the report.

12 SUPPLEMENTARY GUIDANCE: RENEWABLES AND LOW CARBON ENERGY DEVELOPMENT (EXCLUDING WIND ENERGY)

Councillor Frank Anderson did not participate in the remainder of the meeting following a general technical issue at agenda item 13.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the outcome of a consultation on draft Supplementary Guidance for Renewable & Low Carbon Energy Development (excluding Wind Energy) and seeking approval of the guidance.

It was recommended that the Council Executive:

1. Agree the responses to the comments received during consultation on the draft Planning Guidance (Appendix 1);

2. Approve the content of the Supplementary Guidance 'Renewables & Low Carbon Development (excluding wind energy)' (Appendix 2);
3. Approve the 'Screening Report' which was to be submitted to the SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance was exempted from additional Strategic Environmental Assessment because it would not in itself have any significant environmental effects and there were no additional environmental effects not previously considered in the SEA for the LDP;
4. Delegate authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance would not in itself have any significant adverse environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information; and
5. Note that if approved by Council Executive (and having secured exemption from additional SEA) the guidance would require to be submitted to Scottish Ministers for scrutiny and consideration before it could be adopted as statutory supplementary guidance in support of the West Lothian Local Development Plan.

#### Decision

To approve the terms of the report.

### 13 DELAY OF INTEGRATION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy revisiting the conduct of the review of the Integration Scheme required under legislation relating to the integration of health and social care services.

It was recommended that the Council Executive:

1. Note the requirement of the Public Bodies (Joint Working) (Scotland) Act 2014 to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years, by 16 June 2020;
2. Note that on 21 January 2020 Council Executive had agreed an indicative timetable and procedure for the review which could then not be met due to the risks, precautions and legal restrictions arising from COVID-19;
3. Note that subsequently Council Executive agreed to delay the review process, most recently until Spring 2021;
4. Note that discussions between council officers and NHS Lothian

colleagues had now recommenced to plan for the review process;  
and

5. Agree a further delay to the review until Summer 2021 due to COVID-19 pressures and that a further report would be brought to Council Executive in August 2021 with a view to setting an indicative timetable.

#### Decision

To approve the terms of the report.

### 14 COVID-19 SUPPORT PAYMENTS - TIMESCALES AND PROCESS

The Council Executive Considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on Covid Support Payments and the proposed timescales and process for delivery of the payments.

It was recommended that the Council Executive note:

1. That two £100 Family Pandemic Payments would be paid in summer and winter 2021 and that it was estimated 6251 children/young people would benefit;
2. The Low-Income Pandemic Payment (LIPP) of £130 which was payable by the end of October 2021, with 16,003 West Lothian households potentially benefitting from the LIPP payment; and
3. the challenging timescales for delivering the LIPP payments given the complex nature of the criteria and the volume of payments.

#### Decision

To note the terms of the report.

### 15 PUBLICATION OF ELECTED MEMBERS REMUNERATION, EXPENSES AND ALLOWANCE INFORMATION 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services informing members of the levels of Elected Members Remuneration, Allowances and Expenses paid from 1 April 2020 to 31 March 2021 and providing details of training undertaken during this period.

It was recommended that the Council Executive note the terms of the report and display the schedules attached to the report as Appendices on the council's website.

#### Decision

To note the terms of the report.

16      ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS) - WEST LOTHIAN APPLICATIONS TO SCOTTISH GOVERNMENT VACANT & DERELICT LAND INVESTMENT PROGRAMME

The Council Executive noted the action taken in terms of Standing Order 31 (Urgent Business) to approve the terms of the report as outlined by the Head of Planning, Economic Development and Regeneration.

As previously agreed members of the Council Executive proceeded to ask questions of the Head of Finance and Property Services on the matters contained in the report.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business).

17      FORMER LIBRARY, 6-7 THE VENNEL, LINLITHGOW - PROPOSED LEASE - LINLITHGOW COMMUNITY DEVELOPMENT TRUST

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to enter into a lease agreement for the former library at 6-7 The Vennel, Linlithgow with Linlithgow Community Development Trust (Linlithgow CDT) for use as a community and business support hub.

It was recommended that Council Executive:

1. Note that Council Executive on 6 October 2020 had instructed officers to engage with local community groups to explore leasing the former library property as a community hub;
2. Approve the granting of community benefit lease in favour of Linlithgow CDT on the basis of the heads of terms set out within the report; and
3. Delegate authority to the Head of Finance and Property Services to negotiate and conclude the lease agreement on the basis that the terms still represented best value for the council.

Decision

To approve the terms of the report.