

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 25 OCTOBER 2022.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Tom Conn, Robert De Bold, Angela Doran-Timson, Damian Doran-Timson, Carl John, Andrew McGuire, Anne McMillan, Craig Meek (substituting for Councillor Danny Logue), Pauline Orr (substituting for Councillor Janet Campbell), Sally Pattle and George Paul

Apologies – Councillors Janet Campbell and Danny Logue

The Council Executive observed a minute's silence in honour of former Councillor Bruce Ferry, who had recently passed away.

1 DECLARATIONS OF INTEREST

Councillor Pauline Orr stated a connection as an employee of Scottish Government.

Agenda item 7 – Deans South, Livingston Regeneration Update

Councillor Andrew McGuire declared an interest in that he was employed as a housing officer by Wheatley Homes East, which was owned by the Wheatley Group. He would therefore not participate in the item of business.

Agenda item 21 – Request for a 30MPH Speed Limit on the B8047 Westfield Road, the B792 Slackend and Cathlaw Lane in Torphichen – Options for Works and Associated Costs

Councillor Andrew McGuire declared an interest in that he had taken part in various meetings of Torphichen Community Council where the matter had been discussed; as he considered this a conflict of interest he would not participate in the item of business.

Agenda item 24 – Place-Based Investment Programme 2022/23 Town Centre Capital Fund

Councillor Craig Meek declared an interest as the report had been considered by his Local Area Committee, where he was unable to take part due to his connection to the West Calder Community Hub. He would therefore not participate in the item of business.

2 ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 25, 26 and 27 were to be taken as read and their recommendations noted without further consideration.

The Chair ruled in terms of Standing Order 11 that Agenda item 7 (*Deans South, Livingston Regeneration Update*) would be considered before item

6 (*Procurement Approval Report*) and that agenda item 10 (*Proposed Sale of 0.471 Hectares at Former Cedarbank School, Ladywell, Livingston to Springfield Properties PLC*) would be considered before item 9 (*Proposed Extension and Variation of Ground Lease of 7.72 Acres at Craigton Park, Winchburgh*).

3 MINUTES

The Council Executive confirmed the Minutes of its meeting held on 4 October 2022 as a correct record. The Minute was thereafter signed by the Chair.

At the end of this item, the Council Executive observed a minute's silence in honour of musician Nigel Boddice, who had recently passed away.

4 SHORT-TERM LETS LICENSING SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising members that a mandatory licensing scheme for short-term lets has been introduced by the Scottish Government and to report on the progress of the implementation of that scheme.

It was recommended that the Council Executive:

1. Note that councils are required to implement a mandatory short-term let licensing scheme introduced by the Scottish Parliament and the progress made to date to implement that scheme; and
2. Note that consultation would take place from 31 October 2022 on the draft Scheme and agree that a further report be brought to Council Executive, via Public & Community Safety PDSP, on 20 December 2022 with a view to updating committee on progress, reporting on the consultation outcomes, and approving the council's policy and fee structure.

Decision

To approve the terms of the report.

5 DEANS SOUTH, LIVINGSTON REGENERATION UPDATE

Councillor Andrew McGuire having declared an interest took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the proposed regeneration of Deans South, Livingston and the outcome of Springfield Properties PLC offer to purchase properties within

the regeneration site. In addition, approval was sought to initiate proceedings by officers to negotiate acquisition of properties within the regeneration site by mutual agreement and if agreement was not reached, that officers should progress work to consider the requirements of promoting a Compulsory Purchase Order (CPO).

In response to a question from members, the Chief Solicitor advised that there was no prescribed timeline for negotiations with property owners and that the process of negotiation could continue up to the commencement of the CPO.

It was recommended that the Council Executive:

1. Note the background and current position in relation to the wider regeneration of Deans South, Livingston;
2. Approve the initiation of negotiations between the council and the owners of the privately-owned properties in Deans South, Livingston to acquire these by mutual agreement and for officers to proceed with considering the requirements of promoting a Compulsory Purchase Order in the event that acquisition by mutual consent could not be achieved; and
3. Note that further updates would be provided as the negotiations and redevelopment of Deans South, Livingston progressed.

Decision

To approve the terms of the report.

6 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 Branch out together (Lothian Autistic Society) to provide holiday clubs for children with Autistic Spectrum Disorder from 1 April 2023 for a period of 3 years to 31 March 2026, with the option to extend for 2 further 1 year periods, with an estimated total value of £445,500;
2. A direct award of a contract to The Action Group to provide holiday clubs for children with severe disabilities and multiple needs from 1 April 2023 for a period of 3 years to 31 March 2026, with the option to extend for 2 further 1 year periods, with an estimated total value of £221,760;
3. A direct award of a contract to Simply Play to provide holiday clubs for children with complex care needs from 1 April 2023 for a period

of 3 years to 31 March 2026, with the option to extend for 2 further 1 year periods, with an estimated total value of £163,250;

4. A direct award of a contract to Portsmouth Council for the provision of training and quality assurance for a period of 5 years effective from 1 January 2023 until 31 December 2027, with an option to extend for 2 further 1-year periods, with an estimated total value of £182,000; and
5. A direct award of a contract to GL Assessments for the provision of cognitive ability testing for a period of 3 years effective from 1 November 2022 until 31 October 2025, with an estimated total value of £100,000.

Decision

To approve the terms of the report.

7 LAND AT ALLEN ROAD, LIVINGSTON - PROPOSED SALE TO WORKFLO SOLUTIONS (SCOTLAND) LIMITED

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 land at Allen Road, Livingston.

It was recommended that the Council Executive:

1. Approve the sale of plot 3 at Allen Road, Livingston to Workflo Solutions (Scotland) Limited for £100,000 (one hundred thousand pounds) on the terms set out in this report; and
2. Authorise the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of sale for the property, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report.

8 PROPOSED SALE OF 0.471 HECTARES AT FORMER CEDARBANK SCHOOL, LADYWELL, LIVINGSTON TO SPRINGFIELD PROPERTIES PLC

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 the former Cedarbank School, extending to 0.471 hectares at Cedarbank, Livingston to Springfield Properties PLC for the sum of £475,000.

It was recommended that the Council Executive:

1. Approve the sale of the former Cedarbank School, extending to 0.471 hectares at Cedarbank, Livingston to Springfield Properties PLC for the sum of £475,000 subject to the terms and conditions set out in this report.;
2. Note the proposal for Springfield Properties PLC to demolish the former school building in order to create a cleared site for subsequent residential development; and
3. Authorise the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the terms of sale on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report.

9 PROPOSED EXTENSION AND VARIATION OF GROUND LEASE OF 7.72 ACRES AT CRAIGTON PARK, WINCHBURGH

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for an extension to and variation of the existing ground lease granted in favour of the council by Hopetoun Estates at Craigton Park, Winchburgh.

It was recommended that the Council Executive:

1. Approve an extension to and variation of the existing ground lease at Craigton Park, Winchburgh for a period of 15 years at an initial rental of £4,000 per annum on the terms set out in this report; and
2. Authorise the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continued to represent the achievement of best value for the council.

Decision

To approve the terms of the report.

10 CEDAR HOUSE, QUARRYWOOD COURT, LIVINGSTON VILLAGE - PROPOSED LEASE VARIATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a five-year lease extension for the premises at Cedar House, Quarrywood Court, Livingston to the tenant, Cashfac Solutions Limited.

It was recommended that the Council Executive:

1. Approve the extension of the existing lease agreement at Cedar House, Quarrywood Court, Livingston for a period of five years; and
2. Authorise the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continued to represent the achievement of best value for the council.

Decision

To approve the terms of the report.

11 RIVERSIDE & LETHAM - LEARNING ESTATE INVESTMENT PROGRAMME UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the council's proposed submission for the Phase 3 Learning Estate Investment Programme (LEIP) funding support, setting out the outcome of the options appraisal and business case for Riverside and Letham Primary Schools and the timescales involved in the LEIP submission process.

It was recommended that the Council Executive:

1. Note the outcomes of the detailed option appraisals and business case for the Riverside and Letham Primary Schools which had been previously identified as emerging priority projects;.
2. Note the estimated construction cost of the new facility is £24 million (Twenty Four Million pounds) and the revenue savings identified;
3. Approve the submission of Riverside and Letham for funding under Phase 3 of the Learning Estate Investment Programme; and
4. Note that an update will be provided to Council Executive on the outcome of the Learning Estate Investment Programme submission and any implications arising.

Decision

To approve the terms of the report.

12 LEARNING ESTATE STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services covering a new Learning Estate Strategy, created jointly between Education and Property Services which set out the vision, aspiration, expectation and ambition for

the future planning and investment in West Lothian Council's learning estate over the next ten-year period.

It was recommended that the Council Executive:

1. Note the overall content of the Learning Estate Strategy;
2. Agree that West Lothian Council adopt the Learning Estate Strategy – refer to Appendix 1 for the document; and
3. Note that the Learning Estate Strategy would be kept under review and updated as required.

Decision

To approve the terms of the report.

13 PROPOSED GOVERNANCE ARRANGEMENTS FOR THE MANAGEMENT OF COMMON GOOD PROPERTY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising members of work undertaken by officers to develop suitable governance arrangements for the management of common good property in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015 and seeking approval for the implementation of those arrangements.

It was recommended that the Council Executive:

1. Note the work undertaken by officers to develop suitable governance arrangements for the management of common good property in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015; and
2. Approve the implementation of the arrangements set out in this report.

In response to a question from members, the Governance Manager advised that decisions on the disposal of common good property could be delegated to council committees if the Council Executive gave appropriate powers to committees.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

To agree that that decisions relating to disposal of common good land be made at Local Area Committee level rather than Council Executive.

- Moved by Councillor Robert De Bold and seconded by Councillor Carl John.

An electronic vote was conducted. The result was as follows:

Motion

Tom Conn
Angela Doran-Timson
Damian Doran-Timson
Lawrence Fitzpatrick
Andrew McGuire
Anne McMillan
Craig Meek
Sally Pattie
George Paul
Kirsteen Sullivan

Amendment

Robert De Bold
Carl John
Pauline Orr

Decision

Following a vote, the motion was successful by 10 votes to 3 and it was agreed accordingly.

14 REGISTER OF COMMON GOOD UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on work undertaken by officers to further develop the council's Register of Common Good in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015 and seeking approval to publish an updated version of that register.

It was recommended that the Council Executive:

1. Note the work undertaken by officers to further develop the council's Register of Common Good in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015;
2. Approve the additions to the existing register and agree that the updated register can be published in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.
3. Note that work was ongoing to fully consider the remaining representations received during the mandatory community consultation exercise.

Decision

To approve the terms of the report.

15 IMPACT OF RISING ENERGY COSTS AND POTENTIAL MITIGATIONS

The Council Executive considered a report (copies of which had been circulated) providing an update on the significant cost impact of energy market volatility which was impacting on the council's electricity and gas supplies and set out potential mitigation measures for consideration#.

It was recommended that the Council Executive:

1. Note the anticipated pressure on existing revenue budgets and that it was likely that these pressures would continue through 2023/24 and in to 2024/25;
2. Note the mitigation measures that had been implemented at officer level outlined in Appendix 1 of the report;
3. Note the further potential measures, outlined in Appendix 2 of the report, and agree that officers bring forward costed proposals for energy mitigation measures to a Council Executive meeting prior to the council's budget setting meeting due to be held early in 2023;
4. Agree that a report be prepared for the Corporate Policy and Resources PDSP in December on the introduction of tariffs for public Electric Vehicle (EV) charging; and
5. Note the Heating Guidance to be implemented across the council's estate as set out in Appendix 3 of the report.

Decision

To approve the terms of the report.

16 COLLECTIONS DEVELOPMENT POLICY REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services presenting the Museums Service Collection Development Policy 2022–2027.

It was recommended that the Council Executive approve the draft Museums Service Collection Development Policy 2022–2027.

Decision

To approve the terms of the report.

17 2021/22 ANNUAL RETURN ON THE CHARTER

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building advising members of the performance against the Annual Return on the Charter

and seeking approval of the Annual Assurance Statement following the submission of the ARC to the Scottish Housing Regulator on 31 May 2022.

It was recommended that the Council Executive:

1. Note the content of the 2021/22 Annual Return on the Charter;
2. Note the commentary and improvement actions identified during the data verification and benchmarking exercise; and
3. Approve the Annual Assurance Statement for submission to the Scottish Housing Regulator by 31 October 2022.

Decision

To approve the terms of the report.

18 HOUSING RENT CONSULTATION 2023/24 TO 2027/28

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services informing members of the proposed future rent charge consultation process for the period 2023/24 to 2027/28 and the range of tenancy support services and potential capital investment that could be funded by each rent increase option, and seeking approval for the proposed rent consultation options.

It was recommended that the Council Executive:

1. Note the intention to consult with tenants and persons on the Common Housing Register on the rent strategy options for the period 2023/24 to 2027/28;
2. Note the range of tenancy support services and potential capital investment required to meet legislative, compliance and quality standards on existing housing stock and surrounding estates;
3. Note the rent charge increase options which were proposed to be set out in the consultation;
4. Note the scale of capital investment that could be funded by each of the rent charge increase options; and
5. Approve the proposed consultation plan and associated rent increase options and note the indicative timeline for approval of the rent strategy, Housing Revenue Account budget and Housing Capital Investment Programme for the period 2023/24 to 2027/28.

Decision

To approve the terms of the report.

19 CIH SCOTLAND 2022 - SCOTLAND HOUSING AWARDS

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 the appropriate elected member(s) at the CIH (Chartered Institute of Housing) Scotland Housing Award on 27 October 2022.

It was recommended that the Council Executive:

1. Note that Customer Experience team for Housing, Customer and Building Services had been shortlisted for Excellence in Customer Service at the forthcoming CIH Scotland Housing Award ceremony; and
2. Approve the attendance of appropriate elected member(s) at the CIH Scotland Housing Award ceremony on 27 October 2022 with appropriate officer attendance from Housing, Customer and Building Services.

Decision

1. To approve the terms of the report.
2. To unanimously agree that Councillor George Paul would attend the CIH Scotland Housing Award ceremony on 27 October 2022.

20 REQUEST FOR A 30MPH SPEED LIMIT ON THE B8047 WESTFIELD ROAD, THE B792 SLACKEND AND CATHLAW LANE IN TORPHICHEN - OPTIONS FOR WORKS AND ASSOCIATED COSTS

Councillor Andrew McGuire having declared an interest took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing further information in relation to the motion agreed at Council Executive on 16 August 2022 regarding the request to outline options and costings for the works to reduce the 40mph speed limit on the B8047 Westfield Road, the B792 Slackend and Cathlaw Lane in Torphichen to 30mph.

It was recommended that the Council Executive note the contents of the report and agree that there remained no justification for the making of permanent orders to reduce the existing 40mph speed limits on the B8047 Westfield Road, the B792 Slackend and Cathlaw Lane in Torphichen to 30mph at that time.

Decision

To approve the terms of the report.

21 2022 LOCAL BUS FESTIVE SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational advising members of the outcome of a recent tender process relating to Local Bus Festive Services and requesting that members agree to the award of the Local Bus Festive Services contracts.

It was recommended that the Council Executive:

1. Note the outcome of the tender exercise in Appendix 2 of the report;
2. Note the available budget and cost of proposed services; and
3. Agree to the award of contracts for the festive services to operate on a 2-hourly basis at a total cost of £46,689.

Decision

To approve the terms of the report.

22 2022/23 WINTER PLAN - ROADS AND TRANSPORTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the council's Winter Service Plan for 2022/23 per the advice of the Code of Practice *Well-managed Highway Infrastructure – 2016*, which recommended that councils should review and approve their Winter Service Plan annually.

It was recommended that the Council Executive approve the Winter Service Plan 2022/23 as detailed in Appendix A of the report.

Decision

To approve the terms of the report.

23 PLACE-BASED INVESTMENT PROGRAMME 2022/23 TOWN CENTRE CAPITAL FUND

Councillor Craig Meek having declared an interest took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer of the Fauldhouse and the Breich Valley Local Area Committee asking members to determine additional funding to the Place Based Investment Fund Town Centre Capital Fund 2022/23 for the Fauldhouse and the Breich Valley Ward, which could not be decided by the Local Area Committee.

It was recommended that the Council Executive:

1. Note that the Fauldhouse and the Breich Valley Local Area Committee on 4 October 2022 had been inquorate when it came to deal with the report on additional funding to the Place Based Investment Fund Town Centre Fund Capital Grant 2022/23;
2. Note the terms of that report, including the officers' recommendations, in the appendix; and
3. Consider and determine the recommendations in that report in accordance with the procedures agreed at Council Executive on 8 February 2022

Decision

To approve the terms of the report.

24 EARLY RETIRAL AND VOLUNTARY SEVERANCE APRIL 2022 TO 30 SEPTEMBER 2022

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising members of the number of employees who had been granted early retiral / voluntary severance or flexible retiral from the council during the 6-month period from 1 April 2022 to 30 September 2022.

It was recommended that the Council Executive note the content of the report which had been prepared in accordance with the reporting requirements of the council's policy on Early Retiral and Voluntary Severance.

Decision

To note the terms of the report.

25 LEGACY OF CHATTEL SLAVERY WORKING GROUP UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the work of the Legacy of Chattel Slavery Working Group and an overview of the dates associated with the ongoing programme of work and public consultation.

It was recommended that the Council Executive note:

1. The work that had been undertaken so far in respect of the working group set up to look at West Lothian's historical links to chattel slavery; and
2. The key dates associated with the programme of work and the

public consultation.

Decision

To note the terms of the report.

26 UPDATE ON CHILD WELFARE MEASURES FOLLOWING THE UK BUDGET

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of how the recent UK government budgetary announcement impacted on families with children and highlighting the range of measures in place at UK, Scottish and West Lothian level to address child poverty.

It was recommended that the Council Executive note:

1. The range of measures in place at UK, and Scottish levels to mitigate the impact of the cost of living crisis, particularly on children and young people; and
2. The targeted work undertaken by Community Planning Partners at a local level to mitigate the impact of poverty and the current cost of living crisis in West Lothian.

Decision

To note the terms of the report.