

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

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Alison Adamson (substituting for Chris Horne), Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Peter Heggie, Peter Johnston, Charles Kennedy, Dave King (substituting for Cathy Muldoon), George Paul and Damian Timson

Apologies – Councillors Chris Horne and Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 15 (SG Consultation on Transforming Parole in Scotland) - Councillor Lawrence Fitzpatrick declared a non-financial interest in that he was an ordinary Member of the First Tier Tribunal for Scotland General Regulatory Chamber but would participate in the item of business;

Agenda Item 21 (West Lothian Leisure 2019/20 Funding Agreement) - Councillor Harry Cartmill declared an interest in that he was a council appointed member to the West Lothian Leisure Board of Directors for which a special dispensation from the Standards Commission applied so would participate in the item of business; and

Agenda Item 8 (Update on HEEPS) - Councillor Alison Adamson declared an interest in that she resided in one of the streets that would be affected by the HEEPS programme but would not be a beneficiary of the programme.

2. ORDER OF BUSINESS.

The Chair ruled in terms of Standing Order 11 that Agenda Item 17 (Gift of woodland at Cathlawhill, Bathgate) would be considered immediately after consideration of the Minute.

The Chair also ruled in terms of Standing Order 11 that Agenda Item 16 (Carmondean Ability Centre) would immediately follow item 17 as a deputation request from Ms Jean Moffat and Mr Chris Young had been received in relation to this item of business.

The Council Executive unanimously agreed to hear the deputation requests from Ms Jean Moffat and Mr Chris Young.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 26 February 2019. The Minute was thereafter signed by the Chair.

4. OFFER OF GIFT OF WOODLAND AT CATHLAWHILL, BATHGATE HILLS

The Council Executive considered a joint report (copies of which had been circulated) by the Head Finance and Property Services and Head of Operational Services seeking approval to accept the offer by Mr and Mrs Gibbs to gift to the council 41.60ha of woodland at Cathlaw Hill in the Bathgate Hills adjacent to Beecraigs Country Park.

The members were advised that Mr and Mrs Gibbs owned 4.60ha (103 acres) of land at Cathlawhill in the Bathgate Hills. The land was predominately woodland and lay immediately south of council-owned land at Beecraigs Country Park and to the east of the Korean War Memorial and Witch Craig area. The woods were well established and had an attractive landscape with a variety of trees and shrubs. However Mr and Mrs Gibbs had now retired and were keen to secure the wood's long term future. To this end they had approached officers with the offer to gift the land to the council.

There were a number of benefits to the acquisition of the woodland by the council and these were summarised in the report.

The report continued that there would be relatively few costs involved in acquiring and maintaining the additional land at Cathlawhill as Countryside Park staff were already operating on the adjacent sites and their rangers already patrolled public access routes.

Additionally the council's insurance brokers had confirmed that there would be no additional premiums required for public liability or fire insurance cover. A schedule of the estimated costs and potential funding sources over the next twenty years was contained in Appendix 2 attached to the report. And it had also been provisionally agreed that the council would meet Mr and Mrs Gibbs' reasonably incurred legal fees in the transfer of the land into council ownership and it was anticipated that these fees would be covered from receipts from timber sales from Beecraigs Woods.

The report concluded that the land at Cathlawhill would be a valuable addition to the land at Beecraigs Country Park, which was one of the most visited recreation sites in Central Scotland with an excess of 750,000 visitors per annum.

It was recommended that Council Executive :-

1. Notes the offer from Mr And Mrs Gibb to gift 41.60 ha of woodland at Cathlawhill, Bathgate to the council;
2. Agrees to accept the gift and authorises the Head of Finance and Property Services to instruct the Chief Solicitor to conclude the transaction; and
3. Agrees that the council will pay Mr and Mrs Gibbs' reasonable legal fees in relation to the conveyance of the property

#### Decision

1. To approve the terms of the report; and
2. To agree that the Chief Executive consider a suitable recognition for Mr and Mrs Gibbs for their gift once the deal had concluded.

5. CARMONDEAN ABILITY CENTRE/CARMONDEAN CONNECTED CO-LOCATION

Deputation by Chris Young (user of library facilities)

The Council Executive heard Mr Chris Young explain to members how much he enjoyed the existing library facilities at Carmondean as they were bright and spacious and that it his was understanding was that when the library moved to the Ability Centre it would occupy a smaller space. Mr Young continued to explain that it was important to encourage young people to learn to read books to attract them away from electronic devices.

Mr Young also questioned whether the council had considered all alternative options to the merging of the two facilities but he did appreciate that this was in the context of the council having to make budget savings.

Deputation from Jean Moffatt (Carmondean Community Council)

The Council Executive heard Mrs Jean Moffat explain that the existing Carmondean Connected (incorporating the library) was very much at the heart of the community and that whilst the Ability Centre was not much further away you had to cross a busy road and go through an underpass which she was concerned could deter people from using the new facility.

Mrs Moffat also explained that she felt that there had not been enough consultation undertaken on the proposals

The Chair thanked both Mr Young and Mrs Moffat for their presentations.

Joint Report by Head of Social Policy and Head of Housing, Customer and Building Services

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Social Policy and Head of Housing, Customer and Building Services seeking approval for the relocation of the library and customer information services from Carmondean Connected to a redeveloped Ability Centre. Additionally Council Executive was being asked to commence community and stakeholder engagement on the proposed layout and design of the new partnership centre facility.

The report recalled that the council was committed to supporting the delivery of modern accessible services within communities. To achieve this, a number of partnership centres with co-located services had been developed across the local authority area.

The proposed project for Carmondean would continue this successful approach and would see the relocation of the existing services delivered from Carmondean Connected within a redeveloped Ability Centre which was immediately located to the east.

From an initial review and design feasibility, officers had been able to develop the project and an outline design which would facilitate the co-location of the existing services based in Carmondean Connected and the Ability Centre within a single location on a redeveloped Ability Centre to create a Partnership Centre. In considering these proposals officers through engagement with staff had developed an outline internal layout which would provide accommodation that met existing and future service requirements. A list of the proposed accommodation in the new Partnership Centre was summarised in the report.

Whilst initial consultation with Ability Centre and Carmondean Connected staff had been undertaken to develop an initial layout it was proposed that a wider stakeholder and community engagement was undertaken to ensure that the design was as comprehensive as possible. The wider engagement would include :-

- Design Board
- Direct engagement with both Ability Centre and Carmondean Connected users
- Dedicated project email address
- Dedicated webpage
- Meetings with identified stakeholder groups

The engagement process would provide all stakeholders the opportunity to feedback on the outline design and project proposals which the design team would consider.

The report continued by providing further information on decant arrangements once work began to merge the two facilities; planned improvements at the Ability Centre; and timescales for the overall project including delivery and construction details.

The report concluded that the project and proposed layout would enable the maximum utilisation of the redeveloped Ability Centre to be realised and support the modernisation of all services involved and the project would build upon the successful partnership model had been delivered elsewhere in West Lothian.

It was recommended that Council Executive :-

1. Approves the proposed relocation of services currently delivered from Carmondean Connected to a redeveloped Ability Centre to create a new partnership centre facility;
2. Approves the progressing with stakeholder and community engagement on the initial outline design proposals and notes the findings would be used to finalise the design of the new facility;

3. Notes that the final design would be reported to Council Executive prior to the commencement of the actual construction phase of the project
4. Notes the requirement for the temporary decant of the Ability Centre during construction works to enable the redevelopment and modernisation of the facility to be undertaken with minimum disruption to services users;
5. Agrees that Deans Community High School, Livingston be utilised for temporary decant accommodation; and
6. Notes finalised project delivery timescales would be reported to Council Executive following conclusion of the community and stakeholder engagement.

### Motion

To approve the terms of the report.

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

### Amendment

To approve recommendations 2, 4 and 6 of the report and to agree a further recommendation that the council consult with the Scottish Libraries Information Council (SLIC) and to bring a report to a future meeting of the Culture and Leisure Policy and Scrutiny Panel.

A roll call was taken which resulted as follows :-

### Motion

Alison Adamson

Harry Cartmill

Tom Conn

David Dodds

Lawrence Fitzpatrick

Peter Heggie

Charles Kennedy

Dave King

George Paul

Kirsteen Sullivan

Damian Timson

### Amendment

Frank Anderson

Peter Johnston

Alison Adamson

Decision

Following a roll call vote the Motion was successful by 11 votes to 2 and it was agreed accordingly

6. TIMETABLE OF MEETINGS 2019/20

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing a timetable of meetings to July 2020 of the council, its committee's and working groups (including Policy Development and Scrutiny Panel's) which met according a regular timetable.

Attached to the report at Appendix 1 was a timetable of meetings for the period August 2019 to July 2020 and had been designed in accordance with best practice following the general pattern and frequency of meetings of bodies of the council's decision-making structure. Also attached to the report at Appendices 2 and 3 was the same information but presented in an alternative format.

Additionally meetings had been arranged in accordance with a decision taken by council on 26 September 2017 which concerned Family Friendly Working Arrangements which meant that meeting arrangements were to avoid the main school holiday periods and avoid starting before 9.30am and after 3.30pm

Meetings for other bodies such as the Licensing Board, St John's Hospital Stakeholder Group and the Integration Joint Board were set independently but were also shown in the timetable of meetings for information purposes only.

Under the council's Scheme of Administration, meetings of Policy Development and Scrutiny Panels were to be fixed by the Clerk in consultation with Chair's and Lead Officer's. Those arrangements had now been completed.

Additionally Local Area Committees were required to agree each year a schedule of regular meetings for the succeeding twelve months to be submitted to the Council Executive for approval. For all local area committee's these dates have now been agreed and were reflected in the appendices.

It was recommended that Council Executive :-

1. Subject to the following, to note and approve the arrangements shown in the appendices for meetings of the council, its committees and working groups from August 2019 until July 2020.
2. In relation to Policy Development and Scrutiny Panels (PDSP's) :-

a) To note that their meeting dates were set through Lead Officers and Chair; and

b) To note that although Lead Officers and Chairs had been consulted about the dates proposed in this report those dates may be subject to later change

3. In relation to Local Area Committee (LAC's) :-

a) To note that each LAC sets its own meeting dates and that those in the appendices were not yet all agreed; and

b) To delegate authority to the Chief Executive to make any changes required after LACs had agreed their meeting arrangements.

4. In relation to Members' Training Days :-

a) To note and agree the proposed dates; and

b) To delegate authority to the Chief Executive to adjust those dates in the event of a change of circumstances arising.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To agree that all meetings proposed to meet at 2.00pm would commence at 1.00pm which was more in keeping with the council's approved family friendly working arrangements

- Moved by Councillor Frank Anderson and seconded by Councillor Peter Johnston

A roll call vote was taken which resulted as follows :-

Motion

Alison Adamson

Harry Cartmill

Tom Conn

David Dodds

Lawrence Fitzpatrick

Peter Heggie

Amendment

Frank Anderson

Peter Johnston

Charles Kennedy

Dave King

George Paul

Kirsteen Sullivan

Damian Timson

### Decision

Following a vote the Motion was successful by 11 votes to 2 and it was agreed accordingly

## 7. CARERS (SCOTLAND) ACT 2016 - INTEGRATION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Health and Social Care Partnership seeking agreement and timeline for carrying out a limited review of the integration scheme for the West Lothian Integration Joint Board in relation to statutory duties created by the Carers (Scotland) Act 2016.

The members were advised that since the delegation of functions the Scottish Parliament enacted the Carers (Scotland) Act 2016 which imposed new statutory duties on the council and health board in relation to carers. Some of those were new duties, some added to existing duties and others were replacements for duties in place under earlier legislation. The principal duties imposed as part of the Act were summarised in Appendix 1 attached to the report.

The Scottish Parliament added the duties set out in the 2016 Act to the list of functions that must or may be delegated to integration authorities. Whilst council officers considered that the duties were automatically incorporated into the list of delegated functions, by operation of the law, Scottish Ministers and the health board took a different view. As a result it was being recommended that the council and health board go through a formal process of reviewing the integration scheme to make a reference in it to these duties and to the 2016 Act.

Whilst most of the duties became effective on 1 April 2018 members were to be assured that the duties had been implemented and complied with through the integration joint board, the council and the health board. There had been no gap in service provision or delivery.

The report then summarised the process that the review would follow and which was set out in the Public Bodies (Joint Working) Scotland Act 2014. The review would be carried out by the council and health board and not by the Integration Joint Board and was a three-stage process. Also, because the review would be about formal changes to the Integration Scheme to reflect statutory changes it was proposed to implement a short



consultation timescale with a view to having the changes made as quickly as possible.

It was recommended that Council Executive :-

1. Note the requirement arising from the Carers (Scotland) Act 2016 to review the Integration Scheme for the West Lothian Integration Joint Board.
2. Note the statutory requirements for such a review process.
3. Agree the review process and timeline set out in Appendix 2 of the report and in particular to delegate to officers the consideration of responses at the end of the first stage and instigation of the second stage of the process.
4. Note that a report concerning any resulting amendments to the current integration scheme would be brought back to Council Executive on 23 April 2019 with a view to concluding the review process.

#### Decision

To approve the terms of the report

#### 8. SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2019/20.

The council's Code of Corporate Governance required the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by committee.

The Scheme was based on the Local Government (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2008, and the Local Government (Allowances and Expenses) (Scotland) Regulation 2007 and Amendment Regulations 2018 and the Finance Act 2018.

Elected member remuneration was set by the Scottish Government. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019, were laid before the Scottish Parliament on 1 February 2019 and were due to come into force on 1 April 2019. These regulations amended the Local Government (Scotland) Act 2004 (Remuneration) Regulations 2007 and substitute increased annual amounts of local authority remuneration to members. The changes that would come into effect from 1 April 2019 were set out in the report.

The council's Code of Corporate Governance required the Scheme of

Elected Members Remuneration, Allowances and Reimbursement of Expenses (the scheme) to be reviewed annually. The only other change proposed to the scheme was the inclusion of training offered free of charge by bodies, such as the Improvement Service and Audit Scotland as agreed by Council Executive on 11 September 2018.

The Council Executive was asked to adopt the revised Scheme of Elected Member Remuneration, Allowances and Reimbursement of Expenses for 2018-19 as set out in Appendix 1 attached to the report.

#### Decision

To approve the terms of the report.

9. UPDATE ON HOME ENERGY EFFICIENCY PROGRAMMES FOR SCOTLAND : AREA BASED SCHEMES (HEEPS:ABS) 2018/19 AND 2019/20

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on the 2018/19 HEEPS: ABS programme of External Wall Insulation and to seek approval for proposals for the 2019/20 programme.

The report explained that HEEP: ABS funding sources were:-

- HEEPS:ABS
- Energy Company Obligation (ECO)
- Warmer Home Scotland (WHS)
- Home Owners Contribution
- WLC Capital Funding

The report provided details of each of these funding sources.

For 2018/19 the council had been awarded £1,093,645 HEEPS:ABS funding which was being used to target privately owned properties of No Fines construction and would be fully spent in:

- Lenzie Avenue
- Kenmore Avenue
- Elie Avenue
- Jubilee Avenue

Further information on progress of HEEPS: ABS 2018/19 was outlined in the report.

In relation to the Proposed Programme for 2019/20, the members were informed that it was proposed to provide any HEEPS: ABS funding the council had been awarded to support home owners where the council would be doing EWI to its own households of No Fines construction.

Officers had identified those properties requiring EWI in order to improve

their energy efficiency performance in order to achieve compliance with the Energy Efficiency Standard for Social Housing (EESH). A Capital budget of £1.674m for 225 WLC properties had been approved for these works.

It was proposed to prioritise funding to households in the streets that were identified to have the highest probability of households living in fuel poverty. It was proposed to prioritise funding to streets in the order below.

1. Davidson Way
2. Ferguson Way
3. Fells Rigg
4. Sutherland Way
5. Camps Rigg

It was also being recommended that the Head of Housing, Customer and Building Services retained delegated powers over the management of the programme for non-substantive changes, following approval of the programme by Council Executive.

It was recommended that Council Executive :-

1. Notes that the final funding allocation for the 2018/19 HEEPS:ABS programme was £1,093,645;
2. Notes that it was anticipated that the Scottish Government would allocate £1 million to West Lothian for 2019/20 HEEPS:ABS programme;
3. Approves the proposal to provide HEEPS:ABS funding to home owners in the Knightsridge area during 2019/20 in conjunction with the EWI work the council would be doing to its own stock; and
4. Agrees to the Head of Housing, Customer and Building Services having delegated powers to make non-substantive changes to the 2019/20 HEEPS:ABS programme

#### Decision

To approve the terms of the report

#### 10. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO BARRATT HOMES FOR CONSTRUCTION OF 33 HOUSES

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 to Barratt Homes for the construction of 33 homes at a site in Brucefield, Livingston as part of the new build council houses programme.

The report recalled that the council had embarked on three new build council house programmes over the past ten years and that the proposed direct award to Barratt Homes of £4.4 million was being progressed as part of the approved housing capital programme for 250 houses across

West Lothian. The agreed budget for completion of the 33 homes at Brucefield, Livingston was £4.4 million.

In accordance with the council's Affordable Housing Supplementary Guidance, housing developers were required, subject to certain conditions, to make land available for the development of affordable housing. Barratt Homes were transferring land at Brucefield to the council and had investigated the opportunity of the developer building and handing over completed affordable units at an agreed price. The reasons for recommending this approach were summarised in the report and included access to Scottish Government grants; access to the Barratt Homes site; and the type and layout of the proposed houses.

Independent advice had been sought from construction cost consultation to check the price offered and the scheme offered value for money against current market rates. Barratt Homes had also indicated that the affordable homes site could commence development in Spring 2019, with a projected completion in 2020.

It was to be noted that the construction price offered by Barratt Homes was below OJEU level spend (£4,551,413) but above the regulated spend (£2,000,000). Standing Orders for this level of spend required five tenders to be sought or Council Executive approval obtained for other procurement processes including making a direct award to Barratt Homes.

It was recommended that Council Executive approves the direct award to Barratt Homes for the construction of 33 homes at a site in Brucefield, Livingston with a total cost not exceeding £4.4 million.

### Decision

To approve the terms of the report

## 11. PROCUREMENT ARRANGEMENTS - LEGAL ADVISORS AND SPECIALIST DIPLAPIDATIONS SURVEYORS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to progress with the procurement of Legal Advisors and Dilapidations Surveyors to support officers in their negotiations with both landlord and tenant commercial compensation claims related to the Mill Centre, Blackburn.

The report recalled that the council had a head-lease agreement at the Mill Centre, Blackburn whereby the private sector owned the property and leased it to the council with the individual units leased out to individual tenants. The head-lease was due to expire in February 2020.

The agents acting on behalf of the landlord had served the council with a schedule of dilapidations that outlined a range of repairs, replacements and renewals that in their opinion the council was liable to undertake or pay them compensation for.

From an initial review of the schedule of dilapidations served on the council, officers were of the view that significant items were not appropriate, over-priced or not in accordance with the lease terms. As the expiry of a lease could be complex even where a lease was clear and unambiguous it was considered prudent for the council to appoint specialist legal advisors and dilapidations surveyors to support negotiations on both the landlord and tenant obligations.

To engage suitably qualified and experienced legal and surveying advisors it was proposed that a combination of framework and open tender processes be used and these were summarised in the report and included the use of a joint framework with City of Edinburgh Council for the appointment of legal advisors and the council's own framework for the appointment of dilapidation surveyors. The criteria for both procurements would be 30% for Price and 70% for Quality.

Costs for both the appointment of legal advisors and dilapidations surveyors was also included in the report.

It was recommended that Council Executive approves the procurement of Legal Advisors and Dilapidations Surveyors, to support officers in their negotiations with both the landlord and tenant commercial compensation claims relating to the Mill Centre, Blackburn using the evaluation and methodology outlined in the report.

#### Decision

To approve the terms of the report.

### 12. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO THE SCHOLAR FORUM PARTNERSHIP

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 to The Scholar Forum Partnership for the provision of e-Learning Support Services for a three year period.

The Head of Corporate Services advised that The Scholar Forum was a legal not-for-profit partnership between Heriot-Watt University and ADES (the Association of Directors of Education in Scotland) with the Education Authorities as members paying an annual subscription.

The range of benefits from being a member of The Scholar Forum were outlined in the report and it was noted that membership particularly enhanced the delivery of STEM subjects and modern languages. It also encouraged independent study and promoted flexibility and choice with the school curriculum.

Exemption from the council's Standing Orders for the Regulation of Contracts was required as there was no known comparable service provider who were able to combine high quality online courses, blended learning, instant feedback, progress reports, revision planning, online tutor

sessions and printed study guides.

As there was no in-house capability to undertake this service it was being recommended that Council Executive approves a direct award to The Scholar Forum Partnership for the next three years, commencing on April 2019 to 31 March 2022 with an anticipated contract value of £77,274,

#### Decision

To approve the terms of the report

### 13. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO HOUSING PARTNERSHIP 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 to Housing Partners Ltd for the provision of mutual exchange services for social rented tenants in West Lothian.

The Council Executive was advised that Homeswapper was a national online platform system used by Housing, Customer and Building Services to enable customers to register their interest in mutually exchanging their council tenancies. Scottish Secure Tenants were entitled to apply to exchange their tenancies (swap homes) with other Scottish Secure Tenancies. The council purchased the system on behalf of tenants to support the mutual exchange process.

Homeswapper was an important part of the mutual exchange process for council tenants and the platform was used by a significant number of tenants. In the past 12 month period 51 properties had been mutually swapped.

The Council Executive continued to be advised that as part of the council-wide digitisation strategy it was proposed to move to an in-house mutual exchange registration platform by March 2020. However until such time the council had developed its own in-house system and to ensure continuity of service to tenants it was being recommended that the Council Executive approve a direct award to Housing Partners Ltd.

It was recommended that the Council Executive approves a direct award to Housing Partners Ltd for a period of one year, commencing on 27 March 2019 to 26 March 2020 with a contract value of £7,100.

#### Decision

To approve the terms of the report

### 14. PROCUREMENT ARRANGEMENTS - SUPPLY OF CARE AT HOME SERVICES

The Council Executive considered a report (copies of which had been circulated) by Head of Corporate Services seeking approval to commence

tendering procedures for the procurement of a two year flexible framework agreement for Care at Home Services, with an option to extend for a further one year, plus one year and for the procurement of two block contracts of one year, with an option to extend for a further one year.

The Head of Corporate Services explained that Care at Home Services provided personalised care, including social and emotional support to enable people to continue or resume residing in their own home. The purpose of the service was to ensure quality of life for the individual, while enabling them to retain their independence.

The procurement exercise was seen as the first stage in a long term contract strategy to ensure availability of a reliable service supply which could be adapted to meet surges in demand from critical areas such as hospital discharge and crisis care. It was also designed to encourage development of responsive services in rural areas which traditionally were difficult to source.

In terms of the proposed Care at Home contract arrangements a contract model based on a flexible framework would operate in tandem with two small block contracts that constituted a "Test for Change". It was also being recognised that within existing framework CC4647 Care at Home there were opportunities to further develop relationships with the care providers and that these should be capitalised on in any new contract.

The new framework agreement and the block contracts would incorporate Electronic Call Monitoring (ECM) into the service provision. This would require providers to electronically log their visits when they arrived and left the service users property. This would provide data evidence that vulnerable service users were receiving the care they required to stay safely in their own homes.

All care packages will be commissioned based on the assessed needs of the individual client. The provider would be paid on a banding basis which was based on multiples of 15 minute bands for the actual care time delivered in compliance with the tasks and needs identified in the individual's care plan, rather than the current practice which was based on commissioned hours.

It is proposed that two separate, concurrent procurements were advertised for Care at Home services:

1. A flexible framework agreement for the provision of services on a call-off basis across the entire West Lothian area. The framework will be for a 2 year period with the potential for a further one plus one year extension.
2. Two block contract, each one equivalent to 330 service hours per week

Additionally the evaluation will be based solely on Quality with no price evaluation and a fixed hourly rate would be established taking into account the requirement to pay the National Living Wage and enhanced

monitoring requirements for care providers. The council had approved savings of £975,000 in relation to the introduction of ECM.

It was anticipated that the future cost of the contract and care demands would be met within budget resources available. The annual budget is £9m per annum.

It was recommended that the Council Executive approves the commencement of the tendering procedures for a two year flexible framework and two block contracts using the evaluation and methodology detailed in Section D of the Report

#### Decision

To approve the terms of the report

#### 15. CONSULTATION ON SCOTTISH GOVERNMENT GOOD FOOD NATION PROPOSALS FOR LEGISLATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of a response to a Scottish Government consultation on Good Food Nation Proposals for Legislation.

The Head of Social Policy explained that the *National Food and Drink Policy – Becoming a Good Food Nation* was first published back in 2014. The policy set out a new and exciting vision for Scotland to be a Good Food Nation where people from every walk of life took pride and pleasure in and benefited from, the food they produced, bought, cooked, served and ate every day. The Good Food Nation vision recognised that change was required to achieve this ambitious aim and that legislation could be one way to achieve the culture shift required to help Scotland become a Good Food Nation.

With that in mind the Scottish Government launched their consultation on 21 December 2018 seeking views on how best to achieve the outcomes in relation to the Good Food Nation ambition, including the development and implementation of legislation in this area. The overall aims of the proposed legislation was summarised in the report.

The consultation posed four questions and responses to these had been sought from Operational Services, Education Services, Procurement and Health Improvement. The draft response was attached to report at Appendix 1 and it was to be noted that the service areas consulted were generally cautious in relation to the proposed legislation. Service areas were clear that the legislation should not be confined to the public sector organisations and that if the culture change required was to be successful the legislation would need to be holistic and include all public, private and parental buy-in.

It was recommended that the Council Executive notes and considers the proposed response to the Scottish Government's consultation on Good Food Nation Proposals for Legislation and approves the proposed



response and agrees to its submission to the Scottish Government.

### Decision

To approve the terms of the report

## 16. SCOTTISH GOVERNMENT CONSULTATION - TRANSFORMING PAROLE IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) advising of a Scottish Government consultation on Transforming Parole in Scotland.

The Head of Social Policy explained that the consultation “*Transforming Parole in Scotland*” was launched in December 2018 and was seeking to obtain views on a commitment to increase the openness and transparency of the parole system. The focus would be on :-

- Improving the experience of victims in the parole process;
- Increase openness and transparency of the parole board for Scotland; and
- Ensure the independence of the parole board was maintained

The consultation was grouped into six topics and along with a summary of responses was outlined in the report. Further information in relation to the council’s response was attached to the report at Appendix 1.

It was noted that since the report had been circulated to Council Executive the report had also been subject to scrutiny by the Social Policy Policy Development and Scrutiny Panel (PDSP) who had suggested a number of enhancements to some of the proposed responses.

It was recommended that the Council Executive notes and considers the proposed response, including those enhancements to some of the responses as recommended by the Social Policy PDSP, to the Scottish Government consultation on Transforming Parole in Scotland, approves the proposed response and agrees to its submission to the Scottish Government.

### Motion

1. To approve the terms of the report; and
2. To agree that the responses proposed to Q1, Q2, Q4 and Q5 be amended as follows :-
  - i. Q1 – response at paragraph 3 to include “*The member carrying out the review should be a member of the Panel reviewing that specific case*”.
  - ii. Q2 – response to include in the final paragraph “*right of attendance at a parole hearing by victims should be allowed in principle but could be excluded in part when sensitive matters*”

*were under discussion.”*

- iii. Q4 – response to state that geographical exclusion arrangements could be enhanced”.
- iv. Q5 – response at paragraph 5 to state “*specific and detailed reasons should be provided to victims and their families in respect of early release, but having regard to the need for appropriate risk management after release*”.

### Decision

To unanimously approve the terms of the motion and the council’s proposed response to the consultation on “Transforming Parole in Scotland” would be adjusted accordingly before submission to the Scottish Government.

## 16. LOCAL BUS REVIEW - UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of ongoing changes to the local bus network and to seek approval for extensions to a number of subsidised bus services until the review of the entire network had been completed.

The Head of Operational Services explained that the local bus network was provided through a combination of commercial services (80% of the network) and council subsidised services (20% of the network).

The commercial network underwent significant and largely positive changes in 2018 as First Bus revised its services and Lothian Country extended theirs. As a result, commercial services were now serving West Lothian communities differently which had resulted in a number of route and timetable overlaps between the commercial and subsidised network.

The overlap was such that the council was now legally required to adjust its subsidised services so work was underway to identify the required changes and a revised subsidised local bus service. This work could not be started earlier as the commercial market was changing frequently and any modelling work undertaken would have been negated as the next phases of changes were made.

The Head of Operational Services continued to advise that a report would be submitted to a future meeting of the Development and Transport Policy Development and Scrutiny Panel (PDSP) to discuss the changes required to remove overlaps and to maintain a sustainable subsidised service which would contribute to the councils overarching public transport strategy. The outcomes of those discussions would be reported to the Council Executive.

To maintain the current level of subsidised services until the review was complete would require the extension of a number of time limited additional services as agreed by Council Executive on 6 February 2018;

these contracts were summarised in Appendix 1 attached to the report. It was proposed that these contracts be extended for a further 4 months until 31 July 2019 at a cost of approximately £100,000.

In terms of the budget it was noted that since the month 9 General Fund Revenue Budget was reported the largely mild weather had continued and it was now anticipated that the winter maintenance budget would underspend by £100,000 in 2018/19. Therefore it was proposed that this underspend was preserved for the cost of extending the time limited additional services for four months in 2019/20.

It was recommended that Council Executive :-

1. Notes the changes to the local bus network;
2. Notes the requirement to review the council subsidised local bus services to remove duplication with commercial services;
3. Agrees that a report was submitted to the Development and Transport PDSP to discuss changes to the subsidised network;
4. Agrees a four month extension to council subsidised additional bus services outlined in Appendix 1 attached to the report; and
5. Agrees the cost of the contract extensions (£100,000) would be funded from a projected underspend in the 2018/19 winter maintenance budget.

#### Decision

To approve the terms of the report

#### 17. WATSON PARK, NORTH STREET, ARMADALE

The Council Executive considered a report (copies of which had been circulated) advising of the results of a community consultation undertaken on the proposals for the development of new sports facilities at Watson Park, North Street, Armadale and to seek approval for a revised capital investment project at Watson Park in light of the consultation.

The council's General Services Capital Investment Strategy 2018/19 to 2027/28 was approved at a meeting of West Lothian Council on 13 February 2018. Included in the strategy was an approved budget of £947,000 for the provision of a new sports changing pavilion and drainage improvement works to the existing grass pitch at Watson Park.

Council Executive agreed on 15 January 2019 that officers should undertake a brief period of community consultation on alternative proposals submitted by Armadale Community Football Club (ACFC) for the provision of a new synthetic 3G sports pitch and modular changing facilities at Watson Park.

In accordance with Council Executive instructions a community

consultation was undertaken which sought to engage as many stakeholders as possible. The primary means of engagement was an online survey that was published during February 2019 and closed on 10 March 2019. The survey sought to gauge support for ACFC's proposals within the wider Armadale Community. In addition to the online survey, officers hosted a public information event at Armadale Academy on the evening of 7 March 2019.

A total of 295 responses were received with 95.90% of participants stating that they supported ACFC's proposals. 94.50% also stated that they considered Watson Park to be a good location for a new 3G sports pitch. A summary of the survey results was attached to the report at Appendix 1.

In conclusion the council had previously identified the need for new sports facilities at Watson Park, as the primary end user of the new facilities ACFC had presented fully costed proposals that they felt met existing and future needs of their community. Additionally the local community and been consulted on these proposals and had overwhelming come out in support of them.

Therefore it was being recommended Council Executive :-

1. Notes the results of a community consultation undertaken on proposals for the development of new sports facilities at Watson Park, North Street, Armadale; and
2. Approves a revised capital investment project at Watson Park, North Street, Armadale that would see the delivery of a new 3G sports pitch and modular changing facilities at this location.

### Decision

To approve the terms of the report

## 18 LEASE OF 9 SCHOOL LANE, MID CALDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a three year lease of 9 School Lane, Mid Calder to Abby J's Cakes.

The report recalled that Council Executive approved 9 School Lane, Mid Calder as surplus to requirement on 6 March 2018. The property was marketed and a closing date set with the highest offer accepted for a hairdressing business. However this transaction did not conclude so the property was remarketed and following interest from a number of enquirers a closing date in January 2019 was set with four offers received.

The offer proposed to be accepted was from Abby J's Cakes, who intended to use the property as a café and cheesecake shop. They have also advised that they were committed to enabling community access and events by utilising the hall and group space in a multi-functional manner.

The changing rooms would continue to be made available for use by Mid Calder Colts. The proposed use would also require minimal works to be undertaken to the property.

It was noted that the highest offer received in terms of rental was from an established company. However their proposal would require significant internal alterations and would not secure additional community use. And due to the historic nature of the property if circumstances resulted in business failure the council could be exposed to substantial reinstatement work costs.

It was therefore recommended that Council Executive :-

1. Approves a new three year lease of 9 School Lane, Mid Calder to Abby J's Cakes (Chris and Gillian Liddle) at an initial rent of £8,400 per annum; and
2. Authorises the Head of Finance and Property Services to agree to any changes required to the current terms in order to conclude the transaction on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report

### 19. WEST LOTHIAN LEISURE 2019/20 FUNDING AGREEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the 2019/20 Annual Funding Agreement between West Lothian Leisure (WLL) and West Lothian Council.

The Council Executive was advised that the updated Annual Funding Agreement between the council and WLL set out the agreed management fee to be paid to WLL by the council for 2019/20, with further details attached to the report at Appendix 1. The funding agreement detailed the terms and conditions for payment of the management fee, including provision of services by WLL in accordance with the Service Agreement.

The 2019/20 WLL Management Fee was £2.943 million and was the fee to WLL for the provision of sports and leisure services with West Lothian in accordance with the Service Agreement. The fee also included £87,463 to support curricular swimming and £220,000 for landlord maintenance. The fee would be paid quarterly in advance, subject to the terms and conditions set out in the appendix.

The Head of Finance and Property Services also provided an update in relation to the Annual Funding Agreement including debt management by WLL, a financial update on the year 2018/19 and an update on the three year plan 2019/20 to 2021/22.

It was recommended that Council Executive :-

1. Approves the 2019/20 Annual Funding Agreement for WLL;
2. Notes the terms and conditions set out in the agreement for all funding to be paid by the council to WLL;
3. Notes the updates made to the Annual Funding Agreement;
4. Notes the updates on WLL's Three Year Plan and 2018/19 financial performance; and
5. Notes that the 2019/20 Funding Agreement would be reported to the West Lothian Leisure Advisory Committee on Thursday 2019 for information.

### Decision

To approve the terms of the report

## 20. SPRING STATEMENT 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the announcements contained in the Chancellor of the Exchequer's Spring Statement 2019.

The Chancellor of the Exchequer delivered his Spring Statement to the House of Commons on 13 March 2019. As previously outlined by the Chancellor, the UK Government's approach had changed to a single fiscal event each Autumn with major tax and spending changes being made once a year. Therefore the Spring Statement was not a budget update, but provided a more general statement on the UK economy and the Office for Budget Responsibility (OBR) economic forecasts.

In summary the key economic announcements were as follows :-

- Since autumn 2018 there had been a slowdown in economic growth both in the UK and globally. This had resulted in the OBR revising down its forecast for growth in 2019, with little change for the medium term. This was based on the assumption of a managed Brexit.
- Consumer Price Index (CPI) inflation was expected to be 2.1% in 2019 and then fall below the target of 2% in 2020 before rising to be back in line with target for the remainder of the period to 2022/23.
- The UK was borrowing less than forecast this year due to higher income tax receipts and lower debt interest costs
- Even with the downgrade to GDP growth the fiscal balance had improved. This was largely attributed to higher than expected income tax and national insurance receipts.

The revised projections compared to the Autumn Budget 2018 were outlined in the report.

The Head of Finance and Property continued to provide information on public service and public spending, the main implications for Scotland and the main implications for West Lothian.

It was recommended that the Council Executive :-

1. Note the latest economic position outlined in the Spring Statement 2019;
2. Notes the Chancellor's statement on future public spending and that a detailed spending review would be undertaken in 2019 and announced as part of the Autumn Budget 2019;
3. Agrees that the Head of Finance and Property Service should continue to report to Council Executive on relevant UK and Scottish Government funding and spending announcements and provide quarterly horizon scan reports to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP); and
4. Agrees that the Head of Finance and Property Services should ensure that information contained within the Spring Statements, Autumn Budgets and 2019 Spending Review was taken into account when updating the council's financial plans to 2022/23.

#### Decision

To approve the terms of the report

#### 21. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive inviting the Council Executive to note the terms of the Minutes of meetings of the St John's Hospital Stakeholder Group held on 25 April 2018 and 24 October 2019, copies of which were attached to the report.

#### Decision

To note the terms of the report

#### 22. STANDING ORDER 31 (URGENT BUSINESS) - THE CIH SCOTLAND 2019 HOUSING FESTIVAL ON 12 AND 13 MARCH 2019

The Council Executive noted the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for attendance by the Executive Councillor for Services for the Community to the CIH Scotland 2019 Housing Festival on 12 and 13 March 2019, at the SEC Glasgow.

Decision

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

23. PRIVATE SESSION

The Council Executive resolved under Section 50(A) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 13 of Schedule 1A of the Act.

24. CLOSING ORDER FOR A HOUSE - 17 ESK DRIVE, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to make a Closing Order on a terraced property used as a house at 17 Esk Drive, Livingston, to prohibit the use of the house for human habitation.

The Head of Planning, Economic Development and Regeneration provided an overview of the situation at the property in question and the statutory rules that applied to the “tolerable standard” requirements as laid down in the Housing (Scotland) Act 1987 (as amended).

It was noted that if a Closing Order was made, the house could no longer be lived in until the owner had :-

- Brought it up to the tolerable standard; and
- Put it into a good state of repair

Other factors relating to the condition of the house were outlined in the report along with the signposting and advice available to tenants affected by the ongoing situation.

It was recommended that the Council Executive :-

1. Notes the reasons why a Closing Order was necessary;
2. Approves the making of a Closing Order for 17 Esk Drive, if the statutory notice requiring the property to be brought up to the tolerable standard was not complied with; and
3. Notes the recommendation that the landlords “Fit and Proper” status under the terms of the statutory Landlord Registration scheme be reviewed.

Decision

To approve the terms of the report



25. CLOSING ORDER FOR A HOUSE - 37 ESK DRIVE, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to make a Closing Order on a terraced property used as a house at 37 Esk Drive, Livingston, to prohibit the use of the house for human habitation.

The Head of Planning, Economic Development and Regeneration provided an overview of the situation at the property in question and the statutory rules that applied to the “tolerable standard” requirements as laid down in the Housing (Scotland) Ltd 1987 (as amended).

It was noted that if a Closing Order was made, the house could no longer be lived in until the owner had :-

- Brought it up to the tolerable standard; and
- Put it into a good state of repair

Other factors relating to the condition of the house were outlined in the report along with the signposting and advice available to tenants affected by the ongoing situation.

It was recommended that the Council Executive :-

4. Notes the reasons why a Closing Order was necessary;
5. Approves the making of a Closing Order for 37 Esk Drive, if the statutory notice requiring the property to be brought up to the tolerable standard was not complied with; and
6. Notes the recommendation that the landlords “Fit and Proper” status under the terms of the statutory Landlord Registration scheme be reviewed.

Decision

To approve the terms of the report