DATA LABEL: Public

Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

5 June 2019

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 11 June 2019** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence

2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest

3. Order of Business, including notice of urgent business and declarations of interest in any urgent business

4. Confirm Draft Minute of Meeting of Council Executive held on Tuesday 21 May 2019 (herewtih).

Public Items for Decision

5. Ecclesmachan and Threemiletown Village Hall - Proposed Community Benefit Lease to Ecclesmachan and Threemiletown Village Hall Management Association - Report by Head of Finance and Property Services (herewith).

6. Town Centre Fund - Capital Grant 2019/20 - Report by Head of Planning, Economic Development and Regeneration (herewith).

7. Councillors' Local Disbursement Fund - Report by Head of Corporate Services (herewith).

8. Community Council Special Project Grants - Report by Head of Corporate Services (herewith).

9. Procurement Arrangements - Supply of Family Support in Schools - Report by Head of Corporate Services (herewith).

10. Procurement Arrangements - Direct Award to Verint Systems UK Ltd - Report by Head of Corporate Services (herewith).

11. Procurement Arrangements - Direct Award to Barratt Homes for Construction of 33 Houses - Report by Head of Corporate Services (herewith).

12. Procurement Arrangements - Direct Award to Cunningham Cash Registers - Cashless Catering - Report by Head of Corporate Services (herewith).

13. Procurement Arrangements - Direct Award to Cunningham Cash Registers - On Line Payments - Report by Head of Corporate Services (herewith).

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 21 MAY 2019.

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

Apologies – Councillors Tom Conn and Peter Johnston

1. DECLARATIONS OF INTEREST

Agenda Item 15 (Land at Tailend Moss, Livingston) – Councillor Lawrence Fitzpatrick declared an interest in that as he was a member of the Scottish Wildlife Trust he would not participate in the item of business;

Agenda Item 10 (Regeneration Capital Grant Fund) – Councillor Lawrence Fitzpatrick declared an interest in that whilst he was a council appointed member of the Asset Transfer Committee and the regeneration capital grant fund applications could potentially involve a request for an asset transfer from the council he would still participate in the item of business;

Agenda Item 10 (Regeneration Capital Grant Fund) – Councillor Charles Kennedy declared an interest in that he was a council appointed member of the Asset Transfer Committee and the regeneration capital grant fund application could potentially involve a request for an asset transfer from the council he would not participate in the item of business;

Agenda Item 10 (Regeneration Capital Grant Fund) – Councillor David Dodds declared an interest in that he was a council appointed member of the Asset Transfer Committee and the regeneration capital grant fund application could potentially involve a request for an asset transfer from the council he would not participate in the item of business;

Agenda Item 10 (Regeneration Capital Grant Fund) – Councillor Chris Horne declared an interest in that he was a council appointed member of the Asset Transfer Committee and the regeneration capital grant fund application could potentially involve a request for an asset transfer from the council he would not participate in the item of business;

2. DEPUTATION REQUEST FROM ALAN BURNETT, BROXBURN TOWN CENTRE BUS SERVICE

The Council Executive agreed to hear the deputation request from Mr Alan Burnett in relation to Broxburn town centre bus service.

The Chair also ruled in terms of Standing Order 11 that Agenda Item 6 (Petition concerning the Broxburn town centre bus service) would be dealt with at the same time.

3. DEPUTATION AND PETITION - REINSTATEMENT OF BROXBURN/UPHALL TOWN SERVICE BUS ROUTE

The Council Executive heard Mr Alan Burnett express his concerns for the removal of the Broxburn town centre bus service, which had until recently served the community of Broxburn.

Mr Burnett explained that the once hourly bus service was vital to the community of Broxburn as it helped people, particularly the older population and those without their own form of transport, to get out and about to local shops and vital appointments. He also noted that as the population of the town continued to grow then this type of bus services would be more essential than ever.

Mr Burnett explained that he understood that difficult decisions with regards to financial support for commercial bus services had to be taken but felt that many other more affluent communities in West Lothian continued to be supported through the provision of local bus services and that this courtesy should be extended to Broxburn. He also felt that some existing bus services could be easily adjusted to at least provide some coverage in the town centre.

Mr Burnett responded to questions from committee.

The Council Executive then considered the contents of the petition that Mr Burnett had organised and which contained 1,080 signatures.

Decision

1. To note the terms of the deputation from Mr Alan Burnett in terms of the removal of Broxburn town centre bus service; and

2. To refer the petition on the matter to a future meeting of the Development and Transport Policy Development and Scrutiny Panel.

4. MINUTE

The Council Executive approved the Minute of its meeting held on 23 April 2019. The Minute was thereafter signed by the Chair.

5. LINLITHGOW MARCHES - RIDING OF THE MARCHES

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive inviting attendance at this year's Riding of the Marches in Linlithgow on 18 June 2019.

The Riding of the Marches was held annually and it had been a tradition that the Court of Deacons of the Ancient and Royal Burgh of Linlithgow invite up to five Councillors to participate in the event.

West Lothian Council had also traditionally provided a donation of £400 to cover these invitations.

It was recommended that the Council Executive :-

1. Considers the invitation from the Clerk to the Court of the Deacons of the Ancient and Royal Burgh of Linlithgow for the council to attend the Riding of the Marches;

2. If the invitation was accepted, agrees which five members should attend; and

3. Agrees to provide a donation of £400.00 to cover these invitations.

Decision

1. To agree attendance by two Labour councillors, two SNP councillors and one Conservative councillor; and

2. To agree a donation of £400.00 to cover the invitations.

6. DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising that West Lothian Integration Joint Board (IJB) had agreed its Strategic Plan for 2019/23; had issued Directions to the council which the council was required to comply with; and to propose how the council could demonstrate compliance with the Directions received from the IJB.

The Head of Social Policy explained that the IJB was a separate legal entity from NHS Lothian and West Lothian Council and the arrangements for the IJB's operation, remit and governance was set out in the Integration Scheme which had been previously approved by West Lothian Council, NHS Lothian and the Scottish Government.

The IJB brought together the planning, resources and operational oversight for a substantial range of adult health and social care functions into a single system which would ensure services were built around the needs of patients and service users and support service redesign with a focus on preventative and anticipatory care in communities.

Directions were the mechanism by which Integration Joint Authorities issued binding instructions to the council and the health board to action their Strategic Plan. Directions set out which body was responsible for what and which body should be audited for what, whether financially or in terms of decision-making. Directions were also the legal basis on which the Health Board and the Local Authority delivered services that were under the control of the IJB.

The West Lothian IJB has now published its revised Strategic Plan for 2019/23 following its approval on 23 April 2019 and has agreed a new

strategic planning structure to take forward the development of Commissioning Plans with more collaborative working and engagement, improved governance arrangements and ensuring a more strategic approach to the commissioning of services in line with Audit Scotland's recommendations.

On 10 May 2019 the council received a suite of Directions from West Lothian IJB, details of which were attached to the report at Appendix 1. Whilst previously the council had received overarching general Directions on an annual basis, the Directions this year were more strategic in nature and were intended to further the strategic aims of the IJB.

The council was required under the Public Bodies (Joint Working) (Scotland) Act 2014 to comply with the Directions received and where joint direction was given to both the council and health board, they must carry out the function jointly or only in so far as was specified in the direction.

The council was required to satisfy itself that it was complying with Directions issued by the IJB and ensure that appropriate monitoring and reporting arrangements were in place. Therefore the council would be represented at a senior management level on the Planning and Commissioning Board, which was part of the new IJB strategic planning structure and whose role it would be to monitor progress against the Commissioning Plans.

The refreshed Commissioning Plans would inform whether any new performance indicators were required. It was also proposed that a six-monthly report be submitted to Council Executive to assure members, the public and the IJB that the council was on track to complying or had complied with the Directions.

It was recommended that Council Executive :-

1. Notes that the West Lothian IJB had agreed its Strategic Plan for 2019/23;

2. Note the Directions issued to the council by the IJB;

3. Note the council's legal duty to comply with the Directions;

4. Note the role of the new Planning and Commissioning Boards as part of the IJB's new strategic planning structure; and

5. Agree the proposed reporting arrangements to ensure compliance with the Directions.

Decision

To approve the terms of the report

7. PROCUREMENT ARRANGEMENTS - GULLY CLEANING SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence a tendering procedure for the provision of a Gully Cleaning Services Contract.

The Head of Corporate Services explained that the Council Executive, at its meeting on 13 November 2013, approved that officers test the market, utilising our current vehicles and equipment, with the intention of improving cyclic gully cleaning and jetting efficiency. The benefit from market testing would allow the council to identify local suppliers and gain an idea of their capacity/current contracted status with other local authorities.

The information gained would be used to ensure the tender process was appropriate and accessible, was appropriately advertised and that the specification and scope were realistic for the marketplace to deliver. It would also allow the council to gauge whether the desired efficiencies to the service could be realised.

The proposed contract would provide the cleaning and jetting of gullies within a two year cycle from June 2019 to May 2021 with a possible extension to 2023.

The current arrangement only allowed for cyclic cleaning of the complete network of road gullies every four years and there was difficulty in providing this service over the winter months as there were a limited number of drivers and they had to be used on the winter service. This could lead to increased local flooding and the need for reactive maintenance which was more expensive.

As the council currently had vehicles under lease the purpose of delivering the service, an option that would be priced as part of the tender, would see these vehicles being transferred to and used by the successful contractor.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure would be used whereby all suppliers expressing an interest in the contract would be invited to tender. A criteria of 60% for Price and 40% for Quality would be applied at the tender stage.

Sustainability and resource implications were also outlined in the report.

It was recommended that the Council Executive approves the commencement of procurement for a Gully Cleaning Services Contract, using the evaluation methodology and award criteria set out in the report.

Decision

To approve the terms of the report

8. REGENERATION CAPITAL GRAND FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the opening of the Regeneration Capital Grant Fund and to seek approval for the submission of two applications to that fund as set out in the report.

The Head of Planning, Economic Development and Regeneration advised that the Regeneration Capital Grant Fund (RCGF) was a Scottish Government grant fund that had been developed in partnership with COSLA and local authorities. It provided financial support to projects that would help deliver large-scale improvements to areas suffering from disadvantage. It also focussed on projects that engaged and involved local communities and those that could demonstrate the ability to deliver sustainable regeneration outcomes.

There was a two-stage process for applications to the RCGF. Summary applications were submitted at Stage One and the independent RCGF Panel would then invite successful projects to complete a full application at Stage Two. The Panel would then make final recommendations to COSLA and Scottish Ministers on which projects should be funded. The Panel itself comprised representatives of the Scottish Government, COSLA, SoLACE, individual local authority representatives, Scottish Enterprise, Highland and Island Enterprise, Scottish Futures Trust and Scottish Urban Regeneration Forum.

The fund was open to all 32 local authorities, either individually or through urban regeneration companies or other Special Purpose Vehicles. First stage applications had to be submitted by 10 June 2019.

The purpose of the RCGF was on :-

- Projects that primarily focus on areas that suffer from high levels of deprivation and disadvantage;
- Projects that demonstrate clear community involvement
- Projects that would deliver large scale transformational change with strong regeneration outcomes; and
- Projects and programmes that can encourage additional investment address market failure.

Applications were not restricted in geography, size or type of project and it was for applicant organisations to demonstrate that projects fitted with the aims and objectives of the fund and could also demonstrate clear regeneration outcomes in line with the Scottish Government strategy document “Achieving a Sustainable Future” and local area regeneration plans.

All RCGF funding required to be ready to start between 1 April 2020 and 31 December 2020 and project spend could be over two years.

The report continued to provide details of two applications from West

Lothian and these consisted of an application from Craigsfarm Community Development Project for the instatement of a vacant and condemned building at Craigsfarm and who were looking for a grant of £97,998. The second application was from West Calder and Harburn Community Development Trust (WCHCDT) to support the development of the former West Calder Workspace buildings in Society Place, West Calder. WCHCDT were looking for a grant of £1.4m to support their redevelopment project. Further details of both projects were contained in Appendix 1 attached to the report.

It was recommended that Council Executive :-

1. Notes the criteria of the Regeneration Capital Grant Fund;

2. Notes the timescales for submitting Stage One applications; and

3. Agrees that a Stage One application should be submitted in support of proposals by Craigsfarm Community Development Project to reinstate a vacant and condemned building into a usable community space and West Calder and Harburn Community Trust to acquire and redevelop the former West Calder Workspace buildings at Society Place, West Calder

Decision

To approve the terms of the report

9. SUPPLEMENTARY GUIDANCE - AFFORDABLE HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the receipt of correspondence from Scottish Ministers intimating their position on the adopting of Supplementary Guidance (SG) on the subject of Affordable Housing.

The report recalled that on 13 November 2018 Council Executive approved SG on Affordable Housing. Following a screening process it was submitted to Scottish Ministers for consideration on 11 February 2019.

On 8 April 2019 the Scottish Minister for Local Government, Housing and Planning wrote to the council to advise that the SG on Affordable Housing may not be adopted unless a modification was made to remove a reference requiring developers to assume the costs of preparing the necessary legal agreements between the council and the applicant/landowner to secure affordable housing contributions.

The reason for this was because in terms of section 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 supplementary guidance could only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those were matters which were expressly identified in a statement contained in the plan as matters which were to be

dealt with in supplementary guidance.

After further consideration it has been concluded that the inclusion of a reference to legal fees did not sufficiently satisfy these requirements and therefore the council was presented with two practical options; these being (1) either agree to the modification which was the subject of the Ministerial Direction, thereby enabling the SG to be adopted; or (2) decline making the modification, withdraw the guidance from Ministerial consideration but proceed to adopting the SG as non-statutory Planning Guidance (PG).

The report explored the practicalities of both options concluding that the modification should be agreed. Whilst the effect would be that the SG would be silent on the issue of who assumed the consequential costs of drafting legal agreements it would not however preclude the council from continuing to require developers to do so and that would be the expectation.

It was recommended that the Council Executive :-

1. Notes the content of the letter (and Accompanying Annex) from Scottish Ministers (Appendix 1);

2. Agrees the modification specified by Scottish Ministers in the Direction; and

3. Authorises the Head of Planning, Economic Development and Regeneration to conclude the adoption of the Supplementary Guidance.

Decision

To approve the terms of the report

10. CONSULTATION: DISABILITY ASSISTANCE IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of a Scottish Government consultation on its proposed Disability Assistance and to seek approval for a council response to be returned by 28 May 2019.

The Council Executive was advised that the Social Security (Scotland) Act 2018 created a legal framework under which the Scottish Government could provide social security assistance to people. Section 31 of the Act allowed for this provision to include non-means tested Disability Assistance, equivalent to the current assistance provided through the Personal Independence Payment, Disability Living Allowance and Attendance Allowance. The Scottish Government was consulting on the proposed approach to delivery of this assistance before progressing onto developing regulations.

The aim of the Scottish Government was to use the opportunity of

delivering Disability Assistance to create a positive impact on a high number of people by removing barriers often associated with disability which caused restricted life choices and would allow them to continue to contribute to their communities.

The consultation had commenced on 5 March 2019 and the questionnaire had been distributed amongst the Anti-Poverty Practitioners Group which included partners from the public, voluntary and third sector. Thereafter views were sought from the public using Anti-Poverty Experts by Experience Panel and the survey was distributed to parents of school aged children.

There were some concerns in the proposal around the use of a points scoring system to assess entitlements to Disability Assistance for Working Age People and also the gathering of relevant supporting information from the most relevant sources, as part of the decision-making process.

A proposed response was attached to the report at Appendix 1 and it was recommended that the Council Executive :-

1. Notes the contents of the report and the accompanying proposed consultation response attached at Appendix 1; and

2. Approves the proposed consultation response to be submitted to the Scottish Government on behalf of West Lothian Council.

Decision

To approve the terms of the report

11. REDEVELOPMENT OF ABILITY CENTRE, CARMONDEAN AND RELOCATION OF CARMONDEAN CONNECTED - LIVINGSTON NORTH PARTNERSHIP CENTRE

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 providing a update on the outcome of the community and stakeholder engagement for the redevelopment of the Ability Centre, Carmondean, Livingston to create a Livingston North Partnership Centre.

The report recalled that the Council Executive, at its meeting on 26 March 2019, approved proposals for redevelopment of the Ability Centre, Carmondean, Livingston to create a new partnership facility. This would enable the co-location of services such as the library, customer information, Ability Centre Services and McMillan Cancer Support within a single facility thereby creating a Livingston North Partnership Centre.

As with previous similar partnership centre developments the council was committed to engaging with communities and stakeholders to ensure that proposals were comprehensive.

A comprehensive engagement exercise was undertaken and involved

local community organisations, users and customers of both Connected and the Ability Centre, staff from both current buildings, partners, Scottish Library Information Council (SLIC) and other stakeholders. The report outlined the range of engagement methods that were used.

In summary the proposals were considered to be positive by the majority of those engaged including SLIC with the co-location of the library, customer information services and Ability Centre being identified as positive. Further details of the feedback from the engagement exercise were outlined in Appendix 1 attached to the report.

The purpose of the engagement exercise was to identify any new matters that in terms of design or service delivery that required to be altered to ensure that the proposals were as comprehensive as possible. Stakeholder engagement would continue as the project progressed with regular user meetings and information briefings.

Details of the final design along with project timescales, project delivery and monitoring were summarised in the report and in Appendix 2 attached to the report.

The project had been identified as delivering a number of benefits for all services and communities and an integrated relevance assessment had been undertaken to consider equality, human rights and socioeconomic disadvantage implications. Further details were attached to the report at Appendix 3.

Upon completion of the project the existing Carmondean Connected property would no longer be required for the delivery of services and therefore would be surplus to requirements. At that time the property would be subject to the approved surplus property procedures.

It was recommended that Council Executive :-

1. Notes the outcome of the stakeholder and community engagement on the proposed layout design and service provision at the new partnership centre facility;

2. Notes the progress to date and the proposed finalised project delivery timescales;

3. Agrees the existing Carmondean Connected would no longer be required for service delivery and upon completion of the project and at that time would be subject to the council's surplus property procedures; and

4. Agrees that officers should continue to engage with stakeholders on the delivery of the project and provide regular updates to Council Executive as part of the established monitoring and reporting of the General Services Capital Programme.

Decision

To approve the terms of the report

12. THE FORMER COUNTY BUILDINGS ANNEX, 89 TO 91 HIGH STREET, LINLITHGOW - PROPOSED SALE TO ELDERBRAE 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 the former County Building Annex plus four car parking bays within the shared car park, 89 to 91 High Street, Linlithgow to Elderbrae Limited.

The property, located at 89-91 High Street, Linlithgow, was the former County Building Annex attached to the eastern gable of Linlithgow Partnership Centre/Tam Dayell House.

The Annex was most recently used as office space for the Environmental Health and Trading Standards teams and the local history library. However the property has been vacant since these services relocated to the new Linlithgow Partnership Centre. As part of the business case for the delivery of the Linlithgow Partnership Centre/Tam Dayell House the Annex was identified as no longer being required for future service delivery and, as such, would be declared surplus and therefore subject to the council's surplus property procedures.

The property was marketed for disposal on the open market, as suitable for residential or commercial development. Following a healthy interest in the property a closing date was set for 25 April 2019 with multiple offers received. No applications for community asset transfer were received.

After evaluation officers deemed that the highest offer received from Elderbrae Limited for £401,000 was acceptable as it represented the best value offer received. Elderbrae was a well-established development company with a proven track record.

The offer was subject to the proposed purchaser obtaining planning consent, building regulation consent and licensing for conversion and change of use to form a licensed restaurant and hotel.

It was therefore recommended that Council Executive :-

1. Approves the sale of the former County Buildings Annex, 89-91 High Street, Linlithgow to Elderbrae Limited for the sum of £401,000 (four hundred and one thousand pounds) subject to the terms and conditions set out in the report; and

2. Authorises the Head of Finance and Property Services to carry out further negotiations with the purchaser in respect of the sale of 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

13. LAND AT TAILEND MOSS, LIVINGSTON - PROPOSED COMMUNITY BENEFIT LEASE TO SCOTTISH WILDLIFE TRUST

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the lease of land extending to 29.26 hectares (72.32 acres) or thereby at Tailend Moss, Livingston to Scottish Wildlife Trust.

The report recalled that the site in question was located to the north of Starlaw Business Park and the Scottish Wildlife Trust (SWT) had leased the site since 1 June 1979 when the reserve was first established.

SWT referred to the site as a Wildlife Reserve and the site was listed as a Site of Special Scientific Interest (SSSI), one of the sites identified by Scottish Natural Heritage as providing the best examples of plants, animals and habitats. Tailend Moss was currently managed by SWT and was a rare example of a lowland raised bog, a rare type of wildlife habitat in the UK that was comprised of deep wet peat plus a number of open water pools.

The proposed terms of the lease were summarised in the report.

It was recommended that the Council Executive approves the lease of 72.32 acres to Scottish Wildlife Trust (SWT) on the terms set out in the report.

Decision

To approve the terms of the report

14. PUBLICATION OF ELECTED MEMBERS REMUNERATION, EXPENSES AND ALLOWANCE INFORMATION 2018/19

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of levels of Elected Members Remuneration, Allowances and Expenses from 1 April 2018 to 31 March 2019 and to also provide details of training undertaken during this period.

A copy of the payments made in accordance with the Regulations was set out in Appendix 1 attached to the report. All amounts were stated as gross before any deductions for Income Tax and National Insurance.

Whilst the level of salary was fixed depending on the designation, the amounts of travel, subsistence and expenses claims varied between Elected Member depending on their activities and duties throughout the year.

The analysis also included “other expenses” which must be disclosed under the Scheme; this related to receipted expenditure incurred by the Provost and Depute Provost on civic duties and the costs of conferences and seminars which were paid for directly by the council.

In addition to the levels of payments made, the Regulations also required the council to publish details of training undertaken during the reporting period. Attendance at these events was summarised in Appendix 2 attached to the report.

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

Decision

To approve the terms of the report

DATA LABEL: PUBLIC

West Lothian Council

COUNCIL EXECUTIVE

ECCLESMACHAN AND THREEMILETOWN VILLAGE HALL PROPOSED COMMUNITY BENEFIT LEASE TO ECCLESMACHAN AND THREEMILETOWN VILLAGE HALL MANAGEMENT ASSOCIATION

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the lease of Ecclesmachan and Threemiletown Village Hall to the Ecclesmachan and Threemiletown Village Hall Management Association.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the lease of Ecclesmachan and Threemiletown Village Hall to the Ecclesmachan and Threemiletown Village Hall Management Association, on the terms set out in this report; and

2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the association in respect of the lease of the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Making best use of our resources. Being honest, open and accountable.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single Outcome Agreement**	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI	**Resources - (Financial, Staffing and Property)**	The market rent of £1,950 per annum will be foregone in lieu of the non-financial community benefits that have and will be demonstrated by the Association.
VII	**Consideration at PDSP**	Not applicable.
VIII	**Other consultations**	Housing, Customer and Building Services. The local elected members for the ward have received a copy of this report for information.

D. TERMS OF REPORT

D1. BACKGROUND

Ecclesmachen and Threemile Town Village hall is occupied by Ecclesmachen and Threemiletown Village Hall Management Association (The Association). The location of the property is shown on the plan within the Appendix. The basis of the occupancy is through a lease granted by Lothian Regional Council for a term of one year from 1 September 1992 at a rent of £1 per annum. This lease has continued under the doctrine of Tacit Relocation which, in effect, is a year to year basis. The terms of the lease are similar to those of a Full Repairing and Insuring (Tenant) agreement. The Association has full responsibility for all costs incurred in managing the village hall with the exception of repairs to the roof which are the responsibility of the council.

The current lease does not comply with The Disposal of Land by Local Authorities (Scotland) Regulations 2010 in that there is no requirement for the demonstration of community benefit. Council Executive in June 2015 approved a report on modernising leases at less than market value which sets out the basis upon which a compliant lease could be granted whilst recognising a community benefit.

D2. COMMUNITY MANAGEMENT AND INVESTMENT

Under the terms of the existing lease, the Association has an active programme of investing in the property to sustain its future and this is demonstrated by recent projects including an up-grade of the electrical heating system (June 2017); Replacement of the north elevation of the roof (Summer 2018) and the refurbishment of the toilets (September 2018). The car park has also been improved and, with the assistance of the council, was extended onto adjacent land.

The Association are actively raising funds to enable replacement of the south section of the roof and have indicated a willingness to take on future responsibility for the roof under the terms of a new lease, subject to the council assisting with part funding of the final part of the roof replacement. The group are currently preparing costs and will make the appropriate funding submission.

Given the efforts of the Association and the investment being made together with ensuring compliance with Disposal of Land regulations, it is appropriate to put a new lease in place. This will enable the incorporation of the additional car park area land and will give the Association greater security and through the modern lease, improved clarity on responsibilities for their occupation.

The Association has engaged with the council on the longer term option for the asset transfer of the property and the willingness to commit to a term of fifteen years under the current proposal represents a move towards full ownership.

Officers will continue to engage with the Association to develop their asset transfer ambitions further and to support them where possible. Any application for asset transfer would be considered in accordance with the councils approved policies and processes for community asset transfer.

D2. PROPOSED LEASE TERMS

The main terms and conditions of the lease are:

- Tenant: Ecclesmachan and Threemiletown Village Hall Management Association.
- Use: Community hall within Planning use class 10.
- Term: fifteen years from the date of entry.
- Rent: £1,950 per annum for the initial five years.

  The lease will include a Community Benefit clause whereby the tenant must demonstrate that they provide a benefit to the local community to the value of the rental which will enable the value of the community benefit to be offset against the annual rent.
- Rent Review: The rent and community benefit would be reviewed every fifth anniversary of the entry date.
- Repairs: Tenant has a full repairing responsibility.
- Insurance: Tenant arranges and meets the cost of insurance.

In addition to these terms, the council will include other lease clauses common to the community benefit style lease.

Whilst the Association will be able to apply for funding to support activities, or improvement works to the property as the lease is based on a community benefit they will not be eligible for support from the council to pay rent or costs associated with the general occupancy of the property (i.e. utility bills).

Current management and leasing arrangements across the council's portfolio of community education centres and village halls are inconsistent and in some cases need to be updated to meet the requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

A number of different arrangements are available that are compatible with the Disposal of Land by Local Authorities (Scotland) Regulation 2010 including the Full Repairing and Insuring lease model adopted by Ecclesmachan and Threemiletown Village Hall Management Committee. Others potentially include revised management agreements and community asset transfer that depending upon circumstances may be appropriate. The standardising of arrangements will be subject to a future review.

E. CONCLUSION

It is considered to be in the council's best interests to lease the property on the basis of the recommendations provided in this report.

F. BACKGROUND REFERENCES

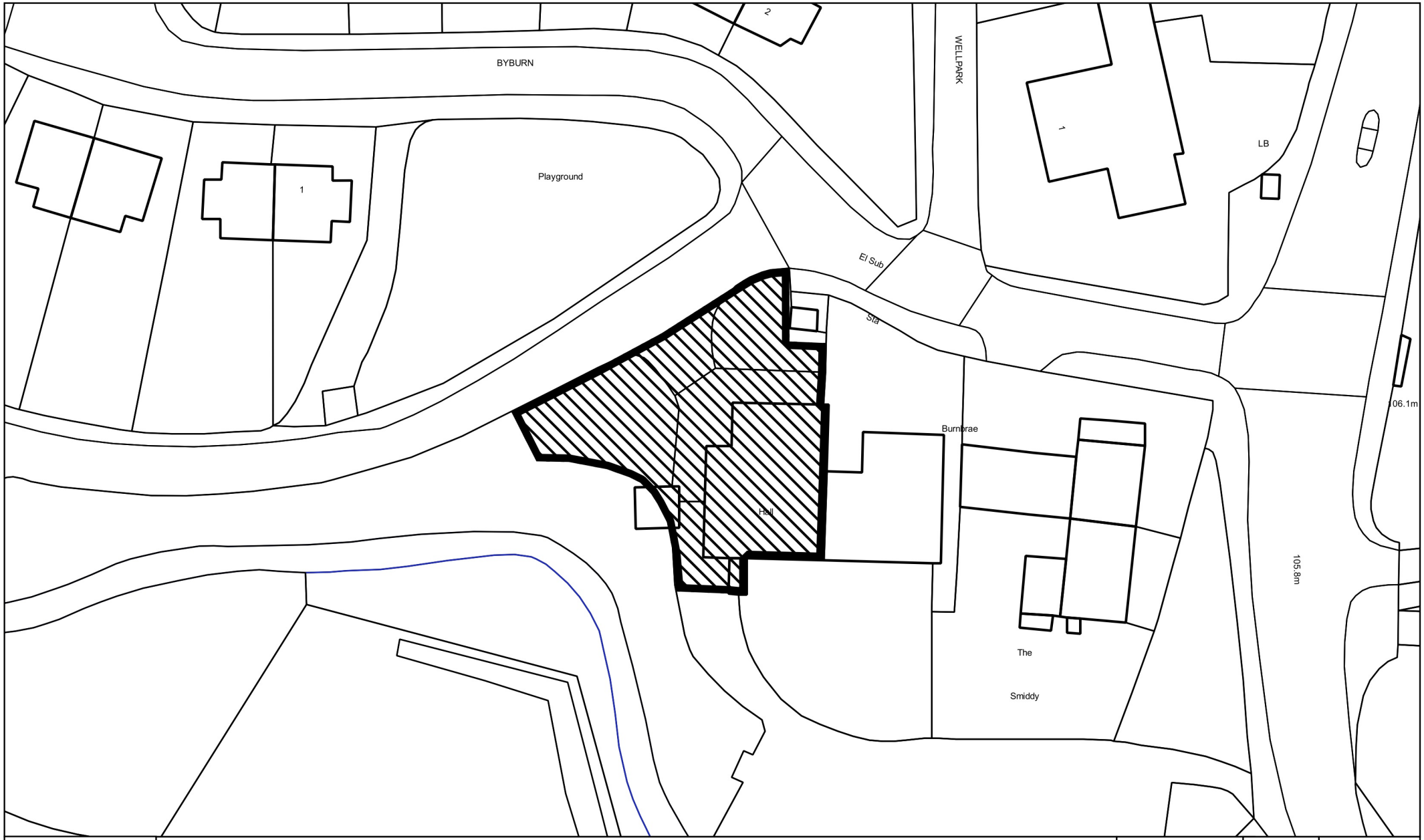
Council Executive 30 June 2015 – Report by Head of Finance and Estates, Modernising leases at less than market value.

Appendices/Attachments: Location plan attached

Contact Person: Stephen Letch, Group Commercial Property Surveyor
Tel. (01506) 281831 e-mail: stephen.letch@westlothian.gov.uk

Donald Forrest,
Head of Finance and Property Services

Date of meeting: 11 June 2019



West Lothian Council

Lease plan. Ecclesmachan Village Hall.

1:500 | A4 | N

Property Management, West Lothian Civic Centre, Livingston, EH54 6FF

24/5/2019

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DATA LABEL: PUBLIC

West Lothian Council

COUNCIL EXECUTIVE

TOWN CENTRE FUND – CAPITAL GRANT 2019/20

REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to set out proposals for the delivery and operation of the Town Centre Fund Capital Grant 2019/20 of £1.826 million which has been allocated to the council via the local authority capital settlement from the Scottish Government.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Approves the list of eligible areas and allocation to each area, as set out in Appendix 1 of the report.
2. Approves the assessment of the criteria for projects as set out in the report.
3. Agrees that decisions on the applications are made as follows:-
   (a) Local Area Committees will consider applications from each community to the fund and have the power to award funding in full or in part as they see fit up to the amount allocated to that community
   (b) After doing so, if there is a balance remaining of the aggregate amount allocated to the ward, Local Area Committees will have the power to apply that balance to applications for the ward area which have not already been funded at all or fully
   (c) After doing so, if there is still a balance remaining, Council Executive will decide how and where all remaining balances from the Local Area Committees should be spent across the whole council area
4. To note that additional Local Area Committee (LAC) meetings may be required.
5. Notes the conditions pertaining to the grant as set out in the report.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	To be assessed on an individual project basis but it is not anticipated that any proposals will require to be the subject of specific assessments.
III	**Implications for**	Responsibility for the fund will be added to the

	Scheme of Delegations to Officers	remit of the Head of Planning, Economic Development and Regeneration.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single Outcome Agreement**	Outcome 1 – We make West Lothian an attractive place to do business. Outcome 10 – We live in well-designed, sustainable places where we are able to access the services we need. Outcome 12 – We value and enjoy our built environment and protect it and enhance it for future generations.
VI	**Resources - (Financial, Staffing and Property)**	A total of £1.826 million will be allocated to the Capital Fund through Scottish Government Grant Settlement.
VII	**Consideration at PDSP**	Not applicable.
VIII	**Other consultations**	Financial Management Unit.

D. TERMS OF REPORT

D1 Introduction

In February 2019 the Scottish Government announced, as part of their budget settlement within the local authority capital settlement, a new ring fenced capital fund of £50 million for a Town Centre Fund for 2019/20. The allocation of this fund was based on the Scotland's Town Partnership working definition of a town being a place with a population of 1,000 or more, which equates to 484 towns across Scotland, 23 for West Lothian. This resulted in an allocation of £1.826 million to West Lothian.

The purpose of the grant is to enable local authorities to stimulate and support placed based economic investments which encourage town centres to diversify and flourish, creating footfall through local improvements and partnerships. Specifically, this fund aims to contribute to transformative investments which drive local economic activities and re-purpose town centres to become more diverse, successful and sustainable.

In particular, the grant should fund a wide range of investments which deliver against the themes of the Town Centre Action Plan including town centre living and supporting town centres to be vibrant, accessible and enterprising places. This could include re-purposing buildings for housing, retail, business, social and community enterprise, services, leisure, and culture, tourism and heritage; and, improving access and infrastructure.

Investment decisions should be made in the context of national and local commitments to town centres including :

- Town Centre First Principle and Town Centre Action Plan link: https://www.gov.scot/publications/town-centre-action-plan-scottish-government-response/
-
- Place Principle: https://www.gov.scot/publications/place-principle-introduction/

- Scotland's Towns Partnership: https://www.scotlandstowns.org/

Tools

- Understanding Scottish Places: https://www.usp.scot/

- USP your Town Audit https://www.usp.scot/StaticPage/UspAudit

- Place Standard: https://www.scotlandstowns.org/place_standard

- Town Centre Toolkit: https://www.scotlandstowns.org/town_centre_toolkit

These are effectively tools that help communities carry out an audit of a given town centre. Aspects of this have been used in some of the given the time constraints there would be limited scope to utilise.

The Town Centre Action Plan published in 2013 was the Scottish Government's response to the National Town Centre Review. It focused on national and local solutions, encouraging action across public, private and community sectors. The Scottish Government and local government subsequently agreed the Town Centre First Principle which requested that government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity. It committed to a collaborative approach which understands and underpins the long term plan for each town centre.

The aim of the fund is to deliver against the themes of the Town Centre Action Plan. Those themes include:

- **Town Centre Living** – footfall is key to achieving thriving, successful towns centre; and, the best footfall is residential for people who will use shops, services, and will care for its safety and security in the evenings
- **Vibrant Local Economies** – creating a supportive business environment including the involvement of Town centre Management Groups Business Improvement Districts (BIDs) and other local partnerships
- **Enterprising Communities** – social enterprise, services, arts and events; and, community empowerment and community based activities which increase the health, wealth and wellbeing of town centres
- **Accessible Public Services** – creating and accessing public facilities and services, supported by economic, service and transport hubs

- **Digital Towns** – exploiting digital technology and promoting Wifi infrastructure to enable access to information, data analytics, marketing opportunities, branding, and communication with the wider world
- **Proactive Planning** – land reform and supporting the creation of sustainable, low-carbon and connected places which promote natural and cultural assets, designed in partnership with local communities and key stakeholders.

Conditions of the Grant

The grant is exclusively for capital expenditure which is additional to that which is already or would otherwise be allocated to the council's 2019/20 capital budget, and should not substitute existing spend.

The Grant may also be used to fund third party capital expenditure in the current year. The Grant is to be used in the financial year 2019/20 and it is required that work will be completed, or at least work or contracts signed or commenced in 2019/20.

The allocations of the grant to each local authority was undertaken using an equal weighting of number of towns and populations living in towns i.e. 50% of funding based on number of towns and 50% based on the population living in towns.

D2 Proposal for Allocation of the Grant in West Lothian

It is proposed to allocate the grant to communities in West Lothian on the same basis that was used to distribute the Scottish wide funding to each local authority area. As such, it is proposed to allocate the grant to each place with 1,000 people or more, 50% of funding based on the number of towns (i.e. an equal split) and 50% based on the population. The proposed allocation to the 23 communities is on this basis as set out in Appendix 1.

Due to the tight timescales to spend the allocation, the Economic Development and Regeneration team will contact the current networks, including Town Centre Management Groups, Community Councils and links to communities used to develop the allocation of the Village Improvements Fund and Locality Regeneration Planning to assist in identifying projects, as well as wider publicity to encourage applications.

It is further proposed that Council Services, Elected Members and other interested partners, for example Central Scotland Green Network Trust, are involved in helping communities develop project ideas.

For continuity an updated version of the application process used for the Village Improvements Fund will be used for all applications. Where it is agreed that projects are delivered by West Lothian Council the application will come from the relevant service, if agreed by the LAC. A draft of the proposed applications form is in Appendix 2 for information. It may be subject to some minor changes before it is made available for use.

In terms of governance it is recommended that Local Area Committees make decisions on the applications and that as far as possible the money allocated to communities in each ward area is used in the ward. All applications will be presented to the relevant Local Area Committee for consideration. A deadline will be set for late August to allow applications to be considered at the September round of LACs. It is probable that additional LAC meetings may have to be called.

After the initial round of decisions, if there is still a balance remaining, the committees would be able to allocate that to applications in the ward area which have not been funded at all or not fully funded. If there is still a balance remaining then Council Executive will decide how and where all remaining balances should be spent across the whole council area.

E. CONCLUSION

Officers will work with respective ward communities to ensure the allocation to each LAC area is fully utilised during 2019/20.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 – Proposed Allocation of Grant in West Lothian; Appendix 2 Draft Application and Guidance.

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Contact Person: Alice Mitchell, Economic Development & Regeneration Manager
Email: alice.mitchell@westlothian.gov.uk
Tel no: 01506 283079

Craig McCorriston
Head of Planning, Economic Development and Regeneration
12 June 2019

Appendix 1 – Proposed Allocation of Grant with settlements more than 1000 in West Lothian

Settlement	Population	Fixed Allocation	Population Allocation	Total Amount Awarded
		£	£	£
Livingston	54,516	40,000	281,557	321,557
Bathgate	23,559	40,000	121,674	161,674
Linlithgow	13,862	40,000	71,592	111,592
Armadale	12,021	40,000	62,084	102,084
Whitburn	11,805	40,000	60,969	100,969
Broxburn	10,970	40,000	56,656	96,656
Uphall	4,687	40,000	24,207	64,207
Blackburn	5,775	40,000	29,826	69,826
East Calder	5,733	40,000	29,609	69,609
Fauldhouse	4,804	40,000	24,811	64,811
Winchburgh	3,758	40,000	19,409	59,409
Midcalder	3,351	40,000	17,307	57,307
West Calder	3,152	40,000	16,279	56,279
Kirknewton	2,598	40,000	13,418	53,418
Polbeth	2,301	40,000	11,884	51,884
Blackridge	2,074	40,000	10,711	50,711
Addiebrownhill	1,991	40,000	10,283	50,283
Stoneyburn	1,982	40,000	10,236	50,236
Pumpherston	1,667	40,000	8,609	48,609
East Whitburn	1,344	40,000	6,941	46,941
Seafield	1,334	40,000	6,890	46,890
Uphall Station	1,073	40,000	5,542	45,542
Greenrigg	1,066	40,000	5,506	45,506
Total	**175,423**	**920,000**	**906,000**	**1,826,000**

Livingston

Area	Population	Amount Awarded
Livingston Eliburn	8,211	£48,432
Livingston Craigshill	7,057	£41,625
Livingston Dedridge	6,808	£40,156
Livingston Murieston / Bankton	5,315	£31,350
Livingston Carmondean	5,170	£30,495
Livingston Ladywell	5,024	£29,634
Livingston Deans	4,234	£24,974
Livingston Knightsridge	3,945	£23,269
Livingston Howden	3,489	£20,579
Livingston Village / Kirkton	2,958	£17,447
Livingston Bellsquarry / Adambrae	2,305	£13,596
	54,516	£321,557
		£321,557

Proposed Allocation of Grant by Ward in West Lothian

Ward	Settlment	Alllocation £	Total Allocation £
Linlithgow	Linlithgow	111,593	**111,593**
Broxburn, Uphall & Winchburgh	Broxburn	96,656	
	Uphall	64,207	
	Winchburgh	59,409	**220,272**
Livingston North	Eliburn	48,432	
	Carmondean	30,495	
	Deans	24,974	
	Knightsridge	23,269	
	Livingston Village / Kirkton	11,340	**138,510**
Livingston South	Dedridge	40,156	
	Murieston/Bankton	31,350	
	Ladywell	29.634	
	Howden	20,579	
	Bellsquarry/Adambrae	13,596	
	Livingston Village / Kirkton	6,106	**141,421**
Livingston East & East Calder	Craigshill	41,625	
	East Calder	69,609	
	Mid Calder	57,307	
	Kirknewton	53,418	
	Uphall Station	45,542	
	Pumpherston	48,609	**316,110**
Fauldhouse & Breich Valley	Fauldhouse	64,811	

	West Calder	56,279	
	Polbeth	51,884	
	Addiebrownhill	50,283	
	Stoneyburn	50,236	**273,493**
Whitburn & Blackburn	Whitburn	100,969	
	Blackburn	69,826	
	Seafield	46,890	
	Greenrigg	45,506	
	East Whitburn	46,940	**310,131**
Bathgate	Bathgate	161,674	**161,674**
Armadale & Blackridge	Armadale	102,084	
	Blackridge	50,712	**152,796**
			1,826,000

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West Lothian Council
Town Centre Fund – Capital Grant 2019/20

Application form

- Please refer to the guidance notes when completing this form
- Please complete in **BLOCK CAPITAL LETTERS** and use **black ink**
- No project should start or commit expenditure before receiving the approval of grant

1. Applicant Organisation Details

Organisation Name	
Project title	
Contact person	
Position	
Address	
Telephone number	
Email Address	
Type of organisation (public sector, Voluntary Organisation ect)	
What are the main activities of your organisation? **(please answer in no more than 100 words)**	

For voluntary or	

charity applicants	
What date was your organisation formed?	
If a charity, please quote your charity number	

Do you have an equal opportunities policy or statement? If yes please provide a copy	**Yes / No**
Does your organisation take account of equality issues around age, disability, gender, race, religion or belief?	**Yes / No**

2. Project details

Council Ward	
Project location	
Project start date	
Project finish date	

Project description Describe fully the project for which grant is being sought (background and context of the project, description of works).

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Partners involved (other local organisations you are working with)	

Evidence of need What evidence is there that your project is needed? It is vital that you show that you have identified the need for your project, eg letters of support, or local survey, see guidance for examples of how you can evidence this.

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Outcomes Describe what your project will deliver in line with the funding outcomes in appendix 1. Town Centre Living / Vibrant Local Economies /Enterprising Communities / Accessible Public Services / Digital Towns /Proactive Planning

3. Project Costs

Total Project cost	
Amount of funding requested from the Town Centre Fund (TCF)	

Item of expenditure	**Total Cost**	**Cost (TCF)**

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If the total cost is greater than the fund applied for please detail where the match funding is from (i.e. WLC, Lottery etc.) Please confirm whether it is approved and in place or the date that you expect this to be confirmed.	

Funding source (i.e lottery, WLC)	**Approved and in place**	**Date to be confirmed**

Project management Describe how your project will be managed and administered including details of any: - Design / plans - Implementation arrangements e.g contract tenders - Planning Approval

Attachment checklist - as applicable	**Please Indicate (x)**
Constitution or Articles and Memorandum	
Committee Members or Directors List	
Bank Statements - three statements	
Annual accounts	

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4. Declaration

We wish to apply for a Village Improvement Capital Grant. The above is an accurate outline of the proposed project. We have read and understood the guidance notes for applicants and agree to the conditions therein. We understand that the grant may be modified or withdrawn, if all the conditions are not adhered to. We are willing to co-operate in the monitoring of the grant scheme and to meet with their representatives if required to do so. We will acknowledge the support of the Fund in any related PR activities.

Name	
Position	
Organisation	
Date	

Please send your completed forms to:

Gemma Telfer, Administrative Assistant
Community Regeneration
Economic Development and Regeneration
West Lothian Council
1st Floor South
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 281692
E-mail: gemma.telfer@westlothian.gov.uk

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Appendix 2

Town Centre Fund – Capital Grant 2019/20 – Background and Guidance

1. Background

In February 2019 the Scottish Government announced, as part of their budget settlement within the local authority capital settlement, a new ring fenced capital fund of £50 million for a Town Centre Fund for 2019/20. The allocation of this fund was based on the Scotland's Town Partnership working definition of a town being a place with a population of 1,000 or more, which equates to 484 towns across Scotland, 23 for West Lothian. This resulted in an allocation of £1.826 million to West Lothian.

The purpose of the grant is to enable local authorities to stimulate and support placed based economic investments which encourage town centres to diversify and flourish, creating footfall through local improvements and partnerships. Specifically, this fund aims to contribute to transformative investments which drive local economic activities and re-purpose town centres to become more diverse, successful and sustainable.

In particular, the grant should fund a wide range of investments which deliver against the themes of the Town Centre Action Plan including town centre living and supporting town centres to be vibrant, accessible and enterprising places. This could include re-purposing buildings for housing, retail, business, social and community enterprise, services, leisure, and culture, tourism and heritage; and, improving access and infrastructure.

Investment decisions should be made in the context of national and local commitments to town centres including :

- Town Centre First Principle and Town Centre Action Plan link: https://www.gov.scot/publications/town-centre-action-plan-scottish-government-response/

- Place Principle: https://www.gov.scot/publications/place-principle-introduction/

- Scotland's Towns Partnership: https://www.scotlandstowns.org/

Tools

- Understanding Scottish Places: https://www.usp.scot/

- USP your Town Audit
https://www.usp.scot/StaticPage/UspAudit

- Place Standard:
https://www.scotlandstowns.org/place_standard

- Town Centre Toolkit:
https://www.scotlandstowns.org/town_centre_toolkit

These are effectively tools that help communities carry out an audit of a given town centre. Aspects of this have been used in some of the given the time constraints there would be limited scope to utilise but you should find these useful for background.

2. Town Centre Action Plan

The Town Centre Action Plan published in 2013 was the Scottish Government's response to the National Town Centre Review. It focused on national and local solutions, encouraging action across public, private and community sectors. The Scottish Government and local government subsequently agreed the Town Centre First Principle which requested that government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity. It committed to a collaborative approach which understands and underpins the long term plan for each town centre.

The aim of the fund is to deliver against the themes of the Town Centre Action Plan. Those themes include:

- **Town Centre Living** – footfall is key to achieving thriving, successful towns centre; and, the best footfall is residential for people who will use shops, services, and will care for its safety and security in the evenings
- **Vibrant Local Economies** – creating a supportive business environment including the involvement of Town centre Management Groups Business Improvement Districts (BIDs) and other local partnerships
- **Enterprising Communities** – social enterprise, services, arts and events; and, community empowerment and community based activities which increase the health, wealth and wellbeing of town centres

- **Accessible Public Services** – creating and accessing public facilities and services, supported by economic, service and transport hubs
- **Digital Towns** – exploiting digital technology and promoting Wifi infrastructure to enable access to information, data analytics, marketing opportunities, branding, and communication with the wider world
- **Proactive Planning** – land reform and supporting the creation of sustainable, low-carbon and connected places which promote natural and cultural assets, designed in partnership with local communities and key stakeholders.

3. Conditions of the Grant

The grant is exclusively for capital expenditure which is additional to that which is already or would otherwise be allocated to the council's 2019/20 capital budget, and should not substitute existing spend.

The Grant may also be used to fund third party capital expenditure in the current year. The Grant is to be used in the financial year 2019/20 and it is required that work will be completed, or at least work or contracts signed or commenced in 2019/20.

The allocations of the grant to each local authority was undertaken using an equal weighting of number of towns and populations living in towns i.e. 50% of funding based on number of towns and 50% based on the population living in towns.

Proposal for Allocation of the Grant in West Lothian

It is proposed to allocate the grant to communities in West Lothian on the same basis that was used to distribute the Scottish wide funding to each local authority area. As such, it is proposed to allocate the grant to each place with 1,000 people or more, 50% of funding based on the number of towns (i.e. an equal split) and 50% based on the population. The proposed allocation to the 23 communities is on this basis as set out below.

Ward	**Settlment**	**Alllocation £**	**Total Allocation £**
Linlithgow	Linlithgow	111,593	**111,593**
Broxburn, Uphall & Winchburgh	Broxburn	96,656	

	Uphall	64,207	
	Winchburgh	59,409	**220,272**
Livingston North	Eliburn	48,432	
	Carmondean	30,495	
	Deans	24,974	
	Knightsridge	23,269	
	Livingston Village / Kirkton	11,340	**138,510**
Livingston South	Dedridge	40,156	
	Murieston/Bankton	31,350	
	Ladywell	29.634	
	Howden	20,579	
	Bellsquarry/Adambrae	13,596	
	Livingston Village / Kirkton	6,106	**141,421**
Livingston East & East Calder	Craigshill	41,625	
	East Calder	69,609	
	Mid Calder	57,307	
	Kirknewton	53,418	
	Uphall Station	45,542	
	Pumpherston	48,609	**316,110**
Fauldhouse & Breich Valley	Fauldhouse	64,811	
	West Calder	56,279	
	Polbeth	51,884	

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	Addiebrownhill	50,283	
	Stoneyburn	50,236	**273,493**
Whitburn & Blackburn	Whitburn	100,969	
	Blackburn	69,826	
	Seafield	46,890	
	Greenrigg	45,506	
	East Whitburn	46,940	**310,131**
Bathgate	Bathgate	161,674	**161,674**
Armadale & Blackridge	Armadale	102,084	
	Blackridge	50,712	**152,796**
			1,826,000

4. Support in developing applications

Due to the tight timescales to spend the allocation, the Economic Development and Regeneration team will use the current networks, including Town Centre Management Groups, Community Councils and links to communities used to develop the allocation of the Village Improvements Fund and Locality Regeneration Planning to identify projects, as well as wider publicity to encourage applications. Advice and support with applications in the first instance is Ward based so please contact:

Ward 1, Linlithgow
Stewart Ness, Linlithgow Town Centre Officer, 01506 283240
stewart.ness@westlothian.gov.uk

Ward 2, Broxburn, Uphall and Winchburgh
Stewart Ness, Broxburn and Uphall Town Centre Officer, 01506 283240 stewart.ness@westlothian.gov.uk

For Winchburgh contact Douglas Grierson, Regeneration Team Leader (Interim), 01506 281088,
douglas.grierson@westlothian.gov.uk

Ward 3, Livingston North
Scott McKillop, Community Regeneration Officer, 01506 281092, scott.mckillop@westlothian.gov.uk

Ward 4, Livingston South
Lesley Keirnan, Community Regeneration Officer, 01506 281087, Lesley.keirnan@westlothian.gov.uk.

Ward 5, East Livingston and East Calder
Lesley Keirnan, Community Regeneration Officer, 01506 281087, Lesley.keirnan@westlothian.gov.uk .

Ward 6, Fauldhouse and the Breich Valley
Douglas Benson, Community Regeneration Officer, 07769877145, douglas.benson@westlothian.gov.uk

Ward 7, Whitburn and Blackburn
For Whitburn contact Scott McKillop, Community Regeneration Officer, 01506 281092, scott.mckillop@westlothian.gov.uk ;

For Blackburn contact Michelle Kirkbright, Community Regeneration Officer, 01506 283233, michelle.kirkbright@westlothian.gov.uk

Ward 8, Bathgate
Nairn Pearson, Bathgate BID and Town Centre Manager, 07917 263587, nairn.pearson@westlothian.gov.uk

Ward 9, Armadale and Blackridge
Michelle Kirkbright, Community Regeneration Officer, 01506 283233, michelle.kirkbright@westlothian.gov.uk

5. Decision making process and governance

A deadline of XX XXXXX 2019 has been set for applications.

In terms of governance all applications will be presented to the relevant Local Area Committee for agreement.

Any unallocated ward funding will be brought to the Council Executive for decision.

West Lothian Council

COUNCIL EXECUTIVE

COUNCILLORS' LOCAL DISBURSEMENT FUND

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To advise the Council Executive of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2018 to 31 March 2019

B. RECOMMENDATION

To note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2018 to 31 March 2019

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs; making best use of our resources; and working in partnership
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	The guidelines for the operation of the Local Members' Disbursement Fund were established by the Policy and Resources Committee in 1996 New forms and procedures were introduced as a result of the council's implementation of "Following the Public Pound" in October 2005 and were further revised in 2007
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single Outcome Agreement**	None.
VI	**Resources - (Financial, Staffing and Property)**	The budget for 2018/19 is £95,393.10, divided equally amongst the 33 elected members
VII	**Consideration at PDSP**	Not required
VIII	**Other consultations**	None

D. TERMS OF REPORT

The guidelines for the operation of the Fund, which were approved by the Policy and Resources Committee in 1996, include a requirement for a summary report of expenditure from the Fund to be submitted to the council executive every six months.

Expenditure for the period from 1 April 2018 to 31 March 2019 is shown in the Appendix to this report

The budget for the Fund for 2018/19 is £95,393.10. Each member is allocated an equal share of the fund, amounting to £2,890.70. Members receive regular information about sums they have allocated and the balance remaining for allocation by them. Members can request this information at any time.

In order for a disbursement to come within the guidelines for the scheme there should be some evidence in the application of a benefit to the community rather than a benefit only to an individual

E. CONCLUSION

Reporting the spend from the Fund for the year ensures compliance with the rules governing the scheme.

F. BACKGROUND REFERENCES

Policy and Resources Committee - 23 April 1996

Policy Partnership & Resources Committee - 20 June 2001, 25 October 2005, 5 December 2006 and 6 February 2007

Appendices/Attachments: Summary of Councillors Local Disbursement Fund Spending - 1 April 2018 to 31 March 2019

Contact Person: Carol Johnston, Chief Solicitor, 01506 281605

Julie Whitelaw

Head of Corporate Services

11 June 2019

APPENDIX

COUNCILLORS LOCAL DISBURSEMENT FUND – SPENDING SUMMARY

1 APRIL 2018 TO 31 MARCH 2019

WARD AND MEMBER	AMOUNT ALLOCATED
Ward 1 – Linlithgow	
Tom Conn	£2,890.70
Tom Kerr	£2,890.70
David Tait	£2,890.70
Ward 2 – Broxburn, Uphall and Winchburgh	
Diane Calder	£2,890.70
Janet Campbell	£2,890.70
Angela Doran	£2,890.70
Chris Horne	£2,890.70
Ward 3 – Livingston North	
Alison Adamson	£2,890.70
Robert de Bold	£2,890.70
Dominic McGuire	£2,890.70
Andrew Miller	£2,890.70
Ward 4 – Livingston South	
Lawrence Fitzpatrick	£2,890.70
Peter Heggie	£2,890.70
Peter Johnston	£2,890.70
Moira Shemilt	£2,890.70
Ward 5 – East Livingston and East Calder	
Frank Anderson	£2,890.70
Carl John	£2,890.70

Dave King	£2,890.70
Damian Timson	£2,890.70
Ward 6 – Fauldhouse and the Breich Valley	
David Dodds	£2,890.70
Pauline Clark	£2,890.70
Cathy Muldoon	£2,890.70
Ward 7 – Whitburn and Blackburn	
Jim Dickson	£2,890.70
Bruce Fairbairn	£2,890.70
George Paul	£2,890.70
Kirsteen Sullivan	£2,890.70
Ward 8 - Bathgate	
Willie Boyle	£2,890.70
Harry Cartmill	£2,890.70
Charles Kennedy	£2,890.70
John McGinty	£2,890.70
Ward 9 – Armadale and Blackridge	
Stuart Borrowman	£2,890.70
Sarah King	£2,890.70
Andrew McGuire	£2,890.70
Amount available	£95,393.10
Amount allocated	£95,393.10
Amount remaining for allocation	NIL

West Lothian Council

COUNCIL EXECUTIVE

COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To invite the Council Executive to consider two applications for special project grants which have been received from Kirknewton and Torphichen Community Councils.

B. RECOMMENDATION

That the Council Executive determines the valid applications received from Kirknewton and Torphichen Community Councils as detailed in the appendix.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs; making best use of our resources; and working in partnership
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Section 22 of the Local Government (Scotland) Act 1994 and the Special Project Grant Guidelines
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single Outcome Agreement**	None.
VI	**Resources - (Financial, Staffing and Property)**	£3000 in the special project grant budget for financial year 2019/20.
VII	**Consideration at PDSP**	None.
VIII	**Other consultations**	None.

D. TERMS OF REPORT

A special project grant scheme currently operates for community councils in West Lothian to allow them to carry out projects in their areas. Community councils can apply for a maximum of £750 special project funding in each financial year. There is no minimum grant. The total budget for financial year 2019/20 is £3000. Applications are dealt with on a first come first served basis. Community councils who retain more than £75 of their annual grant from the previous financial year are expected to contribute 10% towards the project.

Two valid applications have been received so far in financial year 2019/20. The applications are detailed, in order of receipt, in Appendix 1. The balance remaining in the budget for the current financial year is £3000. The amounts requested for the 2 applications total £1500.

If the applications are granted in full, there will be £1500 remaining in the special project grant scheme budget available for distribution.

E. CONCLUSION

The special project grant scheme allows community councils to carry out projects which they consider to be of benefit to their area. It is recommended that the Council Executive determines the applications received from Kirknewton and Torphichen Community Councils.

F. BACKGROUND REFERENCES

Minute of Meeting of the Partnership & Resources PDSP held on 18th February 2011.

Minute of Meeting of the Council Executive held on 22nd March 2011.

Appendices/Attachments: One

Contact Person: Lorraine McGrorty, Committee Officer, 01506 281609

Julie Whitelaw

Head of Corporate Services

11th June 2019

Application 1

Community Council	Project	Cost	Total Grant Requested
Kirknewton Community Council	Towards the costs of providing coffee mornings/afternoons and events for senior citizens in the village and provide regular communication newsletters to residents.	£950	£750

Comments

1. The Community Council received a special project grant in 2018 and held a number of events for senior citizens which were well attended. The community council wishes to develop monthly events for senior citizens in accordance with the types of events they are interested in attending. The first year of the project was the first step in reducing loneliness and isolation of many residents.

2. The community council also plans an ongoing system throughout the year of communicating with all residents to ensure they continually receive feedback on the types of trips and activities the senior citizens of the village are interested in.

4. The community council has indicated that it will contribute £200 towards the project from the balance of funds it retains.

5. The project is acceptable and meets the criteria for assistance.

Recommendation

That the Council Executive considers and determines the application received from Kirknewton Community Council.

Application 2

Community Council	Project	Cost	Total Grant Requested
Torphichen Community Council	Towards the costs of continuing publication, printing and distribution of the Torphichen News newsletter.	£1065	£750

Comments

1. The Community Council wishes to continue publication of the Torphichen News newsletter. The village newspaper is produced 10 times per year and has a distribution area to the whole village, the rural community and to ex-villagers living abroad.

2. The newspaper contains local news, events, church matters, primary school news, gala day events and community council discussions. There are also other regular and incidental matters. The newsletter allows everyone to be included in the community news and 380 copies are produced and distributed monthly.

3. The cost of the project is greater than the maximum sum available through the special project grant scheme. However, the community council has indicated that it will meet the shortfall from the balance of funds it retains.

4. The project is acceptable and meets the criteria for assistance.

Recommendation

That the Council Executive considers and determines the application received from Torphichen Community Council.

DATA LABEL: PUBLIC

West Lothian Council

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – SUPPLY OF FAMILY SUPPORT IN SCHOOLS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to commence tendering procedure for the procurement of a one year contract in relation to the provision of family support in schools, with an option to extend for a further one year.

B. RECOMMENDATION

It is recommended that the Council Executive approves the commencement of the tendering procedures for a one year contract in relation to the provision of family support in schools, with an option to extend for a further one year.

I	**Council Values**	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Tenders will be issued, received and analysed in accordance with the Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015 and the Public Contracts (Scotland) Regulations 2016.
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single**	Giving children the best start in life.

	Outcome Agreement	
VI	**Resources - (Financial, Staffing and Property)**	The total contract value is £330,500. This will be fully funded by schools using their Pupil Equity Funding.
VII	**Consideration at PDSP**	None
VIII	**Other consultations**	Education Services and The Corporate Procurement Unit were consulted. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

D.1 Background

The Pupil Equity Funding is additional funding allocated directly to schools and targeted at closing the poverty related attainment gap. The Pupil Equity Funding forms part of the £750m Attainment Scotland Fund which will be invested over the current Parliamentary term.

Funding must provide targeted support for children and young people affected by poverty to achieve their full potential. The funding should be focused on activities and interventions that will lead to improvements in literacy, numeracy and health and wellbeing. Leadership; learning and teaching; and families and communities should be considered when determining interventions.

This provision of family support was previously tendered in 2017 for a period of one year with a one year extension.

D.2 Proposed Family Support Arrangements

There is a requirement for a service provider to supply 319 hours per week of Family Support services. These workers would be employed over Primary, Secondary and Additional Needs School. The contract would be for a one year period commencing August 2019 with the option to extend for a further one year.

This model would help schools to build strong links with families who cannot be reached by existing parent participation methods. Through improving communication and relationships with families at home this should in turn improve experiences with the school.

The Family Support Workers would be based at one of the schools and would work alongside the Head Teacher to create individualised support plans. These plans would detail outcomes which these services should help

achieve. Three of the key improvement areas will relate to improving pupil attendance; improving pupil/parent participation and supporting families and pupils with social, emotional and behavioural difficulties.

D.3 Procurement and Contracting Issues

It is proposed to advertise for the provision of 319 hours per week of Family Support Services for one year with the option to extend for one further year.

The evaluation will be based 50% on price and 50% on quality.

The requirement will be advertised in accordance with the European Union Directives. It is proposed that the Open Procedure is used whereby all suppliers expressing an interest in the contract will be invited to tender.

D.4 In House Capability

There is no in house capability to undertake this service.

D.5 Sustainability

In accordance with the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to detail any social, economic and environmental benefits which they will provide as part of their offer over the contract period.

Whilst the Council's Community Benefits Officer will be consulted regarding identifying any specific Community Benefits for this contract, as a minimum, a generic, non-evaluated Community Benefits clause will be included within the contract documentation. While this element does not form part of the Quality Scoring criteria, the council will expect the successful contractor to deliver such benefits as part of the contract, and will be monitored as such.

D.6 Budget Implications

The cost of the contract will be met within the PEF budget resources available.

E. CONCLUSION

It is recommended that the Council Executive approves the proposed procurement route and evaluation of methodology detailed in Section D for the tendering of the contract.

F. BACKGROUND REFERENCES

Appendices/Attachments: None

Contact Person: Tom Henderson
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Julie Whitelaw, Head of Corporate Services

11 June 2019

DATA LABEL: OFFICIAL

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO VERINT SYSTEMS UK LTD

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to directly award a contract to Verint Systems UK Ltd for the provision of support and maintenance for the council's Customer Relationship Management system (Engagement Management Professional). The contract will be for an initial period of five years with the option to extend by two periods of twelve months. The total value of the contract for the initial five year period will not exceed £220,000.

B. RECOMMENDATION

It is recommended that the Council Executive approves the direct award of a contract for the provision of support and maintenance services to Verint Systems UK Ltd.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources;.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Direct awards will be made in accordance with Standing Orders of West Lothian Council, The Public Contracts (Scotland) Regulations 2015 and The Procurement (Scotland) Regulations 2016
III	**Implications for Scheme of Delegations to Officers**	None
IV	**Impact on performance and performance Indicators**	None
V	**Relevance to Single Outcome Agreement**	None
VI	**Resources – (Financial, Staffing and Property)**	An annual cost of £43,502.16 in 2019/20 (plus 2.21% uplift for subsequent years) has been quoted by the sole supplier for support and maintenance. A total value of £217,154.22 is estimated for five years of support and maintenance.
VII	**Consideration at PDSP**	None

VIII Other consultations Corporate Procurement Manager.

D. TERMS OF REPORT

D.1 Background

The Engagement Management Professional system is used across council services to manage internal and external customer contacts. This customer relationship management system is a core council system and key to the delivery of hundreds of processes and services, it also supports the effective and secure management of customer information.

This report seeks approval to directly award a contract for the support and maintenance of the Engagement Management Professional system. The current contract expires on 31 July 2019.

D.2 Customer Relationship Management System

The CRM system was implemented in 2008 to record, track and handle customer enquiries. Used throughout the council, it is critical to the management of customer information, the recording of complaints, Freedom of Information requests and Data Protection enquiries, as well as day to day enquiries from customers.

During 2018/19 there were 444,567 internal and external contacts recorded on the system resulting in 265,464 cases. There are 1,299 (April 2019) users of CRM across the council.

In May 2019 the council's ICT Programme Board approved a project to upgrade Engagement Management Professional to the latest version available from the supplier. This will deliver system enhancements to the integration components between EMP and the Operational Services system, Confirm and will ensure compatibility with the operating system, which is being upgraded to Windows 10 in 2019/20. Approval for this project emphasises the core requirement for an effective and supported CRM system in the council.

D.3 Support and Maintenance

The support and maintenance contract sets out service levels against which the service provider will address any failure and/or reduction in the performance of the EMP system. This ensures business continuity of a core council system and that vital maintenance works are undertaken by the supplier.

Enterprise Management Professional is a propriety product of Verint Systems UK Ltd and as such they are the only supplier with the resources and expertise to provide support and maintenance for the system.

The current contract with Verint expires on 31 July 2019.

D.4 In House Capability

The council does not have an in-house capability to provide this requirement.

D.5 Procurement Issues

The Procurement (Scotland) Regulations 2016 make provision for circumstances in which a contract can be awarded without competition under Clause 6 (1) (b) (ii). In this instance competition is absent for technical reasons as Engagement Management Professional is a propriety system of Verint Systems UK Ltd and as such they are the only supplier able to provide support and maintenance services.

As the value of the contract is in excess of the OJEU threshold a Voluntary Ex-Ante Transparency (VEAT) Notice will be published.

D.6 Budget Implications

The supplier Verint has provided a quote for annual cost of the support and maintenance for CRM over a five year period. This covers support and maintenance for the core CRM product and also for the additional Addressbase and Online Forms modules that are in place to support digital processes in council services.

An annual cost of £43,502.16 in 2019/20 (plus 2.21% uplift for subsequent years) has been quoted by the sole supplier for support and maintenance. A total value of £217,154.22 is estimated for 5 years of support and maintenance. This would be met from an existing revenue budget in Corporate Services.

E. CONCLUSION

It is recommended that the Council Executive approves the direct award of a contract to Verint Systems UK Ltd, for an initial period of five years with the option to extend by two periods of twelve months. The total value of the contract for the initial five year period will not exceed £220,000.

F. BACKGROUND REFERENCES

None.

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Tel: 01506 281807

Julie Whitelaw
Head of Corporate Services

11 June 2019

DATA LABEL: PUBLIC

West Lothian Council

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO BARRATT HOMES FOR CONSTRUCTION OF 33 HOUSES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To update Council Executive on negotiations with Barratt Homes on the proposed contractual arrangements for a direct award for the construction of 33 homes at a site in Brucefield, Livingston as part of the new build council houses programme and to seek approval from the council to enter into a development agreement with Barratt Homes.

B. RECOMMENDATION

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

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs Being honest, open and accountable Providing equality of opportunities Making best use of our resources Working in partnership
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Award will not be in accordance with Standing Orders of West Lothian Council, and the Public Contracts (Scotland) Regulations 2015
III	**Implications for Scheme of Delegations to Officers**	None
IV	**Impact on performance and performance Indicators**	None

V	**Relevance to Single Outcome Agreement**	None
VI	**Resources - (Financial, Staffing and Property)**	The agreed cost of the project is £4.4 million, which is included in the new build council houses budget of £51.05 million, approved by full Council on 19th February 2019.
VII	**Consideration at PDSP**	The proposed development forms part of the council's 250 new build houses programme which was approved on 13 February 2018. Regular updates on the programme are considered by the Services for the Community PDSP.
VIII	**Other consultations**	External and internal legal advice has been sought. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

D1 Background

Council Executive approved a direct award to Barratt Homes of £4.4 million, on 26 March 2019. This 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, is £4.4million. That approval was on the basis of Barratt Homes transferring land to the Council and building and handing over completed affordable units to the Council at an agreed price.

Since that date negotiations with Barratt Homes have progressed and an alternative proposal has been developed. That is to enter into a development agreement for the construction of the 33 houses. This would entail the land being transferred from Barratt Homes to the council with partially completed units at the time when the first of five staged payments are made. Barratt Homes would continue the build through a licence agreement with the council. As a consequence, the proposed arrangement differs from the direct award arrangement on another one of the council new build sites at the former Vion site in Broxburn where the land transferred to the council prior to contractual arrangements being entered into.

D2 In House Capability

The scale of the build is too large for Building Services and therefore requires to be procured externally.

D3 Procurement Issues

In accordance with the council's Affordable Housing Supplementary Guidance, housing developers are required, subject to certain conditions, to make land available for the development of affordable housing.

The terms of the section 75 agreement for the Brucefield site oblige Barratt Homes to transfer land at Brucefield to the council or an RSL for affordable housing.

A direct award to Barratt Homes under a development agreement will address the following practical challenges:-

- The availability of grant funding of £1.881 million, (£57,000 per unit) from Scottish Government to assist in the construction of affordable housing units is, at present, only committed until March 2021. Any delay in projects which complete beyond this period may compromise this funding stream.

- The proposed affordable housing site can only be accessed directly through the housing development currently controlled by Barratt Homes. Under the terms of the section 75 agreement, Barratt Homes are obliged to transfer serviced land to the council or an RSL once they have achieved 10 house occupations on the site. That trigger point for the land transfer has not yet been reached and the land has not yet been serviced. It is expected that this trigger shall be reached by the end of August 2019.

- The house types and layout submitted by Barratt for the affordable housing site have been agreed with council officers and the project has planning approval. Any alternative proposition by a third party will require full re-design, a separate planning submission and a tendering exercise to secure a successful alternative contractor. It is estimated that this process would delay site start by 12-18 months, by which time there would be a significant risk that the properties would not be completed by March 2021, which is a condition of accessing the grant funding.

Independent advice has been sought from construction cost consultants to check the price offered and the scheme offers value for money against current market rates. Barratt Homes have indicated the affordable housing site could commence development in summer 2019, with a project completion in 2020, which would be within the timescale to access the grant.

The housing mix would be as follows:

11 x 3 bedroom terraced houses

16 x 2 bedroom cottage flats

6 x 2 bedroom bungalows

These are Barratt house types, however their normal specification has been amended slightly to meet the council's requirements.

The direct award proposed will allow work to start in 2019 with the grant being spent within its timescales. It should be noted that the construction price offered by Barratt Homes is below OJEU level spend (£4,551,413) but above regulated spend (£2,000,000).

Standing orders state that for this level of spend (£4.4 million) 5 tenders should be sought or Council Executive approval obtained for other procurement processes. Council Executive approval is sought to amend the direct award to Barratt Homes for a development agreement which will entail land and partially completed houses being transferred at the same time. An award notice will be published for 10 days prior to the contract being entered into.

D4 Sustainability Considerations

Barratt Homes is currently building private homes on the adjacent site, resulting in less impact on the environment and the local community due to there only being one set of contractors' traffic on the site and surrounding area.

D5 Budget Implications

The agreed cost of the project is £4.4 million, which is included in the overall budget of £51.05 million approved by full Council on 19 February 2019

D6 Consideration at PDSP

As this report is simply seeking authority to make a direct award for the construction of houses via a development agreement, there is no requirement for consideration at PDSP. However, regular updates on the progress of the four year housing capital programme will continue to be presented to Services for the Community PDSP.

E. CONCLUSION

It is recommended that the Council Executive notes the current position and approves the direct award for the construction of 33 homes under a development agreement for the price of £4.4million, as detailed in Section D above.

F. BACKGROUND REFERENCES

A copy of the specification for this contract is available on request from Corporate Procurement.

Appendices/Attachments: None

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Julie Whitelaw

Head of Corporate Services

Date: 11 June 2019

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO CUNNINGHAM CASH REGISTERS – CASHLESS CATERING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a direct award to Cunningham Cash Registers for the annual maintenance and systems upgrades to the cashless catering system within the eleven secondary schools for a three year period with the option to extend for a period of a further twelve months.

B. RECOMMENDATIONS

It is recommended that the Council Executive approves a direct award to Cunningham Cash Registers for the next three years commencing 1 July 2019 to 31 August 2022 with the option to extend for a period of a further twelve months. The anticipated contract value is £180,000.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable, making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Direct awards will be made in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local people's needs. Giving children the best start in life.

D. **TERMS OF REPORT**

D1 Background

To increase the uptake for secondary pupils in relation to those entitled to free school meals and to reduce any potential stigma associated, the Council procured a cashless catering equipment system (Impact) in 1994 from Cunningham Cash Registers. Subsequent hardware/software upgrades have been incorporated as new technology has been developed.

Impact is cashless catering software which runs from dedicated kitchen PC's in high schools and has links to iPayImpact (On Line Payments system). Pupils in high schools use card and pin numbers or biometrics to pay for their lunch selection in a cafeteria style setting and can access revaluation kiosks which are wall mounted machines in each school to credit their account. In high schools pupils can also access pre-order terminals in advance of lunch to order a 'grab n go' lunch.

Recognising the benefits from collaborative procurement ,the Council is able to access and make a direct award to Cunningham Cash Registers through Eastern Shires Purchasing Organisation framework 978-15 – Lot 2 – Cashless Catering.

Making a direct award will also allow the council to move data to a cloud hosted solution and reduce the requirement for the Council's IT Services to have direct involvement.

Cunningham Cash Registers have also launched a new pre-order app which users can have on their mobile phone device. This enables pupils to pre order 7 days in advance.

Initial research indicates that with proactive promotion there could be an increase in pre order meals and online payment activity, when accounts are pre-loaded with credit. This would assist managing service time as currently many high schools experience queueing resulting in a loss of custom. Further, some pupils are also reluctant to use the pre order kiosk due to their locations and queues. This would be addressed through a mobile phone app.

Cunningham Cash Registers have also released a new version of the Impact product called Fusion and this too is available on the ESPO framework. The benefits from the Fusion application are:

Single database residing on a dedicated server. Cloud or Internal hosting available ;

Application only at each cashless device including the catering managers PC ;

Data no longer resides on Local (catering) PC's ;

Central Management available for all Central FM Staff- Instant access ;

Reduced manual local catering tasks.

- Modern Platform offered free of any licence costs- Cunningham Cash Registers have a software for life policy.

Council Executive is asked to consider the terms of this Report for the use of a framework where the price criteria is less than 50%.

D.2

In House Capability

There is no in house capability to undertake this service.

D.3

Procurement Issues

With a direct award there is a requirement to publish a contract award notice in accordance with the European Union Directives. The following award criteria applied at the tender stage when contract opportunity was advertised :

Commercial (price) – 20% ;

Technical (quality) – 80%.

The anticipated start date for the contract is 1st July 2019.

It is recommended that the Council Executive approves the direct award to Cunningham Cash Registers for £180,000 a three year period with the option for a 12 month extension.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

None

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Julie Whitelaw

Head of Corporate Services

Date of meeting: 11 June 2019

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO CUNNINGHAM CASH REGISTERS – ON LINE PAYMENTS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a direct award to Cunningham Cash Registers for the on going provision of the on line payments system for a three year period with the option to extend for a period of a further twelve months.

B. RECOMMENDATIONS

It is recommended that the Council Executive approves an award to Cunningham Cash Registers for a period of three years commencing 1 July 2019, with the option to extend for a further of 12 months. The anticipated contract value is £100,000.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on our customers' needs; being honest, open and accountable, making best use of our resources.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Direct awards will be made in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None.
V	**Relevance to Single Outcome Agreement**	Our public services are high quality, continually improving, efficient and responsive to local people's needs. Giving children the best start in life.
VI	**Resources - (Financial, Staffing and Property)**	The annual revenue budget is £25,000.
VII	**Consideration at PDSP / Executive**	None.

Committee

VIII	**Other consultations**	Education Services, Operational Services and the Corporate Procurement Unit have been consulted, The Corporate Finance Manager has been consulted on budget implications.

D. TERMS OF REPORT

D1.

Background

An on line payments system for schools was introduced in 2014/15. The system has:-

- Met the growing demand from parent's/carers to enable them to make payments to schools online for school meals, school milk, school trips, school uniform etc ;
- Reduced cash handling within schools and reduced the requirement for pupils to carry cash to school ;
- Reduced the need for cash uplift services within schools and staff (both from Education and Operational Services (Facilities Management) having to visit a local bank twice weekly and achieve a revenue budget efficiency ;
- Supported savings across the council as there is a reduced requirement for cash uplift from schools and has facilitated less waste in school meals due to the ability to plan meal requirements.

The On Line Payment system (iImpact) enables parents of primary and secondary school children to make online payments to add credit to their child's account balance for use in school. The system also allows for pre-ordering of meal choices for primary schools from the online menus either at home online or via smartboards in the classroom each morning.

Cunningham Cash Registers, the current supplier support for cashless catering across West Lothian secondary schools, were awarded a contract through the Scotland Excel framework for On Line Payments (21-13) and the system went live in 2015. There are now 70% of parents/carers across all schools now registered on the system and it is also now used for the payment of instrumental music fees.

The On Line Payments system has led to efficiency and security with a reduction in the level of cash held in schools.

However, with insufficient perceived demand, Scotland Excel did not renew their framework, and approval is sought for a direct award to Cunningham Cash Registers to ensure business continuity for school provision.

Recognising the benefits from collaborative procurement, the Council will access and make a direct award to Cunningham Cash Registers through Eastern Shires Purchasing Organisation (ESPO) framework 978-15 – Lot 1 – Online Payment and

Engagement Solutions. Council Executive is asked to consider the terms of this Report for the use of a framework where the price criteria is less than 50%.

D.2 In House Capability and Business Case Exemption

There is no in house capability to undertake this service.

D.3 Procurement Issues

With a direct award there is a requirement to publish a contract award notice in accordance with the European Union Directives. The following award criteria applied at the tender stage when contract opportunity was advertised :

Commercial (price) – 20% ;

Technical (quality) – 80%.

The anticipated start date for the contract is 1st July 2019.

E. Conclusion

It is recommended that the Council Executive approves the direct award to Cunningham Cash Registers for £100,000 for a three year period with the option to extend for a further period.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

None

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Email : Tom.Henderson@westlothian.gov.uk

Julie Whitelaw

Head of Corporate Services

Date of meeting: 11 June 2019