

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, on 14 May 2019.

Present – Depute Provost Dave King (Chair); Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, William Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Pauline Clark, Tom Conn, Jim Dickson, David Dodds, Angela Doran, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Carl John, Peter Johnston, Charles Kennedy, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, Cathy Muldoon, George Paul, Moira Shemilt, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Provost Tom Kerr (Provost) and Councillor Robert De Bold

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. PRESENTATION BY CATHERINE PRENDREIGH AND MARGARET GILMOUR, FOOD FOR LIFE SCOTLAND

The Depute Provost welcomed Catherine Prendreigh, Margaret Gilmour and Rihannon Bull from the Soil Association who provided council with an overview of the Food for Life Project that was now operating in West Lothian.

Catherine Prendreigh explained that in December 2018, West Lothian Council's primary schools achieved Bronze level in the Food for Life programme. This meant that the council was now serving 8,600 Food for Life meals across its 66 primary schools.

It was noted that West Lothian was one of 12 local authority areas in Scotland that was now involved in the Food for Life programme.

The council continued to be advised that the Food for Life programme was a programme about making good food the easy choice for everyone, reconnecting people with where their food came from, teaching them how it was grown and cooked. It also brought with it an annual independently inspected award that recognised and rewarded continuous improvement and success.

In terms of West Lothian it ensured that all meals were responsibly sourced, with eggs from free range hens, meat from farms which satisfied UK animal welfare standards and no fish was from the Marine Conservation Society's "fish to avoid" list. All menus were therefore seasonal and prepared from scratch and included produce that was in season, vegetables had been sourced locally and 75% of menu items had been freshly prepared from minimally processed ingredients.

In terms of looking to the future it was hoped that Bathgate Academy would start working towards a pilot to try and also obtain bronze status and that the programme would continue to try and source more

vegetables locally.

The presentation finished with a short video in which a number of key players in terms of West Lothian achieving the bronze status had played a part and provided a personal testimony of their involvement in the overall project.

The members then took the opportunity to ask Catherine and her colleagues a series of questions.

The Depute Provost thanked Catherine and her colleagues for the informative presentation and advised council that at approximately 12 noon there would be samples of the food being typically served in West Lothian primary schools available for members. This was being served in Conference Room 3.

Decision

To note the contents of the presentation.

3. MINUTES :-

- a) The Council approved the minute of West Lothian Council held on 19 March 2019;
- b) The Council noted correspondence arising from previous decisions;
- c) The Council noted the minute of Educational Quality Assurance Committee held on 5 March 2019
- d) The Council noted the minute of Joint Consultative Group (Teaching) held on 15 February 2019;
- e) The Council noted the minute of Performance Committee held on 18 March 2019;
- f) The Council noted the minute of Employee Appeals Committee held on 1 March 2019;
- g) The Council noted the minute of Employee Appeals Committee held on 11 March 2019
- h) The Council noted the minute of West Lothian Leisure Committee held on 24 January 2019; and
- i) The Council noted the minute of Audit Committee held on 14 January 2019

4. SENIOR OFFICER APPOINTMENT COMMITTEE - POST OF HEAD OF SOCIAL POLICY

The Council considered a report (copies of which had been circulated) by the Depute Chief Executive concerning the decision on 4 April 2019 of the Senior Officer Appointment Committee in relation to the post of Head of Social Policy.

The Council was informed that, on 25 May 2017, the council had appointed members to the Senior Officer Appointment Committee to deal with all chief officer post vacancies. Under the council's Scheme of Administration, the committee had the power to make such appointments, which were subsequently reported to the council.

The Council was asked to note that on 4 April 2019 the Senior Officer Appointment Committee had appointed Jo MacPherson to the post of Head of Social Policy and Chief Social Work Officer. The Committee delegated to the Chief Executive the making of the necessary arrangements for Jo to take up the post, including the date of commencement of her employment in that post.

Decision

1. To note the appointment of Jo MacPherson to the post of Head of Social Policy and Chief Social Work Officer; and
2. To congratulate Jo on her appointment.

5. NOTICE OF MOTION - BATHGATE ACADEMY POLAR ACADEMY -
SUBMITTED BY COUNCILLOR CHARLES KENNEDY AND
COUNCILLOR HARRY CARTMILL

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

“West Lothian Council extends its congratulations to the pupils of Bathgate Academy who completed a 12 month intense training course which culminated in a gruelling trek over East Greenland's Artic Ice and Mountains.

The team skied and pulled Pulks across the vast frozen lakes, climbed mountains and camped in an icy wilderness north of Tasiilaq, before having to complete a two day trek in one day as a storm threatened to cut the expedition off.

The intense training of the last 12 months resulted in the pupils developing the strength, resilience and team work which enabled them to successfully complete this extreme expedition into the Artic.

Polar Academy Staff, led by Craig Mathieson, changed the lives of these pupils in developing them in 12 months into accomplished, confident and respected young people. The Polar Academy Charity is to be congratulated on developing a programme which is so beneficial to young students.

West Lothian Council requests the Provost to arrange a Civic Reception for the pupils, staff and members of the Polar Academy involved in the 2019 expedition in recognition of their outstanding achievement.”

Decision

To unanimously agree the terms of the motion

6. NOTICE OF MOTION - BREXIT - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“This council fully supports the contention from the Convention of Scottish Local Authorities that the monies provided to the Scottish Government as included in the Barnett consequential for assisting councils in Scotland to help with resilience related work has not been distributed to Scottish Councils.

Despite the assertion from the cabinet secretary for government business and constitutional relations that the £92m allocated has been spread across the public sector, it is the case that the local government settlement was silent on this matter.

Council therefore instructs the Chief Executive to write to the First Minister to seek guarantees that these funds be properly accounted for to allow fair and appropriate distribution to all Scottish local authorities and to West Lothian in particular as there is no budgetary capacity for the costs associated to preparing local services for Brexit.”

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

Amendment

“West Lothian Council SNP Group notes the hypocrisy and incompetence being displayed by the Motion, headed Brexit, by the Labour Group.

Firstly, the total amount quoted by Labour is over two financial years. In fact, £37Million had already been spent last year 2018/19, without any issues being raised. It would appear, if this motion is accepted that West Lothian Labour Group will attempt to “claw back” money which has already been spent.

Secondly, The Scottish Government did not ring fence or earmark funds to local government for Brexit purposes, and the Parliament and local government tell them not to do that kind of thing. The consequential from Brexit moneys are part of the budget, as was explained when the budget was produced and was never questioned or opposed by anyone. **In fact Labour never put forward an alternative Budget proposal, again.**

Thirdly, the SNP Group notes and welcomes that the £54.7 million this year has already been allocated to the Scottish budget, across all relevant budget areas, including local government. One of the few certainties of Brexit is that it will cost Scotland more than the amount of the consequential that have been delivered by Westminster. Of course, local government is one victim of that shortfall. **The Scottish Government is alive to the burden that is placed on councils by a Brexit for which Scotland did not vote and has made clear that it will seek moneys from Westminster to meet incurred costs.**

The SNP Group urges Council to undertake financial modelling to identify the costs of officer time and the need for additional services, which will inform our request to Cosla and the Scottish Government for additional resources specific to Brexit costs. In addition we write to the Scottish Government, unanimously supporting their case to the UK Government for a further and appropriate financial settlement with which to address the financial burden of Brexit.”

- Moved by Councillor Frank Anderson and seconded by Councillor Sarah King

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

Motion

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Dave King
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan
Damian Timson

Amendment

Frank Anderson
William Boyle
Diane Calder
Janet Campbell
Pauline Clark
Jim Dickson
Carl John
Peter Johnston
Sarah King
Andrew Miller
Moira Shemilt
David Tait

Decision

Following a vote the motion was successful by 19 votes to 12 (2 members absent) and it was agreed accordingly.

7. NOTICE OF MOTION - FOOD INSECURITY - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

“Council notes the increasing problem of food insecurity with over 8 million people in the UK struggling to put food on the table and more than 200,000 children in Scotland living in a household that is unlikely to afford a healthy diet.

Council notes that in the last year, West Lothian Foodbank issued 2925 3-day emergency food packs to feed 5885 local people, a 41% increase on the same period last year.

Council commends the crucial work of West Lothian Foodbank and other third sector organisations that provide food to those in need throughout the country.

Council recognises that whilst local authorities have limited ability to address the causes of food poverty, there is much that can be done on a local level to tackle hunger through partnership working.

Council believes that everyone has a right to food and that no one should go hungry.

Council therefore instructs the Anti-Poverty Team to :-

- Convene a Food Summit, bringing together council members, council officers, the public sector, the third sector and the business community to look at the issues of food poverty in West Lothian and potential solutions
- Map the issues of food insecurity and available support resources within West Lothian
- Develop a food action plan in conjunction with community partners to work towards a hunger free West Lothian
- Align/incorporate the food action plan with the existing Anti-Poverty Strategy and Food Growing Strategy
- Report on all of the above actions to the P&R PDSP and Council Executive

Council further instructs the Chief Executive to write to the First Minister to request that the Scottish Government bring forward legislation to enshrine in Scots law the “right to food”.

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Tom Conn

Amendment

“West Lothian Council SNP Group welcomes the urgency now being placed on the issue of Food Poverty/Insecurity and notes that it has been part of the SNP policy within a Fairer Scotland and “Shifting the Curve”.

There has also been a short term working group, looking at the issue which carried out a consultation concluding in March this year, "Ending Hunger Together in Scotland".

The SNP Group notes that amongst the working group's deliberations they noted that, **"We recognise that many of the levers required to tackle food insecurity do not lie with the Scottish Government"**. Nonetheless, we would encourage it to do all within its powers to address the problems that we have outlined and the solutions that we advocate.

The Scottish Government have acknowledged that the main cause of food insecurity is "lack of income" which can, in many cases, be attributed to lack of employers paying the living wage, insecure employment hours, benefit caps, inflation and welfare reforms. The Scottish Government have mitigated some of this by increasing the funding available through the Welfare Fund and the Fair Food Transformation Fund. It is evident that from the ongoing work that the Scottish Government are committed to tackling this issue and are following the guidance issued by the working groups recommendations.

The Good Food Nation Programme of Measures is evidence that the delivery of policy actions can often mean quicker and more tangible results than are possible through legislation. There is more to be done and so we will continue to take forward work that does not require legislation but is making a real difference to the lives of people in Scotland. Whilst legislation is not the **only** way to make progress, Scottish Ministers recognise that there is a clear place for legislation to underpin the significant work already being done.

Council therefore agrees to write to the Scottish Government welcoming their policy initiatives to tackle and monitor how best to eliminate food insecurity/poverty, within the confines of their powers and accepts all the bullet points in the Labour motion as a way forward locally. We also note that the working group recommended "The Scottish Government, along with local authorities and all those responding to acute food insecurity, should ensure widespread use of the Scottish Welfare Fund as the first port of call for emergency support and ensure the fund is administered in a way that allows this."

- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt

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

Motion

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn

Amendment

Frank Anderson
William Boyle
Diane Calder
Janet Campbell
Pauline Clark
Jim Dickson
Carl John

Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Dave King
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan
Damian Timson

Peter Johnston
Sarah King
Andrew Miller
Moira Shemilt
David Tait

Decision

Following a vote the motion was successful by 19 votes to 12 (2 members absent) and it was agreed accordingly.

8. NOTICE OF MOTION - NATIONAL DATA SCIENCE COMPETITION - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

“Council notes the outstanding achievement of the S2 girls’ team from St Kentigern’s which recently won a national data science competition.

The girls competed against over 200 applicants in 65 teams from 23 local authorities across Scotland.

Council instructs the Chief Executive to write a letter of congratulations to the Head Teacher and students in recognition of this tremendous achievement.”

Decision

To unanimously agree the terms of the motion

9. NOTICE OF MOTION - CARE CHARGES - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian SNP Group are concerned about the distress and upset that has been caused by the “financial assessment” being carried out by the Council regarding the introduction of these charges. To conduct these initial assessments over the phone goes against all advice given to elderly and vulnerable people to never discuss their finances over the phone. The fact that we have not, as promised, been able to assess everyone should have led to a delay in the introduction of these increased charges as it might be seen as discriminatory and possibly breach Equality.

The SNP Group calls upon Council to prepare a report from officers on the effect these increased charges may have on the Council's anti-poverty strategy and the possibility of any breach of Equality and any consequences of placing a cap on the maximum any individual will have to pay."

- Moved by Councillor Frank Anderson and seconded by Councillor Janet Campbell

Amendment

"Council notes with deep regret the decision to implement a non-residential care contribution policy. Council notes that this decision has been taken as a direct result of the chronic underfunding of West Lothian Council from the SNP Government.

Council notes that West Lothian Council is required to make savings of £51 million over the next 4 years, with £15 million of those savings in the current financial year.

Council notes that the introduction of this policy brings West Lothian Council into line with almost every other local authority in Scotland.

Council further notes a number of mitigating measures are included within the policy including an entitlement to receive a free personal income check; the result of this and the means testing of the policy will mean that the most financially vulnerable will not have to pay.

Council therefore instructs:

- West Lothian Council Chief Executive to write to the Cabinet Secretary for Finance, Economy and Fair Work Derek Mackay MSP, local MSPs and MPs to request that greater funding is given to West Lothian Council in this and future financial years so that no further cuts need to be made to the Council budget;
- Council officers to bring forward a report to Social Policy PDSP to outline uptake of the policy as well as the range of mitigating measures in place to ensure people are not entering into poverty as a result of this policy; and
- Council officers to hold information sessions in Council run day care facilities"

- Moved by Councillor Angela Doran and seconded by Councillor George Paul

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

Motion

Frank Anderson
William Boyle
Diane Calder
Janet Campbell

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn

Pauline Clark
Jim Dickson
Carl John
Peter Johnston
Sarah King
Andrew Miller
Moir Shemilt
David Tait

David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Dave King
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote the amendment was successful by 19 votes to 12 (2 members absent) and it was agreed accordingly.

10. NOTICE OF MOTION - INWARD INVESTMENT - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian Council SNP Group welcomes the latest Scottish Government initiative in funding, via a loan, a new trade park in Livingston which will help businesses grow and create jobs. The loan is for £2.18 million.

We note that the loan, financed from the £150 million Building Scotland Fund, is being delivered through the Scottish Partnership for Regeneration in Urban Centres Fund. It will be used to help speculatively develop 40,000 square feet of new industrial and trade counter accommodation at Livingston Trade Park on Houston Industrial Estate, leading to further business investment and jobs in West Lothian.

Council therefore resolves to write to both the Investment Minister Ivan McKee and the First Minister welcoming this support for job creation within West Lothian.”

- Moved by Councillor Frank Anderson and seconded by Councillor Janet Campbell

First Amendment

“West Lothian Council welcomes the latest Scottish Government initiative in funding, via a loan, a new trade park in Livingston which will help businesses grow and create jobs. The loan is for £2.18 million.

We note that the loan, financed from the £150 million Building Scotland

Fund, is being delivered through the Scottish Partnership for Regeneration in Urban Centres Fund. It will be used to help speculatively develop 40,000 square feet of new industrial and trade counter accommodation at Livingston Trade Park in Houston Industrial Estate, leading to further business investment and jobs in West Lothian. Council intends to engage with the developer to seek to maximise the skills base of the jobs created.

Council further notes that economic progress in West Lothian and across Scotland would be put at severe risk by the continued intention of the SNP Government to pursue independence from the rest of the UK, which is Scotland's biggest market. Further, the support for public expenditure in Scotland through the Barnett formula would be lost and an independent Scotland would face years of expenditure cuts, tax rises, or both to close this gap, as recognised by the SNP's own so-called Growth Commission, chaired by SNP "economic expert", former MSP Andrew Wilson. This would harm economic growth.

Council therefore does not see a need to send a letter of congratulations to the Scottish Government on its economic policy until it drops its reckless pursuance of separation from the rest of the UK."

- Moved by Councillor Cathy Muldoon and seconded Councillor David Dodds

Second Amendment

"West Lothian Conservative Group welcome any extra funding that is invested into West Lothian, though note that the latest Scottish Government initiative is via a loan.

What is extremely disappointing is that the SNP Scottish Government have continued to underfund West Lothian Council, like all other Councils across Scotland. In this current year the UK Government have funded the SNP Scottish Government with a real terms increase, thus all Councils across Scotland should have been fully funded. However, the incompetent SNP Scottish Government have yet again cut West Lothian Councils funding and forced the Council into making severe and unwelcomed cuts.

SPICe states that Local Authorities have suffered a real terms reduction of over 3% in funding from the SNP Scottish Government, despite receiving a real terms increase from the UK Government.

Therefore, West Lothian Council resolves to write to the Cabinet Secretary for Finance, Derek Mackay MSP and the First Minister, Nicola Sturgeon MSP requesting that all grant funding for Local Government from the UK Government is passed onto Councils across Scotland including West Lothian and future planned Council cuts can be averted."

- Moved by Councillor Damian Timson and seconded by Councillor Chris Horne

A roll call vote was taken on the motion against the first amendment

moved. The result was as follows :-

<u>Motion</u>	<u>First Amendment</u>	<u>Abstain</u>
Frank Anderson	Stuart Borrowman	Alison Adamson
William Boyle	Harry Cartmill	Bruce Fairbairn
Diane Calder	Tom Conn	Peter Heggie
Janet Campbell	David Dodds	Chris Horne
Pauline Clark	Angela Doran	Charles Kennedy
Jim Dickson	Lawrence Fitzpatrick	Damian Timson
Carl John	Dave King	
Peter Johnston	John McGinty	
Sarah King	Andrew McGuire	
Andrew Miller	Dom McGuire	
Moir Shemilt	Cathy Muldoon	
David Tait	George Paul	
	Kirsteen Sullivan	

The First Amendment was successful by 13 votes to 12, with 6 abstentions and 2 members absent and it was agreed accordingly.

Councillor Moira Shemilt left the Council Chamber prior to the second roll call vote taking place.

A roll call vote was taken on the first amendment (surviving position; now the motion) against the second amendment. The result was as follows :-

<u>Motion</u>	<u>Second Amendment</u>	<u>Abstain</u>
Stuart Borrowman	Alison Adamson	Frank Anderson
Harry Cartmill	Bruce Fairbairn	William Boyle
Tom Conn	Peter Heggie	Diane Calder
David Dodds	Chris Horne	Janet Campbell
Angela Doran	Charles Kennedy	Pauline Clark
Lawrence Fitzpatrick	Damian Timson	Jim Dickson
Dave King		Carl John
John McGinty		Peter Johnston
Andrew McGuire		Sarah King
Dom McGuire		Andrew Miller
Cathy Muldoon		David Tait
George Paul		
Kirsteen Sullivan		

Decision

The motion was successful by 13 votes to 6, with 11 abstentions and 3 members absent and it was agreed accordingly.

11. NOTICE OF MOTION - DECRIMINALISED PARKING ENFORCEMENT (DPE) - SUBMITTED BY COUNCILLOR DIANE CALDER

The Depute Provost ruled in terms of Standing Order 20(2) that the motion would not be considered as it was already part of an ongoing

review of Proposed Car Parking Charges as approved by Council Executive at its meeting held on 5 February 2019.

12. REGISTERED SOCIAL LANDLORD PROTOCOLS FOR NEW BUILD COUNCIL PROPERTIES - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR DAMIAN TIMSON

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

“What are the protocols for Registered Social Landlords (RSL) tenants with regard to new build council properties?”

Councillor George Paul provided a verbal answer to the written question.

Councillor Timson indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and the Executive Councillor provided an answer to the first supplementary question put and undertook to provide a written response to the second supplementary question.

Decision

1. To note the written question put and the verbal answer given;
2. To note the supplementary questions put and the verbal answer given to the first supplementary question and that the Executive Councillor would provide a written answer to the second supplementary question.

13. VOIDS AND TEMPORARY ACCOMMODATION - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

1. Currently, how many of our houses are classed as void and what is the length of period they have been void, listed individually?
2. Currently, how many people are in B&B and of those are any families with children?
3. What is the current cost of B&B since 1st January 2019 and what is the average and longest length of time someone has been in B&B since 1st January 2019?

Councillor George Paul provided a verbal answer to the written question.

Councillor Anderson indicated that he wished to put supplementary

questions as provided for in Standing Orders. He did so and the Executive Councillor undertook to provide all elected members with a written answer to the supplementary questions.

Decision

1. To note the written question put and the verbal answers given; and
2. To note the supplementary questions put and that the Executive Councillor for Services for the Community would provide all members with a written answer.

14. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 95 documents for execution.